



Courts Act 2003

2003 CHAPTER 39

PART 6 **E+W**

JUDGES

Offices, titles, styles etc.

62 [^{F1}Head and Deputy Head of Civil Justice] **E+W**

[^{F2}(1) There is to be a Head of Civil Justice.

(2) The Head of Civil Justice is—

- (a) the Master of the Rolls, or
- (b) if the Lord Chief Justice appoints another person, that person.

(3) The Lord Chief Justice may appoint a person to be Deputy Head of Civil Justice.

(4) The Lord Chief Justice must not appoint a person under subsection (2)(b) or (3) unless these conditions are met—

- (a) the Lord Chief Justice has consulted the Lord Chancellor;
- (b) the person to be appointed is one of the following—
 - (i) the Chancellor of the High Court;
 - (ii) an ordinary judge of the Court of Appeal.

(5) A person appointed under subsection (2)(b) or (3) holds the office to which he is appointed in accordance with the terms of his appointment.

(6) 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.]

Status: Point in time view as at 01/10/2013.

Changes to legislation: Courts Act 2003, Part 6 is up to date with all changes known to be in force on or before 07 June 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)

Textual Amendments

- F1** S. 62 inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 14, **Sch. 4 para. 330**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)
- F2** S. 62 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 14, **Sch. 4 para. 330**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

63 Ordinary judges of the Court of Appeal **E+W**

(1) In section 2 of the 1981 Act (the Court of Appeal), for subsection (3) substitute—

“(3) An ordinary judge of the Court of Appeal (including the vice-president, if any, of either division) shall be styled “Lord Justice of Appeal” or “Lady Justice of Appeal”.”

(2) “The 1981 Act” means the [^{F3}Senior Courts Act 1981](c. 54).

Textual Amendments

- F3** Words in s. 63(2) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 1**; {S.I. 2009/1604, art. 2(d)}

64 Power to alter judicial titles **E+W**

(1) The Lord Chancellor may by order—

- (a) alter the name of an office listed in subsection (2);
- (b) provide for or alter the way in which the holders of any of those offices are to be styled.

(2) The offices are—

Admiralty Registrar
^{F4} ...
 [^{F5}Chancellor of the High Court]
 Circuit judge
 Deputy Circuit judge
 Deputy district judge appointed under section 102 of the 1981 Act
 Deputy district judge [^{F6}appointed under section 8 of the County Courts Act 1984]
 [^{F7}Deputy Head of Civil Justice]
 [^{F8}Deputy Head of Family Justice]
 Deputy judge of the High Court
 District judge for a county court district
 District judge of the High Court
 District judge of the principal registry of the Family Division
 District probate registrar
 [^{F9}Head of Civil Justice]
 [^{F10}Head of Family Justice]
 Lord Chief Justice
 Master of the Chancery Division

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^{F11}

Master of the Queen’s Bench Division
Master of the Rolls
Ordinary judge of the Court of Appeal
[^{F12}President of the Courts of England and Wales]
[^{F13}President of the Court of Protection,]
President of the Family Division
[^{F14}President of the Queen's Bench Division]
Presiding Judge for a Circuit
Puisne judge of the High Court
Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals
Recorder
Registrar in Bankruptcy of the High Court
[^{F15}Senior Judge of the Court of Protection,]
Senior Presiding Judge for England and Wales
Taxing Master of the [^{F16}Senior Courts]
^{F17}

Vice-president of the Court of Appeal
[^{F18}Vice-president of the Court of Protection.]
Vice-president of the Queen’s Bench Division.

(3) The Lord Chancellor may also by order provide for or alter the way in which deputies or temporary additional officers appointed under section 91(1)(a) of the 1981 Act are to be styled.

[^{F19}(3A) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.]

(4) Before making an order under this section the Lord Chancellor must consult—

(a) ^{F20}

(b) the Master of the Rolls,

[^{F21}(ba) the President of the Queen's Bench Division,

(c) the President of the Family Division, and

(d) the Chancellor of the High Court.]

(5) An order under this section may make such provision as the Lord Chancellor considers necessary in consequence of any provision made under subsection (1) or (3).

(6) The provision that may be made under subsection (5) includes provision amending, repealing or revoking any enactment.

[^{F22}(7) 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

F4 Words in s. 64(2) omitted (15.7.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 89\(2\)\(i\)](#); S.I. 2013/1725, art. 2(g)

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

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- F5** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(i)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F6** Words in s. 64(2) substituted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007, (c. 39), ss. 56, 148, {Sch. 11 para. 14}
- F7** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(ii)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F8** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(iv)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F9** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(v)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F10** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(vii)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F11** Words in s. 64(2) repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1)(2), 68(1)-(3), Sch. 6 para. 47(3)(a), **Sch. 7** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F12** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(viii)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F13** Words in s. 64(2) inserted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68(1)-(3), **Sch. 6 para. 3(b)(ii)** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F14** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(ix)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F15** Words in s. 64(2) inserted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68(1)-(3), **Sch. 6 para. 3(b)(i)** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F16** Words in s. 64(2) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 4**; S.I. 2009/1604, **art. 2**
- F17** Words in s. 64(2) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, Sch. 4 para. 331(2)(a) {Sch. 18 Pt. 2}; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)
- F18** Words in s. 64(2) inserted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 67(1), 68(1)-(3), **Sch. 6 para. 3(b)(iii)** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F19** S. 64(3A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F20** S. 64(4)(a) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, Sch. 4 para. 331(4)(b)(i), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z), 30(b)
- F21** S. 64(4)(ba)-(d) substituted (3.4.2006) for s. 64(4)(c)(d) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(4)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F22** S. 64(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)

Flexibility in deployment of judicial resources

65 District Judges (Magistrates' Courts) as Crown Court judges etc. E+W

^{F23}(1)

- (2) Schedule 4 contains amendments conferring functions on District Judges (Magistrates' Courts).
- (3) References in any enactment, instrument or other document to a district judge or deputy district judge do not include—
- (a) a District Judge (Magistrates' Courts), or
 - (b) a Deputy District Judge (Magistrates' Courts).

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

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Textual Amendments

F23 S. 65(1) repealed (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 5](#); S.I. 2012/669, art. 4(f)(i)

66 Judges having powers of District Judges (Magistrates' Courts) **E+W**

- (1) Every holder of a judicial office specified in subsection (2) has the powers of a justice of the peace who is a District Judge (Magistrates' Courts) in relation to—
- (a) criminal causes and matters, and
 - (b) family proceedings as defined by section 65 of the 1980 Act.
- (2) The offices are—
- (a) judge of the High Court;
 - [^{F24}(aa) Master of the Rolls;
 - (ab) ordinary judge of the Court of Appeal;
 - (ac) Senior President of Tribunals;]
 - (b) deputy judge of the High Court;
 - (c) Circuit judge;
 - (d) deputy Circuit judge;
 - (e) recorder.
 - [^{F25}(f) Chamber President, or Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal;
 - (g) judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007;
 - (h) transferred-in judge of the Upper Tribunal (see section 31(2) of that Act);
 - (i) deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act);
 - (j) office listed—
 - (i) in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc), or
 - (ii) in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc);
 - (k) district judge (which, by virtue of section 8(1C) of the County Courts Act 1984, here includes deputy district judge appointed under section 8 of that Act);
 - (l) deputy district judge appointed under section 102 of the Senior Courts Act 1981;
 - (m) judge of the First-tier Tribunal by virtue of appointment under paragraph 1(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007;
 - (n) transferred-in judge of the First-tier Tribunal (see section 31(2) of that Act);
 - (o) member of a panel of Employment Judges established for England and Wales or for Scotland.]
- [^{F26}(2A) A qualifying judge advocate has the powers of a justice of the peace who is a District Judge (Magistrates' Courts) in relation to criminal causes and matters.]
- (3) For the purposes of section 45 of the 1933 Act, every holder of a judicial office specified in subsection (2) is qualified to sit as a member of a youth court.

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- (4) For the purposes of section 67 of the 1980 Act—
- (a) a judge of the High Court or a deputy judge of the High Court is qualified to sit as a member of a family proceedings court to hear family proceedings of any description, and
 - (b) a Circuit judge, deputy Circuit judge or recorder is qualified to sit as a member of a family proceedings court to hear family proceedings of any description if he has been nominated to do so by the President of the Family Division.
- [^{F27}(5) In this section “ qualifying judge advocate ” means—
- (a) the Judge Advocate General; or
 - (b) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General).
- (6) Subsection (2A) is without prejudice to the powers conferred by this section on a person within subsection (2) where that person is also a qualifying judge advocate.]
- [^{F28}(7) This section does not give a person any powers that a District Judge (Magistrates' Courts) may have to act in a court or tribunal that is not a magistrates' court.]

Textual Amendments

- F24** S. 66(2)(aa)-(ac) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 14 para. 4\(2\)](#); [S.I. 2013/2200](#), art. 3(g)
- F25** S. 66(2)(f)-(o) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 14 para. 4\(3\)](#); [S.I. 2013/2200](#), art. 3(g)
- F26** S. 66(2A) inserted (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 2 para. 6\(a\)](#); [S.I. 2012/669](#), art. 4(c)
- F27** S. 66(5)(6) inserted (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 2 para. 6\(b\)](#); [S.I. 2012/669](#), art. 4(c)
- F28** S. 66(7) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 14 para. 4\(4\)](#); [S.I. 2013/2200](#), art. 3(g)

Commencement Information

- I1** S. 66 partly in force; s. 66 not in force at Royal Assent see s. 110(1)(2); s. 66(1)(a)(2)(3) in force at 26.1.2004 by [S.I. 2003/3345](#), [art. 2\(a\)\(iv\)](#)

67 Removal of restriction on Circuit judges sitting on certain appeals **E+W**

Section 56A of the 1981 Act (Circuit judges not to sit on certain appeals) ceases to have effect.

Status:

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

Changes to legislation:

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