



# Courts and Tribunals (Judiciary and Functions of Staff) Act 2018

## 2018 CHAPTER 33

### *Judiciary*

#### **1 Deployment of judges**

- (1) In section 94AA of the Constitutional Reform Act 2005 (appointments not subject to section 85: High Court deputy judge), in subsection (2)(a), after “Crown Court” insert “or any other court or tribunal to which a deputy judge of the High Court may be deployed”.
- (2) In section 6 of the Tribunals, Courts and Enforcement Act 2007 (certain judges who are also judges of the First-tier Tribunal and Upper Tribunal), in subsection (1)—
  - (a) after paragraph (e) insert—

“(ea) is a Recorder,”;
  - (b) omit the “or” at the end of paragraph (h);
  - (c) after paragraph (i) insert—

“(j) is the President of Employment Tribunals (England and Wales),  
(k) is the President of Employment Tribunals (Scotland),  
(l) is the Vice President of Employment Tribunals (Scotland), or  
(m) is a Regional Employment Judge.”
- (3) Accordingly, in section 6A of that Act (certain judges who are also judges of the First-tier Tribunal), omit paragraph (b).
- (4) In section 7 of the Tribunals, Courts and Enforcement Act 2007 (chambers of the First-tier Tribunal and Upper Tribunal: jurisdiction and Presidents)—
  - (a) for subsection (3) substitute—

“(3) A person may at a particular time—
    - (a) preside over more than one chamber of the First-tier Tribunal;
    - (b) preside over more than one chamber of the Upper Tribunal;

- (c) preside over—
    - (i) one or more chambers of the First-tier Tribunal, and
    - (ii) one or more chambers of the Upper Tribunal.”;
  - (b) in subsections (6) and (7), for “subsections (2) and (3)” substitute “subsection (2)”.
- (5) In section 22(2A) of the Employment Tribunals Act 1996 (membership of Employment Appeal Tribunal)—
  - (a) omit the “or” at the end of paragraph (i);
  - (b) after paragraph (j) insert—
    - “(k) is the President of Employment Tribunals (England and Wales), or
    - (l) is the President of Employment Tribunals (Scotland).”
- (6) In section 93 of the Arbitration Act 1996 (appointment of judges as arbitrators)—
  - (a) in subsections (1) and (2), for “A judge of the Commercial Court” substitute “An eligible High Court judge”;
  - (b) in subsection (4), for “a judge of the Commercial Court” substitute “an eligible High Court judge”;
  - (c) after subsection (4) insert—
    - “(4A) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.”;
  - (d) in subsection (5)—
    - (i) omit the “and” at the end of the definition of “arbitration agreement”;
    - (ii) after that definition insert—
      - ““eligible High Court judge” means—
      - (a) a puisne judge of the High Court, or
      - (b) a person acting as a judge of the High Court under or by virtue of section 9(1) of the Senior Courts Act 1981;”.
- (7) In Schedule 2 to the Arbitration Act 1996 (modifications of Part 1 in relation to judge-arbitrators), in paragraph 1, for “a judge of the Commercial Court” substitute “an eligible High Court judge”.