



# Courts Act 2003

## 2003 CHAPTER 39

### PART 6

#### JUDGES

*Offices, titles, styles etc.*

#### 62 [F<sup>1</sup>Head and Deputy Head of Civil Justice]

[F<sup>2</sup>(1) There is to be a Head of Civil Justice.

(2) The Head of Civil Justice is—

- (a) the Master of the Rolls, or
- (b) if the Lord Chief Justice appoints another person, that person.

(3) The Lord Chief Justice may appoint a person to be Deputy Head of Civil Justice.

(4) The Lord Chief Justice must not appoint a person under subsection (2)(b) or (3) unless these conditions are met—

- (a) the Lord Chief Justice has consulted the Lord Chancellor;
- (b) the person to be appointed is one of the following—
  - (i) the Chancellor of the High Court;
  - (ii) an ordinary judge of the Court of Appeal.

(5) A person appointed under subsection (2)(b) or (3) holds the office to which he is appointed in accordance with the terms of his appointment.

(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

*Status: Point in time view as at 15/07/2013.*

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#### Textual Amendments

- F1** S. 62 inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 14, [Sch. 4 para. 330](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(y)
- F2** S. 62 substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 14, [Sch. 4 para. 330](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(y)

### 63 Ordinary judges of the Court of Appeal

(1) In section 2 of the 1981 Act (the Court of Appeal), for subsection (3) substitute—

“(3) An ordinary judge of the Court of Appeal (including the vice-president, if any, of either division) shall be styled “Lord Justice of Appeal” or “Lady Justice of Appeal”.”

(2) “The 1981 Act” means the [<sup>F3</sup>Senior Courts Act 1981](c. 54).

#### Textual Amendments

- F3** Words in s. 63(2) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1](#); {S.I. 2009/1604, art. 2(d)}

### 64 Power to alter judicial titles

(1) The Lord Chancellor may by order—

- (a) alter the name of an office listed in subsection (2);
- (b) provide for or alter the way in which the holders of any of those offices are to be styled.

(2) The offices are—

Admiralty Registrar

<sup>F4</sup>  
...

[<sup>F5</sup>Chancellor of the High Court]

Circuit judge

Deputy Circuit judge

Deputy district judge appointed under section 102 of the 1981 Act

Deputy district judge [<sup>F6</sup>appointed under section 8 of the County Courts Act 1984]

[<sup>F7</sup>Deputy Head of Civil Justice]

[<sup>F8</sup>Deputy Head of Family Justice]

Deputy judge of the High Court

District judge for a county court district

District judge of the High Court

District judge of the principal registry of the Family Division

District probate registrar

[<sup>F9</sup>Head of Civil Justice]

[<sup>F10</sup>Head of Family Justice]

Lord Chief Justice

Master of the Chancery Division

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F11  
.....  
Master of the Queen’s Bench Division  
Master of the Rolls  
Ordinary judge of the Court of Appeal  
[F12President of the Courts of England and Wales]  
[F13President of the Court of Protection,]  
President of the Family Division  
[F14President of the Queen's Bench Division]  
Presiding Judge for a Circuit  
Puisne judge of the High Court  
Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals  
Recorder  
Registrar in Bankruptcy of the High Court  
[F15Senior Judge of the Court of Protection,]  
Senior Presiding Judge for England and Wales  
Taxing Master of the [F16Senior Courts]  
F17  
.....  
Vice-president of the Court of Appeal  
[F18Vice-president of the Court of Protection.]  
Vice-president of the Queen’s Bench Division.

(3) The Lord Chancellor may also by order provide for or alter the way in which deputies or temporary additional officers appointed under section 91(1)(a) of the 1981 Act are to be styled.

[F19(3A) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.]

(4) Before making an order under this section the Lord Chancellor must consult—  
(a) F20  
.....  
(b) the Master of the Rolls,  
[F21(ba) the President of the Queen's Bench Division,  
(c) the President of the Family Division, and  
(d) the Chancellor of the High Court.]

(5) An order under this section may make such provision as the Lord Chancellor considers necessary in consequence of any provision made under subsection (1) or (3).

(6) The provision that may be made under subsection (5) includes provision amending, repealing or revoking any enactment.

[F22(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

#### Textual Amendments

F4 Words in s. 64(2) omitted (15.7.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 89\(2\)\(i\)](#); S.I. 2013/1725, art. 2(g)

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- F5** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(i)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F6** Words in s. 64(2) substituted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007, (c. 39), ss. 56, 148, {Sch. 11 para. 14}
- F7** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(ii)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F8** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(iv)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F9** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(v)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F10** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(vii)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F11** Words in s. 64(2) repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1)(2), 68(1)-(3), Sch. 6 para. 47(3)(a), **Sch. 7** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F12** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(viii)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F13** Words in s. 64(2) inserted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68(1)-(3), **Sch. 6 para. 3(b)(ii)** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F14** Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(ix)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F15** Words in s. 64(2) inserted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68(1)-(3), **Sch. 6 para. 3(b)(i)** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F16** Words in s. 64(2) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 4**; S.I. 2009/1604, **art. 2**
- F17** Words in s. 64(2) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, Sch. 4 para. 331(2)(a) {Sch. 18 Pt. 2}; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)
- F18** Words in s. 64(2) inserted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 67(1), 68(1)-(3), **Sch. 6 para. 3(b)(iii)** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F19** S. 64(3A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F20** S. 64(4)(a) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, Sch. 4 para. 331(4)(b)(i), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z), 30(b)
- F21** S. 64(4)(ba)-(d) substituted (3.4.2006) for s. 64(4)(c)(d) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(4)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)
- F22** S. 64(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)

### *Flexibility in deployment of judicial resources*

#### **65 District Judges (Magistrates' Courts) as Crown Court judges etc.**

- <sup>F23</sup>(1) .....
- (2) Schedule 4 contains amendments conferring functions on District Judges (Magistrates' Courts).
- (3) References in any enactment, instrument or other document to a district judge or deputy district judge do not include—
- (a) a District Judge (Magistrates' Courts), or
  - (b) a Deputy District Judge (Magistrates' Courts).

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#### Textual Amendments

- F23** S. 65(1) repealed (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 5](#); S.I. 2012/669, art. 4(f)(i)

## 66 Judges having powers of District Judges (Magistrates' Courts)

- (1) Every holder of a judicial office specified in subsection (2) has the powers of a justice of the peace who is a District Judge (Magistrates' Courts) in relation to—
- (a) criminal causes and matters, and
  - (b) family proceedings as defined by section 65 of the 1980 Act.
- (2) The offices are—
- (a) judge of the High Court;
  - (b) deputy judge of the High Court;
  - (c) Circuit judge;
  - (d) deputy Circuit judge;
  - (e) recorder.

[<sup>F24</sup>(2A) A qualifying judge advocate has the powers of a justice of the peace who is a District Judge (Magistrates' Courts) in relation to criminal causes and matters.]

- (3) For the purposes of section 45 of the 1933 Act, every holder of a judicial office specified in subsection (2) is qualified to sit as a member of a youth court.
- (4) For the purposes of section 67 of the 1980 Act—
- (a) a judge of the High Court or a deputy judge of the High Court is qualified to sit as a member of a family proceedings court to hear family proceedings of any description, and
  - (b) a Circuit judge, deputy Circuit judge or recorder is qualified to sit as a member of a family proceedings court to hear family proceedings of any description if he has been nominated to do so by the President of the Family Division.

[<sup>F25</sup>(5) In this section “qualifying judge advocate” means—

- (a) the Judge Advocate General; or
- (b) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General).

- (6) Subsection (2A) is without prejudice to the powers conferred by this section on a person within subsection (2) where that person is also a qualifying judge advocate.]

#### Textual Amendments

- F24** S. 66(2A) inserted (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 2 para. 6\(a\)](#); S.I. 2012/669, art. 4(c)
- F25** S. 66(5)(6) inserted (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 2 para. 6\(b\)](#); S.I. 2012/669, art. 4(c)

#### Commencement Information

- I1** S. 66 partly in force; s. 66 not in force at Royal Assent see s. 110(1)(2); s. 66(1)(a)(2)(3) in force at 26.1.2004 by [S.I. 2003/3345](#), [art. 2\(a\)\(iv\)](#)

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## **67 Removal of restriction on Circuit judges sitting on certain appeals**

Section 56A of the 1981 Act (Circuit judges not to sit on certain appeals) ceases to have effect.

**Status:**

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**Changes to legislation:**

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