

CRIME AND COURTS ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Courts and Justice

Schedule 14: Deployment of the judiciary

Part 1: Deployment under section 9 of the Senior Courts Act 1981

402. *Part 1* provides for a wider range of judicial office holders to provide assistance with the transaction of judicial business in the Senior Courts. The intended position is shown in Annex B. It also provides that selection for appointment to the office of deputy judge of the High Court under section 9(4) of the Senior Courts Act 1981 (“the 1981 Act”) should be by the JAC.
403. *Paragraph 1* amends section 9 of the 1981 Act. *Sub-paragraph (2)* provides that a person who has been a puisne judge of the High Court or has been a Court of Appeal judge can be requested to sit in the family and county courts. *Sub-paragraph (3)* adds the Senior President of Tribunals to those who may be requested to sit in the Court of Appeal or the High Court. *Sub-paragraphs (4) and (5)* provide that the Upper Tribunal judges and the Presidents of the Employment Tribunals are added to the table (in section 9(1) of the 1981 Act) and so are able to be requested to sit in the High Court. *Sub-paragraph (6)* provides that a request to the Senior President of Tribunals may only be made after consulting the Lord Chancellor. *Sub-paragraph (7)* provides for the concurrence of the JAC in relation to a request for a Circuit judge to sit in the Criminal Division of the Court of Appeal. *Sub-paragraph (8)* specifies which judges must comply with a request and those judges that do not have to comply with a request.
404. New subsections (8A) and (8B) of section 9 of the 1981 Act (inserted by *paragraph 2(3)*) expressly provide the Lord Chancellor with the power to remove deputy judges of the High Court and determine the terms of their appointments.
405. *Paragraph 3(1)* inserts the deputy judge of the High Court into new Table 2 of Part 2 of Schedule 14 to the CRA (as created as a result of the amendments made by paragraph 41 of Schedule 13 to the Act) which requires appointments made under section 9(4) of the 1981 Act, to be made following a JAC selection process.
406. *Paragraph 3(3)* inserts new section 94AA into the CRA which provides for a limited exception to the requirement that the appointments of deputy judges of the High Court are to be made following a JAC selection process. New section 94AA enables the Lord Chief Justice to appoint a person as a deputy judge of the High Court, after consultation with the Lord Chancellor, where: (a) there is an urgent need in respect of particular business of the High Court or Crown Court; (b) it is expedient as a temporary measure to make an appointment to dispose of the particular business and; (c) there are no other reasonable steps that may be taken in the time available (new section 94AA(2)). In such circumstances the normal JAC selection process is dis-applied and a person may be appointed as a temporary deputy judge of the High Court for a specified period in

*These notes refer to the Crime and Courts Act 2013
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order to deal with the urgent business or until when the urgent business is expected to conclude (new section 94AA(3)).