Draft Order laid before Parliament under section 11 of the Public Bodies Act 2011, for approval by resolution of each House of Parliament after the expiry of the 40-day period referred to in section 11(4) of that Act.

DRAFT STATUTORY INSTRUMENTS

2012 No.

PUBLIC BODIES, ENGLAND AND WALES

The Public Bodies (Abolition of Courts Boards) Order 2012

Made - - - - ****

Coming into force in accordance with article 1

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 1, 6(1) and (5) and 35(2) of the Public Bodies Act 2011(**1**), having consulted in accordance with section 10 of that Act.

In accordance with section 8 of that Act, the Lord Chancellor considers that this Order—

(a) serves the purpose of improving the exercise of public functions, having had regard to the factors set out in section 8(1); and

(b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

A draft of this Order, and an explanatory document containing the information required by section 11(2) of that Act, have been laid before Parliament in accordance with section 11(1) after the end of the period of twelve weeks mentioned in section 11(3). In accordance with section 11(4) of that Act, the draft of this Order has been approved by a resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

Citation, commencement and extent

1.—(1) This Order may be cited as the Public Bodies (Abolition of Courts Boards) Order 2012.

(2) Subject to paragraph (3), this Order comes into force on the later of 1 April 2012 or the day after the day on which it is made.

(3) Article 3 comes into force on the day after that on which the other provisions of this Order come into force.

(4) This Order extends to England and Wales.

(**1**) 2011 c.24

Abolition of courts boards

2.—(1) Courts boards, established under section 4 of the Courts Act 2003(**2**), are abolished.

(2) The Schedule (which makes consequential provision) has effect.

Repeal of entry in the Public Bodies Act 2011

3. In Schedule 1 to the Public Bodies Act 2011 (power to abolish: bodies and offices), the entry "Courts boards." is repealed.

Signed by authority of the Lord Chancellor

Name
Address — Parliamentary Under Secretary of State
Date — Department

(**2**) 2003 c.39.

SCHEDULE Article 2(2)

Amendments consequential on the abolition of courts boards

Freedom of Information Act 2000(3)

1. The Freedom of Information Act 2000 is amended as follows.

2. In Part 6 of Schedule 1 (other public bodies and offices – general), the entry "A courts board established under section 4 of the Courts Act 2003." is repealed.

Courts Act 2003(4)

3. The Courts Act 2003 is amended as follows.

4. Section 4 (establishment of courts boards) is repealed.

5. Section 5 (functions of courts boards) is repealed.

6. In section 8 (local justice areas), subsection (6)(b) is repealed.

7. Schedule 1 (constitution and procedure of courts boards) is repealed.

Constitutional Reform Act 2005(5)

8. The Constitutional Reform Act 2005 is amended as follows.

9. In Part 1 of Schedule 4 (other functions of the Lord Chancellor and organisation of the courts), paragraphs 310, 311 and 350 are repealed.

Courts Boards Areas Order 2004(6)

10. The Courts Boards Areas Order 2004 is revoked.

Courts Boards (Appointments and Procedure) Regulations 2004(7)

11. The Courts Boards (Appointments and Procedure) Regulations 2004 are revoked.

Freedom of Information (Additional Public Authorities) Order 2005(8)

12. The Freedom of Information (Additional Public Authorities) Order 2005 is amended as follows.

13. In Schedule 1 (entries inserted in Part 6 of Schedule 1 to the Act with effect from 7 February 2006), the entry "A courts board established under section 4 of the Courts Act 2003." is revoked.

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(3) **2000 c.36. The entry for courts boards was inserted into Part 6 of Schedule 1 by the Freedom of Information (Additional Public Authorities) Order 2005 (SI 2005/3593).**
(4) **Section 4 was amended by the Constitutional Reform Act 2005 (c.4) to insert subsections (5A) and (7A). Section 5 was amended by the Constitutional Reform Act 2005 which made amendments to subsections (5) and (7) and inserted subsection (9). There have been amendments to section 8 which are not relevant to this Order. Schedule 1 was amended by the Constitutional Reform Act 2005 which amended paragraphs 1 and 8 and inserted paragraph 9.**
(5) **2005 c.4. There have been amendments to Part 1 of Schedule 4 which are not relevant to this Order.**
(6) **S.I 2004/1192. The Schedule was substituted by the Courts Boards Areas (Amendment) Order 2007 (S.I 2007/1022).**
(7) **S.I 2004/1193. Regulations 8 and 9 were amended, and regulation 13 was inserted, by the Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No.2) Order 2006 (S.I 2006/1016).**
(8) **S.I 2005/3593.**