



Senior Courts Act 1981

1981 CHAPTER 54

PART I

CONSTITUTION OF [F¹SENIOR COURTS]

Other provisions

9 Assistance for transaction of judicial business of [F¹Senior Courts].

- (1) A person within any entry in column 1 of the following Table may [F²subject to the provision at the end of that Table] at any time, at the request of the appropriate authority, act—
- as a judge of a relevant court specified in the request; or
 - if the request relates to a particular division of a relevant court so specified, as a judge of that court in that division.

TABLE

1	2
<i>Judge or ex-judge</i>	<i>Where competent to act on request</i>
1. A judge of the Court of Appeal.	The High Court and the Crown Court.
2. A person who has been a judge of the Court of Appeal.	The Court of Appeal, the High Court and the Crown Court.
3. A puisne judge of the High Court.	The Court of Appeal.
4. A person who has been a puisne judge of the High Court.	The Court of Appeal, the High Court and the Crown Court.
5. A Circuit judge.	The High Court [F ³ and the Court of Appeal].
[F ⁴ 6. A Recorder]	[F ⁴ The High Court]

Status: Point in time view as at 01/10/2009.

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[^{F5}The entry in column 2 specifying the Court of Appeal in relation to a Circuit judge only authorises such a judge to act as a judge of a court in the criminal division of the Court of Appeal.]

[^{F6}(1A) A person shall not act as a judge by virtue of subsection (1) after the day on which he attains the age of 75.]

(2) In subsection (1)—

[^{F7}“the appropriate authority” means—

- (a) the Lord Chief Justice or a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) nominated by him to exercise his functions under this section, or
- (b) at any time when the Lord Chief Justice or the nominated judicial office holder is unable to make such a request himself, or there is a vacancy in the office of Lord Chief Justice, the Master of the Rolls;]

“relevant court”, in the case of a person within any entry in column 1 of the Table, means a court specified in relation to that entry in column 2 of the Table.

^{F8}

[^{F9}(2A) The power of the appropriate authority to make a request under subsection (1) is subject to subsections (2B) to (2D).

(2B) In the case of a request to a person within entry 1, 3, 5 or 6 in column 1 of the Table, the appropriate authority may make the request only after consulting the Lord Chancellor.

(2C) In any other case the appropriate authority may make a request only with the concurrence of the Lord Chancellor.

(2D) In the case of a request to a Circuit judge or Recorder to act as a judge of the High Court, the appropriate authority may make the request only with the concurrence of the Judicial Appointments Commission.]

(3) In the case of—

- (a) a request under subsection (1) to a Lord Justice of Appeal to act in the High Court; or
- (b) any request under that subsection to a puisne judge of the High Court or a Circuit judge,

it shall be the duty of the person to whom the request is made to comply with it.

(4) Without prejudice to section 24 of the ^{M1}Courts Act 1971 (temporary appointment of deputy Circuit judges and assistant Recorders), if it [^{F10}appears to the Lord Chief Justice, after consulting the Lord Chancellor,]that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in the High Court or the Crown Court, he may appoint a person qualified for appointment as a puisne judge of the High Court to be a deputy judge of the High Court during such period or on such occasions as the [^{F11}Lord Chief Justice may, after consulting the Lord Chancellor, think fit]; and during the period or on the occasions for which a person is appointed as a deputy judge under this subsection, he may act as a puisne judge of the High Court.

[^{F12}(4A) No appointment of a person as a deputy judge of the High Court shall be such as to extend beyond the day on which he attains the age of 70, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).]

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- (5) Every person while acting under this section shall, subject to ^{F13}subsections (6) and (6A)], be treated for all purposes as, and accordingly may perform any of the functions of, a judge of the court in which he is acting.
- (6) A person shall not by virtue of subsection (5)—
- (a) be treated as a judge of the court in which he is acting for the purposes of section 98(2) or of any statutory provision relating to—
 - (i) the appointment, retirement, removal or disqualification of judges of that court;
 - (ii) the tenure of office and oaths to be taken by such judges; or
 - (iii) the remuneration, allowances or pensions of such judges; or
 - (b) ^{F14}subject to section 27 of the Judicial Pensions and Retirement Act 1993], be treated as having been a judge of a court in which he has acted only under this section.
- ^{F15}(6A) A Circuit judge or Recorder shall not by virtue of subsection (5) exercise any of the powers conferred on a single judge by sections 31 ^{F16}, 31B, 31C] and 44 of the ^{M2}Criminal Appeal Act 1968 (powers of single judge in connection with appeals to the Court of Appeal and appeals from the Court of Appeal to the ^{F17}Supreme Court].]
- ^{F18}(7)
- (8) Such remuneration and allowances as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine may be paid out of money provided by Parliament—
- (a) to any person who has been—
 - ^{F19}(i) a judge of the Supreme Court; or]
 - (ii) a judge of the Court of Appeal; or
 - (iii) a judge of the High Court,and is by virtue of subsection (1) acting as mentioned in that subsection;
 - (b) to any deputy judge of the High Court appointed under subsection (4).
- ^{F20}(9) 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 subsection (4).]

Textual Amendments

- F1** Words in s. 9 sidenote substituted (1.10.2009) by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 26\(1\)\(2\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F2** Words in s. 9(1) inserted (11.1.1995) by [1994 c. 33, s. 52\(2\)\(a\)](#); S.I. 1994/3258, [art.2](#).
- F3** Words in the Table in s. 9(1) inserted (11.1.1995) by [1994 c. 33, s. 52\(2\)\(b\)](#); S.I. 1994/3258, [art.2](#).
- F4** Entry added by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), [s. 58](#)
- F5** Words in s. 9(1) inserted (11.1.1995) by [1994 c. 33, s. 52\(2\)\(c\)](#); S.I. 1994/3258, [art.2](#).
- F6** S. 9(1A) inserted (31.3.1995) by [1993 c. 8, s. 26, Sch. 6 para. 5\(1\)](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); S.I. 1995/631, [art.2](#).
- F7** S. 9(2): definition of "the appropriate authority" substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 121\(2\)\(a\)](#); S.I. 2006/1014, [art. 2\(a\)](#), [Sch. 1 para. 11\(l\)](#)
- F8** Words in s. 9(2) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 146, 148, [Sch. 4 para. 121\(2\)\(b\)](#), [Sch. 18 Pt. 2](#); S.I. 2006/1014, [art. 2\(a\)](#), [Sch. 1 paras. 11\(l\), 30\(b\)](#)
- F9** S. 9(2A)-(2D) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 121\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), [Sch. 1 para. 11\(l\)](#)

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- F10** Words in s. 9(4) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 121(4)(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(l)
- F11** Words in s. 9(4) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 121(4)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(l)
- F12** S. 9(4A) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 5(2)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2.**
- F13** Words in s. 9(5) substituted (11.1.1995) by 1994 c. 33, **s. 52(4)**; S.I. 1994/3258, **art.2.**
- F14** S. 9(6)(b) substituted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 5(3)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2.**
- F15** S. 9(6A) inserted (11.1.1995) by 1994 c. 33, **s. 52(5)**; S.I. 1994/3258, **art.2.**
- F16** Words in s. 9(6A) inserted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 260**; S.I. 2005/910, **art. 3(y)**
- F17** Words in s. 9(6A) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40, 148(1), **Sch. 9 para. 36(2)**; S.I. 2009/1604, **art. 2(d)**
- F18** S. 9(7) repealed (31.3.1995) by 1993 c. 8, s. 31(4), **Sch.9**; S.I. 1995/631, **art.2.**
- F19** S. 9(8)(a)(i) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 145, 148, **Sch. 17 para. 22(3)**; S.I. 2009/1604, **art. 2(e)**
- F20** S. 9(9) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 121(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(l)

Modifications etc. (not altering text)

- C1** S. 9 restricted (31.3.1995) by 1993 c. 8, **s. 26(7)(c)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2.**

Marginal Citations

- M1** 1971 c. 23.
M2 1968 c. 19.

10 Appointment of judges of ^{F21}Senior Courts].

- (1) Whenever the office of Lord Chief Justice, Master of the Rolls, [^{F22}President of the Queen's Bench Division, President of the Family Division or Chancellor of the High Court] is vacant, Her Majesty may [^{F23}, on the recommendation of the Lord Chancellor,] by letters patent appoint a qualified person to that office.
- (2) Subject to the limits on numbers for the time being imposed by sections 2(1) and 4(1), Her Majesty may [^{F24}, on the recommendation of the Lord Chancellor,] from time to time by letters patent appoint qualified persons as Lords Justices of Appeal or as puisne judges of the High Court.
- (3) No person shall be qualified for appointment—
 - (a) as Lord Chief Justice, Master of the Rolls, [^{F25}President of the Queen's Bench Division, President of the Family Division or Chancellor of the High Court], unless he is qualified for appointment as a Lord Justice of Appeal or is a judge of the Court of Appeal;
 - (b) as a Lord Justice of Appeal, [^{F26}unless—
 - (i) [^{F27}he satisfies the judicial-appointment eligibility condition on a 7-year basis; or]
 - (ii) he is a judge of the High Court;]; or
 - (c) as a puisne judge of the High Court, [^{F28}unless—
 - (i) [^{F27}he satisfies the judicial-appointment eligibility condition on a 7-year basis; or]

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(ii) he is a Circuit judge who has held that office for at least 2 years.]

[^{F29}(4) A person appointed—

- (a) to any of the offices mentioned in subsection (1),
- (b) as a Lord Justice of Appeal, or
- (c) as a puisne judge of the High Court,

shall take the required oaths as soon as may be after accepting office.

(5) In the case of a person appointed to the office of Lord Chief Justice, the required oaths are to be taken in the presence of all of the following—

- (a) the Master of the Rolls;
- (b) the President of the Queen's Bench Division;
- (c) the President of the Family Division;
- (d) the Chancellor of the High Court.

(6) Where subsection (5) applies but there is a vacancy in one or more (but not all) of the offices mentioned in that subsection, the required oaths are to be taken in the presence of the holders of such of the offices as are not vacant.

(7) In the case of a person appointed other than to the office of Lord Chief Justice, the required oaths are to be taken in the presence of—

- (a) the Lord Chief Justice, or
- (b) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) nominated by him for this purpose.

(8) In this section “required oaths” means—

- (a) the oath of allegiance, and
- (b) the judicial oath,

as set out in the Promissory Oaths Act 1868.]

Textual Amendments

- F21** Words in s. 10 sidenote substituted (1.10.2009) by virtue of Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 26(1)**; S.I. 2009/1604, **art. 2(d)**
- F22** Words in s. 10(1) substituted (1.10.2005) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 122(2)(a)**; S.I. 2005/2505, **art. 2(c)**
- F23** Words in s. 10(1) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 122(2)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(m)
- F24** Words in s. 10(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 122(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(m)
- F25** Words in s. 10(3)(a) substituted (1.10.2005) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 122(4)**; S.I. 2005/2505, **art. 2(e)**
- F26** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), **s. 71(1)(a)**
- F27** S. 10(3)(b)(i)(c)(i) substituted (21.7.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 50(6), 148, **Sch. 10 para. 13(2)**; S.I. 2008/1653, **art. 2(d)** (with arts. 3, 4)
- F28** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), **s. 71(1)(b)**
- F29** S. 10(4)-(8) substituted (3.4.2006) for s. 10(4) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 122(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(m)

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11 Tenure of office of judges of [F30Senior Courts].

- (1) This section applies to the office of any judge of the [F30Senior Courts]^{F31}
- (2) A person appointed to an office to which this section applies shall vacate it on the day on which he attains the age of [F32seventy] years unless by virtue of this section he has ceased to hold it before then.
- (3) A person appointed to an office to which this section applies shall hold that office during good behaviour, subject to a power of removal by Her Majesty on an address presented to Her by both Houses of Parliament.

[F33(3A) It is for the Lord Chancellor to recommend to Her Majesty the exercise of the power of removal under subsection (3).]

- (4) A person holding an office within section 2(2)(d) to (g) shall vacate that office on becoming [F34a judge of the Supreme Court].
- (5) A Lord Justice of Appeal shall vacate that office on becoming an ex-officio judge of the Court of Appeal.
- (6) A puisne judge of the High Court shall vacate that office on becoming a judge of the Court of Appeal.
- (7) A person who holds an office to which this section applies may at any time resign it by giving the Lord Chancellor notice in writing to that effect.
- (8) The Lord Chancellor, if satisfied by means of a medical certificate that a person holding an office to which this section applies—
 - (a) is disabled by permanent infirmity from the performance of the duties of his office; and
 - (b) is for the time being incapacitated from resigning his office,
 may, subject to subsection (9), by instrument under his hand declare that person’s office to have been vacated; and the instrument shall have the like effect for all purposes as if that person had on the date of the instrument resigned his office.
- (9) A declaration under subsection (8) with respect to a person shall be of no effect unless it is made—
 - (a) in the case of any of the Lord Chief Justice, the Master of the Rolls, [F35the President of the Queen’s Bench Division, the President of the Family Division and the Chancellor of the High Court,] with the concurrence of two others of them;
 - (b) in the case of a Lord Justice of Appeal, with the concurrence of the Master of the Rolls;
 - (c) in the case of a puisne judge of any Division of the High Court, with the concurrence of the senior judge of that Division.

(10) F36

Textual Amendments

F30 Words in s. 11 and sidenote substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 26\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

F31 Words in s. 11(1) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 146, 148, Sch. 4 para. 123\(3\), Sch. 18 Pt. 2](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 paras. 11(n), 30(b)

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- F32** Words in s. 11(2) substituted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para.4** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.
- F33** S. 11(3A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 123(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11
- F34** Words in s. 11(4) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 15, 145, 148, **Sch. 17 para. 22(4)**; S.I. 2009/1604, **art. 2(e)**
- F35** Words in s. 11(9) substituted (1.10.2005) by Constitutional Reform Act 2005 (c. 4), ss. 15, 145, **Sch. 4 para. 123(4)**; S.I. 2005/2505, **art. 2(c)**
- F36** S. 11(10) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I**

12 Salaries etc. of judges of [^{F37}Senior Courts].

- (1) Subject to subsections (2) and (3), there shall be paid to judges of the [^{F37}Senior Courts]^{F38} . . . such salaries as may be determined by the Lord Chancellor with the concurrence of the Minister for the Civil Service.
- (2) Until otherwise determined under this section, there shall be paid to the judges mentioned in subsection (1) the same salaries as at the commencement of this Act.
- (3) Any salary payable under this section may be increased, but not reduced, by a determination or further determination under this section.
- (4)^{F39}
- (5) Salaries payable under this section shall be charged on and paid out of the Consolidated Fund.
- (6) There shall be paid out of money provided by Parliament to any judge of the Court of Appeal or of the High Court, in addition to his salary, such allowances as may be determined by the Lord Chancellor with the concurrence of the Minister for the Civil Service.
- (7) Pensions shall be payable to or in respect of the judges mentioned in subsection (1) in accordance with section 2 of the Judicial Pensions Act 1981 [^{F40}or, in the case of a judge who is a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, in accordance with that Act].

Textual Amendments

- F37** Words in s. 12 and sidenote substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 26(1)**; S.I. 2009/1604, **art. 2(d)**
- F38** Words in s. 12(1) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, 148, Sch. 4 para. 124, **Sch. 18 Pt. 2**; S.I. 2006/1604, **art. 2(a)**, Sch. 1 paras. 11, 30
- F39** S. 12(4) repealed by Courts and Legal Services Act 1990 (c. 41, SIF 37, 76:1), ss. 84(f), 125(7), **Sch. 20** (subject to a saving in s. 125(6), Sch. 19 para. 10(5))
- F40** Words in s. 12(7) inserted (31.3.1995) by 1993 c. 8, s. 31(3), **Sch. 8 para. 15(1)**; S.I. 1995/631, **art.2**.

Modifications etc. (not altering text)

- C2** Ss. 2(1), 4(1), 12(1)-(6) modified (9.11.1998) by 1998 c. 42, **ss. 18(4)(a)**, 22(2) (with ss. 7(8), 22(5))
S. 12(1)-(6) modified (27.9.1999) by 1999 c. 22, **ss. 68(3)(a)**, 108(3)(b) (with Sch. 14 para. 7(2)).

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13 Precedence of judges of ^{F41}Senior Courts].

- (1) When sitting in the Court of Appeal—
 - (a) the Lord Chief Justice and the Master of the Rolls shall rank in that order; and
 - (b) ^{F42}judges of the Supreme Court] and persons who have been Lord Chancellor shall rank next after the Master of the Rolls and, among themselves, according to the priority of the dates on which they respectively became ^{F42}judges of the Supreme Court] or Lord Chancellor, as the case may be.
- ^{F43}(2) Subject to subsection (1)(b), the President of the Queen's Bench Division shall rank next after the Master of the Rolls.
- (2A) The President of the Family Division shall rank next after the President of the Queen's Bench Division.
- (3) The Chancellor of the High Court shall rank next after the President of the Family Division.]
- (4) The vice-president or vice-presidents of the divisions of the Court of Appeal shall rank next after the ^{F44}Chancellor of the High Court]; and if there are two vice-presidents of those divisions, they shall rank, among themselves, according to the priority of the dates on which they respectively became vice-presidents.
- (5) The Lords Justices of Appeal (other than the vice-president or vice-presidents of the divisions of the Court of Appeal) shall rank after the ex-officio judges of the Court of Appeal and, among themselves, according to the priority of the dates on which they respectively became judges of that court.
- (6) The puisne judges of the High Court shall rank next after the judges of the Court of Appeal and, among themselves, according to the priority of the dates on which they respectively became judges of the High Court.

Textual Amendments

- F41** Words in s. 13 substituted (1.10.2009) by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 26\(1\); S.I. 2009/1604, art. 2\(d\)](#)
- F42** Words in s. 13(1)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 145, 148, Sch. 17 para. 22\(5\); S.I. 2009/1604, art. 2\(e\)](#)
- F43** S. 13(2)-(3) substituted (1.10.2005) for s. 13(2)(3) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 125\(2\); S.I. 2005/2505, art. 2\(c\)](#)
- F44** Words in s. 13(4) substituted (1.10.2005) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 125\(3\); S.I. 2005/2505, art. 2\(c\)](#)

14 Power of judge of ^{F45}Senior Courts] or Crown Court to act in cases relating to rates and taxes.

- (1) A judge of the ^{F46}Senior Courts] or of the Crown Court shall not be incapable of acting as such in any proceedings by reason of being, as one of a class of ratepayers, taxpayers or persons of any other description, liable in common with others to pay, or contribute to, or benefit from, any rate or tax which may be increased, reduced or in any way affected by those proceedings.
- (2) In this section “rate or tax” means any rate, tax, duty or liability, whether public, general or local, and includes—

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- (a) any fund formed from the proceeds of any such rate, tax, duty or liability; and
- (b) any fund applicable for purposes the same as, or similar to, those for which the proceeds of any such rate, tax, duty or liability are or might be applied.

Textual Amendments

F45 Words in s. 14 sidenote substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 54\), ss. 59, 148, Sch. 11 para. 26\(3\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

F46 Words in s. 14 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 26\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

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