



Administration of Justice Act 1973

1973 CHAPTER 15

PART II

MISCELLANEOUS

12 Retirement of higher judiciary in event of incapacity.

- (1) Where the Lord Chancellor is satisfied by means of a medical certificate that a person holding office^{F1} . . . as judge of the [^{F2}Court of Judicature] in Northern Ireland [^{F3}(other than a judge to whom section 7 of the Justice (Northern Ireland) Act 2002 applies)] is disabled by permanent infirmity from the performance of the duties of his office, but is for the time being incapacitated from resigning it, then subject to [^{F4}subsection (4)] below the Lord Chancellor may by instrument under his hand declare that person's office to have been vacated, and the instrument shall have the like effect for all purposes as if that person had on the date of the instrument resigned his office.
- (2)^{F5}
- [^{F6}(3) A declaration under this section with respect to a judge of the [^{F2}Court of Judicature] in England and Wales shall be of no effect unless it is made—
 - (a) in the case of any of the Lord Chief Justice, the Master of the Rolls, the President of the Family Division and the Vice-Chancellor, with the concurrence of two others of them;
 - (b) in the case of a Lord Justice of Appeal, with the concurrence of the Master of the Rolls;
 - (c) in the case of a puisne judge of the Queen's Bench Division, with the concurrence of the Lord Chief Justice;
 - (d) in the case of a puisne judge of the Chancery Division other than the Vice-Chancellor, with the concurrence of the Vice-Chancellor;
 - (e) in the case of a puisne judge of the Family Division, with the concurrence of the President of the Family Division.]
- (4) A declaration under this section with respect to a judge of the [^{F2}Court of Judicature] of Northern Ireland shall be of no effect unless it is made with the concurrence of the

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1973, Section 12. (See end of Document for details)

Lord Chief Justice of Northern Ireland or, if made with respect to him, with that of the senior Lord Justice of Appeal.

Textual Amendments

- F1** Words in s. 12(1) repealed (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 145, 146, 148, [Sch. 17 para. 19\(3\)\(a\)\(i\)](#), [Sch. 18 Pt. 5](#); S.I. 2009/1604, [art. 2\(e\)\(f\)](#)
- F2** S. 12: words substituted (1.10.2009) in each place in Act by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 6](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F3** Words in s. 12(1) inserted (12.4.2010) by [2002 c. 26](#), ss. 85, 87, [Sch. 12 para. 12](#); S.R. 2010/113, [art. 2](#), [Sch. para. 20](#)
- F4** Words in s. 12(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 145, 148, [Sch. 17 para. 19\(3\)\(a\)\(ii\)](#); S.I. 2009/1604, [art. 2\(e\)](#)
- F5** S. 12(2) repealed (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 145, 146, 148, [Sch. 17 para. 19\(3\)\(b\)](#), [Sch. 18 Pt. 5](#); S.I. 2009/1604, [art. 2\(e\)\(f\)](#)
- F6** S. 12(3) repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

Changes to legislation:

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