



Senior Courts Act 1981

1981 CHAPTER 54

PART IV

OFFICERS AND OFFICES

Other provisions relating to officers of ^{F1}Senior Courts]

Textual Amendments

F1 Words in s. 92 cross-heading 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)

92 Tenure of office.

(1) Subject to the following provisions of this section ^{F2}..., a person who holds an office to which this subsection applies shall vacate it [^{F3}on the day on which he attains the age of ^{F4}75].]

^{F5}(2) Subsection (1) applies to the offices listed in column 1 of Part II of Schedule 2 ^{F6}...

(2A) Subject to the following provisions of this section, a person who holds an office to which this subsection applies shall vacate it at the end of the completed year of service in the course of which he attains the age of sixty-two years.

(2B) Subsection (2A) applies to the offices listed in column 1 of Part I of Schedule 2 ^{F7}...

^{F8}(2C)

^{F9}(2D)

^{F9}(2E)

^{F8}(3)

Changes to legislation: Senior Courts Act 1981, Cross Heading: Other provisions relating to officers of Senior Courts is up to date with all changes known to be in force on or before 11 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

- [^{F10}(3A) Where the Lord Chancellor considers it desirable in the public interest to retain in office a person who holds an office to which subsection (2A) applies after the time when he would otherwise retire in accordance with that subsection, the Lord Chancellor may from time to time authorise the continuance in office of that person until such date, not being later than the date on which he attains the age of sixty-five years, as he thinks fit.]
- (4) A person appointed to an office [^{F11}listed in column 1 of Part 1 or 2 of Schedule 2] shall hold that office during good behaviour.
- (5) The power to remove such a person from his office on account of misbehaviour shall be exercisable by the Lord Chancellor [^{F12}with the concurrence of the Lord Chief Justice].
- (6) The Lord Chancellor may also [^{F13}, with the concurrence of the Lord Chief Justice,] remove such a person from his office on account of inability to perform the duties of his office.
- (7) A person appointed to an office listed in column 1 of Part III of Schedule 2 shall hold that office during Her Majesty's pleasure.
- [^{F14}(8) It is for the Lord Chancellor to recommend to Her Majesty the exercise of any power under subsection (7).]

Textual Amendments

- F2** Words in s. 92(1) omitted (10.3.2022 for specified purposes, 1.10.2022 in so far as not already in force) by virtue of Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(c), **Sch. 4 para. 5(4)**; S.I. 2022/1014, reg. 2(d) (with reg. 3)
- F3** Words in s. 92(1) substituted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 14(2)(b)** (with Sch. 7. paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.
- F4** Word in s. 92(1) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 16(4)(b)** (with Sch. 1 para. 43)
- F5** S. 92(2)–(2C) substituted for S. 92(2) by Courts and Legal Services Act 1990 (c. 41, SIF 37), **s. 77(1)** (subject to a saving in Sch. 19 para. 7)
- F6** Words in s. 92(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 89(1)(a), 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(v)(y)(aa)**
- F7** Words in s. 92(2B) repealed (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para. 14(3), **Sch.9** (with Sch. 7. paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.
- F8** S. 92(2C)(3) repealed (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para. 14(4)(6), **Sch.9** (with Sch. 7. paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.
- F9** S. 92(2D)(2E) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 89(1)(b), 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(v)(y)(aa)**
- F10** S. 92(3A) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 37), **s. 77(2)**
- F11** Words in s. 92(4) substituted (1.4.2005) by Courts Act 2003 (c. 39), **ss. 89(1)(c)**, 110; S.I. 2005/910, **art. 3(v)**
- F12** Words in s. 92(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 140(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 11(p)
- F13** Words in s. 92(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 140(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 11(p)
- F14** S. 92(8) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 140(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 11(p)

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Modifications etc. (not altering text)

- C1** S. 92(2A) excluded by Courts and Legal Services Act 1990 (c. 41, SIF 37, 76:1), s. 125(6), **Sch. 19 para. 7**

93 Status of officers for purposes of salary and pension.

- (1) Subject to subsection (2), any person who holds an office listed in column 1 of any Part of Schedule 2 [^{F15}or the office of Accountant General of the [^{F16}Senior Courts]] and is not employed in the civil service of the State shall be deemed to be so employed for the purposes of salary and pension.
- (2) Subsection (1), so far as it relates to pension, shall not apply to a person holding [^{F17}qualifying judicial office, within the meaning of the ^{M1}Judicial Pensions and Retirement Act 1993.]

Textual Amendments

- F15** Words inserted by Public Trustee and Administration of Funds Act 1986 (c. 57, SIF 57), s. 1(3), **Sch. para. 2**
- F16** Words in s. 93 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)**
- F17** Words in S. 93(2) substituted (31.3.1995) by 1993 c. 8, s. 31, **Sch. 8 para. 15(2)**; S.I. 1995/631, **art.2.**

Marginal Citations

- M1** 1993 C. 8.

^{F18}94

Textual Amendments

- F18** S. 94 repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

95 Property held by officers.

Any property held in his official capacity by a person holding an office listed in column 1 of Part II of Schedule 2 or by the Official Solicitor shall, on his dying or ceasing to hold office, vest in the person appointed to succeed him without any conveyance, assignment or transfer.

Changes to legislation:

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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\(2\)](#)