

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the Courts Act 1971, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 16.

HOLDERS OF CERTAIN EXISTING JUDICIAL OFFICES

PART I

CERTAIN OFFICE-HOLDERS TO BE CIRCUIT JUDGES

1 ^{F1}

Textual Amendments

F1 Sch. 2 Pt. 1 para. 1 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 3}

- 2 (1) Any person who, being appointed Recorder of London after the appointed day, is appointed by Her Majesty to exercise judicial functions shall, by virtue of that appointment, be a Circuit judge.
- (2) Any person who after the appointed day is appointed by Her Majesty to be the Common Serjeant shall, by virtue of that appointment, be a Circuit judge.
- 3 (1) Subject to sub-paragraph (2) below, section 17 of this Act shall apply to the holder of any judicial office who becomes a Circuit judge as mentioned in this Part of this Schedule as it applies to a Circuit judge appointed under section 16 of this Act.
- (2) In the case of any person who becomes a Circuit judge as mentioned in this Part of this Schedule ^{F2}... nothing in section 17 of this Act shall have the effect of depriving him of the office by virtue of which, or by virtue of his appointment to which, he becomes a Circuit judge.

Textual Amendments

F2 Words in Sch. 2 Pt. 1 para. 3(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 3}

[^{F3}PART IA

CERTAIN OFFICE-HOLDERS ELIGIBLE FOR APPOINTMENT AS CIRCUIT JUDGES

Textual Amendments

F3 Sch. 2 Pt. IA inserted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), Sch. 10 para. 31(2)

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Social Security Commissioner appointed under section 97 of the ^{M1}Social Security Act 1975.

Marginal Citations

M1 1975 c.14 (113:1).

Marginal Citations

M1 1975 c.14 (113:1).

President of Social Security Appeal Tribunals and Medical Appeal Tribunals or Chairman of such a tribunal appointed under Schedule 10 to that Act.

[^{F4}President of the Employment Tribunals (England and Wales) or member of a panel of chairmen established by regulations under section 1(1) of the ^{M2}Employment Tribunals Act 1996 for employment tribunals for England and Wales.]

Textual Amendments

F4 Sch. 2 Pt. IA entry substituted (1.8.1998) by 1998 c. 8, s. 15, **Sch. 1 para. 1**; S.I. 1998/1658, art. 2, **Sch. 1**

Marginal Citations

M2 1996 c. 17.

Textual Amendments

F4 Sch. 2 Pt. IA entry substituted (1.8.1998) by 1998 c. 8, s. 15, **Sch. 1 para. 1**; S.I. 1998/1658, art. 2, **Sch. 1**

Marginal Citations

M2 1996 c. 17.

President or member of the Immigration Appeal Tribunal appointed under Schedule 5 to the Immigration Act ^{M3}1971.

Marginal Citations

M3 1971 c.77 (62).

Marginal Citations

M3 1971 c.77 (62).

^{F5}

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Textual Amendments

F5 Sch. 2 para. 1A entry omitted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), arts. 1, 5(1)(2), **Sch. 1 para. 98** (with Sch. 5)

Textual Amendments

F5 Sch. 2 para. 1A entry omitted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), arts. 1, 5(1)(2), **Sch. 1 para. 98** (with Sch. 5)

President of Pensions Appeal Tribunals appointed under the Schedule to the Pensions Appeal Tribunals Act ^{M4}1943.

Marginal Citations

M4 [1943 c.39 \(101A:2\)](#).

Marginal Citations

M4 [1943 c.39 \(101A:2\)](#).

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Textual Amendments

F6 Sch. 2 Pt. 1A entry omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), arts. 1(2), 3, **Sch. 1 para. 63**

Textual Amendments

F6 Sch. 2 Pt. 1A entry omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), arts. 1(2), 3, **Sch. 1 para. 63**

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Textual Amendments

F7 Sch. 2 Pt. 1A entry omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), arts. 1(2), 3, **Sch. 1 para. 63(b)**

Textual Amendments

F7 Sch. 2 Pt. 1A entry omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), arts. 1(2), 3, **Sch. 1 para. 63(b)**

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Coroner appointed under section 2 of the Coroners Act ^{M5}1988.

Marginal Citations

M5 1988 c.13 (33).

Marginal Citations

M5 1988 c.13 (33).

Master of the Queen’s Bench Division.

Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals.

Admiralty Registrar.

Master of the Chancery Division.

Registrar in Bankruptcy of the High Court.

Taxing Master of the Supreme Court.

District judge of the principal registry of the Family Division.

Registrar of Civil Appeals.

^{F8}

Textual Amendments

F8 Sch. 2 Pt. 1A: reference to a "Master of the Court of Protection" repealed (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(1)(2), 68(1), Sch. 6 para. 17, [Sch. 7](#) (with ss. 27, 28, 29, 62); S.I. 2007/1897, [art. 2\(1\)\(c\)\(d\)](#)

District judge.

[^{F9}District Judge (Magistrates’ Courts)]

Textual Amendments

F9 Words in Sch. 2 Pt. IA substituted (31.8.2000) by [1999 c. 22, s. 78](#), [Sch. 11 para. 19](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. 2000/1920, [art. 3](#)

Textual Amendments

F9 Words in Sch. 2 Pt. IA substituted (31.8.2000) by [1999 c. 22, s. 78](#), [Sch. 11 para. 19](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. 2000/1920, [art. 3](#)

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PART II

SUPPLEMENTARY PROVISIONS WITH RESPECT TO CERTAIN JUDICIAL OFFICERS

- 4 (1) If and so long as any holder of the office of Vice-Chancellor of the County Palatine of Lancaster is also a Circuit judge (whether by virtue of paragraph 1 above or otherwise), he shall take judicial precedence next after the judges of the High Court.
- (2) Notwithstanding the repeal by this Act of section 14(1) of the ^{M6}Administration of Justice Act 1928, paragraph (d) of that subsection (terms of appointment of Vice-Chancellor of the County Palatine of Lancaster) shall continue to apply in relation to the person who is the holder of that office on the appointed day (but not in relation to any subsequent holder of that office) and shall on and after that day apply in relation to him not only in his capacity as Vice-Chancellor but also in his capacity as a Circuit judge; and accordingly, and without prejudice to paragraph 3(2) above, section 17(4) of this Act shall not apply in relation to that person.
- (3) Without prejudice to paragraph 8 below, the Lord Chancellor, with the consent of the Minister for the Civil Service, may make such arrangements as seem to him to be appropriate to secure that the superannuation benefits payable to or in respect of the person who, on the appointed day, holds office as Vice-Chancellor of the County Palatine of Lancaster are not less favourable than those which he enjoyed immediately before the appointed day; and any such arrangements may provide for the cost of those benefits to be defrayed in part by the Duchy of Lancaster.
- (4) Rules under section 39A of the ^{M7}Superannuation Act 1965 (provision for superannuation benefits payable to or in respect of persons employed in two or more judicial offices of specified descriptions) may make provision with respect to the superannuation benefits payable to or in respect of any person who, immediately before the appointed day, held office as registrar or assistant registrar of the Lancaster Palatine Court, as if his office were included in those specified in paragraphs (a) to (i) of subsection (3) of that section.

Marginal Citations

- M6** 1928 c. 26.
M7 1965 c. 74.

- 5 Nothing in section 16, section 18(1) or section 19 of this Act shall apply to the manner of appointment or remuneration of, or the pensions and other benefits payable to or in respect of, any person holding office as Recorder of London or Common Serjeant and accordingly those matters shall continue to be provided for as mentioned in Parts II and III of the ^{M8}City of London (Courts) Act 1964.

Modifications etc. (not altering text)

- C1** Paras. 5–8 extended by Judicial Pensions Act 1981 (c. 20, SIF 71:2), s. 36(1), **Sch. 3 para. 6(1)(2)**

Marginal Citations

- M8** 1964 c. iv.

- 6 After the appointed day no person shall be appointed an additional judge of the Central Criminal Court under . . . ^{F10} the City of London (Courts) Act 1964, but

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section 7 of that Act (remuneration and pensions of additional judges and holders of certain other judicial offices) shall continue on and after the appointed day to apply in relation to any person who, immediately before that day, held office as such an additional judge, notwithstanding that he becomes a Circuit judge, and accordingly sections 18(1) and 19 of this Act shall not apply in relation to any such person.

Textual Amendments

F10 Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), **Sch. 1 Pt. XIII**

Modifications etc. (not altering text)

C2 [Paras. 5–8](#) extended by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(1), **Sch. 3 para. 6(1)(2)**

7 On the appointed day section 14 of the ^{M9}City of London (Courts) Act 1964 (appointment and removal of the assistant judge of the Mayor’s and City of London Court) shall cease to have effect, but so much of section 18(3) of that Act as provides for the payment of the remuneration of, and any pension or other benefits payable to or in respect of, the assistant judge shall continue on and after the appointed day to apply to the person who immediately before that day held office as the assistant judge of the Mayor’s and City of London Court, and accordingly sections 18(1) and 19 of this Act shall not apply in relation to that person.

Modifications etc. (not altering text)

C3 [Paras. 5–8](#) extended by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(1), **Sch. 3 para. 6(1)(2)**

Marginal Citations

M9 1964 c. iv.

8 **F11**

Textual Amendments

F11 [Sch. 2 Pt. 2 para. 8](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), {Sch. 1 Pt. 1 Group 3}

9 (1) Subject to the preceding provisions of this Part of this Schedule, for the purpose of determining—

- (a) the annual pension payable to a Circuit judge under section [F12⁵ of the Judicial Pensions Act 1981], or
- (b) any such derivative benefit payable to or in respect of him as is referred to in [F13³section 19(5) of this Act],

service before the day appointed for the purposes of section 16 of this Act in any of the judicial offices specified in paragraph 1(2) above, and service (before 1st April 1965) as a salaried chairman or deputy chairman of the court of quarter sessions for the county of London or of Middlesex, shall be treated as service as a Circuit judge.

(2) Subject to sub-paragraph (3) below, in any case where—

- (a) any such pension or derivative benefit as is referred to in sub-paragraph (1) above becomes payable to or in respect of any person; and

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- (b) the period of that person's service which falls to be taken into account in determining the amount of that pension or benefit includes, by virtue of sub-paragraph (1) above, service in any judicial office specified in paragraph 1(2) above,

rules made by the Lord Chancellor with the consent of the Minister for the Civil Service may make provision for the payment of contributions towards the cost of the superannuation benefits payable to or in respect of that person by any authority which, before the appointed day, was responsible, directly or indirectly, for meeting the whole or any part of the cost of the superannuation benefits payable to or in respect of former holders of that office.

- (3) Rules made under sub-paragraph (2) above shall not require the payment of any contribution in the case of a person who serves at least fifteen completed years as a Circuit judge, disregarding any period of service taken into account by virtue of sub-paragraph (1) above.
- (4) The power to make rules under sub-paragraph (2) above shall be exercisable by statutory instrument, and any statutory instrument containing any such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F12 Words substituted by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(1), [Sch. 3 para. 6\(1\)\(3\)](#)

F13 Words substituted by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(1), [Sch. 3 para. 6\(1\)\(4\)](#)

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