

SCHEDULES

SCHEDULE 13

JUDICIAL APPOINTMENTS

PART 4

JUDICIAL APPOINTMENTS: SELECTION, AND TRANSFER OF POWERS OF LORD CHANCELLOR

Deputy District Judges (Magistrates' Courts) to be appointed by Lord Chief Justice

- 38 (1) Section 24 of the Courts Act 2003 (Deputy District Judges (Magistrates' Courts)) is amended as follows.
- (2) In subsection (1) (Lord Chancellor's power of appointment) for "Lord Chancellor", in the first place, substitute "Lord Chief Justice".
- (3) For subsection (4) (removal from office to be by Lord Chancellor with concurrence of Lord Chief Justice but only on ground of incapacity or misbehaviour) substitute—
- “(4) A person may be removed from office as a Deputy District Judge (Magistrates' Courts)—
- (a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and
- (b) only on—
- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person's terms of appointment.
- (4A) Subject to subsection (4B), the period of a person's appointment under this section (including a period already extended under this subsection) must be extended by the Lord Chancellor before its expiry.
- (4B) Extension under subsection (4A)—
- (a) requires the person's agreement,
- (b) is to be for such period as the Lord Chancellor considers appropriate, and
- (c) may be refused on—
- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person's terms of appointment,
- but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.
- (4C) Subject to the preceding provisions of this section (but subject in the first place to the Judicial Pensions and Retirement Act 1993), a person appointed under this section is to hold and vacate office as a Deputy District

Status: This is the original version (as it was originally enacted).

Judge (Magistrates' Courts) in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.

(4D) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise the Lord Chief Justice's functions under subsection (1) or (4)(a)."

(4) In list A in paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005 (protected functions of Lord Chancellor) in the entries for the Courts Act 2003 at the appropriate place insert "Section 24".