Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)

## SCHEDULES

## SCHEDULE 14

## DEPLOYMENT OF THE JUDICIARY

## PART 1

DEPLOYMENT UNDER SECTION 9 OF THE SENIOR COURTS ACT 1981

Requests for assistance under section 9(1) of the Senior Courts Act 1981

- 1 (1) Section 9 of the Senior Courts Act 1981 (which includes provision for certain judges to act as judges of other courts) is amended as follows.
  - (2) In the table in subsection (1) (judges deployable to certain courts) in column 2 of each of entries 2 and 4 (person who has been a judge of the Court of Appeal, or has been a puisne judge of the High Court, may be asked to act as a judge of the Court of Appeal, High Court or Crown Court) before "and the Crown Court" insert ", the family court, the county court".
  - (3) In that table after entry 4 insert—

## "4A. The Senior President of Tribunals.

The Court of Appeal and the High Court."

- (4) In that table, in column 1 of entry 6 (Recorders) after "Recorder" insert " or a person within subsection (1ZB)".
- (5) After subsection (1) insert—
  - "(1ZA) The Senior President of Tribunals is to be treated as not being within any entry in column 1 of the Table other than entry 4A.
    - (1ZB) A person is within this subsection if the person—
      - (a) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,
      - (b) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,
      - (c) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act).
      - (d) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act), or
      - (e) is the President of Employment Tribunals (England and Wales) or the President of Employment Tribunals (Scotland)."

- (6) In subsection (2B) (requests under certain entries in table in subsection (1) to be made only after consulting Lord Chancellor) after "3," insert "4A,".
- (7) In subsection (2D) (requests to Circuit judge or Recorder to act in High Court require concurrence of Judicial Appointments Commission)—
  - (a) omit "or Recorder", and
  - (b) for "High Court" substitute "Court of Appeal".
- (8) For subsection (3) (certain requests under subsection (1) must be complied with) substitute—
  - "(3) The person to whom a request is made under subsection (1) must comply with the request, but this does not apply to—
    - (a) a request made to a person who has been a judge of the Court of Appeal,
    - (b) a request made to a person who has been a puisne judge of the High Court and is not a judge of the Court of Appeal, or
    - (c) a request made to the Senior President of Tribunals if the holder of that office is a judge of the Court of Session or of the High Court, or Court of Appeal, in Northern Ireland."
- (9) In subsection (6A) (Circuit judge or Recorder not to act by virtue of subsection (5) as single judge in Court of Appeal for certain purposes) for "or Recorder" substitute ", Recorder or person within subsection (1ZB)".

#### **Commencement Information**

II Sch. 14 para. 1 in force at 1.10.2013 by S.I. 2013/2200, art. 3(g) (with savings in S.I. 2013/2192, reg. 49)

## Deputy judges of the High Court

- 2 (1) Section 9 of the Senior Courts Act 1981 (which includes provision about the appointment of deputy judges of the High Court) is amended as follows.
  - (2) In subsection (4) (power of Lord Chief Justice to appoint deputy judges to facilitate disposal of business in the High Court or Crown Court) after "Crown Court" insert " or any other court or tribunal to which persons appointed under this subsection may be deployed".
  - (3) After subsection (8) (remuneration) insert—
    - "(8A) A person may be removed from office as a deputy judge of the High Court—
      - (a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and
      - (b) only on—
        - (i) the ground of inability or misbehaviour, or
        - (ii) a ground specified in the person's terms of appointment.
    - (8B) Subject to the preceding provisions of this section, a person appointed under subsection (4) is to hold and vacate office as a deputy judge of the High Court in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine."

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- (4) In subsection (9) (Lord Chief Justice's power to delegate functions under subsection (4))—
  - (a) for "judicial office holder (as defined in section 109(4)" substitute " senior judge (as defined in section 109(5)", and
  - (b) for "his functions under subsection (4)" substitute "functions of the Lord Chief Justice under this section".
- (5) In the title omit the words after "business".

## **Commencement Information**

- I2 Sch. 14 para. 2 in force at 1.10.2013 by S.I. 2013/2200, art. 3(g)
- 3 (1) In Table 2 of Part 2 of Schedule 14 to the Constitutional Reform Act 2005 (Judicial Appointments Commission: offices to which appointment made by Lord Chief Justice) before the first entry insert—

"Deputy judge of the High Court

Section 9(4) of the Senior Courts Act 1981"

- (2) If the provisions in Schedule 13 to this Act that split the table in Part 2 of Schedule 14 to the 2005 Act into two tables do not come into force before or at the time when sub-paragraph (1) comes into force—
  - (a) sub-paragraph (1) has effect with the omission of "Table 2 of", and
  - (b) paragraph 41 of Schedule 13 has effect—
    - (i) as if a reference to the office of deputy judge of the High Court were inserted at the beginning of the list in sub-paragraph (4) of that paragraph, and
    - (ii) as if "second" were substituted for "first" in sub-paragraph (5) of that paragraph.
- (3) After section 94A of the 2005 Act (appointments not subject to section 85: courts) insert—

# "94AA Appointments not subject to section 85: High Court deputy judge

- (1) Where this section applies to an appointment, section 85 does not apply.
- (2) This section applies to the appointment of a person as a deputy judge of the High Court if it appears to the Lord Chief Justice, after consulting the Lord Chancellor, that—
  - (a) there is an urgent need to take steps in order to facilitate the disposal of particular business in the High Court or Crown Court,
  - (b) it is expedient as a temporary measure to make the appointment in order to facilitate the disposal of the business, and
  - (c) there are no other reasonable steps that it is practicable to take within the time available in order to facilitate the disposal of the business.
- (3) An appointment to which this section applies is to be made—
  - (a) so as not to extend beyond the day on which the particular business concerned is concluded, or
  - (b) so as not to extend beyond the later of—

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- (i) the day on which the business is concluded, or
- (ii) the day expected when the appointment is made to be the day on which the business is concluded."
- (4) In section 85(2A)(d) and (4) of the 2005 Act after "94A" insert ", 94AA".

# **Commencement Information**

I3 Sch. 14 para. 3 in force at 1.10.2013 by S.I. 2013/2200, art. 3(g)

# **Changes to legislation:**

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