



# Access to Justice Act 1999

## 1999 CHAPTER 22

### PART IV

#### APPEALS, COURTS, JUDGES AND COURT PROCEEDINGS

##### *Judges etc.*

#### **68 Judges holding office in European or international courts.**

- (1) A holder of a United Kingdom judicial office may hold office in a relevant international court without being required to relinquish the United Kingdom judicial office.
- (2) In this section—
  - “United Kingdom judicial office” means the office of—
    - (a) Lord Justice of Appeal, Justice of the High Court or Circuit judge, in England and Wales,
    - (b) judge of the Court of Session or sheriff, in Scotland, or
    - (c) Lord Justice of Appeal, judge of the High Court or county court judge, in Northern Ireland, and
  - “relevant international court” means—
    - (a) any court established for any purposes of the [<sup>F1</sup>European Union], or
    - (b) any international court (apart from the European Court of Human Rights) which is designated [<sup>F2</sup>in relation to the holder of a United Kingdom judicial office by the appropriate Minister].
- (3) A holder of a United Kingdom judicial office who also holds office in a relevant international court is not required to perform any duties as the holder of the United Kingdom judicial office but does not count as holding the United Kingdom judicial office—
  - (a) for the purposes of section 12(1) to (6) of the [<sup>F3</sup>Senior Courts Act 1981], section 9(1)(c) or (d) of the <sup>M1</sup>Administration of Justice Act 1973, section 18 of the <sup>M2</sup>Courts Act 1971, [<sup>F4</sup>section 16 of the Courts Reform (Scotland) Act

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- 2014] or section 106 of the <sup>M3</sup>County Courts Act (Northern Ireland) 1959 (judicial salaries),
- (b) for the purposes of, or of any scheme established by and in accordance with, the <sup>M4</sup>Judicial Pensions and Retirement Act 1993, the <sup>M5</sup>Judicial Pensions Act 1981, the <sup>M6</sup>Sheriffs' Pensions (Scotland) Act 1961 or the County Courts Act (Northern Ireland) 1959 (judicial pensions), or
- (c) for the purposes of section 2(1) or 4(1) of the [<sup>F3</sup>Senior Courts Act 1981], section 1(1) of the <sup>M7</sup>Court of Session Act 1988 or section 2(1) or 3(1) of the <sup>M8</sup>Judicature (Northern Ireland) Act 1978 (judicial numbers).
- (4) If the sheriff principal of any sheriffdom also holds office in a relevant international court, [<sup>F5</sup>section 6 of the Courts Reform (Scotland) Act 2014 (temporary sheriff principal)] applies as if the office of sheriff principal of that sheriffdom were vacant.
- (5) The appropriate Minister may by order made by statutory instrument make in relation to a holder of a United Kingdom judicial office who has ceased to hold office in a relevant international court such transitional provision (including, in particular, provision for a temporary increase in the maximum number of judges) as he considers appropriate.
- (6) In [<sup>F6</sup>this section] “the appropriate Minister” means—
- (a) in relation to any United Kingdom judicial office specified in paragraph (a) or (c) of the definition in subsection (2), the Lord Chancellor, and
- (b) in relation to any United Kingdom judicial office specified in paragraph (b) of that definition, the Secretary of State.
- (7) A statutory instrument containing an order made under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F7</sup>(8) The Lord Chancellor may exercise functions under this section in relation to the holder of a United Kingdom judicial office specified in paragraph (a) of the definition in subsection (2) only after consulting the Lord Chief Justice of England and Wales.
- (9) The Lord Chancellor may exercise functions under this section in relation to the holder of a United Kingdom judicial office specified in paragraph (c) of the definition in subsection (2) only after consulting the Lord Chief Justice of Northern Ireland.
- (10) The Lord Chief Justice of England and Wales may nominate a judicial office holder (within the meaning of section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (8).
- (11) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (9)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

#### Textual Amendments

- F1** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 4 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F2** Words in definition of "relevant international court" in s. 68(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 281\(2\)](#); S.I. 2005/1014, [art. 2\(a\)](#), Sch. 1 para. 11(x)

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- F3** S. 68: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)
- F4** Words in s. 68(3)(a) substituted (S.) (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2015 \(S.S.I. 2015/150\), art. 1, sch. para. 6\(2\)](#)
- F5** Words in s. 68(4) substituted (S.) (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2015 \(S.S.I. 2015/150\), art. 1, sch. para. 6\(3\)](#)
- F6** Words in s. 68(6) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15\(1\), 148, Sch. 4 para. 281\(3\)](#); S.I. 2005/1014, [art. 2\(a\)](#), Sch. 1 para. 11(x)
- F7** S. 68(8)-(11) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15\(1\), 148, Sch. 4 para. 281\(4\)](#); S.I. 2005/1014, [art. 2\(a\)](#), Sch. 1 para. 11(x)

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**Modifications etc. (not altering text)**

- C1** S. 68(3)(b) excluded (1.9.2001) by [2001 c. 17, s. 1\(3\), Sch. 1 para. 7\(5\)\(a\)](#) (with s. 78); S.I. 2001/2161, [art. 2](#)

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**Marginal Citations**

- M1** 1973 c.15.  
**M2** 1971 c.23.  
**M3** 1959 c.25(N.I.).  
**M4** 1993 c.8.  
**M5** 1981 c.20.  
**M6** 1961 c.42.  
**M7** 1988 c.36.  
**M8** 1978 c.23.

**Changes to legislation:**

There are currently no known outstanding effects for the Access to Justice Act 1999, Section 68.