

## SCHEDULES

### SCHEDULE 12

Section 133.

#### ASSESSORS OF COMPENSATION FOR MISCARRIAGES OF JUSTICE

- 1 A person may only be appointed to be an assessor for the purposes of section 133 above if he is—
  - (a) a barrister practising in England and Wales or Northern Ireland;
  - (b) an advocate practising in Scotland;
  - (c) a solicitor practising in any part of the United Kingdom;
  - (d) a person who holds or has held judicial office in any part of the United Kingdom; or
  - (e) a member (whether the chairman or not) of the Criminal Injuries Compensation Board.
- 2 A person shall hold and vacate office as an assessor in accordance with the terms of his appointment.
- 3 A person shall vacate office as an assessor—
  - (a) if he ceases to be qualified for appointment as an assessor; or
  - (b) on attaining the age of 72;unless the Secretary of State considers that it is in the interests of the efficient operation of section 133 above that he should continue to hold office.
- 4 A person may at any time resign his office as an assessor by giving the Secretary of State notice in writing to that effect.
- 5 Subject to paragraph 6 below, the Secretary of State may at any time remove a person from office as an assessor if satisfied that—
  - (a) he has been convicted of a criminal offence;
  - (b) he has become bankrupt or has had his estate sequestrated or has made an arrangement with, or granted a trust deed for, his creditors;
  - (c) he is incapacitated by physical or mental illness; or
  - (d) he is otherwise unable or unfit to perform his duties.
- 6 The power conferred by paragraph 5 above shall only be exercisable—
  - (a) in the case of a person who practises or has practised as a barrister or solicitor in England and Wales or Northern Ireland or who holds or has held judicial office in any of those parts of the United Kingdom, with the consent of the Lord Chancellor; and
  - (b) in the case of a person who practises or has practised as an advocate or solicitor in Scotland or who holds or has held judicial office there, with the consent of the Lord President of the Court of Session.
- 7 An assessor shall be paid such remuneration and allowances as the Secretary of State may, with the approval of the Treasury, determine.