



Courts Act 1971

1971 CHAPTER 23

PART III

JUDGES

21 Appointment of Recorders.

- (1) Her Majesty may from time to time appoint qualified persons, to be known as Recorders, to act as part-time judges of the Crown Court and to carry out such other judicial functions as may be conferred on them under this or any other enactment.
- (2) Every appointment of a person to be a Recorder shall be of a person recommended to Her Majesty by the Lord Chancellor, and no person shall be qualified to be appointed a Recorder unless [^{F1}he has a 10 year Crown Court or 10 year county court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990].
- [^{F2}(3) The appointment of a person as a Recorder shall specify the following—
 - (a) the term for which he is appointed;
 - (b) the frequency and duration of the occasions during that term on which he will be required to be available to undertake the duties of a Recorder;
 - (c) the circumstances in which the Lord Chancellor may—
 - (i) decline to extend the term of the appointment, or
 - (ii) terminate the appointment,(other than those in subsection (4C)(a) or (b) and subsection (6)(a) or (b)).
- (4) Circumstances may be specified under subsection (3)(c) in an appointment only if the Lord Chief Justice agrees.
- (4A) Subject to subsections (4B) to (5), the Lord Chancellor must extend the term of a Recorder's appointment (including a term already extended under this subsection) before its expiry, for such term as the Lord Chancellor thinks appropriate.
- (4B) The Lord Chancellor must not extend the term of a Recorder's appointment unless the Recorder agrees to the extension.

Status: Point in time view as at 03/04/2006. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Courts Act 1971, Section 21. (See end of Document for details)

- (4C) The Lord Chancellor may, with the agreement of the Lord Chief Justice, decline to extend the term of a Recorder's appointment on any of these grounds—
- (a) the incapacity or misbehaviour of the Recorder;
 - (b) a failure of the Recorder to comply with any requirement specified under subsection (3)(b) in the terms of his appointment;
 - (c) one or more of the circumstances specified under subsection (3)(c) in his appointment applies.]
- ^{F2}(5) Neither the initial term for which a Recorder is appointed nor any extension of that term under subsection (4) above shall be such as to continue his appointment as a Recorder after [^{F3}the day on which he attains the age of seventy, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75)].
- [^{F4}(6) The Lord Chancellor may, with the agreement of the Lord Chief Justice, terminate the appointment of a Recorder on any of these grounds—
- (a) the incapacity or misbehaviour of the Recorder;
 - (b) a failure of the Recorder to comply with any requirement specified under subsection (3)(b) in the terms of his appointment;
 - (c) one or more of the circumstances specified under subsection (3)(c) in his appointment applies.]
- ^{F4}(7) There shall be paid to Recorders out of money provided by Parliament such remuneration and allowances as the Lord Chancellor may, with the approval of the Minister for the Civil Service, determine.

Textual Amendments

- F1** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 32(1)**
- F2** S. 21(3)-(4C) substituted (3.4.2006) for s. 21(3)(4) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, **Sch. 4 para. 69(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(e)
- F3** Words in s. 21(5) substituted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 9(1)**; S.I. 1995/631, **art. 2**
- F4** S. 21(6) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, **Sch. 4 para. 69(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(e)

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