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LORD CHIEF JUSTICE
OF ENGLAND AND WALES

Delegation of Statutory Functions – Issue No. 1 of 2020

Introduction

Lord Chief Justice – Delegation of Statutory Functions

The Lord Chief Justice has a number of statutory functions, the exercise of which may be delegated to a nominated judicial office holder (as defined by section 109(4) of the Constitutional Reform Act 2005 (the 2005 Act). This document sets out which judicial office holder has been nominated to exercise specific delegable statutory functions.

Section 109(4) of the 2005 Act defines a judicial office holder as either a senior judge or holder of an office listed in schedule 14 to that Act. A senior judge, as defined by s109(5) of the 2005 Act refers to the following: the Master of the Rolls; President of the Queen's Bench Division; President of the Family Division; Chancellor of the High Court; Senior President of Tribunals; Lord or Lady Justice of Appeal; or a puisne judge of the High Court.

Only the nominated judicial office holder to whom a function is delegated may exercise it. Exercise of the delegated functions cannot be sub-delegated. The nominated judicial office holder may however seek the advice and support of others in the exercise of the delegated functions.

Where delegations are referred to as being delegated prospectively¹, the delegation takes effect when the substantive statutory provision enters into force.

The schedule, which is **Issue 1 of 2020**, is correct as at 26 June 2020.² It includes new delegations made under the Courts and Tribunals (Judiciary and Staff Act) 2018 and temporary transfers of the President of the Family Division and the President of the Court of Protection's delegations.

¹ See Interpretation Act 1978, section 13.

² The LCJ has on three occasions suspended various delegations in order to make specific Practice Directions. The suspension terminated and the delegation resumed immediately upon the making of the Practice Direction. The Practice Directions were: Practice Direction—County Court Closures, dated 1 April 2013; Practice Direction – Access to Audio Recordings of Proceedings, dated 14 February 2014; and Practice Direction on Committal for Contempt – Open Court, dated 26 March 2015.

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Part I – Delegations in force

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Delegation to the Master of the Rolls

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Senior Courts Act 1981, section 9(1) (as amended) in respect of the power to appoint under column 4A</p>	<p>Section 9 (Assistance for transaction of judicial business)</p> <p>(1) A person within any entry in column 1 of the following Table may, subject to the proviso at the end of that Table, at any time, at the request of the appropriate authority, act—</p> <p style="padding-left: 40px;">(a) as a judge of a relevant court specified in the request; or</p> <p style="padding-left: 40px;">(b) if the request relates to a particular division of a relevant court so specified, as a judge of that court in that division.</p> <p>(2) (The following sets out the information in the Table referred to in s9(1))</p> <p style="padding-left: 40px;">Column 1: A judge of the Court of Appeal competent to act in the the High Court and the Crown Court.</p> <p style="padding-left: 40px;">Column 2: A person who has been a judge of the Court of Appeal competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p style="padding-left: 40px;">Column 3: A puisne judge of the High Court competent to act in the Court of Appeal.</p>	<p>The provision sets out the power to deploy certain judges and former judges to act as judges of specified courts.</p> <p>The Master of the Rolls is the LCJ’s nominee for authorisations to act as a judge of the Court of Appeal (Civil Division) under column 4A of the Table in section 9(1)</p> <p>This authorisation power may only be exercised following consultation with the LC.</p>	<p>Delegation in respect of the authorisation power under column 4A in force from 14 December 2015.</p>

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	<p>Column 4: A person who has been a puisne judge of the High Court competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 4A: The Senior President of Tribunals competent to act in the Court of Appeal and the High Court.</p> <p>Column 5: A Circuit judge competent to act in the High Court and the Court of Appeal.</p> <p>Column 6: A Recorder or a person within subsection (1ZB) competent to act in the High Court;</p> <p>(1ZA) The Senior President of Tribunals is to be treated as not being within any entry in column 1 of the Table other than entry 4A.</p> <p>(1ZB) A person is within this subsection if the person—</p> <ul style="list-style-type: none"> (a) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal, (b) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007, (c) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act), (d) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act), or 		
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	<p>(e) is the President of Employment Tribunals (England and Wales) or the President of Employment Tribunals (Scotland).</p> <p>The entry in column 2 specifying the Court of Appeal in relation to a Circuit judge only authorises such a judge to act as a judge of a court in the criminal division of the Court of Appeal.</p> <p>(1A) A person shall not act as a judge by virtue of subsection (1) after the day on which he attains the age of 75.</p> <p>(2) In subsection (1)—</p> <p>“the appropriate authority” means—(a) the Lord Chief Justice or a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) nominated by him to exercise his functions under this section, or</p> <p>(b) at any time when the Lord Chief Justice or the nominated judicial office holder is unable to make such a request himself, or there is a vacancy in the office of Lord Chief Justice, the Master of the Rolls;</p> <p>“relevant court”, in the case of a person within any entry in column 1 of the Table, means a court specified in relation to that entry in column 2 of the Table.</p> <p>(2A) The power of the appropriate authority to make a request under subsection (1) is subject to subsections (2B) to (2D).</p>		
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<p>(2B) In the case of a request to a person within entry 1, 3, 4A, 5 or 6 in column 1 of the Table, the appropriate authority may make the request only after consulting the Lord Chancellor.</p> <p>(2C) In any other case the appropriate authority may make a request only with the concurrence of the Lord Chancellor.</p> <p>(2CA) In the case of a request to a person within entry 5 or 6 in column 1 of the Table to act as a judge of the High Court, the appropriate authority may make the request only if the person is a member of the pool for requests under subsection (1) to persons within that entry.</p> <p>(2D) In the case of a request to a Circuit judge to act as a judge of the Court of Appeal, the appropriate authority may make the request only with the concurrence of the Judicial Appointments Commission.</p> <p>(3) The person to whom a request is made under subsection (1) must comply with the request, but this does not apply to—</p> <ul style="list-style-type: none">(a) a request made to a person who has been a judge of the Court of Appeal,(b) a request made to a person who has been a puisne judge of the High Court and is not a judge of the Court of Appeal, or(c) a request made to the Senior President of Tribunals if the holder of that office is a judge of the Court of Session or of the High Court, or Court of Appeal, in Northern Ireland. <p>(4) Without prejudice to section 24 of the Courts Act 1971 (temporary appointment of deputy Circuit judges, if it</p>		
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	<p>appears to the Lord Chief Justice, after consulting the Lord Chancellor, that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in the High Court or the Crown Court or any other court or tribunal to which persons appointed under this subsection may be deployed, he may appoint a person qualified for appointment as a puisne judge of the High Court to be a deputy judge of the High Court during such period or on such occasions as the Lord Chief Justice may, after consulting the Lord Chancellor, think fit; and during the period or on the occasions for which a person is appointed as a deputy judge under this subsection, he may act as a puisne judge of the High Court.</p> <p>(4A) No appointment of a person as a deputy judge of the High Court shall be such as to extend beyond the day on which he attains the age of 70, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75).</p> <p>(5) Every person while acting under this section shall, subject to [subsections (6) and (6A)], be treated for all purposes as, and accordingly may perform any of the functions of, a judge of the court in which he is acting.</p> <p>(6) A person shall not by virtue of subsection (5)—</p> <p style="padding-left: 40px;">(a) be treated as a judge of the court in which he is acting for the purposes of section 98(2) or of any statutory provision relating to—</p> <p style="padding-left: 80px;">(i) the appointment, retirement, removal or disqualification of judges of that court;</p>		
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	<p>(ii) the tenure of office and oaths to be taken by such judges; or (iii) the remuneration, allowances or pensions of such judges; or (b) subject to section 27 of the Judicial Pensions and Retirement Act 1993, be treated as having been a judge of a court in which he has acted only under this section.</p> <p>(6A) A Circuit judge, Recorder or person within subsection (1ZB) shall not by virtue of subsection (5) exercise any of the powers conferred on a single judge by sections 31, 31B, 31C and 44 of the Criminal Appeal Act 1968 (powers of single judge in connection with appeals to the Court of Appeal and appeals from the Court of Appeal to the Supreme Court.</p> <p>(8) Such remuneration and allowances as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine may be paid out of money provided by Parliament—</p> <p>(a) to any person who has been—</p> <p>(i) a judge of the Supreme Court; or (ii) a judge of the Court of Appeal; or (iii) a judge of the High Court,</p> <p>and is by virtue of subsection (1) acting as mentioned in that subsection;</p> <p>(b) to any deputy judge of the High Court appointed under subsection (4).</p>		
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	<p>(8A) A person may be removed from office as a deputy judge of the High Court—</p> <p style="padding-left: 40px;">(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and</p> <p style="padding-left: 40px;">(b) only on—</p> <p style="padding-left: 80px;">(i) the ground of inability or misbehaviour, or</p> <p style="padding-left: 80px;">(ii) a ground specified in the person's terms of appointment.</p> <p>(8B) Subject to the preceding provisions of this section, a person appointed under subsection (4) is to hold and vacate office as a deputy judge of the High Court in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.</p> <p>(9) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.</p>		
<p>Senior Courts Act 1981 section 99(1) (as amended)</p>	<p>Section 99 (District registries)</p> <p>(1) The Lord Chancellor may, after consulting the Lord Chief Justice, by order direct that there shall be district registries of the High Court at such places and for such districts as are specified in the order.</p> <p>(2) Any order under this section shall be made by statutory instrument, which shall be laid before Parliament after being made.</p>	<p>The provision requires the LC to consult the LCJ or nominee prior to establishing the location of High Court district registries.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(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 this section.</p>		
<p>Court Courts Act 1984, section 61(1) as amended</p>	<p>Section 61 (Right of audience by direction of Lord Chancellor)</p> <p>(1) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, at any time direct that such categories of persons in relevant legal employment as may be specified in the direction may address the court in any proceedings in [the county court, or in proceedings in the county court of such description as may be so specified.</p> <p>(2) In subsection (1), “relevant legal employment” means employment which consists of or includes giving assistance in the conduct of litigation to a legal representative whether in private practice or not.</p> <p>(3) A direction under this section may be given subject to such conditions and restrictions as appear to the Lord Chancellor to be necessary or expedient, and may be expressed to have effect as respects every place where the county court sits or as respects one or more specified places where the county court sits.</p> <p>(3A) Subsections (1) to (3) apply in relation to the family court as they apply in relation to the county court.</p> <p>(4) The power to give directions conferred by this section includes a power to vary or rescind any direction given under this section.</p> <p>(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional</p>	<p>The provision enables the LC, with the concurrence of the LCJ or nominee to extend rights of audience, in specified circumstances, in the County Court.</p> <p>The MR is the LCJ’s nominee in respect of the County Court.</p>	<p>Delegation in force from 14 December 2015.</p>

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	Reform Act 2005) to exercise his functions under this section.		
Civil Procedure Act 1997, Section 2(1A), 2(3) and 2(4) (as amended)	<p>Section 2 (Rule Committee)</p> <p>(1) Civil Procedure Rules are to be made by a committee known as the Civil Procedure Rule Committee, which is to consist of the following persons–</p> <ul style="list-style-type: none"> (a) the Head of Civil Justice; (b) the Deputy Head of Civil Justice (if there is one); (c) the persons currently appointed in accordance with subsections (1A) and (1B). <p>(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (d) of subsection (2).</p> <p>(1B) The Lord Chancellor must appoint the persons falling within paragraphs (e) to (g) of subsection (2).</p> <p>1(2) [The persons to be appointed in accordance with subsections (1A) and (1B) are —</p> <ul style="list-style-type: none"> (a) either two or three judges of the Senior Courts, (b) one Circuit judge, (c) either one or two district judges, (d) one person who is a Master referred to in Part II of Schedule 2 to the Senior Courts Act 1981. (e) three persons who have a Senior Courts qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990), including at least one with particular experience of practice in the county court, 	<p>The provision provides the LCJ, or nominee, following consultation with the LC, to appoint certain persons to the Civil Procedure Rule Committee.</p> <p>It further provides that the LC shall consult the LCJ, or nominee, prior to appointing certain other persons to the Civil Procedure Rule Committee.</p>	Delegation in force from April 2006.

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	<p>(f) three persons who have been authorised by a relevant approved regulator to conduct litigation in relation to all proceedings in the Senior Courts, including at least one with particular experience of practice in the county court, and</p> <p>(g) two persons with experience in and knowledge of the lay advice sector or consumer affairs.</p> <p>(2A) In subsection (2)(f) “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.</p> <p>(3) Before appointing a person in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor.</p> <p>(4) Before appointing a person in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice and, if the person falls within paragraph (e) or (f) of subsection (2), must also consult any body which—</p> <p>(a) has members who are eligible for appointment under that paragraph, and</p> <p>(b) is an authorised body for the purposes of section 27 or 28 of the Courts and Legal Services Act 1990.</p> <p>(5) . . .</p> <p>(6) . . .</p> <p>(7) . . .</p> <p>(8) . . .</p>		
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	<p>[(9) 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 this section.</p>		
<p>Civil Procedure Act 1997, Section 4(1) & 4(2) (as amended)</p>	<p>Section 4 (Power to make consequential amendments)</p> <p>(1) The Lord Chancellor may, after consulting the Lord Chief Justice, by order amend, repeal or revoke any enactment to the extent he considers necessary or desirable in consequence of—</p> <p style="padding-left: 40px;">(a) section 1 or 2, or (b) Civil Procedure Rules.</p> <p>(2) The Lord Chancellor may, after consulting the Lord Chief Justice, by order amend, repeal or revoke any enactment passed or made before the commencement of this section to the extent he considers necessary or desirable in order to facilitate the making of Civil Procedure Rules.</p> <p>(3) Any power to make an order under this section is exercisable by statutory instrument.</p> <p>(4) A statutory instrument containing an order under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.</p> <p>(5) No order may be made under subsection (2) unless a draft of it has been laid before and approved by resolution of each House of Parliament.</p> <p>(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional</p>	<p>The provision provides the LC, after consulting the LCJ or nominee, with power to amend, repeal or revoke any statutory provision in order to facilitate the making of Civil Procedure Rules.</p>	<p>Delegation in force from April 2006.</p>

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	Reform Act 2005) to exercise his functions under subsection (1) or (2).		
Civil Procedure Act 1997, Section 5(1) (as amended)	<p>Section 5 (Practice directions)</p> <p>(1) Practice directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005.</p> <p>(2) Practice directions given otherwise than under subsection (1) may not be given without the approval of–</p> <p style="padding-left: 40px;">(a) the Lord Chancellor, and</p> <p style="padding-left: 40px;">(b) the Lord Chief Justice.</p> <p>(3) Practice directions (whether given under subsection (1) or otherwise) may provide for any matter which, by virtue of paragraph 3 of Schedule 1, may be provided for by Civil Procedure Rules.</p> <p>(4) The power to give practice directions under subsection (1) includes power–</p> <p style="padding-left: 40px;">(a) to vary or revoke directions given by any person;</p> <p style="padding-left: 40px;">(b) to give directions containing different provision for different cases (including different areas);</p> <p style="padding-left: 40px;">(c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.</p> <p>(5) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following–</p> <p style="padding-left: 40px;">(a) the application or interpretation of the law;</p>	<p>The provision provides the LCJ or nominee to issue Practice Directions for the civil courts.</p>	<p>The power to delegate the functions under this provision is contained in Constitutional Reform Act 2005, schedule 2, part 1, paragraph 2(2), which requires the LC’s agreement to the LCJ’s choice of nominee.</p> <p>Delegation in force from April 2006.</p> <p>The powers in section 5(2)(b) and 6(b) cannot be delegated.</p> <p>From April 2006 until 22 February 2010 the delegation applied without limit.</p> <p>From 22 February 2010 the delegation to the MR applies to the power to make Practice Directions for the civil courts, except in relation to the following (in respect of which the power is delegated to the Chancellor of the High Court):</p> <p>(a) The making of Practice Directions which supplement the Rules for the time being in force under s.411-413 of the Insolvency Act 1986;</p> <p>(b) The making of Practice Directions which supplement the Rules for the time being in force under s.411 of the</p>

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	<p>(b) the making of judicial decisions.</p> <p>(6) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—</p> <p>(a) after consulting the Lord Chancellor, and (b) with the approval of the Lord Chief Justice.</p>		<p>Insolvency Act 1986 in relation to disqualification proceedings. At present, these are the Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules 1987;</p> <p>(c) The making of Practice Directions which supplement the Rules for the time being in force under s411 – 413 of the Insolvency Act 1986. At the present, these are the Bank Insolvency (England and Wales) Rules 2009;</p> <p>(d) The making of Practice Directions which supplement the Rules for the time being in force under s411 – 413 of the Insolvency Act 1986. At the present, these are the Bank Administration (England and Wales) Rules 2009; and</p> <p>(e) The making of Practice Directions which supplement the Rules for the time being in force under s411 – 413 of the Insolvency Act 1986. At the present, these are the Building Societies (Insolvency and Special Administration) Order 2009,</p>
<p>Civil Procedure Act 1997, Section 6(2B) (as amended)</p>	<p>Section 6 (Civil Justice Council)</p> <p>(1) The Lord Chancellor is to establish and maintain an advisory body, to be known as the Civil Justice Council.</p> <p>(2) The Council must include—</p>	<p>The provision provides the LCJ or nominee power to appoint judicial members of the Civil Justice Council.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(a) members of the judiciary, (b) members of the legal professions, (c) civil servants concerned with the administration of the courts, (d) persons with experience in and knowledge of consumer affairs, (e) persons with experience in and knowledge of the lay advice sector, and (f) persons able to represent the interests of particular kinds of litigants (for example, businesses or employees).</p> <p>(2A) The Lord Chancellor must decide the following questions, after consulting the Lord Chief Justice—</p> <p>(a) how many members of the Council are to be drawn from each of the groups mentioned in subsection (2); (b) how many other members the Council is to have.</p> <p>(2B) It is for—</p> <p>(a) the Lord Chief Justice to appoint members of the judiciary to the Council, after consulting the Lord Chancellor; (b) the Lord Chancellor to appoint other persons to the Council.</p> <p>(3) The functions of the Council are to include—</p> <p>(a) keeping the civil justice system under review, (b) considering how to make the civil justice system more accessible, fair and efficient, (c) advising the Lord Chancellor and the judiciary on the development of the civil justice system, (d) referring proposals for changes in the civil justice system to the Lord Chancellor and the Civil Procedure Rule Committee, and (e) making proposals for research.</p>		
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	<p>(4) The Lord Chancellor may reimburse the members of the Council their travelling and out-of-pocket expenses.</p> <p>(5) 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 this section.</p>		
<p>Courts Act 2003, section 67B(5)</p>	<p>Section 67B (Authorisation to exercise relevant judicial functions)</p> <p>(1) Rules of court may provide for the exercise of relevant judicial functions by persons who—</p> <p style="padding-left: 40px;">(a) are appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007, and</p> <p style="padding-left: 40px;">(b) satisfy any requirements specified in the rules as to qualifications or experience.</p> <p>(2) A person may exercise functions by virtue of subsection (1) only if authorised to do so by the Lord Chief Justice.</p> <p>(3) Such a person is referred to in this Part as an “authorised person”.</p> <p>(4) An authorisation under subsection (2)—</p> <p style="padding-left: 40px;">(a) may be subject to conditions, and</p> <p style="padding-left: 40px;">(b) may be varied or revoked by the Lord Chief Justice at any time.</p> <p>(5) The Lord Chief Justice may nominate one or more of the following to exercise the Lord Chief Justice's functions under the preceding provisions of this section—</p> <p style="padding-left: 40px;">(a) a judicial office holder;</p>	<p>The provision provides the LCJ or nominee to authorise a judicial officer holder or HMCTS staff member person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007 to authorise HMCTS staff members to exercise such judicial functions as provided for in rules of court.</p> <p>The Master of the Rolls is the LCJ’s delegate in respect of authorisations under the Civil Procedure Rules, except for the following:</p> <ul style="list-style-type: none"> • authorisations under CPR Pt 2; • authorisations under CPR r.54.1A. 	<p>Delegation in force from 6 April 2020.</p>

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	<p>(b) a person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007.</p> <p>(6) A person nominated under subsection (5)(b) to exercise functions of the Lord Chief Justice is not subject to the direction of any person other than—</p> <p>(a) the Lord Chief Justice, or (b) a judicial office holder nominated by the Lord Chief Justice,</p> <p>when exercising the functions.</p> <p>(7) Nothing in this Part is to be taken to affect the generality of any enactment conferring powers to make rules of court.</p>		
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Delegation to the President of the Queen’s Bench Division

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
Courts Act 1971, section 21(4) and 21(4C), as amended		The provision requires the LC to obtain the consent of the LCJ or nominee before specifying the circumstances when a Recorder’s appointment may not be extended or may be terminated. It further requires the LC to obtain the LCJ or nominee to consent to an extension of a Recorder’s appointment.	Delegation in force from 14 December 2015.
Senior Courts Act 1981, section 9(1) (as amended) in respect of the power to appoint under columns 5 and 6 and sections 9(4), and 9(8A)	<p>Section 9 (Assistance for transaction of judicial business)</p> <p>(1) A person within any entry in column 1 of the following Table may, subject to the proviso at the end of that Table, at any time, at the request of the appropriate authority, act—</p> <p style="padding-left: 40px;">(a) as a judge of a relevant court specified in the request; or</p> <p style="padding-left: 40px;">(b) if the request relates to a particular division of a relevant court so specified, as a judge of that court in that division.</p> <p>(2) (The following sets out the information in the Table referred to in s9(1))</p> <p style="padding-left: 40px;">Column 1: A judge of the Court of Appeal competent to act in the he High Court and the Crown Court.</p>	<p>The provision sets out the power to deploy certain judges and former judges to act as judges of specified courts. It also provides the power to appoint deputy judges of the High Court.</p> <p>(1) The PQBD is the LCJ’s nominee for authorisations to act as a judge of the Queen’s Bench Division of the High Court under columns 4A, 5 and 6 of Table 1 of section 9(1). This authorisation power may only be exercised following consultation with the LC.</p> <p>In respect of the authorisation under column 4A and 5, the PQBD is only the LCJ’s nominee in respect of</p>	<p>Delegation in respect of the authorisation power under columns 5 and 6 and section 9(4) in force from October 2008.</p> <p>Delegation in respect of the authorisation power under section 1, column 4A in force from 14 December 2015.</p> <p>Delegation in respect of the s9(4) was modified on 5 November 2015. From that date it only applies to appointments made under the procedure laid down in s94AA Constitutional Reform Act 2015. Prior to that date the delegation applied to all appointments made under s9(4).</p>

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	<p>Column 2: A person who has been a judge of the Court of Appeal competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 3: A puisne judge of the High Court competent to act in the Court of Appeal.</p> <p>Column 4: A person who has been a puisne judge of the High Court competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 4A: The Senior President of Tribunals competent to act in the Court of Appeal and the High Court.</p> <p>Column 5: A Circuit judge competent to act in the High Court and the Court of Appeal.</p> <p>Column 6: A Recorder or a person within subsection (1ZB) competent to act in the High Court;</p> <p>(1ZA) The Senior President of Tribunals is to be treated as not being within any entry in column 1 of the Table other than entry 4A.</p> <p>(1ZB) A person is within this subsection if the person—</p> <p style="padding-left: 20px;">(a) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,</p>	<p>authorisations to sit in the High Court, Queen’s Bench Division.</p> <p>In respect of authorisations for individuals to act as judges of the High Court drawn from column 6, only individuals in a pool for requests may be authorised.</p> <p>(2) The PQBD is the LCJ’s nominee to make appointments, following consultation with the LC and a JAC competition, under section 9(4) in respect of appointments to the Queen’s Bench Division to which s94AA Constitutional Reform Act 2015 applies.</p>	<p>NB: the power to determine whether s94AA of the 2005 Act applies is not delegated.</p>
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(b) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,</p> <p>(c) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),</p> <p>(d) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act), or</p> <p>(e) is the President of Employment Tribunals (England and Wales) or the President of Employment Tribunals (Scotland).</p> <p>The entry in column 2 specifying the Court of Appeal in relation to a Circuit judge only authorises such a judge to act as a judge of a court in the criminal division of the Court of Appeal.</p> <p>(1A) A person shall not act as a judge by virtue of subsection (1) after the day on which he attains the age of 75.</p> <p>(2) In subsection (1)—</p> <p style="padding-left: 40px;">“the appropriate authority” means—(a) the Lord Chief Justice or a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) nominated by him to exercise his functions under this section, or</p> <p style="padding-left: 40px;">(b) at any time when the Lord Chief Justice or the nominated judicial office holder is unable to make such a request himself, or there is a vacancy in the office of Lord Chief Justice, the Master of the Rolls;</p> <p>“relevant court”, in the case of a person within any entry in column 1 of the Table, means a court</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>specified in relation to that entry in column 2 of the Table.</p> <p>(2A) The power of the appropriate authority to make a request under subsection (1) is subject to subsections (2B) to (2D).</p> <p>(2B) In the case of a request to a person within entry 1, 3, 4A, 5 or 6 in column 1 of the Table, the appropriate authority may make the request only after consulting the Lord Chancellor.</p> <p>(2C) In any other case the appropriate authority may make a request only with the concurrence of the Lord Chancellor.</p> <p>(2CA) In the case of a request to a person within entry 5 or 6 in column 1 of the Table to act as a judge of the High Court, the appropriate authority may make the request only if the person is a member of the pool for requests under subsection (1) to persons within that entry.</p> <p>(2D) In the case of a request to a Circuit judge to act as a judge of the Court of Appeal, the appropriate authority may make the request only with the concurrence of the Judicial Appointments Commission.</p> <p>(3) The person to whom a request is made under subsection (1) must comply with the request, but this does not apply to—</p> <ul style="list-style-type: none"> (a) a request made to a person who has been a judge of the Court of Appeal, (b) a request made to a person who has been a puisne judge of the High Court and is not a judge of the Court of Appeal, or (c) a request made to the Senior President of Tribunals if the holder of that office is a judge of the 		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>Court of Session or of the High Court, or Court of Appeal, in Northern Ireland.</p> <p>(4) Without prejudice to section 24 of the Courts Act 1971 (temporary appointment of deputy Circuit judges, if it appears to the Lord Chief Justice, after consulting the Lord Chancellor, that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in the High Court or the Crown Court or any other court or tribunal to which persons appointed under this subsection may be deployed, he may appoint a person qualified for appointment as a puisne judge of the High Court to be a deputy judge of the High Court during such period or on such occasions as the Lord Chief Justice may, after consulting the Lord Chancellor, think fit; and during the period or on the occasions for which a person is appointed as a deputy judge under this subsection, he may act as a puisne judge of the High Court.</p> <p>(4A) No appointment of a person as a deputy judge of the High Court shall be such as to extend beyond the day on which he attains the age of 70, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75).</p> <p>(5) Every person while acting under this section shall, subject to [subsections (6) and (6A)], be treated for all purposes as, and accordingly may perform any of the functions of, a judge of the court in which he is acting.</p> <p>(6) A person shall not by virtue of subsection (5)—</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) be treated as a judge of the court in which he is acting for the purposes of section 98(2) or of any statutory provision relating to—</p> <ul style="list-style-type: none">(i) the appointment, retirement, removal or disqualification of judges of that court;(ii) the tenure of office and oaths to be taken by such judges; or(iii) the remuneration, allowances or pensions of such judges; or <p>(b) subject to section 27 of the Judicial Pensions and Retirement Act 1993, be treated as having been a judge of a court in which he has acted only under this section.</p> <p>(6A) A Circuit judge, Recorder or person within subsection (1ZB) shall not by virtue of subsection (5) exercise any of the powers conferred on a single judge by sections 31, 31B, 31C and 44 of the Criminal Appeal Act 1968 (powers of single judge in connection with appeals to the Court of Appeal and appeals from the Court of Appeal to the Supreme Court.</p> <p>(8) Such remuneration and allowances as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine may be paid out of money provided by Parliament—</p> <p>(a) to any person who has been—</p> <ul style="list-style-type: none">(i) a judge of the Supreme Court; or(ii) a judge of the Court of Appeal; or(iii) a judge of the High Court,		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>and is by virtue of subsection (1) acting as mentioned in that subsection;</p> <p>(b) to any deputy judge of the High Court appointed under subsection (4).</p> <p>(8A) A person may be removed from office as a deputy judge of the High Court—</p> <p>(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and</p> <p>(b) only on—</p> <p style="padding-left: 40px;">(i) the ground of inability or misbehaviour, or</p> <p style="padding-left: 40px;">(ii) a ground specified in the person's terms of appointment.</p> <p>(8B) Subject to the preceding provisions of this section, a person appointed under subsection (4) is to hold and vacate office as a deputy judge of the High Court in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.</p> <p>(9) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.</p>		
<p>Senior Courts Act 1981, section 91(1), s91(6A), s91(6C) (as amended)</p>	<p>Section 91 (Deputies and temporary appointments)</p> <p>(1) If it appears to the Lord Chief Justice that it is expedient to do so in order to facilitate the disposal of business in the Senior Courts or any other court or tribunal to which a</p>	<p>This provision provides the LCJ or nominee with power to appoint deputy or temporary Masters and Registrars of the High Court who may then sit during such time as the LC sees fit.</p>	<p>Delegation in force from 14 December 2015.</p>

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<p>person appointed under this subsection may be deployed, he may appoint a person—</p> <p>(a) to act as a deputy for any person holding an office listed in column 1 of Part II of Schedule 2³; or</p> <p>(b) to act as a temporary additional officer in any such office,</p> <p>during such period or on such occasions as the Lord Chancellor may think fit.</p> <p>(1ZA) The Lord Chief Justice may not appoint a holder of relevant office under subsection (1) without the concurrence of the Lord Chancellor.</p> <p>(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.</p> <p>(1ZC) In this section a “holder of relevant office” means a person who holds, or has held within two years ending with the date when his appointment under this section takes effect—</p> <p>(a) any office listed in column 1 of Part 2 or 3 of Schedule 2, or</p> <p>(b) the office of district judge.</p>	<p>The power can be exercised in two ways:</p> <p>(1) If the LCJ or nominee seeks to appoint a ‘relevant office holder’ i.e., a district judge or a person who has held the office of Master or Registrar in the two years prior to the deputy or temporary appointment, the appointment may only be made with the LC’s concurrence;</p> <p>If the LCJ or nominee wants to appoint a person who is not a ‘relevant office holder’, the appointment may only be made after a JAC Competition, see Constitutional Reform Act 2005, section 85.</p> <p>The PQBD is the LCJ’s nominee to exercise the delegated powers in respect of appointments, extensions of appointments and revocations of appointments to the QBD.</p>
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³ Those offices being: Master, Queen's Bench Division; Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals; Admiralty Registrar; Master, Chancery Division; Registrar in Bankruptcy of the High Court; Taxing Master of the Senior Courts; District judge of the principal registry of the Family Division.

Lord Chief Justice – Delegation of Statutory Functions

	<p>(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—</p> <p>(a) to act as a deputy for any person holding an office listed in column 1 of Part 3 of Schedule 2; or</p> <p>(b) to act as a temporary additional officer in any such office,</p> <p>during such period or on such occasions as the Lord Chancellor may think fit.</p> <p>(2) Subject to subsection (3), 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.</p> <p>(3) An appointment under this section may extend until the day on which a person attains the age of seventy-five years if it is an appointment of a holder of relevant office.</p> <p>(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.</p> <p>(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.</p> <p>(6A) A person appointed under subsection (1) may be removed from office—</p>		
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Lord Chief Justice – Delegation of Statutory Functions

<p>(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and</p> <p>(b) only on—</p> <p>(i) the ground of inability or misbehaviour, or</p> <p>(ii) a ground specified in the person's terms of appointment.</p> <p>(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.</p> <p>(6C) Extension under subsection (6B)—</p> <p>(a) requires the person's agreement,</p> <p>(b) is to be for such period as the Lord Chancellor thinks fit, and</p> <p>(c) may be refused on—</p> <p>(i) the ground of inability or misbehaviour, or</p> <p>(ii) a ground specified in the person's terms of appointment,</p> <p>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.</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(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.</p> <p>(7) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005 to exercise his functions under subsection (1) or (6A)(a).</p>		
<p>Tribunals, Courts and Enforcement Act 2007, schedule 3, paragraph 6(3)</p>	<p>Paragraph 6 (Certain judges neither appointed under paragraph 1(1) nor transferred into the Upper Tribunal)</p> <p>(1) In this paragraph “judge by request of the Upper Tribunal” means a person who is a judge of the Upper Tribunal but–</p> <ul style="list-style-type: none"> (a) is not the Senior President of Tribunals, (b) is not a judge of the Upper Tribunal appointed under paragraph 1(1), (c) is not a transferred-in judge of the Upper Tribunal, (e) is not a deputy judge of the Upper Tribunal, and (f) is not a Chamber President, or Acting Chamber President or Deputy Chamber President, of a chamber of the Upper Tribunal. <p>(2) A judge by request of the Upper Tribunal may act as a judge of the Upper Tribunal only if requested to do so by the Senior President of Tribunals.</p> <p>(3) Such a request made to a person who is a judge of the Upper Tribunal by virtue of section 5(1)(g) may be made only with–</p>	<p>The provision permits the Senior President of Tribunals, with the concurrence of the LCJ or nominee, to authorise certain categories of judicial office holder to sit as a ‘judge by request of the Upper Tribunal.</p> <p>The PQBD is the LCJ’s nominee in respect of concurrence to requests for judges of the Queen’s Bench Division to sit as judges of the Upper Tribunal under this provision.</p>	<p>Delegation in force from 30 June 2010.</p> <p>The delegation is made under powers given in section 46(2) of the Tribunals, Courts and Enforcement Act 2007.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) the concurrence of the Lord Chief Justice of England and Wales where the person is—</p> <ul style="list-style-type: none"> (i) an ordinary judge of the Court of Appeal in England and Wales, (ii) a puisne judge of the High Court in England and Wales, (iii) a circuit judge, (iv) a district judge in England and Wales, (v) a District Judge (Magistrates' Courts), (vi) the Master of the Rolls, (vii) the President of the Queen's Bench Division of the High Court of England and Wales, (viii) the President of the Family Division of that court, (ix) the Chancellor of that court, (x) a deputy judge of that court, or (xi) the Judge Advocate General; <p>(b) the concurrence of the Lord President of the Court of Session where the person is—</p> <ul style="list-style-type: none"> (i) a judge of the Court of Session, or (ii) a sheriff; <p>(c) the concurrence of the Lord Chief Justice of Northern Ireland where the person is—</p> <ul style="list-style-type: none"> (i) a Lord Justice of Appeal in Northern Ireland, (ii) a puisne judge of the High Court in Northern Ireland, (iii) a county court judge in Northern Ireland, or (iv) a district judge in Northern Ireland. <p>(4) The Lord Chancellor may pay to a judge by request of the Upper Tribunal, or a person who is a judge of the Upper</p>	
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Lord Chief Justice – Delegation of Statutory Functions

	<p>Tribunal by virtue of section 5(1)(d), such amounts (if any) as the Lord Chancellor may determine by way of–</p> <ul style="list-style-type: none"> (a) remuneration; (b) allowances; (c) expenses. 		
<p>Tribunals, Courts and Enforcement Act 2007, schedule 2, paragraph 6(3)</p>	<p>Paragraph 6 (Certain judges neither appointed under paragraph 1(1) nor transferred into the First-tier Tribunal)</p> <p>(1) In this paragraph “judge by request of the First-tier Tribunal” means a person who is a judge of the First-tier Tribunal but who–</p> <ul style="list-style-type: none"> (a) is not the Senior President of Tribunals, and (b) is not a judge of the First-tier Tribunal appointed under paragraph 1(1), (c) is not a transferred-in judge of the First-tier Tribunal, (d) is not a Chamber President, or Acting Chamber President or Deputy Chamber President, of a chamber of the First-tier Tribunal, (e) is not a judge of the First-tier Tribunal by virtue of section 4(1)(e) (chairman of employment tribunal), [and] 2 (g) is not a judge of the First-tier tribunal by virtue of section 4(2) (criminal injuries compensation adjudicator appointed by the Scottish Ministers). <p>(2) A judge by request of the First-tier Tribunal may act as a judge of the First-tier Tribunal only if requested to do so by the Senior President of Tribunals.</p> <p>(3) Such a request made to a person who is a judge of the First-tier Tribunal by virtue of the combination of sections 4(1)(c) and 5(1)(g) may be made only with–</p>	<p>The provision permits the Senior President of Tribunals, with the concurrence of the LCJ or nominee, to authorise certain categories of judicial office holder to sit as a ‘judge by request of the First-tier Tribunal’.</p> <p>The PQBD is the LCJ’s nominee in respect of concurrence to requests for judges of the Queen’s Bench Division to sit as judges of the First-tier Tribunal under this provision.</p>	<p>Delegation in force from 14 December 2015</p> <p>The delegation is made under powers given in section 46(2) of the Tribunals, Courts and Enforcement Act 2007.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) the concurrence of the Lord Chief Justice of England and Wales where the person is–</p> <ul style="list-style-type: none">(i) an ordinary judge of the Court of Appeal in England and Wales,(ii) a puisne judge of the High Court in England and Wales,(iii) a circuit judge,(iv) a district judge in England and Wales,(v) a District Judge (Magistrates' Courts),(vi) the Master of the Rolls,(vii) the President of the Queen's Bench Division of the High Court of England and Wales,(viii) the President of the Family Division of that court,(ix) the Chancellor of that court,(x) a deputy judge of that court, or(xi) the Judge Advocate General; <p>(b) the concurrence of the Lord President of the Court of Session where the person is–</p> <ul style="list-style-type: none">(i) a judge of the Court of Session, or(ii) a sheriff; <p>(c) the concurrence of the Lord Chief Justice of Northern Ireland where the person is–</p> <ul style="list-style-type: none">(i) a Lord Justice of Appeal in Northern Ireland,(ii) a puisne judge of the High Court in Northern Ireland,(iii) a county court judge in Northern Ireland, or(iv) a district judge in Northern Ireland. <p>(3A) A request made under sub-paragraph (2) to a person who is a judge of the First-tier Tribunal by virtue of section</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>4(1)(ca) may be made only with the concurrence of the Lord Chief Justice of England and Wales.</p> <p>(4) Sub-paragraph (5) applies— (a) to a judge by request of the First-tier Tribunal, (b) to a person who is a judge of the First-tier Tribunal by virtue of section 4(1)(e) (chairman of employment tribunal) [.] 6</p> <p>(5) The Lord Chancellor may pay to a person to whom this sub-paragraph applies such amounts (if any) as the Lord Chancellor may determine by way of— (a) remuneration; (b) allowances; (c) expenses.</p>		
<p>Courts Act 2003, section 67B(5)</p>	<p>Section 67B (Authorisation to exercise relevant judicial functions)</p> <p>(1) Rules of court may provide for the exercise of relevant judicial functions by persons who— (a) are appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007, and (b) satisfy any requirements specified in the rules as to qualifications or experience.</p> <p>(2) A person may exercise functions by virtue of subsection (1) only if authorised to do so by the Lord Chief Justice.</p> <p>(3) Such a person is referred to in this Part as an “authorised person”.</p> <p>(4) An authorisation under subsection (2)—</p>	<p>The provision provides the LCJ or nominee to authorise a judicial officer holder or HMCTS staff member person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007 to authorise HMCTS staff members to exercise such judicial functions as provided for in rules of court.</p> <p>The PQBD is the LCJ’s delegate in respect of authorisations under authorisations under CPR r.54.1A.</p>	<p>Delegation in force from 6 April 2020.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) may be subject to conditions, and (b) may be varied or revoked by the Lord Chief Justice at any time.</p> <p>(5) The Lord Chief Justice may nominate one or more of the following to exercise the Lord Chief Justice's functions under the preceding provisions of this section—</p> <p>(a) a judicial office holder; (b) a person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007.</p> <p>(6) A person nominated under subsection (5)(b) to exercise functions of the Lord Chief Justice is not subject to the direction of any person other than—</p> <p>(a) the Lord Chief Justice, or (b) a judicial office holder nominated by the Lord Chief Justice,</p> <p>when exercising the functions.</p> <p>(7) Nothing in this Part is to be taken to affect the generality of any enactment conferring powers to make rules of court.</p>		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to the President of the Family Division⁴

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Trustee Act 1925, section 54 (as amended)</p>	<p>54 (Jurisdiction in regard to mental patients)</p> <p>(1) Subject to subsection (2), the Court of Protection may not make an order, or give a direction or authority, in relation to a person who lacks capacity to exercise his functions as trustee, if the High Court may make an order to that effect under this Act.</p> <p>(2) Where a person lacks capacity to exercise his functions as a trustee and a deputy is appointed for him by the Court of Protection or an application for the appointment of a deputy has been made but not determined, then, except as respects a trust which is subject to an order for administration made by the High Court, the Court of Protection shall have concurrent jurisdiction with the High Court in relation to—</p> <ul style="list-style-type: none"> (a) mortgaged property of which [the person concerned has become a trustee merely by reason of the mortgage having been paid off; (b) matters consequent on the making of provision by the Court of Protection 4 for the exercise of a power of appointing trustees or retiring from a trust; (c) matters consequent on the making of provision by the Court of Protection 4 for the carrying out of any contract entered into by the person concerned; 	<p>The provision provides the LCJ or nominee to make designated rules in respect of the Court of Protection’s jurisdiction as set out in section 2 of the Act.</p>	<p>The power to delegate the functions under this provision is contained in Constitutional Reform Act 2005, schedule 1, part 1, paragraph 2(2), which requires the LC’s agreement to the LCJ’s choice of nominee.</p> <p>Delegation in force from April 2006.</p>

⁴ During 2020, all delegations to the President of the Family Division were temporarily transferred to Mrs Justice Theis.

Lord Chief Justice – Delegation of Statutory Functions

	<p>(d) property to some interest in which the person concerned is beneficially entitled but which, or some interest in which, is held by the person concerned under an express, implied or constructive trust.</p> <p>(2A) Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 with respect to the exercise of the jurisdiction referred to in subsection (2).</p>		
<p>Domestic Proceedings and Magistrates' Courts 1978, Section 2(4) (as amended)</p>	<p>Section 2 (Powers of court to make orders for financial provision)</p> <p>(1) Where on an application for an order under this section the applicant satisfies the court of any ground mentioned in section 1 of this Act, the court may, subject to the provisions of this Part of this Act, make any one or more of the following orders, that is to say—</p> <ul style="list-style-type: none"> (a) an order that the respondent shall make to the applicant such periodical payments, and for such term, as may be specified in the order; (b) an order that the respondent shall pay to the applicant such lump sum as may be so specified; (c) an order that the respondent shall make to the applicant for the benefit of a child of the family to whom the application relates, or to such a child, such periodical payments, and for such term, as may be so specified; (d) an order that the respondent shall pay to the applicant for the benefit of a child of the family to whom the application relates, or to such a child, such lump sum as may be so specified. 	<p>The provision gives the LC, following consultation with the LCJ or nominee, to make Orders concerning the level at which lump sum awards can be made by way of financial provision under the section.</p>	<p>Delegation in force from April 2006.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(2) Without prejudice to the generality of subsection (1)(b) or (d) above, an order under this section for the payment of a lump sum may be made for the purpose of enabling any liability or expenses reasonably incurred in maintaining the applicant, or any child of the family to whom the application relates, before the making of the order to be met.</p> <p>(3) The amount of any lump sum required to be paid by an order under this section shall not exceed £500 or such larger amount as the Lord Chancellor may from time to time by order fix for the purposes of this subsection.</p> <p>(4) An order made by the Lord Chancellor under this section—</p> <ul style="list-style-type: none"> (a) shall be made only after consultation with the Lord Chief Justice; (b) shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament. <p>(5) 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 this section.</p>		
<p>Senior Courts Act 1981, section 9(1) (as amended) in respect of the power to appoint under column 4A, 5 and 6 and section 9(4), 9(8A)</p>	<p>Section 9 (Assistance for transaction of judicial business)</p> <p>(1) A person within any entry in column 1 of the following Table may, subject to the proviso at the end of that Table, at any time, at the request of the appropriate authority, act—</p>	<p>The provision sets out the power to deploy certain judges and former judges to act as judges of specified courts. It also provides the power to appoint deputy judges of the High Court.</p> <p>(1) The PFD is the LCJ’s nominee for authorisations to act as a judge of the Family Division of the High Court under</p>	<p>Delegation in respect of the authorisation power under section 9(1), columns 5 and 6 and section 9(4) in force from April 2006.</p> <p>Delegation in respect of the authorisation power under section 1, column 4A in force from 14 December 2015</p>

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	<p>(a) as a judge of a relevant court specified in the request; or (b) if the request relates to a particular division of a relevant court so specified, as a judge of that court in that division.</p> <p>(2) (The following sets out the information in the Table referred to in s9(1))</p> <p>Column 1: A judge of the Court of Appeal competent to act in the he High Court and the Crown Court.</p> <p>Column 2: A person who has been a judge of the Court of Appeal competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 3: A puisne judge of the High Court competent to act in the Court of Appeal.</p> <p>Column 4: A person who has been a puisne judge of the High Court competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 4A: The Senior President of Tribunals competent to act in the Court of Appeal and the High Court.</p> <p>Column 5: A Circuit judge competent to act in the High Court and the Court of Appeal.</p>	<p>column 4A, 5 and 6 of Table 1 to section 9(1). This authorisation power may only be exercised following consultation with the LC.</p> <p>In respect of the authorisation under columns 4A and 5, the PFD is only the LCJ’s nominee in respect of authorisations to sit in the High Court, Family Division.</p> <p>In respect to authorisations for individuals to act as judges of the High Court drawn from column 6, only individuals in a pool for requests may be authorised.</p> <p>(2) The PFD is the LCJ’s nominee to make appointments, following consultation with the LC and a JAC competition, under section 9(4) in respect of appointments to the Family Division to which s94AA Constitutional Reform Act 2015 applies.</p>	<p>Delegation in respect of the s9(4) was modified on 5 November 2015. From that date it only applies to appointments made under the procedure laid down in s94AA Constitutional Reform Act 2015. Prior to that date the delegation applied to all appointments made under s9(4). NB: the power to determine whether s94AA of the 2005 Act applies is not delegated.</p>
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	<p>Column 6: A Recorder or a person within subsection (1ZB) competent to act in the High Court;</p> <p>(1ZA) The Senior President of Tribunals is to be treated as not being within any entry in column 1 of the Table other than entry 4A.</p> <p>(1ZB) A person is within this subsection if the person—</p> <ul style="list-style-type: none"> (a) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal, (b) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007, (c) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act), (d) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act), or (e) is the President of Employment Tribunals (England and Wales) or the President of Employment Tribunals (Scotland). <p>The entry in column 2 specifying the Court of Appeal in relation to a Circuit judge only authorises such a judge to act as a judge of a court in the criminal division of the Court of Appeal.</p> <p>(1A) A person shall not act as a judge by virtue of subsection (1) after the day on which he attains the age of 75.</p> <p>(2) In subsection (1)—</p>		
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	<p>“the appropriate authority” means—(a) the Lord Chief Justice or a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) nominated by him to exercise his functions under this section, or</p> <p>(b) at any time when the Lord Chief Justice or the nominated judicial office holder is unable to make such a request himself, or there is a vacancy in the office of Lord Chief Justice, the Master of the Rolls;</p> <p>“relevant court”, in the case of a person within any entry in column 1 of the Table, means a court specified in relation to that entry in column 2 of the Table.</p> <p>(2A) The power of the appropriate authority to make a request under subsection (1) is subject to subsections (2B) to (2D).</p> <p>(2B) In the case of a request to a person within entry 1, 3, 4A, 5 or 6 in column 1 of the Table, the appropriate authority may make the request only after consulting the Lord Chancellor.</p> <p>(2C) In any other case the appropriate authority may make a request only with the concurrence of the Lord Chancellor.</p> <p>(2CA) In the case of a request to a person within entry 5 or 6 in column 1 of the Table to act as a judge of the High Court, the appropriate authority may make the request only if the person is a member of the pool for requests under subsection (1) to persons within that entry.</p>		
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	<p>(2D) In the case of a request to a Circuit judge to act as a judge of the Court of Appeal, the appropriate authority may make the request only with the concurrence of the Judicial Appointments Commission.</p> <p>(3) The person to whom a request is made under subsection (1) must comply with the request, but this does not apply to—</p> <ul style="list-style-type: none">(a) a request made to a person who has been a judge of the Court of Appeal,(b) a request made to a person who has been a puisne judge of the High Court and is not a judge of the Court of Appeal, or(c) a request made to the Senior President of Tribunals if the holder of that office is a judge of the Court of Session or of the High Court, or Court of Appeal, in Northern Ireland. <p>(4) Without prejudice to section 24 of the Courts Act 1971 (temporary appointment of deputy Circuit judges, if it appears to the Lord Chief Justice, after consulting the Lord Chancellor, that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in the High Court or the Crown Court or any other court or tribunal to which persons appointed under this subsection may be deployed, he may appoint a person qualified for appointment as a puisne judge of the High Court to be a deputy judge of the High Court during such period or on such occasions as the Lord Chief Justice may, after consulting the Lord Chancellor, think fit; and during the period or on the occasions for which a person is appointed as a deputy judge under this subsection, he may act as a puisne judge of the High Court.</p>		
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<p>(4A) No appointment of a person as a deputy judge of the High Court shall be such as to extend beyond the day on which he attains the age of 70, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75).</p> <p>(5) Every person while acting under this section shall, subject to [subsections (6) and (6A)], be treated for all purposes as, and accordingly may perform any of the functions of, a judge of the court in which he is acting.</p> <p>(6) A person shall not by virtue of subsection (5)—</p> <ul style="list-style-type: none">(a) be treated as a judge of the court in which he is acting for the purposes of section 98(2) or of any statutory provision relating to—<ul style="list-style-type: none">(i) the appointment, retirement, removal or disqualification of judges of that court;(ii) the tenure of office and oaths to be taken by such judges; or(iii) the remuneration, allowances or pensions of such judges; or(b) subject to section 27 of the Judicial Pensions and Retirement Act 1993, be treated as having been a judge of a court in which he has acted only under this section. <p>(6A) A Circuit judge, Recorder or person within subsection (1ZB) shall not by virtue of subsection (5) exercise any of the powers conferred on a single judge by sections 31, 31B, 31C and 44 of the Criminal Appeal Act 1968 (powers of single judge in connection with appeals to the Court of</p>		
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	<p>Appeal and appeals from the Court of Appeal to the Supreme Court.</p> <p>(8) Such remuneration and allowances as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine may be paid out of money provided by Parliament—</p> <p>(a) to any person who has been—</p> <p>(i) a judge of the Supreme Court; or (ii) a judge of the Court of Appeal; or (iii) a judge of the High Court,</p> <p>and is by virtue of subsection (1) acting as mentioned in that subsection;</p> <p>(b) to any deputy judge of the High Court appointed under subsection (4).</p> <p>(8A) A person may be removed from office as a deputy judge of the High Court—</p> <p>(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and (b) only on—</p> <p>(i) the ground of inability or misbehaviour, or (ii) a ground specified in the person's terms of appointment.</p> <p>(8B) Subject to the preceding provisions of this section, a person appointed under subsection (4) is to hold and vacate office as a deputy judge of the High Court in accordance</p>		
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	<p>with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.</p> <p>(9) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005 to exercise functions of the Lord Chief Justice under this section.</p>		
<p>Senior Courts Act 1981, section 127 (as amended)</p>	<p>Section 127 (Probate rules)</p> <p>(1) Rules of court (in this Part referred to as “probate rules”) may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 for regulating and prescribing the practice and procedure of the High Court with respect to non-contentious or common form probate business.</p> <p>(2) Without prejudice to the generality of subsection (1), probate rules may make provision for regulating the classes of persons entitled to grants of probate or administration in particular circumstances and the relative priorities of their claims thereto.</p>	<p>The provision provides the LCJ or nominee with power to make rules of court governing the practice and procedure in respect of non-contentious probate (Probate rules).</p>	<p>The power to delegate the functions under this provision is contained in Constitutional Reform Act 2005, schedule 1, part 1, paragraph 2(2), which requires the LC’s agreement to the LCJ’s choice of nominee.</p> <p>Delegation in force from April 2006.</p>
<p>Senior Courts Act 1981, section 136 (as amended)</p>	<p>Section 136 (Production of documents filed in, or in custody of, Senior Courts)</p> <p>(1) Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 for providing that, in any case where a document filed in, or in the custody of, any office of the Senior Courts is required to be produced to any court or tribunal (including an umpire or arbitrator) sitting elsewhere than at the Royal Courts of Justice—</p> <p style="padding-left: 40px;">(a) it shall not be necessary for any officer, whether served with a subpoena in that behalf or not, to</p>	<p>The provision provides the LCJ or nominee with power to make rules of court governing the production of documents held by the Senior Courts.</p>	<p>The power to delegate the functions under this provision is contained in Constitutional Reform Act 2005, schedule 1, part 1, paragraph 2(2), which requires the LC’s agreement to the LCJ’s choice of nominee.</p> <p>Delegation in force from April 2006.</p>

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	<p>attend for the purpose of producing the document; but</p> <p>(b) the document may be produced to the court or tribunal by sending it to the court or tribunal, in the manner prescribed in the rules, together with a certificate, in the form so prescribed, to the effect that the document has been filed in, or is in the custody of, the office;</p> <p>and any such certificate shall be prima facie evidence of the facts stated in it.</p> <p>(2) Rules under this section may contain—</p> <p>(a) provisions for securing the safe custody and return to the proper office of the Senior Courts of any document sent to a court or tribunal in pursuance of the rules; and</p> <p>(b) such incidental and supplementary provisions as appear to the person making the rules to be necessary or expedient.</p>		
<p>Administration of Justice Act 1982, section 25(4) (as amended)</p>	<p>Section 25 (Regulations as to deposit and registration of wills etc)</p> <p>(1) Regulations may make provision—</p> <p>(a) as to the conditions for the deposit of a will;</p> <p>(b) as to the manner of and procedure for—</p> <p>(i) the deposit and registration of a will; and</p> <p>(ii) the withdrawal of a will which has been deposited; and</p> <p>(iii) the cancellation of the registration of a will; and</p> <p>(c) as to the manner in which the Principal Registry of the Family Division is to perform its functions as</p>	<p>The provision provides the LC, following consultation with the LCJ or nominee, with power to make Regulations concerning the manner in which the Principal Registry of the Family Division is to perform its functions under the Regulations Convention.</p>	<p>This statutory provision has not yet been brought into force.</p> <p>The delegation has been in place since April 2006 and will take effect as at the commencement date of the statutory provision.</p>

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	<p>the national body under the Registration Convention.</p> <p>(2) Regulations under this section may contain such incidental or supplementary provisions as the authority making the regulations considers appropriate.</p> <p>(3) Any such regulations are to be made—</p> <ul style="list-style-type: none">(a) for England and Wales, by the President of the Family Division of the High Court of Justice, with the concurrence of the Lord Chancellor;(b) for Scotland, by the Secretary of State after consultation with the Lord President of the Court of Session; and(c) for Northern Ireland, by the Northern Ireland Supreme Court Rules Committee, with the concurrence of the Lord Chancellor. <p>(4) Regulations made by virtue of subsection (1)(c) above shall be made by the Lord Chancellor, after consulting the Lord Chief Justice of England and Wales.</p> <p>(5) Subject to subsection (6) below, regulations under this section shall be made by statutory instrument and shall be laid before Parliament after being made.</p> <p>(6) Regulations for Northern Ireland shall be statutory rules for the purposes of the Statutory Rules (Northern Ireland) Order 1979; and any such statutory rule shall be laid before the Northern Ireland Assembly after being made.</p> <p>(6A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (6) in relation to the laying of a statutory rule as it applies in</p>		
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	<p>relation to the laying of a statutory document under an enactment.</p> <p>(7) The Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations made in accordance with subsection (3)(a) above as if the regulations had been made by a Minister of the Crown.</p> <p>(8) Any regulations made under section 172 of the Supreme Court of Judicature (Consolidation) Act 1925 or section 126 of the Supreme Court Act 1981 shall have effect for the purposes of this Part of this Act as they have effect for the purposes of the enactment under which they were made.</p> <p>(9) 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 (4).</p>		
<p>Matrimonial and Family Proceedings Act 1984, section 31B(4)</p>	<p>Section 31B (Sittings)</p> <p>(1) Sittings of the family court may be held, and any other business of the family court may be conducted, at any place in England and Wales.</p> <p>(2) Sittings of the family court at any place may be continuous or intermittent or occasional.</p> <p>(3) Sittings of the family court may be held simultaneously to take any number of different cases in the same place or different places, and the court may adjourn cases from place to place at any time.</p>	<p>The provision gives the LC, following consultation with the LCJ or nominee, power to determine by directions when and where the Family Court may sit.</p>	<p>Delegation in force from 17 March 2014.</p>

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	<p>(4) The places at which the family court sits, and the days and times at which it sits in any place, are to be determined in accordance with directions given by the Lord Chancellor after consulting the Lord Chief Justice.</p> <p>(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.</p>		
<p>Matrimonial and Family Proceedings Act 1984, section 31D(1)</p>	<p>Section 31D (Composition of the court and distribution of its business)</p> <p>(1) Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 (process for making designated rules) about—</p> <ul style="list-style-type: none"> (a) the composition of the family court, and (b) the distribution of business of the family court among judges of the court. <p>(2) Rules about the composition of the family court may in particular—</p> <ul style="list-style-type: none"> (a) provide for the court to be constituted differently for the purpose of deciding different matters; (b) make provision about who is to preside where the court is composed of more than one judge. <p>(3) Rules about the distribution of business of the family court may in particular—</p> <ul style="list-style-type: none"> (a) prohibit specified judges from conducting specified business; (b) prohibit judges from conducting specified business unless authorised to do so by a specified judicial office holder; 	<p>The provision gives the LCJ or nominee, following consultation with the Family Procedure Rules Committee, to make rules governing the composition and distribution of work in the Family Court.</p> <p>The rules must be made in accordance with the procedure set out in the Constitutional Reform Act and as such are subject to the LC’s agreement.</p>	<p>Delegation in force from 17 March 2014.</p> <p>The power to delegate the functions under this provision is contained in Constitutional Reform Act 2005, schedule 1, part 1, paragraph 2(2), which requires the LC’s agreement to the LCJ’s choice of nominee.</p>

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	<p>(c) prohibit specified judges from conducting business, or specified business, unless authorised to do so by a specified judicial office holder;</p> <p>(d) prohibit specified judges from exercising specified powers of the court.</p> <p>(4) In subsection (3)—</p> <p>“judge” does not include a judge within section 31C(1)(a) to (i); “specified” means specified in, or of a description specified in, rules under this section.</p> <p>(5) Rules under this section—</p> <p style="padding-left: 40px;">(a) may confer powers on the Lord Chief Justice or on a judicial office holder;</p> <p style="padding-left: 40px;">(b) may be made only after consultation with the Family Procedure Rule Committee.</p> <p>(6) Family Procedure Rules are subject to rules under this section.</p> <p>(7) The Lord Chief Justice's power under paragraph 2(2)(b) of Schedule 1 to the Constitutional Reform Act 2005 to nominate a judicial office holder to make rules under this section includes power to nominate different judicial office holders to make rules under this section for different purposes.</p> <p>(8) Paragraph 5 of that Schedule (duty to make rules to achieve purpose specified by Lord Chancellor) does not apply in relation to rules under this section.</p> <p>(9) In this section “judicial office holder” has the meaning given by section 109(4) of that Act.</p>		
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	(10) No proceedings in the family court are to be with a jury.		
Matrimonial and Family Proceedings Act 1984, section 31H(1)	<p>Section 31H (Contempt of court: power to limit court's powers)</p> <p>(1) The Lord Chancellor may by regulations made after consulting the Lord Chief Justice make provision limiting or removing, in circumstances specified in the regulations, any of the powers exercisable by the family court when dealing with a person for contempt of court.</p> <p>(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.</p>	The provision gives the LC, following consultation with the LCJ or nominee, power by regulations to alter the Family Court's powers to deal with contempt of court.	Delegation in force from 17 March 2014.
Matrimonial and Family Proceedings Act 1984, section 31K(3)	<p>Section 31K (Appeals)</p> <p>(1) Subject to any order made under section 56(1) of the Access to Justice Act 1999 (power to provide for appeals to be made instead to the High Court or county court, or to the family court itself), if any party to any proceedings in the family court is dissatisfied with the decision of the court, that party may appeal from it to the Court of Appeal in such manner and subject to such conditions as may be provided by Family Procedure Rules.</p> <p>(2) Subsection (1) does not—</p> <ul style="list-style-type: none"> (a) confer any right of appeal from any decision where a right of appeal is conferred by some other enactment, or (b) take away any right of appeal from any decision where a right of appeal is so conferred, 	The provision gives the LC, following consultation with the LCJ or nominee, power to make provision concerning the circumstances when appeals may be made from decisions taking in respect of the transfer, or proposed transfer, of proceedings to or from the Family Court.	Delegation in force from 17 March 2014.

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<p>and has effect subject to any enactment other than this Part; and in this subsection “enactment” means an enactment whenever passed.</p> <p>(3) The Lord Chancellor may, after consulting the Lord Chief Justice, by order make provision as to the circumstances in which appeals may be made against decisions taken by courts or judges on questions arising in connection with the transfer, or proposed transfer, of proceedings from or to the family court.</p> <p>(4) Except to the extent provided for in any order made under subsection (3), no appeal may be made against any decision of a kind mentioned in that subsection.</p> <p>(5) At the hearing of any proceedings in the family court in which there is a right of appeal or from which an appeal may be brought with permission, the judge, if requested to do so by any party, is to make a note—</p> <ul style="list-style-type: none">(a) of any question of law raised at the hearing,(b) of the facts in evidence in relation to any such question, and(c) of the court's decision on any such question and of the court's determination of the proceedings. <p>(6) Where such a note is made, and whether or not an appeal has been made, the court—</p> <ul style="list-style-type: none">(a) on the application of any party to the proceedings, and(b) on payment of the fee (if any) prescribed under section 92 of the Courts Act 2003, <p>is to provide that party with a copy of the note signed by the judge, and the copy so signed is to be used at the hearing of any appeal.</p>		
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	<p>(7) Section 81 of the County Courts Act 1984 (powers of Court of Appeal on appeal from county court) applies to appeals from the family court to the Court of Appeal as it applies to appeals from the county court to the Court of Appeal.</p> <p>(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under subsection (3).</p>		
<p>Matrimonial and Family Proceedings Act 1984, section 31M</p>	<p>Section 31M (Records of proceedings)</p> <p>(1) The Lord Chancellor may by regulations provide for the keeping of records of and in relation to proceedings of the family court.</p> <p>(2) Any entry in a book or other document required to be kept by regulations under subsection (1), or a copy of any such entry or document purporting to be signed and certified as a true copy by a judge of the family court, is at all times without further proof to be admitted in any court or place as evidence of the entry and of the proceeding referred to by it and of the regularity of that proceeding.</p> <p>(3) The Lord Chancellor must consult the Lord Chief Justice before making regulations under this section.</p> <p>(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.</p>	<p>The provision gives the LC, following consultation with the LCJ or nominee, power by Regulations to provide for record-keeping in respect of proceedings in the Family Court.</p>	<p>Delegation in force from 17 March 2014.</p>
<p>Matrimonial and Family</p>	<p>Section 31O (Justices' clerks and assistants: functions)</p>	<p>The provision gives the LC, with the agreement of the LCJ or nominee and</p>	<p>Delegation in force from 17 March 2014.</p>

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<p>Proceedings Act 1984, section 31O</p>	<p>(1) The Lord Chancellor may by rules made with the agreement of the Lord Chief Justice and after consulting the Family Procedure Rule Committee—</p> <ul style="list-style-type: none"> (a) make provision enabling functions of the family court, or of a judge of the court, to be carried out by a justices' clerk; (b) make provision enabling functions of a justices' clerk given under paragraph (a), or specified in subsection (2), to be carried out by an assistant to a justices' clerk. <p>(2) The functions of a justices' clerk include—</p> <ul style="list-style-type: none"> (a) giving advice to lay judges of the family court about matters of law (including procedure and practice) on questions arising in connection with the discharge by them of functions conferred on them or the court, including questions arising when the clerk is not personally attending on them, and (b) power, at any time when the clerk thinks that the clerk should do so, to bring to the attention of lay judges of the family court any point of law (including procedure and practice) that is or may be involved in any question so arising; <p>and in this subsection “lay judge of the family court” means a judge of the court who is within section 31C(1)(y).</p> <p>(3) Subsection (2) does not limit—</p> <ul style="list-style-type: none"> (a) the functions of a justices' clerk, or (b) the matters on which any judge of the family court may obtain assistance from a justices' clerk. <p>(4) A justices' clerk is not subject to the direction of the Lord Chancellor or any other person when carrying out—</p> <ul style="list-style-type: none"> (a) a function of the family court or of a judge of the court, or 	<p>following consultation with the Family Procedure Rules Committee, to specify which functions of the Family Court or judges of that court to be carried out by a justices' clerk or an assistant justices' clerk.</p>	
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	<p>(b) a function specified in subsection (2); and an assistant to a justices' clerk when carrying out any such function is not subject to the direction of any person other than a justices' clerk.</p> <p>(5) No action lies against a person in respect of anything done or not done in carrying out functions of the family court or of a judge of the court—</p> <ul style="list-style-type: none">(a) in execution of the person's duties as a justices' clerk or an assistant to a justices' clerk, and(b) in relation to matters within the person's jurisdiction. <p>(6) An action lies against a person in respect of anything done or not done in carrying out functions of the family court or of a judge of the court—</p> <ul style="list-style-type: none">(a) in purported execution of the person's duties as a justices' clerk or an assistant to a justices' clerk, and(b) in relation to a matter not within the person's jurisdiction, <p>if, but only if, it is proved that the person acted in bad faith.</p> <p>(7) If an action is brought in circumstances in which subsection (5) or (6) provides that no action lies, the court in which the action is brought—</p> <ul style="list-style-type: none">(a) may, on the application of the defendant, strike out the proceedings in the action, and(b) if it does so, may if it thinks fit order the person bringing the action to pay costs. <p>(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.</p>		
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<p>Court Courts Act 1984, section 61(1) and 61(3A) as amended</p>	<p>Section 61 (Right of audience by direction of Lord Chancellor)</p> <p>(1) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, at any time direct that such categories of persons in relevant legal employment as may be specified in the direction may address the court in any proceedings in the county court, or in proceedings in the county court of such description as may be so specified.</p> <p>(2) In subsection (1), “relevant legal employment” means employment which consists of or includes giving assistance in the conduct of litigation to a legal representative whether in private practice or not.</p> <p>(3) A direction under this section may be given subject to such conditions and restrictions as appear to the Lord Chancellor to be necessary or expedient, and may be expressed to have effect as respects every place where the county court sits or as respects one or more specified places where the county court sits.</p> <p>(3A) Subsections (1) to (3) apply in relation to the family court as they apply in relation to the county court.</p> <p>(4) The power to give directions conferred by this section includes a power to vary or rescind any direction given under this section.</p> <p>(5) 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 this section.</p>	<p>The provision enables the LC, with the concurrence of the LCJ or nominee to extend rights of audience, in specified circumstances, in the Family Court.</p> <p>The PFD is the LCJ’s nominee in respect of the Family Court.</p>	<p>Delegation in force from 14 December 2015.</p>
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<p>Children Act 1989, section 7(2) (as amended)</p>	<p>Section 7 (Welfare reports)</p> <p>(1) A court considering any question with respect to a child under this Act may—</p> <p style="padding-left: 20px;">(a) ask an officer of the Service or a Welsh family proceedings officer; or</p> <p style="padding-left: 20px;">(b) ask a local authority to arrange for—</p> <p style="padding-left: 40px;">(i) an officer of the authority; or</p> <p style="padding-left: 40px;">(ii) such other person (other than an officer of the Service or a Welsh family proceedings officer) as the authority considers appropriate,</p> <p>to report to the court on such matters relating to the welfare of that child as are required to be dealt with in the report.</p> <p>(2) The Lord Chancellor may, after consulting the Lord Chief Justice, make regulations specifying matters which, unless the court orders otherwise, must be dealt with in any report under this section.</p> <p>(3) The report may be made in writing, or orally, as the court requires.</p> <p>(4) Regardless of any enactment or rule of law which would otherwise prevent it from doing so, the court may take account of—</p> <p style="padding-left: 20px;">(a) any statement contained in the report; and</p> <p style="padding-left: 20px;">(b) any evidence given in respect of the matters referred to in the report,</p> <p>in so far as the statement or evidence is, in the opinion of the court, relevant to the question which it is considering.</p> <p>(5) It shall be the duty of the authority or officer of the Service or a Welsh family proceedings officer to comply with any request for a report under this section.</p>	<p>The provision provides the LC, following consultation with the LCJ or nominee, with power to specify by regulations, unless the court orders otherwise, the matters to be contained in child welfare reports.</p>	<p>Delegation in force from April 2006.</p>
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(6) 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).</p>		
<p>Children Act 1989, section 97(4) (as amended)</p>	<p>Section 97 (Privacy for children involved in certain proceedings)</p> <p>(2) No person shall publish to the public at large or any section of the public any material which is intended, or likely, to identify—</p> <p style="padding-left: 20px;">(a) any child as being involved in any proceedings before the High Court or the family court in which any power under this Act or the Adoption and Children Act 2002 may be exercised by the court with respect to that or any other child; or</p> <p style="padding-left: 20px;">(b) an address or school as being that of a child involved in any such proceedings.</p> <p>(3) In any proceedings for an offence under this section it shall be a defence for the accused to prove that he did not know, and had no reason to suspect, that the published material was intended, or likely, to identify the child.</p> <p>(4) The court or the Lord Chancellor may, if satisfied that the welfare of the child requires it and, in the case of the Lord Chancellor, if the Lord Chief Justice agrees, by order dispense with the requirements of subsection (2) to such extent as may be specified in the order.</p> <p>(5) For the purposes of this section—</p> <p style="padding-left: 40px;">“publish” includes—</p>	<p>The provision provides the LC, with the agreement of the LCJ or nominee, with power by Order to dispense with the requirements specified in section 97(2).</p>	<p>Delegation in force from April 2006.</p>

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	<p>(a) include in a programme service (within the meaning of the Broadcasting Act 1990); (b) cause to be published; and “material” includes any picture or representation.</p> <p>(6) Any person who contravenes this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.</p> <p>(6A) It is not a contravention of this section to—</p> <p>(a) enter material in the Adoption and Children Act Register (established under section 125 of the Adoption and Children Act 2002), or (b) permit persons to search and inspect that register pursuant to regulations made under section 128A of that Act.</p> <p>(9) 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 (4).</p>		
<p>Child Support Act 1991, section 8(5A) (as amended)</p>	<p>Section 8 (Role of the courts with respect to maintenance for children)</p> <p>(1) This subsection applies in any case where the Secretary of State would have jurisdiction to make a maintenance calculation with respect to a qualifying child and a non-resident parent of his on an application duly made by a person entitled to apply for such a calculation with respect to that child.</p>	<p>The provision provides the LC, with the concurrence of the LCJ or nominee, with the power by Order to specify when a court would retain power to make a maintenance order notwithstanding the general provisions of section 8.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(2) Subsection (1) applies even though the circumstances of the case are such that the Secretary of State would not make a calculation if it were applied for.</p> <p>(3) Except as provided in subsection (3A), in any case where subsection (1) applies, no court shall exercise any power which it would otherwise have to make, vary or revive any maintenance order in relation to the child and non-resident parent concerned.</p> <p>(3A) Unless a maintenance calculation has been made with respect to the child concerned, subsection (3) does not prevent a court from varying a maintenance order in relation to that child and the non-resident parent concerned—</p> <ul style="list-style-type: none">(a) if the maintenance order was made on or after the date prescribed for the purposes of section 4(10)(a) or 7(10)(a); or(b) where the order was made before then, in any case in which section 4(10) or 7(10) prevents the making of an application for a maintenance calculation with respect to or by that child. <p>(4) Subsection (3) does not prevent a court from revoking a maintenance order.</p> <p>(5) The Lord Chancellor or in relation to Scotland the Lord Advocate may by order provide that, in such circumstances as may be specified by the order, this section shall not prevent a court from exercising any power which it has to make a maintenance order in relation to a child if—</p> <ul style="list-style-type: none">(a) a written agreement (whether or not enforceable) provides for the making, or securing, by a non-resident parent of the child of periodical payments to or for the benefit of the child; and		
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	<p>(b) the maintenance order which the court makes is, in all material respects, in the same terms as that agreement.</p> <p>(5A) The Lord Chancellor may make an order under subsection (5) only with the concurrence of the Lord Chief Justice.</p> <p>(6) This section shall not prevent a court from exercising any power which it has to make a maintenance order in relation to a child if—</p> <ul style="list-style-type: none">(a) a maintenance calculation is in force with respect to the child;(b) the non-resident parent's gross weekly income exceeds the figure referred to in paragraph 10(3) of Schedule 1 (as it has effect from time to time pursuant to regulations made under paragraph 10A(1)(b)); and(c) the court is satisfied that the circumstances of the case make it appropriate for the non-resident parent to make or secure the making of periodical payments under a maintenance order in addition to the child support maintenance payable by him in accordance with the maintenance calculation. <p>(7) This section shall not prevent a court from exercising any power which it has to make a maintenance order in relation to a child if—</p> <ul style="list-style-type: none">(a) the child is, will be or (if the order were to be made) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation (whether or not while in gainful employment); and(b) the order is made solely for the purposes of requiring the person making or securing the making of periodical payments fixed by the order to meet		
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	<p>some or all of the expenses incurred in connection with the provision of the instruction or training.</p> <p>(8) This section shall not prevent a court from exercising any power which it has to make a maintenance order in relation to a child if—</p> <ul style="list-style-type: none">(a) an allowance under Part 4 of the Welfare Reform Act 2012 (personal independence payment) or a disability living allowance is paid to or in respect of him; or(b) no such allowance is paid but he is disabled, <p>and the order is made solely for the purpose of requiring the person making or securing the making of periodical payments fixed by the order to meet some or all of any expenses attributable to the child's disability.</p> <p>(9) For the purposes of subsection (8), a child is disabled if he is blind, deaf or dumb or is substantially and permanently handicapped by illness, injury, mental disorder or congenital deformity or such other disability as may be prescribed.</p> <p>(10) This section shall not prevent a court from exercising any power which it has to make a maintenance order in relation to a child if the order is made against a person with care of the child.</p> <p>(11) In this Act “maintenance order” , in relation to any child, means an order which requires the making or securing of periodical payments to or for the benefit of the child and which is made under—</p> <ul style="list-style-type: none">(a) Part II of the Matrimonial Causes Act 1973;		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(b) the Domestic Proceedings and Magistrates' Courts Act 1978; (c) Part III of the Matrimonial and Family Proceedings Act 1984; (d) the Family Law (Scotland) Act 1985; (e) Schedule 1 to the Children Act 1989 ; (ea) Schedule 5, 6 or 7 to the Civil Partnership Act 2004; or (f) any other prescribed enactment. and includes any order varying or reviving such an order.</p> <p>(12) 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 this section.</p>		
<p>Courts Act 2003, section 77(1A), (3) and (5) (as amended)</p>	<p>Section 77 (Family Procedure Rule Committee)</p> <p>(1) The Family Procedure Rule Committee is to consist of— (a) the President of the Family Division, and (b) the persons currently appointed in accordance with subsections (1A) and (1B).</p> <p>(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (f) of subsection (2).</p> <p>(1B) The Lord Chancellor must appoint the persons falling within paragraphs (g) to (o) of subsection (2).</p> <p>(2) The persons to be appointed in accordance with subsections (1A) and (1B) are – (a) two judges of the Senior Courts, at least one of whom must be a puisne judge attached to the Family Division, (b) one Circuit judge,</p>	<p>The provision concerns the constitution of the Family Procedure Rule Committee.</p> <p>It provides the LCJ or nominee power, following consultation with the LC and PFD, to appoint the judicial members of the Committee.</p> <p>It further provides the LC, following consultation with the LCJ or nominee, with power to appoint the non-judicial members of the Committee.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(c) one district judge of the principal registry of the Family Division,</p> <p>(d) one district judge appointed under section 6 of the County Courts Act 1984 (c. 28),</p> <p>(e) one District Judge (Magistrates' Courts),</p> <p>(f) one lay justice,</p> <p>(g) one justices' clerk,</p> <p>(h) one person who has–</p> <ul style="list-style-type: none"> (i) a Senior Courts qualification, and (ii) particular experience of family practice in the High Court, <p>(j) one person who has–</p> <ul style="list-style-type: none"> (i) a Senior Courts qualification, and (ii) particular experience of family practice in [the family court] 6 , <p>(k) one person who–</p> <ul style="list-style-type: none"> (i) has been authorised by a relevant approved regulator to conduct litigation in relation to all proceedings in the Senior Courts, and (ii) has particular experience of family practice in the High Court, <p>(m) one person who–</p> <ul style="list-style-type: none"> (i) has been so authorised, and (ii) has particular experience of family practice in the family court, <p>(n) one person nominated by CAF/CASS, and</p> <p>(o) one person with experience in and knowledge of the lay advice sector or the system of justice in relation to family proceedings.</p>		
	<p>(3) Before appointing a person in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor and the President of the Family Division.</p>		

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	<p>(5) Before appointing a person in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice and, if the person falls within any of paragraphs (h) to (m) of subsection (2), must also consult any body which–</p> <ul style="list-style-type: none"> (a) has members eligible for appointment under the provision in question, and (b) is a relevant approved regulator in relation to the exercise of a right of audience or the conduct of litigation (or both). <p>(6) The Lord Chancellor may reimburse the members of the Family Procedure Rule Committee their travelling and out-of-pocket expenses.</p> <p>(7) 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 this section.</p> <p>(8) In this section “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.</p>		
<p>Courts Act 2003, section 80 (as amended)</p>	<p>Section 80 (Power to amend legislation in connection with the rules)</p> <p>(1) The Lord Chancellor may, after consulting the Lord Chief Justice, by order amend, repeal or revoke any enactment to the extent that he considers necessary or desirable–</p> <ul style="list-style-type: none"> (a) in order to facilitate the making of Family Procedure Rules, or (b) in consequence of section 75, 76 or 79 or Family Procedure Rules. 	<p>The provision provides the LC, after consulting the LCJ or nominee, with power to amend, repeal or revoke any statutory provision in order to facilitate the making of Family Procedure Rules.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(2) 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 this section.</p>		
<p>Courts Act 2003, section 81 (as amended)</p>	<p>Section 81 (Practice directions relating to family proceedings)</p> <p>(1) Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 as to the practice and procedure of–</p> <ul style="list-style-type: none"> (za) the civil division of the Court of Appeal in proceedings on appeal from the Family Division of the High Court or from the family court, (zb) the Family Division of the High Court in proceedings which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other, and (aa) the family court. <p>(2) Directions as to the practice and procedure mentioned in subsection (1) which are given otherwise than under subsection (1) may not be given without the approval of–</p> <ul style="list-style-type: none"> (a) the Lord Chancellor, and (b) the Lord Chief Justice. <p>(2A) Directions as to the practice and procedure mentioned in subsection (1) (whether given under subsection (1) or otherwise) may provide for any matter which, by virtue of paragraph 3 of Schedule 1 to the Civil Procedure Act 1997, may be provided for by Civil Procedure Rules.</p>	<p>The provision provides the LCJ or nominee to issue Practice Directions in respect of family proceedings.</p>	<p>The power to delegate the functions under this provision is contained in Constitutional Reform Act 2005, schedule 2, part 1, paragraph 2(2).</p> <p>The powers in section 81(2)(b) and 81(5)(b) cannot be delegated.</p> <p>Delegation in force from April 2006 to 13 November 2012. Revoked by LCJ during the PFD’s absence.</p> <p>Delegation in force from 11 January 2013.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(3) The power to give directions under subsection (1) includes power–</p> <ul style="list-style-type: none">(a) to vary or revoke directions as to the practice and procedure mentioned in subsection (1), whether given under subsection (1) or otherwise,(b) to give directions containing different provision for different cases (including different areas), and(c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction. <p>(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following–</p> <ul style="list-style-type: none">(a) the application or interpretation of the law;(b) the making of judicial decisions. <p>(5) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only–</p> <ul style="list-style-type: none">(a) after consulting the Lord Chancellor, and(b) with the approval of the Lord Chief Justice. <p>(5) In this section–</p> <p>“Civil Procedure Rules” has the same meaning as in the Civil Procedure Act 1997.</p>		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to the President of the Court of Protection⁵

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Mental Capacity Act 2005, section 21(1) (as amended)</p>	<p>Section 21 (Transfer of proceedings relating to people under 18)</p> <p>(1) The Lord Chief Justice, with the concurrence of the Lord Chancellor, may by order make provision as to the transfer of proceedings relating to a person under 18, in such circumstances as are specified in the order—</p> <p style="padding-left: 40px;">(a) from the Court of Protection to a court having jurisdiction under the Children Act 1989 (c. 41), or</p> <p style="padding-left: 40px;">(b) from a court having jurisdiction under that Act to the Court of Protection.</p> <p>(2) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—</p> <p style="padding-left: 40px;">(a) the President of the Court of Protection;</p> <p style="padding-left: 40px;">(b) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005).</p>	<p>The LCJ or nominee, with the LC’s concurrence, may by order make provision for the transfer of proceedings relating to persons under the age of 18 from a court having jurisdiction under to the Children Act 1989 to the Court of Protection or vice versa.</p>	<p>Delegation prospectively in force from December 2006.</p>

⁵ The President of the Family Division is the President of the Court of Protection. During 2020 the delegations to the President of the Court of Protection were temporarily transferred to the Vice-President of the Court of Protection.

Lord Chief Justice – Delegation of Statutory Functions

<p>Mental Capacity Act 2005, section 45(5) (as amended)</p>	<p>Section 45 (The Court of Protection)</p> <p>(1) There is to be a superior court of record known as the Court of Protection.</p> <p>(2) The court is to have an official seal.</p> <p>(3) The court may sit at any place in England and Wales, on any day and at any time.</p> <p>(4) The court is to have a central office and registry at a place appointed by the Lord Chancellor, after consulting the Lord Chief Justice.</p> <p>(5) The Lord Chancellor may, after consulting the Lord Chief Justice, designate as additional registries of the court any district registry of the High Court and any county court office.</p> <p>(5A) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—</p> <p style="padding-left: 40px;">(a) the President of the Court of Protection;</p> <p style="padding-left: 40px;">(b) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005).</p> <p>(6) The office of the Supreme Court called the Court of Protection ceases to exist.</p>	<p>The provision gives the LC, following consultation with the LCJ or nominee, to designate additional registries of the Court of Protection.</p>	<p>Delegation prospectively in force from December 2006.</p>
<p>Mental Capacity Act 2005, section 46(1)(b) (as amended)</p>	<p>Section 46 (The judges of the Court of Protection)</p> <p>(1) Subject to Court of Protection Rules under section 51(2)(d), the jurisdiction of the court is exercisable by a judge nominated for that purpose by—</p> <p style="padding-left: 40px;">(a) the Lord Chief Justice, or</p>	<p>The provision provides the LCJ's nominee, the President of the Court of Protection, to nominate judges to exercise the jurisdiction of the Court of Protection.</p>	<p>Delegation prospectively in force from December 2006.</p> <p>From December 2006 the nomination power delegated was limited to those judicial office holders within the scope</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(b) where nominated by the Lord Chief Justice to act on his behalf under this subsection—</p> <ul style="list-style-type: none"> (i) the President of the Court of Protection; or (ii) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005). <p>(2) To be nominated, a judge must be—</p> <ul style="list-style-type: none"> (a) the President of the Family Division, (b) the Chancellor of the High Court, (c) a puisne judge of the High Court, (d) a circuit judge, (e) a district judge, (f) a District Judge (Magistrates' Courts), (g) a judge of the First-tier Tribunal, or of the Upper Tribunal, by virtue of appointment under paragraph 1(1) of Schedule 2 or 3 to the Tribunals, Courts and Enforcement Act 2007, (h) a transferred-in judge of the First-tier Tribunal or of the Upper Tribunal (see section 31(2) of that Act), (i) a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act), (j) the Chamber President, or Deputy Chamber President, of a chamber of the First-tier Tribunal or of a chamber of the Upper Tribunal, (k) the Judge Advocate General, (l) a Recorder, (m) the holder of an office listed in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc), (n) a holder of an office listed in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc), 		<p>of section 46(2)(c) – (e). From the entry into force of the Crime and Courts Act 2013 it extended to cover the newly inserted subsections in s46(2).</p>
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(o) a deputy district judge appointed under section 102 of that Act or under section 8 of the County Courts Act 1984,</p> <p>(p) a member of a panel of Employment Judges established for England and Wales or for Scotland,</p> <p>(q) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General),</p> <p>(r) a deputy judge of the High Court,</p> <p>(s) the Senior President of Tribunals,</p> <p>(t) an ordinary judge of the Court of Appeal (including the vice president, if any, of either division of that court),</p> <p>(u) the President of the Queen's Bench Division,</p> <p>(v) the Master of the Rolls, or</p> <p>(w) the Lord Chief Justice.</p> <p>(3) The Lord Chief Justice, after consulting the Lord Chancellor, must–</p> <p>(a) appoint one of the judges nominated by virtue of subsection (2)(a) to (c) to be President of the Court of Protection, and</p> <p>(b) appoint another of those judges to be Vice-President of the Court of Protection.</p> <p>(4) The Lord Chief Justice, after consulting the Lord Chancellor, must appoint one of the judges nominated by virtue of subsection (2)(d) to (q) to be Senior Judge of the Court of Protection, having such administrative functions in relation to the court as the Lord Chancellor, after consulting the Lord Chief Justice, may direct.</p>		
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Lord Chief Justice – Delegation of Statutory Functions

<p>Mental Capacity Act 2005, section 51 (as amended)</p>	<p>Section 51 (Court of Protection Rules)</p> <p>(1) Rules of court with respect to the practice and procedure of the court (to be called “Court of Protection Rules”) may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005.</p> <p>(2) Court of Protection Rules may, in particular, make provision–</p> <ul style="list-style-type: none"> (a) as to the manner and form in which proceedings are to be commenced; (b) as to the persons entitled to be notified of, and be made parties to, the proceedings; (c) for the allocation, in such circumstances as may be specified, of any specified description of proceedings to a specified judge or to specified descriptions of judges; (d) for the exercise of the jurisdiction of the court, in such circumstances as may be specified, by its officers or other staff; (e) for enabling the court to appoint a suitable person (who may, with his consent, be the Official Solicitor) to act in the name of, or on behalf of, or to represent the person to whom the proceedings relate; (f) for enabling an application to the court to be disposed of without a hearing; (g) for enabling the court to proceed with, or with any part of, a hearing in the absence of the person to whom the proceedings relate; (h) for enabling or requiring the proceedings or any part of them to be conducted in private and for enabling the court to determine who is to be admitted when the court sits in private and to exclude specified persons when it sits in public; 		<p>Delegation prospectively in force from December 2006.</p>
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(i) as to what may be received as evidence (whether or not admissible apart from the rules) and the manner in which it is to be presented;</p> <p>(j) for the enforcement of orders made and directions given in the proceedings.</p> <p>(3) Court of Protection Rules may, instead of providing for any matter, refer to provision made or to be made about that matter by directions.</p> <p>(4) Court of Protection Rules may make different provision for different areas.</p>		
<p>Mental Capacity Act 2005, section 52(1) and (2) (as amended)</p>	<p>Section 52 (Practice directions)</p> <p>(1) Directions as to the practice and procedure of the court may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005.</p> <p>(2) Practice directions given otherwise than under subsection (1) may not be given without the approval of—</p> <p style="padding-left: 40px;">(a) the Lord Chancellor, and</p> <p style="padding-left: 40px;">(b) the Lord Chief Justice.</p> <p>(3) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—</p> <p style="padding-left: 40px;">(a) the President of the Court of Protection;</p> <p style="padding-left: 40px;">(b) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005).</p>	<p>The provision gives the LCJ or nominee power to issue Practice Directions for the Court of Protection.</p> <p>Directions made under section 52(2) may only be made with the LCJ or LCJ’s nominee’s and the LC’s approval.</p>	<p>The power to delegate the functions under section 52(1) is contained in Constitutional Reform Act 2005, schedule 2, part 1, paragraph 2(2), which requires the LC’s agreement to the LCJ’s choice of nominee.</p> <p>Delegation prospectively in force from December 2006.</p>
<p>Courts Act 2003, section 67B(5)</p>	<p>Section 67B (Authorisation to exercise relevant judicial functions)</p> <p>(1) Rules of court may provide for the exercise of relevant judicial functions by persons who—</p>	<p>The provision provides the LCJ or nominee to authorise a judicial officer holder or HMCTS staff member person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts</p>	<p>Delegation in force from 6 April 2020.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) are appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007, and</p> <p>(b) satisfy any requirements specified in the rules as to qualifications or experience.</p> <p>(2) A person may exercise functions by virtue of subsection (1) only if authorised to do so by the Lord Chief Justice.</p> <p>(3) Such a person is referred to in this Part as an “authorised person”.</p> <p>(4) An authorisation under subsection (2)—</p> <p style="padding-left: 40px;">(a) may be subject to conditions, and</p> <p style="padding-left: 40px;">(b) may be varied or revoked by the Lord Chief Justice at any time.</p> <p>(5) The Lord Chief Justice may nominate one or more of the following to exercise the Lord Chief Justice's functions under the preceding provisions of this section—</p> <p style="padding-left: 40px;">(a) a judicial office holder;</p> <p style="padding-left: 40px;">(b) a person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007.</p> <p>(6) A person nominated under subsection (5)(b) to exercise functions of the Lord Chief Justice is not subject to the direction of any person other than—</p> <p style="padding-left: 40px;">(a) the Lord Chief Justice, or</p> <p style="padding-left: 40px;">(b) a judicial office holder nominated by the Lord Chief Justice,</p>	<p>and Enforcement Act 2007 to authorise HMCTS staff members to exercise such judicial functions as provided for in rules of court.</p> <p>The President of the Court of Protection is the LCJ's delegate in respect of authorisations under the Court of Protection Rules.</p>
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Lord Chief Justice – Delegation of Statutory Functions

	when exercising the functions. (7) Nothing in this Part is to be taken to affect the generality of any enactment conferring powers to make rules of court.		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to the Chancellor of the High Court

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Registered Designs Act 1949, section 27(2) (as amended)</p>	<p>Section 27 (The court)</p> <p>(1) In this Act “the court” means —</p> <p style="padding-left: 20px;">(a) in England and Wales the High Court,</p> <p style="padding-left: 20px;">(b) in Scotland, the Court of Session, and</p> <p style="padding-left: 20px;">(c) in Northern Ireland, the High Court.</p> <p>(2) Provision may be made by rules of court with respect to proceedings in the High Court in England and Wales for references and applications under this Act to be dealt with by such judge of that court as the Lord Chief Justice of England and Wales may, after consulting the Lord Chancellor, select for the purpose.</p> <p>(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).</p>	<p>The provision provides the LCJ or nominee, following consultation with the LC, to designate by rules of court which judges of the High Court may deal with references and applications under the 1949 Act.</p>	<p>Delegation in force from April 2006.</p>
<p>Registered Designs Act 1949, section 28(2)(a) (as amended)</p>	<p>Section 28 (The Appeal Tribunal)</p> <p>(1) Any appeal from the registrar under this Act shall lie to the Appeal Tribunal.</p> <p>(2) The Appeal Tribunal shall consist of—</p> <p style="padding-left: 20px;">(a) one or more judges of the High Court nominated by the Lord Chief Justice of England</p>	<p>This provision provides the LCJ or nominee with power to nominate judges of the High Court to form the Appeal Tribunal for appeals from the Registrar under the 1949 Act.</p>	<p>Delegation in force from April 2006.</p>

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	<p>and Wales after consulting the Lord Chancellor, and (b) one judge of the Court of Session nominated by the Lord President of that Court.</p> <p>(2A) ...</p> <p>(3) ...</p> <p>(4) ...</p> <p>(5) ...</p> <p style="padding-left: 20px;">(a) ...</p> <p style="padding-left: 20px;">(b) ...</p> <p>(7) ...</p> <p>(8) ...</p> <p>(8A) ...</p> <p>(9) ...</p> <p>(10) ...</p> <p>(11) 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)(a).</p>		
<p>Administration of Justice Act 1970, section 10(1)(a), 10(1A) and 10(1B)</p>	<p>Section 10 (Temporary additional judges)</p> <p>(1) This section applies if both of the following conditions are met–</p>	<p>This provision provides the LCJ or nominee with power to appoint temporary additional judges of the Registered Designs Appeal Tribunal.</p>	<p>Delegation in force from April 2006.</p>

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<p>(a) the Lord Chancellor thinks that it is expedient, having regard to the state of business pending before the Registered Designs Appeal Tribunal and after consulting the Lord Chief Justice, for a person to be appointed to sit and act as an additional judge of the Tribunal (either alone or with a judge of the High Court who is a judge of the Tribunal);</p> <p>(b) the Lord Chancellor requests the Lord Chief Justice to make such an appointment.</p> <p>(1A) The Lord Chief Justice may, after consulting the Lord Chancellor, appoint one of the following persons as mentioned in subsection (1)(a)–</p> <ul style="list-style-type: none"> (a) a judge of the Court of Appeal; (b) a person who has held office as a judge of the Court of Appeal or of the High Court; (c) one of Her Majesty's Counsel. <p>(1B) An appointment under this section is–</p> <ul style="list-style-type: none"> (a) for such period, or (b) for the purpose of hearing such appeals, <p>as the Lord Chief Justice determines, after consulting the Lord Chancellor.</p> <p>(2) A person appointed to the Tribunal under this section shall, while sitting and acting as aforesaid, have all the jurisdiction of, but shall not otherwise be deemed to be, a judge of the Tribunal.</p>	<p>The power may only be exercised following consultation with the LC where there has been a request from the LC, which itself follows consultation with the LCJ or nominee.</p> <p>The power to determine the length of any such appointment may only be exercised following consultation with the LC.</p>
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	<p>(3) The Lord Chancellor may pay to a person appointed to the Tribunal under this section (other than a judge of the Court of Appeal) such remuneration as he may determine with the approval of the Minister for the Civil Service; and any such remuneration shall be included in the expenses of the Tribunal.</p> <p>(4) In this section “the Registered Designs Appeal Tribunal” means the Appeal Tribunal constituted under section 28 of the Registered Designs Act 1949 as amended by section 24 of the Administration of Justice Act 1969.</p> <p>(4A) 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 this section.</p>		
<p>Patents Act 1977, section 97(2) (as amended)</p>	<p>Section 97 (Appeals from the comptroller)</p> <p>(1) Except as provided by subsection (4) below, an appeal shall lie to the Patents Court from any decision of the comptroller under this Act or rules except any of the following decisions, that is to say—</p> <ul style="list-style-type: none"> (a) a decision falling within section 14(7) above; (b) a decision under section 16(2) above to omit matter from a specification; (c) a decision to give directions under subsection (1) or (2) of section 22 above; (d) a decision under rules which is excepted by rules from the right of appeal conferred by this section. <p>(2) For the purpose of hearing appeals under this section the Patents Court may consist of one or more judges of that court in accordance with directions given by the Lord Chief</p>	<p>This provision provides the LCJ or nominee to specify in directions, after consulting the LC, that a Patents Court may consist of one or more judges of that court.</p>	<p>Delegation in force from April 2006.</p>

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	<p>Justice of England and Wales after consulting the Lord Chancellor;</p> <p>(3) An appeal shall not lie to the Court of Appeal from a decision of the Patents Court on appeal from a decision of the comptroller under this Act or rules—</p> <p style="padding-left: 40px;">(a) except where the comptroller's decision was given under section 8, 12, 18, 20, 27, 37, 40, 61, 72, 73 or 75 above; or</p> <p style="padding-left: 40px;">(b) except where the ground of appeal is that the decision of the Patents Court is wrong in law;</p> <p>but an appeal shall only lie to the Court of Appeal under this section if leave to appeal is given by the Patents Court or the Court of Appeal.</p> <p>(4) . . .</p> <p>(4) 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).⁶</p> <p>(5) . . .</p>		
<p>Senior Courts Act 1981, section 6(2) (as amended)</p>	<p>Section 6 (The Patents, Admiralty and Commercial Courts)</p> <p>(1) There shall be—</p> <p style="padding-left: 40px;">(a) as part of the Chancery Division, a Patents Court; . . .</p> <p style="padding-left: 40px;">(b) . . .</p>	<p>The provision provides the LCJ or nominee, following consultation with the LC to nominate judges of the Chancery Division to be judges of the Patents Court.</p>	<p>Delegation in force from April 2006.</p>

⁶ NB: due to a drafting error in the Constitutional Reform Act 2005, which inserted this section 97(4), there are two sub-sections 97(4).

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	<p>(2) The judges of the Patents Court, of the Admiralty Court and of the Commercial Court shall be such of the puisne judges of the High Court as the Lord Chief Justice may, after consulting the Lord Chancellor, from time to time nominate to be judges of the Patents Court, Admiralty Judges and Commercial Judges respectively.</p> <p>(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).</p>		
<p>Senior Courts Act 1981, section 9(1) (as amended) in respect of the power to appoint under columns 4A, 5 and 6 and section 9(4).</p>	<p>Section 9 (Assistance for transaction of judicial business)</p> <p>(1) A person within any entry in column 1 of the following Table may, subject to the proviso at the end of that Table, at any time, at the request of the appropriate authority, act—</p> <p style="padding-left: 40px;">(a) as a judge of a relevant court specified in the request; or</p> <p style="padding-left: 40px;">(b) if the request relates to a particular division of a relevant court so specified, as a judge of that court in that division.</p> <p>(2) (The following sets out the information in the Table referred to in s9(1))</p> <p style="padding-left: 40px;">Column 1: A judge of the Court of Appeal competent to act in the the High Court and the Crown Court.</p>	<p>The provision sets out the power to deploy certain judges and former judges to act as judges of specified courts. It also provides the power to appoint deputy judges of the High Court.</p> <p>(1) The Chancellor of the High Court is the LCJ’s nominee for authorisations to act as a judge of the High Court, Chancery Division under columns 4A, 5 and 6 of the Table in section 9(1). This authorisation power may only be exercised following consultation with the LC.</p> <p>In respect of the authorisation under columns 4A and 5, the Chancellor is only the LCJ’s nominee in respect of authorisation’s to sit in the High Court, Chancery Division.</p>	<p>Delegation in respect of the authorisation power under columns 5 and 6 and section 9(4) in force from April 2006.</p> <p>Delegation in respect of the authorisation power under section 1, column 4A in force from 14 December 2015.</p> <p>Delegation in respect of the s9(4) was modified on 5 November 2015. From that date it only applies to appointments made under the procedure laid down in s94AA Constitutional Reform Act 2015. Prior to that date the delegation applied to all appointments made under s9(4). NB: the power to determine whether s94AA of the 2005 Act applies is not delegated.</p>

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	<p>Column 2: A person who has been a judge of the Court of Appeal competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 3: A puisne judge of the High Court competent to act in the Court of Appeal.</p> <p>Column 4: A person who has been a puisne judge of the High Court competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 4A: The Senior President of Tribunals competent to act in the Court of Appeal and the High Court.</p> <p>Column 5: A Circuit judge competent to act in the High Court and the Court of Appeal.</p> <p>Column 6: A Recorder or a person within subsection (1ZB) competent to act in the High Court;</p> <p>(1ZA) The Senior President of Tribunals is to be treated as not being within any entry in column 1 of the Table other than entry 4A.</p> <p>(1ZB) A person is within this subsection if the person—</p> <p style="padding-left: 20px;">(a) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,</p>	<p>In respect to authorisations for individuals to act as judges of the High Court drawn from column 6, only individuals in a pool for requests may be authorised.</p> <p>(2) The CHC is the LCJ's nominee to make appointments, following consultation with the LC and a JAC competition, under section 9(4) in respect of appointments to the Chancery Division to which s94AA Constitutional Reform Act 2015 applies.</p>	
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	<p>(b) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,</p> <p>(c) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),</p> <p>(d) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act), or</p> <p>(e) is the President of Employment Tribunals (England and Wales) or the President of Employment Tribunals (Scotland).</p> <p>The entry in column 2 specifying the Court of Appeal in relation to a Circuit judge only authorises such a judge to act as a judge of a court in the criminal division of the Court of Appeal.</p> <p>(1A) A person shall not act as a judge by virtue of subsection (1) after the day on which he attains the age of 75.</p> <p>(2) In subsection (1)—</p> <p style="padding-left: 40px;">“the appropriate authority” means—(a) the Lord Chief Justice or a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) nominated by him to exercise his functions under this section, or</p> <p style="padding-left: 40px;">(b) at any time when the Lord Chief Justice or the nominated judicial office holder is unable to make such a request himself, or there is a vacancy in the office of Lord Chief Justice, the Master of the Rolls;</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>“relevant court”, in the case of a person within any entry in column 1 of the Table, means a court specified in relation to that entry in column 2 of the Table.</p> <p>(2A) The power of the appropriate authority to make a request under subsection (1) is subject to subsections (2B) to (2D).</p> <p>(2B) In the case of a request to a person within entry 1, 3, 4A, 5 or 6 in column 1 of the Table, the appropriate authority may make the request only after consulting the Lord Chancellor.</p> <p>(2C) In any other case the appropriate authority may make a request only with the concurrence of the Lord Chancellor.</p> <p>(2CA) In the case of a request to a person within entry 5 or 6 in column 1 of the Table to act as a judge of the High Court, the appropriate authority may make the request only if the person is a member of the pool for requests under subsection (1) to persons within that entry.</p> <p>(2D) In the case of a request to a Circuit judge to act as a judge of the Court of Appeal, the appropriate authority may make the request only with the concurrence of the Judicial Appointments Commission.</p> <p>(3) The person to whom a request is made under subsection (1) must comply with the request, but this does not apply to—</p> <p style="padding-left: 40px;">(a) a request made to a person who has been a judge of the Court of Appeal,</p>		
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	<p>(b) a request made to a person who has been a puisne judge of the High Court and is not a judge of the Court of Appeal, or</p> <p>(c) a request made to the Senior President of Tribunals if the holder of that office is a judge of the Court of Session or of the High Court, or Court of Appeal, in Northern Ireland.</p> <p>(4) Without prejudice to section 24 of the Courts Act 1971 (temporary appointment of deputy Circuit judges, if it appears to the Lord Chief Justice, after consulting the Lord Chancellor, that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in the High Court or the Crown Court or any other court or tribunal to which persons appointed under this subsection may be deployed, he may appoint a person qualified for appointment as a puisne judge of the High Court to be a deputy judge of the High Court during such period or on such occasions as the Lord Chief Justice may, after consulting the Lord Chancellor, think fit; and during the period or on the occasions for which a person is appointed as a deputy judge under this subsection, he may act as a puisne judge of the High Court.</p> <p>(4A) No appointment of a person as a deputy judge of the High Court shall be such as to extend beyond the day on which he attains the age of 70, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75).</p> <p>(5) Every person while acting under this section shall, subject to subsections (6) and (6A), be treated for all purposes as, and accordingly may perform any of the functions of, a judge of the court in which he is acting.</p>		
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	<p>(6) A person shall not by virtue of subsection (5)—</p> <p>(a) be treated as a judge of the court in which he is acting for the purposes of section 98(2) or of any statutory provision relating to—</p> <p>(i) the appointment, retirement, removal or disqualification of judges of that court;</p> <p>(ii) the tenure of office and oaths to be taken by such judges; or</p> <p>(iii) the remuneration, allowances or pensions of such judges; or</p> <p>(b) subject to section 27 of the Judicial Pensions and Retirement Act 1993, be treated as having been a judge of a court in which he has acted only under this section.</p> <p>(6A) A Circuit judge, Recorder or person within subsection (1ZB) shall not by virtue of subsection (5) exercise any of the powers conferred on a single judge by sections 31, 31B, 31C and 44 of the Criminal Appeal Act 1968 (powers of single judge in connection with appeals to the Court of Appeal and appeals from the Court of Appeal to the Supreme Court).</p> <p>(8) Such remuneration and allowances as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine may be paid out of money provided by Parliament—</p> <p>(a) to any person who has been—</p> <p>(i) a judge of the Supreme Court; or</p> <p>(ii) a judge of the Court of Appeal; or</p>		
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	<p style="text-align: center;">(iii) a judge of the High Court,</p> <p style="text-align: center;">and is by virtue of subsection (1) acting as mentioned in that subsection;</p> <p style="text-align: center;">(b) to any deputy judge of the High Court appointed under subsection (4).</p> <p>(8A) A person may be removed from office as a deputy judge of the High Court—</p> <p style="text-align: center;">(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and</p> <p style="text-align: center;">(b) only on—</p> <p style="text-align: center;">(i) the ground of inability or misbehaviour, or</p> <p style="text-align: center;">(ii) a ground specified in the person's terms of appointment.</p> <p>(8B) Subject to the preceding provisions of this section, a person appointed under subsection (4) is to hold and vacate office as a deputy judge of the High Court in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.</p> <p>(9) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.</p>		
<p>Senior Courts Act 1981, section 91(1), 91(6A) and</p>	<p>Section 91 (Deputies and temporary appointments)</p> <p>(1) If it appears to the Lord Chief Justice that it is expedient to do so in order to facilitate the disposal of business in the</p>	<p>This provision provides the LCJ or nominee with power to appoint deputy or temporary Masters of the Chancery Division and Registrars of the High</p>	<p>Delegation in respect of section 91(1) in force from April 2006.</p>

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<p>91(6C) (as amended)</p>	<p>Senior Courts or any other court or tribunal to which a person appointed under this subsection may be deployed, he may appoint a person—</p> <p>(a) to act as a deputy for any person holding an office listed in column 1 of Part II of Schedule 2⁷; or</p> <p>(b) to act as a temporary additional officer in any such office,</p> <p>during such period or on such occasions as the Lord Chancellor may think fit.</p> <p>(1ZA) The Lord Chief Justice may not appoint a holder of relevant office under subsection (1) without the concurrence of the Lord Chancellor.</p> <p>(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.</p> <p>(1ZC) In this section a “holder of relevant office” means a person who holds, or has held within two years ending with the date when his appointment under this section takes effect—</p> <p>(a) any office listed in column 1 of Part 2 or 3 of Schedule 2, or</p> <p>(b) the office of district judge.</p>	<p>Court who may then sit during such time as the LC sees fit.</p> <p>The power can be exercised in two ways:</p> <p>(1) If the LCJ or nominee seeks to appoint a ‘relevant office holder’ i.e., a district judge or a person who has held the office of Master or Registrar in the two years prior to the deputy or temporary appointment, the appointment may only be made with the LC’s concurrence;</p> <p>(2) If the LCJ or nominee wants to appoint a person who is not a ‘relevant office holder’, the appointment may only be made after a JAC Competition, see Constitutional Reform Act 2005, section 85.</p> <p>The CHC is the LCJ’s nominee to exercise the delegated powers in respect of appointments, extensions of appointments and revocations of appointments to the CHD.</p>	<p>Delegation in respect of section 91(6A) and (6C) in force from 14 December 2015</p> <p>From April 2006 until 1 October 2013 the appointment power could only be exercised with the agreement of the Lord Chancellor: see Crime and Courts Act 2013, schedule 13(4), paragraph 35(2)(a).</p>
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⁷ Those offices being: Master, Queen's Bench Division; Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals; Admiralty Registrar; Master, Chancery Division; Registrar in Bankruptcy of the High Court; Taxing Master of the Senior Courts; District judge of the principal registry of the Family Division.

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	<p>(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—</p> <p>(a) to act as a deputy for any person holding an office listed in column 1 of Part 3 of Schedule 2; or</p> <p>(b) to act as a temporary additional officer in any such office,</p> <p>during such period or on such occasions as the Lord Chancellor may think fit.</p> <p>(2) Subject to subsection (3), 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.</p> <p>(3) An appointment under this section may extend until the day on which a person attains the age of seventy-five years if it is an appointment of a holder of relevant office.</p> <p>(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.</p> <p>(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.</p> <p>(6A) A person appointed under subsection (1) may be removed from office—</p>		
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	<p>(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and</p> <p>(b) only on—</p> <p>(i) the ground of inability or misbehaviour, or</p> <p>(ii) a ground specified in the person's terms of appointment.</p> <p>(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.</p> <p>(6C) Extension under subsection (6B)—</p> <p>(a) requires the person's agreement,</p> <p>(b) is to be for such period as the Lord Chancellor thinks fit, and</p> <p>(c) may be refused on—</p> <p>(i) the ground of inability or misbehaviour, or</p> <p>(ii) a ground specified in the person's terms of appointment,</p> <p>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.</p>		
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	<p>(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.</p> <p>(7) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005 to exercise his functions under subsection (1) or (6A)(a).</p>		
<p>Senior Courts Act 1981, section 124 (as amended)</p>	<p>Section 124 (Place for deposit of original wills and other documents)</p> <p>All original wills and other documents which are under the control of the High Court in the Principal Registry or in any district probate registry shall be deposited and preserved in such places as may be provided for in directions given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005; and any wills or other documents so deposited shall, subject to the control of the High Court and to probate rules, be open to inspection.</p>	<p>The provision provides the LCJ or nominee to make Practice Directions (designated directions) concerning the deposit and preservation of wills and other documents under the Principal Registry of the High Court or any district probate registry.</p>	<p>The power to delegate the functions under this provision is contained in Constitutional Reform Act 2005, schedule 1, part 1, paragraph 2(2).</p> <p>Delegation in force from April 2006.</p>
<p>Senior Courts Act 1981, section 131(2) (as amended)</p>	<p>Section 131 (Conveyancing counsel of Senior Courts)</p> <p>(1) The conveyancing counsel of the Senior Courts shall be persons who have a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.</p>	<p>The provision provides the LC, with the LCJ or nominee's concurrence, to appoint Senior Courts conveyancing counsel.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(2) The conveyancing counsel of the court shall be not more than six, nor less than three, in number, and shall be appointed by the Lord Chancellor with the concurrence of the Lord Chief Justice.</p> <p>(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 this section.</p>		
<p>Insolvency Act 1986, section 374(1) and (2) (as amended)</p>	<p>Section 374 (Insolvency districts)</p> <p>(1) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, by order designate the areas which are for the time being to be comprised, for the purposes of the Parts in this Group, in the London insolvency district and the insolvency district, or districts, of the county court.</p> <p>(2) An order under this section may contain such incidental, supplemental and transitional provisions as may appear to the Lord Chancellor and the Lord Chief Justice necessary or expedient.</p> <p>(3) An order under this section shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.</p> <p>(4) Subject to any order under this section—</p> <ul style="list-style-type: none"> (a) the district which, immediately before the appointed day, is the London bankruptcy district becomes, on that day, the London insolvency district; (b) any district which immediately before that day is the bankruptcy district of a county court 	<p>The provision provides the LC, with the concurrence of the LCJ or nominee, power to designate areas as the London insolvency district or insolvency districts of the County Court.</p> <p>It further provides the LC and the LCJ or nominee to specify any other provisions in such a designation order as necessary or expedient.</p>	<p>Delegation in force from April 2006.</p> <p>From April 2006 until 22 April 2014, the delegation in respect of section 374(1) concerned the provision as was then in force, which was:</p> <p><i>‘section 374(1) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, by order designate the areas which are for the time being to be comprised, for the purposes of the Parts in this Group, in the London insolvency district and the insolvency district of each county court; and an order under this section may—</i></p> <ul style="list-style-type: none"> <i>(a) exclude any county court from having jurisdiction for the purposes of those Parts, or</i> <i>(b) confer jurisdiction for those purposes on any county court which has not previously had that jurisdiction.’</i>

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	<p>becomes, on that day, the insolvency district of that court, and</p> <p>(c) any county court which immediately before that day is excluded from having jurisdiction in bankruptcy is excluded, on and after that day, from having jurisdiction for the purposes of the Parts in this Group.</p> <p>(5) 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 this section.</p>		
<p>Insolvency Act 1986, section 411(1)(a), 411(1A) , and 411(1B)(as amended)</p>	<p>Section 411 (Company insolvency rules)</p> <p>(1) Rules may be made—</p> <p>(a) in relation to England and Wales, by the Lord Chancellor with the concurrence of the Secretary of State and, in the case of rules that affect court procedure, with the concurrence of the Lord Chief Justice, or</p> <p>(b) in relation to Scotland, by the Secretary of State,</p> <p>for the purpose of giving effect to Parts I to VII of this Act or the EC Regulation.</p> <p>(1A) Rules may also be made for the purpose of giving effect to Part 2 of the Banking Act 2009 (bank insolvency orders); and rules for that purpose shall be made—</p> <p>(a) in relation to England and Wales, by the Lord Chancellor with the concurrence of—</p> <p>(i) the Treasury, and</p> <p>(ii) in the case of rules that affect court procedure, the Lord Chief Justice, or</p> <p>(b) in relation to Scotland, by the Treasury.</p>	<p>Section 411(1)(a) provides the LC, with the concurrence of the LCJ or nominee, power to make company insolvency rules affecting court procedure in order to give effect to Parts I to VII of the Insolvency Act or the EC Regulation.</p> <p>Section 411(1A) provides the LCJ or nominee with power to concur in the making of rules concerning bank insolvency orders.</p> <p>Section 411(1B) provides the LCJ or nominee with power to concur in the making of rules concerning bank administration.</p> <p>The CHC is the LCJ’s nominee in respect of the three powers.</p>	<p>Delegation in respect of s411(1)(a) in force from April 2006.</p> <p>Delegation in respect of s411(1A) and 411(1B) in force from 14 December 2015.</p>

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	<p>(1B) Rules may also be made for the purpose of giving effect to Part 3 of the Banking Act 2009 (bank administration); and rules for that purpose shall be made—</p> <ul style="list-style-type: none">(a) in relation to England and Wales, by the Lord Chancellor with the concurrence of—<ul style="list-style-type: none">(i) the Treasury, and(ii) in the case of rules that affect court procedure, the Lord Chief Justice, or(b) in relation to Scotland, by the Treasury. <p>(2) Without prejudice to the generality of subsection (1), (1A) or (1B) or to any provision of those Parts by virtue of which rules under this section may be made with respect to any matter, rules under this section may contain—</p> <ul style="list-style-type: none">(a) any such provision as is specified in Schedule 8 to this Act or corresponds to provision contained immediately before the coming into force of section 106 of the Insolvency Act 1985 in rules made, or having effect as if made, under section 663(1) or (2) of the Companies Act 1985 (old winding-up rules), and(b) such incidental, supplemental and transitional provisions as may appear to the Lord Chancellor or, as the case may be, the Secretary of State or the Treasury necessary or expedient. <p>(2A) For the purposes of subsection (2), a reference in Schedule 8 to this Act to doing anything under or for the purposes of a provision of this Act includes a reference to doing anything under or for the purposes of the EC Regulation (in so far as the provision of this Act relates to a matter to which the EC Regulation applies).</p>		
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	<p>(2B) Rules under this section for the purpose of giving effect to the EC Regulation may not create an offence of a kind referred to in paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972.</p> <p>(2C) For the purposes of subsection (2), a reference in Schedule 8 to this Act to doing anything under or for the purposes of a provision of this Act includes a reference to doing anything under or for the purposes of Part 2 of the Banking Act 2009.</p> <p>(2D) For the purposes of subsection (2), a reference in Schedule 8 to this Act to doing anything under or for the purposes of a provision of this Act includes a reference to doing anything under or for the purposes of Part 3 of the Banking Act 2009.</p> <p>(3) In Schedule 8 to this Act “liquidator” includes a provisional liquidator or bank liquidator or administrator; and references above in this section to Parts I to VII of this Act or Part 2 or 3 of the Banking Act 2009 are to be read as including the Companies Acts so far as relating to, and to matters connected with or arising out of, the insolvency or winding up of companies.</p> <p>(3A) In this section references to Part 2 or 3 of the Banking Act 2009 include references to those Parts as applied to building societies (see section 90C of the Building Societies Act 1986).</p> <p>(4) Rules under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.</p>		
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	<p>(5) Regulations made by the Secretary of State or the Treasury under a power conferred by rules under this section shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.</p> <p>(6) Nothing in this section prejudices any power to make rules of court.</p> <p>(7) 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 this section.</p>		
<p>Insolvency Act 1986, section 412(1) (as amended)</p>	<p>Section 412 (Individual insolvency rules (England and Wales))</p> <p>(1) The Lord Chancellor may, with the concurrence of the Secretary of State and, in the case of rules that affect court procedure, with the concurrence of the Lord Chief Justice, make rules for the purpose of giving effect to Parts 7A to 11 of this Act or the EC Regulation.</p> <p>(2) Without prejudice to the generality of subsection (1), or to any provision of those Parts by virtue of which rules under this section may be made with respect to any matter, rules under this section may contain—</p> <ul style="list-style-type: none"> (a) any such provision as is specified in Schedule 9 to this Act or corresponds to provision contained immediately before the appointed day in rules made under section 132 of the Bankruptcy Act 1914; and (b) such incidental, supplemental and transitional provisions as may appear to the Lord Chancellor necessary or expedient. 	<p>The provision provides the LC, with the concurrence of the LCJ or nominee, power to make individual insolvency rules affecting court procedure in order to give effect to Parts 7A to 11 of the Insolvency Act or the EC Regulation.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(2A) For the purposes of subsection (2), a reference in Schedule 9 to this Act to doing anything under or for the purposes of a provision of this Act includes a reference to doing anything under or for the purposes of the EC Regulation (in so far as the provision of this Act relates to a matter to which the EC Regulation applies).</p> <p>(2B) Rules under this section for the purpose of giving effect to the EC Regulation may not create an offence of a kind referred to in paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972.</p> <p>(3) Rules under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.</p> <p>(4) Regulations made by the Secretary of State under a power conferred by rules under this section shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.</p> <p>(5) Nothing in this section prejudices any power to make rules of court.</p> <p>(6) 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 this section.</p>		
<p>Insolvency Act 1986, section 413(3A) and 4(B) (as amended)</p>	<p>Section 413 (Insolvency Rules Committee)</p> <p>(1) The committee established under section 10 of the Insolvency Act 1976 (advisory committee on bankruptcy and winding-up rules) continues to exist for the purpose of being consulted under this section.</p>	<p>The provision requires the LCJ or nominee, following consultation with the LC, to appoint the judicial members of the Insolvency Rules Committee.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(2) The Lord Chancellor shall consult the committee before making any rules under section 411 or 412 other than rules which contain a statement that the only provision made by the rules is provision applying rules made under section 411, with or without modifications, for the purposes of provision made by any of sections 23 to 26 of the Water Industry Act 1991 or Schedule 3 to that Act or by any of sections 59 to 65 of, or Schedule 6 or 7 to, the Railways Act 1993.</p> <p>(3) Subject to the next subsection, the committee shall consist of—</p> <ul style="list-style-type: none">(a) a judge of the High Court attached to the Chancery Division;(b) a circuit judge;(c) a registrar in bankruptcy of the High Court;(d) a district judge;(e) a practising barrister;(f) a practising solicitor; and(g) a practising accountant; <p>and the appointment of any person as a member of the committee shall be made in accordance with subsection (3A) or (3B).</p> <p>(3A) The Lord Chief Justice must appoint the persons referred to in paragraphs (a) to (d) of subsection (3), after consulting the Lord Chancellor.</p> <p>(3B) The Lord Chancellor must appoint the persons referred to in paragraphs (e) to (g) of subsection (3), after consulting the Lord Chief Justice.</p>	<p>It further requires the LC to consult the LCJ or nominee before he (the LC) appoints the non-judicial members of the Committee.</p>	
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	<p>(4) The Lord Chancellor may appoint as additional members of the committee any persons appearing to him to have qualifications or experience that would be of value to the committee in considering any matter with which it is concerned.</p> <p>(5) 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 this section.</p>		
<p>Insolvency Act 1986, section 420(1) and (2) (as amended)</p>	<p>Section 420 (Insolvent partnerships)</p> <p>(1) The Lord Chancellor may, by order made with the concurrence of the Secretary of State and the Lord Chief Justice, provide that such provisions of this Act as may be specified in the order shall apply in relation to insolvent partnerships with such modifications as may be so specified.</p> <p>(1A) An order under this section may make provision in relation to the EC Regulation.</p> <p>(1B) But provision made by virtue of this section in relation to the EC Regulation may not create an offence of a kind referred to in paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972.</p> <p>(2) An order under this section may make different provision for different cases and may contain such incidental, supplemental and transitional provisions as may appear to the Lord Chancellor and the Lord Chief Justice necessary or expedient.</p>	<p>The provision provides the LC, with the concurrence of the LCJ or nominee and the Secretary of State, power, by Order, to apply provisions in the Insolvency Act to insolvent partnerships.</p> <p>It further provides the LC and the LCJ or nominee to specify any other provisions in such an Order as necessary or expedient.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(3) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.</p> <p>(4) 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 this section.</p>		
<p>Insolvency Act 1986, section 421(1) and (2) (as amended)</p>	<p>Section 421 (Insolvent estates of deceased persons.)</p> <p>(1) The Lord Chancellor may, by order made with the concurrence of the Secretary of State and the Lord Chief Justice, provide that such provisions of this Act as may be specified in the order shall apply in relation to the administration of the insolvent estates of deceased persons with such modifications as may be so specified.</p> <p>(1A) An order under this section may make provision in relation to the EC Regulation.</p> <p>(1B) But provision made by virtue of this section in relation to the EC Regulation may not create an offence of a kind referred to in paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972.</p> <p>(2) An order under this section may make different provision for different cases and may contain such incidental, supplemental and transitional provisions as may appear to the Lord Chancellor and the Lord Chief Justice necessary or expedient.</p> <p>(3) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.</p>	<p>The provision provides the LC, with the concurrence of the LCJ or nominee and the Secretary of State, power, by Order, to apply provisions in the Insolvency Act to the administration of insolvent estates of deceased persons.</p> <p>It further provides the LC and the LCJ or nominee to specify any other provisions in such an Order as necessary or expedient.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(4) For the purposes of this section the estate of a deceased person is insolvent if, when realised, it will be insufficient to meet in full all the debts and other liabilities to which it is subject.</p> <p>(5) 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 this section.</p>		
<p>Civil Procedure Act 1997, Section 5 (as amended)</p>	<p>Section 5 (Practice directions)</p> <p>(1) Practice directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005.</p> <p>(2) Practice directions given otherwise than under subsection (1) may not be given without the approval of–</p> <p style="padding-left: 40px;">(a) the Lord Chancellor, and (b) the Lord Chief Justice.</p> <p>(3) Practice directions (whether given under subsection (1) or otherwise) may provide for any matter which, by virtue of paragraph 3 of Schedule 1, may be provided for by Civil Procedure Rules.</p> <p>(4) The power to give practice directions under subsection (1) includes power–</p> <p style="padding-left: 40px;">(a) to vary or revoke directions given by any person; (b) to give directions containing different provision for different cases (including different areas);</p>	<p>The provision provides the LCJ, or nominee, to issue Practice Directions for the civil courts.</p> <p>See further comments for the scope of the delegation.</p>	<p>The power to delegate the functions under this provision is contained in Constitutional Reform Act 2005, schedule 1, part 1, paragraph 2(2).</p> <p>Delegation in force from 22 February 2010.</p> <p>The ambit of the delegation is limited and only provides the CHC with power to act as the LCJ’s nominee in respect of the following:</p> <p>(a) The making of Practice Directions which supplement the Rules for the time being in force under s.411-413 of the Insolvency Act 1986;</p> <p>(b) The making of Practice Directions which supplement the Rules for the time being in force under s.411 of the Insolvency Act 1986 in relation to disqualification proceedings. At</p>

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	<p>(c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.</p> <p>(5) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following–</p> <p style="padding-left: 40px;">(a) the application or interpretation of the law; (b) the making of judicial decisions.</p> <p>(6) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only–</p> <p style="padding-left: 40px;">(a) after consulting the Lord Chancellor, and (b) with the approval of the Lord Chief Justice.</p>		<p>present, these are the Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules 1987;</p> <p>(c) The making of Practice Directions which supplement the Rules for the time being in force under s411 – 413 of the Insolvency Act 1986. At the present, these are the Bank Insolvency (England and Wales) Rules 2009;</p> <p>(d) The making of Practice Directions which supplement the Rules for the time being in force under s411 – 413 of the Insolvency Act 1986. At the present, these are the Bank Administration (England and Wales) Rules 2009; and</p> <p>(e) The making of Practice Directions which supplement the Rules for the time being in force under s411 – 413 of the Insolvency Act 1986. At the present, these are the Building Societies (Insolvency and Special Administration) Order 2009. (See further the delegations to the Master of the Rolls.)</p>
<p>Enterprise Act 2002, section 258(7) (as amended)</p>	<p>Section 268 (Disqualification from office: general)</p> <p>(1) The Secretary of State may make an order under this section in relation to a disqualification provision.</p>	<p>The provision provides the Secretary of State make provision, by Order, concerning the disqualification of bankrupts from holding certain offices etc. Such Order, with the concurrence of the LCJ nominee, may provide for an</p>	<p>Delegation in force from April 2006.</p>

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<p>(2) A “disqualification provision” is a provision which disqualifies (whether permanently or temporarily and whether absolutely or conditionally) a bankrupt or a class of bankrupts from—</p> <ul style="list-style-type: none"> (a) being elected or appointed to an office or position, (b) holding an office or position, or (c) becoming or remaining a member of a body or group. <p>(3) In subsection (2) the reference to a provision which disqualifies a person conditionally includes a reference to a provision which enables him to be dismissed.</p> <p>(4) An order under subsection (1) may repeal or revoke the disqualification provision.</p> <p>(5) An order under subsection (1) may amend, or modify the effect of, the disqualification provision—</p> <ul style="list-style-type: none"> (a) so as to reduce the class of bankrupts to whom the disqualification provision applies; (b) so as to extend the disqualification provision to some or all individuals who are subject to a bankruptcy restrictions regime; (c) so that the disqualification provision applies only to some or all individuals who are subject to a bankruptcy restrictions regime; (d) so as to make the application of the disqualification provision wholly or partly subject to the discretion of a specified person, body or group. <p>(6) An order by virtue of subsection (5)(d) may provide for a discretion to be subject to—</p> <ul style="list-style-type: none"> (a) the approval of a specified person or body; 	<p>appeal from a disqualification decision to lie to a specified court or tribunal.</p>
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	<p>(b) appeal to a specified person or body.</p> <p>(7) An order by virtue of subsection (5)(d) may provide for a discretion to be subject to appeal to a specified court or tribunal; but any such order must—</p> <ul style="list-style-type: none">(a) if it relates to England and Wales, be made with the concurrence of the Lord Chief Justice of England and Wales;(b) if it relates to Northern Ireland, be made with the concurrence of the Lord Chief Justice of Northern Ireland. <p>(8) The Secretary of State may specify himself for the purposes of subsection (5)(d) or (6)(a) or (b).</p> <p>(9) In this section “bankrupt” means an individual—</p> <ul style="list-style-type: none">(a) who has been adjudged bankrupt by a court in England and Wales or in Northern Ireland,(b) whose estate has been sequestrated by a court in Scotland, or(c) who has made an agreement with creditors of his for a composition of debts, for a scheme of arrangement of affairs, for the grant of a trust deed or for some other kind of settlement or arrangement. <p>(10) In this section “bankruptcy restrictions regime” means an order or undertaking—</p> <ul style="list-style-type: none">(a) under Schedule 4A to the Insolvency Act 1986 (c. 45) (bankruptcy restrictions orders), or(b) under any system operating in Scotland or Northern Ireland which appears to the Secretary of State to be equivalent to the system operating under that Schedule.		
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	<p>(11) In this section—</p> <p>“body” includes Parliament and any other legislative body, and “provision” means—(a) a provision made by an Act of Parliament passed before or in the same Session as this Act, and (b) a provision made, before or in the same Session as this Act, under an Act of Parliament.</p> <p>(12) An order under this section—</p> <p>(a) may make provision generally or for a specified purpose only,</p> <p>(b) may make different provision for different purposes, and</p> <p>(c) may make transitional, consequential or incidental provision.</p> <p>(13) An order under this section—</p> <p>(a) must be made by statutory instrument, and</p> <p>(b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.</p> <p>(14) A reference in this section to the Secretary of State shall be treated as a reference to the National Assembly for Wales in so far as it relates to a disqualification provision which—</p> <p>(a) is made by the National Assembly for Wales, or</p> <p>(b) relates to a function of the National Assembly.</p> <p>(15) Provision made by virtue of subsection (7) is subject to any order of the Lord Chancellor under section 56(1) of the Access to Justice Act 1999 (c. 22) (appeals: jurisdiction).</p>		
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	<p>(16) 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 (7).</p> <p>(17) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (7)–</p> <ul style="list-style-type: none"> (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). 		
<p>Tribunals, Courts and Enforcement Act 2007, schedule 2, paragraph 6(3)</p>	<p>Paragraph 6 (Certain judges neither appointed under paragraph 1(1) nor transferred into the First-tier Tribunal)</p> <p>(1) In this paragraph “judge by request of the First-tier Tribunal” means a person who is a judge of the First-tier Tribunal but who–</p> <ul style="list-style-type: none"> (a) is not the Senior President of Tribunals, and (b) is not a judge of the First-tier Tribunal appointed under paragraph 1(1), (c) is not a transferred-in judge of the First-tier Tribunal, (d) is not a Chamber President, or Acting Chamber President or Deputy Chamber President, of a chamber of the First-tier Tribunal, (e) is not a judge of the First-tier Tribunal by virtue of section 4(1)(e) (chairman of employment tribunal), and (g) is not a judge of the First-tier tribunal by virtue of section 4(2) (criminal injuries compensation adjudicator appointed by the Scottish Ministers). 	<p>The provision permits the Senior President of Tribunals, with the concurrence of the LCJ or nominee, to authorise certain categories of judicial office holder to sit as a ‘judge by request of the First-tier Tribunal.</p> <p>The CHC is the LCJ’s nominee in respect of concurrence to requests for judges of the Chancery Division to sit as judges of the First-tier Tribunal under this provision.</p>	<p>Delegation in force from 14 December 2015.</p> <p>The delegation is made under powers given in section 46(2) of the Tribunals, Courts and Enforcement Act 2007.</p>

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	<p>(2) A judge by request of the First-tier Tribunal may act as a judge of the First-tier Tribunal only if requested to do so by the Senior President of Tribunals.</p> <p>(3) Such a request made to a person who is a judge of the First-tier Tribunal by virtue of the combination of sections 4(1)(c) and 5(1)(g) may be made only with–</p> <ul style="list-style-type: none">(a) the concurrence of the Lord Chief Justice of England and Wales where the person is–<ul style="list-style-type: none">(i) an ordinary judge of the Court of Appeal in England and Wales,(ii) a puisne judge of the High Court in England and Wales,(iii) a circuit judge,(iv) a district judge in England and Wales,(v) a District Judge (Magistrates' Courts),[(vi) the Master of the Rolls,(vii) the President of the Queen's Bench Division of the High Court of England and Wales,(viii) the President of the Family Division of that court,(ix) the Chancellor of that court,(x) a deputy judge of that court, or(xi) the Judge Advocate General;(b) the concurrence of the Lord President of the Court of Session where the person is–<ul style="list-style-type: none">(i) a judge of the Court of Session, or(ii) a sheriff;(c) the concurrence of the Lord Chief Justice of Northern Ireland where the person is–<ul style="list-style-type: none">(i) a Lord Justice of Appeal in Northern Ireland,		
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	<p>(ii) a puisne judge of the High Court in Northern Ireland, (iii) a county court judge in Northern Ireland, or (iv) a district judge in Northern Ireland.</p> <p>(3A) A request made under sub-paragraph (2) to a person who is a judge of the First-tier Tribunal by virtue of section 4(1)(ca) may be made only with the concurrence of the Lord Chief Justice of England and Wales.</p> <p>(4) Sub-paragraph (5) applies– (a) to a judge by request of the First-tier Tribunal, (b) to a person who is a judge of the First-tier Tribunal by virtue of section 4(1)(e) (chairman of employment tribunal) [.] 6</p> <p>(5) The Lord Chancellor may pay to a person to whom this sub-paragraph applies such amounts (if any) as the Lord Chancellor may determine by way of– (a) remuneration; (b) allowances; (c) expenses.</p>		
<p>Tribunals, Courts and Enforcement Act 2007, schedule 3, paragraph 6(3)</p>	<p>Paragraph 6 (Certain judges neither appointed under paragraph 1(1) nor transferred into the Upper Tribunal)</p> <p>(1) In this paragraph “judge by request of the Upper Tribunal” means a person who is a judge of the Upper Tribunal but– (a) is not the Senior President of Tribunals, (b) is not a judge of the Upper Tribunal appointed under paragraph 1(1),</p>	<p>The provision permits the Senior President of Tribunals, with the concurrence of the LCJ or nominee, to authorise certain categories of judicial office holder to sit as a ‘judge by request of the Upper Tribunal.</p> <p>The Chancellor is the LCJ’s nominee in respect of concurrence to requests for judges of the Chancery Division to sit as judges of the Upper Tribunal under this provision.</p>	<p>Delegation in force from 30 June 2010.</p> <p>The delegation is made under powers given in section 46(2) of the Tribunals, Courts and Enforcement Act 2007.</p>

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	<p>(c) is not a transferred-in judge of the Upper Tribunal, (e) is not a deputy judge of the Upper Tribunal, and (f) is not a Chamber President, or Acting Chamber President or Deputy Chamber President, of a chamber of the Upper Tribunal.</p> <p>(2) A judge by request of the Upper Tribunal may act as a judge of the Upper Tribunal only if requested to do so by the Senior President of Tribunals.</p> <p>(3) Such a request made to a person who is a judge of the Upper Tribunal by virtue of section 5(1)(g) may be made only with–</p> <p>(a) the concurrence of the Lord Chief Justice of England and Wales where the person is–</p> <ul style="list-style-type: none">(i) an ordinary judge of the Court of Appeal in England and Wales,(ii) a puisne judge of the High Court in England and Wales,(iii) a circuit judge,(iv) a district judge in England and Wales,(v) a District Judge (Magistrates' Courts),(vi) the Master of the Rolls,(vii) the President of the Queen's Bench Division of the High Court of England and Wales,(viii) the President of the Family Division of that court,		
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	<p>(ix) the Chancellor of that court, (x) a deputy judge of that court, or (xi) the Judge Advocate General;</p> <p>(b) the concurrence of the Lord President of the Court of Session where the person is– (i) a judge of the Court of Session, or (ii) a sheriff;</p> <p>(c) the concurrence of the Lord Chief Justice of Northern Ireland where the person is– (i) a Lord Justice of Appeal in Northern Ireland, (ii) a puisne judge of the High Court in Northern Ireland, (iii) a county court judge in Northern Ireland, or (iv) a district judge in Northern Ireland.</p> <p>(4) The Lord Chancellor may pay to a judge by request of the Upper Tribunal, or a person who is a judge of the Upper Tribunal by virtue of section 5(1)(d), such amounts (if any) as the Lord Chancellor may determine by way of– (a) remuneration; (b) allowances; (c) expenses.</p>		
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Delegation to the Senior Presiding Judge⁸

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Children and Young Persons Act 1933, Section 45(3) and (4) (as amended)</p>	<p>Section 45 (Youth courts)</p> <p>(1) Magistrates' courts–</p> <p style="padding-left: 20px;">(a) constituted in accordance with this section or section 66 of the Courts Act 2003 (judges having powers of District Judges (Magistrates' Courts)), and</p> <p style="padding-left: 20px;">(b) sitting for the purpose of–</p> <p style="padding-left: 40px;">(i) hearing any charge against a child or young person, or</p> <p style="padding-left: 40px;">(ii) exercising any other jurisdiction conferred on youth courts by or under this or any other Act,</p> <p style="padding-left: 20px;">are to be known as youth courts.</p> <p>(2) A justice of the peace is not qualified to sit as a member of a youth court for the purpose of dealing with any proceedings unless he has an authorisation extending to the proceedings.</p> <p>(3) He has an authorisation extending to the proceedings only if he has been authorised by the Lord Chief Justice, with the concurrence of the Lord Chancellor, to sit as a member of a youth court to deal with–</p>	<p>The provision gives the LCJ or nominee with the concurrence of the LC to:</p> <p>i) authorise justices of the peace to sit as a member of a youth court in either specified proceedings or all proceedings dealt with by such a court;</p> <p>ii) make rules concerning the grant and revocation of such authorisations, the appointment of youth court chairman, and composition of youth courts.</p> <p>Rules made must also only be made following consultation with the Criminal Procedure Rules Committee.</p> <p>NB: Powers in such rules may confer power on the LCJ or LC in respect of such rules. Where such powers are conferred on the LCJ they may be carried out by a nominee on behalf of the LCJ, see s45(9) of the Act.</p>	<p>Delegation in force from April 2006.</p>

⁸ SPJ will act on behalf of the Lord Chief Justice as Judge with portfolio responsibility for the Magistrates' Courts and all issues relating to them, save conduct and discipline matters that will be dealt with through the separate arrangements for such matters where legal jurisdiction falls to others such as authorisation to sit in the Family Proceedings Court which rest with the President of the Family Division.

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	<p>(a) proceedings of that description, or (b) all proceedings dealt with by youth courts.</p> <p>(4) The Lord Chief Justice may, with the concurrence of the Lord Chancellor, by rules make provision about— (a) the grant and revocation of authorisations, (b) the appointment of chairmen of youth courts, and (c) the composition of youth courts.</p> <p>(5) Rules under subsection (4) may confer powers on the Lord Chancellor or Lord Chief Justice with respect to any of the matters specified in the rules.</p> <p>(6) Rules under subsection (4) may be made only after consultation with the Criminal Procedure Rule Committee.</p> <p>(7) Rules under subsection (4) are to be made by statutory instrument.</p> <p>(8) A statutory instrument containing rules under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.</p> <p>(9) 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 (3) or (4) or his powers under rules under subsection (4).</p>		
<p>Senior Courts Act 1981, section 57(2) (as amended)</p>	<p>Section 57 (Sittings and vacations of the Court of Appeal)</p>	<p>The provision provides the LC, following consultation with the LCJ or nominee, (subject to rules of court) to give directions for determining when and</p>	<p>Delegation in force from July 2008.</p>

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<p>(1) Sittings of the Court of Appeal may be held, and any other business of the Court of Appeal may be conducted, at any place in England or Wales.</p> <p>(2) Subject to rules of court—</p> <ul style="list-style-type: none"> (a) the places at which the Court of Appeal sits outside the Royal Courts of Justice; and (b) the days and times at which the Court of Appeal sits at any place outside the Royal Courts of Justice, <p>shall be determined in accordance with directions given by the Lord Chancellor after consulting the Lord Chief Justice</p> <p>.</p> <p>(3) Rules of court may make provision for regulating the vacations to be observed by the Court of Appeal and in the offices of that court.</p> <p>(4) Rules of court—</p> <ul style="list-style-type: none"> (a) may provide for securing such sittings of the civil division of the Court of Appeal during vacation as the Master of the Rolls may with the concurrence of the Lord Chancellor determine; (b) without prejudice to paragraph (a), shall provide for the transaction during vacation by judges of the Court of Appeal of all such business in the civil division of that court as may require to be immediately or promptly transacted; and (c) shall provide for securing sittings of the criminal division of that court during vacation if necessary. <p>(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional</p>	<p>where the Court of Appeal may sit outside the Royal Courts of Justice.</p>
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Lord Chief Justice – Delegation of Statutory Functions

	<p>Reform Act 2005) to exercise his functions under this section.</p>		
<p>Senior Courts Act 1981, section 71(2) (as amended)</p>	<p>Section 71 (Sittings and vacations of the High Court)</p> <p>(1) Sittings of the High Court may be held, and any other business of the High Court may be conducted, at any place in England or Wales.</p> <p>(2) Subject to rules of court—</p> <p style="padding-left: 20px;">(a) the places at which the High Court sits outside the Royal Courts of Justice; and</p> <p style="padding-left: 20px;">(b) the days and times when the High Court sits at any place outside the Royal Courts of Justice,</p> <p>shall be determined in accordance with directions given by the Lord Chancellor after consulting the Lord Chief Justice.</p> <p>(3) Rules of court may make provision for regulating the vacations to be observed by the High Court and in the offices of that court.</p> <p>(4) Rules of court—</p> <p style="padding-left: 20px;">(a) may provide for securing such sittings of any Division of the High Court during vacation as the senior judge of that Division may with the concurrence of the Lord Chancellor determine; and</p> <p style="padding-left: 20px;">(b) without prejudice to paragraph (a), shall provide for the transaction during vacation by judges of the High Court of all such business in the High Court as may require to be immediately or promptly transacted.</p>	<p>The provision provides the LC, following consultation with the LCJ or nominee, (subject to rules of court) to give directions for determining when and where the High Court may sit outside the Royal Courts of Justice.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(5) Different provision may be made in pursuance of subsection (3) for different parts of the country.</p> <p>(6) 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 this section.</p>		
<p>Senior Courts Act 1981, section 78(3) (as amended)</p>	<p>Section 78 (Sittings of the Crown Court)</p> <p>(1) Any Crown Court business may be conducted at any place in England or Wales, and the sittings of the Crown Court at any place may be continuous or intermittent or occasional.</p> <p>(2) Judges of the Crown Court may sit simultaneously to take any number of different cases in the same or different places, and may adjourn cases from place to place at any time.</p> <p>(3) The places at which the Crown Court sits, and the days and times at which the Crown Court sits at any place, shall be determined in accordance with directions given by the Lord Chancellor after consulting the Lord Chief Justice.</p> <p>(4) 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 this section.</p>	<p>The provision provides the LC, following consultation with the LCJ or nominee, to give directions for determining when and where the Crown Court may sit.</p>	<p>Delegation in force from April 2006.</p>
<p>Judicial Pensions Act 1981, section 7(1A) (as amended)</p>	<p>Section 7 (Stipendiary magistrates in England and Wales – Pensions)</p>	<p>The provision provides the LC, following consultation with the LCJ or nominee, that a stipendiary magistrate may be granted a pension, after at least two</p>	<p>Delegation in force from April 2006.</p>

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	<p>(1) A stipendiary magistrate in England or Wales may on the recommendation of the Lord Chancellor be granted a pension if he retires after not less than 2 years service, and—</p> <ul style="list-style-type: none">(a) at the time of his retirement he has attained the age of 65, or(b) the Lord Chancellor is satisfied by means of a medical certificate that by reason of infirmity of mind or body he is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent. <p>(1A) The Lord Chancellor must consult the Lord Chief Justice before making a recommendation in a case that falls within subsection (1)(b).</p> <p>(2) The annual rate of a pension payable under this section to a person retiring after not less than 20 years service shall not exceed one half of his last annual salary.</p> <p>(3) The annual rate of a pension payable under this section to a person retiring after less than 20 years service shall not exceed—</p> <ul style="list-style-type: none">(a) if the period of service amounts to less than 5 (but not less than 2) years, $\frac{6}{80}$ths of his last annual salary,<ul style="list-style-type: none">(aa) if the period of service amounts to less than 10 years (but not less than 5), $\frac{15}{80}$th of his last annual salary plus $\frac{1}{80}$th for each completed year of service exceeding 5,(b) if the period of service amounts to not less than 10 years (but less than 20), one quarter of that salary plus $\frac{2}{80}$ths for each completed year of service after the first 10 years.	<p>years' service, on the basis of permanent incapacity.</p>	
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(4) A person to whom a pension is granted under this section on retirement on a medical certificate shall, until he attains the age of 65, be liable to be called upon to fill any public office or situation under the Crown in the United Kingdom for which his previous public services may render him eligible: and if he declines, when called upon to do so, to take upon him such office or situation, or declines or neglects to execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to the pension which has been granted to him.</p> <p>(5) Any sums payable on account of a pension under this section shall be paid at such times in each year as the Treasury may determine.</p> <p>(6) In this section “service” means service as a stipendiary magistrate in England or Wales.</p> <p>(7) 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 this section.</p>		
<p>County Courts Act 1984, section 3(1) (as amended)</p>	<p>Section 3 (Places and times of sittings)</p> <p>(1) Sittings of the county court may be held, and any other business of the county court may be conducted, anywhere in England and Wales.</p> <p>(1A) Sittings of the county court at any place may be continuous or intermittent or occasional.</p> <p>(2) Sittings of the county court may be held simultaneously to take any number of different cases in the same place or</p>	<p>The provision gives the LC, following consultation with the LCJ or nominee, power to determine the sitting days, times and locations of the County Court.</p>	<p>Delegation in force from April 2006.</p>

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	<p>different places, and the court may adjourn cases from place to place at any time.</p> <p>(2A) The places at which the county court sits, and the days and times at which it sits in any place, are to be determined in accordance with directions given by the Lord Chancellor after consulting the Lord Chief Justice.</p> <p>(5) 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 this section.</p>		
<p>County Courts Act 1984, section 8(1), (3A(a) and (3C) (as amended)</p>	<p>Section 8 (Deputy district judges)</p> <p>1(1) If it appears to the Lord Chief Justice that it is expedient to do so in order to facilitate the disposal of business in the county court or any other court or tribunal to which a person appointed under this subsection may be deployed, he may appoint a person to be a deputy district judge.</p> <p>(1ZA) A person is qualified for appointment under subsection (1) only if the person–</p> <ul style="list-style-type: none"> (a) is qualified for appointment as a district judge, or (b) holds, or has held, the office of district judge. <p>(1ZB) The Lord Chief Justice may not appoint a person under subsection (1) without the concurrence of the Lord Chancellor if the person–</p> <ul style="list-style-type: none"> (a) holds the office of district judge, or (b) ceased to hold the office of district judge within two years ending with the date when the appointment takes effect. 	<p>The provision gives the LCJ or nominee power to appoint deputy District Judges, and to concur or not with their removal from office by the LC or agree, or not, to an extension of their term of office.</p>	<p>Delegation in force from 14 December 2015.</p>

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	<p>(1ZC) Section 85 of the Constitutional Reform Act 2005 (c. 4) (selection of certain office holders) does not apply to an appointment to which subsection (1ZB) applies.</p> <p>2(1A) Any appointment of a person as a deputy district judge—</p> <ul style="list-style-type: none">(a) if subsection (1ZB) applies to the appointment, shall not be such as to, or be extended under subsection (3B) so as to,] 8 extend beyond the day on which he attains the age of 75 years; and(b) in any other case, shall not be such as to [, or be extended under subsection (3B) so as to,] 8 extend beyond the day on which he attains the age of 70 years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75). <p>(1C) A deputy district judge appointed under this section has the same powers as if he were a district judge [other than a district judge's power to act in a district registry of the High Court.</p> <p>(3) The Lord Chancellor may pay to any person appointed under this section as deputy district judge such remuneration and allowances as he may, with the approval of the Treasury, determine.</p> <p>(3A) A person appointed under this section may be removed from office as a deputy district judge—</p> <ul style="list-style-type: none">(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and(b) only on—<ul style="list-style-type: none">(i) the ground of inability or misbehaviour, or		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(ii) a ground specified in the person's terms of appointment.</p> <p>(3B) Subject to subsections (1A) and (3C), the term of a person's appointment under this section (including a term already extended under this subsection) must be extended by the Lord Chancellor before its expiry.</p> <p>(3C) Extension under subsection (3B)—</p> <ul style="list-style-type: none">(a) requires the person's agreement,(b) is to be for such term as the Lord Chancellor thinks fit, and(c) may be refused on— <ul style="list-style-type: none">(i) the ground of inability or misbehaviour, or(ii) a ground specified in the person's terms of appointment, <p>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.</p> <p>(3D) Subject to the preceding provisions of this section, a person appointed under this section is to hold and vacate office as a deputy district judge in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.</p> <p>(3E) 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 (3A)(a).</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(4) 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 (1B).</p>		
<p>Crime and Disorder Act 1998, section 10(6) (as amended)</p>	<p>Section 10 (Appeals against parenting orders)</p> <p>(1) An appeal shall lie—</p> <p style="padding-left: 40px;">(a) to the county court against the making of a parenting order by virtue of paragraph (a) of subsection (1) of section 8 above; and</p> <p style="padding-left: 40px;">(b) to the Crown Court against the making of a parenting order by virtue of paragraph (b) of that subsection.</p> <p>(2) On an appeal under subsection (1) above the county court or the Crown Court—</p> <p style="padding-left: 40px;">(a) may make such orders as may be necessary to give effect to its determination of the appeals; and</p> <p style="padding-left: 40px;">(b) may also make such incidental or consequential orders as appear to it to be just.</p> <p>(3) Any order of the county court or the Crown Court made on an appeal under subsection (1) above (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes of subsections (5) to (7) of section 9 above, be treated as if it were an order of the court from which the appeal was brought and not an order of the county court or the Crown Court.</p> <p>(4) A person in respect of whom a parenting order is made by virtue of section 8(1)(c) above shall have the same right of appeal against the making of the order as if—</p> <p style="padding-left: 40px;">(a) the offence that led to the making of the order were an offence committed by him; and</p>	<p>The provision gives the LC, with the concurrence of the LCJ or nominee, by Order to specify the circumstances when appeals from parenting orders to the County Court concerning decisions relating to the transfer or proposed transfer of proceedings under paragraph 2, schedule 11 of the Children Act 189.9</p>	<p>Delegation in force from April 2006.</p> <p>NB: an amendment to this provision is pending: see section 41(5) Crime and Disorder Act 2010.</p>

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	<p>(b) the order were a sentence passed on him for the offence.</p> <p>(5) A person in respect of whom a parenting order is made by virtue of section 8(1)(d) above shall have the same right of appeal against the making of the order as if the order were a sentence passed on him for the offence that led to the making of the order.</p> <p>(6) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, by order make provision as to the circumstances in which appeals under subsection (1)(a) above may be made against decisions taken by courts on questions arising in connection with the transfer, or proposed transfer, of proceedings by virtue of any order under paragraph 2 of Schedule 11 (jurisdiction) to the Children Act 1989 (“the 1989 Act”).</p> <p>(7) Except to the extent provided for in any order made under subsection (6) above, no appeal may be made against any decision of a kind mentioned in that subsection.</p> <p>(8) 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 this section.</p>		
<p>International Criminal Court Act 2001, section 26 (as amended)</p>	<p>Section 26 (Meaning of “appropriate judicial officer” and “competent court”)</p> <p>(1) For the purposes of this Part–</p> <p>“appropriate judicial officer” means–</p>	<p>The provision provides the LCJ or nominee, after consulting the LC, to designate a District Judge (Magistrates’ Court) as an appropriate judicial officer for the arrest and delivery of persons following an appropriate request from the International Criminal Court.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(b) a District Judge (Magistrates' Courts) designated for the purposes of this Act by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor, or</p> <p>(c) the Sheriff of Lothian and Borders; and</p> <p>“competent court” means a court consisting of an appropriate judicial officer.</p> <p>(2) 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 this section.</p>		
<p>Extradition Act 2003, section 67(1)(a) (as amended)</p>	<p>Section 67 (The appropriate judge)</p> <p>(1) The appropriate judge is—</p> <p style="padding-left: 20px;">(a) in England and Wales, a District Judge (Magistrates' Courts) designated for the purposes of this Part by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor;</p> <p style="padding-left: 20px;">(b) in Scotland, the sheriff of Lothian and Borders;</p> <p style="padding-left: 20px;">(c) in Northern Ireland, such county court judge or resident magistrate as is designated for the purposes of this Part [by the Lord Chief Justice of Northern Ireland after consulting the Department of Justice in Northern Ireland .</p> <p>(2) A designation under subsection (1) may be made for all cases or for such cases (or cases of such description) as the designation stipulates.</p> <p>(3) More than one designation may be made under subsection (1).</p>	<p>The provision gives the LCJ or nominee, following consultation with the LC, to designate judges to deal with matters arising under Part 1 of the Extradition Act 2003.</p>	<p>Delegation in force from April 2006.</p> <p>As a general rule DJ (Magistrates' Courts) are designated under this provision.</p>

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	<p>(3A) The use of the expression “the judge” in a section containing a previous reference to “the appropriate judge” or “the judge” does not in itself require both references to be read as referring to the same individual.</p> <p>(4) This section applies for the purposes of this Part.</p> <p>(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1)(a).</p> <p>(6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (1)(c)—</p> <ul style="list-style-type: none"> (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). 		
<p>Extradition Act 2003, section 139(1)(a) (as amended)</p>	<p>Section 139 (The appropriate judge)</p> <p>(1) The appropriate judge is—</p> <ul style="list-style-type: none"> (a) in England and Wales, a District Judge (Magistrates' Courts) designated for the purposes of this Part by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor; (b) in Scotland, the sheriff of Lothian and Borders; (c) in Northern Ireland, such county court judge or resident magistrate as is designated for the purposes of this Part by the Lord Chief Justice of Northern Ireland after consulting the Department of Justice in Northern Ireland. 	<p>The provision gives the LCJ or nominee, following consultation with the LC, to designate judges to deal with matters arising under Part 2 of the Extradition Act 2003.</p>	<p>Delegation in force from April 2006.</p> <p>As a general rule DJ (Magistrates' Courts) are designated under this provision.</p>

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	<p>(2) A designation under subsection (1) may be made for all cases or for such cases (or cases of such description) as the designation stipulates.</p> <p>(3) More than one designation may be made under subsection (1).</p> <p>(3A) The use of the expression “the judge” in a section containing a previous reference to “the appropriate judge” or “the judge” does not in itself require both references to be read as referring to the same individual.</p> <p>(4) This section applies for the purposes of this Part.</p> <p>(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1)(a).</p> <p>(6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (1)(c)–</p> <ul style="list-style-type: none"> (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). 		
<p>Courts Act 2003, sections 8(5A) (as amended)</p>	<p>Section 8 (Local justice areas)</p> <p>(1) England and Wales is to be divided into areas to be known as local justice areas.</p>	<p>The provision provides the LC, following consultation with the CJ nominee, to alter local justice areas.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(2) The areas are to be those specified by an order made by the Lord Chancellor.</p> <p>(3) Each local justice area established by order under subsection (2) is to be known by such name as is specified in the order (but subject to subsection (4)).</p> <p>(4) The Lord Chancellor may make orders altering local justice areas.</p> <p>(5) “Altering”, in relation to a local justice area, includes (as well as changing its boundaries)–</p> <ul style="list-style-type: none">(a) combining it with one or more other local justice areas,(b) dividing it between two or more other local justice areas, and(c) changing its name. <p>(5A) Before making any order under subsection (2) or (4), the Lord Chancellor must consult the Lord Chief Justice.</p> <p>(6) Before making an order under subsection (4) in relation to a local justice area the Lord Chancellor must consult–</p> <ul style="list-style-type: none">(a) the justices of the peace assigned to the local justice area, and(c) unless the alteration consists only of a change of name, any local authorities whose area includes the local justice area or a part of the local justice area. <p>(7) “Local authority” means–</p> <ul style="list-style-type: none">(a) any council of a county, a county borough, a London borough or a council of a district,(b) the Common Council of the City of London, or(c) a police and crime commissioner or the Mayor's Office for Policing and Crime.		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(8) 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 this section.</p>		
<p>Courts Act 2003, sections 10(1), 10(2), 10(2ZA) and (3) (as amended)</p>	<p>Section 10 (Appointment of lay justices etc)</p> <p>(1) Lay justices are to be appointed for England and Wales by the Lord Chief Justice by instrument on behalf and in the name of Her Majesty.</p> <p>(1A) Subject to the following provisions of this section and to sections 11 to 15, a person appointed under subsection (1) is to hold and vacate office as a justice of the peace in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.</p> <p>(2) The Lord Chief Justice –</p> <ul style="list-style-type: none"> (a) must assign each lay justice to one or more local justice areas, and (b) may change an assignment so as to assign the lay justice to a different local justice area or to different local justice areas. <p>(2ZA) The Lord Chief Justice must ensure that arrangements for the exercise, so far as affecting any local justice area, of the function under subsection (1) include arrangements for consulting persons appearing to the Lord Chief Justice to have special knowledge of matters relevant to the exercise of that function in relation to that area.</p> <p>(2A) The Lord Chancellor must ensure that arrangements for the exercise, so far as affecting any local justice area, of functions under subsection (2) include arrangements for</p>	<p>The provision gives the LCJ or nominee power to appoint lay justices under section 10(1) and 10(6A) and to ensure relevant arrangements are carried out under section 10(2ZA) in respect of such appointments.</p> <p>The provision gives the LCJ or nominee power to assign and reassign lay magistrates to local justice areas. (A separate duty is imposed on the LC to ensure that such arrangements for consultation are also in place.)</p> <p>The provision also provides the LCJ or nominee power to make arrangements for lay magistrates to act as such in local justice areas to which they are not assigned.</p>	<p>Delegation in force from 30 July 2008 in respect of section 10(2) and 10(3).</p> <p>Delegation in force from 14 December 2015 in respect of section 10(1) and 10(2ZA).</p>

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	<p>consulting persons appearing to him to have special knowledge of matters relevant to the exercise of those functions in relation to that area.</p> <p>(3) Every lay justice is, by virtue of his office, capable of acting as such in any local justice area (whether or not he is assigned to it); but he may do so only in accordance with arrangements made by Lord Chief Justice.</p> <p>(4) Rules may make provision about the training courses to be completed before a person may exercise functions as a lay justice in any proceedings or class of proceedings specified in the rules.</p> <p>(5) Subsection (3) is subject to section 12 (the supplemental list).</p> <p>(6) The functions conferred on the Lord Chief Justice by subsections (2) and (3) may be exercised only after consulting the Lord Chancellor.</p> <p>(6A) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under subsection (1).</p> <p>(7) 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), (2ZA) or (3).</p>		
<p>Courts Act 2003, sections 13(3) (as amended)</p>	<p>Section 13 (Entry of names in the supplemental list)</p>	<p>The provision gives the LCJ or nominee power, with the LC's concurrence, to direct that a lay justice who reaches 70 may not be entered on the supplemental</p>	<p>Delegation in force from April 2006.</p> <p>The power under section 13(5) cannot be delegated.</p>

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<p>(1) Subject to subsections (2) and (3), the name of a lay justice who has reached 70 must be entered in the supplemental list.</p> <p>(2) The name of a lay justice who, when he reaches 70, is chairman of the lay justices assigned to a local justice area need not be entered in the supplemental list until the term for which he is serving as chairman has ended.</p> <p>(3) Where—</p> <p style="padding-left: 40px;">(a) proceedings are, or are expected to be, in progress on the day on which the lay justice reaches 70, and</p> <p style="padding-left: 40px;">(b) the lay justice is exercising functions in those proceedings as a justice of the peace,</p> <p>the Lord Chief Justice may, with the concurrence of the Lord Chancellor, direct that the name of the lay justice need not be entered in the supplemental list until the proceedings have ended.</p> <p>(4) The name of a lay justice must be entered in the supplemental list if—</p> <p style="padding-left: 40px;">(a) he applies for it to be entered, and</p> <p style="padding-left: 40px;">(b) the application is approved by the Lord Chancellor.</p> <p>(5) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, direct that the name of a lay justice is to be entered in the supplemental list on the ground of incapacity.</p> <p>(6) 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 (3).</p>	<p>list until live proceedings have concluded.</p>	
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Lord Chief Justice – Delegation of Statutory Functions

<p>Courts Act 2003, sections 16(4) (as amended)</p>	<p>Section 16 (Records of lay justices)</p> <p>(1) The Lord Chancellor– (a) must appoint a person to be keeper of the rolls for each local justice area, and (b) may appoint the same person to be keeper of the rolls for more than one local justice area.</p> <p>(2) The keeper of the rolls for a local justice area must be notified, in such manner as the Lord Chancellor may direct, of– (a) any assignment of a lay justice to the area, (b) any change in an assignment of a lay justice as a result of which he ceases to be assigned to the area, and (c) the fact that a lay justice assigned to the area has ceased to be a justice of the peace or that his name has been entered in or removed from the supplemental list.</p> <p>(3) The keeper of the rolls for a local justice area must ensure that an accurate record is maintained of all lay justices for the time being assigned to the area.</p> <p>(4) The Lord Chancellor must consult the Lord Chief Justice before– (a) appointing a person under subsection (1), or (b) giving a direction under subsection (2).</p> <p>(5) 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 this section.</p>	<p>The provision requires the LC to consult the LCJ or nominee prior to appointing a keeper of the rolls of a local justice area and before giving any direction concerning the manner in which the keeper of the rolls of a local justice area is to be notified of the assignment, change in assignment, cessation of assignment or entry onto the supplementary list of a lay justice.</p>	<p>Delegation in force from April 2006.</p>
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Lord Chief Justice – Delegation of Statutory Functions

<p>Courts Act 2003, sections 17(3) (as amended)</p>	<p>Section 17 (Chairman and deputy chairmen: selection)</p> <p>(1) For each local justice area there is to be–</p> <p style="padding-left: 20px;">(a) a chairman of the lay justices assigned to the area, and</p> <p style="padding-left: 20px;">(b) one or more deputy chairmen of those lay justices,</p> <p>chosen by them from among their number.</p> <p>(2) Rules may make provision–</p> <p style="padding-left: 20px;">(a) subject to subsection (3), as to the term of office of the chairman and deputy chairmen, and</p> <p style="padding-left: 20px;">(b) as to the number of deputy chairmen to be elected for any area.</p> <p>(3) The Lord Chief Justice may, with the concurrence of the Lord Chancellor, authorise a lay justice to continue to hold office as chairman or deputy chairman for the purposes of specified proceedings which are, or are expected to be, in progress on the day on which the lay justice's office would otherwise end.</p> <p>(4) Any contested election for choosing the chairman or a deputy chairman is to be held by secret ballot.</p> <p>(5) Rules may make provision for the purposes of this section and may in particular make provision–</p> <p style="padding-left: 20px;">(a) about the procedure for nominating candidates for election as a chairman or a deputy chairman;</p> <p style="padding-left: 20px;">(b) about the procedure at such an election.</p> <p>(6) 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 this section.</p>	<p>The provision provides the LCJ or nominee, with the LC's concurrence, power to extend the term of office of a chairman or deputy chairman of lay justices until the end of any proceedings in progress as at the date at which their term of office would otherwise terminate.</p>	<p>Delegation in force from April 2006.</p>
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Lord Chief Justice – Delegation of Statutory Functions

<p>Courts Act 2003, Section 19(3) (as amended)</p>	<p>Section 19 (Training, development and appraisal of lay justices)</p> <p>(1) Rules may (in addition to making provision under sections 10(4) and 18(6)) make provision for, or in connection with, the training, development and appraisal of lay justices.</p> <p>(2) Such rules may make provision for committees, constituted in accordance with the rules, to have such functions as may be specified in the rules, including, in particular–</p> <ul style="list-style-type: none"> (a) providing advice and support to lay justices in connection with their functions as lay justices; (b) identifying the training needs of lay justices; (c) appraising lay justices and reporting on the results of appraisals; (d) giving or withholding approval for the purposes of section 18; (e) advising the Lord Chief Justice in relation to authorisations of lay justices as judges of the family court or as members of youth courts; (f) granting or revoking such authorisations on behalf of the Lord Chief Justice. <p>(3) The Lord Chief Justice must ensure that training and training materials that appear to him, after consulting the Lord Chancellor, to be appropriate are provided for lay justices with a view to enabling them to comply with requirements as to training imposed by rules under section 10 or 18 or this section.</p> <p>(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional</p>	<p>The provision requires the LCJ or nominee to ensure, after consulting the LC, that appropriate training and training materials are provided to lay justices in order to ensure that are able to comply with training requirements imposed under any rules made under sections 10, 18 or 19 of the Act.</p>	<p>Delegation in force from April 2006.</p>
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Lord Chief Justice – Delegation of Statutory Functions

	Reform Act 2005) to exercise his functions under this section.		
Courts Act 2003, Section 20(1) (as amended)	<p>Section 20 (Rules)</p> <p>(1) In sections 10, 17, 18 and 19 “rules” means rules made by the Lord Chief Justice.</p> <p>(2) Before making any rules for the purposes of section 10, 17, 18 or 19 the Lord Chief Justice must consult–</p> <ul style="list-style-type: none"> (za) the Lord Chancellor, (a) the Criminal Procedure Rule Committee, and (b) the Family Procedure Rule Committee. <p>(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 of making the rules referred to in this section.</p>	<p>The provision provides that where the LCJ or nominee makes rules under sections 10, 17, 18 or 19 (see above) of the Act they must first consult the LC, Criminal and Family Procedure Rules Committees.</p> <p>The rules so made govern the procedure for training JPs, for selecting JPs to be chairman or deputy chairman for local justice areas, for determining who will preside in the absence of the bench chairman or deputy chairman, and for setting their term of office.</p>	Delegation in force from April 2006.
Courts Act 2003, Section 21(1) (as amended)	<p>Section 21 (Duty to consult lay justices on matters affecting them etc.)</p> <p>(1) The Lord Chancellor and the Lord Chief Justice must take all reasonable and practicable steps–</p> <ul style="list-style-type: none"> (a) for ensuring that lay justices acting in a local justice area are kept informed of matters affecting them in the performance of their duties, and (b) for ascertaining their views on such matters. <p>(2) 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 this section.</p>	<p>The provision places a duty jointly on the LC and LCJ or nominee to take all reasonable and practicable steps to ensure lay justices are kept informed or matters concerning them in the performance of their duties and in order to obtain their views on such matters.</p>	Delegation in force from April 2006.

Lord Chief Justice – Delegation of Statutory Functions

<p>Courts Act 2003, Section 25(2) (as amended)</p>	<p>Section 25 (District Judges (Magistrates' Courts) as justices of the peace)</p> <p>(1) A District Judge (Magistrates' Courts) is by virtue of his office a justice of the peace for England and Wales.</p> <p>(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 the Lord Chief Justice, after consulting the Lord Chancellor.</p> <p>(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).</p>	<p>The provision provides the basis for the LCJ or nominee, following consultation with the LC, to make arrangements for the DJ (Magistrates' Courts) to act as a justice of the peace in any local justice area.</p>	<p>Delegation in force from April 2006.</p>
<p>Courts Act 2003, Section 27(1(a)), (3) and (4) (as amended)</p>	<p>Section 27 (Justices' clerks and assistant clerks)</p> <p>(1) A justices' clerk is a person who is–</p> <p style="padding-left: 20px;">(a) appointed by the Lord Chancellor, after consulting the Lord Chief Justice, under section 2(1), and</p> <p style="padding-left: 20px;">(b) designated by the Lord Chancellor as a justices' clerk.</p> <p>(2) A person may be designated as a justices' clerk only if he–</p> <p style="padding-left: 20px;">(a) has a 5 year magistrates' court qualification,</p> <p style="padding-left: 20px;">(b) is a barrister or solicitor who has served for not less than 5 years as an assistant to a justices' clerk, or</p> <p style="padding-left: 20px;">(c) has previously been a justices' clerk.</p> <p>(3) The Lord Chancellor–</p>	<p>The provision provides the LC, following consultation with the LCJ or nominee, to appoint justices' clerks and thereafter to assign (and vary such assignments) them to a local justice area(s). Before the LC is able to vary a justices' clerk's assignment, the LCJ or nominee must consent to the variation.</p>	<p>Delegation in force from April 2006.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) must, after consulting the Lord Chief Justice, assign each justices' clerk to one or more local justice areas, and</p> <p>(b) subject to subsections (4A) to (4C), may change an assignment so as to assign the justices' clerk to a different local justice area or to different local justice areas.</p> <p>(4A) The Lord Chancellor may change an assignment of a justices' clerk so that he is no longer assigned to a local justice area ("the relevant area") only if the conditions in subsections (4B) and (4C) are met.</p> <p>(4B) Before changing the assignment, the Lord Chancellor must consult–</p> <ul style="list-style-type: none">(a) the chairman of the lay justices assigned to the relevant area, or(b) if that is not possible or not practicable, the deputy chairman or such of the lay justices assigned to or acting in the relevant area as it appears to the Lord Chancellor appropriate to consult. <p>(4C) The Lord Chief Justice must agree to the change.</p> <p>(5) An assistant to a justices' clerk is a person who is–</p> <ul style="list-style-type: none">(a) appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4), and(b) designated by the Lord Chancellor as an assistant to a justices' clerk. <p>(6) The Lord Chancellor may by regulations provide that, subject to such exceptions as may be prescribed by the regulations, a person may be designated as an assistant to a justices' clerk only if he–</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) has a 5 year magistrates' court qualification, or (b) has such qualifications as may be prescribed by, or approved by the Lord Chancellor in accordance with, the regulations.</p> <p>(6A) 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 this section.</p> <p>(7) In this Part “assistant clerk” is short for “assistant to a justices' clerk”.</p>		
<p>Courts Act 2003, Section 28(8) (as amended)</p>	<p>Section 28 (Functions of justices' clerks)</p> <p>(1) Rules may make provision enabling things authorised to be done by, to or before a single justice of the peace to be done instead by, to or before a justices' clerk.</p> <p>(2) Rules may also make provision enabling things authorised to be done by, to or before a justices' clerk (whether by virtue of subsection (1) or otherwise) to be done instead by, to or before an assistant clerk.</p> <p>(2A) Subsection (2) does not apply in relation to functions of a justices' clerk given under section 31O(1)(a), or specified in section 31O(2), of the Matrimonial and Family Proceedings Act 1984 (functions in the family court, but see section 31O(1)(b) of that Act).</p> <p>(3) An enactment or rule of law which– (a) regulates the exercise of any jurisdiction or powers of justices of the peace, or</p>	<p>The provision gives the LC with the concurrence of the LCJ or nominee, following consultation with the Criminal Procedure Rules Committee, to make rules (i) enabling justices' clerks to carry out things otherwise capable of being done by or before a single justice of the peace and (ii) enabling assistant justices' clerks to carry out things done by or before justices' clerks.</p>	<p>Delegation in force from April 2006.</p>

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	<p>(b) relates to things done in the exercise or purported exercise of any such jurisdiction or powers,</p> <p>applies in relation to the exercise or purported exercise of any such jurisdiction or powers by a justices' clerk by virtue of subsection (1) as if he were a justice of the peace.</p> <p>(4) The functions of a justices' clerk include giving advice to any or all of the justices of the peace to whom he is clerk about matters of law (including procedure and practice) on questions arising in connection with the discharge of their functions, including questions arising when the clerk is not personally attending on them.</p> <p>(5) The powers of a justices' clerk include, at any time when he thinks he should do so, bringing to the attention of any or all of the justices of the peace to whom he is clerk any point of law (including procedure and practice) that is or may be involved in any question so arising.</p> <p>(5A) For the purposes of subsections (1) to (5) the functions of justices of the peace do not include functions as a judge of the family court.</p> <p>(6) For the purposes of subsections (4) and (5) the functions of justices of the peace do not include functions as a judge of the Crown Court.</p> <p>(7) Subsections (4) and (5) do not limit–</p> <ul style="list-style-type: none"> (a) the powers and duties of a justices' clerk, or (b) the matters on which justices of the peace may obtain assistance from their clerk. 		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(8) In this section “rules” means rules made by the Lord Chancellor with the concurrence of the Lord Chief Justice.</p> <p>(9) Before making any rules for the purposes of this section the Lord Chancellor must consult–</p> <p>(a) the Criminal Procedure Rule Committee, and</p> <p>(10) 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 this section.</p>		
<p>Courts Act 2003, Section 30(1) and (7) (as amended)</p>	<p>Section 30 (Places, dates and times of sittings)</p> <p>(1) The Lord Chancellor may, after consulting the Lord Chief Justice, give directions as to the places in England and Wales at which magistrates' courts may sit.</p> <p>(2) In exercising his powers under subsection (1), the Lord Chancellor shall have regard to the need to ensure that court-houses are accessible to persons resident in each local justice area.</p> <p>(3) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, give directions as to the distribution and transfer of the general business of magistrates' courts between the places specified in directions under subsection (1).</p> <p>(4) Directions under subsection (3) may, in particular, contain provision that, where a person is charged with an offence and is being required to appear before a magistrates' court, the place where he is required to appear is one of the places described in subsection (5).</p>	<p>The provision gives the LC power, after consulting the LCJ or nominee, to direct where Magistrates' courts may sit and when they may sit.</p>	<p>Delegation in force from April 2006.</p> <p>NB: The LCJ's functions under section 30(3) of the Act cannot be delegated and must be carried out by the LCJ in person.</p>

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	<p>(5) The places are–</p> <ul style="list-style-type: none"> (a) a place in the local justice area in which the offence is alleged to have been committed; (b) a place in the local justice area in which the person charged with the offence resides; (c) a place in the local justice area in which the witnesses, or the majority of the witnesses, reside; <p>(d) a place where other cases raising similar issues are being dealt with.</p> <p>(7) The Lord Chancellor may, after consulting the Lord Chief Justice, give directions as to the days on which and times at which magistrates' courts may sit.</p> <p>(8) Subject to any directions under subsection (7), the business of magistrates' courts may be conducted on any day and at any time.</p> <p>(9) 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 (1) or (7).</p>		
<p>Courts Act 2003, Section 34(5) (as amended)</p>	<p>Section 34 (Costs in legal proceedings)</p> <p>(1) A court may not order a justice of the peace to pay costs in any proceedings in respect of what he does or omits to do in the execution (or purported execution) of his duty as a justice of the peace.</p> <p>(2) A court may not order–</p> <ul style="list-style-type: none"> (a) a justices' clerk, or 	<p>The provision authorises the LC, after consulting the LCJ or nominee, to make Regulations specifying (i) when a court must or must not exercise the power to order the LC to pay costs of proceedings where a court is barred from ordering a justice of the peace, justices' clerk or assistant justices' clerk from paying such</p>	<p>Delegation in force from April 2006.</p>

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<p>(b) an assistant clerk, to pay costs in any proceedings in respect of what he does or omits to do in the execution (or purported execution) of his duty as a justices' clerk or assistant clerk exercising, by virtue of an enactment, a function of a single justice of the peace or a function of the family court or of a judge of that court.</p> <p>(3) But subsections (1) and (2) do not apply in relation to any proceedings in which a justice of the peace, justices' clerk or assistant clerk–</p> <ul style="list-style-type: none"> (a) is being tried for an offence or is appealing against a conviction, or (b) is proved to have acted in bad faith in respect of the matters giving rise to the proceedings. <p>(4) A court which is prevented by subsection (1) or (2) from ordering a justice of the peace, justices' clerk or assistant clerk to pay costs in any proceedings may instead order the Lord Chancellor to make a payment in respect of the costs of a person in the proceedings.</p> <p>(5) The Lord Chancellor may, after consulting the Lord Chief Justice, make regulations specifying–</p> <ul style="list-style-type: none"> (a) circumstances in which a court must or must not exercise the power conferred on it by subsection (4), and (b) how the amount of any payment ordered under subsection (4) is to be determined. <p>(6) 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 this section.</p>	<p>costs; and (ii) how the the amount of such costs is to be determined.</p>
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to the Senior President of Tribunals

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Agriculture Act 1947, schedule 9, paragraph 16A(1)</p>	<p>Schedule 9, paragraph 16A (Nomination of deputy chairman to discharge chairman’s functions)</p> <p>(1) If the Chairman of the Agricultural Land Tribunal is prevented by sickness or any other reason from making nominations under sub-paragraphs (1) and (2) of the last foregoing paragraph or from otherwise discharging the duties of his office, those duties may be discharged by a person appointed from the panel of deputy-chairmen by the chairman or, if the chairman is unable to make the appointment, by the Lord Chief Justice, after consulting the Lord Chancellor.</p> <p>(2) 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 sub-paragraph (1).</p>	<p>The provision enables the LCJ or nominee, after consulting the LC, to authorise a deputy chairman of the ALT to discharge certain functions of the chairman in specified circumstances.</p>	<p>Delegation in force from March 2007 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in January 2007 until his appointment as Senior President of Tribunals in November 2007 From November 2007 until October 2009 the delegation was to the Senior President of Tribunals.</p>
<p>Transport Act 1985, schedule 4, paragraph 10(1) and (1A) (as amended)</p>	<p>Schedule 4, paragraph 10 (Judicial members of Transport Tribunal)</p> <p>(1) The president or, in his absence, such one of the other judicial members as the president or (if the president is unable for any reason to exercise the power conferred on him by this subparagraph) the Lord Chief Justice may direct, shall preside at any sitting of the tribunal.</p>	<p>The provision gives the LCJ or nominee, after consulting the LC and with the agreement of the Lord President of the Court of Session, to authorise a judicial member of the Transport Tribunal in the absence of the President of that Tribunal to preside over the Tribunal.</p>	<p>Delegation in force from March 2009 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in January 2007 until his appointment as Senior President of Tribunals in November 2007 From November 2007 until October 2009 the delegation was to the Senior President of Tribunals.</p>

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	<p>(1A) Before exercising his functions under sub-paragraph (1) the Lord Chief Justice must–</p> <ul style="list-style-type: none"> (a) consult the Lord Chancellor, and (b) obtain the agreement of the Lord President of the Court of Session. <p>(2) The president or other judicial member presiding at a sitting of the tribunal in pursuance of sub-paragraph (1) above is referred to below in this paragraph as the presiding member.</p> <p>(3) If at any sitting of the tribunal the members sitting are evenly divided as to any decision, the presiding member shall have a second or casting vote; but otherwise decisions of the tribunal shall be by a majority of the members sitting.</p> <p>(4) 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 sub-paragraph (1).</p> <p>(5) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under sub-paragraph (1A)(b).</p>		
<p>Land Drainage Act 1991, section 31(1A)</p>	<p>Section 31 (Composition and incidental powers relating to the Agricultural Land Tribunal)</p> <p>(1) The Lord Chancellor shall draw up for the Agricultural Land Tribunal, and from time to time revise, a panel of persons appearing to him to be experienced in matters relating to the drainage of land.</p>	<p>The provision gives the LC, following consultation with the LCJ or nominee, power to draw up and/or revise a panel of persons with expertise in land drainage in respect of the ALT.</p>	<p>Delegation in force from March 2007 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in January 2007 until his appointment as Senior President of Tribunals in November 2007 From November 2007 until</p>

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	<p>(1A) Before drawing up, or revising, a panel under subsection (1), the Lord Chancellor must consult the Lord Chief Justice.</p> <p>(2) For each hearing by an Agricultural Land Tribunal of an application under section 28 or 30 above one of the members of the Tribunal shall, instead of being a person nominated in accordance with paragraph 16(1)(b) of Schedule 9 to the Agriculture Act 1947, be a person nominated by the chairman from the panel drawn up under this section.</p> <p>(3) Paragraph 16A of Schedule 9 to the Agriculture Act 1947 (which provides for the exercise of the power of making nominations if the chairman is prevented from doing so) shall apply to nominations under this section.</p> <p>(4) For the purpose of deciding any application under section 28 or 30 of this Act the [appropriate tribunal (within the meaning of that section)] 4 may authorise any of its members or any other person to enter and inspect any land.</p> <p>(5) Subsections (3) to (6) of section 29 above shall apply in relation to the power conferred by virtue of subsection (4) above as they apply in relation to the powers conferred by virtue of that section.</p> <p>(6) 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 this section.</p>		<p>October 2009 the delegation was to the Senior President of Tribunals.</p>
<p>Judicial Pensions and Retirement Act 1993, section</p>	<p>Section 2 (The judicial officer's entitlement to a pension)</p> <p>1) Any person to whom this Part applies—</p>	<p>The LC is required to consult the LCJ or nominee in respect of pension entitlement.</p>	<p>Delegation in force from 1 October 2009.</p>

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<p>2(3A) (as amended)</p>	<p>(a) who retires from qualifying judicial office on or after the day on which he attains the age of 65, and (b) who has, at the time of that retirement, completed, in the aggregate, at least 5 years' service in qualifying judicial office,</p> <p>shall be entitled during his life to a pension at the appropriate annual rate.</p> <p>(2) Any person to whom this Part applies— (a) who retires from qualifying judicial office on or after the day on which he attains the age of 60, but before attaining the age of 65, and (b) who has, at the time of that retirement, completed, in the aggregate, at least 5 years' service in qualifying judicial office,</p> <p>shall be entitled during his life to a pension at the appropriate annual rate, actuarially reduced.</p> <p>(3) In any case where— (a) a person to whom this Part applies retires from qualifying judicial office before he has attained the age of 65 or before he has completed, in the aggregate, at least 5 years' service in such office, and (b) the appropriate Minister is satisfied by means of a medical certificate that, by reason of infirmity of mind or body, the person is incapable of discharging the duties of his qualifying judicial office and that the incapacity is likely to be permanent,</p> <p>the person shall be entitled during his life to a pension at the appropriate annual rate (and subsection (2) above shall not have effect in relation to that retirement, notwithstanding that the conditions in paragraphs (a) and (b) of that subsection may be satisfied in the particular case).</p>	<p>The SPT is the LCJ's nominee for the purposes of consultations in respect of medical retirements regarding the following judicial office holders:</p> <ul style="list-style-type: none"> (i) President of the Employment Tribunal (England and Wales); (ii) President of the Employment Tribunal (Scotland); (iii) Chairman of the Employment Tribunal; (iv) President or Deputy President of the Pensions Regulator Tribunal; (v) Judge of other member of the First-tier Tribunal, whether appointed or transferred-in; (vi) Judge of other member of the Upper Tribunal (appointed or transferred-in) (vii) Chamber President, Deputy Chamber President of the First-tier Tribunal or Upper Tribunal; (viii) Adjudicator to Her Majesty's Land Registry and persons authorised by them in accordance with paragraph 4, schedule 9 of the Land Registration Act 2002 to carry out functions that are not of an administrative nature; and (ix) Chairman of the Foreign Compensation Commission. 	<p>The delegation made specific provision to cover the President or Chairman of the Transport Tribunal. The Transport Tribunal was transferred to the First-tier Tribunal on 1 September 2009: see The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (SI 2009/1885). The President and Chairman consequently became transferred-in judges of the Upper Tribunal.</p> <p>The delegation also applied to the President and Deputy President of the Financial Services and Markets Tribunal (FINSMAT). This was abolished on 5 April 2010 and its functions transferred to the Upper Tribunal, as did the President and Deputy President, who became transferred-in judges of the Upper Tribunal: The Transfer of Functions Order 2010 (SI 2010/22).</p> <p>It also applied to other members of the Asylum and Immigration Tribunal. Its jurisdiction was transferred to the First-tier and Upper Tribunal on 15 February 2010: The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010. Thereafter other members became transferred-in other members of the Upper Tribunal</p>
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(3A) Where the appropriate minister is the Lord Chancellor, he must, before satisfying himself as mentioned in subsection (3)(b)–</p> <p>(a) consult the Lord Chief of Justice of England and Wales, if the person in question holds office in England and Wales; (b) consult the Lord Chief of Justice of Northern Ireland, if the person in question holds office in Northern Ireland.</p> <p>(4) Where a person to whom this Part applies is removed from a qualifying judicial office, his removal from that office shall be treated for the purposes of this Part as his retirement from qualifying judicial office; and if—</p> <p>(a) he has not attained the age of 60 at the date of that retirement, and (b) the appropriate Minister recommends that his accrued rights under this Part should be given immediate effect,</p> <p>the person shall be entitled during his life to a pension at the appropriate annual rate, actuarially reduced.</p> <p>(5) Where a person to whom a pension under this section has commenced to be paid resumes service in qualifying judicial office—</p> <p>(a) the resumption of service shall not affect his entitlement to payment of the pension for any period before the resumption, (b) he shall not be entitled to payment of the pension for any period during the resumed service, and (c) at the end of the period of resumed service—</p> <p>(i) his entitlement (and that of any other person) to a pension or other benefit under this Part, and (ii) the rate or amount of any such pension or other benefit,</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>shall be determined (subject to section 4(4) below) as if no pension under this section had previously commenced to be paid to him.</p> <p>(6) A pension under this section shall be payable at such intervals, not exceeding three months, as the Treasury may determine.</p> <p>(7) For the purposes of this Part—</p> <ul style="list-style-type: none">(a) in determining the length of a person's period of service in any qualifying judicial office, it is immaterial whether he works full-time or part-time, but if he holds two or more qualifying judicial offices concurrently, no day shall be counted more than once;(b) in determining the length of a person's period of service in any qualifying judicial office, there shall be left out of account—<ul style="list-style-type: none">(i) any service in such office before the day on which this Part first applied to him (except to the extent to which it is given effect under or by virtue of section 12 below);(ii) in the case of an office which becomes a qualifying judicial office by virtue of an order under section 1(8) above, any service in that office before the day on which it becomes such an office (except to the extent to which it is given effect under or by virtue of section 12 below);(iii) any service in qualifying judicial office at a time when an election under section 13 below is in force in respect of him; and(iv) any service in such office in respect of which he has taken a cash equivalent in		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>accordance with paragraph 6 of Schedule 2 to this Act;</p> <p>(c) in any case falling within subsection (3) above where, at the date of the retirement, the person has not attained the age of 65, the aggregate length of his period of service shall be increased by the addition of a period equal in length to one half of that which—</p> <p>(i) begins immediately after the date of the retirement; and</p> <p>(ii) ends with the day on which he would attain the age of 65;</p> <p>(d) where any payment in respect of a pension under this section has become due, the pension shall be treated as commencing to be paid, notwithstanding that no payment has in fact been made in respect of it, and for this purpose a payment in respect of a pension shall be treated as becoming due on the first day of the period for which it is payable;</p> <p>(e) “actuarially reduced”, in relation to the rate of a pension, means reduced by such amount as may be prescribed in, or determined in accordance with, regulations made under this section by the appropriate Minister with the concurrence of the Treasury;</p> <p>(f) where a person ceases to hold qualifying judicial office in consequence of infirmity of mind or body, the cessation (however brought about) shall be taken for the purposes of this Part to constitute retirement, not removal, from such office.</p> <p>(8) In this Act “judicial pension” means a pension under this section.</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(9) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.</p> <p>(10) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section–</p> <ul style="list-style-type: none"> (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). 		
<p>Judicial Pensions and Retirement Act 1993, section 26(5), (6) and (12)(b) (as amended)</p>	<p>Section 26 (Retirement date for holders of certain judicial offices etc)</p> <p>1) Subject to the following provisions of this section, a person holding any of the offices for the time being specified in Schedule 5 to this Act (a “relevant office”) shall vacate that office on the day on which he attains the age of 70 or such lower age as may for the time being be specified for the purpose in the enactments and instruments relating to that office, whenever passed or made.</p> <p>(2) Any reference in this section to a person's holding an office includes a reference to his being a member of, or otherwise included in, any panel or list of persons appointed, nominated, approved or otherwise selected to serve from time to time in that office (whether or not the panel or list is required by or under any enactment); and any reference in this section or Schedule 5 to this Act to any particular office or to an office of any class or description, or to a person's appointment to, or vacation of, an office, shall be construed accordingly.</p>	<p>The LCJ's power to extend service, as an appropriate person, under sections 26(5) and (6) in respect of tribunals judicial office holders who hold any office listed in section 26(12A) of the Act is delegated to the SPT.</p>	<p>Delegation in force from 1 October 2009.</p>

Lord Chief Justice – Delegation of Statutory Functions

<p>(3) Subject to the transitional provision referred to in subsection (11) below, subsection (1) above applies whether the person was appointed to the office before or after the coming into force of this section; but nothing in this Act, or in any amendment made by it, shall be taken—</p> <ul style="list-style-type: none">(a) to preclude a person from vacating his office before the compulsory retirement date for that office in his case; or(b) to prevent a person's appointment to an office coming to an end before that date, in accordance with the terms on which he was appointed. <p>(4) Subsections (5) and (6) below apply in relation to any holder (whenever appointed) of a relevant office for which the compulsory retirement date in his case falls on or after the day on which he attains the age of 70, except—</p> <ul style="list-style-type: none">(a) Judge of the Supreme Court;(b) judge of the Senior Courts of England and Wales;(c) Lord President of the Court of Session, Lord Justice Clerk or other judge of the Court of Session;(d) Lord Chief Justice of Northern Ireland or Lord Justice of Appeal, or judge of the High Court, in Northern Ireland. <p>(5) If, in a case where this subsection applies, the appropriate person considers it desirable in the public interest that the holder of a relevant office should continue in that office after his compulsory retirement date, he may authorise the person to continue in office, either generally or for such purpose as he may notify to the person, for a period not exceeding one year and not extending beyond the day on which the person attains the age of 75.</p> <p>(6) If, on the expiration of the period for which a person is authorised to continue in office—</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) by virtue of subsection (5) above, or (b) by any previous exercise of the power conferred by this subsection,</p> <p>the appropriate person considers it desirable in the public interest to retain the person in office for a further period, he may authorise him to continue in office, either generally or for such purpose as he may notify to the person, for a further period not exceeding one year and not extending beyond the day on which the person attains the age of 75.</p> <p>(7) After the day on which a person attains the age of 75, he shall not hold any relevant office nor shall he—</p> <p>(a) be a member of the Judicial Committee of the Privy Council [...] 4 ; (b) act as a judge of the Supreme Court under section 38 of the Constitutional Reform Act 2005; (c) act as a judge under or by virtue of section 9(1) of the Senior Courts Act 1981; (d) hold office as a deputy Circuit judge, within the meaning of section 24 of the Courts Act 1971; (e) sit and act as a judge under or by virtue of section 7 of the Judicature (Northern Ireland) Act 1978; (f) act as a deputy, or as a temporary additional officer, under subsection (1) of section 91 of the Senior Courts Act 1981 by virtue of subsection (3) of that section (holders of relevant office); (g) hold office as a deputy district judge if either section 102(1B) of that Act (former district judge appointed as deputy in the High Court) or section 8(1ZB) of the County Courts Act 1984 (former district judge appointed as deputy) applied to the appointment; (ga) hold office as a deputy judge of the Upper Tribunal if—</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(i) section 94B of the Constitutional Reform Act 2005 applied to the appointment, and (ii) his corresponding qualifying office was listed in section 6(1) of the Tribunals, Courts and Enforcement Act 2007;</p> <p>(h) hold any office—</p> <p>(i) to which appointments are made by or under any Act or statutory instrument; (ii) for which there would, apart from this paragraph, be no compulsory retirement date; and (iii) for appointment to which only persons who have held relevant office are eligible;</p> <p>and this subsection applies whether or not the person was invited to act as a judge, or was appointed to the office in question, or to some other office by virtue of which he would (apart from this subsection) hold the office in question, before the appointed day.</p> <p>(8) After the day on which a person attains the age of 70, he shall not be appointed or re-appointed as—</p> <p>(c) an assessor assisting with an inquiry under section 61 of the Merchant Shipping Act 1995; (g) an arbitrator, or (in Scotland) an arbiter, under paragraph 9(2) of Schedule 10 to the Electricity Act 1989; (h) chairman of a tribunal constituted under Schedule 3 to the Education Act 2005.</p> <p>(9) The appropriate Minister may by order—</p> <p>(a) amend Schedule 5 to this Act by adding offices to those for the time being specified in that Schedule; or</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(b) amend subsection (8) above by adding offices to those for the time being specified in that subsection.</p> <p>(10) As from the appointed day, the enactments and instruments mentioned in Schedule 6 to this Act shall have effect with the amendments specified in that Schedule; but those amendments are subject to section 27 below and Schedule 7 to this Act.</p> <p>(11) Schedule 7 to this Act shall have effect for the purpose of making transitional provision in relation to persons holding relevant offices immediately before the appointed day; and—</p> <ul style="list-style-type: none">(a) subsections (1) and (3) above are subject to the provisions of that Schedule; and(b) any reference in this section to the compulsory retirement date for an office shall be construed in accordance with those provisions. <p>(12) In this section—</p> <p>“the appointed day” means the day appointed under section 31 below for the coming into force of this section;[“the appropriate person” means—</p> <ul style="list-style-type: none">(a) the appropriate Minister in a case which falls within paragraph (a) of the definition of the expression in section 30;(b) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to England and Wales, the Lord Chief Justice of England and Wales;(c) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to Northern Ireland, the Lord Chief Justice of Northern Ireland;		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(d) the Senior President of Tribunals in the case of a person who holds a judicial office that—</p> <ul style="list-style-type: none">(i) is specified in subsection (12A) below, and(ii) is not in the person's case an office to which any of paragraphs (a) to (c) above applies; <p>(e) the Lord Chief Justice of England and Wales in the case of a person who holds a judicial office that is not in the person's case an office to which any of paragraphs (a) to (d) applies;</p> <p>(f) the Scottish Ministers, in the case of a relevant member of the Scottish Tribunals.</p> <p>“the compulsory retirement date” for an office means the day on which a holder of that office is or, apart from any continuation power, would be required by any enactment or statutory instrument to vacate that office, being either—</p> <ul style="list-style-type: none">(a) the day on which he attains a particular age; or(b) a day falling to be determined by reference to his attaining a particular age; <p>“continuation power” means a power conferred by an enactment or statutory instrument on a Minister of the Crown to authorise the holder of an office to continue in that office until a later day than that on which, apart from any exercise of the power, he would be required by any enactment or statutory instrument to vacate that office;</p> <p>and any reference to vacating an office includes a reference to retiring from it.</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(12A) The judicial offices mentioned in paragraph (d) of the definition of “appropriate person” in subsection (12) above are–</p> <ul style="list-style-type: none">(a) Chamber President, or Deputy Chamber President, of a chamber of the First-tier Tribunal or of a chamber of the Upper Tribunal;(b) judge, or other member, of the First-tier Tribunal or of the Upper Tribunal appointed under paragraph 1(1) or 2(1) of Schedule 2 or 3 to the Tribunals, Courts and Enforcement Act 2007 (“the 2007 Act”);(c) deputy judge of the Upper Tribunal appointed under paragraph 7(1) of Schedule 3 to the 2007 Act, except in a case where the holding of the office by the person in question falls within subsection (7)(ga) above;(d) transferred-in judge, or transferred-in other member, of the First-tier Tribunal or of the Upper Tribunal (see section 31(2) of the 2007 Act);(e) deputy judge of the Upper Tribunal by virtue of an order under section 31(2) of the 2007 Act;(f) an office held by a person if the person's holding of the office results in the person being a member of, or person who is, a tribunal in a list in Schedule 6 to the 2007 Act that has effect for the purposes of section 30 of that Act (but only if the office is specified in Schedule 5 to this Act);(h) member of the Employment Appeal Tribunal appointed under section 22(1)(c) of the Employment Tribunals Act 1996;(i) member of a panel of Employment Judges. <p>(12B) Neither paragraph (d) nor paragraph (e) of the definition of “appropriate person” in subsection (12) above applies to an office held by a person if provision about that person's continuation in the office after the compulsory retirement date for the office–</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament, or</p> <p>(b) would be within the legislative competence of the Northern Ireland Assembly if it were included in an Act of that Assembly.</p> <p>(13) Where the Lord Chief Justice of England or Wales or the Senior President of Tribunals is the appropriate person, he must obtain the concurrence of the Lord Chancellor before exercising any functions under this section.</p> <p>(13A) Where the Lord Chief Justice of Northern Ireland is the appropriate person—</p> <p>(a) in cases where the relevant office is one specified in paragraph 11 of Schedule 2 to the Northern Ireland Act 1998 27, the concurrence of the Lord Chancellor must be obtained before any function under this section is exercised;</p> <p>(b) in any other case, the concurrence of the Department of Justice in Northern Ireland must be obtained before any function under this section is exercised.</p> <p>(14) The Lord Chief Justice of England or Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.</p> <p>(15) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—</p> <p>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</p> <p>(16) The Scottish Ministers must consult the President of Tribunals before exercising any function arising by virtue of subsection (12)(f) in relation to a relevant member of the Scottish Tribunals.</p> <p>(17) In paragraph (f) of the definition of “the appropriate person” in subsection (12), and in subsection (16), a reference to a relevant member of the Scottish Tribunals is to an ordinary or legal member of either or both of the Tribunals by virtue of section 15 or 16 of the Tribunals (Scotland) Act 2014.</p>		
<p>Employment Tribunals Act 1996, section 22(1)(a) (as amended)</p>	<p>Section 22 (Membership of Employment Appeal Tribunal)</p> <p>(1) The Appeal Tribunal shall consist of—</p> <p style="padding-left: 20px;">(a) such number of judges as may be nominated from time to time by the Lord Chief Justice, after consulting the Lord Chancellor, from the judges of the High Court and the Court of Appeal and the judges within subsection (2A) .</p> <p style="padding-left: 20px;">(b) at least one judge of the Court of Session nominated from time to time by the Lord President of the Court of Session, and</p> <p style="padding-left: 20px;">(c) such number of other members as may be appointed from time to time by Her Majesty on the joint recommendation of the Lord Chancellor and the Secretary of State (“appointed members”).</p> <p>(2) The appointed members shall be persons who appear to the Lord Chancellor and the Secretary of State to have</p>	<p>The provision enables the LCJ or nominee, following consultation with the LC, to appoint judges to the EAT.</p>	<p>Delegation in force from 1 October 2009.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>special knowledge or experience of industrial relations either—</p> <ul style="list-style-type: none">(a) as representatives of employers, or(b) as representatives of workers (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992). <p>(2A) A person is a judge within this subsection if the person—</p> <ul style="list-style-type: none">(a) is the Senior President of Tribunals,(b) is a deputy judge of the High Court,(c) is the Judge Advocate General,(d) is a Circuit judge,(e) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the Firsttier Tribunal,(f) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,(g) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),(h) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act),(i) is a district judge, which here does not include a deputy district judge, or(j) is a District Judge (Magistrates' Courts), which here does not include a Deputy District Judge (Magistrates' Courts). <p>(3) The Lord Chief Justice shall appoint one of the judges nominated under subsection (1) to be the President of the Appeal Tribunal.</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(3A) The Lord Chief Justice must not make an appointment under subsection (3) unless—</p> <ul style="list-style-type: none"> (a) he has consulted the Lord Chancellor, and (b) the Lord President of the Court of Session agrees. <p>(4) No judge shall be nominated a member of the Appeal Tribunal under subsection (1)(b) except with his consent.</p> <p>(5) 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 this section.</p> <p>(6) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under subsection (3A)(b).</p>		
<p>Employment Tribunals Act 1996, section 23(2)(a), (6) and (7) (as amended)</p>	<p>Section 23 (Temporary membership of Employment Appeals Tribunal)</p> <p>(1) At any time when—</p> <ul style="list-style-type: none"> (a) the office of President of the Appeal Tribunal is vacant, or (b) the person holding that office is temporarily absent or otherwise unable to act as the President of the Appeal Tribunal, <p>the Lord Chief Justice may nominate another judge nominated under section 22(1)(a) to act temporarily in his place.</p>	<p>The provision gives: a) the LCJ or nominee, after consulting the LC, power to nominate in specified circumstances a temporary judge of the EAT ; and b) the LC with the agreement of the Secretary of State, after consulting the LCJ or nominee, power to appoint temporary members, in specified circumstances, to the EAT.</p>	<p>Delegation in respect of s23(2)(a) and (6) in force from March 2007.</p> <p>The delegation was originally made to Lord Justice Carnwath in January 2007 until his appointment as Senior President of Tribunals in November 2007 From November 2007 until October 2009 the delegation was to the Senior President of Tribunals.</p> <p>The delegation in respect of s23(7) in force from 14 December 2015.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(2) At any time when a judge of the Appeal Tribunal nominated under paragraph (a) or (b) of subsection (1) of section 22 is temporarily absent or otherwise unable to act as a member of the Appeal Tribunal—</p> <p>(a) in the case of a judge nominated under paragraph (a) of that subsection, the Lord Chief Justice may nominate another judge who is qualified to be nominated under that paragraph to act temporarily in his place, and</p> <p>(b) in the case of a judge nominated under paragraph (b) of that subsection, the Lord President of the Court of Session may nominate another judge who is qualified to be nominated under that paragraph to act temporarily in his place.</p> <p>(3) At any time when an appointed member of the Appeal Tribunal is temporarily absent or otherwise unable to act as a member of the Appeal Tribunal, the Lord Chancellor and the Secretary of State may jointly appoint a person appearing to them to have the qualifications for appointment as an appointed member to act temporarily in his place.</p> <p>(4) A person nominated or appointed to act temporarily in place of the President or any other member of the Appeal Tribunal, when so acting, has all the functions of the person in whose place he acts.</p> <p>(5) No judge shall be nominated to act temporarily as a member of the Appeal Tribunal except with his consent.</p> <p>(6) The functions conferred on the Lord Chief Justice by the preceding provisions of this section may be exercised only after consulting the Lord Chancellor.</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(7) The functions conferred on the Lord Chancellor by subsection (3) may be exercised only after consultation with the Lord Chief Justice.</p> <p>(8) 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 this section.</p>		
<p>Employment Tribunals Act 1996, section 24(1A) and (1B) (as amended)</p>	<p>Section 24 (Temporary additional judicial membership of the Employment Appeal Tribunal)</p> <p>(1) This section applies if both of the following conditions are met—</p> <p>(a) the Lord Chancellor thinks that it is expedient, after consulting the Lord Chief Justice, for a qualified person to be appointed to be a temporary additional judge of the Appeal Tribunal in order to facilitate in England and Wales the disposal of business in the Appeal Tribunal;</p> <p>(b) the Lord Chancellor requests the Lord Chief Justice to make such an appointment.</p> <p>(1A) The Lord Chief Justice may, after consulting the Lord Chancellor, appoint a qualified person as mentioned in subsection (1)(a).</p> <p>(1B) An appointment under this section is—</p> <p style="padding-left: 40px;">(a) for such period, or</p> <p style="padding-left: 40px;">(b) on such occasions,</p> <p>as the Lord Chief Justice determines, after consulting the Lord Chancellor.</p> <p>(2) In this section “qualified person” means a person who—</p>	<p>The provision provides the LC, following consultation with the LCJ or nominee, to determine that temporary additional judges may be appointed to the EAT in England and Wales.</p> <p>It further provides for the LCJ or nominee, after consultation with the LC, to appoint qualified persons as such judges and to determine the length of such appointment or the times on which the appointee sits,</p>	<p>Delegation in force from March 2007.</p> <p>The delegation was originally made to Lord Justice Carnwath in January 2007 until his appointment as Senior President of Tribunals in November 2007. From November 2007 until October 2009 the delegation was to the Senior President of Tribunals.</p>

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	<p>(a) is qualified for appointment as a judge of the High Court under section 10 of the Senior Courts Act 1981, or</p> <p>(b) has held office as a judge of the High Court or the Court of Appeal.</p> <p>(3) A person appointed to be a temporary additional judge of the Appeal Tribunal has all the functions of a judge nominated under section 22(1)(a).</p> <p>(4) 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 this section.</p>		
<p>Constitutional Reform Act 2005, section 108(3) and (7) (as amended)</p>	<p>Section 108 (Disciplinary powers)</p> <p>(1) Any power of the Lord Chancellor to remove a person from an office listed in Schedule 14 is exercisable only after the Lord Chancellor has complied with prescribed procedures (as well as any other requirements to which the power is subject).</p> <p>(2) The Lord Chief Justice may exercise any of the following powers but only with the agreement of the Lord Chancellor and only after complying with prescribed procedures.</p> <p>(3) The Lord Chief Justice may give a judicial office holder formal advice, or a formal warning or reprimand, for disciplinary purposes (but this section does not restrict what he may do informally or for other purposes or where any advice or warning is not addressed to a particular office holder).</p>	<p>The LCJ or nominee, with the agreement of the LC and following compliance with prescribed procedures may take disciplinary action in respect of members of the judiciary.</p> <p>The LCJ nominated the SPT to give formal advice or a formal warning and suspend judicial office holders during a period in which they are subject to disciplinary investigation. The nomination applies to the following judicial office holders: Chamber Presidents, Deputy Chamber Presidents, judges or members of the FTT and UT, ET, EAT and other Tribunal Office Holders listed in Schedule 6 of the Tribunal, Courts and Enforcement Act 2007.</p>	<p>Delegation in force from March 2007. It is apparent that this delegation was originally made prior to 1 October 2009 as it was revised at that time. The revision removed a delegation to issue reprimands.</p> <p>The delegation covered members of the Asylum and Immigration Tribunal until its jurisdiction was transferred to the First-tier and Upper Tribunal on 15 February 2010: The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010.</p> <p>The delegation also applied to those judicial office holders listed in the schedules to the Judicial Complaints (Tribunals) (No 2) Rules 2008 until its repeal.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(4) He may suspend a person from a judicial office for any period during which any of the following applies–</p> <ul style="list-style-type: none"> (a) the person is subject to criminal proceedings; (b) the person is serving a sentence imposed in criminal proceedings; (c) the person has been convicted of an offence and is subject to prescribed procedures in relation to the conduct constituting the offence. <p>(5) He may suspend a person from a judicial office for any period if–</p> <ul style="list-style-type: none"> (a) the person has been convicted of a criminal offence, (b) it has been determined under prescribed procedures that the person should not be removed from office, and (c) it appears to the Lord Chief Justice with the agreement of the Lord Chancellor that the suspension is necessary for maintaining confidence in the judiciary. <p>(6) He may suspend a person from office as a senior judge for any period during which the person is subject to proceedings for an Address.</p> <p>(7) He may suspend the holder of an office listed in Schedule 14 for any period during which the person–</p> <ul style="list-style-type: none"> (a) is under investigation for an offence, or (b) is subject to prescribed procedures. <p>(8) While a person is suspended under this section from any office he may not perform any of the functions of the office (but his other rights as holder of the office are not affected).</p>	<p>The delegation is limited such that any disciplinary decision concerning a judge of the High Court or Court of Appeal must be exercised by the Lord Chief Justice personally</p>	<p>The delegation was originally made to Lord Justice Carnwath in January 2007 until his appointment as Senior President of Tribunals in November 2007. From November 2007 until October 2009 the delegation was to the Senior President of Tribunals.</p> <p>The limit on the delegation in respect of action to be taken concerning a High Court or Court of Appeal judge in force from 14 December 2015.</p>
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Lord Chief Justice – Delegation of Statutory Functions

<p>Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 9(2)</p>	<p>Regulation 9 (Nominated judge)</p> <p>(1) A nominated judge means an office holder who is nominated by the Lord Chief Justice to deal with a case in accordance with rules made under regulation 7.</p> <p>(2) The Lord Chief Justice may nominate different office holders to deal with different cases or to deal with different aspects of the same case.</p> <p>(3) In a particular case, a nominated judge must be of at least the same rank as the office holder concerned.</p>	<p>The provision enables the LCJ or nominee to nominate a judge to deal with cases under rules made under regulation 7 of the Regulations.</p>	<p>Delegation in force from 3 November 2014.⁹</p> <p>The delegation is made under paragraph 20 of the Regulations.</p> <p>It replaces and supersedes the previous delegation made under paragraph 42 of The Judicial Discipline (Prescribed Procedures) Regulations 2006 (save as respect to matters that come within the scope of transitional provision set out at regulation 24 of the Regulations).</p>
<p>Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 10(2)</p>	<p>Regulation 10 (Investigating judge)</p> <p>(1) An investigating judge means an office holder or a former office holder who is nominated by the Lord Chief Justice to investigate a case in accordance with rules made under regulation 7.</p> <p>(2) The Lord Chief Justice may nominate different office holders to investigate different cases or to investigate different aspects of the same case.</p> <p>(3) An investigating judge must be of a higher rank than the office holder concerned.</p> <p>(4) In relation to a former office holder reference to their rank means the rank they held immediately before they ceased to hold office.</p>	<p>The provision enables the LCJ or nominee to appoint an investigating judge to carry out an investigation under rules made under Regulation 7.</p>	<p>Each reference to the Lord Chief Justice in the 2014 Regulations and 2014 Rules (see below) should, accordingly, be read as a reference to the Senior President of Tribunals, save i) where removal or reprimand is proposed; Or ii) where a complaint or investigation concerns a judge of the High Court or Court of Appeal is proposed. Where it is proposed to remove a Tribunal Office Holder from office, to personally reprimand them or to take any disciplinary action against a judge of the Senior Courts, the Lord Chief Justice will exercise those functions personally.</p>
<p>Judicial Discipline</p>	<p>Regulation 11 (Disciplinary panel)</p>	<p>The provision enables the LCJ or nominee to nominate members of a</p>	<p>Subject to the caveat above the Senior President of Tribunals will exercise</p>

⁹ **NB:** No delegations were made in respect of the Judicial Discipline (Prescribed Procedures) Regulations 2013 or The Judicial Conduct (Tribunals) Rules 2013.

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<p>(Prescribed Procedures) Regulations 2014, Regulation 11(3) and (4)</p>	<p>(1) A disciplinary panel is a panel consisting of—</p> <ul style="list-style-type: none"> (a) either an office holder or former office holder who is of a higher rank than the office holder concerned; (b) either an office holder or former office holder who is of the same rank as the office holder concerned; and (c) two other members, neither of whom has been— <ul style="list-style-type: none"> (i) an office holder, or (ii) a practising or employed lawyer. <p>(2) In relation to a former office holder, reference to their rank means the rank they held immediately before they ceased to hold office.</p> <p>(3) The Lord Chief Justice must nominate the members of a disciplinary panel under paragraph (1)(a) and (b).</p> <p>(4) The Lord Chancellor must nominate with the agreement of the Lord Chief Justice the other members in paragraph (1)(c).</p> <p>(5) A person is ineligible for membership of a disciplinary panel if that person has had any previous involvement in the disciplinary process relating to the case that is being referred to the disciplinary panel.</p> <p>(6) The office holder nominated under paragraph (1)(a) must chair the disciplinary panel and must exercise a casting vote if necessary.</p>	<p>disciplinary panel under regulation 11(1) (a) and (b). It further requires the LCJ to secure the LCJ or nominee’s agreement to the nomination of a panel member under regulation 11(1)(c).</p>	<p>these delegated functions in respect of complaints against Tribunal Office Holders who are a Chamber President, Deputy Chamber President, judge or member of the FTT and UT, ET, EAT and other Tribunal Office Holders listed in Schedule 6 of the Tribunal, Courts and Enforcement Act 2007.</p>
<p>Judicial Discipline (Prescribed Procedures)</p>	<p>Regulation 12 (Consideration of advice)</p> <p>Before making a decision under regulation 15 in relation to a case, the Lord Chancellor and the Lord Chief Justice must</p>	<p>The provision requires the LCJ or nominee to consider any advice received from whomsoever has carried out an</p>	

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<p>Regulations 2014, Regulation 12</p>	<p>consider any advice provided by a person who or a body that has conducted an investigation into a case in accordance with rules made under regulation 7.</p>	<p>investigation under rules made under regulation 7.</p>	
<p>Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 13(2)</p>	<p>Regulation 13 (Further investigation)</p> <p>(1) This regulation applies where the Lord Chancellor and the Lord Chief Justice have considered advice in accordance with regulation 12 and they require further investigation before making a decision under regulation 15.</p> <p>(2) If the Lord Chancellor and the Lord Chief Justice agree, they may refer a case to a person or body listed in paragraph (3) to further investigate.</p> <p>(3) The persons and bodies are—</p> <ul style="list-style-type: none"> (a) a nominated judge; (b) in relation to a tribunal member, a relevant President or their designate; (c) in relation to a magistrate, an advisory committee; (d) an investigating judge; or (e) a disciplinary panel. <p>(4) Any further investigation must be carried out in accordance with rules made under regulation 7.</p>	<p>The provision enables the LC and LCJ or nominee when they agree to refer a case for further investigation.</p>	
<p>Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 14(2) and (4)</p>	<p>Regulation 14 (Removal when other disciplinary power is recommended)</p> <p>(1) This regulation applies where—</p> <ul style="list-style-type: none"> (a) advice has been provided to the Lord Chief Justice and the Lord Chancellor by a person who or a body that has conducted an investigation into a 	<p>The provision provides, in specific circumstances, that the LC and LCJ or nominee must constitute a disciplinary panel and refer a complaint to it.</p> <p>It further provides that the LC and LCJ or nominee must consider any advice given</p>	

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	<p>case in accordance with rules made under regulation 7; and</p> <p>(b) that advice does not recommend the removal or suspension of an office holder from office but the Lord Chancellor and the Lord Chief Justice consider removal or suspension to be the appropriate disciplinary action.</p> <p>(2) The Lord Chancellor and the Lord Chief Justice must constitute a disciplinary panel and refer the complaint to it.</p> <p>(3) The disciplinary panel must—</p> <p>(a) investigate the case in accordance with rules made under regulation 7; and</p> <p>(b) advise the Lord Chancellor and the Lord Chief Justice whether disciplinary action should be taken, and if so, what disciplinary action should be taken.</p> <p>(4) The Lord Chancellor and the Lord Chief Justice must consider the advice provided by the disciplinary panel before making a decision in accordance with regulation 15.</p>	<p>by a disciplinary panel before taking any action under regulation 15.</p>	
<p>Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 15(2) and (3)</p>	<p>Regulation 15 (Decision)</p> <p>(1) This regulation applies where the Lord Chancellor and the Lord Chief Justice have considered advice in accordance with regulation 12 and decide either not to exercise, or exercise further, their powers in regulation 13 and regulation 14 does not apply.</p> <p>(2) The Lord Chancellor and the Lord Chief Justice may agree—</p> <p>(a) to dismiss a case; or</p> <p>(b) to take a particular disciplinary action.</p>	<p>Subject to the caveat below, this provides the LCJ or nominee, with the agreement of the LC, to take a variety of decisions in the light of advice received.</p> <p>This delegation is limited such that, if the Lord Chancellor proposes to exercise his power remove a Tribunal Office Holder from office he must seek the concurrence of the Lord Chief Justice. The Lord Chief Justice must concur personally.</p>	

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	<p>(3) Where a case is dismissed, the Lord Chancellor and the Lord Chief Justice may agree that—</p> <ul style="list-style-type: none"> (a) the alleged conduct took place but did not constitute misconduct; and (b) the Lord Chief Justice may deal with the matter informally. 	<p>The Lord Chief Justice must also agree personally to exercising his power to reprimand and give the reprimand. It is also limited such that any disciplinary decision concerning a judge of the High Court or Court of Appeal must be exercised by the Lord Chief Justice personally.</p>	
<p>Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 17(2) and (4)</p>	<p>Regulation 17 (Interim suspension)</p> <p>(1) Where a person or body conducting an investigation into a complaint or otherwise considers that the matter should be referred to the Lord Chief Justice with a view to the exercise of the power under section 108(7) of the Act to suspend the office holder on an interim basis, that person or body must send a report to that effect to the Lord Chief Justice and the Lord Chancellor.</p> <p>(2) If the Lord Chief Justice decides to suspend an office holder from their office under section 108(4)(a), (6) or (7) of the Act, the Lord Chief Justice must—</p> <ul style="list-style-type: none"> (a) notify the office holder of the suspension, the reasons for it and if the suspension is not immediate, the time when it comes into effect; (b) notify the office holder of the factors that will be taken into account in determining when the suspension will end; and (c) invite the office holder to make representations. <p>(3) The office holder must make any representations within ten business days of the notification under paragraph (1).</p> <p>(4) Where, after a suspension comes into effect, any of the factors which the Lord Chief Justice has indicated would be</p>	<p>The provision requires the LCJ or nominee to take a number of steps where the subject of a complaint or investigation is to be subject to an interim suspension.</p>	

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	<p>taken into account in accordance with paragraph (2)(b) become operative, or any other matter which the Lord Chief Justice and the Lord Chancellor consider relevant arises, the Lord Chief Justice and the Lord Chancellor must—</p> <ul style="list-style-type: none"> (a) decide whether continuation of the suspension is appropriate; (b) notify the office holder of their decision under sub-paragraph (a) and of the reasons for that decision; and (c) invite the office holder to make representations. <p>(5) The office holder must make any representations within ten business days of a notification under paragraph (3).</p>		
<p>Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 18(1)</p>	<p>Regulation 18 (Publication of decision)</p> <p>(1) The Lord Chancellor and the Lord Chief Justice may agree to the publication of information about disciplinary proceedings or the taking of disciplinary action.</p> <p>(2) Publication for this purpose means any form of communication which is addressed to an individual, a section of the public or the public at large.</p>	<p>The provision enables the LC and the LCJ or nominee to agree to publish information concerning disciplinary proceedings or action.</p> <p>This delegation is limited such that where it is proposed to remove a Tribunal Office Holder from office or to reprimand them, the Lord Chief Justice will exercise functions under this regulation personally. It is also limited such that any disciplinary decision concerning a judge of the High Court or Court of Appeal must be exercised by the Lord Chief Justice personally.</p>	
<p>Judicial Discipline (Prescribed Procedures)</p>	<p>Regulation 19 (Requirements in relation to reviews by the Ombudsman)</p>	<p>The provision requires the LCJ or nominee to provide the Ombudsman with certain information.</p>	

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<p>Regulations 2014, Regulation 19(2)</p>	<p>(1) If the Ombudsman requests from any person information for the purposes of a review carried out under section 111 of the Act, and such information is not provided within ten business days of the notification of the request, or within such other period as the Ombudsman indicates, they may—</p> <ul style="list-style-type: none"> (a) prepare their review without regard to that information, and (b) may disregard any representations made out of time by the person concerned. <p>(2) The Lord Chancellor, the Lord Chief Justice or any person or body conducting an investigation in accordance with rules made under regulation 7 must provide the Ombudsman with such information as the Ombudsman may reasonably require for the purposes of a review carried out under section 111 or section 113 of the Act(a).</p> <p>(3) Where the Ombudsman directs under section 111(7)(b) of the Act that an investigation should be undertaken or undertaken again, the case must be investigated in accordance with the rules made under regulation 7.</p>		
<p>Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 23(2)</p>	<p>Regulation 23 (Ceasing to hold office)</p> <p>(1) Subject to paragraphs (2) and (4), where the office holder concerned ceases to hold their office, consideration of the complaint under these Regulations or rules made under regulation 7 must cease.</p> <p>(2) The Lord Chancellor and the Lord Chief Justice may continue to deal with the case and then make a finding of misconduct in relation to the office holder concerned where the circumstances in paragraph (3) apply.</p> <p>(3) The circumstances are—</p>	<p>The provision enables the LC and LCJ or nominee to continue to deal with a case where its subject ceases to hold judicial office.</p>	

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	<p>(a) the office holder concerned ceases to hold their office;</p> <p>(b) a disciplinary panel or an investigating judge proposes to advise, or has advised, the Lord Chief Justice and the Lord Chancellor that the office holder concerned should be removed from holding their office; and</p> <p>(c) no decision has been made under regulation 15.</p> <p>(4) Paragraph (1) does not apply where—</p> <p>(a) the office holder concerned has ceased to hold their office; but</p> <p>(b) the Ombudsman directs under section 111(7)(b) of the Act that an investigation should be undertaken or undertaken again.</p>		
<p>The Judicial Conduct (Tribunals) Rules 2014¹⁰</p>	<p>All delegable powers under these Rules are delegated to the Senior President of Tribunals, subject to the caveat that where the exercise of a power concerns reprimands or removal from office and disciplinary actions against judges of the High Court or Court of Appeal the Lord Chief Justice must exercise those powers personally. Each reference to the Lord Chief Justice in the 2014 Rules should, accordingly, be read as a reference to the Senior President of Tribunals, save i) where removal or reprimand is proposed; and ii) where a complaint or investigation concerns a judge of the High Court or Court of Appeal is proposed. Where it is proposed to remove a Tribunal Office Holder from office, to personally reprimand them or take any disciplinary action against a judge of the Senior Courts, the Lord Chief Justice will exercise those functions personally.</p> <p>Subject to the caveat above the Senior President of Tribunals will exercise these delegated functions in respect of complaints against Tribunal Office Holders specified in column 1 of Schedule 1 to the Rules</p>	<p>Delegation in force from 3 November 2014.</p> <p>The delegation is made under paragraph 123 of the Rules.</p> <p>It replaces and supersedes the previous delegation made under paragraph 42 of The Judicial Discipline (Prescribed Procedures) Regulations 2006 (save as respect to matters that come within the scope of transitional provision set out at regulation 24 of the Regulations).</p>	

¹⁰ See http://judicialconduct.judiciary.gov.uk/documents/Judicial_Conduct_Tribunals_Rules_2014.pdf.

Lord Chief Justice – Delegation of Statutory Functions

Delegation to the senior of the Vice-President of the Court of Appeal (Criminal Division)

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Senior Courts Act 1981, section 56B(1) (as amended)</p>	<p>Section 56B (Allocation of cases in criminal division.)</p> <p>(1) The appeals or classes of appeals suitable for allocation to a court of the criminal division of the Court of Appeal in which a Circuit judge is acting under section 9 shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice after consulting the Lord Chancellor.</p> <p>(2) In subsection (1) “appeal” includes the hearing of, or any application in proceedings incidental or preliminary to, an appeal.</p>	<p>The provision enables the LCJ, or the LCJ’s nominee, after consulting the LC to give directions concerning the suitability of appeals or classes of appeal to the CACD which may be allocated to Circuit Judges.</p>	<p>Delegation in force from 14 December 2015.</p> <p>(This delegation was previously made to the President of the Queen’s Bench Division from April 2006 to November 2008.)</p>

Lord Chief Justice – Delegation of Statutory Functions

Delegation to the senior of the Presiding Judges for the Circuits of the Bar of England and Wales¹¹

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Senior Courts Act 1981, section 100(1) (as amended)</p>	<p>Section 100 (Assignment of District Judges (of the High Court))</p> <p>(1) The Lord Chief Justice, after consulting the Lord Chancellor–</p> <p style="padding-left: 40px;">(a) may assign a district judge to one or more district registries;</p> <p style="padding-left: 40px;">(b) may change an assignment so as to assign the district judge to a different district registry or registries (or to no district registry).</p> <p>(2) A reference in any enactment or other instrument to the district judge of a district registry is a reference to any district judge assigned to the registry concerned.</p> <p>(3) Every district judge is, by virtue of his office, capable of acting in any district registry whether or not assigned to it, but may do so only in accordance with arrangements made by or on behalf of the Lord Chief Justice.</p> <p>(4) Whilst a district judge is assigned to one or more district registries in accordance with subsection (1) he is a district judge of the High Court.</p>	<p>The provision enables the LCJ, or the LCJ’s nominee, after consulting the LC to assign a district judge of the High Court to a High Court district registry, to change that assignment.</p>	<p>Delegation in force from August 2007, in the light of the introduction of s100(5) of the 1981 Act following amendments contained in the Tribunals, Courts and Enforcement Act 2007.</p>

¹¹ The Circuits are: South Eastern; Midland; Northern; North Eastern; and the, Western.

Lord Chief Justice – Delegation of Statutory Functions

	<p>(5) 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 (1).</p>		
<p>Senior Courts Act 1981, section 102 (as amended)</p>	<p>Section 102 (Deputy district judges of the High Court)</p> <p>(1) If it appears to the Lord Chief Justice that it is expedient to do so in order to facilitate the disposal of business in the High Court or any other court or tribunal to which a person appointed under this subsection may be deployed, he may appoint a person to be a deputy district judge.</p> <p>(1A) A person is qualified for appointment under subsection (1) only if the person–</p> <p>(a) is qualified for appointment as a district judge, or</p> <p>(b) holds, or has held, the office of district judge.</p> <p>(1B) The Lord Chief Justice may not appoint a person under subsection (1) without the concurrence of the Lord Chancellor if the person–</p> <p>(a) holds the office of district judge, or</p> <p>(b) ceased to hold the office of district judge within two years ending with the date when the appointment takes effect.</p> <p>(1C) Section 85 of the Constitutional Reform Act 2005 (c. 4) (selection of certain office holders) does not apply to an appointment to which subsection (1B) applies.</p>	<p>The section contains three provisions that are capable of delegation: see next column for details.</p>	<p>The section has been subject to amendment in both 2007 via the Tribunals, Courts and Enforcement Act 2007, and in 2013, via the Crime and Courts Act 2013.</p> <p>(1) From August 2007 until 1 October 2013, two powers under section 102(1) and (2) and section 102(4A) and as then in force were delegated to the senior of the Presiding Judges. Those powers were</p> <p>(i) the concurrence role, which required the LC to seek the LCJ or the LCJ’s nominee’s consent, prior to appointed a person as a deputy district judge of the High Court.</p> <p>(ii) the power to assign a deputy district judge of the High Court to a district registry of the High Court, and to vary that assignment.</p> <p>Upon the amendment of the statutory provision these delegations ceased to be in force.</p> <p>(2) From 1 October 2013, the following power is delegated: to</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(3) No appointment to which subsection (1B) applies shall be such as to extend beyond the day on which the person in question attains the age of seventy-five years.</p> <p>(4A) The Lord Chief Justice, after consulting the Lord Chancellor—</p> <p>(a) may assign a deputy district judge appointed under this section to one or more district registries;</p> <p>(b) may change an assignment so as to assign the deputy district judge to a different district registry or registries (or to no district registry).</p> <p>(4B) A deputy district judge appointed under this section and assigned to a district registry has, while acting under his assignment, the same jurisdiction as a district judge assigned to that registry.</p> <p>(4C) Every deputy district judge appointed under this section is, by virtue of his office, capable of acting as a district judge in any district registry to which he is not assigned, but may act in a district registry to which he is not assigned only in accordance with arrangements made by or on behalf of the Lord Chief Justice.</p> <p>(5) Subsection (6) of section 91 applies in relation to a deputy district judge appointed under this section as it applies in relation to a person appointed under that section.</p> <p>(5ZA) A person appointed under this section may be removed from office as a deputy district judge—</p> <p>(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and</p> <p>(b) only on—</p>		<p>assign deputy district judges of the High Court to district registries of the High Court under s102(4A).</p>
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(i) the ground of inability or misbehaviour, or (ii) a ground specified in the person's terms of appointment.</p> <p>(5ZB) Subject to subsection (5ZC), the term of a person's appointment under this section (including a term already extended under this subsection) must be extended by the Lord Chancellor before its expiry.</p> <p>(5ZC) Extension under subsection (5ZB)—</p> <p>(a) requires the person's agreement, (b) is to be for such term as the Lord Chancellor thinks fit, and and (c) may be refused on—</p> <p style="padding-left: 40px;">(i) the ground of inability or misbehaviour, or (ii) a ground specified in the person's terms of appointment,</p> <p>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.</p> <p>(5ZD) 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 in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.</p> <p>(5ZE) 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 (5ZA)(a).</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	(5A) 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 (4A).		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to the senior Presiding Judge for the Wales¹²

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Welsh Language Act 1993, section 23</p>	<p>Section 23 (Oaths and affirmations)</p> <p>(1) The Lord Chancellor may, after consulting the Lord Chief Justice of England and Wales, make rules prescribing a translation in the Welsh language of any form for the time being prescribed by law as the form of any oath or affirmation to be administered and taken or made by any person in any court, and an oath or affirmation administered and taken or made in any court in Wales in the translation prescribed by such rules shall, without interpretation, be of the like effect as if it had been administered and taken or made in the English language.</p> <p>(2) 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 this section.</p>	<p>The provision requires the LC to consult the LCJ, or the LCJ's nominee, before making rules concerning Welsh language translations of any oath or affirmation taken in court or administered, taken or made in any court in Wales.</p>	<p>Delegation in force from April 2006.</p>

¹² Previously the Wales and Chester Circuit

Lord Chief Justice – Delegation of Statutory Functions

Delegation to the judge in charge of the Technology and Construction Court (TCC)

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Courts Act 1971, section 24(1)(a) (as amended)</p>	<p>Section 24 (Deputy Circuit judges)</p> <p>(1) If it appears to him that it is expedient as a temporary measure to make an appointment under this section in order to facilitate the disposal of business in the Crown Court or county court or any other court or tribunal to which a person appointed under this subsection may be deployed or official referees' business in the High Court —</p> <p>(a) the Lord Chief Justice may, with the concurrence of the Lord Chancellor appoint to be a deputy Circuit judge, during such period or on such occasions as the Lord Chancellor thinks fit, any person who has held office as a judge of the Court of Appeal or of the High Court or as a Circuit judge.</p> <p>(1A) No appointment of a person under subsection (1) above shall be such as to, or be extended under subsection (5B) below so as to, extend—</p> <p style="padding-left: 40px;">(a) beyond the day on which he attains the age of seventy-five.</p> <p>(2) Except as provided by subsection (3) below, during the period or on the occasions for which a deputy Circuit judge is appointed under this section he shall be treated for all purposes as, and accordingly may perform any of the functions of, a Circuit judge.</p>	<p>The provision provides the LCJ or nominee, with the LC's concurrence to appoint deputy Circuit Judges. It further requires the LC to obtain the agreement of the LCJ or nominee where a deputy Circuit judge is to be removed from office or where their appointment is to be extended.</p> <p>The LCJ's powers are delegated to the Judge in charge of the TCC in so far as it relates to the appointment of deputy Circuit Judges to sit in the TCC i.e., to deal with official referees' business in the High Court.</p>	<p>Delegation in respect of s24(1)(a) in force from 01 October 2013.</p> <p>Delegation in respect of s24(5A)(a) and s24(5C) in force from 14 December 2015.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(3) A deputy Circuit judge appointed under this section shall not be treated as a Circuit judge for the purpose of any provision made by or under any enactment and relating to the appointment, retirement, removal or disqualification of Circuit judges, the tenure of office and oaths, to be taken by such judges, or the remuneration, allowances or pensions of such judges.</p> <p>...</p> <p>(5) There shall be paid out of money provided by Parliament to deputy Circuit judges appointed under this section such remuneration and allowances as the Lord Chancellor may, with the approval of the Minister for the Civil Service, determine.</p> <p>(5A) A person may be removed from office as a deputy Circuit judge—</p> <ul style="list-style-type: none">(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and(b) only on—<ul style="list-style-type: none">(i) the ground of inability or misbehaviour, or(ii) a ground specified in the person's terms of appointment. <p>(5B) Subject to subsections (1A) and (5C), the Lord Chancellor must extend the period of a person's appointment as a deputy Circuit judge (including a period already extended under this subsection) before its expiry; and for this purpose a person appointed to be a deputy Circuit judge on certain occasions is to be treated as having</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>been appointed for a period that expires when the occasions end.</p> <p>(5C) Extension under subsection (5B)—</p> <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (i) the ground of inability or misbehaviour, or (ii) a ground specified in the person's terms of appointment, <p>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.</p> <p>(5D) Subject to the preceding provisions of this section, a person appointed under this section is to hold and vacate office as a deputy Circuit judge in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.</p> <p>(6) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005 to exercise his functions under subsection (1)(a) or (5A)(a).</p>		
<p>Senior Courts Act 1981, section 68(1)(a) and (6) (as amended)</p>	<p>Section 68 (Exercise of High Court jurisdiction otherwise than by judges of that court.)</p> <p>(1) Provision may be made by rules of court as to the cases in which jurisdiction of the High Court may be exercised by—</p>	<p>The provision under section 68(1)(a) requires the LCJ or nominee, to consult the LC before nominating Circuit judges, deputy Circuit judges or Recorders to deal with official referees' business.</p>	<p>Delegation in force from April 2006.</p>

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<p>(a) such Circuit judges, deputy Circuit judges or Recorders as the Lord Chief Justice may, after consulting the Lord Chancellor, from time to time nominate to deal with official referees' business; or</p> <p>(b) special referees;</p> <p>(2) Without prejudice to the generality of subsection (1), rules of court may in particular—</p> <p>...</p> <p>(b) authorise any question arising in any cause or matter to be referred to a special referee for inquiry and report.</p> <p>(3) Rules of court shall not authorise the exercise of powers of attachment and committal by a special referee or any officer or other staff of the court.</p> <p>(4) Subject to subsection (5), the decision of</p> <p>(a) any such person as is mentioned in subsection (1)</p> <p>or</p> <p>(b) any officer or other staff of the court</p> <p>may be called in question in such manner as may be prescribed by rules of court, whether by appeal to the Court of Appeal, or by an appeal or application to a divisional court or a judge in court or a judge in chambers, or by an adjournment to a judge in court or a judge in chambers.</p> <p>(5) Rules of court may provide either generally or to a limited extent for decisions of persons nominated under subsection (1)(a) being called in question only by appeal on a question of law.</p>	<p>NB: since 1998 official referees' business has been business conducted in the TCC and official referees have been, and are, judges of the TCC and official referees' business is carried out in the TCC: see <i>White Book 2015</i> Vol. 2, notes to CPR Pt 60.</p> <p>The power under section 68(6) requires the LCJ or nominee, to consult the LC before giving directions concerning the distribution of official referees' business. The direction power is subject to any rules of court set out within the Civil Procedure Rules 1998.</p>
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	<p>(6) The cases in which jurisdiction of the High Court may be exercised by persons nominated under subsection (1)(a) shall be known as “official referees' business”; and, subject to rules of court, the distribution of official referees' business among persons so nominated shall be determined in accordance with directions given by the Lord Chief Justice after consulting the Lord Chancellor.</p> <p>(7) Any reference to an official referee in any enactment, whenever passed, or in rules of court or any other instrument or document, whenever made, shall, unless the context otherwise requires, be construed as, or (where the context requires) as including a reference to a person nominated under subsection (1)(a).</p> <p>(8) 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 subsections (1)(a) and (6).</p>		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to Deputy Head of Civil Justice

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Terrorism Act 2000, schedule 3, paragraph 4 (as amended)</p>	<p>Schedule 3, paragraph 4 (Proscribed Organisations Appeal Commission)</p> <p>(1) The Commission shall sit at such times and in such places as the Lord Chancellor may direct after consulting the following</p> <p style="padding-left: 40px;">(a) the Lord Chief Justice of England and Wales; (b) . . . (c) . . .</p> <p>(2) . . . (3) . . .</p> <p>(4) 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 this paragraph.</p> <p>(5) . . . (6) . . .</p>	<p>The provision requires the LC to consult the LCJ, of the LCJ's nominee, before directing when and where the Proscribed Organisations Appeal Commission may sit.</p>	<p>Delegation in force from April 2006 to 1 October 2014. Lord Justice Maurice Kay delegatee.</p> <p>Delegation in force from 15 December 2015 to the deputy Head of Civil Justice.</p> <p>The deputy Head of Civil Justice was and is:</p> <p>(i) Lord Justice Richards, from 15 December 2015 to 31 December 2015; (ii) Lord Justice Briggs from 1 January 2016 to 1 October 2017; (iii) Lord Justice Coulson from March 2018</p>
<p>Anti-terrorism, Crime and Security Act 2001, schedule 6, paragraph 4 (as amended)</p>	<p>Schedule 6, paragraph 4 (The Pathogens Access Appeal Commission)</p> <p>(1) The Commission shall sit at such times and in such places as the Lord Chancellor may direct after consulting the following–</p>	<p>The provision requires the LC to consult the LCJ, of the LCJ's nominee, before directing when and where the Pathogens Access Appeal Commission may sit.</p>	<p>Delegation in force from April 2006 to 1 October 2014. Lord Justice Maurice Kay delegatee.</p> <p>Delegation in force from 15 December 2015 to the deputy Head of Civil Justice.</p>

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	<p>(a) the Lord Chief Justice of England and Wales; (b) ... (c) ...</p> <p>(2) ... (3) ...</p> <p>(4) 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 subparagraph (1).</p> <p>(5) ... (6) ...</p>		<p>The deputy Head of Civil Justice was and is:</p> <p>(i) Lord Justice Richards, from 15 December 2015 to 31 December 2015;</p> <p>(ii) Lord Justice Briggs from 1 January 2016 to 1 October 2017;</p> <p>(iii) Lord Justice Coulson from March 2018.</p>
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Lord Chief Justice – Delegation of Statutory Functions

Delegation concerning Magistrates Disciplinary Matters

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 9(2)	Regulation 9 (Nominated judge) (1) A nominated judge means an office holder who is nominated by the Lord Chief Justice to deal with a case in accordance with rules made under regulation 7. (2) The Lord Chief Justice may nominate different office holders to deal with different cases or to deal with different aspects of the same case. (3) In a particular case, a nominated judge must be of at least the same rank as the office holder concerned.	The provision enables the LCJ or nominee to nominate a judge to deal with cases under rules made under regulation 7 of the Regulations.	Delegation in force from 1 October 2016. The delegation is made under paragraph 20 of the Regulations. The LCJ's delegate was and is: <ul style="list-style-type: none"> • Holroyde J from November 2010 until 30 September 2016; • Cheema-Grubb J from 1 October 2016 to 30 September 2019.
Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 10(2)	Regulation 10 (Investigating judge) (1) An investigating judge means an office holder or a former office holder who is nominated by the Lord Chief Justice to investigate a case in accordance with rules made under regulation 7. (2) The Lord Chief Justice may nominate different office holders to investigate different cases or to investigate different aspects of the same case. (3) An investigating judge must be of a higher rank than the office holder concerned.	The provision enables the LCJ or nominee to appoint an investigating judge to carry out an investigation under rules made under Regulation 7.	

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	<p>(4) In relation to a former office holder reference to their rank means the rank they held immediately before they ceased to hold office.</p>		
<p>Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 11(3) and (4)</p>	<p>Regulation 11 (Disciplinary panel)</p> <p>(1) A disciplinary panel is a panel consisting of—</p> <ul style="list-style-type: none"> (a) either an office holder or former office holder who is of a higher rank than the office holder concerned; (b) either an office holder or former office holder who is of the same rank as the office holder concerned; and (c) two other members, neither of whom has been— <ul style="list-style-type: none"> (i) an office holder, or (ii) a practising or employed lawyer. <p>(2) In relation to a former office holder, reference to their rank means the rank they held immediately before they ceased to hold office.</p> <p>(3) The Lord Chief Justice must nominate the members of a disciplinary panel under paragraph (1)(a) and (b).</p> <p>(4) The Lord Chancellor must nominate with the agreement of the Lord Chief Justice the other members in paragraph (1)(c).</p> <p>(5) A person is ineligible for membership of a disciplinary panel if that person has had any previous involvement in the disciplinary process relating to the case that is being referred to the disciplinary panel.</p>	<p>The provision enables the LCJ or nominee to nominate members of a disciplinary panel under regulation 11(1) (a) and (b). It further requires the LC to secure the LCJ or nominee’s agreement to the nomination of a panel member under regulation 11(1)(c).</p>	

Lord Chief Justice – Delegation of Statutory Functions

	(6) The office holder nominated under paragraph (1)(a) must chair the disciplinary panel and must exercise a casting vote if necessary.		
Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 12	<p>Regulation 12 (Consideration of advice)</p> <p>Before making a decision under regulation 15 in relation to a case, the Lord Chancellor and the Lord Chief Justice must consider any advice provided by a person who or a body that has conducted an investigation into a case in accordance with rules made under regulation 7.</p>	The provision requires the LCJ or nominee to consider any advice received from whomsoever has carried out an investigation under rules made under regulation 7.	
Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 13(2)	<p>Regulation 13 (Further investigation)</p> <p>(1) This regulation applies where the Lord Chancellor and the Lord Chief Justice have considered advice in accordance with regulation 12 and they require further investigation before making a decision under regulation 15.</p> <p>(2) If the Lord Chancellor and the Lord Chief Justice agree, they may refer a case to a person or body listed in paragraph (3) to further investigate.</p> <p>(3) The persons and bodies are—</p> <ul style="list-style-type: none"> (a) a nominated judge; (b) in relation to a tribunal member, a relevant President or their designate; (c) in relation to a magistrate, an advisory committee; (d) an investigating judge; or (e) a disciplinary panel. <p>(4) Any further investigation must be carried out in accordance with rules made under regulation 7.</p>	The provision enables the LC and LCJ or nominee when they agree to refer a case for further investigation.	

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<p>Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 14(2) and (4)</p>	<p>Regulation 14 (Removal when other disciplinary power is recommended)</p> <p>(1) This regulation applies where—</p> <p style="padding-left: 20px;">(a) advice has been provided to the Lord Chief Justice and the Lord Chancellor by a person who or a body that has conducted an investigation into a case in accordance with rules made under regulation 7; and</p> <p style="padding-left: 20px;">(b) that advice does not recommend the removal or suspension of an office holder from office but the Lord Chancellor and the Lord Chief Justice consider removal or suspension to be the appropriate disciplinary action.</p> <p>(2) The Lord Chancellor and the Lord Chief Justice must constitute a disciplinary panel and refer the complaint to it.</p> <p>(3) The disciplinary panel must—</p> <p style="padding-left: 20px;">(a) investigate the case in accordance with rules made under regulation 7; and</p> <p style="padding-left: 20px;">(b) advise the Lord Chancellor and the Lord Chief Justice whether disciplinary action should be taken, and if so, what disciplinary action should be taken.</p> <p>(4) The Lord Chancellor and the Lord Chief Justice must consider the advice provided by the disciplinary panel before making a decision in accordance with regulation 15.</p>	<p>The provision provides, in specific circumstances, that the LC and LCJ or nominee must constitute a disciplinary panel and refer a complaint to it.</p> <p>It further provides that the LC and LCJ or nominee must consider any advice given by a disciplinary panel before taking any action under regulation 15.</p>	
<p>Judicial Discipline</p>	<p>Regulation 17 (Interim suspension)</p>	<p>The provision requires the LCJ or nominee to take a number of steps where</p>	

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<p>(Prescribed Procedures) Regulations 2014, Regulation 17(2) and (4)</p>	<p>(1) Where a person or body conducting an investigation into a complaint or otherwise considers that the matter should be referred to the Lord Chief Justice with a view to the exercise of the power under section 108(7) of the Act to suspend the office holder on an interim basis, that person or body must send a report to that effect to the Lord Chief Justice and the Lord Chancellor.</p> <p>(2) If the Lord Chief Justice decides to suspend an office holder from their office under section 108(4)(a), (6) or (7) of the Act, the Lord Chief Justice must—</p> <ul style="list-style-type: none"> (a) notify the office holder of the suspension, the reasons for it and if the suspension is not immediate, the time when it comes into effect; (b) notify the office holder of the factors that will be taken into account in determining when the suspension will end; and (c) invite the office holder to make representations. <p>(3) The office holder must make any representations within ten business days of the notification under paragraph (1).</p> <p>(4) Where, after a suspension comes into effect, any of the factors which the Lord Chief Justice has indicated would be taken into account in accordance with paragraph (2)(b) become operative, or any other matter which the Lord Chief Justice and the Lord Chancellor consider relevant arises, the Lord Chief Justice and the Lord Chancellor must—</p> <ul style="list-style-type: none"> (a) decide whether continuation of the suspension is appropriate; (b) notify the office holder of their decision under sub-paragraph (a) and of the reasons for that decision; and (c) invite the office holder to make representations. 	<p>the subject of a complaint or investigation is to be subject to an interim suspension.</p>	
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(5) The office holder must make any representations within ten business days of a notification under paragraph (3).</p>		
<p>Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 19(2)</p>	<p>Regulation 19 (Requirements in relation to reviews by the Ombudsman)</p> <p>(1) If the Ombudsman requests from any person information for the purposes of a review carried out under section 111 of the Act, and such information is not provided within ten business days of the notification of the request, or within such other period as the Ombudsman indicates, they may—</p> <ul style="list-style-type: none"> (a) prepare their review without regard to that information, and (b) may disregard any representations made out of time by the person concerned. <p>(2) The Lord Chancellor, the Lord Chief Justice or any person or body conducting an investigation in accordance with rules made under regulation 7 must provide the Ombudsman with such information as the Ombudsman may reasonably require for the purposes of a review carried out under section 111 or section 113 of the Act(a).</p> <p>(3) Where the Ombudsman directs under section 111(7)(b) of the Act that an investigation should be undertaken or undertaken again, the case must be investigated in accordance with the rules made under regulation 7.</p>	<p>The provision requires the LCJ or nominee to provide the Ombudsman with certain information.</p>	

Lord Chief Justice – Delegation of Statutory Functions

Delegation to the President of Welsh Tribunals

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Mental Health Review Tribunal for Wales Rules 2008/2705, rule 11(2)</p>	<p>Rule 11 - Appointment of the tribunal</p> <p>11.—(1) A person shall not be qualified to serve as a member of a Tribunal for the purpose of any proceedings where—</p> <p style="padding-left: 40px;">(a) that person is a member, director or registered person (as the case may be) of the responsible authority concerned in the proceedings; or</p> <p style="padding-left: 40px;">(b)that person is a member or director of a local health board or National Health Service trust which has the right to discharge the patient under section 23(3) of the Act; or</p> <p style="padding-left: 40px;">(c) the chairman or, as the case may be, president of the Tribunal considers that that person appears to have a conflict of interest or bias of opinion in respect of the patient, or any other member of that Tribunal or party to the proceedings, or has recently been involved with the medical treatment of the patient in a professional capacity.</p> <p>(2) The persons qualified to serve as president of the Tribunal for the consideration of an application or reference relating to a restricted patient shall be restricted to those legal members who have been approved for that purpose by the Lord Chief Justice after consulting the Lord Chancellor.</p>	<p>The provision enables the LCJ or nominee approve the the appointment of legal members of the Tribunal who can consider applications or references relating to restricted patients.</p>	<p>Delegation in force from 27 February 2018.</p>

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	(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005(1)) to exercise his functions referred to in paragraph (2).		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to the Resident Judges

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Courts Act 2003, section 67B(5)</p>	<p>Section 67B (Authorisation to exercise relevant judicial functions)</p> <p>(1) Rules of court may provide for the exercise of relevant judicial functions by persons who—</p> <p style="padding-left: 40px;">(a) are appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007, and</p> <p style="padding-left: 40px;">(b) satisfy any requirements specified in the rules as to qualifications or experience.</p> <p>(2) A person may exercise functions by virtue of subsection (1) only if authorised to do so by the Lord Chief Justice.</p> <p>(3) Such a person is referred to in this Part as an “authorised person”.</p> <p>(4) An authorisation under subsection (2)—</p> <p style="padding-left: 40px;">(a) may be subject to conditions, and</p> <p style="padding-left: 40px;">(b) may be varied or revoked by the Lord Chief Justice at any time.</p> <p>(5) The Lord Chief Justice may nominate one or more of the following to exercise the Lord Chief Justice's functions under the preceding provisions of this section—</p>	<p>The provision provides the LCJ or nominee to authorise a judicial officer holder or HMCTS staff member person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007 to authorise HMCTS staff members to exercise such judicial functions as provided for in rules of court.</p> <p>The Resident Judges are the LCJ’s delegates in respect of authorisations under the Criminal Procedure Rules r.2.7.</p>	<p>Delegation in force from 6 April 2020.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) a judicial office holder; (b) a person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007.</p> <p>(6) A person nominated under subsection (5)(b) to exercise functions of the Lord Chief Justice is not subject to the direction of any person other than—</p> <p>(a) the Lord Chief Justice, or (b) a judicial office holder nominated by the Lord Chief Justice,</p> <p>when exercising the functions.</p> <p>(7) Nothing in this Part is to be taken to affect the generality of any enactment conferring powers to make rules of court.</p>		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to the Designated Civil Judges for Northampton and Leicester Trial Centre and for Greater Manchester

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Courts Act 2003, section 67B(5)</p>	<p>Section 67B (Authorisation to exercise relevant judicial functions)</p> <p>(1) Rules of court may provide for the exercise of relevant judicial functions by persons who—</p> <p style="padding-left: 40px;">(a) are appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007, and</p> <p style="padding-left: 40px;">(b) satisfy any requirements specified in the rules as to qualifications or experience.</p> <p>(2) A person may exercise functions by virtue of subsection (1) only if authorised to do so by the Lord Chief Justice.</p> <p>(3) Such a person is referred to in this Part as an “authorised person”.</p> <p>(4) An authorisation under subsection (2)—</p> <p style="padding-left: 40px;">(a) may be subject to conditions, and</p> <p style="padding-left: 40px;">(b) may be varied or revoked by the Lord Chief Justice at any time.</p> <p>(5) The Lord Chief Justice may nominate one or more of the following to exercise the Lord Chief Justice's functions under the preceding provisions of this section—</p>	<p>The provision provides the LCJ or nominee to authorise a judicial officer holder or HMCTS staff member person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007 to authorise HMCTS staff members to exercise such judicial functions as provided for in rules of court.</p> <p>The Designated Civil Judges for Northampton and Leicester Trial Centre and for Greater Manchester are the LCJ’s delegates in respect of authorisations under Part 2 of the Civil Procedure Rules.</p>	<p>Delegation in force from 7 April 2020.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) a judicial office holder; (b) a person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007.</p> <p>(6) A person nominated under subsection (5)(b) to exercise functions of the Lord Chief Justice is not subject to the direction of any person other than—</p> <p>(a) the Lord Chief Justice, or (b) a judicial office holder nominated by the Lord Chief Justice,</p> <p>when exercising the functions.</p> <p>(7) Nothing in this Part is to be taken to affect the generality of any enactment conferring powers to make rules of court.</p>		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to the Registrar of Criminal Appeals

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Courts Act 2003, section 67B(5)</p>	<p>Section 67B (Authorisation to exercise relevant judicial functions)</p> <p>(1) Rules of court may provide for the exercise of relevant judicial functions by persons who—</p> <p style="padding-left: 40px;">(a) are appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007, and</p> <p style="padding-left: 40px;">(b) satisfy any requirements specified in the rules as to qualifications or experience.</p> <p>(2) A person may exercise functions by virtue of subsection (1) only if authorised to do so by the Lord Chief Justice.</p> <p>(3) Such a person is referred to in this Part as an “authorised person”.</p> <p>(4) An authorisation under subsection (2)—</p> <p style="padding-left: 40px;">(a) may be subject to conditions, and</p> <p style="padding-left: 40px;">(b) may be varied or revoked by the Lord Chief Justice at any time.</p> <p>(5) The Lord Chief Justice may nominate one or more of the following to exercise the Lord Chief Justice's functions under the preceding provisions of this section—</p>	<p>The provision provides the LCJ or nominee to authorise a judicial officer holder or HMCTS staff member person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007 to authorise HMCTS staff members to exercise such judicial functions as provided for in rules of court.</p> <p>The Registrar of Criminal Appeals is the LCJ’s delegates in respect of authorisations under the Criminal Procedure Rules r.2.5.</p>	<p>Delegation in force from 6 April 2020.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) a judicial office holder; (b) a person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007.</p> <p>(6) A person nominated under subsection (5)(b) to exercise functions of the Lord Chief Justice is not subject to the direction of any person other than—</p> <p>(a) the Lord Chief Justice, or (b) a judicial office holder nominated by the Lord Chief Justice,</p> <p>when exercising the functions.</p> <p>(7) Nothing in this Part is to be taken to affect the generality of any enactment conferring powers to make rules of court.</p>		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to the HMCTS Heads of Legal Operations

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Matrimonial and Family Proceedings Act 1984, section 31O(6)</p>	<p>Section 31O (Function of giving legal advice to judges)</p> <p>(1) The Lord Chief Justice may authorise a person—</p> <p style="padding-left: 40px;">(a) to give advice to judges of the family court about matters of law (including procedure and practice) on questions arising in connection with the discharge by them of functions conferred on them or the court, including questions arising when the person is not personally attending on them, and</p> <p style="padding-left: 40px;">(b) to bring to the attention of judges of the family court, at any time when the person thinks appropriate, any point of law (including procedure and practice) that is or may be involved in any question so arising.</p> <p>(2) The Lord Chief Justice may authorise a person under subsection (1) only if the person—</p> <p style="padding-left: 40px;">(a) is appointed under section 2(1) of the Courts Act 2003 or section 40(1) of the Tribunals, Courts and Enforcement Act 2007, and</p> <p style="padding-left: 40px;">(b) has such qualifications as may be prescribed by regulations made by the Lord Chancellor with the agreement of the Lord Chief Justice.</p> <p>(3) An authorisation under subsection (1)—</p>	<p>There are two delegations under this provision:</p> <p>(1) The provision provides the LCJ or nominee to authorise a judicial officer holder or HMCTS staff member person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007 to exercise the function of authorising court officers to provide legal advice to judges of the family court under s.31O(1) Matrimonial and Family Proceedings Act 1984.</p> <p>The Heads of Legal Operations are the LCJ’s delegate for this purpose.</p> <p>(2) The provision provides the LCJ or nominee to authorise a judicial officer holder or HMCTS staff member person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007 to exercise the function of authorising court officers the power to give directions to court officers who are authorised to provide legal advice to judges of the family court</p>	<p>Delegation in force from 6 April 2020.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) may be subject to conditions, and (b) may be varied or revoked by the Lord Chief Justice at any time.</p> <p>(4) The Lord Chief Justice may give directions to a person authorised to exercise functions under subsection (1).</p> <p>(5) Apart from such directions, a person authorised to exercise functions under subsection (1) is not subject to the direction of the Lord Chancellor or any other person when exercising the functions.</p> <p>(6) The Lord Chief Justice may nominate one or more of the following to exercise the Lord Chief Justice's functions under the preceding provisions of this section—</p> <p style="padding-left: 40px;">(a) a judicial office holder; (b) a person appointed under section 2(1) of the Courts Act 2003 or section 40(1) of the Tribunals, Courts and Enforcement Act 2007.</p> <p>(7) A person nominated under subsection (6)(b) to exercise functions of the Lord Chief Justice is not subject to the direction of any person other than—</p> <p style="padding-left: 40px;">(a) the Lord Chief Justice, or (b) a judicial office holder nominated by the Lord Chief Justice,</p> <p>when exercising the functions.</p> <p>(8) In this section “judicial office holder” has the meaning given by section 109(4) of the Constitutional Reform Act 2005.</p>	<p>under s.310(4) Matrimonial and Family Proceedings Act 1984.</p> <p>The Heads of Legal Operations are the LCJ’s delegate for this purpose.</p>	
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Lord Chief Justice – Delegation of Statutory Functions

<p>Courts Act 2003, section 28(5)</p>	<p>Section 28 (Function of giving legal advice to justices of the peace)</p> <p>(1) The Lord Chief Justice may authorise a person—</p> <p style="padding-left: 40px;">(a) to give advice to justices of the peace about matters of law (including procedure and practice) on questions arising in connection with the discharge of their functions, including questions arising when the person is not personally attending on them, and</p> <p style="padding-left: 40px;">(b) to bring to the attention of justices of the peace, at any time when the person thinks appropriate, any point of law (including procedure and practice) that is or may be involved in any question so arising.</p> <p>(2) For the purposes of subsection (1), the functions of justices of the peace do not include functions as a judge of the family court or the Crown Court.</p> <p>(3) The Lord Chief Justice may authorise a person under subsection (1) only if the person—</p> <p style="padding-left: 40px;">(a) is appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007, and</p> <p style="padding-left: 40px;">(b) has such qualifications as may be prescribed by regulations made by the Lord Chancellor with the agreement of the Lord Chief Justice.</p> <p>(4) An authorisation under subsection (1)—</p> <p style="padding-left: 40px;">(a) may be subject to conditions, and</p> <p style="padding-left: 40px;">(b) may be varied or revoked by the Lord Chief Justice at any time.</p>	<p>(1) The provision provides the LCJ or nominee to authorise a judicial officer holder or HMCTS staff member person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007 to exercise the function of authorising court officers to provide legal advice to justices of the peace under s.28(1) of the Courts Act 2003.</p> <p>The Heads of Legal Operations are the LCJ’s delegate for this purpose</p>	<p>Delegation in force from 6 April 2020.</p>
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(5) The Lord Chief Justice may nominate one or more of the following to exercise the Lord Chief Justice's functions under the preceding provisions of this section—</p> <ul style="list-style-type: none"> (a) a judicial office holder; (b) a person appointed under section 2(1) of the Courts Act 2003 or section 40(1) of the Tribunals, Courts and Enforcement Act 2007. <p>(6) A person nominated under subsection (5)(b) to exercise functions of the Lord Chief Justice is not subject to the direction of any person other than—</p> <ul style="list-style-type: none"> (a) the Lord Chief Justice, or (b) a judicial office holder nominated by the Lord Chief Justice, <p>when exercising the functions.</p> <p>(7) In this section “judicial office holder” has the meaning given by section 109(4) of the Constitutional Reform Act 2005.</p>		
<p>Courts Act 2003, section 29(3)</p>	<p>Section 29 (Directions and independence)</p> <p>(1) The Lord Chief Justice may give directions to a person authorised to exercise functions under section 28(1).</p> <p>(2) Apart from such directions, a person authorised to exercise functions under section 28(1) is not subject to the direction of the Lord Chancellor or any other person when exercising the functions.</p>	<p>The provision provides the LCJ or nominee to authorise a judicial officer holder or HMCTS staff member person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007 to exercise the function of authorising court officers he power to give directions to court officers who are authorised to exercise functions under s.28(1) of the Courts Act 2003.</p>	<p>Delegation in force from 6 April 2020.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(3) The Lord Chief Justice may nominate one or more of the following to exercise the Lord Chief Justice's functions under subsection (1)—</p> <ul style="list-style-type: none"> (a) a judicial office holder; (b) a person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007. <p>(4) A person nominated under subsection (3)(b) to exercise functions of the Lord Chief Justice is not subject to the direction of any person other than—</p> <ul style="list-style-type: none"> (a) the Lord Chief Justice, or (b) a judicial office holder nominated by the Lord Chief Justice, <p>when exercising the functions.</p> <p>(5) In this section “judicial office holder” has the meaning given by section 109(4) of the Constitutional Reform Act 2005.</p>	<p>The Heads of Legal Operations are the LCJ’s delegate for this purpose.</p>	
<p>Courts Act 2003, section 67B(5)</p>	<p>Section 67B (Authorisation to exercise relevant judicial functions)</p> <p>(1) Rules of court may provide for the exercise of relevant judicial functions by persons who—</p> <ul style="list-style-type: none"> (a) are appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007, and (b) satisfy any requirements specified in the rules as to qualifications or experience. 	<p>The provision provides the LCJ or nominee to authorise a judicial officer holder or HMCTS staff member person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007 to authorise HMCTS staff members to exercise such judicial functions as provided for in rules of court.</p>	<p>Delegation in force from 6 April 2020.</p>

Lord Chief Justice – Delegation of Statutory Functions

<p>(2) A person may exercise functions by virtue of subsection (1) only if authorised to do so by the Lord Chief Justice.</p> <p>(3) Such a person is referred to in this Part as an “authorised person”.</p> <p>(4) An authorisation under subsection (2)—</p> <p style="padding-left: 40px;">(a) may be subject to conditions, and</p> <p style="padding-left: 40px;">(b) may be varied or revoked by the Lord Chief Justice at any time.</p> <p>(5) The Lord Chief Justice may nominate one or more of the following to exercise the Lord Chief Justice's functions under the preceding provisions of this section—</p> <p style="padding-left: 40px;">(a) a judicial office holder;</p> <p style="padding-left: 40px;">(b) a person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007.</p> <p>(6) A person nominated under subsection (5)(b) to exercise functions of the Lord Chief Justice is not subject to the direction of any person other than—</p> <p style="padding-left: 40px;">(a) the Lord Chief Justice, or</p> <p style="padding-left: 40px;">(b) a judicial office holder nominated by the Lord Chief Justice,</p> <p>when exercising the functions.</p> <p>(7) Nothing in this Part is to be taken to affect the generality of any enactment conferring powers to make rules of court.</p>	<p>The HMCTS Heads of Legal Operations are the LCJ’s delegates in respect of authorisations under the:</p> <ul style="list-style-type: none"> • Criminal Procedure Rules r.2.8 and r.2.9; • the Magistrates’ Courts (Functions of Authorised Persons – Civil Proceedings) Rules 2020; • the Family Procedure Rules Rule 2.5; and • any Practice Directions made under the above sets of Rules. 	
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to the HMCTS Head of Legal and Professional Services

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Matrimonial and Family Proceedings Act 1984, section 310(6)</p>	<p>Section 310 (Function of giving legal advice to judges)</p> <p>(1) The Lord Chief Justice may authorise a person—</p> <p style="padding-left: 40px;">(a) to give advice to judges of the family court about matters of law (including procedure and practice) on questions arising in connection with the discharge by them of functions conferred on them or the court, including questions arising when the person is not personally attending on them, and</p> <p style="padding-left: 40px;">(b) to bring to the attention of judges of the family court, at any time when the person thinks appropriate, any point of law (including procedure and practice) that is or may be involved in any question so arising.</p> <p>(2) The Lord Chief Justice may authorise a person under subsection (1) only if the person—</p> <p style="padding-left: 40px;">(a) is appointed under section 2(1) of the Courts Act 2003 or section 40(1) of the Tribunals, Courts and Enforcement Act 2007, and</p> <p style="padding-left: 40px;">(b) has such qualifications as may be prescribed by regulations made by the Lord Chancellor with the agreement of the Lord Chief Justice.</p> <p>(3) An authorisation under subsection (1)—</p>	<p>The provision provides the LCJ or nominee to authorise a judicial officer holder or HMCTS staff member person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007 to exercise the function of authorising court officers he power to give directions to court officers who are authorised to provide legal advice to judges of the family court under s.310(4) Matrimonial and Family Proceedings Act 1984.</p> <p>The Head of Legal and Professional Services is the LCJ’s delegate for this purpose.</p>	<p>Delegation in force from 6 April 2020.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) may be subject to conditions, and (b) may be varied or revoked by the Lord Chief Justice at any time.</p> <p>(4) The Lord Chief Justice may give directions to a person authorised to exercise functions under subsection (1).</p> <p>(5) Apart from such directions, a person authorised to exercise functions under subsection (1) is not subject to the direction of the Lord Chancellor or any other person when exercising the functions.</p> <p>(6) The Lord Chief Justice may nominate one or more of the following to exercise the Lord Chief Justice's functions under the preceding provisions of this section—</p> <p>(a) a judicial office holder; (b) a person appointed under section 2(1) of the Courts Act 2003 or section 40(1) of the Tribunals, Courts and Enforcement Act 2007.</p> <p>(7) A person nominated under subsection (6)(b) to exercise functions of the Lord Chief Justice is not subject to the direction of any person other than—</p> <p>(a) the Lord Chief Justice, or (b) a judicial office holder nominated by the Lord Chief Justice,</p> <p>when exercising the functions.</p> <p>(8) In this section “judicial office holder” has the meaning given by section 109(4) of the Constitutional Reform Act 2005.</p>		
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Lord Chief Justice – Delegation of Statutory Functions

<p>Courts Act 2003, section 29(3)</p>	<p>Section 29 (Directions and independence)</p> <p>(1) The Lord Chief Justice may give directions to a person authorised to exercise functions under section 28(1).</p> <p>(2) Apart from such directions, a person authorised to exercise functions under section 28(1) is not subject to the direction of the Lord Chancellor or any other person when exercising the functions.</p> <p>(3) The Lord Chief Justice may nominate one or more of the following to exercise the Lord Chief Justice's functions under subsection (1)—</p> <ul style="list-style-type: none"> (a) a judicial office holder; (b) a person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007. <p>(4) A person nominated under subsection (3)(b) to exercise functions of the Lord Chief Justice is not subject to the direction of any person other than—</p> <ul style="list-style-type: none"> (a) the Lord Chief Justice, or (b) a judicial office holder nominated by the Lord Chief Justice, <p>when exercising the functions.</p> <p>(5) In this section “judicial office holder” has the meaning given by section 109(4) of the Constitutional Reform Act 2005.</p>	<p>The provision provides the LCJ or nominee to authorise a judicial officer holder or HMCTS staff member person appointed under section 2(1) of this Act or section 40(1) of the Tribunals, Courts and Enforcement Act 2007 to exercise the function of authorising court officers he power to give directions to court officers who are authorised to exercise functions under s.28(1) of the Courts Act 2003.</p> <p>The Head of Legal and Professional Services is the LCJ's delegate for this purpose.</p>	<p>Delegation in force from 6 April 2020.</p>
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Part II – Delegations no longer in force

Lord Chief Justice – Delegation of Statutory Functions

Delegations to the Master of the Rolls

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>County Courts Act 1984, section 5(3)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 9(1), paragraph 4, and see SI 2014/954</p> <p><i>Section 5 (Judges of county courts)</i></p> <p><i>(1) Every Circuit judge shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales, and the Lord Chief Justice shall, after consulting the Lord Chancellor, assign one or more Circuit judges to each district and may from time to time vary the assignment of Circuit judges among the districts.</i></p> <p><i>(2) Subject to any directions given by the Lord Chief Justice after consulting the Lord Chancellor, in any case where more than one Circuit judge is assigned to a district under subsection (1), any function conferred by or under this Act on the judge for a district may be exercised by any of the Circuit judges for the time being assigned to that district.</i></p> <p><i>(3) The following, that is—</i> <i>every judge of the Court of Appeal,</i> <i>every judge of the High Court,</i> <i>every Recorder,</i> <i>shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales and, if he consents to do so, shall sit as such a judge at such times and on such occasions as the Lord Chief Justice considers desirable after consulting the Lord Chancellor.</i></p>	<p>The provision gave the LCJ power to authorise a Court of Appeal judge to sit in any County Court district ie: i) the Court of Appeal Judge consented to do so; and ii) following consultation with the LC.</p> <p>The power was delegated to the MR in respect of authorising judges of the Court of Appeal to sit in the country courts.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when County Courts Act 1984, section 5 was replaced in its entirety by a new section 5 inserted by the Crime and Courts Act 2013.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p><i>(4) Notwithstanding that he is not for the time being assigned to a particular district, a Circuit judge—</i></p> <p style="padding-left: 40px;"><i>(a) shall sit as a judge of that district at such times and on such occasions as the Lord Chief Justice may, after consulting the Lord Chancellor, direct; and</i></p> <p style="padding-left: 40px;"><i>(b) may sit as a judge of that district in any case where it appears to him that the judge of that district is not, or none of the judges of that district is, available to deal with the case.</i></p> <p><i>(5) 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 this section.</i></p>		
<p>Senior Courts Act 1981, section 9(4) (as amended)</p>	<p>Section 9 (Assistance for transaction of judicial business)</p> <p>(1) A person within any entry in column 1 of the following Table may, subject to the proviso at the end of that Table, at any time, at the request of the appropriate authority, act—</p> <p style="padding-left: 40px;">(a) as a judge of a relevant court specified in the request; or</p> <p style="padding-left: 40px;">(b) if the request relates to a particular division of a relevant court so specified, as a judge of that court in that division.</p> <p>(2) (The following sets out the information in the Table referred to in s9(1))</p>	<p>The provision sets out the power to deploy certain judges and former judges to act as judges of specified courts. It also provides the power to appoint deputy judges of the High Court.</p> <p>The Master of the Rolls was the LCJ's nominee for authorisations to act as a judge of the Court of Appeal (Civil Division) under s9(1) column 3 and s9(4).</p>	<p>Delegation in respect of the authorisation power was in force from April 2006 until 26 October 2015.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>Column 1: A judge of the Court of Appeal competent to act in the the High Court and the Crown Court.</p> <p>Column 2: A person who has been a judge of the Court of Appeal competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 3: A puisne judge of the High Court competent to act in the Court of Appeal.</p> <p>Column 4: A person who has been a puisne judge of the High Court competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 4A: The Senior President of Tribunals competent to act in the Court of Appeal and the High Court.</p> <p>Column 5: A Circuit judge competent to act in the High Court and the Court of Appeal.</p> <p>Column 6: A Recorder or a person within subsection (1ZB) competent to act in the High Court;</p> <p>(1ZA) The Senior President of Tribunals is to be treated as not being within any entry in column 1 of the Table other than entry 4A.</p> <p>(1ZB) A person is within this subsection if the person—</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,</p> <p>(b) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,</p> <p>(c) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),</p> <p>(d) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act), or</p> <p>(e) is the President of Employment Tribunals (England and Wales) or the President of Employment Tribunals (Scotland).</p> <p>The entry in column 2 specifying the Court of Appeal in relation to a Circuit judge only authorises such a judge to act as a judge of a court in the criminal division of the Court of Appeal.</p> <p>(1A) A person shall not act as a judge by virtue of subsection (1) after the day on which he attains the age of 75.</p> <p>(2) In subsection (1)—</p> <p style="padding-left: 40px;">“the appropriate authority” means—(a) the Lord Chief Justice or a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) nominated by him to exercise his functions under this section, or</p> <p style="padding-left: 40px;">(b) at any time when the Lord Chief Justice or the nominated judicial office holder is unable to make such a request himself, or there is a vacancy in the</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>office of Lord Chief Justice, the Master of the Rolls;</p> <p>“relevant court”, in the case of a person within any entry in column 1 of the Table, means a court specified in relation to that entry in column 2 of the Table.</p> <p>(2A) The power of the appropriate authority to make a request under subsection (1) is subject to subsections (2B) to (2D).</p> <p>(2B) In the case of a request to a person within entry 1, 3, 4A, 5 or 6 in column 1 of the Table, the appropriate authority may make the request only after consulting the Lord Chancellor.</p> <p>(2C) In any other case the appropriate authority may make a request only with the concurrence of the Lord Chancellor.</p> <p>(2CA) In the case of a request to a person within entry 5 or 6 in column 1 of the Table to act as a judge of the High Court, the appropriate authority may make the request only if the person is a member of the pool for requests under subsection (1) to persons within that entry.</p> <p>(2D) In the case of a request to a Circuit judge to act as a judge of the Court of Appeal, the appropriate authority may make the request only with the concurrence of the Judicial Appointments Commission.</p> <p>(3) The person to whom a request is made under subsection (1) must comply with the request, but this does not apply to—</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) a request made to a person who has been a judge of the Court of Appeal,</p> <p>(b) a request made to a person who has been a puisne judge of the High Court and is not a judge of the Court of Appeal, or</p> <p>(c) a request made to the Senior President of Tribunals if the holder of that office is a judge of the Court of Session or of the High Court, or Court of Appeal, in Northern Ireland.</p> <p>(4) Without prejudice to section 24 of the Courts Act 1971 (temporary appointment of deputy Circuit judges, if it appears to the Lord Chief Justice, after consulting the Lord Chancellor, that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in the High Court or the Crown Court or any other court or tribunal to which persons appointed under this subsection may be deployed, he may appoint a person qualified for appointment as a puisne judge of the High Court to be a deputy judge of the High Court during such period or on such occasions as the Lord Chief Justice may, after consulting the Lord Chancellor, think fit; and during the period or on the occasions for which a person is appointed as a deputy judge under this subsection, he may act as a puisne judge of the High Court.</p> <p>(4A) No appointment of a person as a deputy judge of the High Court shall be such as to extend beyond the day on which he attains the age of 70, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75).</p> <p>(5) Every person while acting under this section shall, subject to [subsections (6) and (6A)], be treated for all</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>purposes as, and accordingly may perform any of the functions of, a judge of the court in which he is acting.</p> <p>(6) A person shall not by virtue of subsection (5)—</p> <ul style="list-style-type: none">(a) be treated as a judge of the court in which he is acting for the purposes of section 98(2) or of any statutory provision relating to—<ul style="list-style-type: none">(i) the appointment, retirement, removal or disqualification of judges of that court;(ii) the tenure of office and oaths to be taken by such judges; or(iii) the remuneration, allowances or pensions of such judges; or(b) subject to section 27 of the Judicial Pensions and Retirement Act 1993, be treated as having been a judge of a court in which he has acted only under this section. <p>(6A) A Circuit judge, Recorder or person within subsection (1ZB) shall not by virtue of subsection (5) exercise any of the powers conferred on a single judge by sections 31, 31B, 31C and 44 of the Criminal Appeal Act 1968 (powers of single judge in connection with appeals to the Court of Appeal and appeals from the Court of Appeal to the Supreme Court).</p> <p>(8) Such remuneration and allowances as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine may be paid out of money provided by Parliament—</p> <ul style="list-style-type: none">(a) to any person who has been—		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(i) a judge of the Supreme Court; or (ii) a judge of the Court of Appeal; or (iii) a judge of the High Court,</p> <p>and is by virtue of subsection (1) acting as mentioned in that subsection;</p> <p>(b) to any deputy judge of the High Court appointed under subsection (4).</p> <p>(8A) A person may be removed from office as a deputy judge of the High Court—</p> <p>(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and (b) only on—</p> <p>(i) the ground of inability or misbehaviour, or (ii) a ground specified in the person's terms of appointment.</p> <p>(8B) Subject to the preceding provisions of this section, a person appointed under subsection (4) is to hold and vacate office as a deputy judge of the High Court in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.</p> <p>(9) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.</p>		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to the President of the Queen’s Bench Division

Statutory provision Delegated	Wording of the provision	Effect of the provision	Further Comments
<p>County Courts Act 1984, section 5(3)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 9(1), paragraph 4, and see SI 2014/954</p> <p><i>Section 5 (Judges of county courts)</i></p> <p><i>(1) Every Circuit judge shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales, and the Lord Chief Justice shall, after consulting the Lord Chancellor, assign one or more Circuit judges to each district and may from time to time vary the assignment of Circuit judges among the districts.</i></p> <p><i>(2) Subject to any directions given by the Lord Chief Justice after consulting the Lord Chancellor, in any case where more than one Circuit judge is assigned to a district under subsection (1), any function conferred by or under this Act on the judge for a district may be exercised by any of the Circuit judges for the time being assigned to that district.</i></p> <p><i>(3) The following, that is—</i> <i>every judge of the Court of Appeal,</i> <i>every judge of the High Court,</i> <i>every Recorder,</i> <i>shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales and, if he consents to do so, shall sit as such a judge at such times and on such occasions as the Lord Chief Justice considers desirable after consulting the Lord Chancellor.</i></p>	<p>The provision gave the LCJ power to authorise a High Court judge to sit in any County Court district ie: i) the Court of Appeal Judge consented to do so; and ii) following consultation with the LC.</p> <p>The power was delegated to the PQBD in respect of authorising judges of the Queen’s Bench Division to sit in the country courts.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when County Courts Act 1984, section 5 was replaced in its entirety by a new section 5 inserted by the Crime and Courts Act 2013.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p><i>(4) Notwithstanding that he is not for the time being assigned to a particular district, a Circuit judge—</i></p> <p style="padding-left: 40px;"><i>(a) shall sit as a judge of that district at such times and on such occasions as the Lord Chief Justice may, after consulting the Lord Chancellor, direct; and</i></p> <p style="padding-left: 40px;"><i>(b) may sit as a judge of that district in any case where it appears to him that the judge of that district is not, or none of the judges of that district is, available to deal with the case.</i></p> <p><i>(5) 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 this section.</i></p>		
<p>Senior Courts Act 1981, section 9(1) (as amended) in respect of the power to appoint under columns 1</p>	<p>Section 9 (Assistance for transaction of judicial business)</p> <p>(1) A person within any entry in column 1 of the following Table may, subject to the proviso at the end of that Table, at any time, at the request of the appropriate authority, act—</p> <p style="padding-left: 40px;">(a) as a judge of a relevant court specified in the request; or</p> <p style="padding-left: 40px;">(b) if the request relates to a particular division of a relevant court so specified, as a judge of that court in that division.</p> <p>(2) (The following sets out the information in the Table referred to in s9(1))</p>	<p>The provision sets out the power to deploy certain judges and former judges to act as judges of specified courts. It also provides the power to appoint deputy judges of the High Court.</p> <p>The PQBD was the LCJ’s nominee for authorisations to act as a judge of the Queen’s Bench Division of the High Court under column 1 of Table 1 of section 9(1).</p> <p>This authorisation power may only be exercised following consultation with the LC.</p>	<p>Delegation in respect of the authorisation power under columns 1, in force from April 2006 until 26 October 2015.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>Column 1: A judge of the Court of Appeal competent to act in the High Court and the Crown Court.</p> <p>Column 2: A person who has been a judge of the Court of Appeal competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 3: A puisne judge of the High Court competent to act in the Court of Appeal.</p> <p>Column 4: A person who has been a puisne judge of the High Court competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 4A: The Senior President of Tribunals competent to act in the Court of Appeal and the High Court.</p> <p>Column 5: A Circuit judge competent to act in the High Court and the Court of Appeal.</p> <p>Column 6: A Recorder or a person within subsection (1ZB) competent to act in the High Court;</p> <p>(1ZA) The Senior President of Tribunals is to be treated as not being within any entry in column 1 of the Table other than entry 4A.</p> <p>(1ZB) A person is within this subsection if the person—</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(a) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,</p> <p>(b) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,</p> <p>(c) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),</p> <p>(d) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act), or</p> <p>(e) is the President of Employment Tribunals (England and Wales) or the President of Employment Tribunals (Scotland).</p> <p>The entry in column 2 specifying the Court of Appeal in relation to a Circuit judge only authorises such a judge to act as a judge of a court in the criminal division of the Court of Appeal.</p> <p>(1A) A person shall not act as a judge by virtue of subsection (1) after the day on which he attains the age of 75.</p> <p>(2) In subsection (1)—</p> <p>“the appropriate authority” means—(a) the Lord Chief Justice or a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) nominated by him to exercise his functions under this section, or</p> <p>(b) at any time when the Lord Chief Justice or the nominated judicial office holder is unable to make such a request himself, or there is a vacancy in the office of Lord Chief Justice, the Master of the Rolls;</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>“relevant court”, in the case of a person within any entry in column 1 of the Table, means a court specified in relation to that entry in column 2 of the Table.</p> <p>(2A) The power of the appropriate authority to make a request under subsection (1) is subject to subsections (2B) to (2D).</p> <p>(2B) In the case of a request to a person within entry 1, 3, 4A, 5 or 6 in column 1 of the Table, the appropriate authority may make the request only after consulting the Lord Chancellor.</p> <p>(2C) In any other case the appropriate authority may make a request only with the concurrence of the Lord Chancellor.</p> <p>(2CA) In the case of a request to a person within entry 5 or 6 in column 1 of the Table to act as a judge of the High Court, the appropriate authority may make the request only if the person is a member of the pool for requests under subsection (1) to persons within that entry.</p> <p>(2D) In the case of a request to a Circuit judge to act as a judge of the Court of Appeal, the appropriate authority may make the request only with the concurrence of the Judicial Appointments Commission.</p> <p>(3) The person to whom a request is made under subsection (1) must comply with the request, but this does not apply to—</p> <ul style="list-style-type: none">(a) a request made to a person who has been a judge of the Court of Appeal,(b) a request made to a person who has been a puisne judge of the High Court and is not a judge of the Court of Appeal, or		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(c) a request made to the Senior President of Tribunals if the holder of that office is a judge of the Court of Session or of the High Court, or Court of Appeal, in Northern Ireland.</p> <p>(4) Without prejudice to section 24 of the Courts Act 1971 (temporary appointment of deputy Circuit judges, if it appears to the Lord Chief Justice, after consulting the Lord Chancellor, that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in the High Court or the Crown Court or any other court or tribunal to which persons appointed under this subsection may be deployed, he may appoint a person qualified for appointment as a puisne judge of the High Court to be a deputy judge of the High Court during such period or on such occasions as the Lord Chief Justice may, after consulting the Lord Chancellor, think fit; and during the period or on the occasions for which a person is appointed as a deputy judge under this subsection, he may act as a puisne judge of the High Court.</p> <p>(4A) No appointment of a person as a deputy judge of the High Court shall be such as to extend beyond the day on which he attains the age of 70, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75).</p> <p>(5) Every person while acting under this section shall, subject to [subsections (6) and (6A), be treated for all purposes as, and accordingly may perform any of the functions of, a judge of the court in which he is acting.</p> <p>(6) A person shall not by virtue of subsection (5)—</p>		
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	<p>(a) be treated as a judge of the court in which he is acting for the purposes of section 98(2) or of any statutory provision relating to—</p> <ul style="list-style-type: none">(i) the appointment, retirement, removal or disqualification of judges of that court;(ii) the tenure of office and oaths to be taken by such judges; or(iii) the remuneration, allowances or pensions of such judges; or <p>(b) subject to section 27 of the Judicial Pensions and Retirement Act 1993, be treated as having been a judge of a court in which he has acted only under this section.</p> <p>(6A) A Circuit judge, Recorder or person within subsection (1ZB) shall not by virtue of subsection (5) exercise any of the powers conferred on a single judge by sections 31, 31B, 31C and 44 of the Criminal Appeal Act 1968 (powers of single judge in connection with appeals to the Court of Appeal and appeals from the Court of Appeal to the Supreme Court.</p> <p>(8) Such remuneration and allowances as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine may be paid out of money provided by Parliament—</p> <p>(a) to any person who has been—</p> <ul style="list-style-type: none">(i) a judge of the Supreme Court; or(ii) a judge of the Court of Appeal; or(iii) a judge of the High Court,		
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	<p>and is by virtue of subsection (1) acting as mentioned in that subsection;</p> <p>(b) to any deputy judge of the High Court appointed under subsection (4).</p> <p>(8A) A person may be removed from office as a deputy judge of the High Court—</p> <p>(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and</p> <p>(b) only on—</p> <p style="padding-left: 40px;">(i) the ground of inability or misbehaviour, or</p> <p style="padding-left: 40px;">(ii) a ground specified in the person's terms of appointment.</p> <p>(8B) Subject to the preceding provisions of this section, a person appointed under subsection (4) is to hold and vacate office as a deputy judge of the High Court in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.</p> <p>(9) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.</p>		
<p>Senior Courts Act 1981, section 56B(1) (as amended)</p>	<p><i>Section 56B (Allocation of cases in criminal division)</i></p> <p><i>(1) The appeals or classes of appeals suitable for allocation to a court of the criminal division of the Court of Appeal in which a Circuit judge is acting under section 9 shall be determined in accordance with directions given by or on</i></p>	<p>The power enables the LCJ or nominee, after consulting the LC, to allocate cases within the Court of Appeal (Criminal Division).</p>	<p>Delegation in force from April 2006 until November 2008.</p>

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	<p><i>behalf of the Lord Chief Justice after consulting the Lord Chancellor.</i></p> <p><i>(2) In subsection (1) “appeal” includes the hearing of, or any application in proceedings incidental or preliminary to, an appeal.</i></p>		
<p>Courts Act 2003 section 70(1A), (3) and (3A)</p>	<p><i>Section 70 (Criminal Procedure Rule Committee)</i></p> <p><i>(1) The Criminal Procedure Rule Committee is to consist of–</i></p> <ul style="list-style-type: none"> <i>(a) the Lord Chief Justice, and</i> <i>(b) the persons currently appointed in accordance with subsections (1A) and (1B).</i> <p><i>(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (e) of subsection (2).</i></p> <p><i>(1B) The Lord Chancellor must appoint the persons falling within paragraphs (f) to (k) of subsection (2).</i></p> <p><i>(2) [The persons to be appointed in accordance with subsections (1A) and (1B) are –</i></p> <ul style="list-style-type: none"> <i>(a) a person nominated by the Lord Chancellor,</i> <i>(b) three persons each of whom is either a judge of the High Court or a judge of the Court of Appeal,</i> <i>(c) two Circuit judges with particular experience of sitting in criminal courts,</i> <i>(d) one District Judge (Magistrates' Courts),</i> <i>(e) one lay justice,</i> 	<p>The provision sets out the power to appoint members of the Criminal Procedure Rule Committee.</p>	<p>Delegation in force from April 2006 until November 2008.</p>

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	<p>(f) one justices' clerk, (g) the Director of Public Prosecutions or a person nominated by the Director, (h) two persons who have a Senior Courts qualification and who have particular experience of practice in criminal courts, (i) two persons who— (i) have been authorised by a relevant approved regulator to conduct litigation in relation to all proceedings in the Senior Courts, and (ii) have particular experience of practice in criminal courts, (j) one person who appears to represent the Association of Chief Police Officers, and (k) two persons who appear to represent voluntary organisations with a direct interest in the work of criminal courts.</p> <p>(2A) In subsection (2)(i)(i) “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.</p> <p>(3) Before appointing a person in accordance with subsection (1A) other than a person falling within subsection (2)(a), the Lord Chief Justice must consult the Lord Chancellor.</p> <p>(3A) Before appointing a person in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice.</p> <p>(4) The Criminal Procedure Rule Committee is to be chaired by the Lord Chief Justice; and one of the judges appointed under subsection (2)(b) is to be his deputy.</p>		
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	<p><i>(5) The Lord Chancellor may reimburse–</i> <i>(a) the travelling and out-of-pocket expenses of the members of the Criminal Procedure Rule Committee, and</i> <i>(b) authorised travelling and out-of-pocket expenses of persons invited to participate in the work of the Committee.</i></p> <p><i>(5A) 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 this section.</i></p> <p><i>(6) “The 1990 Act” means the Courts and Legal Services Act 1990 (c. 41).</i></p>		
Courts Act 2003, section 71(2) (as amended)	<p><i>Section 71 (Power to change certain requirements relating to Committee)</i></p> <p><i>(1) The Lord Chancellor may by order–</i></p> <p style="padding-left: 40px;"><i>(a) amend section 70(2) or (3A), and</i> <i>(b) make consequential amendments in any other provision of section 70.</i></p> <p><i>(2) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.</i></p> <p><i>(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 this section.</i></p>	The provision provides the LC with power to make orders concerning the rule committee with the concurrence of the LCJ or nominee.	Delegation in force from April 2006 until November 2008.
Courts Act 2003 section 74(1) (as amended)	<i>Section 74 (Practice directions as to practice and procedure of the criminal courts)</i>	The provision provides the LCJ or nominee to issue Practice Directions for the criminal courts.	The power to delegate the functions under this provision is contained in Constitutional Reform Act 2005,

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	<p><i>(1) Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 as to the practice and procedure of the criminal courts.</i></p> <p><i>(2) Directions as to the practice and procedure of the criminal courts given otherwise than under subsection (1) may not be given without the approval of–</i></p> <p style="padding-left: 40px;"><i>(a) the Lord Chancellor, and</i></p> <p style="padding-left: 40px;"><i>(b) the Lord Chief Justice.</i></p> <p><i>(3) The power to give directions under subsection (1) includes power–</i></p> <p style="padding-left: 40px;"><i>(a) to vary or revoke directions as to the practice and procedure of the criminal courts (or any of them), whether given [under subsection (1) or otherwise] 3 ,</i></p> <p style="padding-left: 40px;"><i>(b) to give directions containing different provision for different cases (including different areas), and</i></p> <p style="padding-left: 40px;"><i>(c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.</i></p> <p><i>(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following–</i></p> <p style="padding-left: 40px;"><i>(a) the application or interpretation of the law;</i></p> <p style="padding-left: 40px;"><i>(b) the making of judicial decisions.</i></p> <p><i>(5) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only–</i></p> <p style="padding-left: 40px;"><i>(a) after consulting the Lord Chancellor, and</i></p> <p style="padding-left: 40px;"><i>(b) with the approval of the Lord Chief Justice.</i></p>		<p>schedule 2, part 1, paragraph 2(2), which requires the LC’s agreement to the LCJ’s choice of nominee.</p> <p>The powers in section 74(2)(b) and 74(5)(b) cannot be delegated.</p> <p>Delegation in force from April 2006 until November 2008.</p>
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Delegation to the President of the Family Division

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Magistrates' Courts Act 1980, section 67(3) and (4) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 10(2), paragraph 48, and see SI 2014/954.</p> <p><i>Section 67 (Family proceedings courts)</i></p> <p><i>(1) Magistrates' courts–</i> <i>(a) constituted in accordance with this section or section 66 of the Courts Act 2003 (judges having powers of District Judges (Magistrates' Courts)), and</i> <i>(b) sitting for the purpose of hearing family proceedings,</i> <i>are to be known as family proceedings courts.</i></p> <p><i>(2) A justice of the peace is not qualified to sit as a member of a family proceedings court to hear family proceedings of any description unless he has an authorisation extending to the proceedings.</i></p> <p><i>(3) He has an authorisation extending to the proceedings only if he has been authorised by the Lord Chief Justice to sit as a member of a family proceedings court to hear–</i> <i>(a) proceedings of that description, or</i> <i>(b) all family proceedings.</i></p> <p><i>(4) The Lord Chief Justice may, after consulting the Lord Chancellor, by rules make provision about–</i></p>	<p>The provision gave the LCJ or nominee power to authorise a justice of the peace to sit on a family proceedings court. The provision further provided the LCJ or nominee, after consulting the LC, to make rules concerning the grant and revocation of such authorisations, the appointment of chairman of family proceedings courts and the composition of such courts.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 21 April 2014, when it was repealed by the Crime and Courts Act 2013.</p>

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	<p><i>(a) the grant and revocation of authorisations, (b) the appointment of chairmen of family proceedings courts, and (c) the composition of family proceedings courts.</i></p> <p><i>(5) Rules under subsection (4) may confer powers on the Lord Chief Justice with respect to any of the matters specified in the rules.</i></p> <p><i>(6) Rules under subsection (4) may be made only after consultation with the Family Procedure Rule Committee.</i></p> <p><i>(7) Rules under subsection (4) are to be made by statutory instrument.</i></p> <p><i>(8) A statutory instrument containing rules under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.</i></p> <p><i>(9) 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 (3) or (4) or the powers conferred on him by rules under subsection (4).</i></p>		
<p>Senior Courts Act 1981, section 9(1) (as amended) in respect of the power to appoint under column 1</p>	<p>Section 9 (Assistance for transaction of judicial business)</p> <p>(1) A person within any entry in column 1 of the following Table may, subject to the proviso at the end of that Table, at any time, at the request of the appropriate authority, act—</p> <p style="padding-left: 40px;">(a) as a judge of a relevant court specified in the request; or</p>	<p>The provision sets out the power to deploy certain judges and former judges to act as judges of specified courts. It also provides the power to appoint deputy judges of the High Court.</p> <p>(1) The PFD was the LCJ’s nominee for authorisations to act as a judge of the Family Division of the High Court under column 1 of Table 1 to section 9(1). This</p>	<p>Delegation in respect of the authorisation power under section 1, columns 1 in force from April 2006 until 26 October 2015.</p>

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	<p>(b) if the request relates to a particular division of a relevant court so specified, as a judge of that court in that division.</p> <p>(2) (The following sets out the information in the Table referred to in s9(1))</p> <p>Column 1: A judge of the Court of Appeal competent to act in the he High Court and the Crown Court.</p> <p>Column 2: A person who has been a judge of the Court of Appeal competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 3: A puisne judge of the High Court competent to act in the Court of Appeal.</p> <p>Column 4: A person who has been a puisne judge of the High Court competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 4A: The Senior President of Tribunals competent to act in the Court of Appeal and the High Court.</p> <p>Column 5: A Circuit judge competent to act in the High Court and the Court of Appeal.</p> <p>Column 6: A Recorder or a person within subsection (1ZB) competent to act in the High Court;</p>	<p>authorisation power may only be exercised following consultation with the LC.</p>	
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	<p>(1ZA) The Senior President of Tribunals is to be treated as not being within any entry in column 1 of the Table other than entry 4A.</p> <p>(1ZB) A person is within this subsection if the person—</p> <ul style="list-style-type: none">(a) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,(b) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,(c) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),(d) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act), or(e) is the President of Employment Tribunals (England and Wales) or the President of Employment Tribunals (Scotland). <p>The entry in column 2 specifying the Court of Appeal in relation to a Circuit judge only authorises such a judge to act as a judge of a court in the criminal division of the Court of Appeal.</p> <p>(1A) A person shall not act as a judge by virtue of subsection (1) after the day on which he attains the age of 75.</p> <p>(2) In subsection (1)—</p> <p>“the appropriate authority” means—(a) the Lord Chief Justice or a judicial office holder (as defined in section 109(4) of the Constitutional</p>		
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	<p>Reform Act 2005) nominated by him to exercise his functions under this section, or</p> <p>(b) at any time when the Lord Chief Justice or the nominated judicial office holder is unable to make such a request himself, or there is a vacancy in the office of Lord Chief Justice, the Master of the Rolls;</p> <p>“relevant court”, in the case of a person within any entry in column 1 of the Table, means a court specified in relation to that entry in column 2 of the Table.</p> <p>(2A) The power of the appropriate authority to make a request under subsection (1) is subject to subsections (2B) to (2D).</p> <p>(2B) In the case of a request to a person within entry 1, 3, 4A, 5 or 6 in column 1 of the Table, the appropriate authority may make the request only after consulting the Lord Chancellor.</p> <p>(2C) In any other case the appropriate authority may make a request only with the concurrence of the Lord Chancellor.</p> <p>(2CA) In the case of a request to a person within entry 5 or 6 in column 1 of the Table to act as a judge of the High Court, the appropriate authority may make the request only if the person is a member of the pool for requests under subsection (1) to persons within that entry.</p> <p>(2D) In the case of a request to a Circuit judge to act as a judge of the Court of Appeal, the appropriate authority may make the request only with the concurrence of the Judicial Appointments Commission.</p>		
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	<p>(3) The person to whom a request is made under subsection (1) must comply with the request, but this does not apply to—</p> <ul style="list-style-type: none">(a) a request made to a person who has been a judge of the Court of Appeal,(b) a request made to a person who has been a puisne judge of the High Court and is not a judge of the Court of Appeal, or(c) a request made to the Senior President of Tribunals if the holder of that office is a judge of the Court of Session or of the High Court, or Court of Appeal, in Northern Ireland. <p>(4) Without prejudice to section 24 of the Courts Act 1971 (temporary appointment of deputy Circuit judges, if it appears to the Lord Chief Justice, after consulting the Lord Chancellor, that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in the High Court or the Crown Court or any other court or tribunal to which persons appointed under this subsection may be deployed, he may appoint a person qualified for appointment as a puisne judge of the High Court to be a deputy judge of the High Court during such period or on such occasions as the Lord Chief Justice may, after consulting the Lord Chancellor, think fit; and during the period or on the occasions for which a person is appointed as a deputy judge under this subsection, he may act as a puisne judge of the High Court.</p> <p>(4A) No appointment of a person as a deputy judge of the High Court shall be such as to extend beyond the day on which he attains the age of 70, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and</p>		
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	<p>Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75).</p> <p>(5) Every person while acting under this section shall, subject to [subsections (6) and (6A)], be treated for all purposes as, and accordingly may perform any of the functions of, a judge of the court in which he is acting.</p> <p>(6) A person shall not by virtue of subsection (5)—</p> <p style="padding-left: 40px;">(a) be treated as a judge of the court in which he is acting for the purposes of section 98(2) or of any statutory provision relating to—</p> <p style="padding-left: 80px;">(i) the appointment, retirement, removal or disqualification of judges of that court;</p> <p style="padding-left: 80px;">(ii) the tenure of office and oaths to be taken by such judges; or</p> <p style="padding-left: 80px;">(iii) the remuneration, allowances or pensions of such judges; or</p> <p style="padding-left: 40px;">(b) subject to section 27 of the Judicial Pensions and Retirement Act 1993, be treated as having been a judge of a court in which he has acted only under this section.</p> <p>(6A) A Circuit judge, Recorder or person within subsection (1ZB) shall not by virtue of subsection (5) exercise any of the powers conferred on a single judge by sections 31, 31B, 31C and 44 of the Criminal Appeal Act 1968 (powers of single judge in connection with appeals to the Court of Appeal and appeals from the Court of Appeal to the Supreme Court).</p> <p>(8) Such remuneration and allowances as the Lord Chancellor may, with the concurrence of the Minister for</p>		
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	<p>the Civil Service, determine may be paid out of money provided by Parliament—</p> <p>(a) to any person who has been—</p> <p>(i) a judge of the Supreme Court; or (ii) a judge of the Court of Appeal; or (iii) a judge of the High Court,</p> <p>and is by virtue of subsection (1) acting as mentioned in that subsection;</p> <p>(b) to any deputy judge of the High Court appointed under subsection (4).</p> <p>(8A) A person may be removed from office as a deputy judge of the High Court—</p> <p>(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and (b) only on—</p> <p>(i) the ground of inability or misbehaviour, or (ii) a ground specified in the person's terms of appointment.</p> <p>(8B) Subject to the preceding provisions of this section, a person appointed under subsection (4) is to hold and vacate office as a deputy judge of the High Court in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.</p> <p>(9) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act</p>		
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	2005 to exercise functions of the Lord Chief Justice under this section.		
<p>Matrimonial and Family Proceedings Act 1984, section 36(1) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 11(1), paragraph 90, and see SI 2014/954</p> <p><i>Section 36 (Assignment of Circuit judges to matrimonial proceedings)</i></p> <p><i>(1) The jurisdiction conferred by the preceding provisions of this Part of this Act on divorce county courts, so far as it is exercisable by judges of such courts, shall be exercised by such Circuit judges as the Lord Chief Justice may, after consulting the Lord Chancellor, may direct.</i></p> <p><i>(2) 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 this section.</i></p>	<p>The provision provided the LCJ or nominee, after consulting the LC, with power to nominate by direction Circuit judges to exercise divorce county court jurisdiction under the 1984 Act.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when the statutory provision was repealed by the Crime and Courts Act 1984.</p>
<p>County Courts Act 1984, section 5(3)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 9(1), paragraph 4, and see SI 2014/954</p> <p><i>Section 5 (Judges of county courts)</i></p> <p><i>(1) Every Circuit judge shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales, and the Lord Chief Justice shall, after consulting the Lord Chancellor, assign one or more Circuit judges to each district and may from time to time vary the assignment of Circuit judges among the districts.</i></p> <p><i>(2) Subject to any directions given by the Lord Chief Justice after consulting the Lord Chancellor, in any case where more than one Circuit judge is assigned to a district under</i></p>	<p>The provision gave the LCJ power to authorise a High Court judge to sit in any County Court district ie: i) the High Court judge consented to do so; and ii) following consultation with the LC.</p> <p>The power was delegated to the PFD in respect of authorising judges of the High Court, Family Division to sit in the country courts.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when County Courts Act 1984, section 5 was replaced in its entirety by a new section 5 inserted by the Crime and Courts Act 2013.</p>

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	<p><i>subsection (1), any function conferred by or under this Act on the judge for a district may be exercised by any of the Circuit judges for the time being assigned to that district.</i></p> <p>(3)<i>The following, that is—</i> <i>every judge of the Court of Appeal,</i> <i>every judge of the High Court,</i> <i>every Recorder,</i> <i>shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales and, if he consents to do so, shall sit as such a judge at such times and on such occasions as the Lord Chief Justice considers desirable after consulting the Lord Chancellor.</i></p> <p>(4)<i>Notwithstanding that he is not for the time being assigned to a particular district, a Circuit judge—</i></p> <p style="padding-left: 40px;"><i>(a) shall sit as a judge of that district at such times and on such occasions as the Lord Chief Justice may, after consulting the Lord Chancellor, direct; and</i> <i>(b) may sit as a judge of that district in any case where it appears to him that the judge of that district is not, or none of the judges of that district is, available to deal with the case.</i></p> <p>(5)<i>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 this section.</i></p>		
<p>Matrimonial and Family Proceedings Act 1984, section 33</p>	<p>Repealed by Crime and Courts Act 2013, schedule 11, paragraph 90, and see SI 2014/954.</p>	<p>The provision gave the LC power, with the concurrence of the LCJ or nominee, to (a) designate a County Court as a divorce County Court and (b) provide that</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when the statutory provisions that were capable of delegation, and other</p>

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<p>(1) and (4) (as amended)</p> <p>(REPEALED)</p>	<p>Section 33 (<i>Jurisdiction of county courts in matrimonial causes</i>)</p> <p><i>(1) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, by order designate any county court as a divorce county court and any court so designated shall have jurisdiction to hear and determine any matrimonial cause, except that it shall have jurisdiction to try such a cause only if it is also designated in the order as a court of trial.</i></p> <p><i>In this Part of this Act “divorce county court” means a county court so designated.</i></p> <p><i>(2) The jurisdiction conferred by this section on a divorce county court shall be exercisable throughout England and Wales, but rules of court may provide for a matrimonial cause pending in one such court to be heard and determined in another or partly in that and partly in another.</i></p> <p><i>(3) Every matrimonial cause shall be commenced in a divorce county court and shall be heard and determined in that or another such court unless or except to the extent it is transferred to the High Court under section 39 below or section 41 of the County Courts Act 1984 (transfer to High Court by order of High Court).</i></p> <p><i>(4) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, by order designate a divorce county court as a court for the exercise of jurisdiction in matrimonial matters arising under Part III of this Act.</i></p> <p><i>(5) The power to make an order under subsection (1) or (4) above shall be exercisable by statutory instrument.</i></p>	<p>such a court had matrimonial jurisdiction under Part 3 of the 1984 Act.</p> <p>The provision is no longer in force.</p>	<p>provisions in section 92, were repealed by the Crime and Courts Act 2013.</p>
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	<p><i>(6) 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 this section.</i></p>		
<p>Matrimonial and Family Proceedings Act 1984, section 42(2)(a) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 11, paragraph 94, and see SI 2014/954.</p> <p><i>Section 42 (County court proceedings in principal registry of Family Division)</i></p> <p><i>(1) Sections 33 to 35 and 36A to 36C above shall not prevent the commencement of any proceedings in the principal registry except where rules of court under section 34(2) or 36B(2) above otherwise provide; and the following provisions of this section shall have effect for the purposes of enabling proceedings to be dealt with in that registry as in a divorce county court or civil partnership proceedings county court.</i></p> <p><i>(1A) Subsection (2) below applies to—</i></p> <p style="padding-left: 40px;"><i>(a) the jurisdiction in matrimonial causes or matters conferred by sections 33, 34 and 35 above on divorce county courts, and</i></p> <p style="padding-left: 40px;"><i>(b) the jurisdiction in civil partnership causes or matters conferred by sections 36A, 36B and 36C above on civil partnership proceedings county courts.</i></p> <p><i>(2) A jurisdiction to which this subsection applies shall be exercised in the principal registry—</i></p> <p style="padding-left: 40px;"><i>(a) so far as it is exercisable by judges of such courts, at such sittings and in such places as the</i></p>	<p>The provision gave the LC power, following consultation with the LCJ or nominee, to give directions as to time and place of any sittings of the Principal Registry of the High Court, Family Division exercising County Court jurisdiction.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when the statutory provisions that were capable of delegation, and other provisions in section 92, were repealed by the Crime and Courts Act 2013.</p>

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	<p><i>Lord Chancellor may, after consulting the Lord Chief Justice, direct; and</i></p> <p><i>(b) so far as it is exercisable by registrars of such courts, by such registrars or by registrars and other officers of the principal registry according as rules of court may provide.</i></p> <p><i>(2A) Rules of court may make provision–</i></p> <p><i>(a) for treating, for any purposes specified in the rules, matrimonial causes and matters pending in the registry with respect to which the jurisdiction mentioned in subsection (1A)(a) above is exercisable as pending in a divorce county court,</i></p> <p><i>(b) for treating, for any purposes specified in the rules, civil partnership causes and matters pending in the registry with respect to which the jurisdiction mentioned in subsection (1A)(b) above is exercisable as pending in a civil partnership proceedings county court, and</i></p> <p><i>(c) for the application of section 74(3) of the Solicitors Act 1974 (costs) with respect to proceedings treated as mentioned in paragraph (a) or (b) above.</i></p> <p><i>(3) Where, by virtue of rules under subsection (2A) above, a matrimonial cause is pending in the registry as in a divorce county court, any ancillary or related proceedings which could be taken in a divorce county court and which are not of a description excluded by the rules from the operation of this subsection may be taken and dealt with in the registry as in a divorce county court.</i></p> <p><i>(3A) Where, by virtue of rules under subsection (2A) above, a civil partnership cause or matter is pending in the registry as in a civil partnership proceedings county court,</i></p>		
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<p><i>any ancillary or related proceedings which could be taken in a civil partnership proceedings county court and which are not of a description excluded by the rules from the operation of this subsection may be taken and dealt with in the registry as in a civil partnership proceedings county court.</i></p> <p><i>(4) The principal registry shall be treated as a divorce county court—</i></p> <ul style="list-style-type: none"><i>(a) for the purposes of any provision to be made by rules of court under section 33(2) above;</i><i>(b) for the purpose of any provision to be made under section 34(2) above prescribing the county court in which any proceedings are to be commenced; and</i><i>(c) for the purpose of any transfer of family proceedings under section 38 or 39 above between the High Court and a divorce county court.</i> <p><i>(4ZA) The principal registry shall be treated as a civil partnership proceedings county court—</i></p> <ul style="list-style-type: none"><i>(a) for the purposes of any provision to be made by rules of court under section 36A(5) above;</i><i>(b) for the purpose of any provision to be made under section 36B(2) above prescribing the county court in which any proceedings are to be commenced; and</i><i>(c) for the purpose of any transfer of family proceedings under section 38 or 39 above between the High Court and a civil partnership proceedings county court.</i> <p><i>(4A) Where a district judge of the principal registry is exercising jurisdiction in any matrimonial cause or matter, or in any civil partnership cause or matter, which could be</i></p>		
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	<p><i>exercised by a district judge of a county court, he shall have the same powers in relation to those proceedings as if he were a district judge of a county court and the proceedings were in a county court.</i></p> <p><i>(5) Rules of court shall make provision for securing, with respect to family proceedings dealt with under this section, that, as nearly as may be, the same consequences shall follow—</i></p> <p><i>(a) as regards service of process—</i></p> <p><i>(i) as if proceedings commenced in the principal registry in a matrimonial cause or matter had been commenced in a divorce county court, and</i></p> <p><i>(ii) as if proceedings commenced in that registry in a civil partnership cause or matter had been commenced in a civil partnership proceedings county court; and</i></p> <p><i>(b) as regards enforcement of orders—</i></p> <p><i>(i) as if orders made in that registry in the exercise of the family jurisdiction conferred by sections 33, 34 and 35 above on divorce county courts were orders made by such a court, and</i></p> <p><i>(ii) as if orders made in that registry in the exercise of the family jurisdiction conferred by sections 36A, 36B and 36C above on civil partnership proceedings county courts were orders made by such a court.</i></p> <p><i>(5A) For the purposes of subsection (3A) above, proceedings—</i></p> <p><i>(a) are “ancillary” to a civil partnership cause if they are connected with the cause, and</i></p>		
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	<p><i>(b) are “related” to a civil partnership cause if they are for protecting or otherwise relate to any rights, or the exercise of any rights, of–</i></p> <p style="text-align: center;"><i>(i) the civil partners as civil partners, or (ii) any children of the family.</i></p> <p><i>(6) In this section “the principal registry” means the principal registry of the Family Division of the High Court and, for the purposes of subsection (3) above, proceedings are “ancillary” to a matrimonial cause if they are connected with the cause and are “related” to a matrimonial cause if they are for protecting or otherwise relate to any rights, or the exercise of any rights, of the parties to the marriage as husband and wife or any children of the family.</i></p> <p><i>(7) 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 this section.</i></p>		
<p>Children Act 1989, section 92(9) and (10) (as amended)</p> <p>(REPEALED)</p>	<p>This provision was amended by the Crime and Courts Act 2013, schedule 11(1), paragraph 109(2), and see SI 2014/954.</p> <p><i>Section 92 (Jurisdiction of courts)</i></p> <p><i>(1) The name “domestic proceedings”, given to certain proceedings in magistrates' courts, is hereby changed to “family proceedings” and the names “domestic court” and “domestic court panel” are hereby changed to “family proceedings court” and “family panel”, respectively.</i></p>	<p>The provision gave the LC, following consultation with the LCJ or nominee, to direct that the Principal Registry of the High Court, Family Division be treated for certain purposes as a County Court. It further provided the LC, following consultation with the LCJ or nominee, power to make any necessary consequential provision.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when the statutory provisions that were capable of delegation, and other provisions in section 92, were repealed by the Crime and Courts Act 2013.</p>

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	<p><i>(2) Proceedings under this Act shall be treated as family proceedings in relation to magistrates' courts.</i></p> <p><i>(3) Subsection (2) is subject to the provisions of section 65(1) and (2) of the Magistrates' Courts Act 1980 (proceedings which may be treated as not being family proceedings), as amended by this Act.</i></p> <p><i>(4) A magistrates' court shall not be competent to entertain any application, or make any order, involving the administration or application of—</i></p> <ul style="list-style-type: none"><i>(a) any property belonging to or held in trust for a child; or</i><i>(b) the income of any such property.</i> <p><i>(5) The powers of a magistrates' court under section 63(2) of the Act of 1980 to suspend or rescind orders shall not apply in relation to any order made under this Act.</i></p> <p><i>(6) Part I of Schedule 11 makes provision, including provision for the Lord Chancellor to make orders, with respect to the jurisdiction of courts and justices of the peace in relation to—</i></p> <ul style="list-style-type: none"><i>(a) proceedings under this Act; and</i><i>(b) proceedings under certain other enactments.</i> <p><i>(7) For the purposes of this Act “the court” means the High Court, a county court or a magistrates' court.</i></p> <p><i>(8) Subsection (7) is subject to the provision made by or under Part I of Schedule 11 and to any express provision as to the jurisdiction of any court made by any other provision of this Act.</i></p>		
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	<p><i>(9) The Lord Chancellor may, after consulting the Lord Chief Justice, by order make provision for the principal registry of the Family Division of the High Court to be treated as if it were a county court for such purposes of this Act, or of any provision made under this Act, as may be specified in the order.</i></p> <p><i>(10) Any order under subsection (9) may make such provision as the Lord Chancellor thinks expedient, after consulting the Lord Chief Justice, for the purpose of applying (with or without modifications) provisions which apply in relation to the procedure in county courts to the principal registry when it acts as if it were a county court.</i></p> <p><i>(10A) 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 (9) or (10).</i></p> <p><i>(11) Part II of Schedule 11 makes amendments consequential on this section.</i></p>		
<p>Children Act 1989, section 94(10) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 11(1), paragraph 111, and see SI 2014/954.</p> <p>Section 94 (Appeals)</p> <p><i>(1) Subject to any express provisions to the contrary made by or under this Act, an appeal shall lie to a county court against—</i></p> <p style="padding-left: 20px;"><i>(a) the making by a magistrates' court of any order under this Act or the Adoption and Children Act 2002; or</i></p> <p style="padding-left: 20px;"><i>(b) any refusal by a magistrates' court to make such an order.</i></p>	<p>The provision gave the LC, following consultation with the LCJ or nominee, power, by Order, to provide for the circumstances in which appeals from decisions to transfer or proposed transfer decisions may be made.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when the statutory provision was repealed by the Crime and Courts Act 2013.</p>

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	<p><i>(2) Where a magistrates' court has power, in relation to any proceedings under this Act or the Adoption and Children Act 2002, to decline jurisdiction because it considers that the case can more conveniently be dealt with by another court, no appeal shall lie against any exercise by that magistrates' court of that power.</i></p> <p><i>(3) Subsection (1) does not apply in relation to an interim order for periodical payments made under Schedule 1.</i></p> <p><i>(4) On an appeal under this section, a county court may make such orders as may be necessary to give effect to its determination of the appeal.</i></p> <p><i>(5) Where an order is made under subsection (4) a county court may also make such incidental or consequential orders as appear to it to be just.</i></p> <p><i>(6) Where an appeal from a magistrates' court relates to an order for the making of periodical payments, [a county court] 2 may order that its determination of the appeal shall have effect from such date as it thinks fit to specify in the order.</i></p> <p><i>(7) The date so specified must not be earlier than the earliest date allowed in accordance with rules of court made for the purposes of this section.</i></p> <p><i>(8) Where, on an appeal under this section in respect of an order requiring a person to make periodical payments, a county court reduces the amount of those payments or discharges the order—</i></p> <p><i>(a) it may order the person entitled to the payments to pay to the person making them such sum in</i></p>		
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	<p><i>respect of payments already made as [the county court] 4 thinks fit; and</i></p> <p><i>(b) if any arrears are due under the order for periodical payments, it may remit payment of the whole, or part, of those arrears.</i></p> <p><i>(9) Any order of a county court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes—</i></p> <p><i>(a) of the enforcement of the order; and</i></p> <p><i>(b) of any power to vary, revive or discharge orders,</i></p> <p><i>be treated as if it were an order of the magistrates' court from which the appeal was brought and not an order of a county court.</i></p> <p><i>(10) The Lord Chancellor may, after consulting the Lord Chief Justice, by order make provision as to the circumstances in which appeals may be made against decisions taken by courts on questions arising in connection with the transfer, or proposed transfer, of proceedings by virtue of any order under paragraph 2 of Schedule 11.</i></p> <p><i>(11) Except to the extent provided for in any order made under subsection (10), no appeal may be made against any decision of a kind mentioned in that subsection.</i></p> <p><i>(12) 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 (10).</i></p>		
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<p>Children Act 1989, schedule 1, paragraph 5(2) (as amended)</p> <p>(REPEALED)</p>	<p>This provision was amended by the Crime and Courts Act 2013, schedule 11(1), paragraph 114, and see SI 2014/954.</p> <p><i>Schedule 1, paragraph 5 (Provisions relating to lump sums)</i></p> <p><i>(1) Without prejudice to the generality of paragraph 1, an order under that paragraph for the payment of a lump sum may be made for the purpose of enabling any liabilities or expenses—</i></p> <p style="padding-left: 40px;"><i>(a) incurred in connection with the birth of the child or in maintaining the child; and</i></p> <p style="padding-left: 40px;"><i>(b) reasonably incurred before the making of the order,</i></p> <p><i>to be met.</i></p> <p><i>(2) The amount of any lump sum required to be paid by an order made by a magistrates' court under paragraph 1 or 2 shall not exceed £1000 or such larger amount as the Lord Chancellor may, after consulting the Lord Chief Justice, from time to time by order fix for the purposes of this sub-paragraph.</i></p> <p><i>(3) The power of the court under paragraph 1 or 2 to vary or discharge an order for the making or securing of periodical payments by a parent shall include power to make an order under that provision for the payment of a lump sum by that parent.</i></p> <p><i>(4) The amount of any lump sum which a parent may be required to pay by virtue of sub-paragraph (3) shall not, in the case of an order made by a magistrates' court, exceed the maximum amount that may at the time of the making of the order be required to be paid under sub-paragraph (2),</i></p>	<p>The provision gave the LC, following consultation with the LCJ or nominee, to fix an amount payable by lump sum on the order of the Magistrates' Court above £1000.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when the statutory provision capable of delegation was repealed by the Crime and Courts Act 2013.</p>
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	<p><i>but a magistrates' court may make an order for the payment of a lump sum not exceeding that amount even though the parent was required to pay a lump sum by a previous order under this Act.</i></p> <p><i>(5) An order made under paragraph 1 or 2 for the payment of a lump sum may provide for the payment of that sum by instalments.</i></p> <p><i>(6) Where the court provides for the payment of a lump sum by instalments the court, on an application made either by the person liable to pay or the person entitled to receive that sum, shall have power to vary that order by varying—</i></p> <ul style="list-style-type: none"> <i>(a) the number of instalments payable;</i> <i>(b) the amount of any instalment payable;</i> <i>(c) the date on which any instalment becomes payable.</i> <p><i>(7) 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 this paragraph.</i></p>		
<p>Children Act 1989, schedule 11, paragraph 1(1), (2) and (3) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 11(1), paragraph 121, and see SI 2014/954.</p> <p><i>Schedule 11, part 1, paragraph 1 (Commencement of proceedings)</i></p> <p><i>(1) The Lord Chancellor may, after consulting the Lord Chief Justice, by order specify proceedings under this Act or the Adoption and Children Act 2002 which may only be commenced in—</i></p> <ul style="list-style-type: none"> <i>(a) a specified level of court;</i> 	<p>The provision gave the LC, following consultation with the LCJ or nominee, power to specify in which court or level of court in which certain specified proceedings relating to children could be commenced.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when the statutory provision capable of delegation was repealed by the Crime and Courts Act 2013.</p> <p>The power to delegate the functions was set out at schedule 11, part 1, paragraph 4(6) of the 1989 Act.</p>

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	<p><i>(b) a court which falls within a specified class of court; or</i></p> <p><i>(c) a particular court determined in accordance with, or specified in, the order.</i></p> <p>(2) <i>The Lord Chancellor may, after consulting the Lord Chief Justice, by order specify circumstances in which specified proceedings under this Act or the Adoption and Children Act 2002 (which might otherwise be commenced elsewhere) may only be commenced in—</i></p> <p><i>(a) a specified level of court;</i></p> <p><i>(b) a court which falls within a specified class of court; or</i></p> <p><i>(c) a particular court determined in accordance with, or specified in, the order.</i></p> <p>(2A) <i>Sub-paragraphs (1) and (2) shall also apply in relation to proceedings—</i></p> <p><i>(a) under section 55A of the Family Law Act 1986 (declarations of parentage); or</i></p> <p><i>(b) which are to be dealt with in accordance with an order made under section 45 of the Child Support Act 1991 (jurisdiction of courts in certain proceedings under that Act).</i></p> <p>(3) <i>The Lord Chancellor may, after consulting the Lord Chief Justice, by order make provision by virtue of which, where specified proceedings with respect to a child under—</i></p> <p><i>(a) this Act;</i></p> <p><i>(b) the Adoption and Children Act 2002; or</i></p> <p><i>(bb) section 20 (appeals) of the Child Support Act 1991;</i></p> <p><i>(c) the High Court's inherent jurisdiction with respect to children,</i></p>		
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	<p><i>have been commenced in or transferred to any court (whether or not by virtue of an order under this Schedule), any other specified family proceedings which may affect, or are otherwise connected with, the child may, in specified circumstances, only be commenced in that court.</i></p> <p><i>(4) A class of court specified in an order under this Schedule may be described by reference to a description of proceedings and may include different levels of court.</i></p>		
<p>Children Act 1989, schedule 11, paragraph 2(1) and (5) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 11(1), paragraph 121, and see SI 2014/954.</p> <p><i>Schedule 11, Part 1, paragraph 2 (Transfer of Proceedings)</i></p> <p><i>(1) The Lord Chancellor may, after consulting the Lord Chief Justice, by order provide that in specified circumstances the whole, or any specified part of, specified proceedings to which this paragraph applies shall be transferred to—</i></p> <ul style="list-style-type: none"> <i>(a) a specified level of court;</i> <i>(b) a court which falls within a specified class of court; or</i> <i>(c) a particular court determined in accordance with, or specified in, the order.</i> <p><i>(2) Any order under this paragraph may provide for the transfer to be made at any stage, or specified stage, of the proceedings and whether or not the proceedings, or any part of them, have already been transferred.</i></p> <p><i>(3) The proceedings to which this paragraph applies are—</i></p> <ul style="list-style-type: none"> <i>(a) any proceedings under this Act;</i> 	<p>The provision gave the LC power by Order, following consultation with the LC or nominee, to specify the circumstances in which proceedings or appts of the proceedings could be transferred to specific courts or levels of court. It further provided the LC power by Order, following consultation with the LCJ or nominee, to exclude certain proceedings from an Order made under paragraph 2(1).</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when the statutory provision capable of delegation was repealed by the Crime and Courts Act 2013.</p> <p>The power to delegate the functions was set out at schedule 11, part 1, paragraph 4(6) of the 1989 Act.</p>

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	<p><i>(b) any proceedings under the Adoption and Children Act 2002;</i> <i>[(ba) any proceedings under section 55A of the Family Law Act 1986;</i> <i>(bb) any proceedings under section 20 (appeals) of the Child Support Act 1991;</i> <i>(c) any other proceedings which—</i> <i>(i) are family proceedings for the purposes of this Act, other than proceedings under the inherent jurisdiction of the High Court; and</i> <i>(ii) may affect, or are otherwise connected with, the child concerned.</i></p> <p><i>(4) Proceedings to which this paragraph applies by virtue of sub-paragraph (3)(c) may only be transferred in accordance with the provisions of an order made under this paragraph for the purpose of consolidating them with proceedings under—</i> <i>(a) this Act;</i> <i>(b) the Adoption and Children Act 2002; or</i> <i>(c) the High Court's inherent jurisdiction with respect to children.</i></p> <p><i>(5) An order under this paragraph may make such provision as the Lord Chancellor thinks appropriate, after consulting the Lord Chief Justice, for excluding proceedings to which this paragraph applies from the operation of any enactment which would otherwise govern the transfer of those proceedings, or any part of them.</i></p>		
<p>Children Act 1989, schedule 11, paragraph</p>	<p>Repealed by Crime and Courts Act 2013, schedule 11(1), paragraph 121, and see SI 2014/954.</p> <p><i>Schedule 11, Part 1, paragraph 4 (General)</i></p>	<p>This provision specified that the LC, following consultation with the LCJ or nominee, had power to provide for transitional, incidental and/or</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when the statutory provision capable of</p>

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<p>4(5)(a) (as amended)</p> <p>(REPEALED)</p>	<p><i>(1) For the purposes of this Schedule—</i></p> <p style="padding-left: 20px;"><i>(a) the commencement of proceedings under this Act includes the making of any application under this Act in the course of proceedings (whether or not those proceedings are proceedings under this Act); and</i></p> <p style="padding-left: 20px;"><i>(b) there are three levels of court, that is to say the High Court, any county court and any magistrates' court.</i></p> <p><i>(2) In this Schedule “specified” means specified by an order made under this Schedule.</i></p> <p><i>(3) Any order under paragraph 1 may make provision as to the effect of commencing proceedings in contravention of any of the provisions of the order.</i></p> <p><i>(4) An order under paragraph 2 may make provision as to the effect of a failure to comply with any of the provisions of the order.</i></p> <p><i>(5) An order under this Schedule may—</i></p> <p style="padding-left: 20px;"><i>(a) make such consequential, incidental or transitional provision as the Lord Chancellor considers expedient, after consulting the Lord Chief Justice, including provision amending any other enactment so far as it concerns the jurisdiction of any court or justice of the peace;</i></p> <p style="padding-left: 20px;"><i>(b) make provision for treating proceedings which are—</i></p> <p style="padding-left: 40px;"><i>(i) in part proceedings of a kind mentioned in paragraph (a) or (b) of paragraph 2(3); and</i></p>	<p>consequential provisions in any Order made under this Part of the Schedule.</p> <p>The provision is no longer in force.</p>	<p>delegation was repealed by the Crime and Courts Act 2013.</p>
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	<p style="text-align: center;"><i>(ii) in part proceedings of a kind mentioned in paragraph (c) of paragraph 2(3), as consisting entirely of proceedings of one or other of those kinds, for the purposes of the application of any order made under paragraph 2.</i></p> <p><i>(6) 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 this Part of this Schedule.</i></p>		
<p>Family Law Act 1996, section 12 (as amended)</p> <p>(REPEALED)</p>	<p>This provision was never brought into force and was repealed by Children and Families Act 2014, section 18(1).</p> <p><i>As the powers contained in this provision were never exercisable the section is not set out here.</i></p>	<p>The provision gave the LCJ or nominee power to make designated rules under the procedure set out in Constitutional Reform Act 2005, schedule 1, part 1.</p> <p>The provision was never in force.</p>	<p>The delegation was prospectively in force from April 2006 until 13 May 2014, when the statutory provision was repealed by the Children and Families Act 2014.</p>
<p>Family Law Act 1996, section 57(3), (4), (5), (7), (9) and (10) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013 schedule 11(1) paragraph 135(3), and see SI 2014/954.</p> <p>Section 57 (Jurisdiction of courts)</p> <p><i>(1) For the purposes of this Part “the court” means the High Court, a county court or a magistrates' court.</i></p> <p><i>(2) Subsection (1) is subject to the provision made by or under the following provisions of this section, to section 59 and to any express provision as to the jurisdiction of any court made by any other provision of this Part.</i></p> <p><i>(3) The Lord Chancellor may, after consulting the Lord Chief Justice, by order specify proceedings under this Part which may only be commenced in—</i></p>	<p>This provision gave the LC a number of powers, to be exercised after consultation with the LCJ or nominee, concerning the determination of jurisdiction of specified courts in respect of family proceedings.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when its provisions were repealed by the Crime and Courts Act 2013.</p>

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	<p>(a) a specified level of court; (b) a court which falls within a specified class of court; or (c) a particular court determined in accordance with, or specified in, the order.</p> <p>(4) The Lord Chancellor may, after consulting the Lord Chief Justice, by order specify circumstances in which specified proceedings under this Part may only be commenced in—</p> <p>(a) a specified level of court; (b) a court which falls within a specified class of court; or (c) a particular court determined in accordance with, or specified in, the order.</p> <p>(5) The Lord Chancellor may, after consulting the Lord Chief Justice, by order provide that in specified circumstances the whole, or any specified part of any specified proceedings under this Part is to be transferred to—</p> <p>(a) a specified level of court; (b) a court which falls within a specified class of court; or (c) a particular court determined in accordance with, or specified in, the order.</p> <p>(6) An order under subsection (5) may provide for the transfer to be made at any stage, or specified stage, or specified stage, of the proceedings and whether or not the proceedings, or any part of them, have already been transferred.</p> <p>(7) An order under subsection (5) may make such provision as the Lord Chancellor thinks appropriate, after consulting</p>		
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<p><i>the Lord Chief Justice for excluding specified proceedings from the operation of section 38 or 39 of the Matrimonial and Family Proceedings Act 1984 (transfer of family proceedings) or any other enactment which would otherwise govern the transfer of those proceedings, or any part of them.</i></p> <p><i>(8) For the purposes of subsections (3), (4) and (5), there are three levels of court—</i></p> <ul style="list-style-type: none"><i>(a) the High Court;</i><i>(b) any county court; and</i><i>(c) any magistrates' court.</i> <p><i>(9) The Lord Chancellor may, after consulting the Lord Chief Justice, by order make provision for the principal registry of the Family Division of the High Court to be treated as if it were a county court for specified purposes of this Part, or of any provision made under this Part.</i></p> <p><i>(10) Any order under subsection (9) may make such provision as the Lord Chancellor thinks expedient, after consulting the Lord Chief Justice, for the purpose of applying (with or without modifications) provisions which apply in relation to the procedure in county courts to the principal registry when it acts as if it were a county court.</i></p> <p><i>(11) In this section “specified” means specified by an order under this section.</i></p> <p><i>(12) 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 this section.</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

<p>Family Law Act 1996, section 61(5) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013 schedule 11(1) paragraph 137, and see SI 2014/954.</p> <p><i>Section 61 (Appeals)</i></p> <p><i>(1) An appeal shall lie to a county court against—</i> <i>(a) the making by a magistrates' court of any order under this Part, or</i> <i>(b) any refusal by a magistrates' court to make such an order,</i></p> <p><i>but no appeal shall lie against any exercise by a magistrates' court of the power conferred by section 59(2).</i></p> <p><i>(2) On an appeal under this section, a county court may make such orders as may be necessary to give effect to its determination of the appeal.</i></p> <p><i>(3) Where an order is made under subsection (2), a county court may also make such incidental or consequential orders as appear to it to be just.</i></p> <p><i>(4) Any order of a county court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes—</i> <i>(a) of the enforcement of the order, and</i> <i>(b) of any power to vary, revive or discharge orders,</i></p> <p><i>be treated as if it were an order of the magistrates' court from which the appeal was brought and not an order of a county court.</i></p> <p><i>(5) The Lord Chancellor may, after consulting the Lord Chief Justice, by order make provision as to the</i></p>	<p>The provision provided the LC, following consultation with the LCJ or nominee, with power to make provision as to the circumstances in which appeals may be made against decisions taken by courts on questions arising in connection with the transfer, or proposed transfer, of proceedings by virtue of any order under section 57(5) of the Act.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when its provisions were repealed by the Crime and Courts Act 2013.</p> <p>From 3 April 2006 to 5 April 2009 the statutory provision references to a County Court were references to the High Court: see Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2009/871, article 8.</p>
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Lord Chief Justice – Delegation of Statutory Functions

	<p><i>circumstances in which appeals may be made against decisions taken by courts on questions arising in connection with the transfer, or proposed transfer, of proceedings by virtue of any order under section 57(5).</i></p> <p><i>(6) Except to the extent provided for in any order made under subsection (5), no appeal may be made against any decision of a kind mentioned in that subsection.</i></p> <p><i>(7) 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 this section.</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to the President of the Court of Protection¹³

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Mental Health Act 1983, section 93(1), (3) and (4) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Mental Capacity Act 2005, sections 66, 67 and schedule 7</p> <p><i>Section 93 (Judicial authorities and Court of Protection)</i></p> <p><i>(1) The Lord Chief Justice, after consulting the Lord Chancellor, shall from time to time nominate one or more judges of the Supreme Court (in this Act referred to as "nominated judges ") to act for the purposes of this Part of this Act.</i></p> <p><i>(2) There shall continue to be an office of the Supreme Court, called the Court of Protection, for the protection and management, as provided by this Part of this Act, of the property and affairs of persons under disability ; and there shall continue to be a Master of the Court of Protection appointed by the Lord Chancellor under section 89 of the Supreme Court Act 1981.</i></p> <p><i>(3) The Master of the Court of Protection shall take the oath of allegiance and judicial oath in the presence of the Lord Chief Justice; and the Promissory Oaths Act 1868 shall have effect as if the officers named in the Second Part of the Schedule to that Act included the Master of the Court of Protection.</i></p>	<p>The provision provided the LCJ or nominee power, after consulting the LC, to nominate Senior Courts' judges to be judges of the Court of Protection and to take their oaths of office.</p> <p>It further provided the LC, with the LCJ or nominee's concurrence, to nominate individuals to be officers of the Court of Protection.</p> <p>The PFD, in his capacity as President of the Court of Protection, was the LCJ's nominee.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 1 October 2007, when the Mental Capacity Act 2005 repealed the statutory provision.</p>

¹³ The President of the Family Division is the President of the Court of Protection.

Lord Chief Justice – Delegation of Statutory Functions

	<p><i>(4) The Lord Chancellor, with the concurrence of the Lord Chief Justice, may nominate other officers of the Court of Protection (in this Part of this Act referred to as "nominated officers ") to act for the purposes of this Part of this Act.</i></p> <p><i>(5) 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 (1), (3) or (4).</i></p>		
<p>Mental Health Act 1983, section 108(1) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Mental Capacity Act 2005, schedule 7.</p> <p>Section 108 (General provisions as to rules under Part VII)</p> <p><i>(1) Rules under section 106(5) are to be made by the Lord Chancellor after consulting the Lord Chief Justice.</i></p> <p><i>(1A) Rules under any other provision of this Part of this Act are to be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005.</i></p> <p><i>2(2) Rules under this Part of this Act may contain such incidental and supplemental provisions as appear requisite for the purposes of the rules.</i></p> <p><i>(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 this section.</i></p>	<p>The provision gave the LC power, following consultation with the LCJ or nominee, to make rules under section 106(5) of the Act.</p> <p>The provision further gave the LCJ or nominee power to make other specified rules in accordance with the procedure set out in the Constitutional Reform Act 2005.</p> <p>The PFD, in his capacity as President of the Court of Protection, was the LCJ's nominee.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 1 October 2007, when the Mental Capacity Act 2005 repealed the statutory provision.</p>

Lord Chief Justice – Delegation of Statutory Functions

<p>Mental Capacity Act 2005, section 59(5A) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by the Public Bodies (Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board) Order 2012/2401, schedule 2, paragraph 2.</p> <p><i>Section 59 (Public Guardian Board)</i></p> <p><i>(1) There is to be a body, to be known as the Public Guardian Board.</i></p> <p><i>(2) The Board's duty is to scrutinise and review the way in which the Public Guardian discharges his functions and to make such recommendations to the Lord Chancellor about that matter as it thinks appropriate.</i></p> <p><i>(3) The Lord Chancellor must, in discharging his functions under sections 57 and 58, give due consideration to recommendations made by the Board.</i></p> <p><i>(5) The Board must have–</i></p> <p style="padding-left: 40px;"><i>(a) at least one member who is a judge of the court, and</i></p> <p style="padding-left: 40px;"><i>(b) at least four members who are persons appearing to the Lord Chancellor to have appropriate knowledge or experience of the work of the Public Guardian.</i></p> <p><i>(5A) Where a person to be appointed as a member of the Board is a judge of the court, the appointment is to be made by the Lord Chief Justice after consulting the Lord Chancellor.</i></p> <p><i>(5B) In any other case, the appointment of a person as a member of the Board is to be made by the Lord Chancellor.</i></p>	<p>This provision provided the LCJ or nominee, following consultation with the LC, to nominate judicial office holders to the Public Guardian Board.</p> <p>The provision is no longer in force.</p>	<p>This delegation was in force (prospectively) from December 2006 until 18 September 2012, when it was repealed by the 2012 Order.</p>
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Lord Chief Justice – Delegation of Statutory Functions

	<p><i>(6) The Lord Chancellor may by regulations make provision as to—</i></p> <ul style="list-style-type: none"><i>(a) the appointment of members of the Board (and, in particular, the procedures to be followed in connection with appointments);</i><i>(b) the selection of one of the members to be the chairman;</i><i>(c) the term of office of the chairman and members;</i><i>(d) their resignation, suspension or removal;</i><i>(e) the procedure of the Board (including quorum);</i><i>(f) the validation of proceedings in the event of a vacancy among the members or a defect in the appointment of a member.</i> <p><i>(7) Subject to any provision made in reliance on subsection (6)(c) or (d), a person is to hold and vacate office as a member of the Board in accordance with the terms of the instrument appointing him.</i></p> <p><i>(8) The Lord Chancellor may make such payments to or in respect of members of the Board by way of reimbursement of expenses, allowances and remuneration as he may determine.</i></p> <p><i>(9) The Board must make an annual report to the Lord Chancellor about the discharge of its functions.</i></p> <p><i>(10) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—</i></p> <ul style="list-style-type: none"><i>(a) the President of the Court of Protection;</i><i>(b) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005).</i>		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to the Chancellor of the High Court

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Restrictive Practices Court Act 1976, section 1(3A) (as amended)¹⁴</p> <p>(REPEALED)</p>	<p>Repealed by Competition Act 1998, schedule 14(I), paragraph 1; SI 2013/284</p> <p><i>Section 1 (The Court)</i></p> <p><i>(1) The Restrictive Practices Court (“the Court”) established by the Restrictive Trade Practices Act 1956 shall continue in being by that name as a superior court of record.</i></p> <p><i>(2) The Court shall consist of the following members—</i></p> <p style="padding-left: 40px;"><i>(a) five nominated judges; and</i></p> <p style="padding-left: 40px;"><i>(b) not more than ten appointed members.</i></p> <p><i>(3) Of the nominated judges one, to be selected by the Lord Chancellor, shall be President of the Court.</i></p> <p><i>(3A) The Lord Chancellor may select a person under subsection (3) only with the concurrence of all of the following—</i></p> <p style="padding-left: 40px;"><i>(a) the Lord Chief Justice of England and Wales;</i></p> <p style="padding-left: 40px;"><i>(b) the Lord President of the Court of Session;</i></p> <p style="padding-left: 40px;"><i>(c) the Lord Chief Justice of Northern Ireland.</i></p>	<p>This provision provided the LC power, with the concurrence of the LCJ or nominee and others to select the President of the President of the Restricted Practices Court.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from April 2006 until 10 March 2013.</p>

¹⁴ **NB:** the LCJ’s functions under section 3(5) (the LC’s power to remove a non-judicial member of the Court) were non-delegable. That provision was also repealed on 10 March 2013.

Lord Chief Justice – Delegation of Statutory Functions

	<p><i>(3B) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.</i></p> <p><i>(3C) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.</i></p> <p><i>(3D) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—</i></p> <ul style="list-style-type: none"> <i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i> <i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i> 		
<p>Restrictive Practices Court Act 1976, section 2(1)(a), 2(3) and 2(5) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Competition Act 1998, schedule 14(I), paragraph 1; SI 2013/284</p> <p>Section 2 (Judges of the Court)</p> <p><i>(1) The nominated judges of the Court shall be—</i></p> <ul style="list-style-type: none"> <i>(a) three puisne judges of the High Court nominated by the Lord Chief Justice of England and Wales;</i> <i>(b) one judge of the Court of Session nominated by the Lord President of that Court;</i> <i>(c) one judge of the Supreme Court of Northern Ireland nominated by the Lord Chief Justice of Northern Ireland.</i> 	<p>The provision provided the LCJ or nominee with the power to nominate three Puisne judges of the High Court as judges of the Restrictive Practices Court as well as power to nominate judges on a temporary basis. The powers under this section could only be exercised following consultation with the LC.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from April 2006 until 10 March 2013.</p>

Lord Chief Justice – Delegation of Statutory Functions

<p><i>(2) A judge of any court who is nominated under this section shall not be required to sit in any place outside the jurisdiction of that court, and shall be required to perform his duties as a judge of that court only when his attendance on the Restrictive Practices Court is not required.</i></p> <p><i>(3) In the case of the temporary absence or inability to act of a nominated judge, the Lord Chief Justice of England and Wales, the Lord President of the Court of Session, or the Lord Chief Justice of Northern Ireland (as the case may be) may nominate another judge of the same court to act temporarily in his place, and a judge so nominated shall, when so acting, have all the functions of the judge in whose place he acts.</i></p> <p><i>(4) No judge shall be nominated under this section except with his consent.</i></p> <p><i>(5) The functions conferred on the Lord Chief Justice of England and Wales or on the Lord Chief Justice of Northern Ireland by this section may be exercised only after consulting the Lord Chancellor.</i></p> <p><i>(6) The functions conferred on the Lord Chief Justice of Northern Ireland by this section may be exercised only after consulting the Lord Chancellor.</i></p> <p><i>(7) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.</i></p> <p><i>(8) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p><i>of the First or Second Division of the Inner House of that Court to exercise his functions under this section.</i></p> <p><i>(9) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—</i></p> <p style="padding-left: 40px;"><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i></p> <p style="padding-left: 40px;"><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act.</i></p>		
<p>Restrictive Practices Court Act 1976, section 4(1)(a) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Competition Act 1998, schedule 14(I), paragraph 1; SI 2013/284</p> <p><i>Section 4 (Provision for additional judges or members)</i></p> <p><i>(1) The Lord Chancellor may—</i></p> <p style="padding-left: 40px;"><i>(a) after consultation with the Lord Chief Justice of England and Wales, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, by order increase the number of nominated judges of the Court;</i></p> <p style="padding-left: 40px;"><i>(b) with the approval of the Minister for the Civil Service, by order increase the maximum number of appointed members;</i></p> <p><i>and sections 1 to 3 above, as to the number of judges and members, have effect subject to any order in force under this section.</i></p>	<p>The provision gave the LC, following consultation with the LCJ or nominee, power to increase the number of judges nominated to the Restrictive Practices Court.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from April 2006 until 10 March 2013.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(2) <i>Orders under this section shall be made by statutory instrument; and an order shall be of no effect until it is approved by resolution of each House of Parliament.</i></p> <p>(3) <i>The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.</i></p> <p>(4) <i>The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.</i></p> <p>(5) <i>The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—</i></p> <p style="padding-left: 40px;"><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i></p> <p style="padding-left: 40px;"><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i></p>		
<p>Restrictive Practices Court Act 1976, section 6(5) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Competition Act 1998, schedule 14(I), paragraph 1; SI 2013/284</p> <p>Section 6 (Administration)</p> <p><i>(1) The Lord Chancellor may appoint such officers and servants of the Court as he may, with the approval of the Minister for the Civil Service as to numbers and conditions of service, determine.</i></p>	<p>The provision gave the LC to direct, after consulting the LCJ or nominee, where apart from the Royal Courts of Justice the Restrictive Practices Court should sit when it was sitting in public in London.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from April 2006 until 10 March 2013.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>(2) <i>The principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force applies, with the necessary adaptations, to officers and servants of the Court as to other persons employed in the civil service of the State.</i></p> <p>(3) <i>The central office of the Court shall be in London.</i></p> <p>(4) <i>Subject to its rules, the Court may sit at such times and in such place or places in any part of the United Kingdom as may be most convenient for the determination of proceedings before it.</i></p> <p>(5) <i>When sitting in public in London, the Court shall sit at the Royal Courts of Justice or at such other place as the Lord Chancellor may, after consulting the Lord Chief Justice of England and Wales, appoint.</i></p> <p>(6) <i>The Court may sit either as a single court or in two or more divisions concurrently and either in private or in public.</i></p> <p>(7) <i>The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.</i></p>		
<p>Patents Act 1977, section 102A(3) (as amended) (REPEALED)</p>	<p>Repealed by Legal Services Act 2007, schedule 23, paragraph 1, see SI 2009/3250.</p> <p><i>Section 102A (Right of audience, &c. in proceedings on appeal from the comptroller)</i></p>	<p>The provision provided the LC, with the concurrence of the LCJ or nominee, to restrict the right of a registered patent agent or non-practising barrister to act in respect of appeals to the Patents Court from the Comptroller.</p>	<p>The delegation was in force from April 2006 until 1 January 2010, when the Legal Services Act 2007 repealed the statutory provision.</p>

Lord Chief Justice – Delegation of Statutory Functions

<p><i>(1) A solicitor of the Supreme Court may appear and be heard on behalf of any party to an appeal under this Act from the comptroller to the Patents Court.</i></p> <p><i>(2) A registered patent agent or a member of the Bar not in actual practice may do, in or in connection with proceedings on an appeal under this Act from the comptroller to the Patents Court, anything which a solicitor of the Supreme Court might do, other than prepare a deed.</i></p> <p><i>(3) The Lord Chancellor, with the concurrence of the Lord Chief Justice of England and Wales, may by regulations—</i> <i>(a) provide that the right conferred by subsection (2) shall be subject to such conditions and restrictions as appear to the Lord Chancellor to be necessary or expedient, and</i> <i>(b) apply to persons exercising that right such statutory provisions, rules of court and other rules of law and practice applying to solicitors as may be specified in the regulations; and different provision may be made for different descriptions of proceedings.</i></p> <p><i>(4) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.</i></p> <p><i>(5) This section is without prejudice to the right of counsel to appear before the High Court.</i></p> <p><i>(6) Nothing in this section shall be taken to limit the right to draw or prepare deeds given to a registered patent agent by section 68 of the Courts and Legal Services Act 1990.</i></p>	<p>The provision is no longer in force.</p>
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(7) <i>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 this section.</i></p>		
<p>Senior Courts Act 1981, section 9(1) (as amended) in respect of the power to appoint under columns 1</p>	<p>Section 9 (Assistance for transaction of judicial business)</p> <p>(1) A person within any entry in column 1 of the following Table may, subject to the proviso at the end of that Table, at any time, at the request of the appropriate authority, act—</p> <p style="padding-left: 40px;">(a) as a judge of a relevant court specified in the request; or</p> <p style="padding-left: 40px;">(b) if the request relates to a particular division of a relevant court so specified, as a judge of that court in that division.</p> <p>(2) (The following sets out the information in the Table referred to in s9(1))</p> <p>Column 1: A judge of the Court of Appeal competent to act in the the High Court and the Crown Court.</p> <p>Column 2: A person who has been a judge of the Court of Appeal competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 3: A puisne judge of the High Court competent to act in the Court of Appeal.</p>	<p>The provision sets out the power to deploy certain judges and former judges to act as judges of specified courts. It also provides the power to appoint deputy judges of the High Court.</p> <p>(1) The Chancellor of the High Court is the LCJ’s nominee for authorisations to act as a judge of the High Court, Chancery Division under column 1 of the Table in section 9(1). This authorisation power may only be exercised following consultation with the LC.</p>	<p>Delegation in respect of the authorisation power under columns 1 in force from April 2006 until 26 October 2015.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p>Column 4: A person who has been a puisne judge of the High Court competent to act in the Court of Appeal, the High Court, the family court, the county court and the Crown Court.</p> <p>Column 4A: The Senior President of Tribunals competent to act in the Court of Appeal and the High Court.</p> <p>Column 5: A Circuit judge competent to act in the High Court and the Court of Appeal.</p> <p>Column 6: A Recorder or a person within subsection (1ZB) competent to act in the High Court;</p> <p>(1ZA) The Senior President of Tribunals is to be treated as not being within any entry in column 1 of the Table other than entry 4A.</p> <p>(1ZB) A person is within this subsection if the person—</p> <ul style="list-style-type: none"> (a) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal, (b) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007, (c) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act), (d) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act), or 		
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	<p>(e) is the President of Employment Tribunals (England and Wales) or the President of Employment Tribunals (Scotland).</p> <p>The entry in column 2 specifying the Court of Appeal in relation to a Circuit judge only authorises such a judge to act as a judge of a court in the criminal division of the Court of Appeal.</p> <p>(1A) A person shall not act as a judge by virtue of subsection (1) after the day on which he attains the age of 75.</p> <p>(2) In subsection (1)—</p> <p style="padding-left: 40px;">“the appropriate authority” means—(a) the Lord Chief Justice or a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) nominated by him to exercise his functions under this section, or</p> <p style="padding-left: 40px;">(b) at any time when the Lord Chief Justice or the nominated judicial office holder is unable to make such a request himself, or there is a vacancy in the office of Lord Chief Justice, the Master of the Rolls;</p> <p style="padding-left: 40px;">“relevant court”, in the case of a person within any entry in column 1 of the Table, means a court specified in relation to that entry in column 2 of the Table.</p> <p>(2A) The power of the appropriate authority to make a request under subsection (1) is subject to subsections (2B) to (2D).</p>		
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Lord Chief Justice – Delegation of Statutory Functions

<p>(2B) In the case of a request to a person within entry 1, 3, 4A, 5 or 6 in column 1 of the Table, the appropriate authority may make the request only after consulting the Lord Chancellor.</p> <p>(2C) In any other case the appropriate authority may make a request only with the concurrence of the Lord Chancellor.</p> <p>(2CA) In the case of a request to a person within entry 5 or 6 in column 1 of the Table to act as a judge of the High Court, the appropriate authority may make the request only if the person is a member of the pool for requests under subsection (1) to persons within that entry.</p> <p>(2D) In the case of a request to a Circuit judge to act as a judge of the Court of Appeal, the appropriate authority may make the request only with the concurrence of the Judicial Appointments Commission.</p> <p>(3) The person to whom a request is made under subsection (1) must comply with the request, but this does not apply to—</p> <ul style="list-style-type: none">(a) a request made to a person who has been a judge of the Court of Appeal,(b) a request made to a person who has been a puisne judge of the High Court and is not a judge of the Court of Appeal, or(c) a request made to the Senior President of Tribunals if the holder of that office is a judge of the Court of Session or of the High Court, or Court of Appeal, in Northern Ireland. <p>(4) Without prejudice to section 24 of the Courts Act 1971 (temporary appointment of deputy Circuit judges, if it</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>appears to the Lord Chief Justice, after consulting the Lord Chancellor, that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in the High Court or the Crown Court or any other court or tribunal to which persons appointed under this subsection may be deployed, he may appoint a person qualified for appointment as a puisne judge of the High Court to be a deputy judge of the High Court during such period or on such occasions as the Lord Chief Justice may, after consulting the Lord Chancellor, think fit; and during the period or on the occasions for which a person is appointed as a deputy judge under this subsection, he may act as a puisne judge of the High Court.</p> <p>(4A) No appointment of a person as a deputy judge of the High Court shall be such as to extend beyond the day on which he attains the age of 70, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75).</p> <p>(5) Every person while acting under this section shall, subject to subsections (6) and (6A), be treated for all purposes as, and accordingly may perform any of the functions of, a judge of the court in which he is acting.</p> <p>(6) A person shall not by virtue of subsection (5)—</p> <p style="padding-left: 40px;">(a) be treated as a judge of the court in which he is acting for the purposes of section 98(2) or of any statutory provision relating to—</p> <p style="padding-left: 80px;">(i) the appointment, retirement, removal or disqualification of judges of that court;</p>		
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	<p>(ii) the tenure of office and oaths to be taken by such judges; or (iii) the remuneration, allowances or pensions of such judges; or (b) subject to section 27 of the Judicial Pensions and Retirement Act 1993, be treated as having been a judge of a court in which he has acted only under this section.</p> <p>(6A) A Circuit judge, Recorder or person within subsection (1ZB) shall not by virtue of subsection (5) exercise any of the powers conferred on a single judge by sections 31, 31B, 31C and 44 of the Criminal Appeal Act 1968 (powers of single judge in connection with appeals to the Court of Appeal and appeals from the Court of Appeal to the Supreme Court.</p> <p>(8) Such remuneration and allowances as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine may be paid out of money provided by Parliament—</p> <p>(a) to any person who has been—</p> <p>(i) a judge of the Supreme Court; or (ii) a judge of the Court of Appeal; or (iii) a judge of the High Court,</p> <p>and is by virtue of subsection (1) acting as mentioned in that subsection;</p> <p>(b) to any deputy judge of the High Court appointed under subsection (4).</p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(8A) A person may be removed from office as a deputy judge of the High Court—</p> <p style="padding-left: 40px;">(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and</p> <p style="padding-left: 40px;">(b) only on—</p> <p style="padding-left: 80px;">(i) the ground of inability or misbehaviour, or</p> <p style="padding-left: 80px;">(ii) a ground specified in the person's terms of appointment.</p> <p>(8B) Subject to the preceding provisions of this section, a person appointed under subsection (4) is to hold and vacate office as a deputy judge of the High Court in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.</p> <p>(9) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.</p>		
<p>County Courts Act 1984, section 5(3)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 9(1), paragraph 4, and see SI 2014/954</p> <p><i>Section 5 (Judges of county courts)</i></p> <p><i>(1) Every Circuit judge shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales, and the Lord Chief Justice shall, after consulting the Lord Chancellor, assign one or more Circuit judges to each district and may from time to time vary the assignment of Circuit judges among the districts.</i></p>	<p>The provision gave the LCJ power to authorise a Recorder to sit in any County Court district ie: i) the Recorder consented to do so; and ii) following consultation with the LC.</p> <p>The power was delegated to the CHC in respect of authorising judges of the High Court and Recorders to sit in the Patents County Court.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when County Courts Act 1984, section 5 was replaced in its entirety by a new section 5 inserted by the Crime and Courts Act 2013.</p>

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	<p><i>(2) Subject to any directions given by the Lord Chief Justice after consulting the Lord Chancellor, in any case where more than one Circuit judge is assigned to a district under subsection (1), any function conferred by or under this Act on the judge for a district may be exercised by any of the Circuit judges for the time being assigned to that district.</i></p> <p><i>(3) The following, that is—</i> <i>every judge of the Court of Appeal,</i> <i>every judge of the High Court,</i> <i>every Recorder,</i> <i>shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales and, if he consents to do so, shall sit as such a judge at such times and on such occasions as the Lord Chief Justice considers desirable after consulting the Lord Chancellor.</i></p> <p><i>(4) Notwithstanding that he is not for the time being assigned to a particular district, a Circuit judge—</i></p> <p><i>(a) shall sit as a judge of that district at such times and on such occasions as the Lord Chief Justice may, after consulting the Lord Chancellor, direct; and</i> <i>(b) may sit as a judge of that district in any case where it appears to him that the judge of that district is not, or none of the judges of that district is, available to deal with the case.</i></p> <p><i>(5) 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 this section.</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

<p>Insolvency Act 1986, section 117(4) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 9(3) paragraph 93(b), seeSI 2014/94</p> <p><i>Section 117 (High Court and county court jurisdiction)</i></p> <p><i>(1) The High Court has jurisdiction to wind up any company registered in England and Wales.</i></p> <p><i>(2) Where the amount of a company's share capital paid up or credited as paid up does not exceed £120,000, then (subject to this section) the county court of the district in which the company's registered office is situated has concurrent jurisdiction with the High Court to wind up the company.</i></p> <p><i>(3) The money sum for the time being specified in subsection (2) is subject to increase or reduction by order under section 416 in Part XV.</i></p> <p><i>(4) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, by order in a statutory instrument exclude a county court from having winding-up jurisdiction, and for the purposes of that jurisdiction may attach its district, or any part thereof, to any other county court, and may by statutory instrument revoke or vary any such order.</i></p> <p><i>In exercising the powers of this section, the Lord Chancellor shall provide that a county court is not to have winding-up jurisdiction unless it has for the time being jurisdiction for the purposes of Parts VIII to XI of this Act (individual insolvency).</i></p> <p><i>(5) Every court in England and Wales having winding-up jurisdiction has for the purposes of that jurisdiction all the powers of the High Court; and every prescribed officer of</i></p>	<p>The provision gave the LC, with the concurrence of the LCJ or nominee, power to exclude, by Order, a county court from having winding-up jurisdiction and to attach that jurisdiction to another county court.</p>	<p>The delegation was in force from April 2006 until 22 April 2014, when the Crime and Courts Act 2013 repealed the statutory provision in consequence of the creation of the single County Court.</p>
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Lord Chief Justice – Delegation of Statutory Functions

	<p><i>the court shall perform any duties which an officer of the High Court may discharge by order of a judge of that court or otherwise in relation to winding up.</i></p> <p><i>(6) For the purposes of this section, a company’s “registered office” is the place which has longest been its registered office during the 6 months immediately preceding the presentation of the petition for winding up.</i></p> <p><i>(7) This section is subject to Article 3 of the EC Regulation (jurisdiction under EC Regulation).</i></p> <p><i>(8) 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 this section.</i></p>		
<p>Copyright, Designs and Patents Act 1988, section 287(1) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 9(2), paragraph 30(3), and see SI 2013/1725</p> <p><i>Section 287 (Patents county courts: special jurisdiction)</i></p> <p><i>(1) The Lord Chancellor may with the concurrence of the Lord Chief Justice, by order made by statutory instrument designate any county court as a patents county court and confer on it jurisdiction (its “special jurisdiction”) to hear and determine such descriptions of proceedings—</i></p> <ul style="list-style-type: none"> <i>(a) relating to patents or designs, or</i> <i>(b) ancillary to, or arising out of the same subject matter as, proceedings relating to patents or designs, as may be specified in the order.</i> <p><i>(2) The special jurisdiction of a patents county court is exercisable throughout England and Wales, but rules of court may provide for a matter pending in one such court to</i></p>	<p>The provision conferred power on the LC, with the LCJ or nominee’s concurrence, to designate a county court as a patents county court.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 1 October 2013, when the Crime and Courts Act 2013 repealed the statutory provision.</p>

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	<p><i>be heard and determined in another or partly in that and partly in another.</i></p> <p><i>(3) A patents county court may entertain proceedings within its special jurisdiction notwithstanding that no pecuniary remedy is sought.</i></p> <p><i>(4) An order under this section providing for the discontinuance of any of the special jurisdiction of a patents county court may make provision as to proceedings pending in the court when the order comes into operation.</i></p> <p><i>(5) Nothing in this section shall be construed as affecting the ordinary jurisdiction of a county court.</i></p> <p><i>(6) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.</i></p>		
<p>Copyright, Designs and Patents Act 1988, section 291(1) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 9(2), paragraph 30(3), and see SI 2013/1725</p> <p><i>Section 291 (Proceedings in patents county court)</i></p> <p><i>(1) Where a county court is designated a patents county court, the Lord Chief Justice shall, after consulting the Lord Chancellor, nominate a person entitled to sit as a judge of that court as the patents judge.</i></p>	<p>The provision gave the LCJ or nominee power, after consulting the LC, to nominate a person entitled to sit as a judge of the County Court as a patents judge for the purposes of sitting in the patents county court.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 1 October 2013, when the Crime and Courts Act 2013 repealed the statutory provision.</p>

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	<p>(2) . . .</p> <p>(3) . . .</p> <p>(4) . . .</p> <p>(5) . . .</p> <p>(6) <i>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 (1).</i></p>		
<p>Copyright, Designs and Patents Act 1988, section 292(2A) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Legal Services Act 2007, schedule 23, paragraph 1, see SI 2009/3250.</p> <p><i>Section 292 (Rights and duties of registered patent agents in relation to proceedings in patents county court</i></p> <p><i>(1) A registered patent agent may do, in or in connection with proceedings in a patents county court which are within the special jurisdiction of that court, anything which a solicitor of the Supreme Court might do, other than prepare a deed.</i></p> <p><i>(2) The Lord Chancellor may by regulations provide that the right conferred by subsection (1) shall be subject to such conditions and restrictions as appear to the Lord Chancellor to be necessary or expedient; and different provision may be made for different descriptions of proceedings.</i></p>	<p>The provision provided the LC, with the LCJ or nominee’s concurrence, to make regulations providing for registered patent agents to act in the patents county court as if they were solicitors.</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 1 January 2010, when the Legal Services Act 2007 repealed the statutory provision.</p>

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	<p><i>(2A) The Lord Chancellor may make regulations under subsection (2) only with the concurrence of the Lord Chief Justice.</i></p> <p><i>(3) A patents county court has the same power to enforce an undertaking given by a registered patent agent acting in pursuance of this section as it has, by virtue of section 142 of the [1984 c. 28.] County Courts Act 1984, in relation to a solicitor.</i></p> <p><i>(4) Nothing in section 143 of the County Courts Act 1984 (prohibition on persons other than solicitors receiving remuneration) applies to a registered patent agent acting in pursuance of this section.</i></p> <p><i>(5) The provisions of county court rules prescribing scales of costs to be paid to solicitors apply in relation to registered patent agents acting in pursuance of this section.</i></p> <p><i>(6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.</i></p> <p><i>(7) 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 this section.</i></p>		
<p>Value Added Tax Act 1994, section 86(2A) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Transfer of Tribunal Functions and Revenue and customs Appeals Order 2009/56.</p> <p><i>Section 86 (Appeals to Court of Appeal)</i></p> <p><i>(1) The Lord Chancellor may by order provide that—</i></p>	<p>The provision provided the LC, following consultation with the LCJ or nominee, to specify that certain appeals from a relevant Tribunal should lie to the Court of Appeal</p> <p>The provision is no longer in force.</p>	<p>The delegation was in force from April 2006 until 1 April 2009, when the 2009 Transfer Order repealed the statutory provision.</p>

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	<p><i>(a) in such classes of appeal as may be prescribed by the order, and</i></p> <p><i>(b) subject to the consent of the parties and to such other conditions as may be so prescribed, an appeal from a tribunal shall lie to the Court of Appeal.</i></p> <p><i>(2) An order under this section may provide that section 11 of the Tribunals and Inquiries Act 1992 (which provides for appeals to the High Court from a tribunal) shall have effect, in relation to any appeal to which the order applies, with such modifications as may be specified in the order.</i></p> <p><i>(2A) Before making an order under this section that relates to England and Wales, the Lord Chancellor must consult the Lord Chief Justice of England and Wales.</i></p> <p><i>(2B) Before making an order under this section that relates to Northern Ireland, the Lord Chancellor must consult the Lord Chief Justice of Northern Ireland.</i></p> <p><i>(2C) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.</i></p> <p><i>(2D) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—</i></p> <p><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i></p> <p><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<i>(3) This section does not extend to Scotland.</i>		
<p>Companies Act 2006, section 1156(3) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 9(2), paragraph 43(b), and see SI 2014/954.</p> <p><i>Section 1156 (Meaning of “the court”)</i></p> <p><i>(1) Except as otherwise provided, in the Companies Acts “the court” means—</i></p> <p style="padding-left: 40px;"><i>(a) in England and Wales, the High Court or (subject to subsection (3)) a county court;</i></p> <p style="padding-left: 40px;"><i>(b) in Scotland, the Court of Session or the sheriff court;</i></p> <p style="padding-left: 40px;"><i>(c) in Northern Ireland, the High Court.</i></p> <p><i>(2) The provisions of the Companies Acts conferring jurisdiction on “the court” as defined above have effect subject to any enactment or rule of law relating to the allocation of jurisdiction or distribution of business between courts in any part of the United Kingdom.</i></p> <p><i>(3) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, by order—</i></p> <p style="padding-left: 40px;"><i>(a) exclude a county court from having jurisdiction under the Companies Acts, and</i></p> <p style="padding-left: 40px;"><i>(b) for the purposes of that jurisdiction attach that court's district, or any part of it, to another county court.</i></p> <p><i>(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) to exercise his functions under subsection (3).</i></p>	<p>The provision provided the LC, with the concurrence of the LCJ or nominee, with power to exclude a country court from having jurisdiction and transfer such jurisdiction to another county court under the Companies Acts.</p>	<p>Delegation in force from June 2009 until 22 April 2014, when the Crime and Courts Act 2013 repealed the statutory provision in consequence of the creation of the single County Court.</p>

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Delegation to the Senior Presiding Judge¹⁵

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Children and Young Persons Act 1933, schedule 2, paragraph 6 (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Courts Act 2003, schedule 10 paragraph 1.</p> <p><i>Paragraph 6 (Magistrates' courts - recommendations)</i></p> <p><i>Subject to the provisions of this Schedule—</i></p> <p><i>(a) where a magistrates' courts committee make such recommendations to the Lord Chancellor, he may after consulting the Lord Chief Justice make an order giving effect to them subject to any modifications he thinks fit after consulting the Lord Chief Justice; and</i></p> <p><i>(b) where a magistrates' courts committee fail to comply within six months with a direction of the Lord Chancellor under the preceding paragraph, or the Lord Chancellor is dissatisfied with the report submitted in pursuance of such a direction, he may, after consulting the Lord Chief Justice, make such order as he thinks fit, after consulting the Lord Chief Justice, for the purposes mentioned in paragraph 4 of this Schedule.</i></p>	<p>The provision gave the LC, after consulting the LCJ or nominee, power to make Orders giving effect to recommendations of Magistrates; courts committees.</p> <p>NB: the provision is shown here as it would have been had it not been repealed and the amendment effected by Constitutional Reform Act 2005, schedule 4, part 2, para 363(2) come into effect.</p> <p>The provision is not in force.</p>	<p>Delegation prospectively in force as from April 2006. However the statutory provision was repealed on 1 April 2005 by the Courts Act 2003 prior to the delegation taking effect.</p>

¹⁵ The SPJ acts on behalf of the Lord Chief Justice as Judge with portfolio responsibility for the Magistrates' Courts and all issues relating to them, save conduct and discipline matters that will be dealt with through the separate arrangements for such matters where legal jurisdiction falls to others such as authorisation to sit in the Family Proceedings Court which rest with the President of the Family Division

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<p>Children and Young Persons Act 1933, schedule 2, paragraph 14 (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Courts Act 2003, schedule 10 paragraph 1.</p> <p><i>Paragraph 14 (Youth courts)</i></p> <p><i>Youth courts</i></p> <p><i>shall be constituted for the whole of the metropolitan area but shall sit for such divisions and in such places as the Lord Chancellor, after consulting the Lord Chief Justice may by order specify, without prejudice, however, to their jurisdiction with respect to the whole area.</i></p>	<p>The provision would have given the LCJ, following consultation with the LCJ or nominee, power to direct that the youth court for the metroplitation should sit.</p> <p>NB: the provision is shown here as it would have been had it not been repealed and the amendment effected by Constitutional Reform Act 2005, schedule 4, part 2, para 363(3) come into effect.</p> <p>The provision is not in force.</p>	<p>Delegation prospectively in force as from April 2006. However the statutory provision was repealed on 1 April 2005 by the Courts Act 2003 prior to the delegation taking effect.</p>
<p>Children and Young Persons Act 1933, schedule 2, paragraph 15(b) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Courts Act 2003, schedule 10 paragraph 1.</p> <p><i>Paragraph 15 (Constitution of Youth courts)</i></p> <p><i>Subject to the following provisions of this Schedule-</i></p> <p><i>(a) each youth court shall either consist of a District Judge (Magistrates' Courts) sitting alone or consist of a chairman and two other members and have both a man and a woman among its members;</i></p> <p><i>(b) the chairman (where applicable) shall be a person nominated by the Lord Chief Justice after consulting the Lord Chancellor to act as chairman of youth courts for the metropolitan area and shall be either a District Judge (Magistrates' Courts) or a lay justice for the inner London area selected, in such manner as may be provided by an order made by the Lord Chief Justice after consulting the Lord Chancellor, from a panel of such justices from time to time nominated by him; and</i></p>	<p>The provision would have given the LCJ or nominee power, after consulting the LC, to nominate the chairman of Youth Courts for the metropolitan area and to provide by Order for the appointment process.</p> <p>NB: the provision is shown here as it would have been had it not been repealed and the amendment effected by Constitutional Reform Act 2005, schedule 4, part 2, para 363(4) come into effect.</p> <p>The provision is not in force.</p>	<p>Delegation prospectively in force as from April 2006. However the statutory provision was repealed on 1 April 2005 by the Courts Act 2003 prior to the delegation taking effect.</p>

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	<i>(c) the other members where applicable) shall be justices so selected from that panel.</i>		
<p>Children and Young Persons Act 1933, schedule 2, paragraph 16 (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Courts Act 2003, schedule 10 paragraph 1.</p> <p><i>Paragraph 16 (Youth court temporary chairman)</i></p> <p><i>If at any time, by reason of illness or other emergency, no person nominated under paragraph 15(b) of this Schedule is available to act as chairman of a youth court, any District Judge (Magistrates' Courts) or, with the consent of Lord Chief Justice after consulting the Lord Chancellor any justice of the peace selected as aforesaid from the said panel, may act temporarily as chairman.</i></p>	<p>The provision would have given the LCJ or nominee power, after consulting the LC, to appoint a temporary chairman of a youth court where no otherwise nominated chairman is available due to illness or other emergency.</p> <p>NB: the provision is shown here as it would have been had it not been repealed and the amendment effected by Constitutional Reform Act 2005, schedule 4, part 2, para 363(5) come into effect.</p> <p>The provision is not in force.</p>	<p>Delegation prospectively in force as from April 2006. However the statutory provision was repealed on 1 April 2005 by the Courts Act 2003 prior to the delegation taking effect.</p>
<p>Children and Young Persons Act 1933, schedule 2, paragraph 18 (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Courts Act 2003, schedule 10 paragraph 1.</p> <p><i>Paragraph 18 (Revocation of nomination to Youth courts)</i></p> <p><i>The Lord Chief Justice, in nominating any persons under this Part of this Schedule shall have regard to the previous experience of the persons available and their special qualifications for dealing with juvenile cases; and every such nomination shall be for a specified period and shall be revocable by Lord Chief Justice after consulting the Lord Chancellor.</i></p>	<p>The provision would have required the LCJ or nominee, after consulting the LC, to provide for nominations to Youth courts made under Schedule 2 of the Act to be for a prescribed period and be revocable.</p> <p>NB: the provision is shown here as it would have been had it not been repealed and the amendment effected by Constitutional Reform Act 2005, schedule 4, part 2, para 363(5) come into effect.</p> <p>The provision is not in force.</p>	<p>Delegation prospectively in force as from April 2006. However the statutory provision was repealed on 1 April 2005 by the Courts Act 2003 prior to the delegation taking effect.</p> <p>The delegation power would have arisen under paragraph 22 of the Act (as inserted by Constitutional Reform Act 2005, schedule 4, part 2, paragraph 363(7)).</p>

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<p>Race Relations Act 1976, section 67(1) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Equality Act 2010, schedule 27(1), paragraph 1</p> <p><i>Section 67 (Sheriff courts and designated county courts)</i></p> <p><i>(1) For the purposes of this Act a “designated” county court is one designated for the time being for those purposes by an order made by the Lord Chancellor with the concurrence of the Lord Chief Justice.</i></p> <p><i>(2) An order under subsection (1) designating any county court for the purposes of this Act shall assign to that court as its district for those purposes any county court district or two or more county court districts.</i></p> <p><i>(3) A designated county court or a sheriff court shall have jurisdiction to entertain proceedings under this Act with respect to an act done on a ship, aircraft or hovercraft outside its district, including such an act done outside Great Britain.</i></p> <p><i>(3A) A designated county court or a sheriff court shall have jurisdiction to entertain proceedings under this Act with respect to an act done outside the United Kingdom where section 19B applies in relation to such an act by virtue of section 27(1A).</i></p> <p><i>(4) In any proceedings under this Act in a designated county court or a sheriff court the judge or sheriff shall, unless with the consent of the parties he sits without assessors, be assisted by two assessors appointed from a list of persons prepared and maintained by the Secretary of State, being persons appearing to the Secretary of State to have special</i></p>	<p>The provision gave the LC, with the concurrence of the LCJ or nominee, to designate county courts as ‘designated courts’ for the purposes of the Act.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from April 2006 until 1 October 2010.</p>
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	<p><i>knowledge and experience of problems connected with relations between persons of different racial groups.</i></p> <p><i>(5) The remuneration of assessors appointed under subsection (4) shall be at such rate as may, with the approval of the Treasury, be determined by the Lord Chancellor (for proceedings in England and Wales) or the Lord President of the Court of Session (for proceedings in Scotland).</i></p> <p><i>(6) 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 this section.</i></p>		
<p>Courts and Legal Services Act 1990, section 11(1) and (2) (as amended)</p>	<p>Section 11 (Representation in certain county court and family court cases)</p> <p>(1) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, by order provide that there shall be no restriction on the persons who may exercise rights of audience, or rights to conduct litigation, in relation to proceedings in the county court of such a kind as may be specified in the order.</p> <p>(2) The power to make an order may only be exercised in relation to proceedings—</p> <ul style="list-style-type: none"> (a) for the recovery of amounts due under contracts for the supply of goods or services; (b) for the enforcement of any judgment or order of any court or the recovery of any sum due under any such judgment or order; (c) on any application under the Consumer Credit Act 1974; (d) in relation to domestic premises; or (e) dealt with as a small claim in accordance with rules of court. 	<p>The provision gives the LCJ, with the concurrence of the LCJ or nominee to deregulate rights of audience in the County Court.</p>	<p>Delegation in force from April 2006 until 14 December 2015.</p>

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	<p>or any category (determined by reference to such criteria as the Lord Chancellor considers appropriate) of such proceedings.</p> <p>(3) Where an order is made under this section, section 20 of the Solicitors Act 1974 (unqualified person not to act as solicitor) shall cease to apply in relation to proceedings of the kind specified in the order.</p> <p>(4) Where the county court is of the opinion that a person who would otherwise have a right of audience by virtue of an order under this section is behaving in an unruly manner in any proceedings, it may refuse to hear him in those proceedings.</p> <p>(5) Where the county court exercises its power under subsection (4), it shall specify the conduct which warranted its refusal.</p> <p>(6) Where, in any proceedings in the county court —</p> <ul style="list-style-type: none">(a) a person is exercising a right of audience or a right to conduct litigation;(b) he would not be entitled to do so were it not for an order under this section; and(c) the judge has reason to believe that (in those or any other proceedings in which he has exercised a right of audience or a right to conduct litigation) that person has intentionally misled the court, or otherwise demonstrated that he is unsuitable to exercise that right, <p>the judge may order that person's disqualification from exercising any right of audience or any right to conduct litigation in proceedings in the county court .</p>		
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	<p>(7) Where a judge makes an order under subsection (6) he shall give his reasons for so doing.</p> <p>(8) Any person against whom such an order is made may appeal to the Court of Appeal.</p> <p>(9) Any such order may be revoked at any time by any judge of [the county court.</p> <p>(9A) This section applies in relation to the family court as it applies in relation to the county court.</p> <p>(11) In this section “domestic premises” means any premises which are wholly or mainly used as a private dwelling.</p> <p>(12) 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 (1) or (2).</p>		
<p>Local Government (Wales) Act 1994, section 55(1) and (3) (as amended)</p>	<p>Section 55 (Magistrates' courts, justices of the peace etc.)</p> <p>(1) The Lord Chancellor may, after consulting the Lord Chief Justice, by order make, with respect to any matters mentioned in subsection (2), such incidental, consequential, transitional or supplemental provision as the Lord Chancellor thinks necessary or expedient, after consulting the Lord Chief Justice, in consequence of any of the provisions of this Act.</p> <p>(2) The matters are—</p> <p style="padding-left: 40px;">(a) the functions or areas of jurisdiction of any justice of the peace or magistrates' court; and</p>	<p>The provision provides the LC, following consultation with the LCJ or nominee with power to make a variety of Orders concerning the functions or areas of jurisdiction of justices of the peace, magistrates' courts or local justice areas.</p> <p>The provision also provides the LC, following consultation with the LCJ or nominee to, with power to make a variety of Orders concerning local justice areas in Wales.</p>	<p>Delegation in force from April 2006 until 14 December 2015.</p>

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	<p>(b) local justice areas.</p> <p>(3) The Lord Chancellor may, after consulting the Lord Chief Justice, by order alter, in such manner as appears to the Lord Chancellor to be expedient, after consulting the Lord Chief Justice, in connection with the alteration in any local government area made by this Act, any of—</p> <p style="padding-left: 40px;">the local justice areas in Wales.</p> <p>(4) Any order under this section may, in particular—</p> <p style="padding-left: 40px;">(a) make provision with respect to the costs and expenses of any persons with respect to whom provision is made by the order;</p> <p style="padding-left: 40px;">(b) apply (with or without modifications) or amend or repeal or revoke (with or without savings) any provision of an Act passed before this Act or in the same Session, or an instrument made under such an Act before 1st April 1996.</p> <p>(5) Subsections (5) and (7) of section 54 apply in relation to this section as they apply in relation to that section.</p> <p>(6) 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 this section.</p>		
<p>Criminal Justice and Court Services Act 2000, schedule 1, paragraph 2(2) (as amended)</p>	<p>Repealed by Offender Management Act 2007, schedule 5(1), paragraph 1.</p> <p><i>Paragraph 2 (Appointment of local probation board members)</i></p>	<p>This provision provided the LCJ or nominee, after consulting the LC, to appoint the judicial member of local probation boards.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from April 2006 until 31 March 2008.</p>

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<p>(REPEALED)</p>	<p><i>(1) A local probation board is to consist of a chairman, a chief officer and not less than five other members.</i></p> <p><i>(2) One of the other members is to be appointed by the Lord Chief Justice, after consulting the Lord Chancellor from among the judges of the Crown Court (being a judge of the High Court, a Circuit judge, a Recorder or a District Judge (Magistrates' Courts)).</i></p> <p><i>(3) The chairman, the chief officer and the other members are to be appointed by the Secretary of State.</i></p> <p><i>(4) Regulations may make provision as to their appointment (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment as a member).</i></p> <p><i>(5) Regulations made by virtue of sub-paragraph (4) and coming into force on or after the coming into force of section 4 must make provision—</i></p> <p style="padding-left: 40px;"><i>(a) for the selection procedure for the chairman, the chief officer and the other members of the board who are to be appointed by the Secretary of State to include selection panels,</i></p> <p style="padding-left: 40px;"><i>(b) in the case of the chief officer, for the board to be represented on any selection panel making a final recommendation to the Secretary of State.</i></p> <p><i>(6) Regulations must provide, so far as it is practicable to do so, for the persons appointed to be representative of the local community in the board's area and to live or work (or to have lived or worked) in that area.</i></p> <p><i>(7) Below in this Schedule, “member” includes the chairman and chief officer (where the context allows).</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p><i>(8) 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 subparagraph (2).</i></p>		
<p>Courts Act 2003, sections 4(5A) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Public Bodies (Abolition of Courts Boards) Order 2012/1206, schedule 1, paragraph 4.</p> <p><i>Section 4 (Establishment of courts boards)</i></p> <p><i>(1) England and Wales is to be divided into areas for each of which there is to be a courts board.</i></p> <p><i>(2) The areas are to be those specified by an order made by the Lord Chancellor.</i></p> <p><i>(3) Each area established by an order under subsection (2) is to be known by such name as is specified in the order (but subject to subsection (4)).</i></p> <p><i>(4) The Lord Chancellor may make orders altering the areas.</i></p> <p><i>(5) “Altering”, in relation to an area, includes (as well as changing its boundaries)–</i></p> <ul style="list-style-type: none"> <i>(a) combining it with one or more other areas,</i> <i>(b) dividing it between two or more other areas,</i> <i>and</i> <i>(c) changing its name.</i> <p><i>(5A) Before making any order under subsection (2) or (4), the Lord Chancellor must consult the Lord Chief Justice.</i></p>	<p>The provision required the LC to consult the LCJ or nominee prior to making Orders concerning court boards.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from April 2006 until 2 May 2012.</p>

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	<p><i>(6) Before making an order under subsection (4), the Lord Chancellor must consult any courts board affected by the proposed order.</i></p> <p><i>(7) When making an order under subsection (2) the Lord Chancellor must have regard to the desirability of specifying areas which are the same as–</i></p> <p style="padding-left: 40px;"><i>(a) the police areas listed in Schedule 1 to the Police Act 1996 (c. 16) (division of England and Wales, except London, into police areas), and</i></p> <p style="padding-left: 40px;"><i>(b) the area consisting of the Metropolitan Police District and the City of London police area.</i></p> <p><i>(7A) 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 this section.</i></p> <p><i>(8) Schedule 1 contains provisions about the constitution and procedure of courts boards.</i></p>		
<p>Courts Act 2003, sections 5(5) and (7) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Public Bodies (Abolition of Courts Boards) Order 2012/1206, schedule 1, paragraph 5.</p> <p>Section 5 (Functions of courts boards)</p> <p><i>(1) Each courts board is under a duty, in accordance with guidance under this section–</i></p> <p style="padding-left: 40px;"><i>(a) to scrutinise, review and make recommendations about the way in which the Lord Chancellor is discharging his general duty in relation to the courts with which the board is concerned, and</i></p>	<p>The provision gave the LC, after consulting the LCJ or nominee, to issue guidance and revised revision to court boards concerning the carrying out of their functions and to revoke any such guidance.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from April 2006 until 2 May 2012.</p>

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<p><i>(b) for the purposes mentioned in paragraph (a), to consider draft and final business plans relating to those courts.</i></p> <p><i>(2) In discharging his general duty in relation to the courts, the Lord Chancellor must give due consideration to recommendations made by the boards under subsection (1).</i></p> <p><i>(3) If the Lord Chancellor rejects a recommendation made by a courts board under subsection (1) as a result of the board's consideration of a final business plan, he must give the board his written reasons for so doing.</i></p> <p><i>(4) The courts with which a courts board is concerned are—</i> <i>(a) the Crown Court,</i> <i>(b) county courts, and</i> <i>(c) magistrates' courts,</i> <i>in the board's area.</i></p> <p><i>(5) The Lord Chancellor must, after consulting the Lord Chief Justice, prepare and issue the boards with guidance about how they should carry out their functions under subsection (1).</i></p> <p><i>(6) The guidance may in particular contain provisions about the procedures to be followed in connection with draft and final business plans.</i></p> <p><i>(7) The Lord Chancellor may, after consulting the Lord Chief Justice, from time to time issue the boards with revised guidance and revoke previous guidance.</i></p> <p><i>(8) Guidance issued under this section must be laid before both Houses of Parliament.</i></p>		
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	<i>[(9) 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 this section.</i>		
Courts Act 2003, schedule 1, paragraph 1 amended (as amended) (REPEALED)	<p>Repealed by Public Bodies (Abolition of Courts Boards) Order 2012/1206, schedule 1, paragraph 7.</p> <p><i>Paragraph 1 (Court board membership)</i></p> <p><i>(1) The members of each courts board are to be appointed by the Lord Chancellor.</i></p> <p><i>(2) The Lord Chancellor may appoint a member of a description mentioned in paragraph 2(a) only with the concurrence of the Lord Chief Justice.</i></p>	<p>The provision enabled the LC, with the concurrence of the LCJ or nominee, to appoint court board members.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from April 2006 until 2 May 2012.</p>

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Delegation to the Senior President of Tribunals

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Pensions Appeal Tribunals Act 1943, schedule, paragraph 1 (as amended)</p>	<p>Repealed by Transfer of Tribunal Functions Order 2008/2833 schedule 3 paragraph 21(2)(a) and (b).</p> <p><i>Schedule 1, paragraph 1 (Schedule 1 Constitution, Jurisdiction and Procedure of Pensions Appeal Tribunal)</i></p> <p><i>(1) There shall be constituted in England and Wales such number of Pensions Appeal Tribunals as the Lord Chancellor may from time to time determine; and they shall sit at such times and in such places as he may from time to time determine.</i></p> <p><i>(2) There shall be constituted in Scotland such number of Pensions Appeal Tribunals as the Lord President of the Court of Session may from time to time determine; and they shall sit at such times and in such places as he may from time to time determine.</i></p> <p><i>(3) There shall be constituted in Northern Ireland such number of Pensions Appeal Tribunals as the Lord Chancellor may from time to time determine; and they shall sit at such times and in such places as he may from time to time determine.</i></p> <p><i>(4) The Lord Chancellor must consult the Lord Chief Justice of England and Wales before exercising any functions under sub-paragraph (1).</i></p>	<p>The provision gave the LC, following consultation with the LCJ or nominee, power to constitute a Pensions Appeal Tribunal in England and Wales.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from March 2007 until 2 November 2008.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007. From November 2007 until November 2008 the delegation was to the Senior President of Tribunals.</p>

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	<p><i>(5) The Lord Chancellor must consult the Lord Chief Justice of Northern Ireland before exercising any functions under sub-paragraph (3).</i></p>		
<p>Lands Tribunal Act 1949, section 2(3) (as amended)</p>	<p>Repealed by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307</p> <p><i>Section 2 (Members, officers and expenses of Lands Tribunal)</i></p> <p><i>(1) The Lands Tribunal shall consist of a President and such number of other members as the Lord Chancellor may determine, to be appointed by the Lord Chancellor.</i></p> <p><i>(2) The President shall be either a person who</i></p> <p style="padding-left: 40px;"><i>(a) has held judicial office under the Crown (whether in the United Kingdom or not)</i></p> <p style="padding-left: 40px;"><i>(b) satisfies the judicial-appointment eligibility condition on a 5-year basis; or</i></p> <p style="padding-left: 40px;"><i>(c) is a member of the Bar of Northern Ireland of at least [5] 3 years' standing, and of the other members of the Lands Tribunal such number as the Lord Chancellor may determine shall be persons falling within paragraph (b) or (c) or solicitors of the Supreme Court of Northern Ireland of at least 3 years' standing and the others shall be persons who have had experience in the valuation of land appointed after consultation with the president of the Royal Institution of Chartered Surveyors.</i></p> <p><i>(3) In the case of the temporary absence or inability to act of the President, the Lord Chief Justice of England and Wales may, after consulting the Lord Chancellor, appoint another</i></p>	<p>The provision gave the LCJ or nominee, after consulting the LC, power to appoint a temporary deputy President of the Land Tribunal.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from March 2007 until 1 June 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007 From November 2007 until 1 June 2009 the delegation was to the Senior President of Tribunals.</p>

Lord Chief Justice – Delegation of Statutory Functions

<p><i>member of the Lands Tribunal to act as deputy for the President, and a member so appointed shall, when so acting, have all the functions of the President.</i></p> <p><i>(4) If a member of the Lands Tribunal becomes, in the opinion of the Lord Chancellor and the Lord Chief Justice of England and Wales] 6 , unfit to continue in office or incapable of performing his duties, the Lord Chancellor shall forthwith declare his office to be vacant and shall notify the fact in such manner as he thinks fit, and thereupon the office shall become vacant.</i></p> <p><i>(5) Subject to the last foregoing subsection, the appointment of a member of the Lands Tribunal shall be for such term as may be determined by the Lord Chancellor, with the approval of the Treasury, before his appointment, and shall be subject to such conditions as may be so determined, and a person who ceases to hold office as a member of the Lands Tribunal shall be eligible for re-appointment thereto.</i></p> <p><i>5A) No person shall be appointed a member of a Tribunal for a term which extends beyond the day on which he attains the age of seventy, except in accordance with section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).</i></p> <p><i>(6) There may be paid to the members of the Lands Tribunal such remuneration, and such travelling and subsistence allowances, as the Lord Chancellor may, with the approval of the Treasury, determine.</i></p> <p><i>(7) The Lord Chancellor may appoint such officers and servants of the Lands Tribunal as he may, with the approval of the Treasury as to numbers and remuneration, determine.</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p><i>(8) The remuneration and allowances of members of the Lands Tribunal, the remuneration of the officers and servants appointed by the Lord Chancellor, and such other expenses of the Lands Tribunal as the Treasury may determine, shall be defrayed out of moneys provided by Parliament.</i></p> <p><i>(9) In relation to the Lands Tribunal for Scotland this section shall have effect with the omission of subsection (8) and with the substitution—</i></p> <p><i>(a) of references to the Secretary of State for references to the Lord Chancellor and the Lord Chief Justice of England and Wales;</i></p> <p><i>(b) for subsection (2), of the following subsection:—</i></p> <p><i>“(2) The President shall be a person appearing to the Lord President of the Court of Session to be suitably qualified by the holding of judicial office or by experience as an advocate or solicitor, and of the other members of the Lands Tribunal such number as the Lord President of the Court of Session may determine shall be persons so qualified, and the others shall be persons who have had experience in the valuation of land appointed after consultation with the chairman of the Scottish Branch of the Royal Institution of Chartered Surveyors.”</i></p> <p><i>(10) The remuneration of members of the Lands Tribunal for Scotland shall be charged on the Scottish Consolidated Fund.</i></p>		
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	<p><i>(11) 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 subsections (3) and (9A).</i></p>		
<p>Pharmacy Act 1954, schedule 1C, paragraph 3(4)(b) (as amended)</p>	<p><i>Schedule 1C, paragraph 3(4)(b) (Appeal tribunals panel)</i></p> <p><i>(1) There shall be a panel of persons eligible for membership of appeal tribunals, appointed by the Privy Council.</i></p> <p><i>(2) The panel shall consist of—</i></p> <ul style="list-style-type: none"> <i>(a) a chairman and deputy chairman,</i> <i>(b) two persons who, at the time of their appointment, are registered medical practitioners, and</i> <i>(c) two persons who, at the time of their appointment, are registered pharmaceutical chemists.</i> <p><i>(3) A person shall not be appointed a member of the panel if—</i></p> <ul style="list-style-type: none"> <i>(a) he is a member of the Council or the Statutory Committee,</i> <i>(b) he holds any office in the Society, or</i> <i>(c) he is employed by, or provides any service to, the Society.</i> <p><i>(4) A person shall be not be appointed as the chairman or deputy chairman unless—</i></p> <ul style="list-style-type: none"> <i>(a) he is qualified for the appointment, and</i> <i>(b) his appointment has been approved by the Lord Chief Justice after consulting the Lord Chancellor, and by the Lord Advocate.</i> <p><i>(5) To be qualified for appointment as the chairman or deputy chairman, a person must—</i></p>	<p>The provision would have provided for the LCJ or nominee, after consulting the LC, to appoint a chairman or deputy chairman of the appeals Tribunal panel.</p> <p>The provision is not in force.</p>	<p>Delegation prospectively in force from March 2007 until October 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007. From November 2007 until October 2009 the delegation was to the Senior President of Tribunals.</p>

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	<p><i>(a) have a five year general qualification (within the meaning of section 71 of the M1 Courts and Legal Services Act 1990), or</i></p> <p><i>(b) be an advocate or solicitor in Scotland of at least five years' standing.</i></p> <p><i>(6) 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 subsections (3) and (9A).</i></p>		
<p>Finance Act 1966, schedule 1, paragraph 6(2)</p>	<p>Paragraph 6</p> <p><i>(1) Any dispute as to the determination for the purposes of an application under the said section 2 of the price or value referred to in subsection (3) of that section, or of any amount by which that price or value is to be treated as reduced by virtue of subsection (4) thereof, shall be referred to a referee appointed in accordance with the next following sub-paragraph.</i></p> <p><i>(2) A reference under the foregoing sub-paragraph shall be to a person (not being an official of any government department) appointed by the Lord Chancellor with the concurrence of the Lord Chief Justice of England and Wales or, if the application for the purposes of which the determination is made relates to a vessel or structure constructed in Scotland or Northern Ireland, or was by a company incorporated in Scotland or Northern Ireland, and the applicant in either case so requires, appointed by the Lord President of the Court of Session or as the case may be, the Lord Chief Justice of Northern Ireland by the Lord Chancellor with the concurrence of (sic).</i></p>	<p>The provision gave the LC, with the concurrence of the LCJ or nominee, power to appoint officials to determine matters under the Act.</p>	<p>Delegation in force from March 2007 until October 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007. From November 2007 until October 2009 the delegation was to the Senior President of Tribunals.</p>

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	<p>(3) <i>The procedure on any such reference shall be such as the referee may determine.</i></p> <p>(4) <i>Sub-paragraph (1) above shall not have effect, and any price, value or amount falling to be determined for the purposes of the said subsection (3) or (4) shall be that fixed by the Commissioners, unless, within three months from the time when the Commissioners' final determination thereof is communicated to him, or such longer time as the Commissioners may allow, a notice requiring a reference under that sub-paragraph has been served on the Commissioners by the person for the purposes of whose application the determination was made.</i></p> <p>(5) <i>The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.</i></p> <p>(6) <i>The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (2)–</i></p> <p style="padding-left: 40px;"><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i></p> <p style="padding-left: 40px;"><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i></p>		
<p>Taxes Management Act 1970, section 2(6A) (as amended)</p>	<p>Repealed by Tribunals, Courts and Enforcement Act 2007, schedule 23(1) paragraph 1.</p> <p><i>2 (General Commissioners)</i></p>	<p>The provision gave the LC various powers concerning the General Commissioners, the exercise of which required prior consultation with the LCJ or nominee.</p>	<p>Delegation in force from March 2007 until 31 March 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007</p>

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<p><i>(1) I For the purpose of exercising such powers relating to appeals and other matters as are conferred on them by the Taxes Acts or by Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 or by Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 there shall be “Commissioners for the general purposes of the income tax” (in the Taxes Acts referred to as “General Commissioners”) who shall act for the same separate areas in Great Britain as heretofore [or for the separate areas in Northern Ireland defined by an order made by the Lord Chancellor (in the Taxes Acts referred to as “divisions”).</i></p> <p><i>(2) General Commissioners for divisions in England and Wales or Northern Ireland shall be appointed by, and shall hold office during the pleasure of, the Lord Chancellor.</i></p> <p><i>(3) General Commissioners for divisions in Scotland shall be appointed by, and shall hold office during the pleasure of, the Secretary of State.</i></p> <p><i>(4) In Scotland a sheriff shall be ex officio a General Commissioner for any division wholly or partly within his sheriffdom and a salaried sheriff-substitute shall be ex officio a General Commissioner for any division wholly or partly within his district.</i></p> <p><i>(5) The Lord Chancellor or, in Scotland, the Secretary of State shall pay General Commissioners by way of travelling allowance or subsistence allowance sums of such amounts and in such circumstances as he may, with the approval of the Treasury, determine.</i></p> <p><i>(6) The Lord Chancellor or, in Scotland, the Secretary of State may by order create a new division or abolish an</i></p>	<p>The provision is no longer in force.</p>	<p>until his appointment as Senior President of Tribunals in November 2007 From November 2007 until 31 March 2009 the delegation was to the Senior President of Tribunals.</p>
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<p><i>existing division or alter in any other respect the divisions or their boundaries; and any such order may contain such consequential and transitional provisions as the Lord Chancellor or the Secretary of State, as the case may be, thinks fit and may be revoked or varied by a subsequent order under this subsection.</i></p> <p><i>(6A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales or, in Northern Ireland, the Lord Chief Justice of Northern Ireland before exercising any function conferred on him by subsection (1) or (6).</i></p> <p><i>(6B) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.</i></p> <p><i>(6C) The Lord Chief Justice of Northern Ireland may nominate one of the following to exercise his functions under this section—</i></p> <ul style="list-style-type: none"><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i> <p><i>] 9(7) A General Commissioner shall not continue in office after he attains the age of seventy-five years.</i></p> <p><i>(8) The validity of any proceedings of General Commissioners shall not be affected by a defect in the appointment of any of them, or by a failure to observe the requirements of the last preceding subsection.</i></p> <p><i>(9) No action shall lie against a General Commissioner in respect of any act or omission of his—</i></p> <ul style="list-style-type: none"><i>(a) in the execution of his duty; and</i><i>(b) with respect to any matter within his jurisdiction.</i>		
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	<p><i>(10) No action shall lie against a General Commissioner in respect of any act or omission of his—</i></p> <p style="padding-left: 40px;"><i>(a) in the purported execution of his duty; but</i></p> <p style="padding-left: 40px;"><i>(b) with respect to any matter not within his jurisdiction,</i></p> <p><i>unless it is proved that he acted in bad faith.</i></p>		
<p>Taxes Management Act 1970, section 4(3A) (as amended)</p>	<p>Repealed by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009/5, schedule 1 paragraph 6.</p> <p>Section 4 (Special Commissioners)</p> <p><i>(1) The Lord Chancellor shall, after consultation with the Lord Advocate, appoint such persons as he thinks fit as “Commissioners for the special purposes of the Income Tax Acts” (in the Taxes Acts referred to as “Special Commissioners”) and shall designate one of the Special Commissioners as the Presiding Special Commissioner</i></p> <p><i>(2) No person shall be appointed under subsection (1) above unless—</i></p> <p style="padding-left: 40px;"><i>(a) he satisfies the judicial-appointment eligibility condition on a 7-year basis;</i></p> <p style="padding-left: 40px;"><i>(b) he is an advocate or solicitor in Scotland of at least 4 years' standing; or</i></p> <p style="padding-left: 40px;"><i>(c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 4 years' standing.</i></p> <p><i>(3) If the Presiding Special Commissioner is temporarily absent or unable to act or there is a vacancy in his office, the</i></p>	<p>The provision gave the LC, with the concurrence of the LCJ or nominee (and others), power to designate a deputy Presiding Special Commissioner.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from March 2007 until 31 March 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007. From November 2007 until 31 March 2009 the delegation was to the Senior President of Tribunals.</p>

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<p><i>Lord Chancellor may designate another Special Commissioner to act as deputy Presiding Special Commissioner and the Commissioner so designated shall, when so acting, have all the functions of the Presiding Special Commissioner.</i></p> <p><i>(3A) The Lord Chancellor may designate a person under subsection (3) only with the concurrence of all of the following—</i></p> <p><i>(a) the Lord Chief Justice of England and Wales;</i> <i>(b) the Lord President of the Court of Session;</i> <i>(c) the Lord Chief Justice of Northern Ireland.</i></p> <p><i>(3A) A Special Commissioner—</i></p> <p><i>(a) may resign his office at any time; and</i> <i>(b) shall vacate his office on the day on which he attains the age of seventy years;</i></p> <p><i>but paragraph (b) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).</i></p> <p><i>(4) The Lord Chancellor may, if he thinks fit, and after consultation with the Lord Advocate, remove a Special Commissioner from office on the grounds of incapacity or misbehaviour.</i></p> <p><i>(4A) The Lord Chancellor may remove a Special Commissioner from office under subsection (4) only with the concurrence of the appropriate senior judge.</i></p> <p><i>(4B) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless—</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p><i>(a) the Special Commissioner exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session, or</i></p> <p><i>(b) the Special Commissioner exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland.</i></p> <p><i>(5) By virtue of their appointment the Special Commissioners shall have authority to execute such powers, and to perform such duties, as are assigned to them by any enactment.</i></p> <p><i>(6) Such sums shall be allowed to Special Commissioners in respect of salary and incidental expenses and such pensions (including allowances and gratuities) shall be paid to, or in respect of, them as the Lord Chancellor may, with the approval of the Treasury, determine.</i></p> <p><i>(6A) Subsection (6) above, so far as relating to pensions (including allowances and gratuities), shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.</i></p> <p><i>(7) Officers and staff may be appointed under [section 2(1) of the Courts Act 2003 (court staff) for carrying out the administrative work of the Special Commissioners.</i></p> <p><i>(8) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3A).</i></p> <p><i>(9) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p><i>or Second Division of the Inner House of that Court to exercise his functions under subsection (3A).</i></p> <p><i>(10) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (3A)–</i></p> <p style="padding-left: 40px;"><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i></p> <p style="padding-left: 40px;"><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i></p>		
<p>Industry Act 1975, schedule 3, paragraph 4 (as amended)</p>	<p><i>Paragraph 4 (Tribunal)</i></p> <p><i>(1) A tribunal shall, as the Lord Chancellor may, after consulting the Lord Chief Justice of England and Wales, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, direct, either sit as a single tribunal or sit in two or more divisions and, subject to paragraph 5 below, shall, for the hearing of any proceedings, consist of–</i></p> <p style="padding-left: 40px;"><i>(a) a president who shall be–</i></p> <p style="padding-left: 80px;"><i>(i) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis; or</i></p> <p style="padding-left: 80px;"><i>(ii) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 4 years' standing,</i></p> <p style="padding-left: 40px;"><i>appointed by the Lord Chancellor, and</i></p>	<p>The provision gives the LC, after consulting the LCJ or nominee (and others) power to make specific directions concerning the Tribunal created under the Act.</p>	<p>Delegation in force from March 2007 until October 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007 From November 2007 until October 2009 the delegation was to the Senior President of Tribunals.</p>

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	<p><i>(b) two other members appointed by the Secretary of State, one being a person of experience in business and the other being a person of experience in finance.</i></p> <p><i>(2) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.</i></p> <p><i>(3) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.</i></p> <p><i>(4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—</i></p> <p><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i></p> <p><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i></p>		
<p>Aircraft and Shipbuilding Industries Act 1977, section 42(2A) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Public Bodies (Abolition of the Aircraft and Shipbuilding Industries Arbitration Tribunal) Order 2013/686, schedule 1, paragraph 3(2).</p> <p>Section 42 (The arbitration tribunal)</p> <p><i>(1) For the purpose of determining—</i></p> <p><i>(a) any question or dispute which, under any provision of this Act, is expressly required to be determined by or is referred to “arbitration under this Act”, or</i></p> <p><i>(b) any matter in respect of which jurisdiction is given to the arbitration tribunal under this Act,</i></p>	<p>The provision gave the LC, following consultation with the LC or nominee and others, power to direct whether the Arbitration Tribunal should sit in two or more Divisions.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from March 2007 until 21 March 2013.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007. From November 2007 until October 2009 the delegation was to the Senior President of Tribunals.</p>

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	<p><i>there shall be established a tribunal called the Aircraft and Shipbuilding Industries Arbitration Tribunal (in this Act referred to as “the arbitration tribunal”).</i></p> <p><i>(2) The arbitration tribunal shall be a court of record and shall have an official seal which shall be judicially noticed.</i></p> <p><i>(2A) The arbitration tribunal shall either sit as a single tribunal or sit in two or more divisions, as the Lord Chancellor may direct after consulting all of the following—</i></p> <ul style="list-style-type: none"><i>(a) the Lord Chief Justice of England and Wales;</i><i>(b) the Lord President of the Court of Session;</i><i>(c) the Lord Chief Justice of Northern Ireland.</i> <p><i>(3) For the hearing of any proceedings, the arbitration tribunal shall, subject to subsection (4) below, consist of —</i></p> <ul style="list-style-type: none"><i>(a) a president who shall be</i><ul style="list-style-type: none"><i>(i) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or</i><i>(ii) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing.</i><i>appointed by the Lord Chancellor, and</i><i>(b) two other members appointed by the Secretary of State, after consultation with all the stockholders' representatives, one being a person of experience in business and the other being a person of experience in finance.</i>		
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<p><i>(4) In its application to proceedings which, by virtue of this Act, are to be treated as Scottish proceedings, subsection (3) above shall have effect with the substitution, for paragraph (a) thereof, of the following paragraph:—</i></p> <p><i>“(a) a president who shall be an advocate or solicitor of not less than 7 years' standing who has practised in Scotland and who shall be appointed by the Lord President of the Court of Session”.</i></p> <p><i>(5) Subject to subsection (5A) below: The members of the arbitration tribunal shall hold office for such period as may be determined at the time of their respective appointments and shall be eligible for re-appointment but, notwithstanding that the period for which a member was appointed has not expired,—</i></p> <p><i>(a) a member may, at any time by not less than one month's notice in writing to his appointor, resign his office;</i></p> <p><i>(b) the appointor of a member may declare the office of that member vacant on the ground that [he is unfit to continue in office.</i></p> <p><i>(5A) No appointment of a person to be the president of the arbitration tribunal shall be such as to extend beyond the day on which he attains the age of 70; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).</i></p> <p><i>(6) If any member of the arbitration tribunal becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office, his appointor shall appoint some other fit person to discharge his duties for any period not exceeding 6 months at one time, and the</i></p>		
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<p><i>person so appointed shall during that period have the same powers as the person in whose place he was appointed.</i></p> <p><i>(7) The provisions of Schedule 7 to this Act shall have effect with respect to the proceedings of the arbitration tribunal and matters relating thereto.</i></p> <p><i>(8) In this section “appointor”, in relation to a member of the arbitration tribunal, means—</i></p> <p style="padding-left: 40px;"><i>(a) in the case of a member appointed under paragraph (a) of subsection (3) above, the Lord Chancellor or, if subsection (4) above applies, the Lord President of the Court of Session; and</i></p> <p style="padding-left: 40px;"><i>(b) in the case of any other member, the Secretary of State.</i></p> <p><i>(8A) Where the appointor is, by virtue of subsection (8)(a), the Lord Chancellor, the power conferred by subsection (5)(b) may be exercised only with the concurrence of the appropriate senior judge.</i></p> <p><i>(8B) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the member whose office is to be declared vacant exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland.</i></p> <p><i>(11) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2A)(a).</i></p> <p><i>(12) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p><i>of the First or Second Division of the Inner House of that Court to exercise his functions under subsection (2A)(b).</i></p> <p><i>(13) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (2A)(c)–</i></p> <p style="padding-left: 40px;"><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i></p> <p style="padding-left: 40px;"><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i></p>		
<p>Judicial Pensions Act 1981, section 13(1A) (as amended)</p>	<p>Repealed by Transfer of Tribunal Functions Order 2008/2833, schedule 3, paragraph 37.</p> <p><i>Section 13 (Social Security Commissioner)</i></p> <p><i>(1) A Social Security Commissioner may on the recommendation of the Lord Chancellor be granted a pension—</i></p> <p style="padding-left: 40px;"><i>(a) if he retires after 15 years service and at the time of his retirement he has attained the age of 65,</i></p> <p style="padding-left: 40px;"><i>or</i></p> <p style="padding-left: 40px;"><i>(b) if at the time of his retirement he has attained the age of 72, or</i></p> <p style="padding-left: 40px;"><i>(c) if the Lord Chancellor is satisfied by means of a medical certificate that at the time of his retirement, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office and that the incapacity is likely to be permanent.</i></p> <p><i>(1A) In a case that falls within subsection (1)(c), the Lord Chancellor must consult—</i></p>	<p>The provision required the LC to consult the LCJ or nominee before a decision was made under section 13(1)(c) in respect of the grant of a pension for retirement on medical grounds.</p>	<p>Delegation in force from March 2007 until 3 November 2008.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007. From November 2007 until 3 November 2008 the delegation was to the Senior President of Tribunals.</p>

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	<p><i>(a) the Lord Chief Justice of England and Wales before making a recommendation in relation to a Commissioner who holds office in England and Wales;</i></p> <p><i>(b) the Lord President of the Court of Session before making a recommendation in relation to a Commissioner who holds office in Scotland;</i></p> <p><i>(c) the Lord Chief Justice of Northern Ireland before making a recommendation in relation to a Commissioner who holds office in Northern Ireland.</i></p> <p><i>(2) The annual rate of a pension payable under this section to a person retiring after not less than 15 years service shall not exceed one half of his last annual salary.</i></p> <p><i>(3) The annual rate of a pension payable under this section to a person retiring after less than 15 years service shall not exceed—</i></p> <p><i>(a) if the period of service does not amount to 5 years, 6/40ths of his last annual salary,</i></p> <p><i>(b) if the period of service amounts to 5 years or more, one quarter of his last annual salary plus 1/40th for each completed year of service exceeding 5.</i></p> <p><i>(4) For the purposes of the preceding subsections—</i></p> <p><i>(a) service as Commissioner which is not remunerated by means of a salary shall be disregarded,</i></p> <p><i>(b) the Treasury may by regulations provide for counting as service as Commissioner pensionable service in any other capacity under the Crown.</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p>(5) Regulations under subsection (4)(b) above shall be made by statutory instrument.</p> <p>(7) 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 this section.</p> <p>(8) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.</p> <p>(9) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section–</p> <p style="padding-left: 40px;">(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</p> <p style="padding-left: 40px;">(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</p>		
<p>Copyright, Designs and Patents Act 1988, section 146(8) as amended</p>	<p>Section 146 (Membership of the Tribunal)</p> <p>(1) The members of the Copyright Tribunal shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.</p> <p>(2) A member of the Tribunal may resign his office by notice in writing to the Secretary of State or, in the case of the chairman or a deputy chairman, to the Lord Chancellor.</p> <p>(3) The Secretary of State or, in the case of the chairman or a deputy chairman, the Lord Chancellor may by notice in</p>	<p>The provision gives the LC, with the concurrence of the LCJ or nominee, to remove or appoint a person to the Copyright Tribunal.</p>	<p>Delegation in force from March 2007 until October 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007 From November 2007 until October 2009 the delegation was to the Senior President of Tribunals.</p>

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	<p><i>writing to the member concerned remove him from office if—</i></p> <p><i>(a) he has become bankrupt or made an arrangement with his creditors or, in Scotland, his estate has been sequestrated or he has executed a trust deed for his creditors or entered into a composition contract, or</i></p> <p><i>(b) he is incapacitated by physical or mental illness,</i></p> <p><i>or if he is in the opinion of the Secretary of State or, as the case may be, the Lord Chancellor otherwise unable or unfit to perform his duties as member.</i></p> <p><i>(3A) A person who is the chairman or a deputy chairman of the Tribunal shall vacate his office on the day on which he attains the age of 70 years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75 years).</i></p> <p><i>(4) If a member of the Tribunal is by reason of illness, absence or other reasonable cause for the time being unable to perform the duties of his office, either generally or in relation to particular proceedings, a person may be appointed to discharge his duties for a period not exceeding six months at one time or, as the case may be, in relation to those proceedings.</i></p> <p><i>(5) The appointment shall be made—</i></p> <p><i>(a) in the case of the chairman or deputy chairman, by the Lord Chancellor, who shall appoint a person who would be eligible for appointment to that office, and</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p><i>(b) in the case of an ordinary member, by the Secretary of State;</i></p> <p><i>and a person so appointed shall have during the period of his appointment, or in relation to the proceedings in question, the same powers as the person in whose place he is appointed.</i></p> <p><i>(6) The Lord Chancellor shall consult the Lord Advocate before exercising his powers under this section.</i></p> <p><i>(7) The Lord Chancellor may exercise his powers to remove a person under subsection (3) or to appoint a person under subsection (4) only with the concurrence of the appropriate senior judge.</i></p> <p><i>(8) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless–</i></p> <p><i>(a) the person to be removed exercises functions, or the person to be appointed is to exercise functions, wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session, or</i></p> <p><i>(b) the person to be removed exercises functions, or the person to be appointed is to exercise functions, wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland.</i></p> <p><i>(9) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (7) in relation to the appointment of a person under subsection (4).</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p><i>(10) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under subsection (7) in relation to the appointment of a person under subsection (4).</i></p> <p><i>(11) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (7) in relation to the appointment of a person under subsection (4)–</i></p> <p style="padding-left: 40px;"><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i></p> <p style="padding-left: 40px;"><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i></p>		
<p>Value added Tax Act 1994, schedule 12, paragraph 4(2)</p>	<p>Repealed by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009/56, schedule 1, paragraph 228.</p> <p><i>Paragraph 4 (VAT Tribunals)</i></p> <p><i>(1) Such number of VAT tribunals shall be established as the Lord Chancellor or, in relation to Scotland, the Secretary of State may from time to time determine, and they shall sit at such times and at such places as the Lord Chancellor or, as the case may be, the Secretary of State may from time to time determine.</i></p> <p><i>(2) The powers of the Lord Chancellor under sub-paragraph (1) may be exercised–</i></p> <p style="padding-left: 40px;"><i>(a) in relation to England and Wales only after consulting the Lord Chief Justice of England and Wales;</i></p>	<p>The provision gave the LC, after consulting the LCJ or nominee, power to establish VAT Tribunals.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from March 2007 until 31 March 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007 From November 2007 until 31 March 2009 the delegation was to the Senior President of Tribunals.</p>

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	<p><i>(b) in relation to Northern Ireland only after consulting the Lord Chief Justice of Northern Ireland.</i></p> <p><i>(3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.</i></p> <p><i>(4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph–</i></p> <p style="padding-left: 40px;"><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i></p> <p style="padding-left: 40px;"><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i></p>		
<p>Financial Services and Markets Act 2000, schedule 13, paragraph 2(8) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Transfer of Tribunal Functions Order 2010/22, schedule 2, paragraph 49.</p> <p>Schedule 13, paragraph 2(8) (President of FINSMAT)</p> <p><i>(1) The Lord Chancellor must appoint one of the members of the panel of chairmen to preside over the discharge of the Tribunal's functions.</i></p> <p><i>(2) The member so appointed is to be known as the President of the Financial Services and Markets Tribunal (but is referred to in this Act as “the President”).</i></p> <p><i>(3) The Lord Chancellor may appoint one of the members of the panel of chairmen to be Deputy President.</i></p>	<p>The provision gave the LC, following consultation with the LCJ or nominee, to discharge the functions of the President of the FINSMAT in the absence of a President and a deputy President.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from March 2007 until 6 April 2010.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007. From November 2007 until October 2009 the delegation was to the Senior President of Tribunals.</p>

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<p>(4) <i>The Deputy President is to have such functions in relation to the Tribunal as the President may assign to him.</i></p> <p>(5) <i>The Lord Chancellor may not appoint a person to be the President or Deputy President unless that person—</i></p> <ul style="list-style-type: none"><i>(a) satisfies the judicial-appointment eligibility condition on a 7-year basis;</i><i>(b) is an advocate or solicitor in Scotland of at least [7] 2 years' standing; or</i><i>(c) is—</i><ul style="list-style-type: none"><i>(i) a member of the Bar of Northern Ireland of at least years' standing; or</i><i>(ii) a solicitor of the Supreme Court of Northern Ireland of at least 2 years' standing.</i> <p>(6) <i>If the President (or Deputy President) ceases to be a member of the panel of chairmen, he also ceases to be the President (or Deputy President).</i></p> <p>(7) <i>The functions of the President may, if he is absent or is otherwise unable to act, be discharged—</i></p> <ul style="list-style-type: none"><i>(a) by the Deputy President; or</i><i>(b) if there is no Deputy President or he too is absent or otherwise unable to act, by a person appointed for that purpose from the panel of chairmen by the Lord Chancellor.</i> <p>(8) <i>The Lord Chancellor may appoint a person under subparagraph (7)(b) only after consulting the following—</i></p> <ul style="list-style-type: none"><i>(a) the Lord Chief Justice of England and Wales;</i><i>(b) the Lord President of the Court of Session;</i><i>(c) the Lord Chief Justice of Northern Ireland.</i>		
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	<p>(9) <i>The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.</i></p> <p>(10) <i>The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.</i></p> <p>(11) <i>The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph–</i></p> <p style="padding-left: 40px;"><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i></p> <p style="padding-left: 40px;"><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i></p>		
<p>Local Government Act 2000, section 76(9), (9A) and (12) (as amended)</p> <p>(REPEALED)</p>	<p>Provisions repealed by Transfer of Tribunal Functions Order 2010/22, schedule 2, paragraph 58(g) – (j)</p> <p>Section 76 (Case tribunals and interim case tribunals)</p> <p><i>(1) Adjudications in respect of matters referred to the president of the relevant Adjudication Panel under section 64(3) or 71(3) are to be conducted by tribunals (referred to in this Part as case tribunals) consisting of not less than three members of the Panel.</i></p> <p><i>(2) Adjudications in respect of matters referred to the president of the relevant Adjudication Panel under section 65(4) or 72(4) are to be conducted by tribunals (referred to in this Part as interim case tribunals) consisting of not less than three members of the Panel.</i></p>	<p>The provision gave the LCJ or nominee, following consultation with the LC, to specify an Adjudication Panel member to be treated as a deputy President of the Panel in the absence of a deputy President.</p> <p>The provision additionally required the LC to consult the LCJ or nominee before issuing guidance on the composition of care tribunals or interim case tribunals.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from March 2007 until 18 January 2010.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007. From November 2007 until October 2009 the delegation was to the Senior President of Tribunals.</p>

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	<p><i>(3) The president of the relevant Adjudication Panel (or in his absence the deputy president) is to appoint the members of any case tribunal or interim case tribunal.</i></p> <p><i>(4) A case tribunal drawn from the relevant Adjudication Panel may conduct a single adjudication in relation to two or more matters which are referred to the president of the Panel under section 64(3) or 71(3).</i></p> <p><i>(5) An interim case tribunal drawn from the relevant Adjudication Panel may conduct a single adjudication in relation to two or more matters which are referred to the president of the Panel under section 65(4) or 72(4).</i></p> <p><i>(6) The president or the deputy president of the relevant Adjudication Panel may be a member of a case tribunal or interim case tribunal drawn from the Panel.</i></p> <p><i>(7) A member of the relevant Adjudication Panel may not at any time be a member of a case tribunal or interim case tribunal drawn from the Panel which is to adjudicate on a matter relating to a member or co-opted member (or former member or co-opted member) of a relevant authority if, within the period of five years ending with that time, the member of the Panel has been a member or an officer of the authority or a member of any committee, sub-committee, joint committee or joint sub-committee of the authority.</i></p> <p><i>(8) A member of the relevant Adjudication Panel who is directly or indirectly interested in any matter which is, or is likely to be, the subject of an adjudication conducted by a case tribunal or interim case tribunal–</i></p> <p><i>(a) must disclose the nature of his interest to the president or deputy president of that Panel, and</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

	<p><i>(b) may not be a member of a case tribunal or interim case tribunal which conducts an adjudication in relation to that matter.</i></p> <p><i>(9) Where there is no deputy president of the relevant Adjudication Panel, the reference in subsection (3) and (8) to the deputy president is to be treated as a reference to such member of the Panel as the Lord Chief Justice or (as the case may require) the National Assembly for Wales may specify.</i></p> <p><i>(9A) The Lord Chief Justice must consult the Lord Chancellor before specifying a member of the Panel in accordance with subsection (9).</i></p> <p><i>(10) A person who is a member of an interim case tribunal which, as a result of an investigation under section 59 or 69, conducts an adjudication in relation to any person may not be a member of a case tribunal which, on the conclusion of that investigation, subsequently conducts an adjudication in relation to that person.</i></p> <p><i>(11) The Lord Chancellor may issue guidance with respect to the composition of case tribunals or interim case tribunals drawn from the Adjudication Panel for England.</i></p> <p><i>(12) The Lord Chancellor must consult the Lord Chief Justice and obtain the consent of the Secretary of State before issuing any guidance under subsection (11).</i></p> <p><i>(13) The National Assembly for Wales may issue guidance with respect to the composition of case tribunals or interim case tribunals drawn from the Adjudication Panel for Wales.</i></p>		
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	<p><i>(14) The National Assembly for Wales may incur expenditure for the purpose of providing administrative support to the Adjudication Panel for Wales.</i></p> <p><i>(15) 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 this section.</i></p>		
<p>Finance Act 2003, schedule 17, paragraph 2(1A) (as amended)</p>	<p>Repealed by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009/56, schedule 1, paragraph 413.</p> <p><i>Paragraph 2 (Prescribed matters to be determined by Commissioners or Lands Tribunal)</i></p> <p><i>(1) The Lord Chancellor may make regulations providing that a question, dispute, appeal or other matter that is of a prescribed description and arises in relation to the provisions of this Part is to be determined—</i></p> <p style="padding-left: 40px;"><i>(a) by the General Commissioners,</i> <i>(b) by the Special Commissioners,</i> <i>(c) by the General or Special Commissioners, or</i> <i>(d) by the relevant Lands Tribunal.</i></p> <p><i>(1A) The Lord Chancellor may make regulations under this paragraph only after consulting all of the following—</i></p> <p style="padding-left: 40px;"><i>(a) the Lord Chief Justice of England and Wales;</i> <i>(b) the Lord President of the Court of Session;</i> <i>(c) the Lord Chief Justice of Northern Ireland.</i></p> <p><i>(1B) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.</i></p>	<p>The provision gave the LC, after consulting the LCJ or nominee, to make regulations concerning prescribed matters.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from March 2007 until 31 March 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007 From November 2007 until 31 March 2009 the delegation was to the Senior President of Tribunals.</p>

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	<p><i>(1C) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.</i></p> <p><i>(1D) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—</i></p> <ul style="list-style-type: none"> <i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i> <i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i> <p><i>(2) In this paragraph—</i></p> <p><i>“prescribed” means prescribed in regulations under this paragraph; “relevant Lands Tribunal” means—</i></p> <ul style="list-style-type: none"> <i>(a) in relation to land in England and Wales, the Lands Tribunal;</i> <i>(b) in relation to land in Scotland, the Lands Tribunal for Scotland;</i> <i>(c) in relation to land in Northern Ireland, the Lands Tribunal for Northern Ireland.</i> 		
<p>Finance Act 2003, schedule 17, paragraph 3(4) (as amended)</p>	<p>Repealed by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009/56, schedule 1, paragraph 413.</p> <p><i>Paragraph 3 (General or Special Commissioners: jurisdiction)</i></p> <p><i>(1) Where the General or Special Commissioners have jurisdiction in respect of a matter, the Lord Chancellor may make regulations for determining—</i></p>	<p>The provision gave the LC, following consultation with the LCJ or nominee, power to make regulations concerning the Commissioners’ jurisdiction.</p> <p>The provision is no longer in force.</p>	<p>Delegation in force from March 2007 until 31 March 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007 From November 2007 until 31 March 2009 the delegation was to the Senior President of Tribunals.</p>

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	<p><i>(a) whether the General or Special Commissioners, or both of them, are to have the jurisdiction, and</i></p> <p><i>(b) if both of them are to have the jurisdiction, how it is to be divided between them.</i></p> <p><i>(2) Where the General Commissioners have jurisdiction in respect of a matter, the General Commissioners for that division which is determined in accordance with regulations made by the Lord Chancellor under this paragraph are to have the jurisdiction.</i></p> <p><i>(3) The Lord Chancellor may make regulations—</i></p> <p><i>(a) providing that, in certain circumstances, the Special Commissioners are to have jurisdiction in respect of a matter instead of the General Commissioners or the General Commissioners are to have jurisdiction instead of the Special Commissioners;</i></p> <p><i>(b) providing that, in certain circumstances, the General Commissioners for one division are to have jurisdiction in respect of a matter instead of the General Commissioners for another division.</i></p> <p><i>(4) The Lord Chancellor may make regulations under this paragraph only after consulting all of the following—</i></p> <p><i>(a) the Lord Chief Justice of England and Wales;</i></p> <p><i>(b) the Lord President of the Court of Session;</i></p> <p><i>(c) the Lord Chief Justice of Northern Ireland.</i></p> <p><i>(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.</i></p>		
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	<p>(6) <i>The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.</i></p> <p>(7) <i>The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph–</i></p> <p style="padding-left: 40px;"><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i></p> <p style="padding-left: 40px;"><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i></p>		
<p>Finance Act 2003, schedule 17, paragraph 5(2) (as amended)</p>	<p>Repealed by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009/56, schedule 1, paragraph 413.</p> <p><i>Paragraph 5 (Quorum etc of the Commissioners)</i></p> <p><i>(1) The Lord Chancellor may make regulations about the number of General or Special Commissioners required or permitted to perform functions in relation to a relevant matter.</i></p> <p><i>(2) The Lord Chancellor may make regulations under this paragraph only after consulting all of the following–</i></p> <p style="padding-left: 40px;"><i>(a) the Lord Chief Justice of England and Wales;</i></p> <p style="padding-left: 40px;"><i>(b) the Lord President of the Court of Session;</i></p> <p style="padding-left: 40px;"><i>(c) the Lord Chief Justice of Northern Ireland.</i></p> <p><i>(3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.</i></p>	<p>The provision gave the LC, following consultation with the LCJ or nominee, power to make regulations concerning the number of Commissioners required to perform specific functions.</p> <p>The provision is no longer in force</p>	<p>Delegation in force from March 2007 until October 2009.</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007 From November 2007 until October 2009 the delegation was to the Senior President of Tribunals.</p>

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	<p><i>(4) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.</i></p> <p><i>(5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph–</i></p> <ul style="list-style-type: none"><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i>		
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<p>Judicial Discipline (Prescribed Procedures) Regulations 2006 (as amended)</p> <p>(REPEALED)</p>	<p>The 2006 Regulations were revoked by the Judicial Discipline (Prescribed Procedures) Regulations 2013/1674</p> <p>Regulation 10 (Complaints made in relation to tribunals)</p> <p><i>(1) A complaint about a relevant tribunal member, other than a President, must be made to the President of the tribunal concerned in accordance with rules made under paragraph (2).</i></p> <p><i>(2) The Lord Chief Justice, with the agreement of the Lord Chancellor, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, shall make rules dealing with complaints about tribunal members.</i></p> <p><i>(3) A relevant tribunal member for the purposes of paragraph (1) is a tribunal member to whom rules made under paragraph (2) apply.</i></p> <p><i>[(3A) Where a President receives no complaint under these Regulations or under rules made under paragraph (2), but instead receives information from any source which suggests that disciplinary proceedings might be justified, that President may treat that information as if it were a complaint made under these Regulations, or under rules made under paragraph (2).</i></p> <p><i>(4) Where a President sends a case to the Office for Judicial Complaints in accordance with rules made under paragraph (2), it shall be dealt with under regulation 19.</i></p> <p><i>(5) Where, under rules made under paragraph (2), a President has upheld a case and he has decided to keep a record of the case in a form which may be referred to in</i></p>	<p>The provision enabled the LC and LCJ to appoint an investigatory judge and determine that a complaint which has been dismissed by an advisory committee or which the advisory committee is minded to dismiss shall nevertheless be subject to further consideration under the rules and these regulations where the complaint is sufficiently serious for further consideration to be necessary.</p> <p>This provision is no longer in force.</p>	<p>Delegation in force from January 2007 to 30 September 2013.</p> <p>Each reference to the Lord Chief Justice in the 2006 Regulations read as a reference to the Senior President of Tribunals, save where removal or reprimand was proposed, in which case the power was to be exercised by the LCJ personally.</p> <p>Subject to the caveat above the Senior President of Tribunals was the nominee to exercise these delegated functions in respect of complaints against Tribunal Office Holders who are a Chamber President, Deputy Chamber President, judge or member of the FTT and UT, ET, EAT and other Tribunal Office Holders listed in Schedule 6 of the Tribunal, Courts and Enforcement Act 2007. The Rules (and where the office above was listed in the Judicial Complaints (Tribunals) (No 2) Rules 2008 as the discipline arrangements under the Constitutional Reform Act 2005 only applies to those offices).</p> <p>The delegation was originally made to Lord Justice Carnwath in March 2007 until his appointment as Senior President of Tribunals in November 2007 From November 2007 until</p>
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	<p><i>future disciplinary proceedings, he must notify the tribunal member.</i></p> <p><i>(6) The tribunal member may make representations to the Lord Chancellor and the Lord Chief Justice within ten business days of the notification by the President.</i></p> <p><i>(7) After considering any representations under the previous paragraph and any advice from the President, the Lord Chancellor or the Lord Chief Justice may decide to appoint an investigating judge if he considers that the case is sufficiently serious or complex enough to require judicial investigation.</i></p> <p><i>(8) Where an investigating judge is not appointed under the previous paragraph, the Lord Chancellor and the Lord Chief Justice shall deal with the case under Part 6.</i></p> <p><i>(9) The Lord Chancellor and the Lord Chief Justice, or either of them, may determine that a complaint which has been dismissed by a President or which the President is minded to dismiss shall nevertheless be subject to further consideration under the rules and these regulations where the complaint concerns misconduct and is sufficiently serious for further consideration to be necessary.</i></p> <p><i>(10) Where there has been a determination under the previous paragraph, the case must be sent to the President for further consideration.</i></p>		<p>October 2009 the delegation was to the Senior President of Tribunals.</p> <p>From 6 August 2007 to 13 September 2007 the delegation was transferred to HHJ Harris. On 14 September 2007 the delegation was transferred back to Lord Justice Carnwath.</p>
	<p>Regulation 12 (Withdrawal of complaint)</p> <p><i>(1) The complainant may withdraw a complaint at any time.</i></p>	<p>If a complaint is withdrawn or treated as withdrawn at any time, but the LC or the LCJ considers that the matters it raised are sufficiently serious for further consideration to be necessary, he may</p>	

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	<p>(2) <i>A complaint must be treated as withdrawn if the complainant indicates that he does not want the complaint or any further information which he has provided to be disclosed to the subject of the disciplinary proceedings.</i></p> <p>(3) <i>If a complaint is withdrawn or treated as withdrawn at any time, but the Lord Chancellor or the Lord Chief Justice considers that the matters which it raise d are sufficiently serious for further consideration to be necessary, he may direct that the complaint shall be considered further under these regulations or under rules made under these Regulations.</i></p>	<p>direct that the complaints shall be considered further under these Regulations or rules made under these Regulations.</p>	
	<p>Regulation 13 (Referral of other information for consideration)</p> <p>(1) <i>Where no complaint is being considered under these regulations or under rules made under these regulations, but the Lord Chancellor or the Lord Chief Justice receives information from any source which suggests to him that disciplinary proceedings might be justified, he may refer that information to the Office for Judicial Complaints to be dealt with under these regulations, or to an advisory committee or President, as the case may be, to be dealt with in accordance with their rules.</i></p> <p>(2) <i>The Office for Judicial Complaints must, after making any enquiries which it thinks necessary, refer the case to the nominated judge in accordance with regulation 16.</i></p>	<p>Where no complaint is being considered under the regulations made under these regulations, but the LC or the LCJ receives information from any source which suggests to him that disciplinary proceedings might be justified, he may refer that information to the Office for Judicial Complaints to be dealt with under these regulations, or to an advisory committee or President, as the case may be, to be dealt with in accordance with their rules.</p>	
	<p>Regulation 15 (Further consideration of a complaint liable to be dismissed under regulation 14)</p> <p><i>But the Lord Chancellor and the Lord Chief Justice, or either of them, may determine that a complaint which has</i></p>	<p>The LC and the LCJ, or either of them, may determine that a complaint which has been dismissed by the Office of Judicial Complaints or which the Office of Judicial Complaints is minded to</p>	

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<p><i>been dismissed by the Office for Judicial Complaints or which the Office for Judicial Complaints is minded to dismiss under regulation 14(1) shall nevertheless be subject to further consideration under these regulations where the complaint concerns misconduct and is sufficiently serious for further consideration to be necessary.</i></p>	<p>dismiss under Regulation 14 (1) shall nevertheless be subject to further consideration under these Regulations where the complaint is sufficiently serious for further consideration to be necessary</p>	
<p>Regulation 19 (Consideration by the Lord Chancellor and the Lord Chief Justice)</p> <p><i>(1) The Lord Chancellor or the Lord Chief Justice may, after considering any advice from a nominated judge, an advisory committee or a President, decide to appoint an investigating judge if he considers that the case is sufficiently serious or complex to require judicial investigation.</i></p> <p><i>(2) Where an investigating judge is not appointed under paragraph (1), the Lord Chancellor and the Lord Chief Justice shall, after considering any advice from a nominated judge, an advisory committee or a President, deal with the case under Part 6.</i></p>	<p>The LC or the LCJ may, after considering any advice from a nominated judge, an advisory committee or a President, decide to appoint an investigating judge if he considers that the case is sufficiently serious or complex to require judicial investigation.</p>	
<p>Regulation 20 (Nomination of investigating judge)</p> <p><i>(1) When a case is to be subject to judicial investigation, the Lord Chief Justice with the agreement of the Lord Chancellor shall nominate a judicial office holder or a former judicial office holder to be the investigating judge.</i></p> <p><i>(2) The investigating judge must be of a higher judicial rank than the subject of the disciplinary proceedings.</i></p> <p><i>(3) In relation to a former judicial office holder, reference to his judicial rank means the rank he held immediately before he ceased to hold judicial office.</i></p>	<p>When a case is subject to judicial investigation, the LCJ, with the agreement of the LC, shall nominate a judicial office holder or a former judicial office holder to be the investigating judge.</p>	

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<p>Regulation 21 (Terms of reference of investigating judge)</p> <p><i>(1) The terms of reference for the investigation by the investigating judge shall be such as the Lord Chancellor and the Lord Chief Justice may agree.</i></p> <p><i>(2) The investigating judge may ask the Lord Chancellor and the Lord Chief Justice to amend his terms of reference.</i></p> <p><i>(3) Any changes to the terms of reference shall be such as the Lord Chancellor and the Lord Chief Justice may agree.</i></p>	<p>The terms of reference for the investigation by the investigating judge shall be such as the LC and the LCJ may agree. The investigating judge may ask the LC and the LCJ to amend his terms of reference. Any changes to the terms of reference shall be such as the LC and the LCJ may agree.</p>	
<p>Regulation 26 (Decisions and proposed disciplinary action)</p> <p><i>(1) Where they have considered advice from a nominated judge, the report of an advisory committee or a President under regulation 19 or the report of an investigating judge under Part 5, the Lord Chancellor and the Lord Chief Justice may agree that—</i></p> <p style="padding-left: 40px;"><i>(a) the case is unsubstantiated and is dismissed;</i></p> <p style="padding-left: 40px;"><i>(b) the case is substantiated wholly or in part, but does not require further action and is dismissed;</i></p> <p style="padding-left: 40px;"><i>(c) the case is substantiated wholly or in part, but should be dealt with informally by the Lord Chief Justice;</i></p> <p style="padding-left: 40px;"><i>(d) if the case is about a tribunal member, it should be dealt with by a President;</i></p> <p style="padding-left: 40px;"><i>(e) the case is substantiated wholly or in part and—</i></p> <p style="padding-left: 80px;"><i>(i) the Lord Chief Justice will exercise one or more of his disciplinary powers;</i></p> <p style="padding-left: 80px;"><i>(ii) the Lord Chancellor will exercise his power to remove the subject of the</i></p>	<p>The provision sets out the range of decisions that may be made following receipt of advice or a report.</p> <p>All powers in this section were delegated, except for the power contained in regulation 26(1)(e)(ii). The power to concur with a removal from office was not delegated and could only be exercised by the LCJ personally. Furthermore the power to issue and give a reprimand was not delegated.</p> <p>This provision concerned the giving of notice of proposed disciplinary action.</p>	

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<p style="text-align: center;"><i>disciplinary proceedings from judicial office; or</i> <i>(iii) the Lord Chancellor will move an Address;</i></p> <p><i>(f) they will refer the case to a review body under Part 7.</i></p> <p><i>(2) Where a case has been reviewed by a review body, the Lord Chancellor and the Lord Chief Justice shall be bound by any findings of fact made by the review body, and shall not take any disciplinary action more severe than that recommended by the review body.</i></p> <p><i>(3) The Lord Chancellor and the Lord Chief Justice may, after considering the review body's report, propose to take action under paragraphs (1)(a) to (e).</i></p> <p><i>(4) If the Lord Chancellor and the Lord Chief Justice cannot agree what action should be proposed, the case is dismissed.</i></p>	
<p>Regulation 27 <i>(Notification of proposed disciplinary action and final decision)</i></p> <p><i>(1) Where the Lord Chancellor and the Lord Chief Justice propose to take a particular disciplinary action under regulation 26 or to make a record of the case in a form that may be referred to in any future disciplinary proceedings, they must—</i></p> <p style="padding-left: 40px;"><i>(a) notify the subject of the disciplinary proceedings of the proposal;</i></p> <p style="padding-left: 40px;"><i>(b) state that the case will be recorded in a form that may be referred to in any future disciplinary proceedings, and</i></p> <p style="padding-left: 40px;"><i>(c) invite him to make representations.</i></p>	<p>The provision gave the LC and LCJ or nominee power to notify and hear representations concerning proposed disciplinary action.</p> <p>Where the proposed disciplinary action was to remove an office holder the LCJ personally would exercise the functions under this regulation.</p>

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<p>(2) <i>The subject of the disciplinary proceedings must make any representations within [ten] 1 business days of an invitation under paragraph (1)(c).</i></p> <p>(3) <i>After considering any representations made under paragraph (2), the Lord Chancellor and the Lord Chief Justice must make a final decision.</i></p> <p>(4) <i>The Lord Chancellor and the Lord Chief Justice must notify the subject of the disciplinary proceedings of their decision.</i></p> <p>(5) <i>If the Lord Chancellor and the Lord Chief Justice cannot agree what action should be taken, the case is dismissed.</i></p>		
<p>Regulation 28 (Composition of a review body)</p> <p>(1) <i>A review body must consist of—</i></p> <ul style="list-style-type: none"> <i>(a) a judicial office holder of a higher judicial rank than the subject of the disciplinary proceedings;</i> <i>(b) a judicial office holder of the same judicial rank as the subject of the disciplinary proceedings; and</i> <i>(c) two other members, neither of whom has been—</i> <ul style="list-style-type: none"> <i>(i) a judicial office holder, or</i> <i>(ii) a practising lawyer (within the meaning of paragraph 6(1) of Schedule 12 to the Act).</i> <p>(2) <i>A judicial office holder for the purposes of paragraph (1)(a) or (b) may be a former judicial office holder and reference to his judicial rank means the rank he held immediately before he ceased to hold judicial office.</i></p>	<p>The provision gave the LCJ or nominee, with the agreement of the LC, power to nominate specified members of a review body. It also provided the LC, with the agreement of the LCJ or nominee, power to nominate further members of a review body.</p> <p>Where the proposed disciplinary action was to remove an office holder the LCJ personally would exercise the functions under this regulation.</p>	

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<p>(3) <i>The Lord Chief Justice with the agreement of the Lord Chancellor shall nominate the members of the review body under paragraphs 1(a) and (b).</i></p> <p>(4) <i>The Lord Chancellor with the agreement of the Lord Chief Justice shall nominate the other members.</i></p> <p>(5) <i>A person is ineligible for membership of the review body if he has had any previous involvement with the case concerned, other than as a member of a review body.</i></p> <p>(6) <i>The judicial office holder nominated under paragraph (1)(a) shall chair the review body and shall have a casting vote if necessary.</i></p>	
<p>Regulation 29 (Convening a review body)</p> <p>(1) The Lord Chancellor and the Lord Chief Justice shall convene a review body to review a case where—</p> <p style="padding-left: 2em;">(a) <i>they decide to refer the findings of a judicial investigation under Part 5 to a review body;</i></p> <p style="padding-left: 2em;">(b) <i>the Ombudsman recommends that an investigation or determination should be reviewed by a review body, and the Lord Chancellor and the Lord Chief Justice accept the recommendation;</i></p> <p style="padding-left: 2em;">(c) <i>the Ombudsman sets aside a determination made in a case in accordance with section 111 of the Act and directs that the case is to be referred to a review body;</i></p> <p style="padding-left: 2em;">(d) <i>the subject of the disciplinary proceedings requests the Lord Chancellor and the Lord Chief Justice to refer the case to a review body under paragraph (2) unless—</i></p> <p style="padding-left: 4em;">(i) <i>the request to refer is totally without merit; or</i></p>	<p>The provision conferred power to constitute a review body.</p> <p>All powers in this section were delegated, except for the power to concur with a removal from office was not delegated and could only be exercised by the LCJ personally.</p> <p>Furthermore the power to issue and give a reprimand was not delegated.</p>

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(ii) before a review body has convened, the subject of the disciplinary proceedings withdraws the request under paragraph (5)(a),

in which case the Lord Chancellor and the Lord Chief Justice shall not convene a review body unless they consider there are good reasons for doing so.

(2) The subject of the disciplinary proceedings may request the Lord Chancellor and the Lord Chief Justice to refer the case to a review body where they notify him under regulation 27 that they propose—

*(a) to take disciplinary action against him, or
(b) to record the case in a form which may be referred to in later disciplinary proceedings.*

(2A)

*(a) Where the subject of the disciplinary proceedings makes a request under paragraph (2), the Lord Chancellor and the Lord Chief Justice must in the first instance **refer that request** to a nominated judge to consider whether the request is totally without merit.*

(b) The nominated judge invited to consider the request must not be a nominated judge who has previously considered any aspect of the case.

*(3) The Lord Chancellor and the Lord Chief Justice **may impose** a time limit within which the review body must submit its report to them.*

(4) Where the subject of the disciplinary proceedings wishes the Lord Chancellor and the Lord Chief Justice to

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<p><i>refer the case to a review body under paragraph (1)(d), he must—</i></p> <p style="padding-left: 40px;"><i>(a) request them to do so within ten business days of the notification to him of the decision of the Lord Chancellor and the Lord Chief Justice [;] 3</i></p> <p style="padding-left: 40px;"><i>(b) state in his request the issues that he wishes the review body to consider [and why; and] 4</i></p> <p style="padding-left: 40px;"><i>(c) indicate whether he wishes to make oral representations to the review body.</i></p> <p>(5)</p> <p style="padding-left: 40px;"><i>(a) Subject to sub-paragraph (b), the subject of the disciplinary proceedings may withdraw a request under paragraph (2) at any time.</i></p> <p style="padding-left: 40px;"><i>(b) If the request made under paragraph (2) is withdrawn after a review body has convened, the subject of the disciplinary proceedings must give reasons for withdrawing the request.</i></p> <p style="padding-left: 40px;"><i>(c) The review body must discontinue its review if the request made under paragraph (2) has been withdrawn, unless it considers there are good reasons to continue with a review.</i></p>	
<p>Regulation 35 (Completion of the review body's report)</p> <p><i>(1) After considering any representations made in accordance with regulation 34, the review body must—</i></p> <p style="padding-left: 40px;"><i>(a) decide whether or not to make any changes requested;</i></p> <p style="padding-left: 40px;"><i>(b) send its final report to the Lord Chancellor and the Lord Chief Justice, with details of any requested changes which it has not made;</i></p> <p style="padding-left: 40px;"><i>(c) send a copy of its final report to the subject of the disciplinary proceedings;</i></p>	<p>The provision conferred power to make a decision following consideration of a review body's report.</p> <p>All powers in this section were delegated, except for the power to concur with a removal from office was not delegated and could only be exercised by the LCJ personally.</p> <p>Furthermore the power to issue and give a reprimand was not delegated.</p>

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<p><i>(d) send a copy of its report to the Ombudsman, where the case was referred to the review body under regulation 29(1)(b) or (c), indicating any passages which contain personal information which ought not to be included in any report by the Ombudsman or shown by him to anyone other than the subject of the disciplinary proceedings; and</i></p> <p><i>(e) send any relevant part of the report in full or in summary to any other person who has been invited to comment on the draft report, omitting any material the disclosure of which would be prohibited under section 139 of the Act.</i></p> <p>(2) The Lord Chancellor and the Lord Chief Justice shall <i>make a decision</i> after considering the review body's final report.</p>	
<p><i>Regulation 39 (Interim suspension)</i></p> <p><i>(1) If the Lord Chief Justice decides, with the agreement of the Lord Chancellor, to suspend a judicial office holder from his judicial office under section 108(4)(a), (6) or (7) of the Act, he must—</i></p> <p style="padding-left: 40px;"><i>(a) notify the judicial office holder of the proposed suspension, the reasons for it and the time when it is proposed that it will come into effect;</i></p> <p style="padding-left: 40px;"><i>(b) notify the judicial office holder of the factors that will be taken into account in determining when the suspension will end; and</i></p> <p style="padding-left: 40px;"><i>(c) invite him to make representations.</i></p> <p><i>(2) The judicial office holder must make any representations within ten business days of notification under paragraph (1)(a).</i></p>	<p>This provision set out the process to be followed if the LCJ, or their delegate, decides (with the LC's agreement) to impose an interim suspension on a judicial office holder.</p>

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<p><i>(3) When any of the factors which the Lord Chief Justice and the Lord Chancellor have indicated would be taken into account in accordance with paragraph (1)(b) become operative, or any other matter which the Lord Chief Justice and the Lord Chancellor consider relevant arises, the Lord Chief Justice and the Lord Chancellor must—</i></p> <ul style="list-style-type: none"> <i>(a) decide whether continuation of the suspension is appropriate;</i> <i>(b) notify the judicial office holder of their decision under sub-paragraph (a) and of the reasons for that decision; and</i> <i>(c) invite the judicial office holder to make representations.</i> <p><i>(4) The judicial office holder must make any representations within ten business days of notification under paragraph (3).</i></p>	
<p>Regulation 40 (Disclosure of information)</p> <p><i>(1) The Lord Chancellor and the Lord Chief Justice shall inform the complainant whether his complaint has been upheld or dismissed, and what if any disciplinary action they have agreed to take.</i></p> <p><i>(2) The Lord Chancellor and the Lord Chief Justice shall agree upon the terms of any information given under paragraph (1) and the manner in which it shall be given.</i></p> <p><i>(3) The Lord Chancellor and the Lord Chief Justice may disclose information about disciplinary proceedings or the taking of disciplinary action against identified or identifiable judicial office holders to anyone to whom they agree it is necessary to give such information.</i></p>	<p>This provision requires a complainant to be informed of the outcome of their complaint.</p> <p>All powers in this section were delegated, except where an office holder was to be made sbuejct to a reprimand or dismissed from office.</p>

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<p><i>(4) The Lord Chancellor and the Lord Chief Justice may agree to the public disclosure of information about disciplinary action where they agree that the maintenance of public confidence in the judiciary requires that such information be disclosed.</i></p>	
<p><i>Regulation 41 (Procedural requirements in relation to reviews by the Ombudsman)</i></p> <p><i>(1) If the Ombudsman requests from any person information for the purposes of a review carried out under section 111 of the Act, and such information is not provided within ten business days from notification of the request, or within such other period as he indicates, he may—</i></p> <ul style="list-style-type: none"> <i>(a) prepare his review without regard to that information, and</i> <i>(b) may disregard any representations made out of time by the person concerned.</i> <p><i>(2) The Lord Chancellor, the Lord Chief Justice, the Office for Judicial Complaints, the nominated judge, an advisory committee, a President, an investigating judge, and a review body convened under Part 7 must provide the Ombudsman with such information as he may reasonably require for the purposes of a review carried out under section 111 or section 113 of the Act.</i></p> <p><i>(3) Where the Ombudsman directs that an investigation should be undertaken or undertaken again by virtue of section 111(7)(b), the case shall be subject to Part 4 of these regulations.</i></p>	<p>This provision concerned the duty to give such evidence to the Ombudsman as required.</p>

Lord Chief Justice – Delegation of Statutory Functions

Delegation to the senior of the Presiding Judges for the Circuits of the Bar of England and Wales¹⁶

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>County Courts Act 1984, section 5(1), (2), (3) and (4)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 9(1), paragraph 4, and see SI 2014/954</p> <p><i>Section 5 (Judges of county courts.)</i></p> <p><i>(1) Every Circuit judge shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales, and the Lord Chief Justice shall, after consulting the Lord Chancellor, assign one or more Circuit judges to each district and may from time to time vary the assignment of Circuit judges among the districts.</i></p> <p><i>(2) Subject to any directions given by the Lord Chief Justice after consulting the Lord Chancellor, in any case where more than one Circuit judge is assigned to a district under subsection (1), any function conferred by or under this Act on the judge for a district may be exercised by any of the Circuit judges for the time being assigned to that district.</i></p> <p><i>(3) The following, that is—</i> <i>every judge of the Court of Appeal,</i> <i>every judge of the High Court,</i> <i>every Recorder,</i> <i>shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales and, if</i></p>	<p>The four delegations in respect of this provision are no longer in force following the replacement of this section with a new section 5 in April 2014.</p> <p>The provisions concerned the LCJ’s ability to assign Circuit judges to County Court districts, to give directions concerning the exercise functions conferred on Circuit judges under the 1984 Act, to authorise Recorders, judges of the High Court and Court of Appeal to sit in a County Court district, and direct Circuit Judges to sit in County Court districts other than that to which they are assigned.</p> <p>In so far as section 5(3) was concerned the presiding judges were the LCJ’s nominees for the purposes of authorising Recorders to sit in County Court districts.</p>	<p>These delegations were in force from April 2006 until 22 April 2014, when County Courts Act 1984, section 5 was replaced in its entirety by a new section 5.</p> <p>The power previously provided by this section now comes under the LCJ’s duty to make arrangements for the deployment of the judiciary under section 7(2)(c) of the 2005 Act and section 21 of the Crime and Courts Act 2013.</p>

¹⁶ The Circuits are: South Eastern; Midland; Northern; North Eastern; and the, Western.

Lord Chief Justice – Delegation of Statutory Functions

	<p><i>he consents to do so, shall sit as such a judge at such times and on such occasions as the Lord Chief Justice considers desirable after consulting the Lord Chancellor.</i></p> <p><i>(4) Notwithstanding that he is not for the time being assigned to a particular district, a Circuit judge—</i></p> <p style="padding-left: 40px;"><i>(a) shall sit as a judge of that district at such times and on such occasions as the Lord Chief Justice may, after consulting the Lord Chancellor, direct; and</i></p> <p style="padding-left: 40px;"><i>(b) may sit as a judge of that district in any case where it appears to him that the judge of that district is not, or none of the judges of that district is, available to deal with the case.</i></p> <p><i>(5) 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 this section.</i></p>		
<p>County Courts Act 1984, section 6(2)</p> <p>(REPEALED)</p>	<p>Repealed by amendments consequent to Crime and Courts Act 2013, schedule 9(1), paragraph 5(3), and see SI 2014/954.</p> <p>Section 6 (District judges)</p> <p><i>Her Majesty may, on the recommendation of the Lord Chancellor, appoint district judges.</i></p> <p><i>(2) The Lord Chief Justice, after consulting the Lord Chancellor—</i></p> <p style="padding-left: 40px;"><i>(a) must assign each district judge to one or more districts;</i></p>	<p>The delegation in respect of section 6(2) is no longer in force following its repeal on 22 April 2014.</p> <p>The provision concerned the LCJ’s ability, following consultation with the LC, to assign and change the assignment of district judges to County Court districts in England and Wales.</p>	<p>These delegations were in force from August 2007 until 22 April 2014, when County Courts Act 1984, section 6 was amended by Crime and Courts Act 2013, which abolished County Court districts.</p> <p>District Judges are now judges of the single County Court and are deployed within it under the LCJ’s deployment duty under section 7(2)(c) of the 2005 Act and section 21 of the Crime and Courts Act 2013.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p><i>(b) may change an assignment so as to assign the district judge to a different district or districts.</i></p> <p><i>(3) A reference in any enactment or other instrument to the district judge for a district or of a county court is a reference to any district judge assigned to the district concerned.</i></p> <p><i>(4) Every district judge is, by virtue of his office, capable of acting in any district whether or not assigned to it, but may do so only in accordance with arrangements made by or on behalf of the Lord Chief Justice.</i></p> <p><i>(5) A district judge is to be paid such salary as may be determined by the Lord Chancellor with the concurrence of the Treasury.</i></p> <p><i>(6) A salary payable under this section may be increased but not reduced by a determination or further determination under this section.</i></p> <p><i>(7) 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).</i></p>		
<p>County Courts Act 1984, section 8(1B) and section 8(1ZB)</p> <p>(REPEALED)</p>	<p>Repealed by amendments consequent to Crime and Courts Act 2013, schedule 9(1), paragraph 6, and see SI 2014/954.</p> <p><i>Section 8 (Deputy district judges)</i></p> <p><i>(1) If it appears to the Lord Chancellor that it is expedient to do so in order to facilitate the disposal of business in the</i></p>	<p>Two delegations were made in respect of this section.</p> <p>(1) The delegation in respect of section 8(1B) is no longer in force following its repeal on 22 April 2014.</p>	<p>These delegations were in force from August 2007 until 22 April 2014, when County Courts Act 1984, section 8 was amended by Crime and Courts Act 2013, which abolished County Court districts.</p> <p>Deputy district judges are now judges of the single County Court and are</p>

Lord Chief Justice – Delegation of Statutory Functions

	<p><i>county courts, he may appoint a person to be a deputy district judge.</i></p> <p><i>(1ZA) A person is qualified for appointment under subsection (1) only if the person—</i></p> <p style="padding-left: 40px;"><i>(a) is qualified for appointment as a district judge, or</i> <i>(b) holds, or has held, the office of district judge.</i></p> <p><i>(1ZB) The Lord Chancellor may not appoint a person under subsection (1) without the concurrence of the Lord Chief Justice if the person—</i></p> <p style="padding-left: 40px;"><i>(a) holds the office of district judge, or</i> <i>(b) ceased to hold the office of district judge within two years ending with the date when the appointment takes effect.</i></p> <p><i>(1ZC) Section 85 of the Constitutional Reform Act 2005 (c. 4) (selection of certain office holders) does not apply to an appointment to which subsection (1ZB) applies.</i></p> <p><i>(1A) Any appointment of a person as a deputy district judge—</i></p> <p style="padding-left: 40px;"><i>(a) if subsection (1ZB) applies to the appointment, shall not be such as to extend beyond the day on which he attains the age of 75 years; and</i> <i>(b) in any other case, shall not be such as to extend beyond the day on which he attains the age of 70 years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).]</i></p>	<p>The provision concerned the LCJ's ability, following consultation with the LC, to assign and change the assignment of deputy district judges to County Court districts in England and Wales.</p> <p>(2) The delegation in respect of section 8(1ZB) is no longer in force following its repeal on 22 April 2014.</p> <p>The provision concerned the LC's power to appoint deputy district judges only with the concurrence of the LCJ.</p>	<p>deployed within it under the LCJ's deployment duty under section 7(2)(c) of the 2005 Act and section 21 of the Crime and Courts Act 2013.</p>
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Lord Chief Justice – Delegation of Statutory Functions

	<p><i>(1B) The Lord Chief Justice, after consulting the Lord Chancellor—</i></p> <p><i>(a) may assign a deputy district judge appointed under this section to one or more districts;</i> <i>(b) may change an assignment so as to assign the deputy district judge to a different district or districts (or to no district).</i></p> <p><i>(1C) A deputy district judge appointed under this section and assigned to a district has, while acting under his assignment, the same powers as if he were a district judge assigned to the district.</i></p> <p><i>(1D) Every deputy district judge appointed under this section is, by virtue of his office, capable of acting as a district judge in any district to which he is not assigned, but may act in a district to which he is not assigned only in accordance with arrangements made by or on behalf of the Lord Chief Justice.</i></p> <p>...</p> <p><i>(3) The Lord Chancellor may pay to any person appointed under this section as deputy district judge such remuneration and allowances as he may, with the approval of the Treasury, determine.</i></p> <p><i>(4) 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 (1ZB) or (1B).</i></p>		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation to supervising judge for terrorism matters

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>Data Protection Act 1998, schedule 6, paragraph 2(3)</p> <p>(REPEALED)</p>	<p>Schedule 6, paragraphs 2</p> <p>Repealed by schedule 2, paragraph 31 of the Transfer of Tribunal Functions Order 2010/22.</p> <p><i>Schedule 6 paragraph 2</i></p> <p><i>(1) The Lord Chancellor shall from time to time designate, from among the chairman and deputy chairman appointed by him under section 6(4)(a) and (b), those persons who are to be capable of hearing appeals under section 28(4) or (6) or under section 60(1) or (4) of the Freedom of Information Act 2000.</i></p> <p><i>(2) A designation under sub-paragraph (1) may at any time be revoked by the Lord Chancellor.</i></p> <p><i>(3) The Lord Chancellor may make, or revoke, a designation under this paragraph only with the concurrence of all of the following—</i></p> <p style="padding-left: 40px;"><i>(a) the Lord Chief Justice;</i></p> <p style="padding-left: 40px;"><i>(b) the Lord President of the Court of Session;</i></p> <p style="padding-left: 40px;"><i>(c) the Lord Chief Justice of Northern Ireland.</i></p> <p><i>(4) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his</i></p>	<p>The provision, which related to designation of persons to hear appeals in national security cases and of persons to preside over the tribunal dealing with such cases, is no longer in force.</p>	<p>Delegation in force from April 2006 to 18 January 2010.</p> <p>Lord Justice Maurice Kay delegatee.</p>

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	<p><i>functions under sub-paragraph (3) so far as they relate to a designation under this paragraph.</i></p> <p><i>(5) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under sub-paragraph (3) so far as they relate to a designation under this paragraph.</i></p> <p><i>(6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (3) so far as they relate to a designation under this paragraph—</i></p> <p style="padding-left: 40px;"><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i></p> <p style="padding-left: 40px;"><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act.</i></p>		
<p>Data Protection Act 1998, schedule 6, paragraph 3(2)</p> <p>(REPEALED)</p>	<p>Schedule 6, paragraph 3</p> <p>Repealed by schedule 2, paragraph 31 of the Transfer of Tribunal Functions Order 2010/22.</p> <p><i>Schedule 6 paragraph 3(2)</i></p> <p>3.</p> <p><i>(1) The Tribunal shall be duly constituted—</i></p> <p><i>(a) for an appeal under section 28(4) or (6) in any case where the application of paragraph 6(1) is excluded by rules under paragraph 7, or</i></p>	<p>The provision, which related to designation of persons to hear appeals in national security cases and of persons to preside over the tribunal dealing with such cases, is no longer in force.</p>	<p>Delegation in force from April 2006 to 18 January 2010.</p> <p>Lord Justice Maurice Kay delegatee.</p>

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	<p><i>(b) for an appeal under section 60(1) or (4) of the Freedom of Information Act 2000,</i></p> <p><i>if it consists of three of the persons designated under paragraph 2(1), of whom one shall be designated by the Lord Chancellor to preside.</i></p> <p><i>(2) The Lord Chancellor may designate a person to preside under this paragraph only with the concurrence of all of the following–</i></p> <ul style="list-style-type: none"><i>(a) the Lord Chief Justice of England and Wales;</i><i>(b) the Lord President of the Court of Session;</i><i>(c) the Lord Chief Justice of Northern Ireland.</i> <p><i>(3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.</i></p> <p><i>(4) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.</i></p> <p><i>(5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph–</i></p> <ul style="list-style-type: none"><i>(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;</i><i>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</i>		
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Lord Chief Justice – Delegation of Statutory Functions

Delegation concerning Magistrates Disciplinary Matters

Statutory provision delegated	Wording of the provision	Effect of the provision	Further Comments
<p>The Judicial Discipline (Prescribed Procedures) Regulations 2006 (SI 2006/676) (REPEALED)</p>	<p>Regulation 9(4) (Complaints made to advisory committees)</p> <p><i>9(1) A complaint about a justice of the peace must be made in accordance with rules made under paragraph (2) to the advisory committee for the local justice area to which the justice of the peace is assigned under section 10(2) of the Courts Act 2003(3).</i></p> <p><i>(2) The Lord Chief Justice shall, with the agreement of the Lord Chancellor, make rules for dealing with complaints about justices of the peace.</i></p> <p><i>(3) Where an advisory committee sends a case to the Office for Judicial Complaints in accordance with rules made under paragraph (2), it will be dealt with under regulation 19.</i></p>	<p>The Lord Chancellor and the Lord Chief Justice (or either of them) may determine that a complaint which has been dismissed by an advisory committee or which the advisory committee is minded to dismiss shall nevertheless be subject to further consideration under the rules and these regulations where the complaint is sufficiently serious for further consideration to be necessary.</p>	<p>The 2006 Regulations were revoked on 1 October 2013, save for their continuing effect under transitional provisions contained in Judicial Discipline (Prescribed Procedures) Regulations 2013/1674, regulation 25(a).</p> <p>Subject to the effect of the transitional provisions, the delegation was in force from November 2010 until 1 October 2013. Where the transitional provisions apply the delegation remains in force.</p> <p>The delegations only applied in respect of functions under the 2006</p>

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<p><i>(4) The Lord Chancellor and the Lord Chief Justice, or either of them, may determine that a complaint which has been dismissed by an advisory committee or which the advisory committee is minded to dismiss shall nevertheless be subject to further consideration under the rules and these regulations where the complaint is sufficiently serious for further consideration to be necessary.</i></p> <p><i>(5) Where there has been a determination under the previous paragraph, the case must be sent to the advisory committee for further consideration.</i></p>		<p>Regulations in respect of complaints against Magistrates.</p> <p>Regulation 42 provided the LCJ with the power to delegate any function under the 2006 Regulations except for those under regulations 9(2) and 10(2).</p> <p>The LCJ's delegate was: Pitchers J from April 2006 until March 2008;</p>
<p>Regulation 12 (Withdrawal of complaint)</p> <p><i>12(1) The complainant may withdraw a complaint at any time.</i></p> <p><i>(2) A complaint must be treated as withdrawn if the complainant indicates that he does not want the complaint or any further information which he has provided to be disclosed to the subject of the disciplinary proceedings.</i></p>	<p>If a complaint is withdrawn or treated as withdrawn at any time, but the Lord Chancellor or the Lord Chief Justice considers that the matters it raised are sufficiently serious for further consideration to be necessary, he may direct that the complaints shall be considered further under these Regulations or rules made under these Regulations.</p>	<p>Griffiths Williams J from March 2008 until March 2010;</p> <p>Coulson J from March 2010 until November 2010;</p> <p>Holroyde J from November 2010 until October 2016.</p>

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<p><i>(3) If a complaint is withdrawn or treated as withdrawn at any time, but the Lord Chancellor or the Lord Chief Justice considers that the matters which it raised are sufficiently serious for further consideration to be necessary, he may direct that the complaint shall be considered further under these regulations or under rules made under these Regulations.</i></p>		
<p><i>Regulation 13 (Referral of other information for consideration)</i></p> <p><i>13(1) Where no complaint is being considered under these regulations or under rules made under these regulations, but the Lord Chancellor or the Lord Chief Justice receives information from any source which suggests to him that disciplinary proceedings might be justified, he may refer that information to the Office for Judicial Complaints to be dealt with under these regulations, or to an advisory committee or President, as the case may be, to be dealt with in accordance with their rules.</i></p>	<p>Where no complaint is being considered under the regulations or under rules made under these regulations, but the Lord Chancellor or the Lord Chief Justice receives information from any source which suggests to him that disciplinary proceedings might be justified, he may refer that information to the Office for Judicial Complaints to be dealt with under these regulations, or to an advisory committee or President, as the case may be, to be dealt with in accordance with their rules.</p>	

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<p><i>(2) The Office for Judicial Complaints may, after making any enquiries which it thinks necessary, refer the case to the nominated judge in accordance with regulation 16.</i></p>		
<p><i>Regulation 15 (Further consideration of a complaint liable to be dismissed under regulation 14)</i></p> <p><i>15. But the Lord Chancellor and the Lord Chief Justice, or either of them, may determine that a complaint which has been dismissed by the Office for Judicial Complaints or which the Office for Judicial Complaints is minded to dismiss under regulation 14(1) shall nevertheless be subject to further consideration under these regulations where the complaint is sufficiently serious for further consideration to be necessary.</i></p>	<p>The Lord Chancellor and the Lord Chief Justice, or either of them, may determine that a complaint which has been dismissed by the Office of Judicial Complaints or which the Office of Judicial Complaints is minded to dismiss under Regulation 14 (1) shall nevertheless be subject to further consideration under these Regulations where the complaint is sufficiently serious for further consideration to be necessary</p>	
<p><i>Regulation 19 (Consideration by the Lord Chancellor and the Lord Chief Justice)</i></p> <p><i>19(1) The Lord Chancellor or the Lord Chief Justice may, after considering any advice from a nominated judge, an</i></p>	<p>The Lord Chancellor or the Lord Chief Justice may, after considering any advice from a nominated judge, an advisory committee or a President, decide to appoint an investigating judge if he</p>	

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	<p><i>advisory committee or a President, decide to appoint an investigating judge if he considers that the case is sufficiently serious or complex to require judicial investigation.</i></p> <p><i>(2) Where an investigating judge is not appointed under paragraph (1), the Lord Chancellor and the Lord Chief Justice shall, after considering any advice from a nominated judge, an advisory committee or a President, deal with the case under Part 6.</i></p>	<p>considers that the case is sufficiently serious or complex to require judicial investigation.</p>	
	<p><i>Regulation 20 (Nomination of investigating judge)</i></p> <p><i>20.—(1) When a case is to be subject to judicial investigation, the Lord Chief Justice with the agreement of the Lord Chancellor shall nominate a judicial office holder or a former judicial office holder to be the investigating judge.</i></p> <p><i>(2) The investigating judge must be of a higher judicial rank than the subject of the disciplinary proceedings.</i></p>	<p>When a case is subject to judicial investigation, the Lord Chief Justice, with the agreement of the Lord Chancellor, shall nominate a judicial office holder or a former judicial office holder to be the investigating judge.</p>	

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<p><i>(3) In relation to a former judicial office holder, reference to his judicial rank means the rank he held immediately before he ceased to hold judicial office.</i></p>		
<p>Regulation 21 (Terms of reference of investigating judge)</p> <p><i>21(1) The terms of reference for the investigation by the investigating judge shall be such as the Lord Chancellor and the Lord Chief Justice may agree.</i></p> <p><i>(2) The investigating judge may ask the Lord Chancellor and the Lord Chief Justice to amend his terms of reference.</i></p> <p><i>(3) Any changes to the terms of reference shall be such as the Lord Chancellor and the Lord Chief Justice may agree.</i></p>	<p>The terms of reference for the investigation by the investigating judge shall be such as the Lord Chancellor and the Lord Chief may agree. The investigating judge may ask the Lord Chancellor and the Lord Chief Justice to amend his terms of reference. Any changes to the terms of reference shall be such as the Lord Chancellor and the Lord Chief Justice may agree.</p>	
<p>Regulation 26 (Decisions and proposed disciplinary action)</p> <p><i>26(1) Where they have considered advice from a nominated judge, the report of an advisory committee or a President under regulation 19 or the report of an investigating judge under Part 5, the Lord Chancellor and the Lord Chief Justice may agree that—</i></p>	<p>The provision sets out the range of decisions that may be made following receipt of advice or a report.</p> <p>All powers in this section were delegated, except for the power contained in regulation 26(1)(e)(ii). The power to</p>	

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	<p><i>(a) the case is unsubstantiated and is dismissed;</i></p> <p><i>(b) the case is substantiated wholly or in part, but does not require further action and is dismissed;</i></p> <p><i>(c) the case is substantiated wholly or in part, but should be dealt with informally by the Lord Chief Justice;</i></p> <p><i>(d) if the case is about a tribunal member, it should be dealt with by a President;</i></p> <p><i>(e) the case is substantiated wholly or in part and—</i></p> <p><i>(i) the Lord Chief Justice will exercise one or more of his disciplinary powers;</i></p> <p><i>(ii) the Lord Chancellor will exercise his power to remove the subject of the disciplinary proceedings from judicial office;</i></p> <p><i>or</i></p> <p><i>(iii) the Lord Chancellor will move an Address;</i></p> <p><i>(f) they will refer the case to a review body under Part 7.</i></p> <p> </p> <p><i>(2) Where a case has been reviewed by a review body, the Lord Chancellor and the Lord Chief Justice shall be bound by any findings of fact made by the review body, and shall not take any disciplinary action more severe than that recommended by the review body.</i></p>	<p>concur with a removal from office was not delegated and could only be exercised by the LCJ personally.</p>	
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	<p><i>(3) The Lord Chancellor and the Lord Chief Justice may, after considering the review body’s report, propose to take action under paragraphs (1)(a) to (e).</i></p> <p><i>(4) If the Lord Chancellor and the Lord Chief Justice cannot agree what action should be proposed, the case is dismissed.</i></p>		
	<p><i>Regulation 27 (Notification of proposed disciplinary action and final decision)</i></p> <p><i>27(1) Where the Lord Chancellor and the Lord Chief Justice propose to take a particular disciplinary action under regulation 26 or to make a record of the case in a form that may be referred to in any future disciplinary proceedings, they must—</i></p> <p><i>(a) notify the subject of the disciplinary proceedings of the proposal;</i></p> <p><i>(b) state that the case will be recorded in a form that may be referred to in any future disciplinary proceedings, and</i></p> <p><i>(c) invite him to make representations.</i></p>	<p>This provision concerned the giving of notice of proposed disciplinary action.</p> <p>All powers in this regulation were delegated, except where it was proposed to remove a Magistrate from office.</p> <p>Where removal was proposed the functions under this provision could only be exercised by the LCJ personally and were not subject to any delegation.</p>	

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	<p><i>(2) The subject of the disciplinary proceedings must make any representations within twenty business days of an invitation under paragraph (1)(c).</i></p> <p><i>(3) After considering any representations made under paragraph (2), the Lord Chancellor and the Lord Chief Justice must make a final decision.</i></p> <p><i>(4) The Lord Chancellor and the Lord Chief Justice must notify the subject of the disciplinary proceedings of their decision.</i></p> <p><i>(5) If the Lord Chancellor and the Lord Chief Justice cannot agree what action should be taken, the case is dismissed.</i></p>		
	<p>Regulation 28 (Composition of a review body)</p> <p><i>28(1) A review body must consist of—</i></p> <p><i>(a) a judicial office holder of a higher judicial rank than the subject of the disciplinary proceedings;</i></p> <p><i>(b) a judicial office holder of the same judicial rank as the subject of the disciplinary proceedings; and</i></p> <p><i>(c) two other members, neither of whom has been—</i></p>	<p>The provision conferred power to constitute a review body.</p> <p>All powers in this regulation were delegated, except where it was proposed to remove a Magistrate from office.</p>	

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<p><i>(i) a judicial office holder, or</i></p> <p><i>(ii) a practising lawyer (within the meaning of paragraph 6(1) of Schedule 12 to the Act).</i></p> <p><i>(2) A judicial office holder for the purposes of paragraph (1)(a) or (b) may be a former judicial office holder and reference to his judicial rank means the rank he held immediately before he ceased to hold judicial office.</i></p> <p><i>(3) The Lord Chief Justice with the agreement of the Lord Chancellor shall nominate the members of the review body under paragraphs 1(a) and (b).</i></p> <p><i>(4) The Lord Chancellor with the agreement of the Lord Chief Justice shall nominate the other members.</i></p> <p><i>(5) A person is ineligible for membership of the review body if he has had any previous involvement with the case concerned, other than as a member of a review body.</i></p> <p><i>(6) The judicial office holder nominated under paragraph (1)(a) shall chair the review body and shall have a casting vote if necessary.</i></p>	<p>Where removal was proposed the functions under this provision could only be exercised by the LCJ personally and were not subject to any delegation.</p>	
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Lord Chief Justice – Delegation of Statutory Functions

<p><i>Regulation 29 (Convening a review body)</i></p> <p><i>29(1) The Lord Chancellor and the Lord Chief Justice shall convene a review body to review a case where—</i></p> <p><i>(a) they decide to refer the findings of a judicial investigation under Part 5 to a review body;</i></p> <p><i>(b) the Ombudsman recommends that an investigation or determination should be reviewed by a review body, and the Lord Chancellor and the Lord Chief Justice accept the recommendation;</i></p> <p><i>(c) the Ombudsman sets aside a determination made in a case in accordance with section 111 of the Act and directs that the case is to be referred to a review body;</i></p> <p><i>(d) the subject of the disciplinary proceedings requests the Lord Chancellor and the Lord Chief Justice to refer the case to a review body in accordance with paragraph (2).</i></p> <p><i>(2) The subject of the disciplinary proceedings may request the Lord Chancellor and the Lord Chief Justice to refer the case to a review body where they notify him under regulation 27 that they propose—</i></p> <p><i>(a) to take disciplinary action against him, or</i></p>	<p>This provision conferred power to convene a review body.</p> <p>All powers in this regulation were delegated, except where it was proposed to remove a Magistrate from office.</p> <p>Where removal was proposed the functions under this provision could only be exercised by the LCJ personally and were not subject to any delegation.</p>
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	<p><i>(b) to record the case in a form which may be referred to in later disciplinary proceedings.</i></p> <p><i>(3) The Lord Chancellor and the Lord Chief Justice may impose a time limit within which the review body must submit its report to them.</i></p> <p><i>(4) Where the subject of the disciplinary proceedings wishes the Lord Chancellor and the Lord Chief Justice to refer the case to a review body under paragraph (1)(d), he must—</i></p> <p><i>(a) request them to do so within ten business days of the notification to him of the decision of the Lord Chancellor and the Lord Chief Justice, and</i></p> <p><i>(b) state in his request the issues that he wishes the review body to consider.</i></p>		
	<p>Regulation 35 (Completion of the review body's report)</p> <p><i>35(1) After considering any representations made in accordance with regulation 34, the review body must—</i></p> <p><i>(a) decide whether or not to make any changes requested;</i></p>	<p>This provision required the LC and LCJ to take a decision in the light of the review body's report.</p> <p>All powers in this regulation were delegated, except where it was proposed to remove a Magistrate from office.</p>	

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	<p><i>(b) send its final report to the Lord Chancellor and the Lord Chief Justice, with details of any requested changes which it has not made;</i></p> <p><i>(c) send a copy of its final report to the subject of the disciplinary proceedings;</i></p> <p><i>(d) send a copy of its report to the Ombudsman, where the case was referred to the review body under regulation 29(1)(b) or (c), indicating any passages which contain personal information which ought not to be included in any report by the Ombudsman or shown by him to anyone other than the subject of the disciplinary proceedings; and</i></p> <p><i>(e) send any relevant part of the report in full or in summary to any other person who has been invited to comment on the draft report, omitting any material the disclosure of which would be prohibited under section 139 of the Act.</i></p> <p><i>(2) The Lord Chancellor and the Lord Chief Justice shall make a decision after considering the review body's final report.</i></p>	<p>Where removal was proposed the functions under this provision could only be exercised by the LCJ personally and were not subject to any delegation.</p>	
	<p>Regulation 39 (Interim suspension)</p>	<p>This provision set out the process to be followed if the LCJ, or their delegate, decides (with the LC's agreement) to</p>	

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	<p><i>39.—(1) If the Lord Chief Justice decides, with the agreement of the Lord Chancellor, to suspend a judicial office holder from his judicial office under section 108(4)(a), (6) or (7) of the Act, he must—</i></p> <p><i>(a) notify the judicial office holder of the proposed suspension, the reasons for it and the time when it is proposed that it will come into effect;</i></p> <p><i>(b) notify the judicial office holder of the factors that will be taken into account in determining when the suspension will end; and</i></p> <p><i>(c) invite him to make representations.</i></p> <p><i>(2) The judicial office holder must make any representations within ten business days of notification under paragraph (1)(a).</i></p> <p><i>(3) When any of the factors which the Lord Chief Justice and the Lord Chancellor have indicated would be taken into account in accordance with paragraph (1)(b) become operative, or any other matter which the Lord Chief Justice and the Lord Chancellor consider relevant arises, the Lord Chief Justice and the Lord Chancellor must—</i></p>	<p>impose an interim suspension on a judicial office holder.</p>	
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<p><i>(a)decide whether continuation of the suspension is appropriate;</i></p> <p><i>(b)notify the judicial office holder of their decision under sub-paragraph (a) and of the reasons for that decision; and</i></p> <p><i>(c)invite the judicial office holder to make representations.</i></p> <p><i>(4) The judicial office holder must make any representations within ten business days of notification under paragraph (3).</i></p>		
<p><i>Regulation 40(1) and 40(2) (Disclosure of information)</i></p> <p><i>40(1) The Lord Chancellor and the Lord Chief Justice shall inform the complainant whether his complaint has been upheld or dismissed, and what if any disciplinary action they have agreed to take.</i></p> <p><i>(2) The Lord Chancellor and the Lord Chief Justice shall agree upon the terms of any information given under paragraph (1) and the manner in which it shall be given.</i></p> <p><i>(3) The Lord Chancellor and the Lord Chief Justice may disclose information about disciplinary proceedings or the taking of disciplinary action against identified or identifiable</i></p>	<p>This provision requires a complainant to be informed of the outcome of their complaint.</p> <p>All powers in this regulation were delegated, except where it was proposed to remove a Magistrate from office.</p> <p>Where removal was proposed the functions under this provision could only be exercised by the LCJ personally and were not subject to any delegation.</p>	

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<p><i>judicial office holders to anyone to whom they agree it is necessary to give such information.</i></p> <p><i>(4) The Lord Chancellor and the Lord Chief Justice may agree to the public disclosure of information about disciplinary action where they agree that the maintenance of public confidence in the judiciary requires that such information be disclosed.</i></p>		
<p><i>Regulation 41 (Procedural requirements in relation to reviews by the Ombudsman)</i></p> <p><i>41(1) If the Ombudsman requests from any person information for the purposes of a review carried out under section 111 of the Act, and such information is not provided within ten business days from notification of the request, or within such other period as he indicates, he may—</i></p> <p><i>(a) prepare his review without regard to that information, and</i></p> <p><i>(b) may disregard any representations made out of time by the person concerned.</i></p>	<p>This provision concerned the duty to give such evidence to the Ombudsman as required.</p>	

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	<p><i>(2) The Lord Chancellor, the Lord Chief Justice, the Office for Judicial Complaints, the nominated judge, an advisory committee, a President, an investigating judge, and a review body convened under Part 7 must provide the Ombudsman with such information as he may reasonably require for the purposes of a review carried out under section 111 or section 113 of the Act.</i></p> <p><i>(3) Where the Ombudsman directs that an investigation should be undertaken or undertaken again by virtue of section 111(7)(b), the case shall be subject to Part 4 of these regulations.</i></p>		
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