
Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Paragraph 38. (See end of Document for details)

SCHEDULES

SCHEDULE 13

JUDICIAL APPOINTMENTS

PART 4

JUDICIAL APPOINTMENTS: SELECTION, AND TRANSFER OF POWERS OF LORD CHANCELLOR

Deputy District Judges (Magistrates' Courts) to be appointed by Lord Chief Justice

- 38 (1) Section 24 of the Courts Act 2003 (Deputy District Judges (Magistrates' Courts)) is amended as follows.
- (2) In subsection (1) (Lord Chancellor's power of appointment) for “Lord Chancellor”, in the first place, substitute “Lord Chief Justice”.
- (3) For subsection (4) (removal from office to be by Lord Chancellor with concurrence of Lord Chief Justice but only on ground of incapacity or misbehaviour) substitute—
- “(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

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Judge (Magistrates' Courts) in accordance 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).”

(4) In list A in paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005 (protected functions of Lord Chancellor) in the entries for the Courts Act 2003 at the appropriate place insert “ Section 24 ”.

Commencement Information

- II** Sch. 13 para. 38 in force at 1.10.2013 by [S.I. 2013/2200](#), **art. 3(e)** (with savings in [S.I. 2013/2192](#), regs. 48, 49)

Changes to legislation:

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