

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

2005 No.

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

2. Description

2.1. This order removes from primary legislation a number of terms which will become redundant when key provisions of the Courts Act 2003 come into force on 1 April 2005. These include sections 6, 7 and 8 and Schedule 2. The terms 'Greater London Magistrates' Courts Authority' and 'magistrates' courts committee', 'justices' chief executive', 'commission area' and 'petty sessions area' are the main ones. The term 'justices chief executive' is to be replaced by 'designated officer' and 'petty session areas' will be re-named local justice areas.

2.2. The order is subject to affirmative resolution procedure.

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

3.1. None.

4. Legislative Background

4.1. The order is made under section 109(4) of the Courts Act 2003. This section provides for consequential etc amendments to be made to give effect to the Act. In total, there are 405 amendments to primary legislation. Section 108(2) and (3)(c)(ii) require an order amending or repealing any Act or provision of an Act to be subject to affirmative resolution procedure.

4.2. Some of the amendments made are to legislation passed since the Courts Act 2003 received Royal Assent .

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. This order does not introduce any new policy and its intention is to simply make essential consequential amendments to the language contained in existing legislation

to allow them to work with, and alongside, the Courts Act 2003. Otherwise, provisions containing obsolete terms will become meaningless.

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. There will be no interest in this order beyond the magistrates' courts community.

9. Contact

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