



Senior Courts Act 1981

1981 CHAPTER 54

PART IV

OFFICERS AND OFFICES

Judges' clerks and secretaries

98 Judges' clerks and secretaries.

- (1) A clerk and a secretary shall be attached to each of the following judges of the [^{F1}Senior Courts], namely the Lord Chief Justice, the Master of the Rolls, [^{F2}the President of the Queen's Bench Division, the President of the Family Division and the Chancellor of the High Court].
- (2) A clerk shall be attached to each of the following judges of the [^{F1}Senior Courts], namely the Lords Justices of Appeal and the puisne judges of the High Court.
- (3) Any clerk or secretary attached as mentioned in subsection (1) or (2)—
 - (a) shall be appointed by the Lord Chancellor; and
 - (b) if not already employed in the civil service of the State shall be deemed for all purposes to be so employed.
- (4) If at any time it appears to any of the judges mentioned in subsection (1) desirable that there should be attached to him a legal secretary (that is to say a secretary with legal qualifications) in addition to the secretary provided for by that subsection, he may, with the concurrence of the Lord Chancellor, appoint a [^{F3}person who has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)] as his legal secretary.
- (5) An appointment under subsection (4) may be on either a full-time or a part-time basis; and a person appointed by a judge as his legal secretary shall, except as regards remuneration, hold and vacate that office in accordance with such terms as the judge may, with the concurrence of the Lord Chancellor, determine when making the appointment.

Changes to legislation: Senior Courts Act 1981, Cross Heading: Judges' clerks and secretaries is up to date with all changes known to be in force on or before 05 April 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) View outstanding changes

- (6) A person appointed under subsection (4)—
- (a) shall not be treated as employed in the civil service of the State by reason only of that appointment; and
 - (b) if the Lord Chancellor so determines in his case, shall be paid out of money provided by Parliament such remuneration as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine.

Textual Amendments

- F1** Words in s. 98 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 26\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F2** Words in s. 98(1) substituted (1.10.2005) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 14\(2\)](#); S.I. 2005/2505, [art. 2\(c\)](#)
- F3** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 47](#)

Changes to legislation:

Senior Courts Act 1981, Cross Heading: Judges' clerks and secretaries is up to date with all changes known to be in force on or before 05 April 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)