



Courts Act 2003

2003 CHAPTER 39

PART 2 **E+W**

JUSTICES OF THE PEACE

District Judges (Magistrates' Courts)

22 Appointment etc. **E+W**

- (1) Her Majesty may, on the recommendation of the Lord Chancellor, appoint a person who [^{F1}satisfies the judicial-appointment eligibility condition on a 5-year basis] to be a District Judge (Magistrates' Courts).
- (2) A District Judge (Magistrates' Courts) must, before acting as such, take the oath of allegiance and judicial oath in accordance with the Promissory Oaths Act 1868 (c. 72) and the Promissory Oaths Act 1871 (c. 48).
- (3) The Lord Chancellor may pay to a District Judge (Magistrates' Courts) such allowances as he may determine.
- (4) Any such allowances are in addition to the salary charged on and paid out of the Consolidated Fund under section 9 of the Administration of Justice Act 1973 (c. 15).
- (5) The Lord Chancellor may [^{F2}, with the concurrence of the Lord Chief Justice,] remove a District Judge (Magistrates' Courts) from office on the ground of incapacity or misbehaviour.

Textual Amendments

- F1** Words in s. 22(1) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c.15\)](#), ss. 50, 148, [Sch. 10 para. 38\(2\)](#); S.I. 2008/1653, [art. 2\(d\)](#) (with arts. 3, 4)
- F2** Words in s. 22(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 323](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(y)

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23 Senior District Judge (Chief Magistrate) **E+W**

[^{F3}Her Majesty]

- (a) may designate one of the District Judges (Magistrates' Courts) to be Senior District Judge (Chief Magistrate), and
- (b) if [^{F4}she] does so, may designate another of them to be the deputy of the Senior District Judge (Chief Magistrate).

Textual Amendments

- F3** Words in s. 23 substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 14, Sch. 3 para. 5\(a\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 9
- F4** Words in s. 23 substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 14, Sch. 3 para. 5\(b\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 9

24 Deputy District Judges (Magistrates' Courts) **E+W**

- (1) The [^{F5}Lord Chief Justice] may appoint a person who [^{F6}satisfies the judicial-appointment eligibility condition on a 5-year basis] to be a Deputy District Judge (Magistrates' Courts) for such period as the Lord Chancellor considers appropriate (but subject to subsection (4)).
- (2) A Deputy District Judge (Magistrates' Courts) must, before acting as such, take the oath of allegiance and judicial oath in accordance with the Promissory Oaths Act 1868 and the Promissory Oaths Act 1871.
- (3) The Lord Chancellor may pay to a Deputy District Judge (Magistrates' Courts) such remuneration and allowances as he may determine.
- [^{F7}(4) A person may be removed from office as a Deputy District Judge (Magistrates' Courts)
 - (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.
- (4A) Subject to subsection (4B), the period of a person's appointment under this section (including a period already extended under this subsection) must be extended by the Lord Chancellor before its expiry.
- (4B) Extension under subsection (4A)—
 - (a) requires the person's agreement,
 - (b) is to be for such period as the Lord Chancellor considers appropriate, 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.
- (4C) 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 this section is to hold and vacate office as a Deputy District Judge (Magistrates' Courts) in accordance

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with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.

(4D) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise the Lord Chief Justice's functions under subsection (1) or (4)(a).]

- (5) During the period of his appointment, a Deputy District Judge (Magistrates' Courts)—
- (a) is to act as a District Judge (Magistrates' Courts), and
 - (b) is to be treated for all purposes (apart from appointment, tenure, remuneration, allowances and pensions) as if he were a District Judge (Magistrates' Courts).

Textual Amendments

- F5** Words in s. 24(1) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 38\(2\)](#); [S.I. 2013/2200](#), art. 3(e) (with savings in [S.I. 2013/2192](#), regs. 48, 49)
- F6** Words in s. 24(1) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007](#), (c. 15), ss. 50, 148, {[Sch. 10 para. 38\(3\)](#)}; [S.I. 2008/1653](#), art. 2(d) (with arts. 3, 4)
- F7** S. 24(4)-(4D) substituted for s. 24(4) (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 38\(3\)](#); [S.I. 2013/2200](#), art. 3(e) (with savings in [S.I. 2013/2192](#), regs. 48, 49)

25 District Judges (Magistrates' Courts) as justices of the peace **E+W**

- (1) A District Judge (Magistrates' Courts) is by virtue of his office a justice of the peace for England and Wales.
- (2) It is the duty of a District Judge (Magistrates' Courts) to act as a justice of the peace in any local justice area in accordance with arrangements made by [^{F8}the Lord Chief Justice, after consulting the Lord Chancellor] .
- [^{F9}(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).]

Textual Amendments

- F8** S. 25(2): words 'or on behalf of the Lord Chancellor' left out, and words 'the Lord Chief Justice, after consulting the Lord Chancellor' inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 325\(2\)](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 para. 11\(y\)](#)
- F9** S. 25(3) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 325\(3\)](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 para. 11\(y\)](#)

26 District Judges (Magistrates' Courts) able to act alone **E+W**

- (1) Nothing in the 1980 Act—
- (a) requiring a magistrates' court to be composed of two or more justices, or
 - (b) limiting the powers of a magistrates' court when composed of a single justice, applies to a District Judge (Magistrates' Courts).
- (2) A District Judge (Magistrates' Courts) may—
- (a) do any act, and

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(b) exercise alone any jurisdiction,
which can be done or exercised by two justices, apart from granting or transferring a licence.

(3) Any enactment making provision ancillary to the jurisdiction exercisable by two justices of the peace also applies to the jurisdiction of a District Judge (Magistrates' Courts), unless the provision relates to granting or transferring a licence.

^{F10}(4)

(5) “The 1980 Act” means the Magistrates' Courts Act 1980 (c. 43).

Textual Amendments

F10 S. 26(4) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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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. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences ([2003 c. 39](#))