



# County Courts Act (Northern Ireland) 1959

## 1959 CHAPTER 25

### PART XI

#### JUDGES AND DEPUTY JUDGES

#### 102 Appointment and assignment of judges.

- <sup>F1</sup>(1) Her Majesty may appoint as judges such qualified persons as may be recommended to Her by the <sup>F2</sup> Lord Chancellor.
- (2) A judge shall sit in the county court in accordance with directions given by the <sup>F3F4</sup> Lord Chancellor.
- (3) A judge may, in accordance with such directions, sit as a judge for any division.
- (4) Subject to sub-sections (2) and (3), the <sup>F3F4</sup> Lord Chancellor shall assign <sup>F5</sup> one judge to each division and may from time to time vary any such assignment.
- (5) The judge <sup>F6</sup> assigned to the division which is or includes—  
(a) the area of the city of Belfast shall be styled the Recorder of Belfast;  
(b) the area of the city of Londonderry shall be styled the Recorder of Londonderry.]
- <sup>F7</sup>(6) In this Act “judge” means a county court judge, that is to say a judge appointed under this section.]

**F1** 1978 c. 23

**F2** By [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), ss. 5, 87, [Sch. 3 para. 3](#) it is provided that for the words "Lord Chancellor" there shall be substituted (prosp.) "First Minister and deputy First Minister, acting jointly" in s. 102(1). (This amendment does not come into operation before the said amending Sch. 3 is subsequently substituted (12.4.2010) by the [Northern Ireland Act 2009 \(c. 3\)](#), [Sch. 3 para. 13](#); [S.I. 2010/812](#), [art. 2](#). This new Sch. 3 of the [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#) does not amend other legislation, therefore this amendment never comes into operation.)

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- F3** By [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), ss. 12(2), 87, [Sch. 5 para. 1](#) it is provided that for the words "Lord Chancellor" there shall be substituted (prosp.) "Lord Chief Justice" in s. 102(2) and (4). (This amendment does not come into operation before the said amending Sch. 5 is subsequently repealed (3.4.2006) by the [Constitutional Reform Act 2005 \(c. 4\)](#), [Sch. 18 Pt. 3](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 para. 30\(c\)](#)). By Sch. 5 para. 8 of the [Constitutional Reform Act 2005 \(c. 4\)](#), the exact same amendment does come into operation on (3.4.2006) (see relevant version.))
- F4** prosp. subst. by [2005 c. 4](#)
- F5** prosp. subst., [2002 c. 26](#)
- F6** prosp. inserted, [2002 c. 26](#)
- F7** [1980 NI 3](#)

VALID FROM 03/04/2006

#### **[<sup>F8</sup>102A Presiding judge**

- (1) The Lord Chief Justice must appoint one of the judges to be the Presiding judge with responsibility for the county courts and the other judges and the deputy judges.
- (2) The person appointed as Presiding judge holds that office in accordance with the terms of his appointment.
- (3) If the office of Presiding judge becomes vacant, the Lord Chief Justice may appoint a judge to act as Presiding judge, pending a new appointment.]

- F8** [S. 102A](#) inserted (3.4.2006) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), ss. 13, 87; [S.R. 2006/124](#), art. 2, [Sch. para. 2](#)

### **103 Qualifications and disqualifications of judges.**

- (1) A person shall not be qualified to be appointed a judge [<sup>F9</sup> unless<sup>F10</sup> he is—
  - (a) a member of the Bar of Northern Ireland of at least ten years' standing; or
  - (b) a solicitor of the<sup>F11</sup> Supreme Court of at least ten years' standing.]
- (2) A judge, so long as he holds office as such, shall not practise at the bar or be directly or indirectly concerned as a conveyancer, notary public or solicitor.

- F9** [1978 c. 23](#)
- F10** [2002 c. 26](#)
- F11** prosp. subst. by [2005 c. 4](#)

*S. 104 rep. by 1964 c. 21 (NI)*

### **105 Tenure and oaths of office and retirement of judges.**

- <sup>F12F13</sup>(1) Subject to sub-section (1A), the Lord Chancellor may, if he thinks fit, remove a judge from office on the ground of incapacity or misbehaviour.
- <sup>F12</sup>(1A) Sub-section (1) shall not apply to a judge holding office immediately before 1st January 1974 but—

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- (a) subject to paragraph ( b), every such judge shall hold office during good behaviour subject to a power of removal by Her Majesty on an address presented to Her Majesty by both Houses of the Parliament of the United Kingdom;
- (b) where the Lord Chancellor is satisfied that by reason of infirmity of mind or body any such judge is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent, he may, upon hearing any representations made by or on behalf of the judge, remove him from office.]

*Subs. (3) rep. by 2002 c. 26*

[<sup>F14</sup>(4) Every judge shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (<sup>F15</sup> Lord Chancellor's power to authorise continuance in office up to the age of 75).]

- F12** prosp. rep., 2002 c. 26
- F13** SI 1973/2163; 1978 c. 23
- F14** 1993 c. 8
- F15** prosp. rep. by 2005 c. 4

#### [<sup>F16</sup>106 Salaries and allowances of judges.

- (1) There shall be paid to each judge such salary as may be determined by the Lord Chancellor with the consent of [<sup>F17</sup> the Treasury].
- (2) The salary payable to any judge shall begin from the date on which the judge takes the <sup>F18</sup> oaths required by section 105(3).
- (3) The Lord Chancellor with the approval of [<sup>F17</sup> the Treasury] may allow to any judge, for the purpose of defraying his travelling and subsistence expenses, such sum as appears reasonable.]

- F16** 1978 c. 23
- F17** 1991 NI 24
- F18** prosp. subst., 2002 c. 26

#### [<sup>F19</sup>107 Deputy judges.

- (1) The <sup>F20</sup> Lord Chancellor may appoint as deputy judge [<sup>F21</sup> a person who is—
  - (a) a member of the Bar of Northern Ireland of at least ten years' standing; or
  - (b) a solicitor of the <sup>F22</sup> Supreme Court of at least ten years' standing.]
- (2) The appointment of a person as a deputy judge shall specify the term for which he is appointed.
- (3) Subject to sub-section (4), the <sup>F23</sup> Lord Chancellor may, with the agreement of the deputy judge, from time to time extend, for such period as <sup>F24</sup> he thinks appropriate, the term for which the deputy judge is appointed.
- [<sup>F25</sup>(4) Neither the initial term for which a deputy judge is appointed nor any extension of that term under subsection (3) shall be such as to continue his appointment as a deputy judge after the day on which he attains the age of seventy; but this subsection is subject

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to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (<sup>F26</sup> Lord Chancellor's power to authorise continuance in office up to the age of 75).]

- (5) A deputy judge shall, while he is so acting, have the like authority, jurisdiction, powers and privileges as a judge in all respects [<sup>F27</sup> and a reference in any statutory provision to, or which is to be construed as a reference to, a county court judge shall, for the purposes of or in relation to any proceedings in a county court, be construed as including a reference to a deputy judge appointed under this section].
- (6) Where the hearing of any proceedings duly commenced before any deputy judge is adjourned or judgment is reserved therein, that deputy judge shall, notwithstanding anything in sub-section (2) or (4), have power to resume the hearing and determine the proceedings or, as the case may be, to deliver the judgment so reserved.
- (7) There shall be paid to every deputy judge<sup>F28</sup>, except a resident magistrate, such remuneration and allowances as the Lord Chancellor may, with the concurrence of [<sup>F29</sup> the Treasury], determine.]

**F19** 1978 c. 23

**F20** By *Justice (Northern Ireland) Act 2002 (c. 26)*, ss. 5, 87, **Sch. 3 para. 4(2)** it is provided that for the words "Lord Chancellor" there shall be substituted (prosp.) "First Minister and deputy First Minister, acting jointly," in s. 107(1). (This amendment does not come into operation before the said amending Sch. 3 is subsequently substituted (12.4.2010) by the *Northern Ireland Act 2009 (c. 3)*, **Sch. 3 para. 13**; S.I. 2010/812, **art. 2**. This new Sch. 3 of the *Justice (Northern Ireland) Act 2002 (c. 26)* does not amend other legislation, therefore this amendment never comes into operation.)

**F21** 2002 c. 26

**F22** prosp. subst. by 2005 c. 4

**F23** By *Justice (Northern Ireland) Act 2002 (c. 26)*, ss. 5, 87, **Sch. 3 para. 4(3)(a)** it is provided that for the words "Lord Chancellor" there shall be substituted (prosp.) "First Minister and deputy First Minister, acting jointly," in s. 107(3). (This amendment does not come into operation before the said amending Sch. 3 is subsequently substituted (12.4.2010) by the *Northern Ireland Act 2009 (c. 3)*, **Sch. 3 para. 13**; S.I. 2010/812, **art. 2**. This new Sch. 3 of the *Justice (Northern Ireland) Act 2002 (c. 26)* does not amend other legislation, therefore this amendment never comes into operation.)

**F24** By *Justice (Northern Ireland) Act 2002 (c. 26)*, ss. 5, 87, **Sch. 3 para. 4(3)(b)** it is provided that for the words "he thinks" there shall be substituted (prosp.) "they think" in s. 107(3). (This amendment does not come into operation before the said amending Sch. 3 is subsequently substituted (12.4.2010) by the *Northern Ireland Act 2009 (c. 3)*, **Sch. 3 para. 13**; S.I. 2010/812, **art. 2**. This new Sch. 3 of the *Justice (Northern Ireland) Act 2002 (c. 26)* does not amend other legislation, therefore this amendment never comes into operation.)

**F25** 1993 c. 8

**F26** prosp. rep. by 2005 c. 4

**F27** 1980 NI 3

**F28** prosp. rep., 2002 c. 26

**F29** 1991 NI 24

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