

**EXPLANATORY MEMORANDUM TO  
THE COURTS ACT 2003 (CONSEQUENTIAL AND TRANSITIONAL  
PROVISIONS) ORDER 2005**

**2005 No.1012**

1. This explanatory memorandum has been prepared by the Department of Constitutional affairs and is laid before Parliament by Command of Her Majesty

**2. Description**

2.1. This order contains both a transitional and consequential provision that are required in connection with the coming into force of the Courts Act 2003 on 1 April 2005, which abolishes Magistrates' Courts Committees (MCC).

2.2. The order is subject to negative resolution procedure.

**3. Matters of Special Interest to Joint Committee on Statutory Instruments/Select Committee on Statutory Instruments**

3.1. This order will come into force less than 21 days after it is made. The need for these provisions only came to light on 24 March 2005. The Order needs to come into force on 1 April 2005 to ensure that civilian enforcement officers and approved enforcement agencies can continue to execute warrants without interruption.

**4. Legislative Background**

4.1. The order is made under section 109(4) and (5) of the Courts Act 2003.

**5. Extent**

5.1. This order extends to England and Wales.

**6. European Convention on Human Rights**

6.1. There are no human rights implications.

**7. Policy Background**

7.1. The purpose of this order is to make a necessary transitional provision and consequential amendment to existing legislation to allow civilian enforcement officers to execute warrants from 1 April 2005. This will enable the magistrates court service to continue from the 1 April 2005, with as little disruption as possible in light of the creation of a single unified court service.

7.2. Civilian Enforcement Officers (CEO) and Approved Enforcement Agencies (AEA) are at the centre of the enforcement provisions of the Courts Act 2003. They are the people who go out and ensure the collection of financial penalties by enforcing courts warrants. It is therefore vital that they have the legal authority to perform their functions.

7.3. MCCs currently give CEOs the power to execute warrants and approve enforcement agencies for the same function. That role now needs to be carried out by another authority. This Statutory Instrument establishes that new authority and ensures that CEOs and AEAs continue to have the power to execute warrants after MCCs disappear and Her Majesty's Court Service is created.

## **8. Impact**

8.1. No Regulatory Impact Assessment has been prepared because there is no regulatory impact on any part of the private or voluntary sector. There are no implications for the Exchequer.

8.2. This order is of technical interest only.

## **9. Contact:**

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