



# Senior Courts Act 1981

## 1981 CHAPTER 54

### PART IV

#### OFFICERS AND OFFICES

*Other provisions relating to officers of <sup>F1</sup>Senior Courts]*

#### 92 Tenure of office.

(1) Subject to the following provisions of this section <sup>F1</sup>..., a person who holds an office to which this subsection applies shall vacate it [<sup>F2</sup>on the day on which he attains the age of [<sup>F3</sup>75].]

<sup>F4</sup>(2) Subsection (1) applies to the offices listed in column 1 of Part II of Schedule 2 <sup>F5</sup>....

(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 <sup>F6</sup>....

<sup>F7</sup>(2C).....]

<sup>F8</sup>(2D).....

<sup>F8</sup>(2E).....

<sup>F7</sup>(3).....

<sup>F9</sup>(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.]

*Changes to legislation: Senior Courts Act 1981, Section 92 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*

- (4) A person appointed to an office [<sup>F10</sup>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 [<sup>F11</sup>with the concurrence of the Lord Chief Justice].
- (6) The Lord Chancellor may also [<sup>F12</sup>, 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.
- [<sup>F13</sup>(8) It is for the Lord Chancellor to recommend to Her Majesty the exercise of any power under subsection (7).]

#### Textual Amendments

- F1** 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)
- F2** 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**.
- F3** 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)
- F4** 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**)
- F5** 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)**
- F6** 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**.
- F7** 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**.
- F8** 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)**
- F9** S. 92(3A) inserted by **Courts and Legal Services Act 1990 (c. 41, SIF 37)**, s. **77(2)**
- F10** 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)**
- F11** 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)
- F12** 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)
- F13** 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)

#### 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**

**Changes to legislation:**

Senior Courts Act 1981, Section 92 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\(2\)](#)