



County Courts Act (Northern Ireland) 1959

1959 CHAPTER 25

PART XI

JUDGES AND DEPUTY JUDGES

102 Appointment and assignment of judges.

- ^{F1}(1) Her Majesty may appoint as judges such qualified persons as may be recommended to Her by the Lord Chancellor.
- (2) A judge shall sit in the county court in accordance with directions given by the^{F2}Lord Chief Justice].
- (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^{F2}Lord Chief Justice] shall assign one judge to each division and may from time to time vary any such assignment.
- (5) The judge 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.]
- ^{F3}(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 Words in s. 102(2)(4) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 5 para. 8; S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 12\(a\)](#)

F3 1980 NI 3

Status: Point in time view as at 03/04/2006.

Changes to legislation: There are currently no known outstanding effects for the County Courts Act (Northern Ireland) 1959, PART XI. (See end of Document for details)

[^{F4}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.]

F4 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 [^{F5} unless]^{F6} he is—
 - (a) a member of the Bar of Northern Ireland of at least ten years' standing; or
 - (b) a solicitor of the^{F7} 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.

F5 1978 c. 23

F6 2002 c. 26

F7 prosp. subst. by 2005 c. 4

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

105 Tenure and oaths of office and retirement of judges.

- (1) ^{F8}
- (1A) ^{F8}

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

- [^{F9}(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 (^{F10} . . . power to authorise continuance in office up to the age of 75).]

F8 S. 105(1)(1A) repealed (3.4.2006) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 86, 87, Sch. 13; S.R. 2006/124, art. 2, Sch. para. 11(b)

F9 1993 c. 8

F10 Words in s. 105(4) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss.15, 148, 146, Sch. 5 para. 9, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 para. 12(a)

[^{F11}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 [^{F12} the Treasury].

Status: Point in time view as at 03/04/2006.

Changes to legislation: There are currently no known outstanding effects for the County Courts Act (Northern Ireland) 1959, PART XI. (See end of Document for details)

- (2) The salary payable to any judge shall begin from the date on which the judge takes the^{F13} oaths required by section 105(3).
- (3) The Lord Chancellor with the approval of^{F12} the Treasury] may allow to any judge, for the purpose of defraying his travelling and subsistence expenses, such sum as appears reasonable.]

F11 1978 c. 23
F12 1991 NI 24
F13 prosp. subst., 2002 c. 26

^{F14}107 Deputy judges.

- (1) The Lord Chancellor may appoint as deputy judge^{F15} 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 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 Lord Chancellor may, with the agreement of the deputy judge, from time to time extend, for such period as he thinks appropriate, the term for which the deputy judge is appointed.
- ^{F16}(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 to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (^{F17} . . . 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 [^{F18} 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, except a resident magistrate, such remuneration and allowances as the Lord Chancellor may, with the concurrence of^{F19} the Treasury], determine.]

F14 1978 c. 23
F15 2002 c. 26
F16 1993 c. 8
F17 Words in s. 107(4) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 146, 148, Sch. 5 para. 10, Sch. 18 Pt. 3; S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1
F18 1980 NI 3
F19 1991 NI 24

Status:

Point in time view as at 03/04/2006.

Changes to legislation:

There are currently no known outstanding effects for the County Courts Act (Northern Ireland) 1959, PART XI.