



Senior Courts Act 1981

1981 CHAPTER 54

PART I

CONSTITUTION OF [F¹SENIOR COURTS]

Other provisions

9 ^{F¹} Assistance for transaction of judicial business

- (1) A person within any entry in column 1 of the following Table may [^{F²}subject to the provision at the end of that Table] at any time, at the request of the appropriate authority, act—
- (a) as a judge of a relevant court specified in the request; or
 - (b) 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</i> <small>F³</small>	Where competent to act on request
...	
1. A judge of the Court of Appeal. <small>F⁴</small>	The High Court and the Crown Court. <small>F⁴</small>
...	...
3. A puisne judge of the High Court. <small>F⁴</small>	The Court of Appeal. <small>F⁴</small>
...	...
[^{F⁵} 4A. The Senior President of Tribunals	The Court of Appeal and the High Court.]

Status: Point in time view as at 01/10/2022.

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5. A Circuit judge. The High Court [^{F6}and the Court of Appeal].

[^{F7}6. A Recorder][^{F8}or a person within subsection (1ZB)] [^{F7}The High Court]

[^{F9}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.]

[^{F10}(1ZA) The Senior President of Tribunals is to be treated as not being within any entry in column 1 of the Table other than entry 4A.

(1ZB) A person is within this subsection if the person—

- (a) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,
- (b) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,
- (c) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),
- (d) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act), or
- (e) is the President of Employment Tribunals (England and Wales) or the President of Employment Tribunals (Scotland).]

[^{F11}(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)—

[^{F12}“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.

^{F13}

[^{F14}(2A) The power of the appropriate authority to make a request under subsection (1) is subject to subsections (2B) to (2D).

(2B) ^{F15}... The appropriate authority may make the request only after consulting the Lord Chancellor.

^{F16}(2C)

[In the case of a request to a person within entry 5 or 6 in column 1 of the Table to act as a judge of the High Court, the appropriate authority may make the request only if ^{F17}(2CA) as a judge of the High Court, the appropriate authority may make the request only if the person is a member of the pool for requests under subsection (1) to persons within that entry.]

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- (2D) In the case of a request to a Circuit judge ^{F18}... to act as a judge of the ^{F19}Court of Appeal], the appropriate authority may make the request only with the concurrence of the Judicial Appointments Commission.]
- ^{F20}(3) The person to whom a request is made under subsection (1) must comply with the request, but this does not apply to—
- ^{F21}(a)
 - ^{F21}(b)
 - (c) a request made to the Senior President of Tribunals if the holder of that office is a judge of the Court of Session or of the High Court, or Court of Appeal, in Northern Ireland.]
- (4) Without prejudice to section 24 of the ^{M1}Courts Act 1971 (temporary appointment of deputy Circuit judges ^{F22}...), if it ^{F23}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 ^{F24}or any other court or tribunal to which persons appointed under this subsection may be deployed], 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 ^{F25}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.
- ^{F26}(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 ^{F27}75].]
- (5) Every person while acting under this section shall, subject to ^{F28}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) ^{F29}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.
- ^{F30}(6A) A Circuit judge^{F31}, Recorder or person within subsection (1ZB)] shall not by virtue of subsection (5) exercise any of the powers conferred on a single judge by sections 31^{F32}, 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 ^{F33}Supreme Court)].]
- ^{F34}(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—

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- ^{F35}(a)
- (b) to any deputy judge of the High Court appointed under subsection (4).

- [^{F36}(8A) A person may be removed from office as a deputy judge of the High Court—
- (a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and
- (b) only on—
- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person's terms of appointment.

(8B) Subject to the preceding provisions of this section, a person appointed under subsection (4) is to hold and vacate office as a deputy judge of the High Court in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.]

- [^{F37}(9) The Lord Chief Justice may nominate a [^{F38}senior judge (as defined in section 109(5)) of the Constitutional Reform Act 2005) to exercise [^{F39}functions of the Lord Chief Justice under this section].]

Textual Amendments

- F1** Words in s. 9 title omitted (1.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 14 para. 2\(5\)](#); S.I. 2013/2200, art. 3(g)
- 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 s. 9(1) table omitted (10.3.2022 for specified purposes, 1.10.2022 in so far as not already in force) by virtue of [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(c), [Sch. 4 para. 5\(2\)\(a\)\(i\)](#); S.I. 2022/1014, reg. 2(d) (with reg. 3)
- F4** Words in s. 9(1) table omitted (10.3.2022 for specified purposes, 1.10.2022 in so far as not already in force) by virtue of [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(c), [Sch. 4 para. 5\(2\)\(a\)\(ii\)](#); S.I. 2022/1014, reg. 2(d) (with reg. 3)
- F5** Words in s. 9(1) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 14 para. 1\(3\)](#); S.I. 2013/2200, art. 3(g) (with savings in S.I. 2013/2192, reg. 49)
- F6** 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.
- F7** Entry added by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), s. 58
- F8** Words in s. 9(1) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 14 para. 1\(4\)](#); S.I. 2013/2200, art. 3(g) (with savings in S.I. 2013/2192, reg. 49)
- F9** Words in s. 9(1) inserted (11.1.1995) by 1994 c. 33, s. 52(2)(c); S.I. 1994/3258, art.2.
- F10** S. 9(1ZA)(1ZB) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 14 para. 1\(5\)](#); S.I. 2013/2200, art. 3(g) (with savings in S.I. 2013/2192, reg. 49)
- F11** 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.
- F12** 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)
- F13** 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)
- F14** 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)
- F15** Words in s. 9(2B) omitted (10.3.2022 for specified purposes, 1.10.2022 in so far as not already in force) by virtue of [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(c), [Sch. 4 para. 5\(2\)\(b\)](#); S.I. 2022/1014, reg. 2(d) (with reg. 3)
- F16** S. 9(2C) omitted (10.3.2022 for specified purposes, 1.10.2022 in so far as not already in force) by virtue of [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(c), [Sch. 4 para. 5\(2\)\(c\)](#); S.I. 2022/1014, reg. 2(d) (with reg. 3)

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- F17** S. 9(2CA) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 52**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F18** Words in s. 9(2D) omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 1(7)(a)**; S.I. 2013/2200, art. 3(g) (with savings in S.I. 2013/2192, reg. 49)
- F19** Words in s. 9(2D) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 1(7)(b)**; S.I. 2013/2200, art. 3(g) (with savings in S.I. 2013/2192, reg. 49)
- F20** S. 9(3) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 1(8)**; S.I. 2013/2200, art. 3(g) (with savings in S.I. 2013/2192, reg. 49)
- F21** S. 9(3)(a)(b) omitted (10.3.2022 for specified purposes, 1.10.2022 in so far as not already in force) by virtue of Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(c), **Sch. 4 para. 5(2)(d)**; S.I. 2022/1014, reg. 2(d) (with reg. 3)
- F22** Words in s. 9(4) omitted (15.7.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 89(2)(h)**; S.I. 2013/1725, art. 2(g)
- F23** 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)
- F24** Word in s. 9(4) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 2(2)**; S.I. 2013/2200, art. 3(g)
- F25** 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)
- F26** 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.
- F27** Word in s. 9(4A) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 16(2)** (with Sch. 1 para. 43)
- F28** Words in s. 9(5) substituted (11.1.1995) by 1994 c. 33, s. 52(4); S.I. 1994/3258, art. 2.
- F29** 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.
- F30** S. 9(6A) inserted (11.1.1995) by 1994 c. 33, s. 52(5); S.I. 1994/3258, art. 2.
- F31** Words in s. 9(6A) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 1(9)**; S.I. 2013/2200, art. 3(g) (with savings in S.I. 2013/2192, reg. 49)
- F32** 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)
- F33** 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)
- F34** S. 9(7) repealed (31.3.1995) by 1993 c. 8, s. 31(4), **Sch. 9**; S.I. 1995/631, art. 2.
- F35** S. 9(8)(a) omitted (10.3.2022 for specified purposes, 1.10.2022 in so far as not already in force) by virtue of Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(c), **Sch. 4 para. 5(2)(e)**; S.I. 2022/1014, reg. 2(d) (with reg. 3)
- F36** S. 9(8A)(8B) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 2(3)**; S.I. 2013/2200, art. 3(g)
- F37** 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)
- F38** Words in s. 9(9) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 2(4)(a)**; S.I. 2013/2200, art. 3(g)
- F39** Words in s. 9(9) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 2(4)(b)**; S.I. 2013/2200, art. 3(g)

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.

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M2 1968 c. 19.

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