



Senior Courts Act 1981

1981 CHAPTER 54

PART IV

OFFICERS AND OFFICES

Appointment of certain officers of ^{F1}Senior Courts]

91 Deputies and temporary appointments.

(1) If it appears to ^{F1}the Lord Chief Justice] that it is expedient to do so in order to facilitate the disposal of business in the ^{F2}Senior Courts][^{F3}or any other court or tribunal to which a person appointed under this subsection may be deployed], he may appoint a person—

- (a) to act as a deputy for any person holding an office listed in column 1 of Part II ^{F4}. . . of Schedule 2; or
- (b) to act as a temporary additional officer in any such office, during such period or on such occasions as [^{F5}^{F6}the Lord Chancellor may] think fit].

^{F7}^{F8}(1ZA) The Lord Chief Justice may not appoint a holder of relevant office under subsection (1) without the concurrence of the Lord Chancellor.]

(1ZB) Section 85 of the Constitutional Reform Act 2005 (selection of certain office holders) does not apply to an appointment to which subsection (1ZA) applies.

(1ZC) In this section a “holder of relevant office” means a person who holds^{F9}...—

- (a) any office listed in column 1 of Part 2 or 3 of Schedule 2, or
- (b) the office of district judge.]

^{F10}(1A) If it appears to the Lord Chancellor that it is expedient to do so in order to facilitate the disposal of business in the Senior Courts, he may appoint a person—

- (a) to act as a deputy for any person holding an office listed in column 1 of Part 3 of Schedule 2; or
- (b) to act as a temporary additional officer in any such office,

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during such period or on such occasions as the Lord Chancellor may think fit.]

(2) ^{F11}... A person shall not be qualified for appointment under this section if the office in which he would act by virtue of the appointment is one to which he is not qualified for permanent appointment.

^{F12}(3)

(4) Every person, while acting under this section, shall have all the jurisdiction of a person permanently appointed to the office in which he is acting.

^{F13}(5)

(6) The Lord Chancellor may, out of money provided by Parliament, pay to any person appointed under this section such remuneration and allowances as he may, with the concurrence of the Minister for the Civil Service, determine.

[^{F14}(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—
 - (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.]

[^{F15}(7) The Lord Chief Justice may nominate a [^{F16}senior judge (as defined in section 109(5)] of the Constitutional Reform Act 2005) to exercise his functions under [^{F17}subsection (1) or (6A)(a)].]

Textual Amendments

F1 Words in s. 91(1) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 35\(2\)\(a\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F2 Words in s. 91 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)

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- F3** Words in s. 91(1) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 35(2)(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F4** Words in s. 91(1)(a) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 4 para. 139(2)(b), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. paras. 11(p), 30(b)
- F5** Words in s. 91(1) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 139(2)(c)**; S.I. 2006/1014, **art. 2(a)**, Sch. para. 11(p)
- F6** Words in s. 91(1) substituted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 57(2)(b)**, 148(5)
- F7** S. 91(1ZA) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 35(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F8** S. 91(1ZA)-(1ZC) inserted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 57(3)**, 148(5)
- F9** Words in s. 91(1ZC) 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(3)(a)**; S.I. 2022/1014, reg. 2(d) (with reg. 3)
- F10** S. 91(1A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 139(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. para. 11(p)
- F11** Words in s. 91(2) 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(3)(b)**; S.I. 2022/1014, reg. 2(d) (with reg. 3)
- F12** S. 91(3) 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(3)(c)**; S.I. 2022/1014, reg. 2(d) (with reg. 3)
- F13** S. 91(5) repealed (31.3.1995) by 1993 c. 8, s. 31, **Sch. 9**; S.I. 1995/631, **art. 2**
- F14** S. 91(6A)-(6D) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 35(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F15** S. 91(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 139(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. para. 11(p)
- F16** Words in s. 91(7) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 35(5)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F17** Words in s. 91(7) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 35(5)(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

Modifications etc. (not altering text)

- C1** S. 91(1)(3) restricted (31.3.1995) by 1993 c. 8, **s. 26(7)(f)**, (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**.

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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)