



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 a qualified person to be a judge.]
- (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 [^{F3}in any county court] .
- (4) Subject to sub-sections (2) and (3), the [^{F2}Lord Chief Justice] [^{F4}may assign a judge to one or more division] and may from time to time vary any such assignment.
- (5) The judge [^{F5}, 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.]

^{F6}(6) In this Act “judge” means a county court judge, that is to say a judge appointed under this section.] [^{F7}and “division” means an administrative court division specified under section 2 of the Justice Act (Northern Ireland) 2015 for all or the residual purposes of a county court.]

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\(a\)](#)

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- F3** Words in s. 102(3) substituted (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 51\(a\)](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k) (with art. 3)
- F4** Words in s. 102(4) substituted (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 51\(b\)](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k) (with art. 3)
- F5** 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\(a\)](#)
- F6** 1980 NI 3
- F7** Words in s. 102(6) inserted (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 51\(c\)](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k) (with art. 3)

[^{F8}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 [^{F9} unless^{F10} he is—
 - (a) a member of the Bar of Northern Ireland of at least ten years' standing; or
 - (b) a solicitor of the [^{F11}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.

- F9** 1978 c. 23
- F10** 2002 c. 26
- F11** 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) ^{F12}
- (1A) ^{F12}

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

- [^{F13}(4) Every judge shall vacate his office [^{F13} 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 (^{F14} . . . power to authorise continuance in office up to the age of 75).]

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- F12** 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)
- F13** 1993 c. 8
- F14** 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)

[^{F15}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 [^{F16}the Treasury].
- (2) The salary payable to any judge shall begin from the date on which the judge takes the [^{F17}required oath or makes the required affirmation and declaration].
- (3) The Lord Chancellor with the approval of [^{F16}the Treasury] may allow to any judge, for the purpose of defraying his travelling and subsistence expenses, such sum as appears reasonable.]

[^{F18}(4) Sums payable under subsection (3) are to be paid by the Department of Justice.]

- F15** 1978 c. 23
- F16** 1991 NI 24
- F17** 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)
- F18** 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)

[^{F19}107 Deputy judges.

- (1) The [^{F20}Northern Ireland Judicial Appointments Commission] may appoint as deputy judge [^{F21}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 [^{F22}Court of Judicature] of at least ten years' standing.]

[^{F23}(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 [^{F24}Department of Justice].]

- (2) The appointment of a person as a deputy judge shall specify the term for which he is appointed [^{F25}as determined under subsection (1A)].

[^{F26}(3) Subject to subsection (4), the Commission may, with the agreement of a deputy judge and the [^{F27}Department of Justice], from time to time extend, for such period as it thinks appropriate, the term for which the deputy judge is appointed.]

[^{F28}(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 (^{F29} . . . 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 [^{F30} and a reference in any statutory provision

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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) [^{F31}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 [^{F32}the Treasury], determine.]

- F19** 1978 c. 23
- F20** 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**
- F21** 2002 c. 26
- F22** 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**
- F23** 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**
- F24** 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)**
- F25** 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**
- F26** 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**
- F27** 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)**
- F28** 1993 c. 8
- F29** 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
- F30** 1980 NI 3
- F31** 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)**
- F32** 1991 NI 24

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