

# **COURTS ACT 2003**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS: PART 2**

#### ***District Judges (Magistrates' Courts)***

##### ***Section 22: Appointment etc.***

71. This section makes similar provision to sections 10A(1), (3) and (4) of the JPA 1997 (as amended by the AJA 1999). These provide for the appointment by the Lord Chancellor of District Judges (Magistrates' Courts), qualification requirements, payment of allowances, and removal from office. This section also replaces provisions in section 69 of the JPA 1997, which provides for the swearing-in of District Judges (Magistrates' Courts) – consequential amendments will require them to be sworn in by a Circuit Judge or High Court Judge.

##### ***Section 23: Senior District Judge (Chief Magistrate)***

72. This section replaces section 10A(2) of the JPA 1997 (as amended by the AJA 1999) which deals with the appointment of a Senior District Judge and a Deputy Senior District Judge.
73. The section allows the Lord Chancellor to appoint one of the District Judges (Magistrates' Courts) to be the Senior District Judge, and if the Lord Chancellor decides to do this, he may appoint another District Judge (Magistrates' Courts) to be his or her deputy. The main function of the Senior District Judge is judicial administration.
74. This section differs from the current legislation in that the Lord Chancellor will have a discretion, rather than a duty, to appoint a Senior District Judge (Chief Magistrate) and Deputy. This is because the Government has accepted the Auld Review's recommendation that, the role of the Senior District Judge should be reviewed, both as to its functions and its necessity. However, it is envisaged that in the short term at least the Senior District Judge will continue to play an important role in the management of the District Judges (Magistrates' Courts).

##### ***Section 24: Deputy District Judges (Magistrates Courts)***

75. Subsections (1), (3), (4) and (5) makes similar provision to section 10B of the JPA 1997 (as amended by the AJA 1999). This section provides for the appointment by the Lord Chancellor of Deputy District Judges (Magistrates' Courts), their qualification requirements, payment of allowances, removal from office, and their treatment as though full-time District Judges (Magistrates' Courts). Subsection (2) replaces provision in section 69 of the JPA 1997, which provides for the swearing-in of a Deputy District Judge (Magistrates' Courts) - consequential amendments will require them to be sworn in by a Circuit Judge or High Court Judge.

*These notes refer to the Courts Act 2003 (c.39)  
which received Royal Assent on 20 November 2003*

***Section 25: District Judges (Magistrates' Courts) as justices of the peace***

76. This section makes similar provision to section 10C(1) and (2) of the JPA 1997. Its purpose is to provide that the jurisdiction of a District Judge (Magistrates' Courts) includes the jurisdiction of a lay magistrate.

***Section 26: District Judges (Magistrates' Courts) able to act alone***

77. This section makes similar provision to section 10E of the JPA 1997, and makes clear that certain restrictions in the MCA 1980 do not apply to a District Judge (Magistrates' Courts) sitting alone.