
Changes to legislation: Constitutional Reform Act 2005, Cross Heading: Courts Act 2003 (c. 39) is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

POWERS TO GIVE DIRECTIONS

PART 2

POWERS OF DIRECTION SUBJECT TO THE PROCESS IN PART 1

Courts Act 2003 (c. 39)

- 7 The Courts Act 2003 is amended as follows.
- 8 (1) Section 74 (practice directions as to practice and procedure of criminal courts) is amended as follows.
- (2) In subsection (1) for “The Lord Chief Justice may, with the concurrence of the Lord Chancellor, give directions” substitute “ Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 ”.
- (3) In subsection (2) for the words from “may not be given” to the end substitute “given otherwise than under subsection (1) may not be given without the approval of—
- (a) the Lord Chancellor, and
- (b) the Lord Chief Justice.”
- (4) In subsection (3)(a) for “by the Lord Chief Justice or any other person” substitute “ under subsection (1) or otherwise ”.
- (5) For subsection (4) substitute—
- “(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—
- (a) the application or interpretation of the law;
- (b) the making of judicial decisions.
- (5) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—
- (a) after consulting the Lord Chancellor, and
- (b) with the approval of the Lord Chief Justice.”
- 9 (1) Section 81 (practice directions relating to family proceedings) is amended as follows.
- (2) In subsection (1) for “The President of the Family Division may, with the concurrence of the Lord Chancellor, give directions” substitute “ Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 ”.

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- (3) In subsection (2) for the words from “may not be given” to the end substitute “given otherwise than under subsection (1) may not be given without the approval of—
- (a) the Lord Chancellor, and
 - (b) the Lord Chief Justice.”
- (4) In subsection (3)(a) for “by the President of the Family Division or any other person” substitute “under subsection (1) or otherwise”.
- (5) After subsection (3) insert—
- “(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—
- (a) the application or interpretation of the law;
 - (b) the making of judicial decisions.
- (5) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—
- (a) after consulting the Lord Chancellor, and
 - (b) with the approval of the Lord Chief Justice.”

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(2\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(3\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(4\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(6\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(8\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(9\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(10\)\(a\)](#)
- Sch. 7 para. 4Pt. A words substituted by [2007 c. 15 s. 144\(10\)\(b\)](#)