



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART III

#### JUDICIAL AND OTHER OFFICES AND JUDICIAL PENSIONS

##### *Judges*

#### 72 Presiding Judges.

- (1) For each of the Circuits there shall be at least two Presiding Judges, appointed from among the puisne judges of the High Court.
- (2) There shall be a Senior Presiding Judge for England and Wales, appointed from among the Lords Justices of Appeal.
- (3) Any appointment under subsection (1) or (2) shall be made by the Lord Chief Justice with the agreement of the Lord Chancellor.
- (4) In this section “the Circuits” means—
  - (a) the Midland and Oxford Circuit;
  - (b) the North Eastern Circuit;
  - (c) the Northern Circuit;
  - (d) the South Eastern Circuit;
  - (e) the Western Circuit; and
  - (f) the Wales and Chester Circuit,or such other areas of England and Wales as the Lord Chancellor may from time to time, after consulting the Lord Chief Justice, direct.
- (5) A person appointed as a Presiding Judge or as the Senior Presiding Judge shall hold that office in accordance with the terms of his appointment.
- (6) In section 4 of the <sup>M1</sup>[<sup>F1</sup>Senior Courts Act 1981] (composition of High Court)—
  - (a) in subsection (1), after the words “Vice-Chancellor” there shall be inserted—

“(dd) the Senior Presiding Judge”; and

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- (b) in subsection (6) for the words “or Vice-Chancellor” there shall be substituted “Vice-Chancellor or Senior Presiding Judge”.

#### Textual Amendments

- F1** S. 72: for the words “Supreme Court Act 1981” wherever they occur there is substituted (1.10.2009) the words “Senior Courts Act 1981” by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148\(1\), Sch. 11 para. 1\(2\); S.I. 2009/1604, art. 2\(d\)](#)

#### Marginal Citations

- M1** 1981 c. 54.

### 73 Delegation of certain administrative functions of Master of the Rolls.

- (1) Where the Master of the Rolls expects to be absent at a time when it may be appropriate for any relevant functions of his to be exercised, he may appoint a judge of the [<sup>F2</sup>Senior Courts] to exercise those functions on his behalf.
- (2) Where the Master of the Rolls considers that it would be inappropriate for him to exercise any such functions in connection with a particular matter (because of a possible conflict of interests or for any other reason), he may appoint a judge of the [<sup>F2</sup>Senior Courts] to exercise those functions on his behalf in connection with that matter.
- (3) Where the Master of the Rolls is incapable of exercising his relevant functions, the [<sup>F3</sup>Lord Chief Justice may, with the concurrence of the Lord Chancellor,] appoint a judge of the [<sup>F2</sup>Senior Courts] to exercise, on behalf of the Master of the Rolls, such of those functions as the [<sup>F4</sup>Lord Chief Justice and Lord Chancellor consider] appropriate.
- (4) Any appointment under this section shall be in writing and shall specify—
  - (a) the functions which may be exercised by the appointed judge; and
  - (b) the period for which the appointment is to have effect.
- (5) In this section “relevant functions” means any functions of the Master of the Rolls under—
  - (a) section 144A of the <sup>M2</sup>Law of Property Act 1922 (functions in relation to manorial documents);
  - (b) section 7(1) of the <sup>M3</sup>Public Records Act 1958 (power to determine where records of the Chancery of England are to be deposited);
  - (c) the <sup>M4</sup>Solicitors Act 1974 (which gives the Master of the Rolls various functions in relation to solicitors);
  - (d) <sup>F5</sup> .....
- [<sup>F6</sup>(6) 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 (3).]

#### Textual Amendments

- F2** Words in s. 73 substituted (1.1.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 4; S.I. 2009/1604, art. 2\(d\)](#)

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- F3** Words in s. 73(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148, **Sch. 4 para. 215(2)(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11
- F4** Words in s. 73(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148, **Sch. 4 para. 215(2)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11
- F5** S. 73(5)(d) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(i)(viii)(ff)** (with art. 9)
- F6** S. 73(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148, **Sch. 4 para. 215(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11

#### Marginal Citations

- M2** 1922 c. 16.  
**M3** 1958 c. 51.  
**M4** 1974 c. 47.

## 74 District judges.

- (1) The offices of—
- (a) registrar, assistant registrar and deputy registrar for each county court district; and
  - (b) district registrar, assistant district registrar and deputy district registrar for each district registry of the High Court,
- shall become the offices of district judge, assistant district judge and deputy district judge respectively.
- (2) The office of registrar of the principal registry of the Family Division of the High Court shall become the office of district judge of the principal registry of the Family Division.
- (3) Any reference in any enactment, instrument or other document to an office which is, or includes, one to which this section applies shall be construed as a reference to, or (as the case may be) as including a reference to, that office by its new name.
- (4) In section 14 of the <sup>M5</sup>County Courts Act 1984 (power of judge to impose penalty for an assault on an officer of the court) after subsection (2) there shall be inserted—
- “(3) A district judge, assistant district judge or deputy district judge shall have the same powers under this section as a judge.”
- (5) In section 55 of that Act (power of judge to impose penalty for refusal to give evidence) after subsection (4) there shall be inserted—
- “(4A) A district judge, assistant district judge or deputy district judge shall have the same powers under this section as a judge.”
- (6) In section 118 of that Act (power of judge to commit for contempt) after subsection (2) there shall be inserted—
- “(3) A district judge, assistant district judge or deputy district judge shall have the same powers under this section in relation to proceedings before him as a judge.”
- (7) In section 42 of the <sup>M6</sup>Matrimonial and Family Proceedings Act 1984 (which allows certain county court proceedings to be taken in the principal registry of the Family Division) the following subsection shall be inserted after subsection (4)—

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“(4A) Where a district judge of the principal registry is exercising jurisdiction in any matrimonial cause or matter which could be exercised by a district judge of a county court, he shall have the same powers in relation to those proceedings as if he were a district judge of a county court and the proceedings were in a county court.”

#### Commencement Information

**I1** S. 74 wholly in force; S. 74(1)-(3) in force at 1.1.1991 see s. 124(3) and S.I. 1990/2484, s. 74(4)-(7) in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, **Sch.**

#### Marginal Citations

**M5** 1984 c. 28.

**M6** 1984 c. 42.

## 75 Judges etc. barred from legal practice.

No person holding as a full-time appointment any of the offices listed in Schedule 11 shall—

- (a) provide any advocacy or litigation services (in any jurisdiction);
- (b) provide any conveyancing or probate services;
- [<sup>F7</sup>(ba) carry on any notarial activities (within the meaning of the Legal Services Act 2007);]
- (c) practise as a barrister, solicitor, public notary or licensed conveyancer, or be indirectly concerned in any such practice;
- (d) practise as an advocate or solicitor in Scotland, or be indirectly concerned in any such practice; or
- (e) act for any remuneration to himself as an arbitrator or umpire.

#### Textual Amendments

**F7** S. 75(ba) inserted (1.1.2010) by **Legal Services Act 2007 (c. 29)**, ss. 208, 211, **Sch. 21 para. 95** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)** (with art. 9)

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

**C1** S. 75 applied (1.9.1992) by **Child Support Act 1991 (c. 48, SIF 20)**, ss. 21(4), 22(5), Sch. 3 para. 4(6), **Sch. 4 para.3**, (with s. 9(2)); S.I. 1992/1938, **art.2**

## 76 Judicial oaths.

- (1) A person holding any of the following offices—
- (a) district judge, including district judge of the principal registry of the Family Division;
  - (b) Master of the Queen’s Bench Division;
  - (c) Master of the Chancery Division;
  - (d) Registrar in Bankruptcy of the High Court;
  - (e) Taxing Master of the [<sup>F8</sup>Senior Courts] ;
  - (f) Admiralty Registrar,

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shall take the oath of allegiance and the judicial oath before a judge of the High Court or a Circuit judge.

- (2) The <sup>M7</sup>Promissory Oaths Act 1868 shall have effect as if the offices listed in the Second Part of the Schedule to that Act included those offices.

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**Textual Amendments**

**F8** Words in s. 76 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 4](#); S.I. 2009.1604, {art. 2(d)}

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**Marginal Citations**

**M7** 1868 c. 72.

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