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## SCHEDULES

### SCHEDULE 11

Section 56

#### DISTRICT JUDGES AND DEPUTY DISTRICT JUDGES

##### *Supreme Court Act 1981 (c. 54)*

- 1 The Supreme Court Act 1981 is amended as set out in paragraphs 2 and 3.
- 2 In section 100 (district judges), after subsection (4) insert—
  - “(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).”
- 3 (1) Section 102 (deputy district judges) is amended as follows.
  - (2) For subsections (1) and (2) (appointment of deputy district judges to district registries) substitute—
    - “(1) If it appears to the Lord Chancellor that it is expedient to do so in order to facilitate the disposal of business in the High Court, 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 Lord Chancellor may not appoint a person under subsection (1) without the concurrence of the Lord Chief Justice if the person—
      - (a) holds the office of district judge, or
      - (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) In subsection (3) (former district judge may be appointed as deputy even though too old to be appointed as a district judge, but no appointment by virtue of the subsection may extend beyond age 75), for the words from the beginning to “by virtue of this subsection” substitute “ No appointment to which subsection (1B) applies ”.
  - (4) For subsection (4) (powers of deputy district judges) substitute—
    - “(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;

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- (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.”
- (5) After subsection (5) insert—
  - “(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 (1B) or (4A).”
- 4 (1) This paragraph applies to a person holding office as a deputy district judge under section 102 of the Supreme Court Act 1981 (c. 54) by virtue of an appointment made before the commencement of paragraph 3 (“the commencement date”).
- (2) If the person had held the office of district judge before his appointment, the person is to be treated after the commencement date as if section 102(1B) of that Act had applied to his appointment (and had been complied with).
- (3) The person is to be treated after the commencement date as assigned under section 102(4A) of that Act to the district registry for which he was appointed.

*County Courts Act 1984 (c. 28)*

- 5 The County Courts Act 1984 is amended as set out in paragraphs 6 to 9.
- 6 In section 6 (district judges), after subsection (6) insert—
  - “(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 subsection (2).”
- 7 (1) Section 8 (deputy district judges) is amended as follows.
  - (2) For subsection (1) (appointment and powers of deputy district judges) substitute—
    - “(1) If it appears to the Lord Chancellor that it is expedient to do so in order to facilitate the disposal of business in the county courts, he may appoint a person to be a deputy district judge.
    - (1ZA) 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.
    - (1ZB) The Lord Chancellor may not appoint a person under subsection (1) without the concurrence of the Lord Chief Justice 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.
- (1ZC) Section 85 of the Constitutional Reform Act 2005 (c. 4) (selection of certain office holders) does not apply to an appointment to which subsection (1ZB) applies.”
- (3) In subsection (1A)(a) (duration of appointment as deputy district judge of person who previously held office as district judge), for “if he has previously held office as a district judge,” substitute “ if subsection (1ZB) applies to the appointment, ”.
- (4) After subsection (1A) insert—
- “(1B) The Lord Chief Justice, after consulting the Lord Chancellor—
- (a) may assign a deputy district judge appointed under this section to one or more districts;
- (b) may change an assignment so as to assign the deputy district judge to a different district or districts (or to no district).
- (1C) A deputy district judge appointed under this section and assigned to a district has, while acting under his assignment, the same powers as if he were a district judge assigned to the district.
- (1D) Every deputy district judge appointed under this section is, by virtue of his office, capable of acting as a district judge in any district to which he is not assigned, but may act in a district to which he is not assigned only in accordance with arrangements made by or on behalf of the Lord Chief Justice.”
- (5) After subsection (3) insert—
- “(4) 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 (1ZB) or (1B).”
- 8 In section 9(qualifications for appointment as a district judge, or as a deputy district judge for a county court district)—
- (a) omit “, or deputy district judge”, and
- (b) in the heading, after “Qualifications” insert “ for appointment as district judge ”.
- 9 In section 147(1) (interpretation of Act), in the definition of “officer” (which provides that “officer”, in relation to a county court, includes a district judge or deputy district judge of that court), for the words after “means” and before “and any clerk” substitute “ any district judge or deputy district judge assigned to that court ”.
- 10 (1) This paragraph applies to a person holding office as a deputy district judge under section 8 of the County Courts Act 1984 (c. 28) by virtue of an appointment made before the commencement of paragraph 7 (“the commencement date”).
- (2) If the person had held the office of district judge before his appointment, the person is to be treated after the commencement date as if section 8(1ZB) of that Act had applied to his appointment (and had been complied with).
- (3) If sub-paragraph (2) does not apply, the person is to be treated after the commencement date as appointed under section 8(1) of that Act.

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- (4) The person is to be treated after the commencement date as assigned under section 8(1B) of that Act to the county court district for which he was appointed.

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 11 The Judicial Pensions and Retirement Act 1993 is amended as follows.
- 12 In section 26(7) (certain offices for which retirement date is age 75), for paragraph (g) (certain deputy district judges) substitute—
- “(g) hold office as a deputy district judge if either section 102(1B) of that Act (former district judge appointed as deputy in the High Court) or section 8(1ZB) of the County Courts Act 1984 (former district judge appointed as deputy in the county courts) applied to the appointment;”.
- 13 (1) Schedule 5 (“the relevant offices” for the purposes of the retirement provisions) is amended as follows.
- (2) In the entry for a deputy district judge appointed under section 102 of the Supreme Court Act 1981, for the words after “except in a case where” substitute “subsection (1B) of that section applied to the appointment of the person in question”.
- (3) In the entry for a deputy district judge appointed under section 8 of the County Courts Act 1984, for the words after “except in a case where” substitute “subsection (1ZB) of that section applied to the appointment of the person in question”.

*Courts Act 2003 (c. 39)*

- 14 In section 64(2) of the Courts Act 2003 (power to alter listed judicial titles), in the entry for a deputy district judge for a county court district, for “for a county court district” substitute “appointed under section 8 of the County Courts Act 1984”.

*Constitutional Reform Act 2005 (c. 4)*

- 15 In Part 2 of Schedule 14 to the Constitutional Reform Act 2005 (certain offices to which appointments are made by the Lord Chancellor)—
- (a) in the entry for a deputy district judge in a district registry of the High Court, omit “in a district registry of the High Court”, and
- (b) in the entry for a deputy district judge for a county court district, omit “for a county court district”.

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