
Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Paragraph 35. (See end of Document for details)

SCHEDULES

SCHEDULE 13

JUDICIAL APPOINTMENTS

PART 4

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

Deputy and temporary Masters etc to be appointed by Lord Chief Justice

- 35 (1) Section 91 of the Senior Courts Act 1981 (deputy and temporary Masters, Registrars etc of the High Court) is amended as follows.
- (2) In subsection (1) (Lord Chancellor's power of appointment)—
- (a) for “the Lord Chancellor”, in the first place, substitute “ the Lord Chief Justice ”, and
 - (b) after “to facilitate the disposal of business in the Senior Courts” insert “ or any other court or tribunal to which a person appointed under this subsection may be deployed ”.
- (3) For subsection (1ZA) (if person to be appointed is a current or former holder of certain judicial offices, Lord Chief Justice must concur) substitute—
- “(1ZA) The Lord Chief Justice may not appoint a holder of relevant office under subsection (1) without the concurrence of the Lord Chancellor.”
- (4) After subsection (6) (remuneration) insert—
- “(6A) A person appointed under subsection (1) may be removed from office—
- (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.
- (6B) Subject to subsection (6C), the period of a person's appointment under subsection (1) (including a period already extended under this subsection) must be extended by the Lord Chancellor before its expiry; and for this purpose a person appointed under subsection (1) to act under this section on certain occasions is to be treated as having been appointed for a period that expires when the occasions end.
- (6C) Extension under subsection (6B)—
- (a) requires the person's agreement,
 - (b) is to be for such period as the Lord Chancellor thinks fit, and
 - (c) may be refused on—

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(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.

(6D) 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 subsection (1) is to hold and vacate office in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.”

- (5) In subsection (7) (delegation of functions by Lord Chief Justice)—
- (a) for “judicial office holder (as defined in section 109(4))” substitute “ senior judge (as defined in section 109(5))”, and
 - (b) for “subsection (1ZA)” substitute “ subsection (1) or (6A)(a) ”.
- (6) 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 Senior Courts Act 1981 for “Section 91(1), (1A) and (6)” substitute “ Section 91 ”.
- (7) In consequence of the previous provisions of this paragraph, in the Tribunals, Courts and Enforcement Act 2007 omit sections 57(2)(a) and (5) and 144(5).

Commencement Information

- II** Sch. 13 para. 35 in force at 1.10.2013 by [S.I. 2013/2200](#), **art. 3(e)** (with savings in [S.I. 2013/2192](#), regs. 48, 49)

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