



Administration of Justice Act 1956

1956 CHAPTER 46

PART III

COUNTY COURTS

Appointment, etc., of judges and officers

21 Appointments of county court judges to be made by Her Majesty

- (1) Appointments of persons to be judges of county courts shall be made by Her Majesty.
- (2) Any such appointment shall be of a person recommended to Her Majesty by the Lord Chancellor:

Provided that when the judge of a Duchy of Lancaster district ceases to be the judge thereof, whether by reason of his vacating office or by reason of any alteration in the distribution of the districts among the judges made under subsection (4) of section four of the principal Act, the appointment of his successor shall, unless made under the said subsection (4), be of a person recommended to Her Majesty by the Chancellor of that Duchy and not by the Lord Chancellor.

- (3) Accordingly—
 - (a) in subsection (1) of section four of the principal Act for the words " Lord Chancellor " in the first place where those words occur there shall be substituted the words " Her Majesty ";
 - (b) proviso (a) to that subsection shall cease to have effect; and
 - (c) in section five of the principal Act for the words " Before appointing any person to be a judge " there shall be substituted the words " Before recommending any person to Her Majesty for appointment as a judge ".
- (4) Every judge of county courts appointed after the commencement of this Act shall take in the presence of the Lord Chancellor the oath of allegiance and judicial oath; and the Promissory Oaths Act, 1868, shall have effect as if the officers named in the Second Part of the Schedule to that Act included judges so appointed.

22 Temporary appointments of persons to act as judges

- (1) If it appears to the Lord Chancellor, on representations made to him by the judge for any district, that it is expedient so to do in order to avoid delays in the administration of justice in that district, the Lord Chancellor may appoint a person to act for the judge in the despatch of business at any sitting of the court for that district, whether an ordinary sitting appointed under section thirty-five of the principal Act or an additional court.
- (2) Any person appointed under this section shall, at the sitting for which he is appointed (including any adjournment thereof), have all the powers and privileges and may perform any of the duties of the judge he is appointed to act for, whether or not the judge is present, and on the day of the sitting or any adjournment thereof may exercise out of court any powers so exercisable by the judge.
- (3) Where the judge is present, he may divide the judge's duties as he thinks fit between himself and the person appointed to act for him.
- (4) Where the hearing of any proceedings duly commenced before a person appointed under this section is adjourned, or judgment is reserved therein, he shall have power at any subsequent sitting of the court to resume the hearing and determine the proceedings, or to deliver as the judgment of the court the judgment which he has reserved, as the case may be, as if his appointment had extended to the subsequent sitting.
- (5) No person shall be qualified to be appointed under this section unless he has previously held the office of judge or is a barrister-at-law of at least seven years' standing.
- (6) The Lord Chancellor may, with the approval of the Treasury, allow a person appointed under this section such remuneration as he thinks fit.
- (7) Subsection (1) of section fifteen of the principal Act, in so far as it provides that during the period for which a deputy judge is appointed he shall perform all the duties of the judge for whom he is appointed to act, shall have effect subject to subsection (2) of this section, and subsection (2) of section thirty-six of the principal Act, (which requires the registrar to adjourn the court where the judge is not present at a sitting) shall not apply where a person appointed to act for the judge is present at the sitting.

23 Amendment as to appointment of deputy judge

An appointment of a deputy judge under subsection (1) of section eleven of the principal Act may be made by the Lord Chancellor, instead of by the judge for whom the deputy is to act, in any case where the judge so requests as well as in the case where the judge is unable to make the appointment.

24 Persons capable of acting for registrar

- (1) The registrar for any district shall be capable of acting in any other district for the registrar for that other district, and section thirty of the principal Act (which prohibits an officer of a county court from acting as a solicitor in that court) shall not apply to a person acting as registrar of a court by virtue of this subsection:

Provided that a person shall not by virtue of this subsection act as registrar in relation to any proceedings in which he is, either by himself or his partner, directly or indirectly engaged as solicitor or agent for any party.

- (2) Subsection (2) of section twenty-five of the principal Act (which authorises the Lord Chancellor to direct that particular powers and duties of a registrar shall be exercised and performed by the assistant registrar) shall cease to have effect; but an assistant registrar shall be capable, and be deemed always to have been capable, of discharging any of the functions of the registrar, and in so doing shall have the same powers and be subject to the same liabilities as if he were the registrar.
- (3) The registrar for any district where there is an assistant registrar, or where the registrar for some other district is acting for him under subsection (1) of this section, may divide the registrar's duties as he thinks fit between himself and the assistant registrar or the registrar acting for him, as the case may be.

25 Status and pensions of assistant registrars

- (1) Employment as an assistant registrar shall cease to be included in the expression " court service " as defined in section twenty-nine of the principal Act (which relates to the status as civil servants and pensions of persons in court service), and accordingly in section twenty-one of the principal Act (which relates to the pensions of registrars) there shall cease to have effect so much of the proviso to subsection (1) as relates to a whole-time registrar who, having immediately before his appointment as such been an assistant registrar, desires to remain subject to the provisions of the said section twenty-nine.
- (2) The said section twenty-one, section fourteen of the Superannuation Act, 1935, and the Administration of Justice (Pensions) Act, 1950, shall apply in relation to whole-time assistant registrars, as well as to whole-time registrars, and shall have effect as if service as a whole-time assistant registrar were service as a whole-time registrar, and references to a whole-time registrar, to a person's appointment as such, and to the date on which a person became such a registrar, were to be construed accordingly.
- (3) The following provisions of the principal Act, that is to say—
 - (a) section seventeen (which enables the Lord Chancellor to give a direction that a registrar shall be a whole-time registrar); and
 - (b) subsection (2) of section eighteen (which provides that before giving such a direction the Lord Chancellor shall take steps to satisfy himself as to the registrar's health); and
 - (c) subsection (2) of section nineteen (which relates to the retirement through age of registrars);shall apply to an assistant registrar as they apply to a registrar, and for the purposes of this section the expression " whole-time assistant registrar " means an assistant registrar in whose case a direction has been given by the Lord Chancellor under the said section seventeen.
- (4) Nothing in this Act shall affect the operation of the proviso to subsection (1) of section twenty-one of the principal Act in relation to a person appointed whole-time registrar before the date of the coming into force of this section; and, notwithstanding anything in subsection (2) of this section, service as an assistant registrar before that date shall not be taken into account for the purposes of the said section twenty-one or of the Administration of Justice (Pensions) Act, 1950, but in the case of a person who at that date is serving as an assistant registrar his period of service shall for those purposes be reckoned as from that date.