

Status: Point in time view as at 01/11/2007.

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Cross Heading: County Courts Act 1984 (c. 28) is up to date with all changes known to be in force on or before 23 May 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 11

DISTRICT JUDGES AND DEPUTY DISTRICT JUDGES

County Courts Act 1984 (c. 28)

- 5 The County Courts Act 1984 is amended as set out in paragraphs 6 to 9.
- 6 In section 6 (district judges), after subsection (6) insert—
- “(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).”
- 7 (1) Section 8 (deputy district judges) is amended as follows.
- (2) For subsection (1) (appointment and powers of deputy district judges) substitute—
- “(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.”
- (3) In subsection (1A)(a) (duration of appointment as deputy district judge of person who previously held office as district judge), for “if he has previously held office as a district judge,” substitute “if subsection (1ZB) applies to the appointment,”.
- (4) After subsection (1A) insert—
- “(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.”

(5) After subsection (3) insert—

“(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).”

8 In section 9(qualifications for appointment as a district judge, or as a deputy district judge for a county court district)—

(a) omit “, or deputy district judge”, and

(b) in the heading, after “Qualifications” insert “ for appointment as district judge ”.

9 In section 147(1) (interpretation of Act), in the definition of “officer” (which provides that “officer”, in relation to a county court, includes a district judge or deputy district judge of that court), for the words after “means” and before “and any clerk” substitute “ any district judge or deputy district judge assigned to that court ”.

10 (1) This paragraph applies to a person holding office as a deputy district judge under section 8 of the County Courts Act 1984 (c. 28) by virtue of an appointment made before the commencement of paragraph 7 (“the commencement date”).

(2) If the person had held the office of district judge before his appointment, the person is to be treated after the commencement date as if section 8(1ZB) of that Act had applied to his appointment (and had been complied with).

(3) If sub-paragraph (2) does not apply, the person is to be treated after the commencement date as appointed under section 8(1) of that Act.

(4) The person is to be treated after the commencement date as assigned under section 8(1B) of that Act to the county court district for which he was appointed.

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