



# 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 a qualified person to be a judge.]
- (2) A judge shall sit in the county court in accordance with directions given by the [<sup>F2</sup>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 [<sup>F2</sup>Lord Chief Justice] shall assign [<sup>F3</sup>one or more judges] to each division and may from time to time vary any such assignment.
- (5) The judge [<sup>F4</sup>, or (if more than one) one of the judges,] 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>F5</sup>(6) In this Act “judge” means a county court judge, that is to say a judge appointed under this section.]

**F1** S. 102(1) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(4), 5(7)(a), **Sch. 5 para. 1**; S.I. 2010/812, **art. 2**

**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** Words in s. 102(4) substituted (16.4.2007) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 85, 87, Sch. 12 para. 4(2); S.R. 2007/237, **art. 2**, Sch. para. 6(a)

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- F4** Words in s. 102(5) inserted (16.4.2007) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 85, 87, Sch. 12 para. 4(3); S.R. 2007/237, **art. 2**, Sch. para. 6(a)
- F5** 1980 NI 3

**[<sup>F6</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.]

- F6** 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>F7</sup> unless]<sup>F8</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>F9</sup>Court of Judicature] 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.

- F7** 1978 c. 23
- F8** 2002 c. 26
- F9** Words in art. 103(1)(b) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, **art. 2**

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

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

- (1) <sup>F10</sup> .....
- (1A) <sup>F10</sup> .....

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

[<sup>F11</sup>(4) Every judge shall vacate his office [<sup>F12</sup> . . . power to authorise continuance in office up to the age of 75).]

- F10** 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)
- F11** 1993 c. 8

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**F12** 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)

### **[<sup>F13</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>F14</sup>the Treasury].
- (2) The salary payable to any judge shall begin from the date on which the judge takes the [<sup>F15</sup>required oath or makes the required affirmation and declaration].
- (3) The Lord Chancellor with the approval of [<sup>F14</sup>the Treasury] may allow to any judge, for the purpose of defraying his travelling and subsistence expenses, such sum as appears reasonable.]

[<sup>F16</sup>(4) Sums payable under subsection (3) are to be paid by the Department of Justice.]

**F13** 1978 c. 23

**F14** 1991 NI 24

**F15** Words in s. 106(2) substituted (16.4.2007) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 85, 87, Sch. 12 para. 5; S.R. 2007/237, art. 2, Sch. para. 6(a)

**F16** S. 106(4) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), Sch. 18 para. 104 (with arts. 28-31); S.I. 2010/977, art. 1(2)

### **[<sup>F17</sup>107 Deputy judges.**

- (1) The [<sup>F18</sup>Northern Ireland Judicial Appointments Commission] may appoint as deputy judge [<sup>F19</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>F20</sup>Court of Judicature] of at least ten years' standing.]

[<sup>F21</sup>(1A) The term for which a person is appointed as a deputy judge is to be determined by the Commission with the agreement of the [<sup>F22</sup>Department of Justice].]

- (2) The appointment of a person as a deputy judge shall specify the term for which he is appointed [<sup>F23</sup>as determined under subsection (1A)].

[<sup>F24</sup>(3) Subject to subsection (4), the Commission may, with the agreement of a deputy judge and the [<sup>F25</sup>Department of Justice], from time to time extend, for such period as it thinks appropriate, the term for which the deputy judge is appointed.]

[<sup>F26</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 to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (<sup>F27</sup>. . . 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>F28</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].

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- (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) [<sup>F29</sup>The Department of Justice shall pay] to every deputy judge, except a resident magistrate, such remuneration and allowances as the Lord Chancellor may, with the concurrence of [<sup>F30</sup>the Treasury], determine.]

- F17** 1978 c. 23
- F18** Words in s. 107(1) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), **Sch. 4 para. 3(2)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**
- F19** 2002 c. 26
- F20** Words in s. 107(1)(b) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, **art. 2**
- F21** S. 107(1A) inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), **Sch. 4 para. 3(3)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**
- F22** Words in s. 107(1A) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), **Sch. para. 2**; S.R. 2010/147, **art. 2(2)**
- F23** Words in s. 107(2) inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), **Sch. 4 para. 3(4)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**
- F24** S. 107(3) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), **Sch. 4 para. 3(5)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**
- F25** Words in s. 107(3) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), **Sch. para. 2**; S.R. 2010/147, **art. 2(2)**
- F26** 1993 c. 8
- F27** 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
- F28** 1980 NI 3
- F29** Words in s. 107(7) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 105** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F30** 1991 NI 24

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