



# Access to Justice Act 1999

## 1999 CHAPTER 22

### PART IV

#### APPEALS, COURTS, JUDGES AND COURT PROCEEDINGS

##### *Judges etc.*

#### **68 Judges holding office in European or international courts.**

- (1) A holder of a United Kingdom judicial office may hold office in a relevant international court without being required to relinquish the United Kingdom judicial office.
- (2) In this section—
  - “United Kingdom judicial office” means the office of—
    - (a) Lord Justice of Appeal, Justice of the High Court or Circuit judge, in England and Wales,
    - (b) judge of the Court of Session or sheriff, in Scotland, or
    - (c) Lord Justice of Appeal, judge of the High Court or county court judge, in Northern Ireland, and
  - “relevant international court” means—
    - (a) any court established for any purposes of the [<sup>F1</sup>European Union], or
    - (b) any international court (apart from the European Court of Human Rights) which is designated [<sup>F2</sup>in relation to the holder of a United Kingdom judicial office by the appropriate Minister].
- (3) A holder of a United Kingdom judicial office who also holds office in a relevant international court is not required to perform any duties as the holder of the United Kingdom judicial office but does not count as holding the United Kingdom judicial office—
  - (a) for the purposes of section 12(1) to (6) of the [<sup>F3</sup>Senior Courts Act 1981], section 9(1)(c) or (d) of the <sup>M1</sup>Administration of Justice Act 1973, section 18 of the <sup>M2</sup>Courts Act 1971, [<sup>F4</sup>section 16 of the Courts Reform (Scotland) Act

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- 2014] or section 106 of the <sup>M3</sup>County Courts Act (Northern Ireland) 1959 (judicial salaries),
- (b) for the purposes of, or of any scheme established by and in accordance with, the <sup>M4</sup>Judicial Pensions and Retirement Act 1993, the <sup>M5</sup>Judicial Pensions Act 1981, the <sup>M6</sup>Sheriffs' Pensions (Scotland) Act 1961 or the County Courts Act (Northern Ireland) 1959 (judicial pensions), or
- (c) for the purposes of section 2(1) or 4(1) of the [<sup>F3</sup>Senior Courts Act 1981], section 1(1) of the <sup>M7</sup>Court of Session Act 1988 or section 2(1) or 3(1) of the <sup>M8</sup>Judicature (Northern Ireland) Act 1978 (judicial numbers).
- (4) If the sheriff principal of any sheriffdom also holds office in a relevant international court, [<sup>F5</sup>section 6 of the Courts Reform (Scotland) Act 2014 (temporary sheriff principal)] applies as if the office of sheriff principal of that sheriffdom were vacant.
- (5) The appropriate Minister may by order made by statutory instrument make in relation to a holder of a United Kingdom judicial office who has ceased to hold office in a relevant international court such transitional provision (including, in particular, provision for a temporary increase in the maximum number of judges) as he considers appropriate.
- (6) In [<sup>F6</sup>this section] “the appropriate Minister” means—
- (a) in relation to any United Kingdom judicial office specified in paragraph (a) or (c) of the definition in subsection (2), the Lord Chancellor, and
- (b) in relation to any United Kingdom judicial office specified in paragraph (b) of that definition, the Secretary of State.
- (7) A statutory instrument containing an order made under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F7</sup>(8) The Lord Chancellor may exercise functions under this section in relation to the holder of a United Kingdom judicial office specified in paragraph (a) of the definition in subsection (2) only after consulting the Lord Chief Justice of England and Wales.
- (9) The Lord Chancellor may exercise functions under this section in relation to the holder of a United Kingdom judicial office specified in paragraph (c) of the definition in subsection (2) only after consulting the Lord Chief Justice of Northern Ireland.
- (10) The Lord Chief Justice of England and Wales may nominate a judicial office holder (within the meaning of section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (8).
- (11) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (9)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

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#### Textual Amendments

- F1** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 4 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F2** Words in definition of "relevant international court" in s. 68(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, **Sch. 4 para. 281(2)**; S.I. 2005/1014, **art. 2(a)**, Sch. 1 para. 11(x)

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- F3** S. 68: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)
- F4** Words in s. 68(3)(a) substituted (S.) (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2015 \(S.S.I. 2015/150\)](#), art. 1, [sch. para. 6\(2\)](#)
- F5** Words in s. 68(4) substituted (S.) (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2015 \(S.S.I. 2015/150\)](#), art. 1, [sch. para. 6\(3\)](#)
- F6** Words in s. 68(6) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 281\(3\)](#); S.I. 2005/1014, [art. 2\(a\)](#), Sch. 1 para. 11(x)
- F7** S. 68(8)-(11) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 281\(4\)](#); S.I. 2005/1014, [art. 2\(a\)](#), Sch. 1 para. 11(x)

#### Modifications etc. (not altering text)

- C1** S. 68(3)(b) excluded (1.9.2001) by [2001 c. 17](#), s. 1(3), [Sch. 1 para. 7\(5\)\(a\)](#) (with s. 78); S.I. 2001/2161, [art. 2](#)

#### Marginal Citations

- M1** 1973 c.15.  
**M2** 1971 c.23.  
**M3** 1959 c.25(N.I.).  
**M4** 1993 c.8.  
**M5** 1981 c.20.  
**M6** 1961 c.42.  
**M7** 1988 c.36.  
**M8** 1978 c.23.

## 69 Vice-president of Queen's Bench Division.

- (1) The [<sup>F8</sup>Lord Chief Justice may, after consulting the Lord Chancellor,] appoint one of the ordinary judges of the Court of Appeal as vice-president of the Queen's Bench Division; and any person so appointed shall hold that office in accordance with the terms of his appointment.

[<sup>F9</sup>(1A) 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).]

- (2) In section 4 of the [<sup>F10</sup>Senior Courts Act 1981](composition of High Court)—
- (a) in subsection (1) (membership), after the words "the Senior Presiding Judge;" insert—
- “(ddd) the vice-president of the Queen's Bench Division;”, and
- (b) in subsection (6) (vacancy in offices not to affect constitution), at the end insert “ and whether or not an appointment has been made to the office of vice-president of the Queen's Bench Division. ”
- (3) In section 5 of that Act (divisions of High Court), in subsection (1)(b) (Queen's Bench Division), after “thereof,” insert “ the vice-president of the Queen's Bench Division ”.

#### Textual Amendments

- F8** Words in s. 69(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 282\(2\)](#); S.I. 2005/1014, [art. 2\(a\)](#), Sch. 1 para. 11(x)

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- F9** S. 69(1A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148, **Sch. 4 para. 282(3)**; S.I. 2005/1014, **art. 2(a)**, Sch. 1 para. 11(x)
- F10** S. 69: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 1(2)**; S.I. 2009/1604, **art. 2**

**70 Registrar of civil appeals.**

**F11** .....

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**Textual Amendments**

- F11** S. 70 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 1 Group 4}

**Changes to legislation:**

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