



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART III

JUDICIAL AND OTHER OFFICES AND JUDICIAL PENSIONS

Judges

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 [^{F1}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 [^{F1}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 [^{F2}Lord Chief Justice may, with the concurrence of the Lord Chancellor,] appoint a judge of the [^{F1}Senior Courts] to exercise, on behalf of the Master of the Rolls, such of those functions as the [^{F3}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 ^{M1}Law of Property Act 1922 (functions in relation to manorial documents);
 - (b) section 7(1) of the ^{M2}Public Records Act 1958 (power to determine where records of the Chancery of England are to be deposited);

Changes to legislation: *Courts and Legal Services Act 1990, Section 73 is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) the ^{M3}Solicitors Act 1974 (which gives the Master of the Rolls various functions in relation to solicitors);

(d) ^{F4}

[^{F5}(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

- F1** 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\(d\)](#)
- F2** 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
- 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\(2\)\(b\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11
- F4** 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)
- F5** 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

- M1** 1922 c. 16.
- M2** 1958 c. 51.
- M3** 1974 c. 47.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)