



# Courts Act 2003

## 2003 CHAPTER 39

### PART 2

#### JUSTICES OF THE PEACE

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

#### **22 Appointment etc.**

- (1) Her Majesty may, on the recommendation of the Lord Chancellor, appoint a person who has a 7 year general qualification to be a District Judge (Magistrates' Courts).
- (2) A District Judge (Magistrates' Courts) must, before acting as such, take the oath of allegiance and judicial oath in accordance with the Promissory Oaths Act 1868 (c. 72) and the Promissory Oaths Act 1871 (c. 48).
- (3) The Lord Chancellor may pay to a District Judge (Magistrates' Courts) such allowances as he may determine.
- (4) Any such allowances are in addition to the salary charged on and paid out of the Consolidated Fund under section 9 of the Administration of Justice Act 1973 (c. 15).
- (5) The Lord Chancellor may remove a District Judge (Magistrates' Courts) from office on the ground of incapacity or misbehaviour.

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

The Lord Chancellor—

- (a) may designate one of the District Judges (Magistrates' Courts) to be Senior District Judge (Chief Magistrate), and
- (b) if he does so, may designate another of them to be the deputy of the Senior District Judge (Chief Magistrate).

**24 Deputy District Judges (Magistrates' Courts)**

- (1) The Lord Chancellor may appoint a person who has a 7 year general qualification to be a Deputy District Judge (Magistrates' Courts) for such period as the Lord Chancellor considers appropriate (but subject to subsection (4)).
- (2) A Deputy District Judge (Magistrates' Courts) must, before acting as such, take the oath of allegiance and judicial oath in accordance with the Promissory Oaths Act 1868 and the Promissory Oaths Act 1871.
- (3) The Lord Chancellor may pay to a Deputy District Judge (Magistrates' Courts) such remuneration and allowances as he may determine.
- (4) The Lord Chancellor may remove a Deputy District Judge (Magistrates' Courts) from office on the ground of incapacity or misbehaviour.
- (5) During the period of his appointment, a Deputy District Judge (Magistrates' Courts)—
  - (a) is to act as a District Judge (Magistrates' Courts), and
  - (b) is to be treated for all purposes (apart from appointment, tenure, remuneration, allowances and pensions) as if he were a District Judge (Magistrates' Courts).

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

- (1) A District Judge (Magistrates' Courts) is by virtue of his office a justice of the peace for England and Wales.
- (2) It is the duty of a District Judge (Magistrates' Courts) to act as a justice of the peace in any local justice area in accordance with arrangements made by or on behalf of the Lord Chancellor.

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

- (1) Nothing in the 1980 Act—
  - (a) requiring a magistrates' court to be composed of two or more justices, or
  - (b) limiting the powers of a magistrates' court when composed of a single justice,applies to a District Judge (Magistrates' Courts).
- (2) A District Judge (Magistrates' Courts) may—
  - (a) do any act, and
  - (b) exercise alone any jurisdiction,which can be done or exercised by two justices, apart from granting or transferring a licence.
- (3) Any enactment making provision ancillary to the jurisdiction exercisable by two justices of the peace also applies to the jurisdiction of a District Judge (Magistrates' Courts), unless the provision relates to granting or transferring a licence.
- (4) This section does not apply to the hearing or determination of family proceedings (as defined by section 65 of the 1980 Act).
- (5) “The 1980 Act” means the Magistrates' Courts Act [1980 \(c. 43\)](#).