



# Supreme Court 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 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 ;
  - (e) one of the registrars of the Principal Registry of the Family Division as Senior Registrar of that Division; and
  - (f) one of the Chancery registrars as Chief Chancery Registrar,

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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) The following offices are hereby abolished—
  - (a) Assistant Master, Queen's Bench Division ;
  - (b) Taxing Master, High Court in Bankruptcy ; and
  - (c) Assistant Admiralty Registrar ;
 but, as respects the office mentioned in paragraph (a), this subsection shall not have effect so long as there remains in office any person who held that office immediately before the commencement of this Act.
- (6) The Lord Chancellor may by order provide for the abolition of the office of Registrar or Assistant Registrar, Chancery Division ; and any order under this subsection abolishing an office may make such consequential or transitional provision as appears to the Lord Chancellor to be necessary or expedient in connection with the abolition of that office, including the amendment or repeal of any statutory provision relating to that office or to existing or past holders of it.
- (7) Any order under subsection (6) shall be made by statutory instrument, which shall be laid before Parliament after being made.
- (8) Salaries payable under or by virtue of this section shall be paid out of money provided by Parliament.

## **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—
  - (a) by or under this or any other Act; or
  - (b) by or in accordance with any direction given (before or after the commencement of this Act) by the Lord Chancellor.
- (4) If—
  - (a) the Official Solicitor is not available because of his absence or for some other reason; or
  - (b) 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).

## **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.
- (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.
- (5) Notwithstanding the expiry of any period for which a person is appointed under this section—
  - (a) he may act as if that period had not expired for the purpose of continuing to deal with, giving judgment in, or dealing with any ancillary matter relating to, any case with which he may have been concerned during that period; and
  - (b) for that purpose, and for the purpose of any proceedings arising out of any such case or matter, he shall be treated as acting or, as the case may be, having acted under that appointment.
- (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.

### *Other provisions relating to officers of Supreme Court*

## **92 Tenure of office**

- (1) 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 seventy-two years.
- (2) Subsection (1) applies to any office listed in column 1 of Part I or II of Schedule 2; and for the purposes of that subsection a person who has successively held two or more offices so listed shall be treated as completing a year of service on the anniversary of his appointment to the first of them.

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- (3) Where the Lord Chancellor considers it desirable in the public interest to retain in office a person who holds an office to which subsection (1) 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 that person attains the age of seventy-five years, as he thinks fit.
- (4) A person appointed to an office to which subsection (1) applies 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.

**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 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 an office within paragraph 1 of Schedule 1 to the Judicial Pensions Act 1981 (pensions of certain judicial officers).

**94 Officers not to practise as barristers or solicitors**

- (1) Subject to subsection (2), no person holding an office listed in column 1 of any Part of Schedule 2 shall either directly or indirectly practise as a barrister or solicitor or as an agent for a solicitor.
- (2) Subsection (1) shall not apply to the Official Solicitor acting in his capacity as such.

**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.

*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.
- (2) The office of Accountant General of the Supreme Court shall be held by the Permanent Secretary to the Lord Chancellor, and shall be an office of the Supreme Court.
- (3) If—
- (a) the Permanent Secretary to the Lord Chancellor is not available to act in the office of Accountant General because of his absence or for some other reason ;  
or
  - (b) the office of Permanent Secretary to the Lord Chancellor is vacant,
- then, during such unavailability or vacancy, any powers or duties of the Accountant General shall be exercisable or fall to be performed by any person for the time being appointed by the Lord Chancellor as deputy to the Accountant General (and any property vested in the Accountant General may accordingly be dealt with by any such person in all respects as if it were vested in him instead).

### *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, the President of the Family Division and the Vice-Chancellor.
- (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
  - (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 barrister or solicitor 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)—

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- (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.

*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 county court registrar as a district registrar of the High Court.
- (2) The Lord Chancellor may, if he thinks fit, appoint two or more persons who are county court registrars to execute jointly the office of district registrar in any district registry.
- (3) Where joint district registrars are appointed under subsection (2), the Lord Chancellor may—
  - (a) give directions with respect to the division between them of the duties of the office of district registrar; 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 district registrar, or give directions that the continuing registrar shall act as sole registrar or (as the case may be) that the continuing registrars shall execute jointly the office of district registrar.
- (4) Subsections (4) to (6) of section 92 shall apply in relation to a person appointed as a district registrar 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 district registrar at such time as, for any cause whatever, he vacates his office as county court registrar.
- (5) A district registrar who is a part-time registrar within the meaning of subsection (3) of section 22 of the County Courts Act 1959 (restrictions on practice) shall not, either by himself or by any partner of his, be directly or indirectly engaged as a solicitor or agent for a party to any proceedings in the registry of which he is district registrar.

**101 Power of one district registrar to act for another**

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

- (2) Subsection (5) of the preceding section shall not apply to a person acting as district registrar of a registry by virtue of this section, but (in the case of a person who is a part-time registrar within the meaning of the said section 22(3)) he shall not so act as district registrar in relation to any proceedings in which he is, either by himself or by any partner of his, directly or indirectly engaged as a solicitor or agent for any party.

## **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 deputy district registrar in any district registry 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 as a deputy district registrar unless he is, or is qualified for appointment as, a county court registrar.
- (3) A person may be appointed as a deputy district registrar if he would, but for his age, be qualified for appointment as a county court registrar and he has previously held the office of county court registrar.
- (4) A deputy district registrar, while acting under this section, shall have the same jurisdiction as the district registrar.
- (5) Subsections (5) and (6) of section 91 apply in relation to a deputy district registrar appointed under this section as they apply in relation to a person appointed under that section.
- (6) A deputy district registrar shall not act as such in relation to any proceedings in which he is, either by himself or by any partner of Ms, directly or indirectly engaged as a solicitor or agent for any party.

## **103 Assistant district registrars**

- (1) The Lord Chancellor may appoint assistant district registrars of the High Court in aid of district registrars.
- (2) A person shall not be qualified for appointment as an assistant district registrar unless he is a county court registrar or an assistant county court registrar.
- (3) An assistant district registrar of any district registry shall be capable of discharging any of the functions of the district registrar, and in so doing shall have the same jurisdiction as the district registrar.
- (4) A district registrar of any registry where there is an assistant district registrar may divide the duties of his office as he thinks fit between himself and the assistant district registrar.
- (5) Subsections (4) to (6) of section 92 shall apply in relation to a person appointed as an assistant district registrar 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 assistant district registrar at such time as,— for any cause whatever, he vacates his office as county court registrar or, as the case may be, assistant county court registrar (unless in the latter case he is thereupon appointed a county court registrar).

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- (6) Section 100(5) shall apply to an assistant district registrar as it applies to a district registrar, but as if "a part-time registrar " included a part-time assistant registrar.

*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.