



Senior Courts Act 1981

1981 CHAPTER 54

PART IV

OFFICERS AND OFFICES

Appointment of certain officers of Supreme Court

88 Qualification for office.

A person shall not be qualified for appointment to any office in the Supreme Court listed in column 1 of any Part of Schedule 2 unless he is a person of any description specified in relation to that office in column 2 of that Part.

89 Masters and registrars.

- (1) The power to make appointments to the offices in the Supreme Court listed in column 1 of Parts II and III of Schedule 2 shall be exercisable by the Lord Chancellor, with the concurrence of the Minister for the Civil Service as to numbers and salaries.
- (2) The person appointed to the office of Queen's coroner and attorney and master of the Crown Office [^{F1}and Registrar of criminal appeals] shall, by virtue of his appointment, be a master of the Queen's Bench Division.
- (3) The Lord Chancellor shall appoint—
 - (a) one of the masters of the Queen's Bench Division as Senior Master of that Division;
 - (b) one of the masters of the Chancery Division as Chief Chancery Master;
 - (c) one of the taxing masters of the Supreme Court as Chief Taxing Master;
 - (d) one of the registrars in bankruptcy of the High Court as Chief Bankruptcy Registrar;
 - [^{F2}(e) one of the district judges of the Principal Registry of the Family Division as Senior District Judge of that Division; and]
 - (f)

^{F3}

Status: Point in time view as at 01/10/2005.

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with, in each case, such additional salary in respect of that appointment as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine.

- (4) The person appointed Senior Master under subsection (3)(a) shall hold and perform the duties of the offices of the Queen’s Remembrancer and registrar of judgments.
- (5) ^{F4}
- (8) Salaries payable under or by virtue of this section shall be paid out of money provided by Parliament.

Textual Amendments

- F1** Words inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 37**
- F2** [S. 89\(3\)\(e\)](#) substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 38**
- F3** [S. 89\(3\)\(f\)](#) repealed by [S.I. 1982/1188](#), **art. 3(a)**
- F4** [S. 89\(5\)\(6\)\(7\)](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. I**

90 Official Solicitor.

- (1) There shall continue to be an Official Solicitor to the Supreme Court, who shall be appointed by the Lord Chancellor.
- (2) There shall be paid to the Official Solicitor out of money provided by Parliament such salary as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine.
- (3) The Official Solicitor shall have such powers and perform such duties as may for the time being be conferred or imposed on the holder of that office—
- by or under this or any other Act; or
 - by or in accordance with any direction given (before or after the commencement of this Act) by the Lord Chancellor.
- [^{F5}(3A) The holder for the time being of the office of Official Solicitor shall have the right to conduct litigation in relation to any proceedings.
- (3B) When acting as Official Solicitor a person who would otherwise have the right to conduct litigation by virtue of section 28(2)(a) of the Courts and Legal Services Act 1990 shall be treated as having acquired that right solely by virtue of subsection (3A).]
- (4) If—
- the Official Solicitor is not available because of his absence or for some other reason; or
 - his office is vacant,
- then, during such unavailability or vacancy, any powers or duties of the Official Solicitor shall be exercisable or fall to be performed by any person for the time being appointed by the Lord Chancellor as deputy to the Official Solicitor (and any property vested in the Official Solicitor may accordingly be dealt with by any such person in all respects as if it were vested in him instead).

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Textual Amendments

F5 S. 90(3A)(3B) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 39**

91 Deputies and temporary appointments.

- (1) If it appears to the Lord Chancellor that it is expedient to do so in order to facilitate the disposal of business in the Supreme Court, he may appoint a person—
 - (a) to act as a deputy for any person holding an office listed in column 1 of Part II or III of Schedule 2; or
 - (b) to act as a temporary additional officer in any such office, during such period or on such occasions as the Lord Chancellor thinks fit.
- (2) Subject to subsection (3), a person shall not be qualified for appointment under this section if the office in which he would act by virtue of the appointment is one to which he is not qualified for permanent appointment.
- (3) A person may be appointed under this section if he would, but for his age, be qualified for permanent appointment to the office in question and he has previously held a permanent appointment to that office or—
 - (a) where the office in question is listed in column 1 of Part II of Schedule 2, to any other office so listed; or
 - (b) where the office in question is listed in column 1 of Part III of that Schedule, to any other office listed in column 1 of either Part II or Part III; or
 - (c) (whatever the office in question) to the office of county court registrar.

[^{F6}but no appointment by virtue of this subsection shall be such as to extend beyond the day on which the person in question attains the age of seventy-five years.]
- (4) Every person, while acting under this section, shall have all the jurisdiction of a person permanently appointed to the office in which he is acting.
- ^{F7}(5)
- (6) The Lord Chancellor may, out of money provided by Parliament, pay to any person appointed under this section such remuneration and allowances as he may, with the concurrence of the Minister for the Civil Service, determine.

Textual Amendments

F6 Words in s. 91(3) added (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para.15** (with Sch. 7. paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.

F7 S. 91(5) repealed (31.3.1995) by 1993 c. 8, s. 31, **Sch. 9**; S.I. 1995/631, **art. 2**

Modifications etc. (not altering text)

C1 S. 91(1)(3) restricted (31.3.1995) by 1993 c. 8, **s. 26(7)(f)**, (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.

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Other provisions relating to officers of Supreme Court

92 Tenure of office.

- (1) Subject to the following provisions of this section [^{F8}and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75)], a person who holds an office to which this subsection applies shall vacate it [^{F9}on the day on which he attains the age of seventy years.]
- [^{F10}(2) Subsection (1) applies to the offices listed in column 1 of Part II of Schedule 2 ^{F11}. . . .
- (2A) Subject to the following provisions of this section, a person who holds an office to which this subsection applies shall vacate it at the end of the completed year of service in the course of which he attains the age of sixty-two years.
- (2B) Subsection (2A) applies to the offices listed in column 1 of Part I of Schedule 2 ^{F12}. . . .
- ^{F13}(2C)]
- (2D) ^{F14}
- (2E) ^{F14}
- ^{F13}(3)
- [^{F15}(3A) Where the Lord Chancellor considers it desirable in the public interest to retain in office a person who holds an office to which subsection (2A) applies after the time when he would otherwise retire in accordance with that subsection, the Lord Chancellor may from time to time authorise the continuance in office of that person until such date, not being later than the date on which he attains the age of sixty-five years, as he thinks fit.]
- (4) A person appointed to an office [^{F16}listed in column 1 of Part 1 or 2 of Schedule 2] shall hold that office during good behaviour.
- (5) The power to remove such a person from his office on account of misbehaviour shall be exercisable by the Lord Chancellor.
- (6) The Lord Chancellor may also remove such a person from his office on account of inability to perform the duties of his office.
- (7) A person appointed to an office listed in column 1 of Part III of Schedule 2 shall hold that office during Her Majesty's pleasure.

Textual Amendments

- F8** Words in s. 92(1) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 14(2)(a)** (with Sch. 7. paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.
- F9** Words in s. 92(1) substituted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 14(2)(b)** (with Sch. 7. paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.
- F10** S. 92(2)–(2C) substituted for S. 92(2) by Courts and Legal Services Act 1990 (c. 41, SIF 37), **s. 77(1)** (subject to a saving in **Sch. 19 para. 7**)
- F11** Words in s. 92(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 89(1)(a), 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(v)(y)(aa)**

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- F12** Words in s. 92(2B) repealed (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para. 14(3), **Sch.9** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.
- F13** S. 92(2C)(3) repealed (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para. 14(4)(6), **Sch.9** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.
- F14** S. 92(2D)(2E) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 89(1)(b), 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(v)(y)(aa)**
- F15** S. 92(3A) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 37), **s. 77(2)**
- F16** Words in s. 92(4) substituted (1.4.2005) by Courts Act 2003 (c. 39), **ss. 89(1)(c)**, 110; S.I. 2005/910, **art. 3(v)**

Modifications etc. (not altering text)

- C2** S. 92(2A) excluded by Courts and Legal Services Act 1990 (c. 41, SIF 37, 76:1), s. 125(6), **Sch. 19 para. 7**

93 Status of officers for purposes of salary and pension.

- (1) Subject to subsection (2), any person who holds an office listed in column 1 of any Part of Schedule 2 [^{F17}or the office of Accountant General of the Supreme Court] and is not employed in the civil service of the State shall be deemed to be so employed for the purposes of salary and pension.
- (2) Subsection (1), so far as it relates to pension, shall not apply to a person holding [^{F18}qualifying judicial office, within the meaning of the ^{M1}Judicial Pensions and Retirement Act 1993.]

Textual Amendments

- F17** Words inserted by Public Trustee and Administration of Funds Act 1986 (c. 57, SIF 57), s. 1(3), **Sch. para. 2**
- F18** Words in S. 93(2) substituted (31.3.1995) by 1993 c. 8, s. 31, **Sch. 8 para. 15(2)**; S.I. 1995/631, **art.2**.

Marginal Citations

- M1** 1993 C. 8.

^{F19}94

Textual Amendments

- F19** S. 94 repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

95 Property held by officers.

Any property held in his official capacity by a person holding an office listed in column 1 of Part II of Schedule 2 or by the Official Solicitor shall, on his dying or ceasing to hold office, vest in the person appointed to succeed him without any conveyance, assignment or transfer.

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Central Office and Accountant General

96 Central Office.

- (1) The Central Office of the Supreme Court shall perform such business as the Lord Chancellor may direct.
- (2) Subject to any direction of the Lord Chancellor under this section, the Central Office shall perform such business as it performed immediately before the commencement of this Act.

97 Accountant General.

- (1) There shall continue to be an Accountant General of, and an accounting department for, the Supreme Court.
- [^{F20}(2) The Lord Chancellor shall appoint such person as he thinks fit to the office in the Supreme Court of Accountant General of the Supreme Court and the person so appointed shall hold and vacate office in accordance with the terms of his appointment.
- (3) The Accountant General shall be paid such salary or fees as the Lord Chancellor determines with the consent of the Treasury.
- (4) If one person holds office both as the Accountant General and as the Public Trustee then, if he ceases to be the Public Trustee, he shall also cease to be the Accountant General unless the Lord Chancellor otherwise directs.
- (5) If a vacancy occurs in the office of Accountant General or the person appointed to hold the office is for any reason unable to act for any period such person as the Lord Chancellor appoints as deputy in that office shall, during the vacancy or that period, perform the functions of that office (and any property vested in the Accountant General may accordingly be dealt with by the deputy in all respects as if it were vested in him instead).]

Textual Amendments

- F20** S. 97(2)–(5) substituted for s. 97(2)(3) by [Public Trustee and Administration of Funds Act 1986 \(c. 57, SIF 57\)](#), s. 1(3), [Sch. para. 3](#)

Judges' clerks and secretaries

98 Judges' clerks and secretaries.

- (1) A clerk and a secretary shall be attached to each of the following judges of the Supreme Court, namely the Lord Chief Justice, the Master of the Rolls, [^{F21}the President of the Queen's Bench Division, the President of the Family Division and the Chancellor of the High Court].
- (2) A clerk shall be attached to each of the following judges of the Supreme Court, namely the Lords Justices of Appeal and the puisne judges of the High Court.
- (3) Any clerk or secretary attached as mentioned in subsection (1) or (2)—
 - (a) shall be appointed by the Lord Chancellor; and

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- (b) if not already employed in the civil service of the State shall be deemed for all purposes to be so employed.
- (4) If at any time it appears to any of the judges mentioned in subsection (1) desirable that there should be attached to him a legal secretary (that is to say a secretary with legal qualifications) in addition to the secretary provided for by that subsection, he may, with the concurrence of the Lord Chancellor, appoint a [F22 person who has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)] as his legal secretary.
- (5) An appointment under subsection (4) may be on either a full-time or a part-time basis; and a person appointed by a judge as his legal secretary shall, except as regards remuneration, hold and vacate that office in accordance with such terms as the judge may, with the concurrence of the Lord Chancellor, determine when making the appointment.
- (6) A person appointed under subsection (4)—
- (a) shall not be treated as employed in the civil service of the State by reason only of that appointment; and
 - (b) if the Lord Chancellor so determines in his case, shall be paid out of money provided by Parliament such remuneration as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine.

Textual Amendments

- F21** Words in s. 98(1) substituted (1.10.2005) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 14\(2\)](#); S.I. 2005/2505, [art. 2\(c\)](#)
- F22** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 47](#)

District registries and district registrars

99 District registries.

- (1) The Lord Chancellor may by order direct that there shall be district registries of the High Court at such places and for such districts as are specified in the order.
- (2) Any order under this section shall be made by statutory instrument, which shall be laid before Parliament after being made.

100 District registrars.

- (1) Subject to subsection (2), for each district registry the Lord Chancellor shall appoint a person who is a [F23 district judge for a county court district, appointed under section 6 of the County Courts Act 1984, as a district judge of the High Court.]
- (2) The Lord Chancellor may, if he thinks fit, appoint two or more persons who are [district judges for a county court district] to execute jointly the office of [F24 district judge] in any district registry.
- (3) Where joint [district judges] are appointed under subsection (2), the Lord Chancellor may—

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- (a) give directions with respect to the division between them of the duties of the office of [F24 district judge]; and
 - (b) as he thinks fit, on the death, resignation or removal of one of them, either appoint in place of that person another person to be joint [F24 district judge], or give directions that the continuing [F24 district judge] shall act as sole [F24 district judge] or (as the case may be) that the continuing [district judges] shall execute jointly the office of [F24 district judge].
- (4) Subsections (4) to (6) of section 92 shall apply in relation to a person appointed as a [F24 district judge] as they apply in relation to a person appointed to an office to which subsection (1) of that section applies, except that he shall vacate his office as [F24 district judge] at such time as, for any cause whatever, he vacates his office as [F25 district judge for a county court district].
- (5) F26

Textual Amendments

F23 Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 40(1)**

F24 Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 40(2)(b)**

F25 Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 40(2)(a)**

F26 S. 100(5) repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

F27 101 Power of one district registrar to act for another.

- (1) A [F28 district judge] of any registry shall be capable of acting in any other district registry for a [F28 district judge] of that registry; and, where a [F28 district judge] is so acting, the [F28 district judge] of the other registry may divide the duties of his office as he thinks fit between himself and the [F28 district judge] acting for him.
- F29(2)

Textual Amendments

F27 S. 100 substituted (3.4.2006) for ss. 100, 101 by Constitutional Reform Act 2005 (c. 4), ss. 14, 148, **Sch. 3 para. 2(1)(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 9

F28 Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 40(2)(b)**

F29 S. 101(2) repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

102 Deputy district registrars.

- (1) If it appears to the Lord Chancellor that it is expedient to do so in order to facilitate the disposal of business in the High Court, he may appoint a person to be a [F30 deputy district judge] in any district registry during such period or on such occasions as the Lord Chancellor thinks fit.

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- (2) Subject to subsection (3), a person shall not be qualified for appointment as a [^{F30}deputy district judge] unless he is, or is qualified for appointment as, a [^{F31}district judge for a county court district].
- (3) A person may be appointed as a [^{F30}deputy district judge] if he would, but for his age, be qualified for appointment as a [^{F31}district judge for a county court district] and he has previously held the office of [^{F31}district judge for a county court district][^{F32}], but no appointment by virtue of this subsection shall be such as to extend beyond the day on which the person in question attains the age of seventy-five years.]
- (4) A [^{F30}deputy district judge], while acting under this section, shall have the same jurisdiction as the [^{F33}district judge].
- [^{F34}(5) Subsection (6) of section 91 applies in relation to a deputy district judge appointed under this section as it applies in relation to a person appointed under that section.]
- (6) ^{F35}

Textual Amendments

- F30** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 40(2)(d)**
- F31** Words substituted by Courts and Legal Services act 1990 (c. 41, SIF 37), s. 125(3), Sch. 18 para. 40(2) (a)
- F32** Words at the end of s. 102(3) added (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para.16** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.
- F33** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 40(2)(b)**
- F34** S. 102(5) substituted (31.3.1995) by 1993 c. 8, s. 31, **Sch. 8 para. 15(3)**; S.I. 1995/631, **art.2**.
- F35** S. 102(6) repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

Modifications etc. (not altering text)

- C3** S. 102(1)(3) restricted (31.3.1995) by 1993 c. 8, s. 26(7)(g) (with Sch. 7. paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.

^{F36}**103**

Textual Amendments

- F36** S. 103 repealed (31.3.1995) by 1993 c. 8, s. 31(4), **Sch.9**; S.I. 1995/631, **art.2**.

District probate registries

104 District probate registries.

- (1) The Lord Chancellor may by order direct that there shall be district probate registries of the High Court at such places and for such districts as are specified in the order.
- (2) Any order under this section shall be made by statutory instrument, which shall be laid before Parliament after being made.

Status:

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