

Status: Point in time view as at 01/10/2013.

Changes to legislation: Senior Courts Act 1981, Part IV is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Senior Courts Act 1981

1981 CHAPTER 54

PART IV **E+W**

OFFICERS AND OFFICES

Appointment of certain officers of ^[F1]Senior Courts]

Textual Amendments

- F1** Words in s. 88 cross-heading substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 26\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

88 Qualification for office. **E+W**

A person shall not be qualified for appointment to any office in the ^[F2]Senior Courts] listed in column 1 of any Part of Schedule 2 unless he is a person of any description specified in relation to that office in column 2 of that Part.

Textual Amendments

- F2** Words in s. 88 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 26\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

89 Masters and registrars. **E+W**

(1) The power to make appointments to the offices in the ^[F3]Senior Courts] listed in column 1 of Parts II and III of Schedule 2 shall be exercisable by ^[F4]Her Majesty.]

^[F5](1A) The maximum number of appointments under subsection (1) is such as may be determined from time to time by the Lord Chancellor with the concurrence of the Treasury.]

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- (2) The person appointed to the office of Queen’s coroner and attorney and master of the Crown Office [^{F6}and Registrar of criminal appeals] shall, by virtue of his appointment, be a master of the Queen’s Bench Division.
- [^{F7}(3) Her Majesty shall, on the recommendation of the Lord Chancellor, appoint a person to each office listed in the first column of the table in subsection (3C) (“a senior office”).
- (3A) A person may be appointed to a senior office only if—
 - (a) he holds the office in the corresponding entry in the second column of that table (“the qualifying office”), or
 - (b) he does not hold the qualifying office but could be appointed to it in compliance with section 88.
- (3B) Where a person who is to be appointed to a senior office meets the condition in subsection (3A)(b) he shall, when appointed to the senior office, also be appointed to the qualifying office.
- (3C) This is the table referred to in subsections (3) and (3A)—

<i>Senior office</i>	<i>Qualifying office</i>
Senior Master of the Queen's Bench Division	Master of the Queen's Bench Division
Chief Chancery Master	Master of the Chancery Division
Chief Taxing Master	Taxing master of the Senior Courts
Chief Bankruptcy Registrar	Registrar in bankruptcy of the High Court
Senior District Judge of the Family Division	Registrar of the Principal Registry of the Family Division]

- (4) The person appointed Senior Master [^{F8}of the Queen's Bench Division] shall hold and perform the duties of the offices of the Queen’s Remembrancer and registrar of judgments.
- ^{F9}(5)
- [^{F10}(7A) A person appointed under subsection (1) is to be paid such salary, and a person appointed to a senior office is to be paid such additional salary, as may be determined by the Lord Chancellor with the concurrence of the Treasury.
- (7B) A salary payable under or by virtue of this section—
 - (a) may in any case be increased, but
 - (b) may not, in the case of a salary payable in respect of an office listed in column 1 of Part 2 of Schedule 2 or of a senior office, be reduced, by a determination or further determination under this section.]
- (8) Salaries payable under or by virtue of this section shall be paid out of money provided by Parliament.

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Textual Amendments

- F3** Words in s. 89 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 26\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F4** Words in s. 89(1) substituted (3.4.2006 for certain purposes and otherwise prosp.) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 14, 148, [Sch. 3 para. 3\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 9
- F5** S. 89(1A) inserted (3.4.2006 for certain purposes and otherwise prosp.) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 14, 148, [Sch. 3 para. 3\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 9
- F6** Words inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), [Sch. 18 para. 37](#)
- F7** S. 89(3)-(3C) substituted (3.4.2006) for s. 89(3) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 14, 148, [Sch. 3 para. 3\(4\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 9
- F8** Words in s. 89(4) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 33](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F9** S. 89(5)(6)(7) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. I](#)
- F10** S. 89(7A)(7B) inserted (3.4.2006 for certain purposes and otherwise prosp.) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 14, 148, [Sch. 3 para. 3\(5\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 9

90 Official Solicitor. **E+W**

- (1) There shall continue to be an Official Solicitor to the [^{F11}Senior Courts], who shall be appointed by the Lord Chancellor.
- (2) There shall be paid to the Official Solicitor out of money provided by Parliament such salary as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine.
- (3) The Official Solicitor shall have such powers and perform such duties as may for the time being be conferred or imposed on the holder of that office—
 - (a) by or under this or any other Act; or
 - (b) by or in accordance with any direction given (before or after the commencement of this Act) by the Lord Chancellor.

[^{F12}(3A) The holder for the time being of the office of Official Solicitor shall have the right to conduct litigation in relation to any proceedings.

- (3B) When acting as Official Solicitor a person who would otherwise have the right to conduct litigation by virtue of [^{F13}the fact that he is a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the conduct of litigation (within the meaning of that Act)] shall be treated as having acquired that right solely by virtue of subsection (3A).]

- (4) If—
 - (a) the Official Solicitor is not available because of his absence or for some other reason; or
 - (b) his office is vacant,

then, during such unavailability or vacancy, any powers or duties of the Official Solicitor shall be exercisable or fall to be performed by any person for the time being appointed by the Lord Chancellor as deputy to the Official Solicitor (and any property vested in the Official Solicitor may accordingly be dealt with by any such person in all respects as if it were vested in him instead).

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Textual Amendments

- F11** Words in s. 90 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 26\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F12** S. 90(3A)(3B) inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), s. 125\(3\), Sch. 18 para. 39](#)
- F13** Words in s. 90(3B) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 208, 211, Sch. 21 para. 47](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#)

91 Deputies and temporary appointments. **E+W**

- (1) If it appears to ^{F14}the Lord Chief Justice that it is expedient to do so in order to facilitate the disposal of business in the ^{F15}Senior Courts^{F16} or any other court or tribunal to which a person appointed under this subsection may be deployed, he may appoint a person—
- (a) to act as a deputy for any person holding an office listed in column 1 of Part II ^{F17}. . . of Schedule 2; or
 - (b) to act as a temporary additional officer in any such office, during such period or on such occasions as ^{F18}^{F19}the Lord Chancellor may think fit.
- ^{F20}^{F21}(1ZA) The Lord Chief Justice may not appoint a holder of relevant office under subsection (1) without the concurrence of the Lord Chancellor.]
- (1ZB) Section 85 of the Constitutional Reform Act 2005 (selection of certain office holders) does not apply to an appointment to which subsection (1ZA) applies.
- (1ZC) In this section a “holder of relevant office” means a person who holds, or has held within two years ending with the date when his appointment under this section takes effect—
- (a) any office listed in column 1 of Part 2 or 3 of Schedule 2, or
 - (b) the office of district judge.]
- ^{F22}(1A) If it appears to the Lord Chancellor that it is expedient to do so in order to facilitate the disposal of business in the Senior Courts, he may appoint a person—
- (a) to act as a deputy for any person holding an office listed in column 1 of Part 3 of Schedule 2; or
 - (b) to act as a temporary additional officer in any such office, during such period or on such occasions as the Lord Chancellor may think fit.]
- (2) Subject to subsection (3), a person shall not be qualified for appointment under this section if the office in which he would act by virtue of the appointment is one to which he is not qualified for permanent appointment.
- ^{F23}(3) An appointment under this section may extend until the day on which a person attains the age of seventy-five years if it is an appointment of a holder of relevant office.]
- (4) Every person, while acting under this section, shall have all the jurisdiction of a person permanently appointed to the office in which he is acting.
- ^{F24}(5)

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- (6) The Lord Chancellor may, out of money provided by Parliament, pay to any person appointed under this section such remuneration and allowances as he may, with the concurrence of the Minister for the Civil Service, determine.
- [^{F25}(6A) A person appointed under subsection (1) may be removed from office—
- (a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and
 - (b) only on—
 - (i) the ground of inability or misbehaviour, or
 - (ii) a ground specified in the person's terms of appointment.
- (6B) Subject to subsection (6C), the period of a person's appointment under subsection (1) (including a period already extended under this subsection) must be extended by the Lord Chancellor before its expiry; and for this purpose a person appointed under subsection (1) to act under this section on certain occasions is to be treated as having been appointed for a period that expires when the occasions end.
- (6C) Extension under subsection (6B)—
- (a) requires the person's agreement,
 - (b) is to be for such period as the Lord Chancellor thinks fit, and
 - (c) may be refused on—
 - (i) the ground of inability or misbehaviour, or
 - (ii) a ground specified in the person's terms of appointment,but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.
- (6D) Subject to the preceding provisions of this section (but subject in the first place to the Judicial Pensions and Retirement Act 1993), a person appointed under subsection (1) is to hold and vacate office in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.]
- [^{F26}(7) The Lord Chief Justice may nominate a [^{F27}senior judge (as defined in section 109(5)] of the Constitutional Reform Act 2005) to exercise his functions under [^{F28}subsection (1) or (6A)(a)].]

Textual Amendments

- F14** Words in s. 91(1) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 35\(2\)\(a\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F15** Words in s. 91 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 26\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F16** Words in s. 91(1) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 35\(2\)\(b\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F17** Words in s. 91(1)(a) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 139\(2\)\(b\)](#), [Sch. 18 Pt. 2](#); S.I. 2006/1014, [art. 2\(a\)](#), [Sch. paras. 11\(p\), 30\(b\)](#)
- F18** Words in s. 91(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 139\(2\)\(c\)](#); S.I. 2006/1014, [art. 2\(a\)](#), [Sch. para. 11\(p\)](#)
- F19** Words in s. 91(1) substituted (19.7.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. [57\(2\)\(b\)](#), 148(5)
- F20** S. 91(1ZA) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 35\(3\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F21** S. 91(1ZA)-(1ZC) inserted (19.7.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. [57\(3\)](#), 148(5)

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- F22** S. 91(1A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 139(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. para. 11(p)
- F23** S. 91(3) substituted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 57(3), 148(5)**
- F24** S. 91(5) repealed (31.3.1995) by 1993 c. 8, s. 31, **Sch. 9**; S.I. 1995/631, **art. 2**
- F25** S. 91(6A)-(6D) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 35(4)**; S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)
- F26** S. 91(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 139(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. para. 11(p)
- F27** Words in s. 91(7) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 35(5)(a)**; S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)
- F28** Words in s. 91(7) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 35(5)(b)**; S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

Modifications etc. (not altering text)

- C1** S. 91(1)(3) restricted (31.3.1995) by 1993 c. 8, **s. 26(7)(f)**, (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.

Other provisions relating to officers of ^{F29}Senior Courts]

Textual Amendments

- F29** Words in s. 92 cross-heading substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 26(1)**; S.I. 2009/1604, **art. 2(d)**

92 Tenure of office. **E+W**

- (1) Subject to the following provisions of this section [^{F30}, to section 91(3)] [^{F31} and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75)], a person who holds an office to which this subsection applies shall vacate it [^{F32} on the day on which he attains the age of seventy years.]
- [^{F33}(2) Subsection (1) applies to the offices listed in column 1 of Part II of Schedule 2 ^{F34}
- (2A) Subject to the following provisions of this section, a person who holds an office to which this subsection applies shall vacate it at the end of the completed year of service in the course of which he attains the age of sixty-two years.
- (2B) Subsection (2A) applies to the offices listed in column 1 of Part I of Schedule 2 ^{F35}
- ^{F36}(2C)]
- (2D) ^{F37}
- (2E) ^{F37}
- ^{F36}(3)
- [^{F38}(3A) Where the Lord Chancellor considers it desirable in the public interest to retain in office a person who holds an office to which subsection (2A) applies after the time when he would otherwise retire in accordance with that subsection, the Lord Chancellor may from time to time authorise the continuance in office of that person

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until such date, not being later than the date on which he attains the age of sixty-five years, as he thinks fit.]

- (4) A person appointed to an office [^{F39}listed in column 1 of Part 1 or 2 of Schedule 2] shall hold that office during good behaviour.
- (5) The power to remove such a person from his office on account of misbehaviour shall be exercisable by the Lord Chancellor [^{F40}with the concurrence of the Lord Chief Justice].
- (6) The Lord Chancellor may also [^{F41}, with the concurrence of the Lord Chief Justice,] remove such a person from his office on account of inability to perform the duties of his office.
- (7) A person appointed to an office listed in column 1 of Part III of Schedule 2 shall hold that office during Her Majesty's pleasure.
- [^{F42}(8) It is for the Lord Chancellor to recommend to Her Majesty the exercise of any power under subsection (7).]

Textual Amendments

- F30** Words in s. 92(1) inserted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 57(6), 148(5)
- F31** Words in s. 92(1) inserted (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para. 14(2)(a) (with Sch. 7. paras. 2(2), 3(2), 4); S.I. 1995/631, art.2.
- F32** Words in s. 92(1) substituted (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para. 14(2)(b) (with Sch. 7. paras. 2(2), 3(2), 4); S.I. 1995/631, art.2.
- F33** S. 92(2)–(2C) substituted for S. 92(2) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 77(1) (subject to a saving in Sch. 19 para. 7)
- F34** Words in s. 92(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 89(1)(a), 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(v)(y)(aa)
- F35** Words in s. 92(2B) repealed (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para. 14(3), Sch.9 (with Sch. 7. paras. 2(2), 3(2), 4); S.I. 1995/631, art.2.
- F36** S. 92(2C)(3) repealed (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para. 14(4)(6), Sch.9 (with Sch. 7. paras. 2(2), 3(2), 4); S.I. 1995/631, art.2.
- F37** S. 92(2D)(2E) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 89(1)(b), 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(v)(y)(aa)
- F38** S. 92(3A) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 77(2)
- F39** Words in s. 92(4) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 89(1)(c), 110; S.I. 2005/910, art. 3(v)
- F40** Words in s. 92(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 4 para. 140(2); S.I. 2006/1014, art. 2(a), Sch. 1 paras. 10, 11(p)
- F41** Words in s. 92(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 4 para. 140(3); S.I. 2006/1014, art. 2(a), Sch. 1 paras. 10, 11(p)
- F42** S. 92(8) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 4 para. 140(4); S.I. 2006/1014, art. 2(a), Sch. 1 paras. 10, 11(p)

Modifications etc. (not altering text)

- C2** S. 92(2A) excluded by Courts and Legal Services Act 1990 (c. 41, SIF 37, 76:1), s. 125(6), Sch. 19 para. 7

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93 Status of officers for purposes of salary and pension. E+W

- (1) Subject to subsection (2), any person who holds an office listed in column 1 of any Part of Schedule 2 [^{F43}or the office of Accountant General of the [^{F44}Senior Courts]] and is not employed in the civil service of the State shall be deemed to be so employed for the purposes of salary and pension.
- (2) Subsection (1), so far as it relates to pension, shall not apply to a person holding [^{F45}qualifying judicial office, within the meaning of the ^{M1}Judicial Pensions and Retirement Act 1993.]

Textual Amendments

- F43** Words inserted by [Public Trustee and Administration of Funds Act 1986 \(c. 57, SIF 57\)](#), s. 1(3), **Sch. para. 2**
- F44** Words in s. 93 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, **Sch. 11 para. 26(1)**; S.I. 2009/1604, **art. 2(d)**
- F45** Words in S. 93(2) substituted (31.3.1995) by 1993 c. 8, s. 31, **Sch. 8 para. 15(2)**; S.I. 1995/631, **art.2.**

Marginal Citations

- M1** 1993 C. 8.

F4694 E+W

Textual Amendments

- F46** S. 94 repealed by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), **Sch. 20**

95 Property held by officers. E+W

Any property held in his official capacity by a person holding an office listed in column 1 of Part II of Schedule 2 or by the Official Solicitor shall, on his dying or ceasing to hold office, vest in the person appointed to succeed him without any conveyance, assignment or transfer.

Central Office and Accountant General

96 Central Office. E+W

- (1) The Central Office of the [^{F47}Senior Courts] shall perform such business as the [^{F48}Lord Chief Justice may, with the concurrence of the Lord Chancellor,] direct.
- (2) Subject to any direction [^{F49}under subsection (1)], the Central Office shall perform such business as it performed immediately before the commencement of this Act.
- [^{F50}(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

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Textual Amendments

- F47** Words in s. 96 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 26\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F48** Words in s. 96(1) substituted (3.4.2006) by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 141\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(p)
- F49** Words in s. 96(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 141\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(p)
- F50** S. 96(3) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 140\(4\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(p)

97 Accountant General. **E+W**

- (1) There shall continue to be an Accountant General of, and an accounting department for, the [^{F51}Senior Courts].
- [^{F52}(2) The Lord Chancellor shall appoint such person as he thinks fit to the office in the [^{F51}Senior Courts] of Accountant General of the [^{F51}Senior Courts] and the person so appointed shall hold and vacate office in accordance with the terms of his appointment.
- (3) The Accountant General shall be paid such salary or fees as the Lord Chancellor determines with the consent of the Treasury.
- (4) If one person holds office both as the Accountant General and as the Public Trustee then, if he ceases to be the Public Trustee, he shall also cease to be the Accountant General unless the Lord Chancellor otherwise directs.
- (5) If a vacancy occurs in the office of Accountant General or the person appointed to hold the office is for any reason unable to act for any period such person as the Lord Chancellor appoints as deputy in that office shall, during the vacancy or that period, perform the functions of that office (and any property vested in the Accountant General may accordingly be dealt with by the deputy in all respects as if it were vested in him instead.)]

Textual Amendments

- F51** Words in s. 97 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 26\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F52** S. 97(2)–(5) substituted for s. 97(2)(3) by [Public Trustee and Administration of Funds Act 1986 \(c. 57\)](#), SIF 57, s. 1(3), [Sch. para. 3](#)

Judges' clerks and secretaries

98 Judges' clerks and secretaries. **E+W**

- (1) A clerk and a secretary shall be attached to each of the following judges of the [^{F53}Senior Courts], namely the Lord Chief Justice, the Master of the Rolls, [^{F54}the President of the Queen's Bench Division, the President of the Family Division and the Chancellor of the High Court].
- (2) A clerk shall be attached to each of the following judges of the [^{F53}Senior Courts], namely the Lords Justices of Appeal and the puisne judges of the High Court.

Status: Point in time view as at 01/10/2013.

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- (3) Any clerk or secretary attached as mentioned in subsection (1) or (2)—
- (a) shall be appointed by the Lord Chancellor; and
 - (b) if not already employed in the civil service of the State shall be deemed for all purposes to be so employed.
- (4) If at any time it appears to any of the judges mentioned in subsection (1) desirable that there should be attached to him a legal secretary (that is to say a secretary with legal qualifications) in addition to the secretary provided for by that subsection, he may, with the concurrence of the Lord Chancellor, appoint a [F55 person who has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)] as his legal secretary.
- (5) An appointment under subsection (4) may be on either a full-time or a part-time basis; and a person appointed by a judge as his legal secretary shall, except as regards remuneration, hold and vacate that office in accordance with such terms as the judge may, with the concurrence of the Lord Chancellor, determine when making the appointment.
- (6) A person appointed under subsection (4)—
- (a) shall not be treated as employed in the civil service of the State by reason only of that appointment; and
 - (b) if the Lord Chancellor so determines in his case, shall be paid out of money provided by Parliament such remuneration as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine.

Textual Amendments

- F53** Words in s. 98 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 26\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F54** Words in s. 98(1) substituted (1.10.2005) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 14\(2\)](#); S.I. 2005/2505, [art. 2\(c\)](#)
- F55** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 47](#)

District registries and district registrars

99 District registries. E+W

- (1) The Lord Chancellor may [F56, after consulting the Lord Chief Justice,] by order direct that there shall be district registries of the High Court at such places and for such districts as are specified in the order.
 - (2) Any order under this section shall be made by statutory instrument, which shall be laid before Parliament after being made.
- [F57(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

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Textual Amendments

- F56** Words in s. 99(1) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 143\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(q)
- F57** S. 99(3) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 143\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(q)

[^{F58}100 District judges **E+W**

- (1) The Lord Chief Justice, after consulting the Lord Chancellor—
 - (a) may assign a district judge to one or more district registries;
 - (b) may change an assignment so as to assign the district judge to a different district registry or registries (or to no district registry).
- (2) A reference in any enactment or other instrument to the district judge of a district registry is a reference to any district judge assigned to the registry concerned.
- (3) Every district judge is, by virtue of his office, capable of acting in any district registry whether or not assigned to it, but may do so only in accordance with arrangements made by or on behalf of the Lord Chief Justice.
- (4) Whilst a district judge is assigned to one or more district registries in accordance with subsection (1) he is a district judge of the High Court.
- [^{F59}(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1).]]

Textual Amendments

- F58** S. 100 substituted (3.4.2006) for ss. 100, 101 by [Constitutional Reform Act 2005 \(c. 4\), ss. 14, 148, Sch. 3 para. 2\(1\)\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 9
- F59** S. 100(5) inserted (19.7.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), ss. 56, 148, Sch. 11 para. 2](#)

102 Deputy district registrars. **E+W**

- [^{F63}(1) If it appears to the [^{F64}Lord Chief Justice] that it is expedient to do so in order to facilitate the disposal of business in the High Court [^{F65}or any other court or tribunal to which a person appointed under this subsection may be deployed], he may appoint a person to be a deputy district judge.
- (1A) A person is qualified for appointment under subsection (1) only if the person—
 - (a) is qualified for appointment as a district judge, or
 - (b) holds, or has held, the office of district judge.
 - (1B) The [^{F66}Lord Chief Justice] may not appoint a person under subsection (1) without the concurrence of the Lord Chancellor] if the person—
 - (a) holds the office of district judge, or

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- (b) ceased to hold the office of district judge within two years ending with the date when the appointment takes effect.
- (1C) Section 85 of the Constitutional Reform Act 2005 (c. 4) (selection of certain office holders) does not apply to an appointment to which subsection (1B) applies.]
- (3) [^{F67}No appointment to which subsection (1B) applies] shall be such as to extend beyond the day on which the person in question attains the age of seventy-five years.
- [^{F68}(4A) The Lord Chief Justice, after consulting the Lord Chancellor—
- (a) may assign a deputy district judge appointed under this section to one or more district registries;
- (b) may change an assignment so as to assign the deputy district judge to a different district registry or registries (or to no district registry).
- (4B) A deputy district judge appointed under this section and assigned to a district registry has, while acting under his assignment, the same jurisdiction as a district judge assigned to that registry.
- (4C) Every deputy district judge appointed under this section is, by virtue of his office, capable of acting as a district judge in any district registry to which he is not assigned, but may act in a district registry to which he is not assigned only in accordance with arrangements made by or on behalf of the Lord Chief Justice.]
- [^{F69}(5) Subsection (6) of section 91 applies in relation to a deputy district judge appointed under this section as it applies in relation to a person appointed under that section.]
- [^{F70}(5ZA) A person appointed under this section may be removed from office as a deputy district judge—
- (a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and
- (b) only on—
- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person's terms of appointment.
- (5ZB) Subject to subsection (5ZC), the term of a person's appointment under this section (including a term already extended under this subsection) must be extended by the Lord Chancellor before its expiry.
- (5ZC) Extension under subsection (5ZB)—
- (a) requires the person's agreement,
- (b) is to be for such term as the Lord Chancellor thinks fit, and
- (c) may be refused on—
- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person's terms of appointment,
- but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.
- (5ZD) Subject to the preceding provisions of this section (but subject in the first place to the Judicial Pensions and Retirement Act 1993), a person appointed under this section is to hold and vacate office as a deputy district judge in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.

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(5ZE) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise the Lord Chief Justice's functions under subsection (1) or (5ZA)(a).]

[^{F71}(5A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection ^{F72}... (4A).]

^{F73}(6)

Textual Amendments

- F63** S. 102(1)-(1C) substituted (19.7.2007) for s. 102(1)(2) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 56, 148, [Sch. 11 para. 3\(2\)](#)
- F64** Words in s. 102(1) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 36\(2\)\(a\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F65** Words in s. 102(1) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 36\(2\)\(b\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F66** Words in s. 102(1B) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 36\(3\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F67** Words in s. 102(3) substituted (19.7.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 56, 148, [Sch. 11 para. 3\(3\)](#)
- F68** S. 102(4A)-(4C) substituted (19.7.2007) for s. 102(4) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 56, 148, [Sch. 11 para. 3\(4\)](#) (with Sch. 11 para. 4)
- F69** S. 102(5) substituted (31.3.1995) by 1993 c. 8, s. 31, [Sch. 8 para. 15\(3\)](#); S.I. 1995/631, [art.2](#).
- F70** S. 102(5ZA)-(5ZE) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 36\(4\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F71** S. 102(5A) inserted (19.7.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 56, 148, [Sch. 11 para. 3\(5\)](#)
- F72** Words in s. 102(5A) omitted (1.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 36\(5\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F73** S. 102(6) repealed by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#)

Modifications etc. (not altering text)

- C3** S. 102(1)(3) restricted (31.3.1995) by 1993 c. 8, s. 26(7)(g) (with Sch. 7. paras. 2(2), 3(2), 4); S.I. 1995/631, [art.2](#).

^{F74}**103** **E+W**

Textual Amendments

- F74** S. 103 repealed (31.3.1995) by 1993 c. 8, s. 31(4), [Sch.9](#); S.I. 1995/631, [art.2](#).

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District probate registries

104 District probate registries. E+W

- (1) The Lord Chancellor may [^{F75}, after consulting the Lord Chief Justice,] by order direct that there shall be district probate registries of the High Court at such places and for such districts as are specified in the order.
- (2) Any order under this section shall be made by statutory instrument, which shall be laid before Parliament after being made.
- [^{F76}(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F75** Words in s. 104(1) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 144\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(q)
- F76** S. 104(3) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 144\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(q)

Status:

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Changes to legislation:

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