

*Status: Point in time view as at 02/04/2007.*

*Changes to legislation: Constitutional Reform Act 2005, SCHEDULE 3 is up to date with all changes known to be in force on or before 05 June 2024. 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)*

## SCHEDULES

### SCHEDULE 3

Section 14

#### TRANSFER OF APPOINTMENT FUNCTIONS TO HER MAJESTY

##### *District Judges*

- 1 (1) For section 6 of the County Courts Act 1984 (c. 28) substitute—

##### **“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.”
- (2) That section as substituted applies to a district judge holding office by virtue of an appointment made before the commencement of sub-paragraph (1) as if he had been assigned to the district or districts for which he was appointed.

- 2 (1) For sections 100 and 101 of the Supreme Court Act 1981 (c. 54) substitute—

##### **“100 District judges**

- (1) The Lord Chief Justice, after consulting the Lord Chancellor—
  - (a) may assign a district judge to one or more district registries;
  - (b) may change an assignment so as to assign the district judge to a different district registry or registries (or to no district registry).

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- (2) A reference in any enactment or other instrument to the district judge of a district registry is a reference to any district judge assigned to the registry concerned.
- (3) Every district judge is, by virtue of his office, capable of acting in any district registry 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.
- (4) Whilst a district judge is assigned to one or more district registries in accordance with subsection (1) he is a district judge of the High Court.”
- (2) That section as substituted applies to a district judge holding office by virtue of an appointment made before the commencement of sub-paragraph (1) as if he had been assigned to the district registry or registries for which he was appointed.
- (3) In section 102 of that Act (deputy district judges) for subsection (4) substitute—
  - “(4) A person appointed to be a deputy district judge in a district registry has, while acting under this section, the same jurisdiction as a district judge assigned to that registry.”

#### *High Court Masters and Registrars*

- 3 (1) Section 89 of the Supreme Court Act 1981 (c. 54) (masters and registrars) is amended as follows.
- (2) In subsection (1), for the words from “the Lord Chancellor” to the end substitute “Her Majesty.”
- (3) After that subsection insert—
  - “(1A) The maximum number of appointments under subsection (1) is such as may be determined from time to time by the Lord Chancellor with the concurrence of the Treasury.”
- (4) For subsection (3) substitute—
  - “(3) Her Majesty shall, on the recommendation of the Lord Chancellor, appoint a person to each office listed in the first column of the table in subsection (3C) (“a senior office”).
  - (3A) A person may be appointed to a senior office only if—
    - (a) he holds the office in the corresponding entry in the second column of that table (“the qualifying office”), or
    - (b) he does not hold the qualifying office but could be appointed to it in compliance with section 88.
  - (3B) Where a person who is to be appointed to a senior office meets the condition in subsection (3A)(b) he shall, when appointed to the senior office, also be appointed to the qualifying office.
  - (3C) This is the table referred to in subsections (3) and (3A)—

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*Senior office*

*Qualifying office*

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Senior Master of the Queen's Bench Division	Master of the Queen's Bench Division
Chief Chancery Master	Master of the Chancery Division
Chief Taxing Master	Taxing master of the Senior Courts
Chief Bankruptcy Registrar	Registrar in bankruptcy of the High Court
Senior District Judge of the Family Division	Registrar of the Principal Registry of the Family Division”.

(5) Before subsection (8) insert—

“(7A) A person appointed under subsection (1) is to be paid such salary, and a person appointed to a senior office is to be paid such additional salary, as may be determined by the Lord Chancellor with the concurrence of the Treasury.

(7B) A salary payable under or by virtue of this section—

- (a) may in any case be increased, but
- (b) may not, in the case of a salary payable in respect of an office listed in column 1 of Part 2 of Schedule 2 or of a senior office, be reduced, by a determination or further determination under this section.”

#### Commencement Information

- II** Sch. 3 para. 3 partly in force; Sch. 3 para. 3 not in force at Royal Assent see s. 148; Sch. 3 para. 3(1)(4) in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 9; Sch. 3 para. 3(2)(3)(5) in force for specified purposes at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 9

- 4 In section 93(2) of the Mental Health Act 1983 (c. 20) (Court of Protection) for “the Lord Chancellor” substitute “ Her Majesty ”.

#### *Senior District Judge (Chief Magistrate)*

- 5 In section 23 of the Courts Act 2003 (c. 39) (Senior District Judge (Chief Magistrate))—
- (a) for “The Lord Chancellor” substitute “ Her Majesty ”;
  - (b) for “he” substitute “ she ”.
- 6 In section 10A(2) of the Justices of the Peace Act 1997 (c. 25) (until the coming into force of the repeal of that Act by the Courts Act 2003) for “The Lord Chancellor” substitute “ Her Majesty ”.

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