

Lord Chief Justice – Delegation of Statutory Functions

	<p>exercising any right of audience or any right to conduct litigation in proceedings in the county court .</p> <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>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</p>	<p>Delegation in force from April 2006.</p>

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	<p>(2) The matters are— (a) the functions or areas of jurisdiction of any justice of the peace or magistrates' court; and (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— the local justice areas in Wales.</p> <p>(4) Any order under this section may, in particular— (a) make provision with respect to the costs and expenses of any persons with respect to whom provision is made by the order; (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>variety of Orders concerning local justice areas in Wales.</p>	
<p>Crime and Disorder Act 1998, section 10(6) (as</p>	<p>Section 10 (Appeals against parenting orders)</p> <p>(1) An appeal shall lie— (a) to the county court against the making of a</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</p>	<p>Delegation in force from April 2006. NB: an amendment to this provision is pending: see section 41(5) Crime</p>

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<p>amended)</p>	<p>parenting order by virtue of paragraph (a) of subsection (1) of section 8 above; and (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— (a) may make such orders as may be necessary to give effect to its determination of the appeals; and (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— (a) the offence that led to the making of the order were an offence committed by him; and (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>County Court concerning decisions relating to the transfer or proposed transfer of proceedings under paragraph 2, schedule 11 of the Children Act 1989.</p>	<p>and Disorder Act 2010.</p>
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	<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>(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</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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	Reform Act 2005) to exercise his functions under this section.		
Extradition Act 2003, section 67(1)(a) (as amended)	<p>Section 67 (The appropriate judge)</p> <p>(1) The appropriate judge is—</p> <p style="padding-left: 2em;">(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: 2em;">(b) in Scotland, the sheriff of Lothian and Borders;</p> <p style="padding-left: 2em;">(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>(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>	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>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>(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>(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</p>	<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>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>(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>	<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>(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> <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– (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> <p>(7) “Local authority” means– (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.</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>Courts Act 2003, sections 10(2) 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>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>Delegation in force from 30 July 2008 in respect of section 10(2) and 10(3).</p> <p>The power under section 10(1)</p>

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	<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 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</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>cannot be delegated.</p>
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	<p>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>(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: 20px;">(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: 20px;">(b) the lay justice is exercising functions in those</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 list until live proceedings have concluded.</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>proceedings as a justice of the peace, 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> <ul style="list-style-type: none"> (a) he applies for it to be entered, and (b) the application is approved by the Lord Chancellor. <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>Courts Act 2003, sections 16(4) (as amended)</p>	<p>Section 16 (Records of lay justices)</p> <p>(1) The Lord Chancellor–</p> <ul style="list-style-type: none"> (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>(2) The keeper of the rolls for a local justice area must be notified, in such manner as the Lord Chancellor may direct, of–</p> <ul style="list-style-type: none"> (a) any assignment of a lay justice to the area, (b) any change in an assignment of a lay justice as a 	<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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	<p>result of which he ceases to be assigned to the area, and</p> <p>(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–</p> <p style="padding-left: 20px;">(a) appointing a person under subsection (1), or</p> <p style="padding-left: 20px;">(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>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>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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	<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– (a) about the procedure for nominating candidates for election as a chairman or a deputy chairman; (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>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– (a) providing advice and support to lay justices in</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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	<p>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> <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 Reform Act 2005) to exercise his functions under this section.</p>		
<p>Courts Act 2003, Section 20(1) (as amended)</p>	<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>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</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 of making the rules referred to in this section.</p>	<p>preside in the absence of the bench chairman or deputy chairman, and for setting their term of office.</p>	
<p>Courts Act 2003, Section 21(1) (as amended)</p>	<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> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(b) for ascertaining their views on such matters.</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 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>	<p>Delegation in force from April 2006.</p>
<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>

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<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– (a) appointed by the Lord Chancellor, after consulting the Lord Chief Justice, under section 2(1), and (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– (a) has a 5 year magistrates' court qualification, (b) is a barrister or solicitor who has served for not less than 5 years as an assistant to a justices' clerk, or (c) has previously been a justices' clerk.</p> <p>(3) The Lord Chancellor– (a) must, after consulting the Lord Chief Justice, assign each justices' clerk to one or more local justice areas, and (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– (a) the chairman of the lay justices assigned to the</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>
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	<p>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> <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– (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> <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– (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</p>	<p>The provision gives the LC with the concurrence of the LCJ or nominee, following consultation with the Criminal</p>	<p>Delegation in force from April 2006.</p>

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<p>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–</p> <ul style="list-style-type: none"> (a) regulates the exercise of any jurisdiction or powers of justices of the peace, or (b) relates to things done in the exercise or purported exercise of any such jurisdiction or powers, <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</p>	<p>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>
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	<p>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– (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.</p> <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– (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>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>(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>(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</p>		
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	<p>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 (b) an assistant clerk, <p>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</p>	<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 costs; and (ii) how the the amount of such costs is to be determined.</p>	<p>Delegation in force from April 2006.</p>

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	<p>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>		
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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>(1A) Before exercising his functions under sub-paragraph</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>(1) the Lord Chief Justice must– (a) consult the Lord Chancellor, and (b) obtain the agreement of the Lord President of the Court of Session.</p> <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>(1A) Before drawing up, or revising, a panel under</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 October 2009 the delegation was to</p>

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	<p>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>		the Senior President of Tribunals.
Judicial Pensions and Retirements Act 1993, section 2(3A) (as	Section 2 (The judicial officer's entitlement to a pension) 1) Any person to whom this Part applies— (a) who retires from qualifying judicial office on or	The LC is required to consult the LCJ or nominee in respect of pension entitlement.	Delegation in force from 1 October 2009.

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<p>amended)</p>	<p>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, 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, 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, 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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	<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> <ul style="list-style-type: none">(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>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> <ul style="list-style-type: none">(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—<ul style="list-style-type: none">(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		
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	<p>or other benefit, 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		
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	<p>which he has taken a cash equivalent in 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 Retirements 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,</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> <p>NB: Amendments to the provision relating to Tribunals, under Tribunals (Scotland) Act 2014, schedule 9(2) paragraph 11(2)(a) and (b) pending as at 12 March 2015.</p>

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	<p>shall be construed accordingly.</p> <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> <p>(a) to preclude a person from vacating his office before the compulsory retirement date for that office in his case; or</p> <p>(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> <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> <p>(a) Judge of the Supreme Court;</p> <p>(b) judge of the Senior Courts of England and Wales;</p> <p>(c) Lord President of the Court of Session, Lord Justice Clerk or other judge of the Court of Session;</p> <p>(d) Lord Chief Justice of Northern Ireland or Lord Justice of Appeal, or judge of the High Court, in Northern Ireland.</p> <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>		
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	<p>(6) If, on the expiration of the period for which a person is authorised to continue in office—</p> <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> <ul style="list-style-type: none">(a) be a member of the Judicial Committee of the Privy Council;(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		
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	<p>district judge appointed as deputy) applied to the appointment;</p> <p>(ga) hold office as a deputy judge of the Upper Tribunal if—</p> <ul style="list-style-type: none">(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>(h) hold any office—</p> <ul style="list-style-type: none">(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>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> <ul style="list-style-type: none">(b) the person, or one of the persons, constituting a tribunal for the purposes of section 150(3) of the Mines and Quarries Act 1954, or as an assessor assisting such a tribunal;(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;		
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	<p>(h) chairman of a tribunal constituted under Schedule 3 to the Education Act 2005.</p> <p>(9) The appropriate Minister may by order—</p> <ul style="list-style-type: none">(a) amend Schedule 5 to this Act by adding offices to those for the time being specified in that Schedule; or(b) amend subsection (8) above by adding offices to those for the time being specified in that subsection. <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;</p> <p>“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		
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	<p>jurisdiction is exercised exclusively in relation to England and Wales, the Lord Chief Justice of England and Wales;</p> <p>(c) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to Northern Ireland, the Lord Chief Justice of Northern Ireland;</p> <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>“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; and any reference to vacating an office includes a reference to retiring from it.</p>		
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	<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</p>		
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	<p>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> <ul style="list-style-type: none">(a) would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament, or(b) would be within the legislative competence of the Northern Ireland Assembly if it were included in an Act of that Assembly. <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> <ul style="list-style-type: none">(a) in cases where the relevant office is one specified in paragraph 11 of Schedule 2 to the Northern Ireland Act 1998 25, the concurrence of the Lord Chancellor must be obtained before any function under this section is exercised;(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>(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</p>		
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	<p>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> <p>(b) a Lord Justice of Appeal (as defined in section 88 of that Act).</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>(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>(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>(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 special knowledge or experience of industrial relations either—</p> <p>(a) as representatives of employers, or</p> <p>(b) as representatives of workers (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p> <p>(2A) A person is a judge within this subsection if the person—</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>

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	<p>(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> <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> <p>(3A) The Lord Chief Justice must not make an appointment under subsection (3) unless–</p> <p style="padding-left: 40px;">(a) he has consulted the Lord Chancellor, and (b) the Lord President of the Court of Session agrees.</p> <p>(4) No judge shall be nominated a member of the Appeal Tribunal [under subsection (1)(b)] 7 except with his consent.</p>		
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	<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) and (6) (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>(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> <ul style="list-style-type: none"> (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 (b) in the case of a judge nominated under 	<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 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>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> <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>		
Employment	Section 24 (Temporary additional judicial membership	The provision provides the LC,	Delegation in force from March

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<p>Tribunals Act 1996, section 24(1A) and (1B) (as amended)</p>	<p>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 style="padding-left: 40px;">(a) is qualified for appointment as a judge of the High Court under section 10 of the Senior Courts Act 1981, or</p> <p style="padding-left: 40px;">(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</p>	<p>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>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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	holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.		
Constitutional Reform Act 2005, section 108(3) and (7) (as amended)	<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>(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>	<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> <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) 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> <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– (a) is under investigation for an offence, or (b) is subject to prescribed procedures.</p> <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>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>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 2014.⁷</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)</p>

⁷ **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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	(3) In a particular case, a nominated judge must be of at least the same rank as the office holder concerned.		Regulations 2006 (save as respect to matters that come within the scope of transitional provision set out at regulation 24 of the Regulations).
Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 10(2)	<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>	The provision enables the LCJ or nominee to appoint an investigating judge to carry out an investigation under rules made under Regulation 7.	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; 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.
Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 11(3) and (4)	<p>Regulation 11 (Disciplinary panel)</p> <p>(1) A disciplinary panel is a panel consisting of—</p> <p style="padding-left: 20px;">(a) either an office holder or former office holder who is of a higher rank than the office holder concerned;</p> <p style="padding-left: 20px;">(b) either an office holder or former office holder who is of the same rank as the office holder concerned; and</p> <p style="padding-left: 20px;">(c) two other members, neither of whom has been—</p> <p style="padding-left: 40px;">(i) an office holder, or</p> <p style="padding-left: 40px;">(ii) a practising or employed lawyer.</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).	Subject to the caveat above the Senior President of Tribunals will 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 therefore functions delegated under the Rules) only apply

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	<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>		to those Tribunal Office Holders specified in column 1 of Schedule 1 to the Rules
<p>Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 12</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 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>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.</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>The provision enables the LC and LCJ or nominee when they agree to refer a case for further investigation.</p>	

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	<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>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 case in accordance with rules made under regulation 7; and (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>(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>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>	

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	<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>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 style="padding-left: 20px;">(a) to dismiss a case; or</p> <p style="padding-left: 20px;">(b) to take a particular disciplinary action.</p> <p>(3) Where a case is dismissed, the Lord Chancellor and the Lord Chief Justice may agree that—</p> <p style="padding-left: 20px;">(a) the alleged conduct took place but did not constitute misconduct; and</p> <p style="padding-left: 20px;">(b) the Lord Chief Justice may deal with the matter informally.</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> <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</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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	(5) The office holder must make any representations within ten business days of a notification under paragraph (3).		
Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 18(1)	<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>	
Judicial Discipline (Prescribed Procedures) Regulations 2014, Regulation 19(2)	<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> <p style="padding-left: 40px;">(a) prepare their review without regard to that information, and</p> <p style="padding-left: 40px;">(b) may disregard any representations made out of time by the person concerned.</p> <p>(2) The Lord Chancellor, the Lord Chief Justice or any</p>	<p>The provision requires the LCJ or nominee to provide the Ombudsman with certain information.</p>	

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	<p>their office; but (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 2014⁸</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.</p> <p>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 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 therefore functions delegated under the Rules) only apply to those 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>

⁸ See http://judicialconduct.judiciary.gov.uk/documents/Judicial_Conduct_Tribunals_Rules_2014.pdf.

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	<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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	<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>(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 supervising judge for terrorism matters

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;</p> <p style="padding-left: 40px;">(b) . . .</p> <p style="padding-left: 40px;">(c) . . .</p> <p>(2) . . .</p> <p>(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) . . .</p> <p>(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>This power is not currently delegated.</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>This power is not currently delegated.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<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). (5) ... (6) ...</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><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><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

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 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 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>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>

Lord Chief Justice – Delegation of Statutory Functions

<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> <i>(f) one justices' clerk,</i> <i>(g) the Director of Public Prosecutions or a person nominated by the Director,</i> <i>(h) two persons who have a Senior Courts qualification and who have particular experience of practice in criminal courts,</i> <i>(i) two persons who–</i> <ul style="list-style-type: none"> <i>(i) have been authorised by a relevant approved regulator to conduct litigation in relation to all proceedings in the Senior Courts, and</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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Lord Chief Justice – Delegation of Statutory Functions

	<p style="text-align: center;"><i>(ii) have particular experience of practice in criminal courts,</i></p> <p><i>(j) one person who appears to represent the Association of Chief Police Officers, and</i></p> <p><i>(k) two persons who appear to represent voluntary organisations with a direct interest in the work of criminal courts.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>(3A) Before appointing a person in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice.</i></p> <p><i>(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.</i></p> <p><i>(5) The Lord Chancellor may reimburse–</i></p> <p><i>(a) the travelling and out-of-pocket expenses of the members of the Criminal Procedure Rule Committee, and</i></p> <p><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>		
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Lord Chief Justice – Delegation of Statutory Functions

	(6) <i>“The 1990 Act” means the Courts and Legal Services Act 1990 (c. 41).</i>		
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)	<p><i>Section 74 (Practice directions as to practice and procedure of the criminal courts)</i></p> <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> <i>(b) the Lord Chief Justice.</i></p> <p><i>(3) The power to give directions under subsection (1)</i></p>	The provision provides the LCJ or nominee to issue Practice Directions for the criminal courts.	<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>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>

Lord Chief Justice – Delegation of Statutory Functions

	<p><i>includes power–</i></p> <ul style="list-style-type: none"><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><i>(b) to give directions containing different provision for different cases (including different areas), and</i><i>(c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.</i> <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> <ul style="list-style-type: none"><i>(a) the application or interpretation of the law;</i><i>(b) the making of judicial decisions.</i> <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> <ul style="list-style-type: none"><i>(a) after consulting the Lord Chancellor, and</i><i>(b) with the approval of the Lord Chief Justice.</i>		
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Lord Chief Justice – Delegation of Statutory Functions

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>Matrimonial and Family Proceedings Act 1984, section 36(1) (as amended) (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</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>

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	<p><i>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>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>Section 5 (Judges of county courts)</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 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>

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>Matrimonial and Family Proceedings Act 1984, section 33 (1) and (4) (as amended)</p> <p>(REPEALED)</p>	<p>Repealed by Crime and Courts Act 2013, schedule 11, paragraph 90, and see SI 2014/954.</p> <p><i>Section 33 (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>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 such a court had matrimonial jurisdiction under Part 3 of 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 provisions that were capable of delegation, and other provisions in section 92, were repealed by the Crime and Courts Act 2013.</p>

Lord Chief Justice – Delegation of Statutory Functions

	<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><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) (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</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 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>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> <ul style="list-style-type: none"> <i>(a) the jurisdiction in matrimonial causes or matters conferred by sections 33, 34 and 35 above on divorce county courts, and</i> <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><i>(2) A jurisdiction to which this subsection applies shall be exercised in the principal registry—</i></p> <ul style="list-style-type: none"> <i>(a) so far as it is exercisable by judges of such courts, at such sittings and in such places as the Lord Chancellor may, after consulting the Lord Chief Justice, direct; and</i> <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><i>(2A) Rules of court may make provision–</i></p> <ul style="list-style-type: none"> <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> <i>(b) for treating, for any purposes specified in the rules, civil partnership causes and matters pending</i> 	<p>The provision is no longer in force.</p>	
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	<p><i>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, 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> <p><i>(a) for the purposes of any provision to be made by rules of court under section 33(2) above;</i></p> <p><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></p>		
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	<p><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> <p><i>(4ZA) The principal registry shall be treated as a civil partnership proceedings county court—</i></p> <p><i>(a) for the purposes of any provision to be made by rules of court under section 36A(5) above;</i></p> <p><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></p> <p><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> <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 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</i></p>		
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	<p><i>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> <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><i>(i) the civil partners as civil partners, or</i></p> <p><i>(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>		
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	<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>Section 92 (Jurisdiction of courts)</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><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> <p style="padding-left: 40px;"><i>(a) any property belonging to or held in trust for a child; or</i></p> <p style="padding-left: 40px;"><i>(b) the income of any such property.</i></p> <p><i>(5) The powers of a magistrates' court under section 63(2)</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>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> <p style="padding-left: 40px;"><i>(a) proceedings under this Act; and</i></p> <p style="padding-left: 40px;"><i>(b) proceedings under certain other enactments.</i></p> <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> <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</i></p>		
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	<p><i>(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: 40px;"><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: 40px;"><i>(b) any refusal by a magistrates' court to make such an order.</i></p> <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</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>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> <ul style="list-style-type: none"><i>(a) it may order the person entitled to the payments to pay to the person making them such sum in respect of payments already made as [the county court] 4 thinks fit; and</i><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><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> <ul style="list-style-type: none"><i>(a) of the enforcement of the order; and</i><i>(b) of any power to vary, revive or discharge orders,</i> <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</i></p>		
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	<p><i>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>		
<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> <ul style="list-style-type: none"> <i>(a) incurred in connection with the birth of the child or in maintaining the child; and</i> <i>(b) reasonably incurred before the making of the order,</i> <p><i>to be met.</i></p> <p><i>(2) The amount of any lump sum required to be paid by an</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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*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.*

(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.

(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), 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.

(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.

(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—

- (a) the number of instalments payable;*
- (b) the amount of any instalment payable;*
- (c) the date on which any instalment becomes payable.*

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	<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>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> <p style="padding-left: 40px;"><i>(a) a specified level of court;</i></p> <p style="padding-left: 40px;"><i>(b) a court which falls within a specified class of court; or</i></p> <p style="padding-left: 40px;"><i>(c) a particular court determined in accordance with, or specified in, the order.</i></p> <p><i>(2) 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 style="padding-left: 40px;"><i>(a) a specified level of court;</i></p> <p style="padding-left: 40px;"><i>(b) a court which falls within a specified class of court; or</i></p> <p style="padding-left: 40px;"><i>(c) a particular court determined in accordance with, or specified in, the order.</i></p> <p><i>(2A) Sub-paragraphs (1) and (2) shall also apply in relation to proceedings—</i></p> <p style="padding-left: 40px;"><i>(a) under section 55A of the Family Law Act 1986</i></p>	<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>(declarations of parentage); or</i> <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><i>(3) 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> <i>(a) this Act;</i> <i>(b) the Adoption and Children Act 2002; or</i> <i>(bb) section 20 (appeals) of the Child Support Act 1991;</i> <i>(c) the High Court's inherent jurisdiction with respect to children,</i> <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</i></p>	<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</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>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> <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> <ul style="list-style-type: none"> <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><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></p> <ul style="list-style-type: none"> <i>(a) this Act;</i> 	<p>proceedings from an Order made under paragraph 2(1).</p> <p>The provision is no longer in force.</p>	
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	<p><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 4(5)(a) (as amended) (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 4 (General)</i></p> <p><i>(1) For the purposes of this Schedule—</i> <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> <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</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 consequential provisions in any Order made under this Part of the Schedule.</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>the order.</i></p> <p>(5) <i>An order under this Schedule may—</i> <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> <i>(b) make provision for treating proceedings which are—</i> <i>(i) in part proceedings of a kind mentioned in paragraph (a) or (b) of paragraph 2(3); and</i> <i>(ii) in part proceedings of a kind mentioned in paragraph (c) of paragraph 2(3),</i> <i>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>(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 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</p>	<p>Repealed by Crime and Courts Act 2013 schedule 11(1) paragraph 135(3), and see SI 2014/954.</p>	<p>This provision gave the LC a number of powers, to be exercised after</p>	<p>The delegation was in force from April 2006 until 22 April 2014,</p>

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<p>57(3), (4), (5), (7), (9) and (10) (as amended)</p> <p>(REPEALED)</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> <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>(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—</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>(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—</i></p>	<p>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>when its provisions were repealed by the Crime and Courts Act 2013.</p>
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	<p><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> <p><i>(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.</i></p> <p><i>(7) An order under subsection (5) may make such provision as the Lord Chancellor thinks appropriate, after consulting 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> <i>(a) the High Court;</i> <i>(b) any county court; and</i> <i>(c) any magistrates' court.</i></p> <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</i></p>		
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	<p><i>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>		
<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></p> <p style="padding-left: 20px;"><i>(a) the making by a magistrates' court of any order under this Part, or</i></p> <p style="padding-left: 20px;"><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>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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	<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></p> <ul style="list-style-type: none"><i>(a) of the enforcement of the order, and</i><i>(b) of any power to vary, revive or discharge orders,</i> <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 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 Protection¹¹

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>

¹¹ The President of the Family Division is the President of the Court of Protection.

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	<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>

