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# County Courts Act 1984

## 1984 CHAPTER 28

### PART I

#### CONSTITUTION AND ADMINISTRATION

*[<sup>F1</sup>District judges] , [<sup>F1</sup>assistant district judges] and [<sup>F1</sup>deputy district judges]*

#### Textual Amendments

**F1** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), [Sch. 18 para. 42](#)

#### <sup>F2</sup>6 **District judges.**

- (1) Her Majesty may, on the recommendation of the Lord Chancellor, appoint district judges.
- (2) The Lord Chief Justice, after consulting the Lord Chancellor—
  - (a) must assign each district judge to one or more districts;
  - (b) may change an assignment so as to assign the district judge to a different district or districts.
- (3) A reference in any enactment or other instrument to the district judge for a district or of a county court is a reference to any district judge assigned to the district concerned.
- (4) Every district judge is, by virtue of his office, capable of acting in any district whether or not assigned to it, but may do so only in accordance with arrangements made by or on behalf of the Lord Chief Justice.
- (5) A district judge is to be paid such salary as may be determined by the Lord Chancellor with the concurrence of the Treasury.
- (6) A salary payable under this section may be increased but not reduced by a determination or further determination under this section.

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[<sup>F3</sup>(7) 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 (2).]

**Textual Amendments**  
F2 S. 6 substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 14, 148(1), [Sch. 3 para. 1](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 9](#)  
F3 S. 6(7) inserted (19.7.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 56, 148(5), [Sch. 11 para. 6](#)

<sup>F4</sup>7 .....

**Textual Amendments**  
F4 S. 7 repealed (31.3.1995) by [1993 c. 8](#), s. 31(3)(4), [Sch. 8 para. 17\(a\)](#), [Sch.9](#); [S.I. 1995/631](#), [art.2](#)

**8 [<sup>F5</sup>Deputy district judges].**

[<sup>F6</sup>(1) If it appears to the Lord Chancellor that it is expedient to do so in order to facilitate the disposal of business in the county courts, he may appoint a person to be a deputy district judge.

(1ZA) A person is qualified for appointment under subsection (1) only if the person—

- (a) is qualified for appointment as a district judge, or
- (b) holds, or has held, the office of district judge.

(1ZB) The Lord Chancellor may not appoint a person under subsection (1) without the concurrence of the Lord Chief Justice if the person—

- (a) holds the office of district judge, or
- (b) ceased to hold the office of district judge within two years ending with the date when the appointment takes effect.

(1ZC) Section 85 of the Constitutional Reform Act 2005 (c. 4) (selection of certain office holders) does not apply to an appointment to which subsection (1ZB) applies.]

[<sup>F7</sup>(1A) Any appointment of a person as a deputy district judge—

- (a) [<sup>F8</sup>if subsection (1ZB) applies to the appointment,] shall not be such as to extend beyond the day on which he attains the age of 75 years; and
- (b) in any other case, shall not be such as to extend beyond the day on which he attains the age of 70 years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).]

[<sup>F9</sup>(1B) The Lord Chief Justice, after consulting the Lord Chancellor—

- (a) may assign a deputy district judge appointed under this section to one or more districts;
- (b) may change an assignment so as to assign the deputy district judge to a different district or districts (or to no district).

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- (1C) A deputy district judge appointed under this section and assigned to a district has, while acting under his assignment, the same powers as if he were a district judge assigned to the district.
- (1D) Every deputy district judge appointed under this section is, by virtue of his office, capable of acting as a district judge in any district to which he is not assigned, but may act in a district to which he is not assigned only in accordance with arrangements made by or on behalf of the Lord Chief Justice.]
- (2) . . . . .
- (3) The Lord Chancellor may pay to any person appointed under this section as [deputy district judge] such remuneration and allowances as he may, with the approval of the Treasury, determine.
- [<sup>F10</sup>(4) 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 (1ZB) or (1B).]

**Textual Amendments**

- F5** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF37), S. 125(3), **Sch. 18 para. 42**
- F6** S. 8(1)-(1ZC) substituted (19.7.2007) for s. 8(1) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 56, 148(5), **Sch. 11 para. 7(2)** (with Sch. 11 para. 10)
- F7** S. 8(1A) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 17(1)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**
- F8** Words in s. 8(1A)(a) substituted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 56, 148(5), **Sch. 11 para. 7(3)** (with Sch. 11 para. 10)
- F9** S. 8(1B)-(1D) inserted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 56, 148(5), **Sch. 11 para. 7(4)** (with Sch. 11 para. 10)
- F10** S. 8(4) inserted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 56, 148(5), **Sch. 11 para. 7(5)** (with Sch. 11 para. 10)

**Modifications etc. (not altering text)**

- C1** Ss. 6-9, 11, 12, amended by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 42** which provides that: "(a) for the word "registrar" in each place where it occurs, except where it is in the context of assistant registrar or deputy registrar, there shall be substituted " district judge"; (b) for the words "assistant district judge"; and (c) for the words "deputy county court registrar" and "deputy registrar" in each place where they occur there shall be substituted "deputy district judge".
- C2** S. 8 restricted (31.3.1995) by 1993 c. 8, s. 26(7)(g) (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**

**9 Qualifications [<sup>F11</sup>for appointment as district judge].**

No person shall be appointed a [<sup>F12</sup>district judge], <sup>F13</sup> . . . <sup>F14</sup> . . . unless [<sup>F15</sup>he has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990].

**Textual Amendments**

- F11** Words in s. 9 heading inserted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 56, 148(5), **Sch. 11 para. 8(b)**

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- F12** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 42**
- F13** Words in s. 9 repealed (31.3.1995) by 1993 c. 8, s. 31(3)(4), Sch. 8 para. 17(b), **Sch.9**; S.I. 1995/631, **art.2**
- F14** Words in s. 9 omitted (19.7.2007) by virtue of Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 56, 148(5), **Sch. 11 para. 8(a)**
- F15** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 57**

**Modifications etc. (not altering text)**

- C3** Ss. 6–9, 11, 12 amended by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 42** which provides that: “(a)for the word “registrar” in each place where it occurs, except where it is in the context of assistant registrar or deputy registrar, there shall be substituted “district judge”; (b)for the words “assistant registrar” in each place where they occur there shall be substituted “assistant district judge”; and(c)for the words “deputy county court registrar” and “deputy registrar” in each place where they occur there shall be substituted “deputy district judge”.”

**10** ..... **F16**

**Textual Amendments**

- F16** S. 10 repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

**11 Tenure of office.**

- [<sup>F17</sup>(1) This subsection applies to the office of district judge.
- (2) Subject to the following provisions of this section and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75), a person who holds an office to which subsection (1) applies shall vacate his office on the day on which he attains the age of 70 years.]
- <sup>F18</sup>(3) .....
- (4) A person appointed to an office to which subsection (1) applies shall hold that office during good behaviour.
- (5) The power to remove such a person from his office on account of misbehaviour shall be exercisable by the Lord Chancellor [<sup>F19</sup>, but only with the concurrence of the Lord Chief Justice].
- (6) The Lord Chancellor may [<sup>F20</sup>, with the concurrence of the Lord Chief Justice,] also remove such a person from his office on account of inability to perform the duties of his office.

**Textual Amendments**

- F17** S. 11(1)(2) substituted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 17(3)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**
- F18** S. 11(3) repealed and superseded (31.3.1995) by 1993 c. 8, **ss. 26(4)-(6)**(10), 31(4), Sch. 6 para. 17(4), Sch.9 (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**

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**F19** Words in s. 11(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 164(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)

**F20** Words in s. 11(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 164(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)

**Modifications etc. (not altering text)**

**C4** Ss. 6–9, 11, 12 amended by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 42** which provides that: “(a)for the word “registrar” in each place where it occurs, except where it is in the context of assistant registrar or deputy registrar, there shall be substituted “district judge”; (b)for the words “assistant registrar” in each place where they occur there shall be substituted “assistant district judge”; and(c)for the words “deputy county court registrar” and “deputy registrar” in each place where they occur there shall be substituted “deputy district judge”.”

**12 Records of proceedings to be kept by [<sup>F21</sup>district judges].**

- (1) The [<sup>F21</sup>district judge]for every district shall keep or cause to be kept such records of and in relation to proceedings in the court for that district as the Lord Chancellor may by regulations made by statutory instrument prescribe.
- (2) Any entry in a book or other document required by the said regulations to be kept for the purposes of this section, or a copy of any such entry or document purporting to be signed and certified as a true copy by the [<sup>F21</sup>district judge], shall at all times without further proof be admitted in any court or place whatsoever as evidence of the entry and of the proceeding referred to by it and of the regularity of that proceeding.
- [<sup>F22</sup>(3) The Lord Chancellor must consult the Lord Chief Justice before making regulations under this section.
- (4) 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 this section.]

**Textual Amendments**

**F21** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 42**

**F22** S. 12(3)(4) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 165**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)

**Modifications etc. (not altering text)**

**C5** Ss. 6–9, 11, 12 amended by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 42** which provides that: “(a)for the word “registrar” in each place where it occurs, except where it is in the context of assistant registrar or deputy registrar, there shall be substituted “district judge”; (b)for the words “assistant registrar” in each place where they occur there shall be substituted “assistant district judge”; and(c)for the words “deputy county court registrar” and “deputy registrar” in each place where they occur there shall be substituted “deputy district judge”.”

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