Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Constitutional Reform Act 2005

2005 CHAPTER 4

An Act to make provision for modifying the office of Lord Chancellor, and to make provision relating to the functions of that office; to establish a Supreme Court of the United Kingdom, and to abolish the appellate jurisdiction of the House of Lords; to make provision about the jurisdiction of the Judicial Committee of the Privy Council and the judicial functions of the President of the Council; to make other provision about the judiciary, their appointment and discipline; and for connected purposes. [24th March 2005]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

THE RULE OF LAW

1 The rule of law

This Act does not adversely affect—

(a) the existing constitutional principle of the rule of law, or

(b) the Lord Chancellor's existing constitutional role in relation to that principle.

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PART 2

ARRANGEMENTS TO MODIFY THE OFFICE OF LORD CHANCELLOR

Qualifications for office of Lord Chancellor

2 Lord Chancellor to be qualified by experience

(1) A person may not be recommended for appointment as Lord Chancellor unless he appears to the Prime Minister to be qualified by experience.

(2) The Prime Minister may take into account any of these—
- (a) experience as a Minister of the Crown;
- (b) experience as a member of either House of Parliament;
- (c) experience as a qualifying practitioner;
- (d) experience as a teacher of law in a university;
- (e) other experience that the Prime Minister considers relevant.

(3) In this section "qualifying practitioner" means any of these—
- (a) a person who has a Senior Courts qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41);
- (b) an advocate in Scotland or a solicitor entitled to appear in the Court of Session and the High Court of Justiciary;
- (c) a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland.

Continued judicial independence

3 Guarantee of continued judicial independence

(1) The Lord Chancellor, other Ministers of the Crown and all with responsibility for matters relating to the judiciary or otherwise to the administration of justice must uphold the continued independence of the judiciary.

(2) Subsection (1) does not impose any duty which it would be within the legislative competence of the Scottish Parliament to impose.

(3) A person is not subject to the duty imposed by subsection (1) if he is subject to the duty imposed by section 1(1) of the Justice (Northern Ireland) Act 2002 (c. 26).

(4) The following particular duties are imposed for the purpose of upholding that independence.

(5) The Lord Chancellor and other Ministers of the Crown must not seek to influence particular judicial decisions through any special access to the judiciary.

(6) The Lord Chancellor must have regard to—
- (a) the need to defend that independence;
- (b) the need for the judiciary to have the support necessary to enable them to exercise their functions;

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(c) the need for the public interest in regard to matters relating to the judiciary or otherwise to the administration of justice to be properly represented in decisions affecting those matters.

(7) In this section "the judiciary" includes the judiciary of any of the following—

(a) the Supreme Court;

(b) any other court established under the law of any part of the United Kingdom;

(c) any international court.

[F1(7A) In this section "the judiciary" also includes every person who—

(a) holds an office listed in Schedule 14 or holds an office listed in subsection (7B), and

(b) but for this subsection would not be a member of the judiciary for the purposes of this section.

(7B) The offices are those of—

(a) Senior President of Tribunals;

(b) President of Employment Tribunals (Scotland);

(c) Vice President of Employment Tribunals (Scotland);

(d) member of a panel of [F2Employment Judges] (Scotland);

(e) member of a panel of members of employment tribunals that is not a panel of [F2Employment Judges];

(f) F3. . . . . .]

(8) In subsection (7) "international court" means the International Court of Justice or any other court or tribunal which exercises jurisdiction, or performs functions of a judicial nature, in pursuance of—

(a) an agreement to which the United Kingdom or Her Majesty's Government in the United Kingdom is a party, or

(b) a resolution of the Security Council or General Assembly of the United Nations.

Textual Amendments

F1 S. 3(7A)(7B) inserted (19.9.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 1**, 148; S.I. 2007/2709, **art. 2(a)**

F2 Words in s. 3(7B)(d)(e) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 13(1)**; S.I. 2013/2200, art. 3(g)

F3 S. 3(7B)(f) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9, **Sch. 3 para. 217**

4 Guarantee of continued judicial independence: Northern Ireland

(1) For section 1 of the Justice (Northern Ireland) Act 2002 (c. 26) (guarantee of continued judicial independence) substitute—

"**1 Guarantee of continued judicial independence**

(1) The following persons must uphold the continued independence of the judiciary—

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(a) the First Minister,
(b) the deputy First Minister,
(c) Northern Ireland Ministers, and
(d) all with responsibility for matters relating to the judiciary or otherwise to the administration of justice, where that responsibility is to be discharged only in or as regards Northern Ireland.

(2) The following particular duty is imposed for the purpose of upholding that independence.

(3) The First Minister, the deputy First Minister and Northern Ireland Ministers must not seek to influence particular judicial decisions through any special access to the judiciary.

(4) In this section "the judiciary" includes the judiciary of any of the following—
(a) the Supreme Court;
(b) any other court established under the law of any part of the United Kingdom;
(c) any international court.

(5) In subsection (4) "international court" means the International Court of Justice or any other court or tribunal which exercises jurisdiction, or performs functions of a judicial nature, in pursuance of—
(a) an agreement to which the United Kingdom or Her Majesty's Government in the United Kingdom is a party, or
(b) a resolution of the Security Council or General Assembly of the United Nations."

(2) In section 91(2) of that Act (extent: provisions not restricted to Northern Ireland), before paragraph (a) insert—
"(za) section 1,".

Representations by senior judges

5 Representations to Parliament

[[F4](A1) The President of the Supreme Court may lay before Parliament written representations on matters that appear to the President to be matters of importance relating to the Supreme Court or to the jurisdiction it exercises.**]**

(1) The chief justice of any part of the United Kingdom may lay before Parliament written representations on matters that appear to him to be matters of importance relating to the judiciary, or otherwise to the administration of justice, in that part of the United Kingdom.

(2) In relation to Scotland **[**[F5]the matters mentioned in subsections (A1) and (1)**]** do not include matters within the legislative competence of the Scottish Parliament, unless they are matters to which a Bill for an Act of Parliament relates.

(3) In relation to Northern Ireland **[**[F6]the matters mentioned in subsections (A1) and (1)**]** do not include transferred matters within the legislative competence of the Northern Ireland Assembly, unless they are matters to which a Bill for an Act of Parliament relates.

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(4) In subsection (3) the reference to transferred matters has the meaning given by section 4(1) of the Northern Ireland Act 1998 (c. 47).

(5) In this section "chief justice" means—

(a) in relation to England and Wales or Northern Ireland, the Lord Chief Justice of that part of the United Kingdom;

(b) in relation to Scotland, the Lord President of the Court of Session.

Textual Amendments

F4 S. 5(A1) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 81(2)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 66

F5 Words in s. 5(2) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 81(3)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 66

F6 Words in s. 5(3) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 81(3)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 66

Commencement Information

I1 S. 5 partly in force; s. 5 not in force at Royal Assent, see s. 148; s. 5(1)(2)(5) in force at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 4; s. 5(3)(4) in force at 8.5.2007 by S.I. 2007/1252, **art. 2**

6 Representations to the Northern Ireland Assembly

(1) The Lord Chief Justice of Northern Ireland may lay before the Northern Ireland Assembly written representations on matters within subsection (2) that appear to him to be matters of importance relating to the judiciary, or otherwise to the administration of justice, in Northern Ireland.

(2) The matters are—

(a) excepted or reserved matters to which a Bill for an Act of the Northern Ireland Assembly relates;

(b) transferred matters within the legislative competence of the Northern Ireland Assembly, unless they are matters to which a Bill for an Act of Parliament relates.

(3) In subsection (2) references to excepted, reserved and transferred matters have the meaning given by section 4(1) of the Northern Ireland Act 1998.

Judiciary and courts in England and Wales

7 President of the Courts of England and Wales

(1) The Lord Chief Justice holds the office of President of the Courts of England and Wales and is Head of the Judiciary of England and Wales.

(2) As President of the Courts of England and Wales he is responsible—

(a) for representing the views of the judiciary of England and Wales to Parliament, to the Lord Chancellor and to Ministers of the Crown generally;

(b) for the maintenance of appropriate arrangements for the welfare, training and guidance of the judiciary of England and Wales within the resources made available by the Lord Chancellor;

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(c) for the maintenance of appropriate arrangements for the deployment of the judiciary of England and Wales and the allocation of work within courts.

(3) The President of the Courts of England and Wales is president of the courts listed in subsection (4) and is entitled to sit in any of those courts.

(4) The courts are—

the Court of Appeal
the High Court
the Crown Court
[[F7]the family court**]**
the **[**[F8]county court**]**
the magistrates' courts.

(5) In section 1 of the Supreme Court Act 1981 (c. 54), subsection (2)(Lord Chancellor to be president of the Supreme Court of England and Wales) ceases to have effect.

Textual Amendments

F7 Words in s. 7(4) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 97**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F8 Words in s. 7(4) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 42**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

8 Head and Deputy Head of Criminal Justice

(1) There is to be a Head of Criminal Justice.

(2) The Head of Criminal Justice is—

(a) the Lord Chief Justice, or

(b) if the Lord Chief Justice appoints another person, that person.

(3) The Lord Chief Justice may appoint a person to be Deputy Head of Criminal Justice.

(4) The Lord Chief Justice must not appoint a person under subsection (2)(b) or (3) unless these conditions are met—

(a) the Lord Chief Justice has consulted the Lord Chancellor;

(b) the person to be appointed is **[**[F9]a judge**]** of the Court of Appeal.

(5) A person appointed under subsection (2)(b) or (3) holds the office to which he is appointed in accordance with the terms of his appointment.

Textual Amendments

F9 Words in s. 8(4)(b) substituted (15.1.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 61**; S.I. 2006/3364, **art. 2(k)**

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9 Head and Deputy Head of Family Justice

(1) The President of the Family Division is Head of Family Justice.

(2) The Lord Chief Justice may appoint a person to be Deputy Head of Family Justice.

(3) The Lord Chief Justice must not appoint a person under subsection (2) unless these conditions are met—

(a) the Lord Chief Justice has consulted the Lord Chancellor;

(b) the person to be appointed is an ordinary judge of the Court of Appeal.

(4) A person appointed as Deputy Head of Family Justice holds that office in accordance with the terms of his appointment.

Judiciary and courts in Northern Ireland

10 The Lord Chancellor and Northern Ireland courts

In the Judicature (Northern Ireland) Act 1978 (c. 23) after section 68 insert—

"**68A Lord Chancellor's duty**

(1) The Lord Chancellor is under a duty to ensure that there is an efficient and effective system to support the carrying on of the business of—

(a) the Supreme Court,

(b) county courts,

(c) magistrates' courts, and

(d) coroners' courts,

and that appropriate services are provided for those courts.

(2) The Lord Chancellor must, within 18 months of the coming into force of this section, and afterwards annually, prepare and lay before both Houses of Parliament a report as to the way in which he has discharged his duty under subsection (1)."

Commencement Information

I2 S. 10 partly in force; s. 10 not in force at Royal Assent see s. 148; s. 10 in force for specified purposes at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 6

11 Lord Chief Justice of Northern Ireland

For subsection (1) of section 12 of the Justice (Northern Ireland) Act 2002 (c. 26) (role of the Lord Chief Justice) substitute—

"(1A) The Lord Chief Justice holds the office of President of the Courts of Northern Ireland and is Head of the Judiciary of Northern Ireland.

(1B) As President of the Courts of Northern Ireland he is responsible—

(a) for representing the views of the judiciary of Northern Ireland to Parliament, the Lord Chancellor and Ministers of the Crown generally;

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(b) for representing the views of the judiciary of Northern Ireland to the Northern Ireland Assembly, the First Minister and deputy First Minister and Northern Ireland Ministers;

(c) for the maintenance of appropriate arrangements for the welfare, training and guidance of the judiciary of Northern Ireland within the resources made available by the Lord Chancellor;

(d) for the maintenance of appropriate arrangements for the deployment of the judiciary of Northern Ireland and the allocation of work within courts.

(1C) The President of the Courts of Northern Ireland is president of the courts listed in subsection (1D) and is entitled to sit in any of those courts.

(1D) The courts are—

the Court of Appeal
the High Court
the Crown Court
the county courts
the magistrates' courts."

Commencement Information

I3 S. 11 partly in force; s. 11 not in force at Royal Assent s. 148; s. 11 in force for specified purposes at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 6; s. 11 in force for further specified purposes at 8.5.2007 by S.I. 2007/1252, **art. 2**

Other provisions about the judiciary and courts

12 Powers to make rules

(1) Part 1 of Schedule 1 sets out a process for the exercise of rule-making powers.

(2) Part 2 of the Schedule contains amendments of Acts that contain rule-making powers.

(3) Those amendments—

(a) provide for those powers to be exercised in accordance with the process set out in Part 1 of the Schedule, and

(b) make consequential provision.

13 Powers to give directions

(1) Part 1 of Schedule 2 sets out a process for the exercise of powers to give directions.

(2) Part 2 of the Schedule contains amendments of Acts that contain powers to give directions.

(3) Those amendments—

(a) provide for those powers to be exercised in accordance with the process set out in Part 1 of the Schedule, and

(b) make consequential provision.

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14 Transfer of appointment functions to Her Majesty

Schedule 3 provides for—

(a) Her Majesty instead of the Lord Chancellor to make appointments to certain offices, and

(b) the modification of enactments relating to those offices.

Commencement Information

I4 S. 14 partly in force; s. 14 not in force at Royal Assent see s. 148; s. 14 in force for specified purposes at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 8

15 Other functions of the Lord Chancellor and organisation of the courts

(1) Schedule 4 provides for—

(a) the transfer of functions to or from the Lord Chancellor,

(b) the modification of other functions of the Lord Chancellor,

(c) the modification of enactments relating to those functions, and

(d) the modification of enactments relating to the organisation of the courts.

(2) Schedule 5 makes similar provision about functions under legislation relating to Northern Ireland.

Commencement Information

I5 S. 15 partly in force; s. 15 not in force at Royal Assent see s. 148; s. 15(2) in force for specified purposes at 31.8.2005 by S.I. 2005/2284, **art. 2**; s. 15 in force for specified purposes at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 10

I6 S. 15(2) in force at 12.4.2010 for specified purposes by S.I. 2010/883, **art. 2(a)**

16 Functions of the Lord Chief Justice during vacancy or incapacity

(1) This section applies during any period when—

(a) the office of Lord Chief Justice is vacant, or

(b) the Lord Chief Justice is incapacitated.

(2) During such a period—

(a) any function of the Lord Chief Justice may be exercised by the senior Head of Division;

(b) anything which falls to be done in relation to the Lord Chief Justice may be done in relation to the senior Head of Division.

(3) The senior Head of Division is—

(a) the Master of the Rolls, or

(b) the President of the Queen's Bench Division, if the office in paragraph (a) is vacant, or

(c) the President of the Family Division, if the offices in paragraphs (a) and (b) are vacant, or

(d) the Chancellor of the High Court, if the offices in paragraphs (a), (b) and (c) are vacant.

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(4) For the purposes of this section—

(a) the Lord Chief Justice is to be regarded as incapacitated only if at least three of the Heads of Division declare in writing that they are satisfied that he is incapacitated;

(b) in such a case, the Lord Chief Justice is to be regarded as incapacitated until at least three of the Heads of Division declare in writing that they are satisfied that he is no longer incapacitated.

(5) In this section—

(a) "Lord Chief Justice" means the Lord Chief Justice of England and Wales;

(b) "incapacitated", in relation to the Lord Chief Justice, means unable to exercise the functions of that office;

(c) "Head of Division" means each of the office holders referred to in subsection (3).

Modifications etc. (not altering text)

C1 S. 16(2)(a) excluded (1.10.2013) by The Judicial Appointments Regulations 2013 (S.I. 2013/2192), regs. 1, **3**

Lord Chancellor's oath

17 Lord Chancellor's oath

(1) In the Promissory Oaths Act 1868 (c. 72) after section 6 insert—

"**6A Lord Chancellor's Oath**

(1) The oath set out in subsection (2) shall be tendered to and taken by the Lord Chancellor, after and in the same manner as the official oath, as soon as may be after his acceptance of office.

(2) The oath is—

"I, , do swear that in the office of Lord High Chancellor of Great Britain I will respect the rule of law, defend the independence of the judiciary and discharge my duty to ensure the provision of resources for the efficient and effective support of the courts for which I am responsible. So help me God.".."

(2) The section inserted by subsection (1) does not apply in the case of acceptance of office before the coming into force of this section.

Speakership of the House of Lords

18 Speakership of the House of Lords

Schedule 6 contains amendments relating to the Speakership of the House of Lords.

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Functions subject to transfer, modification or abolition

19 Transfer, modification or abolition of functions by order

(1) The Lord Chancellor may by order make provision for any of these purposes—
- (a) to transfer an existing function of the Lord Chancellor to another person;
- (b) to direct that an existing function of the Lord Chancellor is to be exercisable concurrently with another person;
- (c) to direct that an existing function of the Lord Chancellor exercisable concurrently with another person is to cease to be exercisable by the Lord Chancellor;
- (d) to modify an existing function of the Lord Chancellor;
- (e) to abolish an existing function of the Lord Chancellor.

(2) An order under subsection (1) may in particular—
- (a) amend or repeal any of the following—
  - (i) an enactment other than one contained in an Act passed, or Northern Ireland legislation passed or made, after the Session in which this Act is passed;
  - (ii) subordinate legislation other than subordinate legislation made under an Act passed, or Northern Ireland legislation passed or made, after the Session in which this Act is passed;
  - (iii) any other instrument or document, including a prerogative instrument;
- (b) include—
  - (i) any supplementary, incidental or consequential provision, and
  - (ii) any transitory, transitional or saving provision,

  which the Lord Chancellor considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to, provision made under subsection (1).

(3) The amendments that may be made by virtue of subsection (2)(a) are in addition to those made by or under any other provision of this Act.

(4) An order under subsection (1) may not include provision that may be made under section 1(1) of the Ministers of the Crown Act 1975 (c. 26) (power to transfer functions to other Ministers etc).

(5) An order under subsection (1) may not be made in relation to any function of the Lord Chancellor that is within Schedule 7.

(6) An order under subsection (1) may amend Schedule 7 so as to include any function which, by virtue of provision in the order—
- (a) becomes exercisable by the Lord Chancellor concurrently with another person, or
- (b) is modified.

(7) An order under subsection (1) may not, to the extent that it amends Schedule 7, be revoked by another order under subsection (1).

(8) In this section—

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"existing function" means any function other than one that is conferred by—

(a) an Act passed, or Northern Ireland legislation passed or made, after the Session in which this Act is passed, or

(b) subordinate legislation made under an Act passed, or Northern Ireland legislation passed or made, after the Session in which this Act is passed;

"prerogative instrument" means an Order in Council, warrant, charter or other instrument made under the prerogative.

20 Protected functions not transferable under Ministers of the Crown Act 1975

(1) The Ministers of the Crown Act 1975 (c. 26) is amended as follows.

(2) In section 1 (power by Order in Council to transfer functions of Ministers), after subsection (5) insert—

"(6) This section does not apply to the functions of the Lord Chancellor that are within Schedule 7 to the Constitutional Reform Act 2005.

(7) An Order in Council under this section may amend Schedule 7 to the Constitutional Reform Act 2005 so as to include any function which, by virtue of provision in the Order in Council—

(a) is transferred to the Lord Chancellor,

(b) becomes exercisable by the Lord Chancellor concurrently with another person, or

(c) remains exercisable by the Lord Chancellor but ceases to be exercisable concurrently with another person.

(8) An Order in Council under this section may not, to the extent that it amends Schedule 7 to the Constitutional Reform Act 2005, be revoked by another Order in Council under this section."

(3) After section 5(3) (Orders under Act to be revocable) insert—

"(3A) Subsection (3) is subject to section 1(8)."

21 Amendment of Schedule 7

(1) The Lord Chancellor may by order amend Schedule 7 so as to include within that Schedule any function of the Lord Chancellor under an enactment, other than an enactment contained in an Act passed, or Northern Ireland legislation passed or made, after the Session in which this Act is passed.

(2) For the purposes of subsection (1) it does not matter whether a function of the Lord Chancellor is exercisable by him alone or concurrently with another person.

(3) An order made under this section may not be revoked by an order made under this section.

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Supplementary

22 Transfers: supplementary

(1) This section applies where a function of the Lord Chancellor is transferred to another person ("the transferee") by any provision of this Act or of an order under section 19 ("the amending provision").

(2) Where the transferee is Her Majesty, references to the transferee in the following provisions of this section are to be read as references to the Lord Chancellor.

(3) The transfer does not affect the validity of anything done (or having effect as if done) by or in relation to the Lord Chancellor before the commencement of the amending provision.

(4) So far as is necessary in consequence of the transfer, an enactment or instrument passed or made before the commencement of the provision has effect, subject to any amendment made by the amending provision or any other provision of this Act, as if—
   (a) a reference to the Lord Chancellor were a reference to the transferee;
   (b) a reference to the Lord Chancellor's Department were a reference to the department of the transferee;
   (c) a reference to an officer of the Lord Chancellor were a reference to an officer of the transferee.

(5) Anything done by or in relation to the Lord Chancellor in connection with the function has effect, so far as is necessary for continuing its effect after the commencement of the amending provision, as if done by or in relation to the transferee.

(6) Anything which relates to the function and which is in the process of being done by or in relation to the Lord Chancellor at the commencement of the amending provision may be continued by or in relation to the transferee.

(7) Legal proceedings to which the Lord Chancellor is party in relation to the function at the commencement of the amending provision may be continued by or against the transferee.

(8) Documents or forms printed for use in connection with the function may be used in connection with it even though they contain (or are to be read as containing) references to the Lord Chancellor, his Department or an officer of his.

(9) For the purposes of the use of any such documents after the commencement of the amending provision, those references are to be read as references to the transferee, his department or an officer of his.

PART 3

THE SUPREME COURT

The Supreme Court

23 The Supreme Court

(1) There is to be a Supreme Court of the United Kingdom.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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(2) The Court consists of **[**[F10]the persons appointed as its judges**]** by Her Majesty by letters patent **[**[F11], but no appointment may cause the full-time equivalent number of judges of the Court at any time to be more than 12**]**.

(3) Her Majesty may from time to time by Order in Council amend subsection (2) so as to increase or further increase the **[**[F12]maximum full-time equivalent**]** number of judges of the Court.

(4) No recommendation may be made to Her Majesty in Council to make an Order under subsection (3) unless a draft of the Order has been laid before and approved by resolution of each House of Parliament.

(5) Her Majesty may by letters patent appoint one of the judges to be President and one to be Deputy President of the Court.

(6) The judges other than the President and Deputy President are to be styled "Justices of the Supreme Court".

(7) The Court is to be taken to be duly constituted despite any vacancy [F13]... in the office of President or Deputy President.

[[F14](8) For the purposes of this section, the full-time equivalent number of judges of the Court is to be calculated by taking the number of full-time judges and adding, for each judge who is not a full-time judge, such fraction as is reasonable.**]**

Textual Amendments

F10 Words in s. 23(2) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 2(2)(a)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F11 Words in s. 23(2) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 2(2)(b)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F12 Words in s. 23(3) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 2(3)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F13 Words in s. 23(7) omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 2(4)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F14 S. 23(8) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 2(5)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

24 First members of the Court

On the commencement of section 23—

(a) the persons who immediately before that commencement are Lords of Appeal in Ordinary become judges of the Supreme Court,

(b) the person who immediately before that commencement is the senior Lord of Appeal in Ordinary becomes the President of the Court, and

(c) the person who immediately before that commencement is the second senior Lord of Appeal in Ordinary becomes the Deputy President of the Court.

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Appointment of judges

25 Qualification for appointment

(1) A person is not qualified to be appointed a judge of the Supreme Court unless he has (at any time)—

(a) held high judicial office for a period of at least 2 years,

(b) been a qualifying practitioner for a period of at least 15 years.

[[F15](b) satisfied the judicial-appointment eligibility condition on a 15-year basis, or

(c) been a qualifying practitioner for a period of at least 15 years.**]**

(2) A person is a qualifying practitioner for the purposes of this section at any time when—

(a) [F16]. . . . . .

(b) he is an advocate in Scotland or a solicitor entitled to appear in the Court of Session and the High Court of Justiciary, or

(c) he is a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland.

Textual Amendments

F15 S. 25(1)(b)(c) substituted (21.7.2008) for s. 25(1)(b) and preceding word by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 50, 148, **Sch. 10 para. 41(2)**; S.I. 2008/1653, **art. 2(d)** (with arts. 3,4)

F16 S. 25(2)(a) omitted (21.7.2008) by virtue of and repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 50, 146, 148, Sch. 10 para. 41(3), **Sch. 23 Pt. 2**; S.I. 2008/1653, **art. 2(d)** (with arts. 3, 4); S.I. 2008/2696, **art. 5(j)** (with arts. 3, 4)

26 Selection of members of the Court

(1) This section applies to a recommendation for an appointment to one of the following offices—

(a) judge of the Supreme Court;

(b) President of the Court;

(c) Deputy President of the Court.

(2) A recommendation may be made only by the Prime Minister.

(3) The Prime Minister—

(a) must recommend any person **[**[F17]who is selected as a result of the convening of a selection commission under this section**]**;

(b) may not recommend any other person.

[[F18](4) Where a person who is not a judge of the Court is recommended for appointment as President or Deputy President, the recommendation must also recommend the person for appointment as a judge.**]**

(5) If there is a vacancy in **[**[F19]the office of President of the Court or in the office of Deputy President of the Court,**]** or it appears to him that there will soon be such a vacancy, the Lord Chancellor must convene a selection commission for the selection of a person to be recommended.

[[F20](5A) If—

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(a) the full-time equivalent number of judges of the Court is less than the maximum specified in section 23(2), or it appears to the Lord Chancellor that the full-time equivalent number of judges of the Court will soon be less than that maximum, and

(b) the Lord Chancellor, or the senior judge of the Court, after consulting the other considers it desirable that a recommendation be made for an appointment to the office of judge of the Court,

the Lord Chancellor must convene a selection commission for the selection of a person to be recommended.

(5B) In subsection (5A)(b) "the senior judge of the Court" means—

(a) the President of the Court, or

(b) if there is no President, the Deputy President, or

(c) if there is no President and no Deputy President, the senior ordinary judge.**]**

(6) Schedule 8 is about selection commissions.

[[F21](7) Subsections (5) and (5A) are subject to Schedule 8 (cases where duty to convene a selection commission are suspended).

(7A) For the purposes of this section and Schedule 8, a person is selected as a result of the convening of a selection commission if the person's selection is the final outcome of—

(a) the selection process mentioned in section 27(1) being applied by the commission, and

(b) any process provided for by regulations under section 27A being applied in the particular case.**]**

(8) **[**[F22]Section 27 applies**]** where a selection commission is convened under this section.

Textual Amendments

F17 Words in s. 26(3)(a) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(2)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F18 S. 26(4) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(3)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F19 Words in s. 26(5) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 3(2)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F20 S. 26(5A)(5B) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 3(3)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F21 S. 26(7)(7A) substituted for s. 26(7) (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(4)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F22 Words in s. 26(8) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(5)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

27 Selection process

(1) The commission must—

(a) determine the selection process to be applied **[**[F23]by it**]**,

(b) apply the selection process, and

(c) make a selection accordingly.

[[F24](1A) The commission must have an odd number of members not less than five.

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(1B) The members of the commission must include—

(a) at least one who is non-legally-qualified,

(b) at least one judge of the Court,

(c) at least one member of the Judicial Appointments Commission,

(d) at least one member of the Judicial Appointments Board for Scotland, and

(e) at least one member of the Northern Ireland Judicial Appointments Commission,

and more than one of the requirements may be met by the same person's membership of the commission.

(1C) If the commission is convened for the selection of a person to be recommended for appointment as President of the Court—

(a) its members may not include the President of the Court, and

(b) it is to be chaired by one of its non-legally-qualified members.

(1D) If the commission is convened for the selection of a person to be recommended for appointment as Deputy President of the Court, its members may not include the Deputy President of the Court.**]**

[F25](2) . . . . . .

[F25](3) . . . . . .

(4) Subsections (5) to (10) apply to any selection under this section or **[**[F26]regulations under section 27A**]**.

(5) Selection must be on merit.

[[F27](5A) Where two persons are of equal merit—

(a) section 159 of the Equality Act 2010 (positive action: recruitment etc) does not apply in relation to choosing between them, but

(b) Part 5 of that Act (public appointments etc) does not prevent the commission from preferring one of them over the other for the purpose of increasing diversity within the group of persons who are the judges of the Court.**]**

(6) A person may be selected only if he meets the requirements of section 25.

(7) A person may not be selected if he is a member of the commission.

(8) In making selections for the appointment of judges of the Court the commission must ensure that between them the judges will have knowledge of, and experience of practice in, the law of each part of the United Kingdom.

(9) The commission must have regard to any guidance given by the Lord Chancellor as to matters to be taken into account (subject to any other provision of this Act) in making a selection.

(10) Any selection must be of one person only.

[[F28](11) For the purposes of this section a person is non-legally-qualified if the person—

(a) does not hold, and has never held, any of the offices listed in Schedule 1 to the House of Commons Disqualification Act 1975 (judicial offices disqualifying for membership of the House of Commons), and

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(b) is not practising or employed as a lawyer, and never has practised or been employed as a lawyer.**]**

Textual Amendments

F23 Words in s. 27(1)(a) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(6)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F24 S. 27(1A)-(1D) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 4(1)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F25 S. 27(2)(3) omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(1)(a)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23);

F26 Words in s. 27(4) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(7)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F27 S. 27(5A) inserted (15.7.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 9**; S.I. 2013/1725, art. 2(g)

F28 S. 27(11) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 4(2)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

[F29 27A Regulations about selection process

(1) The Lord Chancellor must by regulations made with the agreement of the senior judge of the Supreme Court—

(a) make further provision about membership of selection commissions convened under section 26,

(b) make further provision about the process that is to be applied in any case where a selection commission is required to be convened under section 26, and

(c) secure that, in every such case, there will come a point in the process when a selection has to be accepted, either unconditionally or subject only to matters such as the selected person's willingness and availability, by or on behalf of the Lord Chancellor.

(2) The regulations may in particular—

(a) provide for process additional to the selection process applied by a selection commission under section 27(1), including post-acceptance process;

(b) make provision as to things that are, or as to things that are not, to be done by a selection commission—

(i) as part of the selection process applied by it under section 27(1), or

(ii) in determining what that process is to be;

(c) provide for the Lord Chancellor to be entitled to require a selection commission to reconsider a selection under section 27(1) or any subsequent selection;

(d) provide for the Lord Chancellor to be entitled to reject a selection under section 27(1) or any subsequent selection;

(e) give other functions to the Lord Chancellor;

(f) provide for particular action to be taken by a selection commission after it has complied with section 27;

(g) provide for the dissolution of a selection commission;

(h) provide for section 16(2)(a) or (b) not to apply in relation to functions of the Lord Chief Justice—

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(i) as a member of a selection commission (including functions of chairing a selection commission), or

(ii) in relation to the nomination or appointment of members of a selection commission;

(i) provide for a person to cease to be a member of a selection commission where a requirement about the commission's members ceases to be met by the person's membership of the commission;

(j) provide for a person to become a member of a selection commission already convened where another person ceases to be a member of the commission or where a requirement about the commission's members ceases to be met by another person's membership of the commission;

(k) provide for payment to a member of a selection commission of amounts by way of allowances or expenses;

(l) make provision as to what amounts to practice or employment as a lawyer for the purposes of section 27(11)(b).

(3) Before making regulations under this section the Lord Chancellor must consult—

(a) the First Minister in Scotland,

(b) the Northern Ireland Judicial Appointments Commission,

(c) the First Minister for Wales,

(d) the Lord President of the Court of Session,

(e) the Lord Chief Justice of Northern Ireland, and

(f) the Lord Chief Justice of England and Wales.

(4) Regulations under this section—

(a) may make different provision for different purposes;

(b) may make transitory, transitional or saving provision.

(5) In this section "the senior judge", in relation to the Court, has the meaning given by section 26(5B).**]**

Textual Amendments

F29 S. 27A inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 5**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

[F30 27B Selection guidance: supplementary

(1) Before issuing any selection guidance the Lord Chancellor must—

(a) consult the senior judge of the Supreme Court;

(b) after doing so, lay a draft of the proposed guidance before each House of Parliament.

(2) If the draft is approved by a resolution of each House of Parliament within the 40-day period the Lord Chancellor must issue the guidance in the form of the draft.

(3) In any other case the Lord Chancellor must take no further steps in relation to the proposed guidance.

(4) Subsection (3) does not prevent a new draft of the proposed guidance from being laid before each House of Parliament after consultation with the senior judge of the Court.

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(5) Selection guidance comes into force on such date as the Lord Chancellor may appoint by order.

(6) Where selection guidance is in force, the Lord Chancellor may revoke the guidance only by—

(a) new selection guidance issued in accordance with the previous provisions of this section, or

(b) an order made after consulting the senior judge of the Court.

(7) In this section—

"40-day period" in relation to the draft of any proposed selection guidance means—

(a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later day, and

(b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,

no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days;

"the senior judge", in relation to the Court, has the meaning given by section 26(5B);

"selection guidance" means guidance mentioned in section 27(9).**]**

Textual Amendments

F30 S. 27B inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 6**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

[F31]28 Report

. . . . . .

Textual Amendments

F31 Ss. 28-31 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(1)(b)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

[F31]29 The Lord Chancellor's options

. . . . . .

Textual Amendments

F31 Ss. 28-31 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(1)(b)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

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[F31]30 Exercise of powers to reject or require reconsideration

. . . . . .

Textual Amendments

F31 Ss. 28-31 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(1)(b)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

[F31]31 Selection following rejection or requirement to reconsider

. . . . . .

Textual Amendments

F31 Ss. 28-31 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(1)(b)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

Terms of appointment

32 Oath of allegiance and judicial oath

(1) A person who is appointed as President of the Court must, as soon as may be after accepting office, take the required oaths in the presence of—
  (a) the Deputy President, or
  (b) if there is no Deputy President, the senior ordinary judge.

(2) A person who is appointed as Deputy President of the Supreme Court must, as soon as may be after accepting office, take the required oaths in the presence of—
  (a) the President, or
  (b) if there is no President, the senior ordinary judge.

(3) A person who is appointed as a judge of the Supreme Court must, as soon as may be after accepting office, take the required oaths in the presence of—
  (a) the President, or
  (b) if there is no President, the Deputy President, or
  (c) if there is no President and no Deputy President, the senior ordinary judge.

(4) Subsections (1) and (2) apply whether or not the person appointed as President or Deputy President has previously taken the required oaths in accordance with this section after accepting another office.

(5) Subsection (3) does not apply where a person is first appointed as a judge of the Court upon appointment to the office of President or Deputy President.

(6) In this section "required oaths" means—
  (a) the oath of allegiance, and
  (b) the judicial oath,

  as set out in the Promissory Oaths Act 1868 (c. 72).

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33 Tenure

A judge of the Supreme Court holds that office during good behaviour, but may be removed from it on the address of both Houses of Parliament.

34 Salaries and allowances

(1) A judge of the Supreme Court is entitled to a salary.

(2) The amount of the salary is to be determined by the Lord Chancellor with the agreement of the Treasury.

(3) Until otherwise determined under subsection (2), the amount is that of the salary of a Lord of Appeal in Ordinary immediately before the commencement of section 23.

(4) A determination under subsection (2) may increase but not reduce the amount.

(5) Salaries payable under this section are to be charged on and paid out of the Consolidated Fund of the United Kingdom.

(6) Any allowance determined by the Lord Chancellor with the agreement of the Treasury may be paid to a judge of the Court out of money provided by Parliament.

35 Resignation and retirement

(1) A judge of the Supreme Court may at any time resign that office by giving the Lord Chancellor notice in writing to that effect.

(2) The President or Deputy President of the Court may at any time resign that office (whether or not he resigns his office as a judge) by giving the Lord Chancellor notice in writing to that effect.

(3) In section 26(4)(a) of and Schedule 5 to the Judicial Pensions and Retirement Act 1993 (c. 8) (retirement), for “Lord of Appeal in Ordinary” substitute “Judge of the Supreme Court”.

36 Medical retirement

(1) This section applies if the Lord Chancellor is satisfied by means of a medical certificate that a person holding office as a judge of the Supreme Court—
  (a) is disabled by permanent infirmity from the performance of the duties of his office, and
  (b) is for the time being incapacitated from resigning his office.

(2) The Lord Chancellor may by instrument under his hand declare the person's office to have been vacated.

(3) A declaration by instrument under subsection (2) has the same effect for all purposes as if the person had, on the date of the instrument, resigned his office.

(4) But such a declaration has no effect unless it is made—
  (a) in the case of an ordinary judge, with the agreement of the President and Deputy President of the Court;
  (b) in the case of the President, with the agreement of the Deputy President and the senior ordinary judge;

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(c) in the case of the Deputy President, with the agreement of the President and the senior ordinary judge.

37 Pensions

(1) In the tables in sections 1 and 16 of the Judicial Pensions Act 1981 (c. 20) (application and interpretation), for "Lord of Appeal in Ordinary"—
  (a) in the first column, substitute " Judge of the Supreme Court ", and
  (b) in the second column, in each place substitute " judge of the Supreme Court ".

(2) In Part 1 of Schedule 1 to the Judicial Pensions and Retirement Act 1993 (qualifying judicial offices: judges), for "Lord of Appeal in Ordinary" substitute "Judge of the Supreme Court".

(3) The amendments made by this section to the 1981 and 1993 Acts do not affect the operation of any provision of or made under those Acts, or anything done under such provision, in relation to the office of, or service as, Lord of Appeal in Ordinary.

Acting judges

38 Acting judges

(1) At the request of the President of the Supreme Court any of the following may act as a judge of the Court—
  (a) a person who holds office as a senior territorial judge;
  (b) a member of the supplementary panel under section 39.

(2) A request under subsection (1) may be made by the Deputy President of the Court if there is no President or the President is unable to make that request.

(3) In section 26(7) of the Judicial Pensions and Retirement Act 1993 (c. 8) (requirement not to act in certain capacities after the age of 75) for paragraph (b) substitute—
  "(b) act as a judge of the Supreme Court under section 38 of the Constitutional Reform Act 2005;".

(4) Every person while acting under this section is, subject to subsections (5) and (6), to be treated for all purposes as a judge of the Supreme Court (and so may perform any of the functions of a judge of the Court).

(5) A person is not to be treated under subsection (4) as a judge of the Court for the purposes of any statutory provision relating to—
  (a) the appointment, retirement, removal or disqualification of judges of the Court,
  (b) the tenure of office and oaths to be taken by judges of the Court, or
  (c) the remuneration, allowances or pensions of judges of the Court.

(6) Subject to section 27 of the Judicial Pensions and Retirement Act 1993, a person is not to be treated under subsection (4) as having been a judge of the Court if he has acted in the Court only under this section.

(7) Such remuneration and allowances as the Lord Chancellor may with the agreement of the Treasury determine may be paid out of money provided by Parliament to any person who acts as a judge of the Court under this section.

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(8) In this section "office as a senior territorial judge" means office as any of the following—
  (a) a judge of the Court of Appeal in England and Wales;
  (b) a judge of the Court of Session, but only if the holder of the office is a member of the First or Second Division of the Inner House of that Court;
  (c) a judge of the Court of Appeal in Northern Ireland, unless the holder holds the office only by virtue of being a puisne judge of the High Court.

39 Supplementary panel

(1) There is to be a panel of persons known as the supplementary panel.

(2) On the commencement of this section any member of the House of Lords who—
  (a) meets one of the conditions in subsection (3),
  (b) does not hold high judicial office,
  (c) has not attained the age of 75, and
  (d) is not a person who was appointed to the office of Lord Chancellor on or after 12 June 2003,

becomes a member of the panel.

(3) The conditions are—
  (a) that he ceased to hold high judicial office less than 5 years before the commencement of this section;
  (b) that he was a member of the Judicial Committee of the Privy Council immediately before that commencement;
  (c) that he ceased to be a member of that Committee less than 5 years before that commencement.

(4) A person becomes a member of the supplementary panel on ceasing to hold office as a judge of the Supreme Court or as a senior territorial judge, but only if, while he holds such office **[**[F32]or within 2 years of ceasing to hold such office**]**—
  (a) his membership of the panel is approved in writing by the President of the Supreme Court, and
  (b) the President of the Court gives the Lord Chancellor notice in writing of the approval.

(5) Subsection (4) does not apply to a person who ceases to hold office as a judge of the Supreme Court when he ceases to be President of the Court.

(6) Such a person becomes a member of the supplementary panel on ceasing to be President of the Court, unless—
  (a) while President, he gives the Lord Chancellor notice that he is not to become a member of the panel,
  (b) he ceases to be President on being removed from office as a judge of the Court on the address of both Houses of Parliament, or
  (c) his office is declared vacant under section 36.

(7) A person does not become a member of the supplementary panel under subsection (4) or (6) if—
  (a) on ceasing to hold office as a judge of the Supreme Court he takes office as a senior territorial judge, or

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(b) on ceasing to hold office as a senior territorial judge he takes office as a judge of the Supreme Court.

(8) A member of the supplementary panel may resign by notice in writing to the President of the Court.

(9) Unless he resigns (and subject to sections 26(7)(b) and 27 of the Judicial Pensions and Retirement Act 1993 (c. 8)), a person ceases to be a member of the supplementary panel—

(a) at the end of 5 years after the last day on which he holds his qualifying office, or

(b) if earlier, at the end of the day on which he attains the age of 75.

(10) In this section—

(a) "office as a senior territorial judge" has the same meaning as in section 38;

(b) a person's "qualifying office" is the office (that is, high judicial office, membership of the Judicial Committee of the Privy Council, office as a judge of the Supreme Court or office as a senior territorial judge) that he held before becoming a member of the supplementary panel.

Textual Amendments

F32 Words in s. 39(4) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 82**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 67

Jurisdiction, relation to other courts etc

40 Jurisdiction

(1) The Supreme Court is a superior court of record.

(2) An appeal lies to the Court from any order or judgment of the Court of Appeal in England and Wales in civil proceedings.

F33(3) . . . . . .

(4) Schedule 9—

(a) transfers other jurisdiction from the House of Lords to the Court,

(b) transfers devolution jurisdiction from the Judicial Committee of the Privy Council to the Court, and

(c) makes other amendments relating to jurisdiction.

(5) The Court has power to determine any question necessary to be determined for the purposes of doing justice in an appeal to it under any enactment.

(6) An appeal under subsection (2) lies only with the permission of the Court of Appeal or the Supreme Court; but this is subject to provision under any other enactment restricting such an appeal.

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Textual Amendments

F33 S. 40(3) repealed (E.W.N.I.) (22.9.2015) by The Courts Reform (Scotland) Act 2014 (Consequential Provisions and Modifications) Order 2015 (S.I. 2015/700), art. 1(11)(m), **Sch. para. 13**; s. 40(3) repealed (S.) (22.9.2015) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **sch. 5 para. 33**; S.S.I. 2015/247, art. 2, sch.

41 Relation to other courts etc

(1) Nothing in this Part is to affect the distinctions between the separate legal systems of the parts of the United Kingdom.

(2) A decision of the Supreme Court on appeal from a court of any part of the United Kingdom, other than a decision on a devolution matter, is to be regarded as the decision of a court of that part of the United Kingdom.

(3) A decision of the Supreme Court on a devolution matter—

(a) is not binding on that Court when making such a decision;

(b) otherwise, is binding in all legal proceedings.

(4) In this section "devolution matter" means—

(a) a question referred to the Supreme Court under **[**[F34]section [F35]... 99 or 112 of the Government of Wales Act 2006,**]** section 33 of the Scotland Act 1998 (c. 46) or section 11 of the Northern Ireland Act 1998 (c. 47);

(b) a devolution issue as defined in **[**[F36]Schedule 9 to the Government of Wales Act 2006**]** (c. 38), Schedule 6 to the Scotland Act 1998 or Schedule 10 to the Northern Ireland Act 1998.

Textual Amendments

F34 Words in s. 41(4)(a) inserted (6.11.2009) by The Government of Wales Act 2006 (Consequential Modifications, Transitional Provisions and Saving) Order 2009 (S.I. 2009/2958), **art. 7**

F35 Word in s. 41(4)(a) omitted (5.5.2011) by virtue of The Government of Wales Act 2006 (Commencement of Assembly Act Provisions, Transitional and Saving Provisions and Modifications) Order 2011 (S.I. 2011/1011), arts. 2, **9**

F36 Words in s. 41(4)(b) substituted (2.5.2007) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2)(3), 3, **Sch. 1 para. 111**

Composition for proceedings

42 Composition

(1) The Supreme Court is duly constituted in any proceedings only if all of the following conditions are met—

(a) the Court consists of an uneven number of judges;

(b) the Court consists of at least three judges;

(c) more than half of those judges are permanent judges.

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(2) Paragraphs (a) and (b) of subsection (1) are subject to any directions that in specified proceedings the Court is to consist of a specified number of judges that is both uneven and greater than three.

(3) Paragraph (b) of subsection (1) is subject to any directions that in specified descriptions of proceedings the Court is to consist of a specified minimum number of judges that is greater than three.

(4) This section is subject to section 43.

(5) In this section—
- (a) "directions" means directions given by the President of the Court;
- (b) "specified", in relation to directions, means specified in those directions;
- (c) references to permanent judges are references to those judges of the Court who are not acting judges under section 38.

(6) This section and section 43 apply to the constitution of the Court in any proceedings from the time judges are designated to hear the proceedings.

43 Changes in composition

(1) This section applies if in any proceedings the Court ceases to be duly constituted in accordance with section 42, or in accordance with a direction under this section, because one or more members of the Court are unable to continue.

(2) The presiding judge may direct that the Court is still duly constituted in the proceedings.

(3) The presiding judge may give a direction under this section only if—
- (a) the parties agree;
- (b) the Court still consists of at least three judges (whether the number of judges is even or uneven);
- (c) at least half of those judges are permanent judges.

(4) Subsections (2) and (3) are subject to directions given by the President of the Court.

(5) If in any proceedings the Court is duly constituted under this section with an even number of judges, and those judges are evenly divided, the case is to be re-argued in a Court which is constituted in accordance with section 42.

(6) In this section—
- (a) "presiding judge" means the judge who is to preside, or is presiding, over proceedings;
- (b) references to permanent judges have the same meaning as in section 42.

Practice and procedure

44 Specially qualified advisers

(1) If the Supreme Court thinks it expedient in any proceedings, it may hear and dispose of the proceedings wholly or partly with the assistance of one or more specially qualified advisers appointed by it.

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(2) Any remuneration payable to such an adviser is to be determined by the Court unless agreed between the adviser and the parties to the proceedings.

(3) Any remuneration forms part of the costs of the proceedings.

45 Making of rules

(1) The President of the Supreme Court may make rules (to be known as "Supreme Court Rules") governing the practice and procedure to be followed in the Court.

(2) The power to make Supreme Court Rules includes power to make different provision for different cases, including different provision—
- (a) for different descriptions of proceedings, or
- (b) for different jurisdiction of the Supreme Court.

(3) The President must exercise the power to make Supreme Court Rules with a view to securing that—
- (a) the Court is accessible, fair and efficient, and
- (b) the rules are both simple and simply expressed.

(4) Before making Supreme Court Rules the President must consult all of the following—
- (a) the Lord Chancellor;
- (b) the bodies listed in subsection (5);
- (c) such other bodies that represent persons likely to be affected by the Rules as the President considers it appropriate to consult.

(5) The bodies referred to in subsection (4)(b) are—

The General Council of the Bar of England and Wales;
The Law Society of England and Wales;
The Faculty of Advocates of Scotland;
The Law Society of Scotland;
The General Council of the Bar of Northern Ireland;
The Law Society of Northern Ireland.

Modifications etc. (not altering text)

C2 S. 45 modified (temp. from 27.2.2006) by The Constitutional Reform Act 2005 (Temporary Modifications) Order 2006 (S.I. 2006/227), **art. 2**

46 Procedure after rules made

(1) Supreme Court Rules made by the President of the Supreme Court must be submitted by him to the Lord Chancellor.

(2) Supreme Court Rules submitted to the Lord Chancellor—
- (a) come into force on such day as the Lord Chancellor directs, and
- (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.

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(3) A statutory instrument containing Supreme Court Rules is subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C3 S. 46 modified (temp. from 27.2.2006) by The Constitutional Reform Act 2005 (Temporary Modifications) Order 2006 (S.I. 2006/227), **art. 2**

47 Photography etc

(1) In section 41 of the Criminal Justice Act 1925 (c. 86) (prohibition on taking photographs etc in court), for subsection (2)(a) substitute—

"(a) the expression "court" means any court of justice (including the court of a coroner), apart from the Supreme Court;".

(2) In section 29 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 N.I.) (prohibition on taking photographs etc in court), for subsection (2)(a) substitute—

"(a) the expression "court" means any court of justice (including the court of a coroner), apart from the Supreme Court;".

Staff and resources

48 Chief executive

(1) The Supreme Court is to have a chief executive.

[[F37](2) It is for the President of the Court to appoint the chief executive.**]**

(3) The President of the Court may delegate to the chief executive any of these functions—

(a) functions of the President under section 49(1) **[**[F38]or 51A(1)(a) or (b)**]**;

(b) non-judicial functions of the Court.

(4) The chief executive must carry out his functions (under subsection (3) or otherwise) in accordance with any directions given by the President of the Court.

Textual Amendments

F37 S. 48(2) substituted (15.7.2013) by Crime and Courts Act 2013 (c. 22), **ss. 29(1)**, 61(3); S.I. 2013/1725, art. 2(e)

F38 Words in s. 48(3)(a) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), **ss. 30(2)**, 61(3); S.I. 2013/2200, art. 3(c)

49 Officers and staff

(1) The President of the Supreme Court may appoint officers and staff of the Court.

(2) It is for the chief executive of the Supreme Court to determine **[**[F39]the following matters—**]**

(a) the number of officers and staff of the Court;

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(b) subject to **[**[F40]subsections (2A) and**]** (3), the terms on which officers and staff are to be appointed.

[[F41](2A) Service as the chief executive of the Court, and service as an officer or staff appointed under subsection (1), is service in the civil service of the State.**]**

(3) **[**[F42]Accordingly, the**]** civil service pension arrangements for the time being in force apply (with any necessary adaptations) to the chief executive of the Court, and to persons appointed under subsection (1), as they apply to other persons employed in the civil service of the State.

(4) In subsection (3) "the civil service pension arrangements" means—

(a) the principal civil service pension scheme (within the meaning of section 2 of the Superannuation Act 1972 (c. 11), and

(b) any other superannuation benefits for which provision is made under or by virtue of section 1 of that Act for or in respect of persons in employment in the civil service of the State.

Textual Amendments

F39 Words in s. 49(2) substituted (15.7.2013) by Crime and Courts Act 2013 (c. 22), **ss. 29(3)(a)**, 61(3); S.I. 2013/1725, art. 2(e)

F40 Words in s. 49(2)(b) substituted (15.7.2013) by Crime and Courts Act 2013 (c. 22), **ss. 29(3)(b)**, 61(3); S.I. 2013/1725, art. 2(e)

F41 S. 49(2A) inserted (15.7.2013) by Crime and Courts Act 2013 (c. 22), **ss. 29(4)**, 61(3); S.I. 2013/1725, art. 2(e)

F42 Words in s. 49(3) substituted (15.7.2013) by Crime and Courts Act 2013 (c. 22), **ss. 29(5)**, 61(3); S.I. 2013/1725, art. 2(e)

50 Accommodation and other resources

(1) The Lord Chancellor must ensure that the Supreme Court is provided with the following—

(a) such court-houses, offices and other accommodation as the Lord Chancellor thinks are appropriate for the Court to carry on its business;

(b) such other resources as the Lord Chancellor thinks are appropriate for the Court to carry on its business.

(2) The Lord Chancellor may discharge the duty under subsection (1) by—

(a) providing accommodation or other resources, or

(b) entering into arrangements with any other person for the provision of accommodation or other resources.

(3) The powers to acquire land for the public service conferred by—

(a) section 2 of the Commissioners of Works Act 1852 (c. 28) (acquisition by agreement), and

(b) section 228(1) of the Town and Country Planning Act 1990 (c. 8) (compulsory acquisition),

are to be treated as including power to acquire land for the purpose of its provision under arrangements under subsection (2)(b).

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(4) The Scottish Ministers may make payments by way of contribution to the costs incurred by the Lord Chancellor in providing the Court with resources in accordance with subsection (1)(b).

(5) In this section "court-house" means any place where the Court sits, including the precincts of any building in which it sits.

51 System to support Court in carrying on business

(1) The chief executive of the Supreme Court must ensure that the Court's resources are used to provide an efficient and effective system to support the Court in carrying on its business.

(2) In particular—
- (a) appropriate services must be provided for the Court;
- (b) the accommodation provided under section 50 must be appropriately equipped, maintained and managed.

[F43 Court security

Textual Amendments

F43 Ss. 51A-51E and cross-heading inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), **ss. 30(1)**, 61(3); S.I. 2013/2200, art. 3(c)

51A Security officers

(1) A Supreme Court security officer is a person who is—
- (a) appointed by the President of the Supreme Court under section 49(1) or provided under a contract, and
- (b) designated by the President as a Supreme Court security officer.

(2) The President may give directions as to—
- (a) training courses to be completed by Supreme Court security officers;
- (b) conditions to be met before a person may be designated as a Supreme Court security officer.

(3) For the purposes of sections 51B to 51E, a Supreme Court security officer who is not readily identifiable as such (whether by means of uniform or badge or otherwise) is not to be regarded as acting in the execution of the officer's duty.

(4) In those sections "court building" means any building—
- (a) where the business of the Supreme Court, or of the Judicial Committee of the Privy Council, is carried on, and
- (b) to which the public has access.

51B Powers of search, exclusion, removal and restraint

(1) A Supreme Court security officer acting in the execution of the officer's duty may search—

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(a) any person who is in, or seeking to enter, a court building, and
(b) any article in the possession of such a person.

(2) Subsection (1) does not authorise a Supreme Court security officer to require a person to remove any of the person's clothing other than a coat, jacket, headgear, gloves or footwear.

(3) A Supreme Court security officer acting in the execution of the officer's duty may exclude or remove from a court building, or a part of a court building, any person who refuses—
(a) to permit a search under subsection (1), or
(b) to surrender an article in the person's possession when asked to do so under section 51C(1).

(4) A Supreme Court security officer acting in the execution of the officer's duty may—
(a) restrain any person who is in a court building, or
(b) exclude or remove any person from a court building, or a part of a court building,

if it is reasonably necessary to do so for one of the purposes given in subsection (5).

(5) The purposes are—
(a) enabling business of the Supreme Court, or of the Judicial Committee of the Privy Council, to be carried on without interference or delay;
(b) maintaining order;
(c) securing the safety of any person in the court building.

(6) A Supreme Court security officer acting in the execution of the officer's duty may remove any person from a courtroom at the request of—
(a) a judge of the Supreme Court, or
(b) a member of the Judicial Committee of the Privy Council.

(7) The powers given by subsections (3), (4) and (6) include power to use reasonable force, where necessary.

51C Surrender, seizure and retention of knives and other articles

(1) If a Supreme Court security officer acting in the execution of the officer's duty reasonably believes that an article in the possession of a person who is in, or seeking to enter, a court building ought to be surrendered on any of the grounds given in subsection (2), the officer must ask the person to surrender the article; and, if the person refuses to surrender the article, the officer may seize it.

(2) The grounds are that the article—
(a) may jeopardise the maintenance of order in the court building (or a part of it),
(b) may put the safety of any person in the court building at risk, or
(c) may be evidence of, or in relation to, an offence.

(3) Subject to subsection (4), a Supreme Court security officer may retain an article which was—
(a) surrendered in response to a request under subsection (1), or
(b) seized under that subsection,

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until the time when the person who surrendered it, or from whom it was seized, is leaving the court building.

(4) If a Supreme Court security officer reasonably believes that the article may be evidence of, or in relation to, an offence, the officer may retain it until—
  (a) the time when the person who surrendered it, or from whom it was seized, is leaving the court building, or
  (b) the end of the permitted period,

whichever is the later.

(5) In subsection (4) "the permitted period" means such period, not exceeding 24 hours from the time the article was surrendered or seized, as will enable the Supreme Court security officer to draw the article to the attention of a constable.

(6) Subsections (3) to (5) do not apply where a knife is—
  (a) surrendered to a Supreme Court security officer in response to a request under subsection (1), or
  (b) seized by a Supreme Court security officer under that subsection,

but, instead, the knife must be retained in accordance with regulations under section 51D(3) unless returned or disposed of in accordance with those regulations or regulations under section 51D(1).

(7) If a Supreme Court security officer reasonably believes that a retained knife may be evidence of, or in relation to, an offence, nothing in subsection (6) prevents the officer retaining the knife for so long as necessary to enable the officer to draw it to the attention of a constable.

(8) In this section "knife" includes—
  (a) a knife-blade, and
  (b) any other article which—
    (i) has a blade or is sharply pointed, and
    (ii) is made or adapted for use for causing injury to the person.

51D Regulations about retention of knives and other articles

(1) The Lord Chancellor may by regulations make provision as to—
  (a) the provision to persons—
    (i) by whom articles have been surrendered in response to a request under subsection (1) of section 51C, or
    (ii) from whom articles have been seized under that subsection,

  of written information about the powers of retention of Supreme Court security officers,
  (b) the keeping of records about articles which have been so surrendered or seized,
  (c) the period for which unclaimed articles have to be kept, and
  (d) the disposal of unclaimed articles at the end of that period.

(2) In subsection (1) "unclaimed article" means an article—
  (a) which has been retained under section 51C,
  (b) which a person is entitled to have returned,
  (c) which has not been returned, and
  (d) whose return has not been requested by a person entitled to it.

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(3) Without prejudice to the generality of subsection (1), the Lord Chancellor must by regulations make provision as to—
- (a) the procedure to be followed when a knife is retained under section 51C;
- (b) the making of requests by eligible persons for the return of knives so retained;
- (c) the procedure to be followed when returning a knife pursuant to a request made in accordance with the regulations.

(4) In subsection (3)—

"eligible person", in relation to a knife retained under section 51C, means—
- (a) the person who surrendered the knife under subsection (1) of section 51C or from whom the knife was seized under that subsection, or
- (b) any other person specified in regulations under subsection (3);

"knife" has the same meaning as in section 51C.

51E Assaulting and obstructing Supreme Court security officers

(1) Any person who assaults a Supreme Court security officer acting in the execution of the officer's duty commits an offence.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction—
- (a) to imprisonment for a term not exceeding 12 months, or
- (b) to a fine not exceeding level 5 on the standard scale, or
- (c) to both.

(3) Subsection (2) applies—
- (a) in England and Wales in relation to offences committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to impose imprisonment), and
- (b) in Northern Ireland,

as if the reference to 12 months were a reference to 6 months.

(4) A person who resists or wilfully obstructs a Supreme Court security officer acting in the execution of the officer's duty commits an offence.

(5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.**]**

Fees

52 Fees

(1) The Lord Chancellor may, with the agreement of the Treasury, by order prescribe fees payable in respect of anything dealt with by the Supreme Court.

(2) An order under this section may, in particular, contain provision about—
- (a) scales or rates of fees;
- (b) exemptions from fees;
- (c) reductions in fees;
- (d) whole or partial remission of fees.

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(3) When including any provision in an order under this section, the Lord Chancellor must have regard to the principle that access to the courts must not be denied.

(4) Before making an order under this section, the Lord Chancellor must consult all of the following—
  (a) the persons listed in subsection (5);
  (b) the bodies listed in subsection (6).

(5) The persons referred to in subsection (4)(a) are—
  (a) the President of the Supreme Court;
  (b) the Lord Chief Justice of England and Wales;
  (c) the Master of the Rolls;
  (d) the Lord President of the Court of Session;
  (e) the Lord Chief Justice of Northern Ireland;
  (f) the Lord Justice Clerk;
  (g) the President of the Queen's Bench Division;
  (h) the President of the Family Division;
  (i) the Chancellor of the High Court.

(6) The bodies referred to in subsection (4)(b) are—
  (a) the General Council of the Bar of England and Wales;
  (b) the Law Society of England and Wales;
  (c) the Faculty of Advocates of Scotland;
  (d) the Law Society of Scotland;
  (e) the General Council of the Bar of Northern Ireland;
  (f) the Law Society of Northern Ireland.

53 Fees: supplementary

(1) Supreme Court fees are recoverable summarily as a civil debt.

(2) The Lord Chancellor must take such steps as are reasonably practicable to bring information about Supreme Court fees to the attention of persons likely to have to pay them.

(3) In this section "Supreme Court fees" means fees prescribed in an order under section 52.

Annual report

54 Annual report

(1) As soon as practicable after each financial year, the chief executive of the Supreme Court must prepare a report about the business of the Supreme Court during that year and give a copy of that report to the following persons—
  (a) the Lord Chancellor;
  (b) the First Minister in Scotland;
  (c) the First Minister and the deputy First Minister in Northern Ireland;
  (d) **[**[F44]the First Minister for Wales**]**.

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(2) The Lord Chancellor must lay a copy of any report of which a copy is given under subsection (1)(a) before each House of Parliament.

(3) Each of the following is a "financial year" for the purposes of this section—

(a) the period which begins with the date on which this section comes into force and ends with the following 31 March;

(b) each successive period of 12 months.

Textual Amendments

F44 Words in s. 54(1)(d) substituted (2.5.2007) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2)(3), 3, **Sch. 1 para. 110(c)**

Supplementary

55 Seal

(1) The Supreme Court is to have an official seal.

(2) Every document purporting to be sealed with the official seal of the Supreme Court is to be received in evidence in all parts of the United Kingdom without further proof.

56 Records of the Supreme Court

(1) The Public Records Act 1958 (c. 51) is amended as follows.

(2) In section 8 (court records)—

(a) in subsection (1) after "such records" insert "other than records of the Supreme Court,";

(b) after subsection (1) insert—

"(1A) Records of the Supreme Court for which the Lord Chancellor is responsible under subsection (1) shall be in the custody of the chief executive of that court."

(3) In Schedule 1 (definition of public records), in paragraph 4 (records of courts and tribunals), before sub-paragraph (1)(a) insert—

"(za) records of the Supreme Court;".

57 Proceedings under jurisdiction transferred to the Supreme Court

Schedule 10 contains transitional provision relating to proceedings under jurisdiction which is transferred to the Supreme Court by this Act from the House of Lords or the Judicial Committee of the Privy Council.

58 Northern Ireland Act 1998: excepted and reserved matters relating to the Supreme Court

(1) The Northern Ireland Act 1998 (c. 47) is amended as follows.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In Schedule 2 (excepted matters), after paragraph 11 insert—

"11A The Supreme Court."

F45(3) . . . . . .

Textual Amendments

F45 S. 58(3) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **27(3)** (with arts. 28-31)

59 Renaming of Supreme Courts of England and Wales and Northern Ireland

(1) The Supreme Court of England and Wales is renamed the Senior Courts of England and Wales.

(2) The Supreme Court of Judicature of Northern Ireland is renamed the Court of Judicature of Northern Ireland.

(3) The Northern Ireland Supreme Court Rules Committee is renamed the Northern Ireland Court of Judicature Rules Committee.

(4) Any reference in an enactment, instrument or other document to a court or committee renamed by this section is to be read, so far as necessary for continuing its effect, as a reference to the Senior Courts, the Court of Judicature or the Northern Ireland Court of Judicature Rules Committee (as the case may be).

(5) Schedule 11 (which makes amendments in connection with the renaming) has effect.

(6) Unless otherwise provided, amendments made by an enactment (A) (whether or not in force) to another enactment (B)—

(a) are not included in references in that Schedule to enactment A;

(b) are included in references in that Schedule to enactment B.

60 Interpretation of Part 3

(1) In this Part—

"part of the United Kingdom" means England and Wales, Scotland or Northern Ireland;

"the senior judges" means—

(a) the judges of the Supreme Court;

(b) the Lord Chief Justice of England and Wales;

(c) the Master of the Rolls;

(d) the Lord President of the Court of Session;

(e) the Lord Chief Justice of Northern Ireland;

(f) the Lord Justice Clerk;

(g) the President of the Queen's Bench Division;

(h) the President of the Family Division;

(i) the Chancellor of the High Court;

"the Supreme Court" means the Supreme Court of the United Kingdom.

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(2) In this Part—

(a) "high judicial office" means office as a judge of any of the following courts—

(i) the Supreme Court;

(ii) the Court of Appeal in England and Wales;

(iii) the High Court in England and Wales;

(iv) the Court of Session;

(v) the Court of Appeal in Northern Ireland;

(vi) the High Court in Northern Ireland;

or as a Lord of Appeal in Ordinary;

(b) a person appointed to the office of Lord Chancellor on or after 12 June 2003 who holds, or held, office of a kind referred to in paragraph (a) ("the qualifying office") is to be regarded as holding, or having held, high judicial office only if—

(i) he has ceased to be Lord Chancellor by virtue of that appointment, and

(ii) he holds, or held, the qualifying office otherwise than by virtue of that appointment as Lord Chancellor.

(3) In this Part—

(a) "ordinary judge" means a judge of the Supreme Court who is not the President or the Deputy President of the Court;

(b) the senior ordinary judge at any time is, of the ordinary judges at that time, the one who has served longest as a judge of the Court (whether over one or more periods and whether or not including one or more previous periods as President or Deputy President).

(4) Service as a Lord of Appeal in Ordinary counts as service as a judge of the Court for the purposes of subsection (3)(b).

[F46](5) . . . . . .

Textual Amendments

F46 S. 60(5) omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(1)(b)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

PART 4

JUDICIAL APPOINTMENTS AND DISCIPLINE

CHAPTER 1

COMMISSION AND OMBUDSMAN

61 The Judicial Appointments Commission

(1) There is to be a body corporate called the Judicial Appointments Commission.

(2) Schedule 12 is about the Commission.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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62 Judicial Appointments and Conduct Ombudsman

(1) There is to be a Judicial Appointments and Conduct Ombudsman.

(2) Schedule 13 is about the Ombudsman.

CHAPTER 2

APPOINTMENTS

General provisions

63 Merit and good character

(1) Subsections (2) **[**[F47]to (4)**]** apply to any selection under this Part by the Commission or a selection panel ("the selecting body").

(2) Selection must be solely on merit.

(3) A person must not be selected unless the selecting body is satisfied that he is of good character.

[[F48](4) Neither "solely" in subsection (2), nor Part 5 of the Equality Act 2010 (public appointments etc), prevents the selecting body, where two persons are of equal merit, from preferring one of them over the other for the purpose of increasing diversity within—

(a) the group of persons who hold offices for which there is selection under this Part, or

(b) a sub-group of that group.**]**

Textual Amendments

F47 Words in s. 63(1) substituted (15.7.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 10(2)**; S.I. 2013/1725, art. 2(g)

F48 S. 63(4) inserted (15.7.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 10(3)**; S.I. 2013/1725, art. 2(g)

64 Encouragement of diversity

(1) The Commission, in performing its functions under this Part, must have regard to the need to encourage diversity in the range of persons available for selection for appointments.

(2) This section is subject to section 63.

65 Guidance about procedures

(1) The Lord Chancellor may issue guidance about procedures for the performance by the Commission or a selection panel of its functions of—

(a) identifying persons willing to be considered for selection under this Part, and

(b) assessing such persons for the purposes of selection.

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(2) The guidance may, among other things, relate to consultation or other steps in determining such procedures.

(3) The purposes for which guidance may be issued under this section include the encouragement of diversity in the range of persons available for selection.

(4) The Commission and any selection panel must have regard to the guidance in matters to which it relates.

Commencement Information

I7 S. 65 wholly in force at 3.4.2006; s. 65 not in force at Royal Assent see. s. 148; s. 65(1)-(3) in force at 1.10.2005 by S.I. 2005/2505, **art. 2**; s. 65(4) in force at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 18

66 Guidance: supplementary

(1) Before issuing any guidance the Lord Chancellor must—

(a) **[**[F49]obtain the agreement of**]** the Lord Chief Justice;

(b) after doing so, lay a draft of the proposed guidance before each House of Parliament.

(2) If the draft is approved by a resolution of each House of Parliament within the 40-day period the Lord Chancellor must issue the guidance in the form of the draft.

(3) In any other case the Lord Chancellor must take no further steps in relation to the proposed guidance.

(4) Subsection (3) does not prevent a new draft of the proposed guidance from being laid before each House of Parliament after consultation with the Lord Chief Justice.

(5) Guidance comes into force on such date as the Lord Chancellor may appoint by order.

(6) The Lord Chancellor may—

(a) from time to time revise the whole or part of any guidance and re-issue it;

(b) after consulting the Lord Chief Justice, by order revoke any guidance.

(7) In this section—

"40-day period" in relation to the draft of any proposed guidance means—

(a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later day, and

(b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,

no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days;

"guidance" means guidance issued by the Lord Chancellor under section 65 and includes guidance which has been revised and re-issued.

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Textual Amendments

F49 Words in s. 66(1)(a) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 55**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

Lord Chief Justice and Heads of Division

67 Selection of Lord Chief Justice and Heads of Division

(1) Sections 68 to **[**[F50]70**]** apply to a recommendation for an appointment to one of the following offices—

(a) Lord Chief Justice;
(b) Master of the Rolls;
(c) President of the Queen's Bench Division;
(d) President of the Family Division;
(e) Chancellor of the High Court.

(2) Any such recommendation must be made in accordance with those sections and section **[**[F51]94C and regulations made under it**]**.

Textual Amendments

F50 Word in s. 67(1) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 56(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F51 Words in s. 67(2) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 56(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

68 Duty to fill vacancies

(1) The Lord Chancellor must make a recommendation to fill any vacancy in the office of Lord Chief Justice.

(2) The Lord Chancellor must make a recommendation to fill any vacancy in any other office listed in section 67(1).

(3) Subsection (2) does not apply to a vacancy while the Lord Chief Justice agrees that it may remain unfilled.

69 Request for selection

(1) The Lord Chancellor may make a request to the Commission for a person to be selected for a recommendation to which this section applies.

(2) Before making a request the Lord Chancellor must consult the Lord Chief Justice.

(3) Subsection (2) does not apply where the office of Lord Chief Justice is vacant or where the Lord Chief Justice is incapacitated for the purposes of section 16 (functions during vacancy or incapacity).

(4) **[**[F52]Section 70 applies**]** where the Lord Chancellor makes a request under this section.

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(5) **[**[F53]That section is**]** subject to section 95 (withdrawal and modification of requests).

Textual Amendments

F52 Words in s. 69(4) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 57(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F53 Words in s. 69(5) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 57(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

70 Selection process

(1) On receiving a request the Commission must appoint a selection panel.

[[F54](1A) The panel must have an odd number of members not less than five.

(1B) The members of the panel must include—

(a) at least two who are non-legally-qualified,

(b) at least two judicial members, and

(c) at least two members of the Commission,

and contributions to meeting more than one of the requirements may be made by the same person's membership of the panel.

(1C) The members of the panel may not include the current holder of the office for which a selection is to be made.

(1D) If the panel is convened for the selection of a person to be recommended for appointment as Lord Chief Justice, it is to be chaired by one of its non-legally-qualified members.**]**

(2) The panel must—

(a) determine the selection process to be applied **[**[F55]by it**]**,

(b) apply the selection process, and

(c) make a selection accordingly.

[F56](2A) . . . . . .

(3) One person only must be selected for each recommendation to which a request relates.

(4) Subsection (3) applies to selection under this section and to selection under **[**[F57]regulations under section 94C**]**.

[F58](5) . . . . . .

(6) A selection panel is a committee of the Commission.

Textual Amendments

F54 S. 70(1A)-(1D) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 58(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F55 Words in s. 70(2)(a) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 58(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F56 S. 70(2A) omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 58(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

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F57 Words in s. 70(4) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 58(5)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F58 S. 70(5) omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 58(6)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F59]71 Selection panel for appointment of Lord Chief Justice

. . . . . .

Textual Amendments

F59 Ss. 71-75 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F59]71A Selection panel for appointment of Head of Division

. . . . . .

Textual Amendments

F59 Ss. 71-75 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F59]71B Sections 71 and 71A: diversity and interpretation

. . . . . .

Textual Amendments

F59 Ss. 71-75 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F59]72 Report

. . . . . .

Textual Amendments

F59 Ss. 71-75 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F59]73 The Lord Chancellor's options

. . . . . .

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Textual Amendments

F59 Ss. 71-75 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F59]74 Exercise of powers to reject or require reconsideration

. . . . . .

Textual Amendments

F59 Ss. 71-75 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F59]75 Selection following rejection or requirement to reconsider

. . . . . .

Textual Amendments

F59 Ss. 71-75 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[[F60]Senior President of Tribunals

Textual Amendments

F60 Ss. 75A-75G and preceding cross-heading inserted (19.9.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 2, 148, **Sch. 1 para. 4**; S.I. 2007/2709, **art. 2(g)**

75A Sections 75B to 75G apply where request made for selection

(1) **[**[F61]Section 75B applies**]** where the Lord Chancellor makes a request to the Commission under paragraph 2(5) of Schedule 1 to the Tribunals, Courts and Enforcement Act 2007 (request for person to be selected for recommendation for appointment to the office of Senior President of Tribunals).

(2) **[**[F62]That section is**]** subject to section 95 (withdrawal and modification of requests).

Textual Amendments

F61 Words in s. 75A(1) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 59(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F62 Words in s. 75A(2) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 59(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

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75B Selection process

(1) On receiving a request the Commission must appoint a selection panel.

[F63(1A) The panel must have an odd number of members not less than five.

(1B) The members of the panel must include—

(a) at least two who are non-legally-qualified,

(b) at least two judicial members, and

(c) at least two members of the Commission,

and contributions to meeting more than one of the requirements may be made by the same person's membership of the panel.

(1C) The members of the panel may not include the Senior President of Tribunals.**]**

(2) The panel must —

(a) determine the selection process to be applied **[**F64by it**]**,

(b) apply the selection process, and

(c) make a selection accordingly.

(3) As part of the selection process the panel must consult—

(a) the Lord Chief Justice, if not a member of the panel,

(b) the Lord President of the Court of Session, if not a member of the panel, and

(c) the Lord Chief Justice of Northern Ireland, if not a member of the panel.

(4) One person only must be selected for the recommendation to which a request relates.

(5) Subsection (4) applies to selection under this section and to selection under **[**F65regulations under section 94C**]**.

(6) A selection panel is a committee of the Commission.

Textual Amendments

F63 S. 75B(1A)-(1C) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 60(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F64 Words in s. 75B(2)(a) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 60(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F65 Words in s. 75B(5) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 60(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F66 75C Selection panel

. . . . . .

Textual Amendments

F66 Ss. 75C-75G omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

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[F66]75D Report

. . . . . .

Textual Amendments

F66 Ss. 75C-75G omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F66]75E The Lord Chancellor's options

. . . . . .

Textual Amendments

F66 Ss. 75C-75G omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F66]75F Exercise of powers to reject or require reconsideration

. . . . . .

Textual Amendments

F66 Ss. 75C-75G omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F66]75G Selection following rejection or requirement to reconsider

. . . . . .**]**

Textual Amendments

F66 Ss. 75C-75G omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

Lords Justices of Appeal

76 Selection of Lords Justices of Appeal

(1) Sections 77 to **[**[F67]79**]** apply to a recommendation for appointment as a Lord Justice of Appeal.

(2) Any such recommendation must be made in accordance with those sections and section **[**[F68]94C and regulations made under it**]**.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F67 Word in s. 76(1) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 61(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F68 Words in s. 76(2) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 61(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

77 Duty to fill vacancies

(1) The Lord Chancellor must make a recommendation to fill any vacancy in the office of Lord Justice of Appeal.

(2) Subsection (1) does not apply to a vacancy while the Lord Chief Justice agrees that it may remain unfilled.

78 Request for selection

(1) The Lord Chancellor may make a request to the Commission for a person to be selected for a recommendation for appointment as a Lord Justice of Appeal.

(2) Before making a request the Lord Chancellor must consult the Lord Chief Justice.

(3) A request may relate to more than one recommendation.

(4) **[**[F69]Section 79 applies**]** where the Lord Chancellor makes a request under this section.

(5) **[**[F70]That section is**]** subject to section 95 (withdrawal and modification of requests).

Textual Amendments

F69 Words in s. 78(4) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 62(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F70 Words in s. 78(5) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 62(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

79 Selection process

(1) On receiving a request the Commission must appoint a selection panel.

[[F71](1A) The panel must have an odd number of members not less than five.

(1B) The members of the panel must include—

(a) at least two who are non-legally-qualified,

(b) at least two judicial members, and

(c) at least two members of the Commission,

and contributions to meeting more than one of the requirements may be made by the same person's membership of the panel.**]**

(2) The panel must—

(a) determine the selection process to be applied **[**[F72]by it**]**,

(b) apply the selection process, and

(c) make a selection accordingly.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) One person only must be selected for each recommendation to which a request relates.

(4) Subsection (3) applies to selection under this section and to selection under **[**[F73]regulations under section 94C**]**.

(5) A selection panel is a committee of the Commission.

Textual Amendments

F71 S. 79(1A)(1B) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 63(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F72 Words in s. 79(2)(a) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 63(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F73 Words in s. 79(4) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 63(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F74]80 Selection panel

. . . . . .

Textual Amendments

F74 Ss. 80-84 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(c)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F74]81 Report

. . . . . .

Textual Amendments

F74 Ss. 80-84 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(c)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F74]82 The Lord Chancellor's options

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Textual Amendments

F74 Ss. 80-84 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(c)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F74]83 Exercise of powers to reject or require reconsideration

. . . . . .

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F74 Ss. 80-84 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(c)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F74]84 Selection following rejection or requirement to reconsider

. . . . . .

Textual Amendments

F74 Ss. 80-84 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(c)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

Puisne judges and other office holders

85 Selection of puisne judges and other office holders

(1) Sections 86 to **[**[F75]88**]** apply to—

(a) a recommendation for an appointment to the office of puisne judge of the High Court;

(b) a recommendation for an appointment to an office listed in Part 1 of Schedule 14 in exercise of Her Majesty's function under the enactment listed opposite that office;

(c) an appointment to an office listed in **[**[F76]Table 1 of**]** Part 2 or 3 of that Schedule in exercise of the Lord Chancellor's function under the enactment listed opposite that office.

[[F77](d) an appointment to an office listed in Table 2 of Part 2 of that Schedule in exercise of the Lord Chief Justice's function under the enactment listed opposite that office;

(e) an appointment to an office listed in Table 2 of Part 3 of that Schedule in exercise of the function of the Senior President of Tribunals under the enactment listed opposite that office.**]**

(2) Any such recommendation or appointment must be made in accordance with those sections and section **[**[F78]94C and regulations made under it**]**.

[[F79](2A) This section is subject to—

(a) section 30(4) of the Courts-Martial (Appeals) Act 1951,

(b) sections 91(1ZB) and 102(1C) of the Supreme Court Act 1981,

(c) section 8(1ZC) of the County Courts Act 1984, and

(d) sections 94A **[**[F80], 94AA**]** and 94B below.**]**

(3) The Lord Chancellor may by order make any of the following amendments to Schedule 14—

(a) an amendment which adds a reference to an enactment under which appointments are made to an office;

(b) an amendment which adds a reference to an office to which appointments are made under an enactment;

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(c) an amendment consequential on the abolition or change of name of an office;

(d) an amendment consequential on the substitution of one or more enactments for an enactment under which appointments are made to an office.

[[F81](4) The Lord Chancellor may by order amend section 94A **[**[F82], 94AA**]** or 94B if he thinks that the amendment is consequential on an amendment made to Schedule 14 by an order under subsection (3).**]**

[[F83](5) The Lord Chancellor may by order provide that this section does not apply to appointments to an office listed in Schedule 14 that is specified in the order.

(6) An office may not be specified in an order under subsection (5) if—

(a) the provisions governing appointment to the office provide that a person is eligible for appointment only where the person satisfies the single condition specified in the provisions, and

(b) that condition is one of the conditions listed in subsection (8).

(7) An office may not be specified in an order under subsection (5) if—

(a) the provisions governing appointment to the office provide that a person is eligible for appointment only where the person satisfies one or some other particular number or all, or at least one or at least some other particular number, of several conditions specified in the provisions, and

(b) at least one of the conditions specified in the provisions is listed in subsection (8).

(8) The conditions are—

(a) that the person satisfies the judicial-appointment eligibility condition on an N-year basis (where N is a particular number);

(b) that the person is a solicitor in Scotland of at least a particular number of years' standing;

(c) that the person is an advocate in Scotland of at least a particular number of years' standing;

(d) that the person is a solicitor in Northern Ireland of at least a particular number of years' standing;

(e) that the person is a barrister in Northern Ireland of at least a particular number of years' standing.

(9) Before making an order under subsection (5) the Lord Chancellor must consult the Lord Chief Justice, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland.

(10) An order under subsection (5)—

(a) may make different provision for different purposes;

(b) may make consequential, transitory, transitional or saving provision.**]**

Textual Amendments

F75 Word in s. 85(1) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 64(2)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F76 Words in s. 85(1)(c) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 64(2)(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F77 S. 85(1)(d)(e) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 64(2)(c)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

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F78 Words in s. 85(2) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 64(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F79 S. 85(2A) inserted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **s. 53(3)**

F80 Word in s. 85(2A)(d) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 3(4)**; S.I. 2013/2200, art. 3(g)

F81 S. 85(4) inserted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **s. 53(4)**

F82 Word in s. 85(4) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 3(4)**; S.I. 2013/2200, art. 3(g)

F83 S. 85(5)-(10) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 64(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

Modifications etc. (not altering text)

C4 S. 85 excluded (19.7.2009) by Supreme Court Act 1981 (c. 54), s. 91(1ZB) (as inserted by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 57(3)**)

C5 S. 85 excluded (19.9.2009) by Courts-Martial (Appeals) Act 1951 (c. 46), s. 30(4) (as inserted by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 58(3)**; S.I. 2007/2709, **art. 2(a)**)

Commencement Information

I8 S. 85 wholly in force at 2.4.2007; s. 85 not in force at Royal Assent see s. 148; s. 85(3) in force 1.10.2005 by S.I. 2005/2505; s. 85(1)(b)(c)(2) in force at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 19; s. 85(1)(a) in force at 2.4.2007 by S.I. 2006/1014, **art. 2(b)**, Sch. 2 para. 2

86 Duty to fill vacancies

(1) The Lord Chancellor must make a recommendation to fill any vacancy in the office of puisne judge of the High Court or in an office listed in Part 1 of Schedule 14.

[[F84](1A) The Lord Chancellor must, as soon as is reasonably practicable after being informed by the Lord Chief Justice that a selection under this Chapter for a recommendation for an appointment to an office listed in Table 2 of Part 1 of that Schedule has been accepted unconditionally or subject to conditions that have since been met, make a recommendation of the selected person for an appointment to that office.

(1B) The Lord Chancellor must, as soon as is reasonably practicable after being informed by the Senior President of Tribunals that a selection under this Chapter for a recommendation for an appointment to an office listed in Table 3 of Part 1 of that Schedule has been accepted unconditionally or subject to conditions that have since been met, make a recommendation of the selected person for an appointment to that office.**]**

(2) The Lord Chancellor must make an appointment to fill any vacancy in an office listed in **[**[F85]Table 1 of**]** Part 2 or 3 of that Schedule.

[[F86](2A) The Lord Chief Justice must make an appointment to fill any vacancy in an office listed in Table 2 of Part 2 of that Schedule.

(2B) The Senior President of Tribunals must make an appointment to fill any vacancy in an office listed in Table 2 of Part 3 of that Schedule.**]**

(3) Subsections (1) and (2) do not apply to a vacancy while the Lord Chief Justice agrees that it may remain unfilled.

[[F87](4) Subsections (2A) and (2B) do not apply to a vacancy while the Lord Chancellor agrees that it may remain unfilled.**]**

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Textual Amendments

F84 S. 86(1A)(1B) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 65(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F85 Words in s. 86(2) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 65(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F86 S. 86(2A)(2B) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 65(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F87 S. 86(4) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 65(5)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

87 Request for selection

(1) The Lord Chancellor may request the Commission to select a person for a recommendation or appointment to which this section applies.

[[F88](1A) The Lord Chancellor may request the Commission to select a person for membership of a pool for requests under section 9(1) of the Senior Courts Act 1981, and a person may become a member of such a pool only by selection on a request under this subsection.**]**

(2) Before making a request the Lord Chancellor must consult the Lord Chief Justice.

(3) A request may relate to more than one recommendation or appointment.

(4) **[**[F89]Section 88 applies**]** where the Lord Chancellor makes a request under this section.

(5) **[**[F90]That section is**]** subject to section 95 (withdrawal and modification of requests).

Textual Amendments

F88 S. 87(1A) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 66(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F89 Words in s. 87(4) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 66(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F90 Words in s. 87(5) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 66(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

88 Selection process

(1) On receiving a request the Commission must—

(a) determine the selection process to be applied,

(b) apply the selection process, and

(c) make a selection accordingly.

[F91](2) . . . . . .

[F92](3) . . . . . .

(4) One person only may be selected for each recommendation **[**[F93], appointment or pool membership**]** to which a request relates.

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(5) Subsection (4) applies to selection under this section and to selection under [[F94]regulations under section 94C].

Textual Amendments

F91 S. 88(2) omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 67(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F92 S. 88(3) omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 67(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F93 Words in s. 88(4) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 67(c)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F94 Words in s. 88(5) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 67(d)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F95]89 Report

. . . . . .

Textual Amendments

F95 Ss. 89-93 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(d)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F95]90 The Lord Chancellor's options

. . . . . .

Textual Amendments

F95 Ss. 89-93 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(d)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F95]91 Exercise of powers to reject or require reconsideration

. . . . . .

Textual Amendments

F95 Ss. 89-93 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(d)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F95]92 Selection following rejection or requirement to reconsider

. . . . . .

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Textual Amendments

F95 Ss. 89-93 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(d)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F95]93 Reconsideration of decision not to select

. . . . . .

Textual Amendments

F95 Ss. 89-93 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(d)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[[F96]94 Power to require persons to be identified for future requests

(1) If the Lord Chancellor gives the Commission notice of a request which the Lord Chancellor expects to make under section 87, the Commission must seek to identify persons it considers would be suitable for selection on the request.

(2) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision about how the Commission is to comply with a duty imposed on it by subsection (1).

(3) The regulations may in particular—
- (a) make provision as to things that are, or as to things that are not, to be done—
  - (i) in complying with such a duty, or
  - (ii) in determining how to comply with such a duty;
- (b) provide for the making of reports.

(4) Regulations under this section—
- (a) may make different provision for different purposes;
- (b) may make consequential, supplementary, transitory, transitional or saving provision.**]**

Textual Amendments

F96 S. 94 substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 68**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[[F97]94A Appointments not subject to section 85: courts

(1) Where this section applies to an appointment—
- (a) section 85 does not apply, but
- **[**[F98](b) the person who has the power to make the appointment, whether the Lord Chancellor or the Lord Chief Justice, may not make the appointment without the concurrence of the other of them.**]**

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(2) This section applies to the appointment of a person, on a fee-paid basis, to an office in the table below (the "proposed appointment") if the person—

(a) holds the corresponding qualifying office (or one of them) on a salaried basis, or

(b) ceased to hold the corresponding qualifying office (or one of them) within two years ending with the date when the proposed appointment takes effect and, immediately before ceasing to hold that office, held it on a salaried basis.

Proposed appointment (fee-paid)	***Qualifying office (salaried)***
An office listed in Part 2 of Schedule 14.	The same office.
Deputy District Judge (Magistrates' Courts).	District Judge (Magistrates' Courts), Senior District Judge (Chief Magistrate), or Deputy Senior District Judge (Chief Magistrate).
Assistant Judge Advocate General, or a person appointed temporarily to assist the Judge Advocate General.	Judge Advocate of Her Majesty's Fleet, Judge Advocate General, Vice Judge Advocate General, or Assistant Judge Advocate General.

(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4)) to exercise his function **[**[F99]of concurring**]** under subsection (1)(b).

(4) In this section "salaried" and "fee-paid" have the meaning given by paragraph 1(2) of Schedule 7 to the Judicial Pensions and Retirement Act 1993 (c. 8).

Textual Amendments

F97 Ss. 94A, 94B inserted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **s. 53(2)**

F98 S. 94A(1)(b) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 40(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F99 Words in s. 94A(3) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 40(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[[F100]**94AA Appointments not subject to section 85: High Court deputy judge**

(1) Where this section applies to an appointment, section 85 does not apply.

(2) This section applies to the appointment of a person as a deputy judge of the High Court if it appears to the Lord Chief Justice, after consulting the Lord Chancellor, that—

(a) there is an urgent need to take steps in order to facilitate the disposal of particular business in the High Court or Crown Court,

(b) it is expedient as a temporary measure to make the appointment in order to facilitate the disposal of the business, and

(c) there are no other reasonable steps that it is practicable to take within the time available in order to facilitate the disposal of the business.

(3) An appointment to which this section applies is to be made—

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(a) so as not to extend beyond the day on which the particular business concerned is concluded, or

(b) so as not to extend beyond the later of—

(i) the day on which the business is concluded, or

(ii) the day expected when the appointment is made to be the day on which the business is concluded.**]**

Textual Amendments

F100 S. 94AA inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 3(3)**; S.I. 2013/2200, art. 3(g)

94B Appointments not subject to section 85: tribunals

(1) Where this section applies to a recommendation or appointment—

(a) section 85 does not apply, but

[[F101](b) the person who has the power to make the appointment, whether the Lord Chancellor or the Senior President of Tribunals, may not make the appointment without the concurrence of the other of them.**]**

(2) In the case of the appointment of a person as a deputy judge of the Upper Tribunal, if the person holds or has held an office listed in section 6(1) of the Tribunals, Courts and Enforcement Act 2007, the **[**[F102]Senior President of Tribunals**]** must also consult the Lord Chief Justice before making the appointment.

(3) This section applies to, or to a recommendation to Her Majesty for, the appointment of a person, on a fee-paid basis, to an office in the table below (the "proposed appointment") if the person—

(a) holds the corresponding qualifying office (or one of them) on a salaried basis, or

(b) subject to subsection (4), ceased to hold the corresponding qualifying office (or one of them) within two years ending with the date when the proposed appointment takes effect and, immediately before ceasing to hold that office, held it on a salaried basis.

Proposed appointment (fee-paid)	*Qualifying office (salaried)*
An office listed in Part 3 of Schedule 14 (other than the office of Chamber President or Deputy Chamber President of a chamber of the Upper Tribunal or the First-tier Tribunal).	The same office, or a more senior office, listed in Part 3 of Schedule 14, in the same tribunal or body (but excluding the Upper Tribunal and the First-tier Tribunal).
F103	**F103**
. . . . .	. . . . .
F103	**F103**
. . . . .	. . . . .
Deputy judge of the Upper Tribunal.	Ordinary judge of the Court of Appeal in England and Wales, Lord Justice of Appeal in Northern Ireland,

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	Judge of the Court of Session, Puisne judge of the High Court in England and Wales or Northern Ireland, Circuit judge, Sheriff in Scotland, County court judge in Northern Ireland, District judge in England and Wales or Northern Ireland, District Judge (Magistrates' Courts), or Judge of the Upper Tribunal by virtue of any of paragraphs (a) to (f) or (i) of section 5(1) of the Tribunals, Courts and Enforcement Act 2007.
Judge of the First-tier Tribunal by appointment under paragraph 1(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007.	Transferred-in judge of the First-tier Tribunal (see section 31(2) of that Act).
Other member of the First-tier Tribunal by appointment under paragraph 2(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007.	Transferred-in other member of the First-tier Tribunal (see section 31(2) of that Act).
Judge of the Upper Tribunal by appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007.	Transferred-in judge of the Upper Tribunal (see section 31(2) of that Act).
Other member of the Upper Tribunal by appointment under paragraph 2(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007.	Transferred-in other member of the Upper Tribunal (see section 31(2) of that Act).
Deputy judge of the Upper Tribunal by appointment under paragraph 7(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007.	Deputy judge of the Upper Tribunal under section 31(2) of that Act.

(4) In subsection (3)(b) the words "within two years ending with the date when the proposed appointment takes effect" do not apply if—

(a) the proposed appointment is to the office of deputy judge of the Upper Tribunal, and

(b) the corresponding qualifying office is—

(i) ordinary judge of the Court of Appeal in England and Wales,

(ii) Lord Justice of Appeal in Northern Ireland,

(iii) judge of the Court of Session, or

(iv) puisne judge of the High Court in England and Wales or Northern Ireland.

(5) In this section "salaried" and "fee-paid" have the meaning given by paragraph 1(2) of Schedule 7 to the Judicial Pensions and Retirement Act 1993.

F104 **[** (6) Section 8(1) of the Tribunals, Courts and Enforcement Act 2007 (power of Senior President of Tribunals to delegate functions) does not apply to—

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(a) the Senior President of Tribunals' function of concurring under subsection (1)(b), or

(b) the Senior President of Tribunals' function under subsection (2).**]]**

Textual Amendments

F97 Ss. 94A, 94B inserted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **s. 53(2)**

F101 S. 94B(1)(b) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 48(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F102 Words in s. 94B(2) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 48(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F103 S. 94B(3): table entries omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9, **Sch. 3 para. 218**

F104 S. 94B(6) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 48(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

Supplementary provisions about selection

[F105 94C Selection process

(1) The Lord Chancellor must by regulations made with the agreement of the Lord Chief Justice—

(a) make further provision about the process to be applied in a case where the Commission receives a request under section 87;

(b) make further provision about—

(i) membership of selection panels appointed under section 70, 75B or 79, and

(ii) the process that is to be applied in a case where a selection panel is required to be appointed under section 70, 75B or 79;

(c) secure, subject to section 95 and any provision within subsection (2)(d) that is included in the regulations, that in every case referred to paragraph (a) or (b)(ii) there will come a point in the process when a selection has to be accepted, either unconditionally or subject only to matters such as the selected person's willingness and availability, by or on behalf of the appropriate authority.

(2) The regulations may in particular—

(a) provide for process additional to the selection process applied under section 70(2), 75B(2), 79(2) or 88(1), including post-acceptance process;

(b) make provision as to things that are, or as to things that are not, to be done—

(i) as part of the selection process applied under section 70(2), 75B(2), 79(2) or 88(1), or

(ii) in determining what that process is to be;

(c) provide for selection on a request under section 87 to be from among persons identified under section 94 in response to advance notice of the request;

(d) provide for section 88(1)(c) not to apply where, or to the extent that, the Commission decides that the selection process applied under section 88(1) has not identified candidates of sufficient merit for it to comply with section 88(1)(c);

(e) give functions to the Lord Chancellor, including—

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(i) power to require a selection panel to reconsider a selection under section 70(2), 75B(2) or 79(2) or any subsequent selection,

(ii) power to reject a selection under section 70(2) or any subsequent selection,

(iii) power to reject a selection under section 75B(2) or 79(2) or any subsequent selection,

(iv) power to reject, or require the reconsideration of, initial or subsequent selections made on a request under section 87, and

(v) power to require the reconsideration of a decision mentioned in paragraph (d);

(f) give functions to the Lord Chief Justice in connection with selection for an office listed in Table 2 of Part 1 or 2 of Schedule 14 or in connection with selection for membership of a pool for requests under section 9(1) of the Senior Courts Act 1981, including—

(i) power to reject, or require the reconsideration of, initial or subsequent selections made on a request under section 87, and

(ii) power to require the reconsideration of a decision mentioned in paragraph (d);

(g) give functions to the Senior President of Tribunals in connection with selection for an office listed in Table 3 of Part 1, or Table 2 of Part 3, of Schedule 14, including—

(i) power to reject, or require the reconsideration of, initial or subsequent selections made on a request under section 87, and

(ii) power to require the reconsideration of a decision mentioned in paragraph (d);

(h) make provision for or in connection with duties mentioned in section 51 of the Equality Act 2010 being duties of the Lord Chief Justice, or Senior President of Tribunals, in relation to an office within Table 2 or 3 of Part 1 of Schedule 14;

(i) provide for particular action to be taken by the Commission or a selection panel after the panel has complied with section 70, 75B or 79;

(j) provide for particular action to be taken by the Commission after a selection has been made on a request under section 87;

(k) provide for the dissolution of a selection panel appointed under section 70, 75B or 79;

(l) provide for section 16(2)(a) or (b) not to apply in relation to functions of the Lord Chief Justice—

(i) as a member of such a panel (including functions of chairing such a panel), or

(ii) in relation to the nomination or appointment of members of such a panel;

(m) provide for a person to cease to be a member of such a panel where the person's membership of the panel ceases to contribute to meeting a requirement about the panel's members;

(n) provide for a person to become a member of such a panel where another person ceases to be a member of the panel or where another person's membership of the panel ceases to contribute to meeting a requirement about the panel's members;

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(o) make provision for or in connection with assessments, whether pre-acceptance or post-acceptance, of the health of persons selected;

(p) provide for the Lord Chief Justice to nominate a judicial office holder (as defined in section 109(4)) to exercise functions given to the Lord Chief Justice by the regulations (including functions, such as functions as a consultee, given otherwise than in reliance on paragraph (f));

(q) make provision prohibiting or restricting delegation by the Senior President of Tribunals of functions given to the Senior President of Tribunals by the regulations (including functions, such as functions as a consultee, given otherwise than in reliance on paragraph (g));

(r) make provision as to the meaning of "non-legally-qualified" and "judicial member" in sections 70, 75B and 79.

(3) Regulations under this section—

(a) may make different provision for different purposes;

(b) may make transitory, transitional or saving provision.

(4) In subsection (1)(c) "the appropriate authority" means—

(a) the Lord Chancellor where the selection—

(i) is on a request under section 69 or 78,

(ii) relates to the office of Senior President of Tribunals or puisne judge of the High Court, or

(iii) relates to an office listed in Table 1 of Part 1, 2 or 3 of Schedule 14;

(b) the Lord Chief Justice where the selection relates to an office listed in Table 2 of Part 1 or 2 of that Schedule;

(c) the Senior President of Tribunals where the selection relates to an office listed in Table 3 of Part 1, or Table 2 of Part 3, of that Schedule.

(5) This section is subject to section 95.**]**

Textual Amendments

F105 S. 94C inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

95 Withdrawal and modification of requests

(1) This section applies to a request under section 69, 78 or 87 **[**[F106]or paragraph 2(5) of Schedule 1 to the Tribunals, Courts and Enforcement Act 2007**]**.

(2) The Lord Chancellor may withdraw or modify a request only as follows—

[[F107](za) the Lord Chancellor may withdraw or modify a request in consequence of a vacancy, or perceived need for an additional office-holder, having been filled or partly filled by change in the amount of time required to be devoted to the duties of office by an existing holder of the office concerned;**]**

(a) so far as a request relates to any recommendation or appointment to fill a vacancy, he may withdraw or modify it with the agreement of the Lord Chief Justice;

(b) so far as a request relates to any recommendation or appointment otherwise than to fill a vacancy, he may withdraw or modify it after consulting the Lord Chief Justice;

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[[F108](ba) so far as a request relates to any pool membership, the Lord Chancellor may withdraw or modify it after consulting the Lord Chief Justice;**]**

(c) **[**[F109]the Lord Chancellor**]** may withdraw a request as respects all recommendations **[**[F110], appointments or pool memberships**]** to which it relates if, after consulting the Lord Chief Justice, **[**[F109]the Lord Chancellor**]** considers the selection process determined by the Commission or selection panel is not satisfactory, or has not been applied satisfactorily.

(3) If a request is withdrawn in part or modified, the Commission or selection panel may, if it thinks it appropriate because of the withdrawal or modification, change any selection already made pursuant to the request, except a selection already accepted **[**[F111]unconditionally or subject only to matters such as the selected person's willingness and availability**]**.

(4) The Lord Chancellor may not withdraw a request under subsection (2)(c) if **[**[F112]a selection made pursuant to the request—

(a) has been accepted unconditionally or subject only to matters such as the selected person's willingness and availability, or

(b) in exercise of power conferred by regulations under section 94C, has been rejected or required to be reconsidered.**]**

(5) Any withdrawal or modification of a request must be by notice in writing to the Commission.

(6) The notice must state whether the withdrawal or modification is under subsection (2)(a), (b) or (c).

(7) In the case of a withdrawal under subsection (2)(c), the notice must state why the Lord Chancellor considers the selection process determined by the Commission or selection panel is not satisfactory, or has not been applied satisfactorily.

(8) If or to the extent that a request is withdrawn—

(a) the preceding provisions of this Part cease to apply in relation to it, and

(b) any selection made on it is to be disregarded.

(9) Withdrawal of a request to any extent does not affect the power of the Lord Chancellor to make another request in the same or different terms.

Textual Amendments

F106 Words in s. 95(1) inserted (19.9.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 2, 148, **Sch. 1 para. 5(2)**; S.I. 2007/2709, **art. 2(g)**

F107 S. 95(2)(za) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 69(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F108 S. 95(2)(ba) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 69(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F109 Words in s. 95(2)(c) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 69(4)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F110 Words in s. 95(2)(c) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 69(4)(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F111 Words in s. 95(3) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 69(5)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

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F112 Words in s. 95(4) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 69(6)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F113]96 Effect of acceptance of selection

. . . . . .

Textual Amendments

F113 S. 96 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 53(2)(e)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

97 Scotland and Northern Ireland

(1) **[**[F114]Subsections (2) and (3) apply**]** to consultation that a person is required to undertake under any of these provisions—

(a) section 87(2);

[F115](b) . . . . . .

[F115](c) . . . . . .

[[F116](ca) section 94B(2);**]**

(d) section **[**[F117]95(2)(b)**]** or (c),

[F118](e) . . . . . .

(2) If the consultation appears to that person to relate to the appointment (or a recommendation for the appointment) of a person to exercise functions wholly or mainly in Scotland, any reference in the provision to the Lord Chief Justice is to be read as a reference to the Lord President of the Court of Session.

(3) If the consultation appears to that person to relate to the appointment (or a recommendation for the appointment) of a person to exercise functions wholly or mainly in Northern Ireland, any reference in the provision to the Lord Chief Justice is to be read as a reference to the Lord Chief Justice of Northern Ireland.

[[F119](4) Subsections (2) and (3) apply to the reference in section 94A(1) **[**[F120]or 95(2)(a)**]** to the Lord Chancellor obtaining the concurrence of the Lord Chief Justice as they apply to a reference in a provision specified in subsection (1) to the Lord Chancellor consulting the Lord Chief Justice.

(5) The Lord President of the Court of Session may nominate any of the following to exercise his function under section 94A(1)(b)—

(a) a judge who is a member of the First or Second Division of the Inner House of the Court of Session;

(b) the Senior President of Tribunals.

(6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his function under section 94A(1)(b)—

(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);

(c) the Senior President of Tribunals.**]**

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Textual Amendments

F114 Words in s. 97(1) substituted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **s. 53(6)(a)**

F115 S. 97(1)(b)(c) omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 70(2)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F116 S. 97(1)(ca) inserted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **s. 53(6)(b)**

F117 Word in s. 97(1)(d) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 70(2)(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F118 S. 97(1)(e) omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 70(2)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F119 S. 97(4)-(6) added (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **s. 53(7)**

F120 Words in s. 97(4) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 70(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

Assistance in connection with other appointments

98 Assistance in connection with other appointments

(1) The Commission must provide any assistance requested by the Lord Chancellor under this section.

(2) The Lord Chancellor may request assistance for the making by him or by another Minister of the Crown of an appointment or recommendation for appointment, other than one to which section 26 or a provision of this Part applies.

(3) The Lord Chancellor may only request assistance under this section if it appears to him appropriate because of the Commission's other functions under this Part and the nature of the appointment concerned.

(4) Without limiting the assistance that may be requested, it may include—
- (a) determining a selection process;
- (b) applying a selection process;
- (c) selecting a person;
- (d) selecting a short list;
- (e) advice on any of those matters.

(5) Before making a request the Lord Chancellor must consult—
- (a) the Lord Chief Justice, and
- (b) the Commission.

(6) In this section "appointment" includes the conferring of any public function.

(7) In this Part references to selection under this Part include references to selection by the Commission pursuant to a request under this section (and references to a person selected under this Part are to be read accordingly).

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Complaints and references

99 Complaints: interpretation

(1) This section applies for the purposes of this Part.

(2) A Commission complaint is a complaint by a qualifying complainant of maladministration by the Commission or a committee of the Commission.

(3) A departmental complaint is a complaint by a qualifying complainant of maladministration by the Lord Chancellor or his department in connection with any of the following—

(a) selection under this Part;

(b) recommendation for or appointment to an office listed in Schedule 14.

[F121(3A) An LCJ complaint is a complaint by a qualifying complainant of maladministration by the Lord Chief Justice or the Lord Chief Justice's nominee, or anyone acting on behalf of either of them, in connection with—

(a) selection under this Part for an office listed in Table 2 of Part 1 or 2 of Schedule 14,

(b) appointment to an office listed in Table 2 of Part 2 of that Schedule, or

(c) selection under this Part for membership of a pool for requests under section 9(1) of the Senior Courts Act 1981,

or of maladministration by the Lord Chief Justice or the Master of the Rolls or the Lord Chief Justice's nominee, or anyone acting on behalf of any of them, in connection with the making of requests under section 9(1) of that Act.

(3B) An SPT complaint is a complaint by a qualifying complainant of maladministration by the Senior President of Tribunals or a person to whom the Senior President has delegated functions, or anyone acting on behalf of either of them, in connection with—

(a) selection under this Part for an office listed in Table 3 of Part 1 of Schedule 14 or in Table 2 of Part 3 of that Schedule, or

(b) appointment to an office listed in Table 2 of Part 3 of that Schedule.]

(4) A qualifying complainant is a complainant who claims to have been adversely affected, as an applicant for selection or as a person selected under this Part, by the maladministration complained of.

Textual Amendments

F121 S. 99(3A)(3B) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 71(1)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

100 Complaints to the Commission or the Lord Chancellor

(1) The Commission must make arrangements for investigating any Commission complaint made to it.

(2) The Lord Chancellor must make arrangements for investigating any departmental complaint made to him.

[F122(2A) The Lord Chief Justice must make arrangements for investigating any LCJ complaint made to the Lord Chief Justice.

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(2B) The Senior President of Tribunals must make arrangements for investigating any SPT complaint made to the Senior President of Tribunals.**]**

(3) Arrangements under this section need not apply to a complaint made more than 28 days after the matter complained of.

Textual Amendments

F122 S. 100(2A)(2B) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 72**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

101 Complaints to the Ombudsman

(1) Subsections (2) and (3) apply to a complaint which the complainant—

(a) has made to the Commission **[**[F123], the Lord Chancellor, the Lord Chief Justice or the Senior President of Tribunals**]** in accordance with arrangements under section 100, and

(b) makes to the Ombudsman not more than 28 days after being notified of the **[**[F124]decision of the Commission, the Lord Chancellor, the Lord Chief Justice or the Senior President of Tribunals**]** on the complaint.

(2) If the Ombudsman considers that investigation of the complaint is not necessary, he must inform the complainant.

(3) Otherwise he must investigate the complaint.

(4) The Ombudsman may investigate a complaint which the complainant—

(a) has made to the Commission **[**[F125], the Lord Chancellor, the Lord Chief Justice or the Senior President of Tribunals**]** in accordance with arrangements under section 100, and

(b) makes to the Ombudsman at any time.

(5) The Ombudsman may investigate a transferred complaint made to him, and no such complaint may be made under the Judicial Appointments Order after the commencement of this section.

(6) The Judicial Appointments Order is the Judicial Appointments Order in Council 2001, which sets out the functions of Her Majesty's Commissioners for Judicial Appointments.

(7) A transferred complaint is a complaint that lay to those Commissioners (whether or not it was made to them) in respect of the application of appointment procedures before the commencement of this section, but not a complaint that those Commissioners had declined to investigate or on which they had concluded their investigation.

(8) Any complaint to the Ombudsman under this section must be in a form approved by him.

Textual Amendments

F123 Words in s. 101(1)(a) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 73(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

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F124 Words in s. 101(1)(b) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 73(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F125 Words in s. 101(4)(a) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 73(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

102 Report and recommendations

(1) The Ombudsman must prepare a report on any complaint he has investigated under section 101.

(2) The report must state—

(a) what findings the Ombudsman has made;

(b) whether he considers the complaint should be upheld in whole or part;

(c) if he does, what if any action he recommends should be taken by the Commission **[**[F126], the Lord Chancellor, the Lord Chief Justice or the Senior President of Tribunals**]** as a result of the complaint.

(3) The recommendations that may be made under subsection (2)(c) include recommendations for the payment of compensation.

(4) Such a recommendation must relate to loss which appears to the Ombudsman to have been suffered by the complainant as a result of maladministration and not as a result of any failure to be appointed to an office **[**[F127], or selected for membership of a pool,**]** to which the complaint related.

Textual Amendments

F126 Words in s. 102(2)(c) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 74(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F127 Words in s. 102(4) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 74(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

103 Report procedure

(1) This section applies to a report under section 102.

[[F128](2) The Ombudsman must submit a draft of the report to the Lord Chancellor and to—

(a) the Commission if the complaint was a Commission complaint;

(b) the Lord Chief Justice if the complaint was an LCJ complaint;

(c) the Senior President of Tribunals if the complaint was an SPT complaint.**]**

(3) In finalising the report the Ombudsman—

(a) must have regard to any proposal by the Lord Chancellor **[**[F129]the Commission, the Lord Chief Justice or the Senior President of Tribunals**]** for changes in the draft report;

(b) must include in the report a statement of any such proposal not given effect to.

(4) The report must be signed by the Ombudsman.

(5) If the complaint was a Commission complaint the Ombudsman must send the report in duplicate to the Lord Chancellor and the Commission.

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[[F130](5A) If the complaint was an LCJ complaint the Ombudsman must send the report in duplicate to the Lord Chancellor and the Lord Chief Justice.

(5B) If the complaint was an SPT complaint the Ombudsman must send the report in duplicate to the Lord Chancellor and the Senior President of Tribunals.**]**

(6) Otherwise the Ombudsman must send the report to the Lord Chancellor.

(7) The Ombudsman must send a copy of the report to the complainant, but that copy must not include information—

(a) which relates to an identified or identifiable individual other than the complainant, and

(b) whose disclosure by the Ombudsman to the complainant would (apart from this subsection) be contrary to section 139.

Textual Amendments

F128 S. 103(2) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 75(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F129 Words in s. 103(3) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 75(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F130 S. 103(5A)(5B) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 75(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

104 References by the Lord Chancellor

(1) If the Lord Chancellor **[**[F131], the Lord Chief Justice or the Senior President of Tribunals**]** refers to the Ombudsman any matter relating to the procedures of the Commission or a committee of the Commission, the Ombudsman must investigate it.

(2) The matter may relate to such procedures generally or in a particular case.

(3) The Ombudsman must report to the Lord Chancellor **[**[F132], the Lord Chief Justice and the Senior President of Tribunals**]** on any investigation under this section.

(4) The report must state—

(a) what findings the Ombudsman has made;

(b) what if any action he recommends should be taken by any person in relation to the matter.

(5) The report must be signed by the Ombudsman.

Textual Amendments

F131 Words in s. 104(1) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 76(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F132 Words in s. 104(3) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 76(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

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105 Information

The Commission **[**[F133], the Lord Chief Justice, the Senior President of Tribunals**]** and the Lord Chancellor must provide the Ombudsman with such information as he may reasonably require relating to the subject matter of any investigation by him under section 101 or 104.

Textual Amendments

F133 Words in s. 105 inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 77**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

Miscellaneous

106 Consultation on appointment of lay justices

In section 10 of the Courts Act 2003 (c. 39) (appointment of lay justices etc.) after subsection (2) insert—

"(2A) The Lord Chancellor must ensure that arrangements for the exercise, so far as affecting any local justice area, of functions under subsections (1) and (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."

107 Disclosure of information to the Commission

(1) Information which is held by or on behalf of a permitted person (whether obtained before or after this section comes into force) may be disclosed to the Commission or a committee of the Commission for the purposes of selection under this Part.

(2) A disclosure under this section is not to be taken to breach any restriction on the disclosure of information (however imposed).

(3) But nothing in this section authorises the making of a disclosure—
- (a) which contravenes the Data Protection Act 1998 (c. 29), or
- (b) which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23).

(4) This section does not affect a power to disclose which exists apart from this section.

(5) The following are permitted persons—
- (a) a chief officer of police of a police force in England and Wales;
- **[**[F134](b) the chief constable of the Police Service of Scotland;**]**
- (c) the Chief Constable of the Police Service of Northern Ireland;
- (d) the Director General of the National Criminal Intelligence Service;
- (e) the Director General of the National Crime Squad;
- (f) the Commissioners of Inland Revenue;
- (g) the Commissioners of Customs and Excise.

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(6) The Lord Chancellor may by order designate as permitted persons other persons who exercise functions which he considers are of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).

(7) Information must not be disclosed under this section on behalf of the Commissioners of Inland Revenue or on behalf of the Commissioners of Customs and Excise unless the Commissioners concerned authorise the disclosure.

(8) The power to authorise a disclosure under subsection (7) may be delegated (either generally or for a specific purpose)—
   (a) in the case of the Commissioners of Inland Revenue, to an officer of the Board of Inland Revenue,
   (b) in the case of the Commissioners of Customs and Excise, to a customs officer.

(9) For the purposes of this section a customs officer is a person commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979 (c. 2).

Textual Amendments

F134 S. 107(5)(b) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 45**

CHAPTER 3

DISCIPLINE

Modifications etc. (not altering text)

C6 Pt. 4 Ch. 3 applied (25.7.2013) by Coroners and Justice Act 2009 (c. 25), s. 182(4)(a), **Sch. 3 para. 14** (with s. 180); S.I. 2013/1869, art. 2(j)

Disciplinary powers

108 Disciplinary powers

(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).

(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.

(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).

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(4) He may suspend a person from a judicial office for any period during which any of the following applies—
  (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.

(5) He may suspend a person from a judicial office for any period if—
  (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.

(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.

(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.

(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).

109 Disciplinary powers: interpretation

(1) This section has effect for the purposes of section 108.

(2) A person is subject to criminal proceedings if in any part of the United Kingdom proceedings against him for an offence have been begun and have not come to an end, and the times when proceedings are begun and come to an end for the purposes of this subsection are such as may be prescribed.

(3) A person is subject to proceedings for an Address from the time when notice of a motion is given in each House of Parliament for an Address for the removal of the person from office, until the earliest of the following events—
  (a) either notice is withdrawn;
  (b) either motion is amended so that it is no longer a motion for an address for removal of the person from office;
  (c) either motion is withdrawn, lapses or is disagreed to;
  (d) where an Address is presented by each House, a message is brought to each House from Her Majesty in answer to the Address.

(4) "Judicial office" means—
  (a) office as a senior judge, or
  (b) an office listed in Schedule 14;

  and "judicial office holder" means the holder of a judicial office.

(5) "Senior judge" means any of these—
  (a) Master of the Rolls;

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(b) President of the Queen's Bench Division;
(c) President of the Family Division;
(d) Chancellor of the High Court;
[F135(da) Senior President of Tribunals;]
[F136(db) President of Welsh Tribunals;]
(e) Lord Justice of Appeal;
(f) puisne judge of the High Court.

(6) "Sentence" includes any sentence other than a fine (and "serving" is to be read accordingly).

(7) The times when a person becomes and ceases to be subject to prescribed procedures for the purposes of section 108(4) or (7) are such as may be prescribed.

(8) "Under investigation for an offence" has such meaning as may be prescribed.

Textual Amendments

F135 S. 109(5)(da) inserted (19.9.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 48(1), 148, **Sch. 8 para. 63**; S.I. 2007/2709, **art. 2(c)**

F136 S. 109(5)(db) inserted (coming into force in accordance with reg. 2(1) of the commencing S.I.) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 62** (with Sch. 7 paras. 1, 6); S.I. 2017/351, reg. 2

Applications for review and references

110 Applications to the Ombudsman

(1) This section applies if an interested party makes an application to the Ombudsman for the review of the exercise by any person of a regulated disciplinary function, on the grounds that there has been—
(a) a failure to comply with prescribed procedures, or
(b) some other maladministration.

(2) The Ombudsman must carry out a review if the following three conditions are met.

(3) The first condition is that the Ombudsman considers that a review is necessary.

(4) The second condition is that—
(a) the application is made within the permitted period,
(b) the application is made within such longer period as the Ombudsman considers appropriate in the circumstances, or
(c) the application is made on grounds alleging undue delay and the Ombudsman considers that the application has been made within a reasonable time.

(5) The third condition is that the application is made in a form approved by the Ombudsman.

(6) But the Ombudsman may not review the merits of a decision made by any person.

(7) If any of the conditions in subsections (3) to (5) is not met, or if the grounds of the application relate only to the merits of a decision, the Ombudsman—
(a) may not carry out a review, and

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(b) must inform the applicant accordingly.

(8) In this section and sections 111 to 113, "regulated disciplinary function" means any of the following—

(a) any function of the Lord Chancellor that falls within section 108(1);

(b) any function conferred on the Lord Chief Justice by section 108(3) to (7);

(c) any function exercised under prescribed procedures in connection with a function falling within paragraph (a) or (b).

(9) In this section, in relation to an application under this section for a review of the exercise of a regulated disciplinary function—

"interested party" means—

(a) the judicial office holder in relation to whose conduct the function is exercised, or

(b) any person who has made a complaint about that conduct in accordance with prescribed procedures;

"permitted period" means the period of 28 days beginning with the latest of—

(a) the failure or other maladministration alleged by the applicant;

(b) where that failure or maladministration occurred in the course of an investigation, the applicant being notified of the conclusion or other termination of that investigation;

(c) where that failure or maladministration occurred in the course of making a determination, the applicant being notified of that determination.

(10) References in this section and section 111 to the exercise of a function include references to a decision whether or not to exercise the function.

Modifications etc. (not altering text)

C7 S. 110 applied (3.4.2006) by The Judicial Discipline (Prescribed Procedures) Regulations 2006 (S.I. 2006/676), **reg. 44** (with reg. 45)

C8 Ss. 110-113 applied (with modifications) (18.8.2014) by The Judicial Discipline (Prescribed Procedures) Regulations 2014 (S.I. 2014/1919), regs. 1, **22** (with reg. 24)

111 Review by the Ombudsman

(1) Where the Ombudsman is under a duty to carry out a review on an application under section 110, he must—

(a) on the basis of any findings he makes about the grounds for the application, decide to what extent the grounds are established;

(b) decide what if any action to take under subsections (2) to (7).

(2) If he decides that the grounds are established to any extent, he may make recommendations to the Lord Chancellor and Lord Chief Justice.

(3) A recommendation under subsection (2) may be for the payment of compensation.

(4) Such a recommendation must relate to loss which appears to the Ombudsman to have been suffered by the applicant as a result of any failure or maladministration to which the application relates.

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(5) If the Ombudsman decides that a determination made in the exercise of a function under review is unreliable because of any failure or maladministration to which the application relates, he may set aside the determination.

(6) If a determination is set aside under subsection (5)—
  (a) the prescribed procedures apply, subject to any prescribed modifications, as if the determination had not been made, and
  (b) for the purposes of those procedures, any investigation or review leading to the determination is to be disregarded.

(7) Subsection (6) is subject to any direction given by the Ombudsman under this subsection—
  (a) for a previous investigation or review to be taken into account to any extent, or
  (b) for any investigation or review which may form part of the prescribed procedures to be undertaken, or undertaken again.

(8) This section is subject to section 112.

Modifications etc. (not altering text)

C8 Ss. 110-113 applied (with modifications) (18.8.2014) by The Judicial Discipline (Prescribed Procedures) Regulations 2014 (S.I. 2014/1919), regs. 1, **22** (with reg. 24)

C9 S. 111 applied (3.4.2006) by The Judicial Discipline (Prescribed Procedures) Regulations 2006 (S.I .2006/676), {reg. 44} (with reg. 45)

112 Reports on reviews

(1) In this section references to the Ombudsman's response to an application are references to the findings and decisions referred to in section 111(1).

(2) Before determining his response to an application the Ombudsman must prepare a draft of a report of the review carried out on the application.

(3) The draft report must state the Ombudsman's proposed response.

(4) The Ombudsman must submit the draft report to the Lord Chancellor and the Lord Chief Justice.

(5) If the Lord Chancellor or the Lord Chief Justice makes a proposal that the Ombudsman's response to the application should be changed, the Ombudsman must consider whether or not to change it to give effect to that proposal.

(6) The Ombudsman must produce a final report that sets out—
  (a) the Ombudsman's response to the application, including any changes made to it to give effect to a proposal under subsection (5);
  (b) a statement of any proposal under subsection (5) that is not given effect to.

(7) The Ombudsman must send a copy of the final report to each of the Lord Chancellor and the Lord Chief Justice.

(8) The Ombudsman must also send a copy of the final report to the applicant, but that copy must not include information—

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(a) which relates to an identified or identifiable individual other than the applicant, and

(b) whose disclosure by the Ombudsman to the applicant would (apart from this subsection) be contrary to section 139.

(9) Each copy must be signed by the Ombudsman.

(10) No part of the Ombudsman's response to an application has effect until he has complied with subsections (2) to (9).

Modifications etc. (not altering text)

C8 Ss. 110-113 applied (with modifications) (18.8.2014) by The Judicial Discipline (Prescribed Procedures) Regulations 2014 (S.I. 2014/1919), regs. 1, **22** (with reg. 24)

C10 S. 112 applied (3.4.2006) by The Judicial Discipline (Prescribed Procedures) Regulations 2006 (S.I. 2006/676), **reg. 44** (with reg. 45)

113 References to the Ombudsman relating to conduct

(1) The Ombudsman must investigate any matter referred to him by the Lord Chancellor or the Lord Chief Justice that relates to the exercise of one or more regulated disciplinary functions.

(2) A matter referred to the Ombudsman under subsection (1) may relate to the particular exercise of a regulated disciplinary function or to specified descriptions of the exercise of such functions.

Modifications etc. (not altering text)

C8 Ss. 110-113 applied (with modifications) (18.8.2014) by The Judicial Discipline (Prescribed Procedures) Regulations 2014 (S.I. 2014/1919), regs. 1, **22** (with reg. 24)

C11 S. 113 applied (3.4.2006) by The Judicial Discipline (Prescribed Procedures) Regulations 2006 (S.I. 2006/676), **reg. 44** (with reg. 45)

114 Reports on references

(1) Where the Ombudsman carries out an investigation under section 113 he must prepare a draft of a report of the investigation.

(2) If the investigation relates to a matter which is the subject of a review on an application under section 110, subsection (1) applies only when the Ombudsman has sent a copy of the final report on that review to the Lord Chancellor, the Lord Chief Justice and the applicant.

(3) The draft report must state the Ombudsman's proposals as to—

(a) the findings he will make;

(b) any recommendations he will make for action to be taken by any person in relation to the matter subject to investigation.

(4) Those findings and recommendations are referred to in this section as the Ombudsman's response on the investigation.

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(5) The Ombudsman must submit the draft report to the Lord Chancellor and the Lord Chief Justice.

(6) If the Lord Chancellor or the Lord Chief Justice makes a proposal that the Ombudsman's response on the investigation should be changed, the Ombudsman must consider whether or not to change it to give effect to that proposal.

(7) The Ombudsman must produce a final report that sets out—
- (a) the Ombudsman's response on the investigation, including any changes made to it to give effect to a proposal under subsection (6);
- (b) a statement of any proposal under subsection (6) that is not given effect to.

(8) The Ombudsman must send a copy of the final report to each of the Lord Chancellor and the Lord Chief Justice.

(9) Each copy must be signed by the Ombudsman.

General

115 Regulations about procedures

The Lord Chief Justice may, with the agreement of the Lord Chancellor, make regulations providing for the procedures that are to be followed in—
- (a) the investigation and determination of allegations by any person of misconduct by judicial office holders;
- (b) reviews and investigations (including the making of applications or references) under sections 110 to 112.

Commencement Information

I9 S. 115 wholly in force at 3.4.2006; s. 115 not in force at Royal Assent see s. 148; s. 115 in force for specified purposes at 1.10.2005 by S.I. 2005/2505, **art. 2(b)**; s. 115 in force at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 23

116 Contents of regulations

(1) Regulations under section 115(a) may include provision as to any of the following—
- (a) circumstances in which an investigation must or may be undertaken (on the making of a complaint or otherwise);
- (b) steps to be taken by a complainant before a complaint is to be investigated;
- (c) the conduct of an investigation, including steps to be taken by the office holder under investigation or by a complainant or other person;
- (d) time limits for taking any step and procedures for extending time limits;
- (e) persons by whom an investigation or part of an investigation is to be conducted;
- (f) matters to be determined by the Lord Chief Justice, the Lord Chancellor, the office holder under investigation or any other person;
- (g) requirements as to records of investigations;
- (h) requirements as to confidentiality of communications or proceedings;

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(i) requirements as to the publication of information or its provision to any person.

(2) The regulations—

(a) may require a decision as to the exercise of functions under section 108, or functions mentioned in subsection (1) of that section, to be taken in accordance with findings made pursuant to prescribed procedures;

(b) may require that prescribed steps be taken by the Lord Chief Justice or the Lord Chancellor in exercising those functions or before exercising them.

(3) Where regulations under section 115(a) impose any requirement on the office holder under investigation or on a complainant, a person contravening the requirement does not incur liability other than liability to such procedural penalty if any (which may include the suspension or dismissal of a complaint)—

(a) as may be prescribed by the regulations, or

(b) as may be determined by the Lord Chief Justice and the Lord Chancellor or either of them in accordance with provisions so prescribed.

(4) Regulations under section 115 may—

(a) provide for any prescribed requirement not to apply if the Lord Chief Justice and the Lord Chancellor so agree;

(b) make different provision for different purposes.

(5) Nothing in this section limits the generality of section 115.

Commencement Information

I10 S. 116 wholly in force at 3.4.2006; s. 116 not in force at Royal Assent see s. 148; s. 116 in force for specified purposes at 1.10.2005 by S.I. 2005/2505, **art. 2(b)**; s. 116 in force at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 23

117 Procedural rules

(1) Regulations under section 115 may provide for provision of a prescribed description that may be included in the regulations to be made instead by rules made by the Lord Chief Justice with the agreement of the Lord Chancellor.

(2) But the provision that may be made by rules does not include—

(a) provision within section 116(2);

(b) provision made for the purposes of section 108(7) or (8) or 116(3).

(3) The rules are to be published in such manner as the Lord Chief Justice may determine with the agreement of the Lord Chancellor.

Commencement Information

I11 S. 117 wholly in force at 3.4.2006; s. 117 not in force at Royal Assent see s. 148; s. 117 in force for specified purposes at 1.10.2005 by S.I. 2005/2505, **art. 2(b)**; s. 117 in force at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 23

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118 Extension of discipline provisions to other offices

(1) This Chapter applies in relation to an office designated by the Lord Chancellor under this section as it would apply if the office were listed in Schedule 14.

(2) The Lord Chancellor may by order designate any office, not listed in Schedule 14, the holder of which he has power to remove from office.

(3) An order under this section may be made only with the agreement of the Lord Chief Justice.

Commencement Information

I12 S. 118 wholly in force at 3.4.2006; s. 118 not in force at Royal Assent see s. 148; s. 118 in force for specified purposes at 1.10.2005 by S.I. 2005/2505, **art. 2(b)**; s. 118 in force at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 23

119 Delegation of functions

(1) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4)) to exercise any of his functions under the relevant sections.

(2) The relevant sections are—
- (a) section 108(3) to (7);
- (b) section 111(2);
- (c) section 112;
- (d) section 116(3)(b).

Scotland and Northern Ireland

120 Scotland

(1) In section 108, in relation to a judicial office holder who exercises functions wholly or mainly in Scotland, references to the Lord Chief Justice are to be read as references to the Lord President of the Court of Session.

(2) Regulations under section 115 and rules under section 117 do not apply in relation to a judicial office holder who exercises functions wholly or mainly in Scotland unless they are made with the agreement of the Lord President of the Court of Session.

(3) In section 116(1)(f), (3)(b) and (4)(a) the references to the Lord Chief Justice include references to the Lord President of the Court of Session.

(4) In section 118(3), where the description of offices designated by the order is limited to (or includes) offices in which the holder exercises functions wholly or mainly in Scotland, the reference to the Lord Chief Justice is to be read as (or as including) a reference to the Lord President of the Court of Session.

(5) The Lord Chief Justice may by regulations provide for sections 110 to 113 to apply in relation to judicial office holders who exercise functions wholly or mainly in Scotland—
- (a) as if in section 110(8)(b) the reference to the Lord Chief Justice were a reference to the Lord President of the Court of Session, and

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(b) with any other modifications specified in the regulations.

(6) Regulations under subsection (5) may be made only with the agreement of the Lord Chancellor and the Lord President of the Court of Session.

(7) 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 any of his functions under the relevant sections.

(8) The relevant sections are—
(a) section 108(3) to (7);
(b) section 111(2);
(c) section 112;
(d) section 116(3)(b).

121 Northern Ireland

(1) In section 108, in relation to a judicial office holder who exercises functions wholly or mainly in Northern Ireland, references to the Lord Chief Justice are to be read as references to the Lord Chief Justice of Northern Ireland.

(2) Regulations under section 115 and rules under section 117 do not apply in relation to a judicial office holder who exercises functions wholly or mainly in Northern Ireland, unless they are made with the agreement of the Lord Chief Justice of Northern Ireland.

(3) In section 116(1)(f), (3)(b) and (4)(a) the references to the Lord Chief Justice include references to the Lord Chief Justice of Northern Ireland.

(4) In section 118(3), where the description of offices designated by the order is limited to (or includes) offices in which the holder exercises functions wholly or mainly in Northern Ireland, the reference to the Lord Chief Justice is to be read as (or as including) a reference to the Lord Chief Justice of Northern Ireland.

(5) The Lord Chief Justice may by regulations provide for sections 110 to 113 to apply in relation to judicial office holders who exercise functions wholly or mainly in Northern Ireland—
(a) as if in section 110(8)(b) the reference to the Lord Chief Justice were a reference to the Lord Chief Justice of Northern Ireland, and
(b) with any other modifications specified in the regulations.

(6) Regulations under subsection (5) may be made only with the agreement of the Lord Chancellor and the Lord Chief Justice of Northern Ireland.

(7) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise any of his functions under the relevant sections—
(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
(b) a Lord Justice of Appeal (as defined in section 88 of that Act).

(8) The relevant sections are—
(a) section 108(3) to (7);
(b) section 111(2);
(c) section 112;
(d) section 116(3)(b).

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

CHAPTER 4

INTERPRETATION OF PART 4

122 Interpretation of Part 4

In this Part—

"appoint" includes nominate or designate (and "appointment" is to be read accordingly);

the "Commission" means the Judicial Appointments Commission;

"Head of Division" means any of these—

(a) the Master of the Rolls;

(b) the President of the Queen's Bench Division;

(c) the President of the Family Division;

(d) the Chancellor of the High Court;

"High Court" means the High Court in England and Wales;

"high judicial office" has the meaning given by section 60;

[[F137]"lay member", in relation to the Commission, has such meaning as may be given by regulations under paragraph 3C(a) of Schedule 12;**]**

"Lord Chief Justice", unless otherwise stated, means the Lord Chief Justice of England and Wales;

"Lord Justice of Appeal" means a Lord Justice of Appeal in England and Wales;

"office" includes a position of any description;

the "Ombudsman" means the Judicial Appointments and Conduct Ombudsman;

"prescribed" means prescribed by regulations under section 115 or, subject to section 117(2), by rules under section 117;

"vacancy" in relation to an office to which one of sections 68, 77 and 86 applies, means a vacancy arising on a holder of the office vacating it at any time after the commencement of that section.

Textual Amendments

F137 Definition in s. 122 substituted (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 26**; S.I. 2013/2200, art. 2(c)

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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PART 5

JUDICIAL APPOINTMENTS AND REMOVALS: NORTHERN IRELAND

CHAPTER 1

APPOINTMENTS

Disclosure of information to Commission

123 Disclosure of information to the Northern Ireland Judicial Appointments Commission

(1) The Justice (Northern Ireland) Act 2002 (c. 26) ("the 2002 Act") is amended as follows.

(2) After section 5 of the 2002 Act insert—

"**5A Disclosure of information to the Commission**

(1) Information which is held by or on behalf of a permitted person (whether obtained before or after this section comes into force) may be disclosed to the Commission or a committee of the Commission for the purposes of selection under section 5.

(2) A disclosure under this section is not to be taken to breach any restriction on the disclosure of information (however imposed).

(3) But nothing in this section authorises the making of a disclosure—
- (a) which contravenes the Data Protection Act 1998, or
- (b) which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.

(4) This section does not affect a power to disclose which exists apart from this section.

(5) The following are permitted persons—
- (a) a chief officer of police of a police force in England and Wales;
- (b) a chief constable of a police force in Scotland;
- (c) the Chief Constable of the Police Service of Northern Ireland;
- (d) the Director General of the National Criminal Intelligence Service;
- (e) the Director General of the National Crime Squad;
- (f) the Commissioners of Inland Revenue;
- (g) the Commissioners of Customs and Excise.

(6) The Lord Chancellor may by order designate as permitted persons other persons who exercise functions which he considers are of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).

(7) Information must not be disclosed under this section on behalf of the Commissioners of Inland Revenue or on behalf of the Commissioners of

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Customs and Excise unless the Commissioners concerned authorise the disclosure.

(8) The power to authorise a disclosure under subsection (7) may be delegated (either generally or for a specific purpose)—

(a) in the case of the Commissioners of Inland Revenue, to an officer of the Board of Inland Revenue,

(b) in the case of the Commissioners of Customs and Excise, to a customs officer.

(9) For the purposes of this section a customs officer is a person commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979."

Commencement Information

I13 S. 123 partly in force; s. 123 not in force at Royal Assent see s. 148; s. 123 in force for specified purposes at 15.6.2005 by S.I. 2005/1431, **art. 2(a)**

I14 S. 123 in force at 12.4.2010 in so far as not already in force by S.I. 2010/883, **art. 2(b)**

Ombudsman

124 Northern Ireland Judicial Appointments Ombudsman

(1) The italic cross-heading before section 9 of the 2002 Act is omitted.

(2) After that section insert—

"The Ombudsman

9A Judicial Appointments Ombudsman

(1) There is to be a Northern Ireland Judicial Appointments Ombudsman.

(2) The Ombudsman is appointed by Her Majesty on the recommendation of the Lord Chancellor.

(3) Schedule 3A makes further provision about the Ombudsman."

(3) Schedule 15 inserts Schedule 3A to the 2002 Act.

Complaints and references

125 Complaints: interpretation

After section 9A of the 2002 Act insert—

"**9B Complaints: interpretation**

(1) This section applies for the purposes of this Part.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) A Commission complaint is a complaint by a qualifying complainant of maladministration by the Commission or a committee of the Commission.

(3) A departmental complaint is a complaint by a qualifying complainant of maladministration by the Lord Chancellor or the Northern Ireland Court Service in connection with any of the following—

(a) recommendation for or appointment to a listed judicial office;

(b) appointment under section 2 of the Taxes Management Act 1970 as a Commissioner for the general purposes of the income tax for Northern Ireland.

(4) A qualifying complainant is a complainant who claims to have been adversely affected, as an applicant for selection or as a person selected under this Part, by the maladministration complained of."

Commencement Information

I15 S. 125 partly in force; s. 125 not in force at Royal Assent see. s. 148; s. 125 in force for specified purposes at 25.9.2006 by S.I. 2006/1537, **art. 3(b)**

126 Complaints to the Commission or the Lord Chancellor

After section 9B of the 2002 Act insert—

"**9C Complaints to the Commission or the Lord Chancellor**

(1) The Commission must make arrangements for investigating any Commission complaint made to it.

(2) The Lord Chancellor must make arrangements for investigating any departmental complaint made to him.

(3) Arrangements under this section need not apply to a complaint made more than 28 days after the matter complained of."

127 Complaints to the Ombudsman

After section 9C of the 2002 Act insert—

"**9D Complaints to the Ombudsman**

(1) Subsections (2) and (3) apply to a complaint which the complainant—

(a) has made to the Commission or Lord Chancellor in accordance with arrangements under section 9C, and

(b) makes to the Ombudsman not more than 28 days after being notified of the Commission's or Lord Chancellor's decision on the complaint.

(2) If the Ombudsman considers that investigation of the complaint is not necessary, he must inform the complainant.

(3) Otherwise he must investigate the complaint.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) The Ombudsman may investigate a complaint which the complainant—
  (a) has made to the Commission or the Lord Chancellor in accordance with arrangements under section 9C, and
  (b) makes to the Ombudsman at any time.

(5) The Ombudsman may investigate a transferred complaint made to him, and no such complaint may be made under the Judicial Appointments Order after the commencement of this section.

(6) The Judicial Appointments Order is the Judicial Appointments Order in Council 2001, which sets out the functions of Her Majesty's Commissioners for Judicial Appointments.

(7) A transferred complaint is a complaint that lay to those Commissioners (whether or not it was made to them) in respect of the application of procedures for appointment to listed judicial offices before the commencement of this section, but not a complaint that those Commissioners had declined to investigate or on which they had concluded their investigation.

(8) Any complaint to the Ombudsman under this section must be in a form approved by him."

128 Report and recommendations

After section 9D of the 2002 Act insert—

"**9E Report and recommendations**

(1) The Ombudsman must prepare a report on any complaint he has investigated under section 9D.

(2) The report must state—
  (a) what findings the Ombudsman has made;
  (b) whether he considers the complaint should be upheld in whole or part;
  (c) if he does, what if any action he recommends should be taken by the Commission or the Lord Chancellor as a result of the complaint.

(3) The recommendations that may be made under subsection (2)(c) include recommendations for the payment of compensation.

(4) Such a recommendation must relate to loss which appears to the Ombudsman to have been suffered by the complainant as a result of maladministration and not as a result of any failure to be appointed to an office to which the complaint related."

129 Report procedure

After section 9E of the 2002 Act insert—

"**9F Report procedure**

(1) This section applies to a report under section 9E.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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(2) The Ombudsman must submit a draft of the report—
  (a) to the Lord Chancellor, and
  (b) if the complaint was a Commission complaint, to the Commission.

(3) In finalising the report the Ombudsman—
  (a) must have regard to any proposal by the Lord Chancellor or the Commission for changes in the draft report;
  (b) must include in the report a statement of any such proposal not given effect to.

(4) The report must be signed by the Ombudsman.

(5) If the complaint was a Commission complaint the Ombudsman must send the report in duplicate to the Lord Chancellor and the Commission.

(6) Otherwise the Ombudsman must send the report to the Lord Chancellor.

(7) The Ombudsman must send a copy of the report to the complainant, but that copy must not include information—
  (a) which relates to an identified or identifiable individual other than the complainant, and
  (b) whose disclosure by the Ombudsman to the complainant would (apart from this subsection) be contrary to section 9I."

130 References by the Lord Chancellor

After section 9F of the 2002 Act insert—

"**9G References by the Lord Chancellor**

(1) If the Lord Chancellor refers to the Ombudsman any matter relating to the procedures of the Commission or a committee of the Commission, the Ombudsman must investigate it.

(2) The matter may relate to such procedures generally or in a particular case.

(3) The Ombudsman must report to the Lord Chancellor on any investigation under this section.

(4) The report must state—
  (a) what findings the Ombudsman has made;
  (b) what if any action he recommends should be taken by any person in relation to the matter.

(5) The report must be signed by the Ombudsman."

131 Information

After section 9G of the 2002 Act insert—

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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"**9H Information**

The Commission and the Lord Chancellor must provide the Ombudsman with such information as he may reasonably require relating to the subject matter of an investigation under section 9D or 9G."

132 Confidentiality in relation to judicial appointments and discipline

After section 9H of the 2002 Act insert—

"**9I Confidentiality in relation to judicial appointments and discipline**

(1) A person who obtains confidential information, or to whom confidential information is provided, under or for the purposes of a relevant provision must not disclose it except with lawful authority.

(2) These are the relevant provisions—
  (a) section 12, 12A and 12B of the Judicature (Northern Ireland) Act 1978 (appointment and removal of Lord Chief Justice, Lords Justices of Appeal and judges of High Court);
  (b) sections 3, 5, 7 and 9 to 9H of this Act (appointment and removal of judicial officers, and appointment and removal of lay magistrates);
  (c) sections 134 and 135 of the Constitutional Reform Act 2005 (removal from judicial offices);
  (d) section 16 of this Act (complaints about judicial officers);

(3) Information is confidential if it relates to an identified or identifiable individual (a "subject").

(4) Confidential information is disclosed with lawful authority only if and to the extent that any of the following applies—
  (a) the disclosure is with the consent of each person who is a subject of the information (but this is subject to subsection (5));
  (b) the disclosure is for (and is necessary for) the exercise by any person of functions under a relevant provision or a decision whether to exercise them;
  (c) the disclosure is required, under rules of court or a court order, for the purposes of legal proceedings of any description.

(5) An opinion or other information given by one identified or identifiable individual (A) about another (B)—
  (a) is information that relates to both;
  (b) must not be disclosed to B without A's consent.

(6) This section does not prevent the disclosure with the agreement of the Lord Chancellor and the Lord Chief Justice of information as to disciplinary action taken in accordance with a relevant provision.

(7) This section does not prevent the disclosure of information which is already, or has previously been, available to the public from other sources.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(8) A contravention of this section in respect of any information is actionable, subject to the defences and other incidents applying to actions for breach of statutory duty.

(9) But it is actionable only at the suit of a person who is a subject of the information.

Transfer of functions of justices of the peace"

CHAPTER 2

REMOVALS

F138 133 Removal from most senior judicial offices

. . . . . .

Textual Amendments

F138 Ss. 133-136 repealed (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), Sch. 12 para. 82, Sch. 13 (as inserted by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 5 para. 127**); S.I. 2010/883, art. 2(c)(ii)

F138 134 Removal from listed judicial offices

. . . . . .

Textual Amendments

F138 Ss. 133-136 repealed (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), Sch. 12 para. 82, Sch. 13 (as inserted by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 5 para. 127**); S.I. 2010/883, art. 2(c)(ii)

F138 135 Tribunals for considering removal

. . . . . .

Textual Amendments

F138 Ss. 133-136 repealed (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), Sch. 12 para. 82, Sch. 13 (as inserted by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 5 para. 127**); S.I. 2010/883, art. 2(c)(ii)

F138 136 Interpretation of Part 5

. . . . . .

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F138 Ss. 133-136 repealed (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), Sch. 12 para. 82, Sch. 13 (as inserted by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 5 para. 127**); S.I. 2010/883, art. 2(c)(ii)

PART 6

OTHER PROVISIONS RELATING TO THE JUDICIARY

137 Parliamentary disqualification

(1) In Part 1 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (judicial offices disqualifying for membership) at the beginning insert— "Judge of the Supreme Court."

(2) In Part 1 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (judicial offices disqualifying for membership) at the beginning insert— "Judge of the Supreme Court."

(3) A member of the House of Lords is, while he holds any disqualifying judicial office, disqualified for sitting or voting in—
  (a) the House of Lords,
  (b) a committee of that House, or
  (c) a joint committee of both Houses.

(4) In subsection (3) "disqualifying judicial office" means any of the judicial offices specified in—
  (a) Part 1 of Schedule 1 to the House of Commons Disqualification Act 1975, or
  (b) Part 1 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

(5) A member of the House of Lords who is disqualified under subsection (3) is not for that reason disqualified for receiving a writ of summons to attend that House, but any such writ is subject to that subsection.

[F139 137A Encouragement of diversity

Each of the Lord Chancellor and the Lord Chief Justice of England and Wales must take such steps as that office-holder considers appropriate for the purpose of encouraging judicial diversity.]

Textual Amendments

F139 S. 137A inserted (15.7.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 11**; S.I. 2013/1725, art. 2(g)

138 Judicial Committee of the Privy Council

Schedule 16 contains amendments about the Judicial Committee of the Privy Council.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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PART 7

GENERAL

139 Confidentiality

(1) A person who obtains confidential information, or to whom confidential information is provided, under or for the purposes of a relevant provision must not disclose it except with lawful authority.

(2) These are the relevant provisions—
- (a) sections 26 **[**[F140]and 27 and regulations under section 27A**]**;
- (b) Part 4;
- (c) regulations and rules under Part 4.

(3) Information is confidential if it relates to an identified or identifiable individual (a "subject").

(4) Confidential information is disclosed with lawful authority only if and to the extent that any of the following applies—
- (a) the disclosure is with the consent of each person who is a subject of the information (but this is subject to subsection (5));
- (b) the disclosure is for (and is necessary for) the exercise by any person of functions under a relevant provision;
- (c) the disclosure is for (and is necessary for) the exercise of functions under section 11(3A) of the Supreme Court Act 1981 (c. 54) or a decision whether to exercise them;
- (d) the disclosure is for (and is necessary for) the exercise of powers to which section 108 applies, or a decision whether to exercise them;
- (e) the disclosure is required, under rules of court or a court order, for the purposes of legal proceedings of any description.

(5) An opinion or other information given by one identified or identifiable individual (A) about another (B)—
- (a) is information that relates to both;
- (b) must not be disclosed to B without A's consent.

(6) This section does not prevent the disclosure with the agreement of the Lord Chancellor and the Lord Chief Justice of information as to disciplinary action taken in accordance with a relevant provision.

(7) This section does not prevent the disclosure of information which is already, or has previously been, available to the public from other sources.

(8) A contravention of this section in respect of any information is actionable, subject to the defences and other incidents applying to actions for breach of statutory duty.

(9) But it is actionable only at the suit of a person who is a subject of the information.

Textual Amendments

F140 Words in s. 139(2)(a) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(8)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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140 "Enactment"

(1) In this Act "enactment" includes—

(a) an enactment contained in this Act;

(b) an enactment contained in a local, personal or private Act;

(c) except in sections 19 and 143, an enactment contained in subordinate legislation;

and any reference to an enactment includes a reference to an enactment whenever passed or made.

(2) In section 22 "enactment" also includes an enactment contained in, or in an instrument made under, Northern Ireland legislation.

(3) In Part 3 "enactment" also includes—

(a) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

(b) an enactment contained in, or in an instrument made under, Northern Ireland legislation.

(4) In sections 19, 21 and 143 and in paragraph 3 of Schedule 7 "enactment" also includes—

(a) an enactment contained in Northern Ireland legislation;

(b) an enactment contained in a Measure of the Church Assembly or of the General Synod of the Church of England.

141 "Subordinate legislation"

(1) In this Act "subordinate legislation" has the same meaning as in the Interpretation Act 1978 (c. 30).

(2) In sections 19 and 143 "subordinate legislation" also includes an enactment contained in an instrument made under Northern Ireland legislation.

142 General interpretation

In this Act—

"functions" includes powers and duties;

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975 (c. 26).

143 Supplementary provision etc

(1) The Lord Chancellor may by order make—

(a) any supplementary, incidental or consequential provision, and

(b) any transitory, transitional or saving provision,

which he considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of this Act.

(2) An order under this section may in particular—

(a) provide for any provision of this Act which comes into force before another such provision has come into force to have effect, until that other provision has come into force, with such modifications as are specified in the order;

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Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) amend or repeal any of the following—

(i) an enactment other than one contained in an Act passed, or Northern Ireland legislation passed or made, after the Session in which this Act is passed;

(ii) subordinate legislation other than subordinate legislation made under an Act passed, or Northern Ireland legislation passed or made, after the Session in which this Act is passed;

(iii) any other instrument or document, including a prerogative instrument;

(c) amend or repeal an enactment or subordinate legislation, whenever passed or made, in consequence of section 59.

(3) The amendments that may be made by virtue of subsection (2)(b) are in addition to those made by or under any other provision of this Act.

(4) In this section "prerogative instrument" means an Order in Council, warrant, charter or other instrument made under the prerogative.

144 Orders and regulations

(1) Any power of a Minister of the Crown to make an order or regulations under this Act is exercisable by statutory instrument, except where subsection (2) applies.

(2) Any power of the Lord Chancellor to make an order under section 19(1) or 143 amending an enactment contained in, or in an instrument made under, Northern Ireland legislation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

(3) Regulations under section 115, 120(5) or 121(5) are to be made in the form of a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the regulations were made by a Minister of the Crown.

(4) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(5) Subsection (4) applies to a statutory instrument which contains any of the following—

[[F141](za) regulations under section 27A;**]**

(a) an order under section 85(3)(a) or (b) which amends Part 1 of Schedule 14;

[[F142](aa) an order under section 85(5);

(ab) regulations under section 94 or 94C;**]**

(b) an order under section 19(1) which amends a public general Act, except where the only such amendment is the inclusion in Schedule 7 of a function of the Lord Chancellor;

(c) an order under section 19(1) which amends subordinate legislation of which a draft was required to be laid before and approved by a resolution of each House of Parliament, except where the only such amendment consists of provision that falls within subsection (2)(b) of section 19;

(d) an order under section 143 which amends a public general Act;

(e) **[**[F143]regulations under Part 1**]** of Schedule 12.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) In any other case a statutory instrument containing an order or regulations under this Act, unless it contains only an order under section **[**[F144]27B(5),**]** 66(5) or 148, is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) A statutory rule made under a power to which subsection (2) applies is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F141 S. 144(5)(za) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(9)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F142 S. 144(5)(aa)(ab) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 78**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F143 Words in s. 144(5)(e) substituted (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 27**; S.I. 2013/2200, art. 2(c)

F144 Word in s. 144(6) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(10)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

145 Minor and consequential amendments

Schedule 17 (minor and consequential amendments) has effect.

Commencement Information

I16 S. 145 partly in force; s. 145 not in force at Royal Assent see s. 148; s. 145 in force for certain purposes at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 27; 1.10.2009 by S.I. 2009/1604, **art. 2**

146 Repeals and revocations

The provisions listed in Schedule 18 are repealed or revoked to the extent specified.

Commencement Information

I17 S. 146 partly in force; s. 146 not in force at Royal Assent see s. 148; s. 146 in force for certain purposes at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 29; 1.10.2009 by S.I. 2009/1604, **art. 2**

147 Extent

(1) Sections 7, 8 and 9 extend to England and Wales only.

(2) Section 6 and Part 5 extend to Northern Ireland only.

(3) Any amendment, repeal or revocation made by this Act has the same extent as the provision to which it relates.

(4) Subject to subsections (1) to (3), this Act extends to Northern Ireland.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

148 Commencement

(1) This Act, except the following provisions, comes into force in accordance with provision to be made by the Lord Chancellor by order.

(2) The provisions excepted from subsection (1) are—
- (a) section 4;
- (b) sections 18 to 22;
- (c) sections 140 to 144;
- (d) section 147;
- (e) this section;
- (f) section 149;
- (g) Schedules 6 and 7.

(3) Section 4 comes into force in accordance with provision to be made by the Secretary of State by order.

(4) An order by which section 23(1) comes into force at any time may not be made unless the Lord Chancellor is satisfied that the Supreme Court will at that time be provided with accommodation in accordance with written plans that he has approved.

(5) The Lord Chancellor may approve plans only if, having consulted the Lords of Appeal in Ordinary holding office at the time of the approval, he is satisfied that accommodation in accordance with the plans will be appropriate for the purposes of the Court.

(6) An order under this section may make different provision for different purposes.

Subordinate Legislation Made

P1 S. 148 power partly excercised: 15.6.2005 appointed for specified provision by {S.I. 2005/1431}, art. 2; 31.5.2005 by {S.I. 2005/2284}, art. 2; 1.10.2005 by {S.I. 2005/2505}, art. 2; 27.2.2006 by {S.I. 2006/228}, art. 2; 3.4.2006 by {S.I. 2006/1014}, art. 2, Schs. 1, 2; 15.6.2006 by {S.I. 2006/1537}, arts. 2, 3; 20.3.2007 appointed for specified provisions by {S.I. 2007/967}, art. 2; 8.5.2007 appointed for further specified provisions and purposes by {S.I. 2007/1252}, art. 2; 2.10.2008 appointed for further specified provision by {S.I. 2008/2597}, art. 2; 1.10.2009 appointed for further specified provisons and purposes by {S.I. 2009/1604}, art. 2

P2 S. 148(3) power wholly excercised: 8.5.2007 appointed for specified provision by {S.I. 2007/1121}, art. 2

149 Short title

This Act may be cited as the Constitutional Reform Act 2005.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 12

POWERS TO MAKE RULES

PART 1

THE PROCESS

Interpretation

1 In this Part "designated rules" means rules under another Act which are, by virtue of provision in that Act, to be made in accordance with this Part.

The process

2 (1) It is for the Lord Chief Justice, or a judicial office holder nominated by the Lord Chief Justice with the agreement of the Lord Chancellor, to make designated rules.

(2) The Lord Chief Justice may nominate a judicial office holder in accordance with sub-paragraph (1)—
(a) to make designated rules generally, or
(b) to make designated rules under a particular enactment.

(3) In this Part—
(a) "judicial office holder" has the same meaning as in section 109(4);
(b) references to the Lord Chief Justice's nominee, in relation to designated rules, mean a judicial office holder nominated by the Lord Chief Justice under sub-paragraph (1) to make those rules.

Modifications etc. (not altering text)

C12 Sch. 1 para. 2(2)(b) modified by 1984 c. 42, s. 31D(7) (as inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 1**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11))

3 (1) The Lord Chief Justice, or his nominee, may make designated rules only with the agreement of the Lord Chancellor.

(2) If the Lord Chancellor does not agree designated rules made by the Lord Chief Justice, or by his nominee, the Lord Chancellor must give that person written reasons why he does not agree the rules.

4 (1) Designated rules made by the Lord Chief Justice, or by his nominee, and agreed by the Lord Chancellor—
(a) come into force on such day as the Lord Chancellor directs, and

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(b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.

(2) A statutory instrument containing designated rules is subject to annulment in pursuance of a resolution of either House of Parliament.

5 (1) This paragraph applies if the Lord Chancellor gives the Lord Chief Justice, or his nominee, written notice that he thinks it is expedient for designated rules to include provision that would achieve a purpose specified in the notice.

(2) The Lord Chief Justice, or his nominee, must make such designated rules as he considers necessary to achieve the specified purpose.

(3) Those rules must be—

(a) made within a reasonable period after the Lord Chancellor gives notice under sub-paragraph (1);

(b) made in accordance with the provisions of this Part.

Modifications etc. (not altering text)

C13 Sch. 1 para. 5 excluded by 1984 c. 42, s. 31D(8) (as inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 1**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11))

PART 2

RULE-MAKING POWERS SUBJECT TO THE PROCESS IN PART 1

Trustee Act 1925 (c. 19)

6 In section 54 of the Trustee Act 1925 (jurisdiction in regard to mental patients), for the paragraph after subsection (2)(d) substitute—

"(2A) Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 with respect to the exercise of the jurisdiction referred to in subsection (2)."

Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36)

7 In section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedure for indictment of offenders), in subsection (6A)(a) for "by the Lord Chancellor" substitute " in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 ".

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

8 (1) Section 5 of the Reserve and Auxiliary Forces (Protection of Civilian Interests) Act 1951 (appropriate courts and procedure) is amended as follows.

(2) In subsection (2) for "The Lord Chancellor may also make rules" substitute " Rules may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In subsections (3) to (5) for "Rules so made" substitute " Rules under subsection (2) ".

(4) In subsection (6) for "this section" substitute " subsection (1) ".

Courts-Martial (Appeals) Act 1968 (c. 20)

9 (1) Section 49 of the Courts-Martial (Appeals) Act 1968 (rules of court) is amended as follows.

(2) In subsection (1) for "by the Lord Chief Justice with the approval of the Lord Chancellor" substitute " in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 ".

(3) In subsection (2) for "Lord Chief Justice" substitute " person making the rules ".

(4) Omit subsections (3) and (4).

Adoption Act 1976 (c. 36)

10 In section 66 of the Adoption Act 1976 (rules of procedure), in subsection (1) for "by the Lord Chancellor" substitute " in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 ".

Supreme Court Act 1981 (c. 54)

11 The Supreme Court Act 1981 is amended as follows.

12 (1) Section 127 (probate rules) is amended as follows.

(2) In subsection (1) for the words from the beginning to "for regulating" substitute " Rules of court (in this Part referred to as "probate rules") may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 for regulating ".

(3) Omit subsection (3).

13 (1) Section 136 (production of documents filed in, or in custody of, Supreme Court) is amended as follows.

(2) In subsection (1) for the words from the beginning to "make rules" substitute " Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 ".

(3) In subsection (2)(b) for "Lord Chancellor" substitute " person making the rules ".

(4) Omit subsection (3).

Mental Health Act 1983 (c. 20)

14 The Mental Health Act 1983 is amended as follows.

15 In section 108 (general provisions as to rules under Part 7), after subsection (1) (as substituted by paragraph 129(2) of Schedule 4) insert—

"(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."

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

16 In section 143 (general provisions as to regulations, orders and rules), after subsection (3) insert—

"(4) This section does not apply to rules which are, by virtue of section 108 of this Act, to be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005."

County Courts Act 1984 (c. 28)

17 (1) Section 38 of the County Courts Act (remedies available in county courts) is amended as follows.

(2) Omit subsection (4)(c).

(3) After subsection (4) insert—

"(4A) If regulations are made under subsection (3), rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 about procedure relevant to the matters prescribed in the regulations."

Matrimonial and Family Proceedings Act 1984 (c. 42)

18 In section 40 of the Matrimonial and Family Proceedings Act 1984 (family proceedings rules), in the second paragraph of subsection (2)—

(a) in paragraph (a) omit "by the Lord Chancellor";

(b) in paragraph (b) omit "by the President of the Family Division with the concurrence of the Lord Chancellor".

Coroners Act 1988 (c. 13)

19 The Coroners Act 1988 is amended as follows.

20 In section 11 (proceedings at inquest), for subsection (5)(c) substitute—

"(c) shall be in such form as may be prescribed in rules made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005."

21 (1) Section 32 (power to make rules) is amended as follows.

(2) In subsection (1) for "The Lord Chancellor may, with the concurrence of the Secretary of State, make rules" substitute " Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 ".

(3) In subsection (3) for "of the Lord Chancellor under this section to make rules" substitute " to make rules under this section ".

(4) Omit subsection (4).

Family Law Act 1996 (c. 27)

22 The Family Law Act 1996 is amended as follows.

23 (1) For the title to section 12 substitute " Rules about procedure ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In subsection (1) for "The Lord Chancellor may make rules" substitute " Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 ".

(3) In subsection (2) for "The Lord Chancellor may make rules" substitute " Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 ".

24 In section 65 (rules, regulations and orders), in subsection (5) after "does not apply" insert " to rules made under section 12 or ".

25 The power to amend or repeal enactments that is referred to in section 109(5)(b) of the Courts Act 2003 (c. 39) may be exercised in relation to sections 12 and 65 of the Family Law Act 1996 (c. 27) as amended by paragraphs 24 and 25 of this Schedule.

Adoption and Children Act 2002 (c. 38)

26 (1) The Adoption and Children Act 2002 is amended as follows.

(2) Those amendments do not have effect at any time after the amendments made to the Adoption and Children Act 2002 by paragraph 413 of Schedule 8 to the Courts Act 2003 have come into force.

27 In section 141 (rules of procedure), in subsection (1) for "The Lord Chancellor may make rules" substitute " Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 ".

28 In section 142 (supplementary and consequential provision), in subsection (4) for "this Act or" substitute " this Act, any power to make rules under section 141 or any power ".

Courts Act 2003 (c. 39)

29 In section 76 of the Courts Act 2003 (further provision about scope of Family Procedure Rules) omit "by the President of the Family Division, with the concurrence of the Lord Chancellor,".

SCHEDULE 2

Section 13

POWERS TO GIVE DIRECTIONS

PART 1

THE PROCESS

Interpretation

1 In this Part "designated directions" means directions under another Act which are, by virtue of provision in that Act, to be made or given in accordance with this Part.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

The process

2 (1) It is for the Lord Chief Justice, or a judicial office holder nominated by the Lord Chief Justice with the agreement of the Lord Chancellor, to make or give designated directions.

(2) The Lord Chief Justice may nominate a judicial office holder in accordance with sub-paragraph (1)—

(a) to make or give designated directions generally, or

(b) to make or give designated directions under a particular enactment.

(3) In this Part—

(a) "judicial office holder" has the same meaning as in section 109(4);

(b) references to the Lord Chief Justice's nominee, in relation to designated directions, mean a judicial office holder nominated by the Lord Chief Justice under sub-paragraph (1) to make or give those directions.

3 (1) The Lord Chief Justice, or his nominee, may make or give designated directions only with the agreement of the Lord Chancellor.

(2) Sub-paragraph (1) does not apply to designated directions to the extent that they consist of guidance about any of the following—

(a) the application or interpretation of the law;

(b) the making of judicial decisions.

(3) Sub-paragraph (1) does not apply to designated 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 made or given only after consulting the Lord Chancellor.

(4) If sub-paragraph (1) applies but the Lord Chancellor does not agree designated directions made or given by the Lord Chief Justice, or by his nominee, the Lord Chancellor must give that person written reasons why he does not agree the directions.

PART 2

POWERS OF DIRECTION SUBJECT TO THE PROCESS IN PART 1

Courts-Martial (Appeals) Act 1968 (c. 20)

4 (1) Section 4 of the Courts-Martial (Appeals) Act 1968 is amended as follows.

(2) In subsection (1) for "by the Lord Chief Justice with the consent of the Lord Chancellor" substitute " in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 ".

(3) In subsection (2) for "If the Lord Chief Justice so directs" substitute " If such directions so provide ".

(4) In subsection (3) for "the Lord Chief Justice shall direct" substitute " such directions may provide ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Supreme Court Act 1981 (c. 54)

5 In section 124 of the Supreme Court Act 1981 (place for deposit of original wills and other documents), for "as the Lord Chancellor may direct" substitute " as may be provided for in directions given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 ".

Civil Procedure Act 1997 (c. 12)

6 For section 5 of the Civil Procedure Act 1997 substitute—

"**5 Practice directions**

(1) Practice directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005.

(2) Practice directions given otherwise than under subsection (1) may not be given without the approval of—
(a) the Lord Chancellor, and
(b) the Lord Chief Justice.

(3) Practice directions (whether given under subsection (1) or otherwise) may provide for any matter which, by virtue of paragraph 3 of Schedule 1, may be provided for by Civil Procedure Rules.

(4) The power to give practice directions under subsection (1) includes power—
(a) to vary or revoke directions given by any person;
(b) to give directions containing different provision for different cases (including different areas);
(c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.

(5) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—
(a) the application or interpretation of the law;
(b) the making of judicial decisions.

(6) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—
(a) after consulting the Lord Chancellor, and
(b) with the approval of the Lord Chief Justice."

Courts Act 2003 (c. 39)

7 The Courts Act 2003 is amended as follows.

8 (1) Section 74 (practice directions as to practice and procedure of criminal courts) is amended as follows.

(2) In subsection (1) for "The Lord Chief Justice may, with the concurrence of the Lord Chancellor, give directions" substitute " Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In subsection (2) for the words from "may not be given" to the end substitute "given otherwise than under subsection (1) may not be given without the approval of—

(a) the Lord Chancellor, and

(b) the Lord Chief Justice."

(4) In subsection (3)(a) for "by the Lord Chief Justice or any other person" substitute " under subsection (1) or otherwise ".

(5) For subsection (4) substitute—

"(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—

(a) the application or interpretation of the law;

(b) the making of judicial decisions.

(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—

(a) after consulting the Lord Chancellor, and

(b) with the approval of the Lord Chief Justice."

9 (1) Section 81 (practice directions relating to family proceedings) is amended as follows.

(2) In subsection (1) for "The President of the Family Division may, with the concurrence of the Lord Chancellor, give directions" substitute " Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 ".

(3) In subsection (2) for the words from "may not be given" to the end substitute "given otherwise than under subsection (1) may not be given without the approval of—

(a) the Lord Chancellor, and

(b) the Lord Chief Justice."

(4) In subsection (3)(a) for "by the President of the Family Division or any other person" substitute " under subsection (1) or otherwise ".

(5) After subsection (3) insert—

"(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—

(a) the application or interpretation of the law;

(b) the making of judicial decisions.

(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—

(a) after consulting the Lord Chancellor, and

(b) with the approval of the Lord Chief Justice."

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 3

Section 14

TRANSFER OF APPOINTMENT FUNCTIONS TO HER MAJESTY

District Judges

1 (1) For section 6 of the County Courts Act 1984 (c. 28) substitute—

"**6 District judges**

(1) Her Majesty may, on the recommendation of the Lord Chancellor, appoint district judges.

(2) The Lord Chief Justice, after consulting the Lord Chancellor—
(a) must assign each district judge to one or more districts;
(b) may change an assignment so as to assign the district judge to a different district or districts.

(3) A reference in any enactment or other instrument to the district judge for a district or of a county court is a reference to any district judge assigned to the district concerned.

(4) Every district judge is, by virtue of his office, capable of acting in any district whether or not assigned to it, but may do so only in accordance with arrangements made by or on behalf of the Lord Chief Justice.

(5) A district judge is to be paid such salary as may be determined by the Lord Chancellor with the concurrence of the Treasury.

(6) A salary payable under this section may be increased but not reduced by a determination or further determination under this section."

(2) That section as substituted applies to a district judge holding office by virtue of an appointment made before the commencement of sub-paragraph (1) as if he had been assigned to the district or districts for which he was appointed.

2 (1) For sections 100 and 101 of the Supreme Court Act 1981 (c. 54) substitute—

"**100 District judges**

(1) The Lord Chief Justice, after consulting the Lord Chancellor—
(a) may assign a district judge to one or more district registries;
(b) may change an assignment so as to assign the district judge to a different district registry or registries (or to no district registry).

(2) A reference in any enactment or other instrument to the district judge of a district registry is a reference to any district judge assigned to the registry concerned.

(3) Every district judge is, by virtue of his office, capable of acting in any district registry whether or not assigned to it, but may do so only in accordance with arrangements made by or on behalf of the Lord Chief Justice.

(4) Whilst a district judge is assigned to one or more district registries in accordance with subsection (1) he is a district judge of the High Court."

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) That section as substituted applies to a district judge holding office by virtue of an appointment made before the commencement of sub-paragraph (1) as if he had been assigned to the district registry or registries for which he was appointed.

(3) [F145] . . . . . .

Textual Amendments

F145 Sch. 3 para. 2(3) repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, **Sch. 23 Pt. 2**; S.I. 2008/2696, **art. 5(j)** (with arts. 3, 4)

High Court Masters and Registrars

3 (1) Section 89 of the Supreme Court Act 1981 (c. 54) (masters and registrars) is amended as follows.

(2) In subsection (1), for the words from "the Lord Chancellor" to the end substitute " Her Majesty. "

(3) After that subsection insert—

"(1A) The maximum number of appointments under subsection (1) is such as may be determined from time to time by the Lord Chancellor with the concurrence of the Treasury."

(4) For subsection (3) substitute—

"(3) Her Majesty shall, on the recommendation of the Lord Chancellor, appoint a person to each office listed in the first column of the table in subsection (3C) ("a senior office").

(3A) A person may be appointed to a senior office only if—

(a) he holds the office in the corresponding entry in the second column of that table ("the qualifying office"), or

(b) he does not hold the qualifying office but could be appointed to it in compliance with section 88.

(3B) Where a person who is to be appointed to a senior office meets the condition in subsection (3A)(b) he shall, when appointed to the senior office, also be appointed to the qualifying office.

(3C) This is the table referred to in subsections (3) and (3A)—

Senior office	***Qualifying office***
Senior Master of the Queen's Bench Division	Master of the Queen's Bench Division
Chief Chancery Master	Master of the Chancery Division
Chief Taxing Master	Taxing master of the Senior Courts
Chief Bankruptcy Registrar	Registrar in bankruptcy of the High Court

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Senior District Judge of the Family Division	Registrar of the Principal Registry of the Family Division".

(5) Before subsection (8) insert—

"(7A) A person appointed under subsection (1) is to be paid such salary, and a person appointed to a senior office is to be paid such additional salary, as may be determined by the Lord Chancellor with the concurrence of the Treasury.

(7B) A salary payable under or by virtue of this section—

(a) may in any case be increased, but

(b) may not, in the case of a salary payable in respect of an office listed in column 1 of Part 2 of Schedule 2 or of a senior office, be reduced,

by a determination or further determination under this section."

Commencement Information

I18 Sch. 3 para. 3 partly in force; Sch. 3 para. 3 not in force at Royal Assent see s. 148; Sch. 3 para. 3(1)(4) in force at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 9; Sch. 3 para. 3(2)(3)(5) in force for specified purposes at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 9

4 In section 93(2) of the Mental Health Act 1983 (c. 20) (Court of Protection) for "the Lord Chancellor" substitute " Her Majesty ".

Senior District Judge (Chief Magistrate)

5 In section 23 of the Courts Act 2003 (c. 39) (Senior District Judge (Chief Magistrate))—

(a) for "The Lord Chancellor" substitute " Her Majesty ";

(b) for "he" substitute " she ".

6 In section 10A(2) of the Justices of the Peace Act 1997 (c. 25) (until the coming into force of the repeal of that Act by the Courts Act 2003) for "The Lord Chancellor" substitute " Her Majesty ".

SCHEDULE 4

Section 15

OTHER FUNCTIONS OF THE LORD CHANCELLOR AND ORGANISATION OF THE COURTS

PART 1

AMENDMENTS

Ecclesiastical Licences Act 1533 (c. 21)

1 (1) In section 11 of the Ecclesiastical Licences Act 1533 (refusal of archbishop to grant licences etc.) any reference to the Lord Chancellor or Lord Keeper of the Great Seal (however expressed) is to be read as a reference to the Chancellor of the High Court.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) The Chancellor of the High Court may nominate another judge of that court to exercise his functions under that section.

Habeas Corpus Act 1679 (c. 2)

2 The Habeas Corpus Act 1679 is amended as follows.

3 In section 1 (bringing before Lord Chancellor or other judges) omit "the lord chauncelior or lord keeper of the great seale of England for the time being or".

4 In section 2 (appeal to Lord Chancellor or other judges) omit—
(a) "the lord chauncellour or lord keeper or" in each place;
(b) "lord chauncellor lord keeper";
(c) "the said lord chauncellor or lord keeper or" in the first and second places;
(d) "lord chauncellor or lord keeper or" in the last place.

5 In section 9 (Lord Chancellor or other judge unduly denying writ) omit "the said lord chauncellor or lord keeper or".

Cestui que Vie Act 1707 (c. 72)

6 Any reference to the Lord Chancellor and keeper or commissioners for the custody of the great seal of Great Britain for the time being in section 1 of the Cestui que Vie Act 1707 is to be construed as a reference to a judge of the Chancery Division of the High Court.

PROSPECTIVE

Pluralities Act 1838 (c. 106)

7 The Pluralities Act 1838 is amended as follows.

8 (1) Section 126 (consent of patron etc. where patronage in the Crown) is amended as follows.

(2) For the words from "if such benefice shall be above" to "great seal" substitute " unless such benefice shall be within the patronage of the crown in right of the duchy of Lancaster, the instrument by which the power shall be exercised shall be executed by, and any such notice shall be given to, the Prime Minister ".

(3) Omit "or persons".

9 (1) Section 128 (consent of patron etc. where patronage attached to duchy of Cornwall) is amended as follows.

(2) For the words from "the same" to "benefice in the patronage of the crown" substitute " the Prime Minister, in accordance with section 126 ".

(3) Omit "or persons" in the second place.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PROSPECTIVE

F146 **…**

Textual Amendments

F146 Sch. 4 paras. 10-12 and cross-heading repealed (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), **Sch. Pt. 3**; S.I. 2018/718, art. 2

F146 10 . . . . . .

F146 11 . . . . . .

F146 12 . . . . . .

Public Notaries Act 1843 (c. 90)

13 (1) Section 5 of the Public Notaries Act 1843 (refusal of master of faculties to grant a faculty) is amended as follows.

(2) For "chancellor of England or the lord keeper of the great seal" substitute " Chancellor of the High Court ".

(3) At the end of that section insert— " The Chancellor of the High Court may nominate another judge of that court to exercise his functions under this section. "

(4) This paragraph is subject to section 2(3) and (4) of the Statute Law (Repeals) Act 1998 (repeals relating to Isle of Man and Channel Islands).

PROSPECTIVE

Inclosure Act 1859 (22 & 23 Vict. c. 43)

14 In section 12 of the Inclosure Act 1859 (adaptation of references to patron where patronage is in the Crown) for the words from "Lord High" to "Great Seal" substitute " Prime Minister ".

British Law Ascertainment Act 1859 (c. 63)

15 In section 5 of the British Law Ascertainment Act 1859 (interpretation) omit "the Lord Chancellor,".

Promissory Oaths Act 1871 (c. 48)

16 (1) Section 2 of the Promissory Oaths Act 1871 (persons before whom oaths to be taken) (as amended by paragraph 51 of Schedule 8 to the Courts Act 2003 (c. 39)) is amended as follows.

(2) In the paragraph beginning "In England and Wales" for "Lord Chancellor" substitute " Lord Chief Justice of England and Wales ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) After that paragraph insert— " 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 the preceding paragraph. "

(4) After the paragraph beginning "In Ireland" insert—

"The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under the preceding paragraph—

(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)."

Stannaries Court (Abolition) Act 1896 (c. 45)

17 (1) Section 1 of the Stannaries Court (Abolition) Act 1896 (abolition of Vice-Warden's Court) is amended as follows.

(2) In subsection (1) after "may" insert " , after consulting the Lord Chief Justice, ".

(3) After subsection (2) insert—

"(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."

PROSPECTIVE

Judicial Committee Act 1915 (c. 92)

18 (1) Section 1 of the Judicial Committee Act 1915 (power of Judicial Committee of the Privy Council to sit in more than one division at the same time) is amended as follows.

(2) In subsection (1) for "Lord Chancellor" substitute " President of the Supreme Court of the United Kingdom ".

Administration of Justice Act 1925 (c. 28)

F147 19 . . . . . .

Textual Amendments

F147 Sch. 4 para. 19 omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 6 para. 2(19)(a)** (with Sch. 6 para. 3); S.I. 2015/1732, art. 2(e)(i)

Children and Young Persons Act 1933 (c. 12)

20 (1) Section 45 of the Children and Young Persons Act 1933 (youth courts) (as amended by section 50 of the Courts Act 2003 (c. 39)) is amended as follows.

(2) In subsection (3) for "Lord Chancellor or a person acting on his behalf" substitute " Lord Chief Justice, with the concurrence of the Lord Chancellor, ".

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Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In subsection (4) for "Lord Chancellor may" substitute " Lord Chief Justice may, with the concurrence of the Lord Chancellor, ".

(4) In subsection (5) after "Lord Chancellor" insert " or Lord Chief Justice ".

(5) After subsection (8) insert—

"(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3) or (4) or his powers under rules under subsection (4)."

Compensation (Defence) Act 1939 (c. 75)

21 (1) The Compensation (Defence) Act 1939 is amended as follows.

(2) For the title to section 9 substitute " Incidental powers of tribunals and rules of procedure ".

(3) Omit section 9(1)(a) (powers of tribunals to make rules of procedure).

(4) After section 9(1) insert—

"(1A) Rules prescribing the procedure for notifying, presenting and hearing claims and all matters incidental thereto may be made in relation to each of the tribunals constituted under this Act.

(1B) Such rules are to be made as follows—

(a) if the rules relate to proceedings in England and Wales, they are to be made by the Lord Chancellor;

(b) if the rules relate to proceedings in Scotland, they are to be made by the Lord President of the Court of Session;

(c) if the rules relate to proceedings in Northern Ireland, they are to be made by the Lord Chancellor with the concurrence of the Lord Chief Justice of Northern Ireland."

(5) In subsection (2) for the words from the beginning to "subsection" substitute " Such rules ".

(6) After subsection (3) insert—

"(4) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.

(5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

22 In section 18 (application to Scotland and Northern Ireland)—

(a) omit subsection (2);

(b) for subsection (4) substitute—

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"(4) Sections seven and nine of this Act shall have effect with these modifications—

(a) in their application to proceedings in Scotland before a tribunal constituted under this Act, for references to the High Court there shall be substituted references to the Court of Session;

(b) in their application to proceedings in Northern Ireland before a tribunal constituted under this Act, for references to the High Court there shall be substituted references to the High Court of Justice in Northern Ireland."

London Building Acts (Amendment) Act 1939 (c. xcvii)

23 (1) Section 109 of the London Building Acts (Amendment) Act 1939 (constitution etc of tribunal appeal) is amended as follows.

(2) In subsection (1)(i) for "if he thinks fit" substitute " , if he thinks fit and if the Lord Chief Justice agrees, ".

(3) After subsection (2) insert—

"(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."

Pensions Appeal Tribunals Act 1943 (c. 39)

24 The Pension Appeal Tribunals Act 1943 is amended as follows.

25 F148 . . . . . .

Textual Amendments

F148 Sch. 4 para. 25 repealed (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9, **Sch. 3 para. 228(m)**

26 Omit section 13 (application to Scotland).

27 Omit section 14 (application to Northern Ireland).

28 (1) The Schedule (constitution, jurisdiction and procedure of Tribunals) is amended as follows.

(2) For paragraph 1 substitute—

"1 (1) There shall be constituted in England and Wales such number of Pensions Appeal Tribunals as the Lord Chancellor may from time to time determine; and they shall sit at such times and in such places as he may from time to time determine.

(2) There shall be constituted in Scotland such number of Pensions Appeal Tribunals as the Lord President of the Court of Session may from time to time determine; and they shall sit at such times and in such places as he may from time to time determine.

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Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) There shall be constituted in Northern Ireland such number of Pensions Appeal Tribunals as the Lord Chancellor may from time to time determine; and they shall sit at such times and in such places as he may from time to time determine.

(4) The Lord Chancellor must consult the Lord Chief Justice of England and Wales before exercising any functions under sub-paragraph (1).

(5) The Lord Chancellor must consult the Lord Chief Justice of Northern Ireland before exercising any functions under sub-paragraph (3).”

(3) In paragraph 2 (membership)—

(a) in sub-paragraph (1) for “appointed by the Lord Chancellor” substitute “appointed—

(a) in relation to England and Wales, by the Lord Chancellor;

(b) in relation to Scotland, by the Lord President of the Court of Session;

(c) in relation to Northern Ireland, by the Lord Chancellor”;

(b) in sub-paragraph (2A) for “sub-paragraphs (3)” substitute “ sub-paragraphs (3A), (3B) ”;

(c) for sub-paragraph (3) substitute—

“(3A) The Lord Chancellor may, with the concurrence of the Lord Chief Justice of England and Wales, remove any member of a Tribunal appointed under sub-paragraph (1)(a).

(3B) The Lord President of the Court of Session may remove any member of a Tribunal appointed under sub-paragraph (1)(b).”;

(d) [F149] . . . . . .

(4) In paragraph 2A (persons to be appointed to Tribunals)—

(a) in sub-paragraph (1) for the words from “The Lord Chancellor” to “paragraph 2 above” substitute “ Any person making appointments under paragraph 2 shall ensure that the appointments ”;

(b) in sub-paragraph (4) for the words from “In making” to “the Lord Chancellor” substitute “ It shall be the duty of any person making an appointment under paragraph 2 ”.

(5) In paragraph 2B (President and Deputy President of Pension Appeal Tribunals), in sub-paragraph (2)(c) for “Lord Chief Justice of Northern Ireland” substitute “ Lord Chancellor ”.

(6) In paragraph 5 (rules)—

(a) in sub-paragraph (1) for “the Lord Chancellor may make rules” substitute “ rules may be made ”;

(b) for “Lord Chancellor” in the second place substitute “person making them”;

(c) after sub-paragraph (1) insert—

“(1A) Such rules are to made by the following person—

(a) if the rules relate to England and Wales, by the Lord Chancellor;

(b) if the rules relate to Scotland, by the Lord President of the Court of Session;

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(c) if the rules relate to Northern Ireland, by the Lord Chief Justice of Northern Ireland.";

(d) in sub-paragraph (4)(b) after "Lord Chancellor" insert " , or in relation to Scotland by the Lord President of the Court of Session, in either case ".

(7) Before paragraph 8 insert—

"7B (1) 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 paragraph 1.

(2) 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 any of the provisions listed in sub-paragraph (3).

(3) Those provisions are—

(a) paragraph 3C(2)(b);

(b) paragraph 5(1A)(b).

(4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under any of the provisions listed in sub-paragraph (5)—

(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).

(5) Those provisions are—

(a) paragraph 1;

(b) paragraph 3C(2)(c);

(c) paragraph 5(1A)(c)."

Textual Amendments

F149 Sch. 4 para. 28(3)(d) repealed (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9, **Sch. 3 para. 228(m)**

Agriculture Act 1947 (c. 48)

29 The Agriculture Act 1947 is amended, or has effect, as follows.

30 In section 73 (establishment, constitution and procedure of Agricultural Land Tribunals), in subsection (1) for the words before "by order" substitute " For the purposes of this section the Lord Chancellor shall, after consulting the Chairman of the Agricultural Land Tribunals, ".

31 (1) The functions of the Lord Chancellor under section 75 (provisions as to land lying partly in one area and partly in another) are exercisable only after consultation with the Lord Chief Justice.

(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of this Act) to exercise his functions under sub-paragraph (1).

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

32 In section 108 (regulations and orders), in subsection (1) omit "by the Minister" in the second place.

33 (1) Schedule 9 (constitution of Agricultural Land Tribunals) is amended as follows.

(2) In paragraph 13 (chairman of each Tribunal), in sub-paragraph (4)—

(a) for "is" substitute " and Lord Chief Justice are both ";

(b) after "may" insert " , with the concurrence of the Lord Chief Justice, ".

(3) In paragraph 16A (discharge of chairman's duties)—

(a) that paragraph becomes sub-paragraph (1) of paragraph 16A;

(b) in that sub-paragraph for "Lord Chancellor" substitute " Lord Chief Justice, after consulting the Lord Chancellor ";

(c) after that sub-paragraph insert—

"(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)."

Lands Tribunal Act 1949 (c. 42)

34 F150 . . . . . .

Textual Amendments

F150 Sch. 4 para. 34 repealed (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(5), **Sch. 4**

Registered Designs Act 1949 (c. 88)

35 The Registered Designs Act 1949 is amended as follows.

36 (1) Section 27 (meaning of the court) is amended as follows.

(2) In subsection (2) for "Lord Chancellor may select" substitute " Lord Chief Justice of England and Wales may, after consulting the Lord Chancellor, select ".

(3) After subsection (2) insert—

"(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)."

37 (1) Section 28 (the Appeal Tribunal) is amended as follows.

(2) In subsection (2)(a) for "by the Lord Chancellor" substitute " by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor ".

(3) After subsection (10) insert—

"(11) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2)(a)."

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Courts-Martial (Appeals) Act 1951 (c. 46)

38 The Courts-Martial (Appeals) Act 1951 is amended as follows.

39 In section 28 (provisions with respect to office of Judge Advocate of fleet), after subsection (3) insert—

"(3A) The Lord Chancellor may make a recommendation under subsection (3) only with the concurrence of all of the following—
(a) the Lord Chief Justice of England and Wales;
(b) the Lord President of the Court of Session;
(c) the Lord Chief Justice of Northern Ireland."

40 In section 32 (tenure of office of Judge Advocate General and assistants), for subsection (1) substitute—

"(1) The Judge Advocate General shall be removable by Her Majesty on the ground of inability or misbehaviour upon a recommendation in that behalf made by the Lord Chancellor with the concurrence of all of the following—
(a) the Lord Chief Justice of England and Wales;
(b) the Lord President of the Court of Session;
(c) the Lord Chief Justice of Northern Ireland.

(1A) The Vice Judge Advocate General may be removed for inability or misbehaviour by the Lord Chancellor with the concurrence of all of the following—
(a) the Lord Chief Justice of England and Wales;
(b) the Lord President of the Court of Session;
(c) the Lord Chief Justice of Northern Ireland.

(1B) An Assistant Judge Advocate General may be removed for inability or misbehaviour by the Lord Chancellor with the concurrence of the appropriate senior judge.

(1C) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless—
(a) the Assistant Judge Advocate General exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session, or
(b) the Assistant Judge Advocate General exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland."

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

41 (1) Section 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (appropriate courts and procedure) is amended as follows.

(2) After subsection (5) insert—

"(5A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales before making rules under subsection (1) that relate to England and Wales.

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(5B) 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 (5A).”

PROSPECTIVE

City of London (Guild Churches) Act 1952 (c. xxxviii)

42 In Schedule 1 to the City of London (Guild Churches) Act 1952, for the entries in column 2 (patrons) relating to each of—

(a) All Hallows London Wall,

(b) St. Margaret Pattens, and

(c) St. Mary Aldermary,

substitute “ Her Majesty ”.

Pharmacy Act 1954 (c. 61)

43 (1) In Schedule 1C to the Pharmacy Act 1954 (appeal tribunals), paragraph 3 (appointments) is amended as follows.

(2) In sub-paragraph (4) for “by the Lord Chancellor and” substitute “ by the Lord Chief Justice, after consulting the Lord Chancellor, and by ”.

(3) After sub-paragraph (5) insert—

“(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 paragraph.”

Mines and Quarries Act 1954 (c. 70)

44 (1) Section 170 of the Mines and Quarries Act 1954 (provisions as to references upon notices) is amended as follows.

(2) In subsection (9) after “Lord Chancellor” insert “ , the Lord Chief Justice ”.

(3) After subsection (9) insert—

“(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 subsection (9).”

Land Powers (Defence) Act 1958 (c. 30)

45 Schedule 2 to the Land Powers (Defence) Act 1958 (provisions with respect to making certain orders under the Act) is amended as follows.

46 (1) Paragraph 4 (inquiries into objections) is amended as follows.

(2) In sub-paragraph (1) for “by the Lord Chancellor” substitute “ in accordance with sub-paragraph (1A) ”.

(3) After sub-paragraph (1) insert—

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"(1A) A person to hold an inquiry for the purposes of sub-paragraph (1) is to be appointed as follows—

(a) if the inquiry relates to land in England and Wales, the person is to be appointed by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor;

(b) if the inquiry relates to land in Scotland, the person is to be appointed by the Lord President of the Court of Session;

(c) if the inquiry relates to land in Northern Ireland, the person is to be appointed by the Lord Chief Justice of Northern Ireland after consulting Lord Chancellor."

(4) In sub-paragraph (3) for "The Lord Chancellor shall by statutory instrument make rules of procedure" substitute " Rules of procedure shall be made by statutory instrument in accordance with sub-paragraph (3A) ".

(5) After sub-paragraph (3) insert—

"(3A) Rules under sub-paragraph (3) are to be made as follows—

(a) if the rules are for the purposes of inquiries held in relation to land in England and Wales, they are to be made by the Lord Chancellor;

(b) if the rules are for the purposes of inquiries held in relation to land in Scotland, they are to be made by the Secretary of State after consultation with the Lord President of the Court of Session;

(c) if the rules are for the purposes of inquiries held in relation to land in Northern Ireland, they are to be made by the Lord Chancellor after consultation with the Lord Chief Justice of Northern Ireland."

(6) In sub-paragraph (4) for the words from "as the Lord Chancellor" to the end substitute "as may be determined, with the approval of the Treasury—

(a) by the Lord Chancellor, or

(b) in a case where the Lord President of the Court of Session appointed the person, by the Secretary of State."

(7) After sub-paragraph (4) insert—

"(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.

(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 this paragraph.

(7) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—

(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)."

47 (1) Paragraph 8 (application to court to challenge order) is amended as follows.

(2) That paragraph becomes sub-paragraph (1) of paragraph 8.

(3) In that sub-paragraph "for High Court" substitute " appropriate court ".

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(4) After that sub-paragraph insert—

"(2) In this paragraph "appropriate court" means—

(a) if the order relates to land in England and Wales, the High Court in England and Wales;

(b) if the order relates to land in Scotland, the Court of Session;

(c) if the order relates to land in Northern Ireland, the High Court in Northern Ireland."

48 Omit paragraphs 10 and 11 (modifications for application to Scotland and Northern Ireland).

Agriculture Act 1958 (c. 71)

49 In the Agriculture Act 1958, in section 5 (functions under section 73 of the Agriculture Act 1947) for "by the Lord Chancellor and not by the Minister" substitute " as provided for in that section ".

Land Powers (Defence) Act (Inquiries) Rules 1958 (S.I. 1958/2231)

50 (1) Rule 2 of the Land Powers (Defence) Act (Inquiries) Rules 1958 (interpretation) is amended as follows.

(2) In paragraph (1), in the definition of "appointed person" for the words from "appointed by" to the end substitute " appointed in accordance with sub-paragraph (1A) of paragraph 4 of the Second Schedule to the Act to hold an inquiry pursuant to that paragraph; ".

Mental Health Act 1959 (c. 72)

51 In section 145 of the Mental Health Act 1959 (general provisions as to regulations, orders and rules) omit "or the Lord Chancellor".

Administration of Justice Act 1960 (c. 65)

52 In section 14 of the Administration of Justice Act 1960 (procedure on application for habeas corpus), in subsection (2) omit "; and no such application shall in any case be made to the Lord Chancellor".

Transport Act 1962 (c. 46)

53 The Transport Act 1962 is amended as follows.

54 (1) Section 74 (Minister's power to make orders about pensions) is amended as follows.

(2) In subsection (6)(c) after "Lord Chancellor" insert " and the Lord Chief Justice of England and Wales ".

(3) After subsection (9) insert—

"(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."

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55 (1) Section 81 (compensation to officers and servants of the Commission) is amended as follows

(2) In subsection (4)(b) after "Lord Chancellor" insert " and the Lord Chief Justice of England and Wales ".

(3) After subsection (10) insert—

"(11) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section."

56 (1) In Schedule 7 (transitional provisions) paragraph 17 is amended as follows.

(2) In sub-paragraph (3) after "Lord Chancellor" insert " and the Lord Chief Justice of England and Wales ".

(3) After sub-paragraph (6) insert—

"(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."

57 Schedule 11 (application to Northern Ireland) is amended as follows.

58 (1) Paragraph 6 (appointment of referee or board of referees) is amended as follows.

(2) That paragraph becomes sub-paragraph (1) of paragraph 6.

(3) After that sub-paragraph insert—

"(2) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (1)—

(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)."

59 Omit paragraph 10.

City of London (Courts) Act 1964 (c. iv)

60 (1) Section 15 of the City of London (Courts) Act 1964 (oaths) is amended as follows.

(2) That section becomes subsection (1) of section 15.

(3) In that subsection for "Lord Chancellor" substitute " Lord Chief Justice ".

(4) After that subsection insert—

"(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 subsection (1)."

Finance Act 1966 (c. 18)

61 (1) In Schedule 1 to the Finance Act 1966 (reliefs for shipbuilders), paragraph 6 is amended as follows.

(2) In sub-paragraph (2)—

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) after "Lord Chancellor" insert " with the concurrence of the Lord Chief Justice of England and Wales ";

(b) before "the Lord Chief Justice of Northern Ireland" insert " by the Lord Chancellor with the concurrence of ".

(3) After sub-paragraph (4) insert—

"(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.

(6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (2)—

(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)."

Courts-Martial (Appeals) Act 1968 (c. 20)

62 (1) Section 5 of the Courts-Martial (Appeals) Act 1968 (constitution of court for particular sittings) is amended as follows.

(2) In subsection (4) after "expedient to do so" insert " after consulting the Lord Chief Justice ".

(3) After subsection (5) insert—

"(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."

Taxes Management Act 1970 (c. 9)

63 The Taxes Management Act 1970 is amended as follows.

64 F151 . . . . . .

Textual Amendments

F151 Sch. 4 para. 64 repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, **Sch. 23 Pt. 1**; S.I. 2008/2696, **art. 5(i)(vi)** (with arts. 3, 4)

65 (1) Section 4 (Special Commissioners) is amended as follows.

(2) After subsection (3) insert—

"(3A) The Lord Chancellor may designate a person under subsection (3) only with the concurrence of all of the following—

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland."

(3) After subsection (4) insert—

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"(4A) The Lord Chancellor may remove a Special Commissioner from office under subsection (4) only with the concurrence of the appropriate senior judge.

(4B) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless—

(a) the Special Commissioner exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session, or

(b) the Special Commissioner exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland."

(4) After subsection (7) insert—

"(8) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3A).

(9) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under subsection (3A).

(10) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (3A)—

(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)."

Administration of Justice Act 1970 (c. 31)

66 (1) Section 10 of the Administration of Justice Act 1970 (temporary additional judges of the Registered Designs Appeal Tribunal) is amended as follows.

(2) For subsection (1) substitute—

"(1) This section applies if both of the following conditions are met—

(a) the Lord Chancellor thinks that it is expedient, having regard to the state of business pending before the Registered Designs Appeal Tribunal and after consulting the Lord Chief Justice, for a person to be appointed to sit and act as an additional judge of the Tribunal (either alone or with a judge of the High Court who is a judge of the Tribunal);

(b) the Lord Chancellor requests the Lord Chief Justice to make such an appointment.

(1A) The Lord Chief Justice may, after consulting the Lord Chancellor, appoint one of the following persons as mentioned in subsection (1)(a)—

(a) a judge of the Court of Appeal;

(b) a person who has held office as a judge of the Court of Appeal or of the High Court;

(c) one of Her Majesty's Counsel.

(1B) An appointment under this section is—

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(a) for such period, or
(b) for the purpose of hearing such appeals,

as the Lord Chief Justice determines, after consulting the Lord Chancellor."

(3) After subsection (4) insert—

"(4A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section."

Courts Act 1971 (c. 23)

67 The Courts Act 1971 is amended as follows.

68 In section 17 (retirement, removal and disqualification of Circuit judges), in subsection (4) after "fit" insert " and if the Lord Chief Justice agrees ".

69 (1) Section 21 (appointment of Recorders) is amended as follows.

(2) For subsections (3) and (4) substitute—

"(3) The appointment of a person as a Recorder shall specify the following—
(a) the term for which he is appointed;
(b) the frequency and duration of the occasions during that term on which he will be required to be available to undertake the duties of a Recorder;
(c) the circumstances in which the Lord Chancellor may—
(i) decline to extend the term of the appointment, or
(ii) terminate the appointment,

(other than those in subsection (4C)(a) or (b) and subsection (6)(a) or (b)).

(4) Circumstances may be specified under subsection (3)(c) in an appointment only if the Lord Chief Justice agrees.

(4A) Subject to subsections (4B) to (5), the Lord Chancellor must extend the term of a Recorder's appointment (including a term already extended under this subsection) before its expiry, for such term as the Lord Chancellor thinks appropriate.

(4B) The Lord Chancellor must not extend the term of a Recorder's appointment unless the Recorder agrees to the extension.

(4C) The Lord Chancellor may, with the agreement of the Lord Chief Justice, decline to extend the term of a Recorder's appointment on any of these grounds—
(a) the incapacity or misbehaviour of the Recorder;
(b) a failure of the Recorder to comply with any requirement specified under subsection (3)(b) in the terms of his appointment;
(c) one or more of the circumstances specified under subsection (3)(c) in his appointment applies."

(3) For subsection (6) substitute—

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"(6) The Lord Chancellor may, with the agreement of the Lord Chief Justice, terminate the appointment of a Recorder on any of these grounds—

(a) the incapacity or misbehaviour of the Recorder;

(b) a failure of the Recorder to comply with any requirement specified under subsection (3)(b) in the terms of his appointment;

(c) one or more of the circumstances specified under subsection (3)(c) in his appointment applies."

70 (1) Section 22 (oaths to be taken by Circuit judges and Recorders) is amended as follows.

(2) In subsection (2) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) After subsection (3) insert—

"(3A) 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)."

71 (1) Section 24 (deputy Circuit judges and assistant Recorders) is amended as follows.

(2) In subsection (1)—

(a) for "the Lord Chancellor" substitute "him";

(b) omit ", he may";

F152(c) . . . . . .

F153(d) . . . . . .

(3) After subsection (5) insert—

"(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 (1)(a)."

Textual Amendments

F152 Sch. 4 para. 71(2)(c) omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 34(7)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F153 Sch. 4 para. 71(2)(d) omitted (15.7.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 89(2)(j)**; S.I. 2013/1725, art. 2(g)

72 In the table in paragraph 2 of Schedule 8 (general rules of construction), in the second column of entry 7 and of entry 14 for "Lord Chancellor" in each place substitute " Lord Chief Justice ".

73 In Schedule 10 (transitional provisions), omit paragraphs 3 and 4.

Misuse of Drugs Act 1971 (c. 38)

74 (1) Schedule 3 to the Misuse of Drugs Act 1971 (tribunal, advisory bodies and professional panels) is amended as follows.

(2) In the table in paragraph 21 (application of Parts 1 to 3 to Northern Ireland), in the entry for paragraph 1—

(a) for "the references to the Lord Chancellor and" substitute " any reference to ";

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(b) for "respectively references to the Lord Chief Justice of Northern Ireland and" substitute " a reference to ".

(3) In that table, in the entry for paragraph 13—

(a) for "the references to the Lord Chancellor and" substitute " any reference to the ";

(b) for "respectively references to the Lord Chief Justice of Northern Ireland and" substitute " a reference to ";

(c) at the end of that entry insert—

"	After sub-paragraph (2) there shall be inserted— "(3) The Lord Chancellor must obtain the concurrence of the Lord Chief Justice of Northern Ireland before exercising his functions under sub-paragraph (1)(a). (4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (3) (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).""

Land Charges Act 1972 (c. 61)

75 In section 16 of the Land Charges Act 1972 (general rules), in subsection (2) omit "of the Lord Chancellor, with the concurrence of the Secretary of State,".

Matrimonial Causes Act 1973 (c. 18)

76 (1) Section 10A of the Matrimonial Causes Act 1973 (proceedings after decree nisi: religious marriage) is amended as follows.

(2) In subsection (6) after "Lord Chancellor" insert " after consulting the Lord Chief Justice ".

(3) After subsection (7) insert—

"(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."

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Juries Act 1974 (c. 23)

77 The Juries Act 1974 is amended as follows.

78 In section 5 (panels of persons summoned as jurors), after subsection (4) insert—

"(5) The Lord Chancellor must consult the Lord Chief Justice before giving any direction under subsection (1).

(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."

79 (1) Section 9AA (requirement to issue guidance) is amended as follows.

(2) In subsection (1) after "shall" insert " , after consulting the Lord Chief Justice, ".

(3) After subsection (2) insert—

"(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."

Plant Varieties and Seeds Tribunal Rules 1974 (S.I. 1974/1136)

80 (1) Rule 2 of the Plant Varieties and Seeds Tribunals Rules 1974 (interpretation) is amended as follows.

(2) In paragraph (1), in the definition of "the chairman" for the words from "appointed" to "Northern Ireland" in the second place substitute " appointed in accordance with paragraph 2, 3 or 4 of Schedule 3 to the Plant Varieties Act 1997 ".

Industry Act 1975 (c. 68)

81 (1) Schedule 3 to the Industry Act 1975 (tribunals to arbitrate disputes relating to vesting and compensation orders) is amended as follows.

(2) In paragraph 4 (constitution and sittings)—

(a) that paragraph becomes sub-paragraph (1) of paragraph 4;

(b) in that sub-paragraph after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice of England and Wales, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, ";

(c) after that sub-paragraph insert—

"(2) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.

(3) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.

(4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—

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(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).”

(3) In paragraph 5 (Scottish proceedings) for “paragraph 4” substitute “ paragraph 4(1) ”.

(4) In paragraph 8(a) (meaning of “appointor”) for “paragraph 4” substitute “ paragraph 4(1) ”.

(5) After paragraph 8 insert—

“8A Where the appointor is, by virtue of paragraph 8(a), the Lord Chancellor, the power conferred by paragraph 6(1)(b) may be exercised only with the concurrence of the appropriate senior judge.

8B The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the member to be removed exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland.”

Local Land Charges Act 1975 (c. 76)

82 The Local Land Charges Act 1975 is amended as follows.

F154 83 . . . . . .

Textual Amendments

F154 Sch. 4 para. 83 omitted (12.4.2015) by virtue of Infrastructure Act 2015 (c. 7), s. 57(5)(e), **Sch. 5 para. 12(2)** (with Sch. 5 Pt. 4)

84 (1) Section 9 (official searches) is amended as follows.

(2) For subsection (3) substitute—

“(3) In relation to England, the fee (if any) specified by a registering authority under section 13A below shall be payable, in such manner as the authority may specify, in respect of any requisition made under this section to that authority.

(3A) In relation to Wales, the prescribed fee (if any) shall be payable in the prescribed manner in respect of any requisition made under this section.”

(3) In subsection (4)—

(a) after “fee” insert “(if any)”;

F155 (b) . . . . . .

Textual Amendments

F155 Sch. 4 para. 84(3)(b) omitted (12.4.2015) by virtue of Infrastructure Act 2015 (c. 7), s. 57(5)(e), **Sch. 5 para. 8(6)** (with Sch. 5 Pt. 4)

85 (1) In section 14 (rules), for subsection (1)(h) substitute—

“(h) for prescribing—

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(i) in relation to England, the fees, if any, to be paid for the making of any personal search;

(ii) in relation to Wales, the fees, if any, to be paid for the filing of documents with a registering authority, the making of any entry on a register, the supply of copies of, or the variation or cancellation of, any such entry, and the making of any search of a register."

(2) The reference to that section in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044) is to be treated as referring to that section as amended by this paragraph.

Armed Forces Act 1976 (c. 52)

86 (1) Section 6 of the Armed Forces Act 1976 (establishment of Standing Civilian Courts) is amended as follows.

(2) After subsection (3) insert—

"(3A) The Lord Chancellor may give approval to an order under subsection (3) only after consulting the relevant judges."

(3) After subsection (4) insert—

"(4A) The Lord Chancellor may make an appointment under subsection (4) only with the concurrence of the relevant judges."

(4) In subsection (7) after "Lord Chancellor" insert " and the relevant judges ".

(5) After subsection (8) insert—

"(8A) The Lord Chancellor may give his approval under section (8) only with the concurrence of the relevant judges."

(6) After subsection (11) insert—

"(11A) The Lord Chancellor may give his approval to the removal of a member under subsection (11) only with the concurrence of the Lord Chief Justice of England and Wales."

(7) After subsection (17) insert—

"(18) References in this section to the relevant judges are references to all of the following—

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland.

(19) 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, except his functions under subsection (11A).

(20) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.

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(21) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

Race Relations Act 1976 (c. 74)

87 (1) Section 67 of the Race Relations Act 1976 (sheriff courts and designated county courts) is amended as follows.

(2) In subsection (1) after "Lord Chancellor" insert " with the concurrence of the Lord Chief Justice ".

(3) After subsection (5) insert—

"(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."

Rent (Agriculture) Act 1976 (c. 80)

88 In section 26 of the Rent (Agriculture) Act 1976 (jurisdiction and procedure), omit subsection (5).

Aircraft and Shipbuilding Industries Act 1977 (c. 3)

F156 89 . . . . . .

Textual Amendments

F156 Sch. 4 para. 89 omitted (22.3.2013) by virtue of The Public Bodies (Abolition of the Aircraft and Shipbuilding Industries Arbitration Tribunal) Order 2013 (S.I. 2013/686), art. 1(2), **Sch. 1 para. 8(2)**

Patents Act 1977 (c. 37)

90 The Patents Act 1977 is amended as follows.

91 (1) Section 97 (appeals from the comptroller) is amended as follows.

(2) In subsection (2) for "or on behalf of the Lord Chancellor" substitute " the Lord Chief Justice of England and Wales after consulting the Lord Chancellor ".

(3) After subsection (3) insert—

"(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2)."

92 F157 . . . . . .

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F157 Sch. 4 para. 92 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(i)(xii)** (with art. 9)

Administration of Justice Act 1977 (c. 38)

93 (1) Section 23 of the Administration of Justice Act 1977 (jurisdiction of ancient courts) is amended as follows.

(2) In subsection (4) after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice, ".

(3) After subsection (5) insert—

"(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."

Rent Act 1977 (c. 42)

94 Omit section 142 of the Rent Act 1977 (rules as to procedure).

National Health Service Act 1977 (c. 49)

95 **F158** . . . . . .

Textual Amendments

F158 Sch. 4 para. 95 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), **Sch.4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

96 (1) Section 2 of the Domestic Proceedings and Magistrates' Courts Act 1978 (powers of court to make orders for financial provision) is amended as follows.

(2) In subsection (3) omit the second paragraph.

(3) After subsection (3) insert—

"(4) An order made by the Lord Chancellor under this section—

(a) shall be made only after consultation with the Lord Chief Justice;

(b) shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament.

(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."

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Customs and Excise Management Act 1979 (c. 2)

97 In Schedule 3 to the Customs and Excise Management Act 1979 (provisions relating to forfeiture), after paragraph 17(4) insert—

"(5) The Lord Chancellor may make an appointment under sub-paragraph (4) only with the concurrence—

(a) where the proceedings referred to in sub-paragraph (1) were taken in England and Wales, of the Lord Chief Justice of England and Wales;

(b) where those proceedings were taken in Scotland, of the Lord President of the Court of Session;

(c) where those proceedings were taken in Northern Ireland, of the Lord Chief Justice of Northern Ireland.

(6) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.

(7) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.

(8) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—

(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)."

Tobacco Products Duty Act 1979 (c. 7)

98 (1) Section 5 of the Tobacco Products Duty Act 1979 (retail price of cigarettes) is amended as follows.

(2) In subsection (4) for the words from "by the Lord Chancellor" to the end substitute " in accordance with subsections (7) to (9). "

(3) After subsection (6) insert—

"(7) The Lord Chancellor is to appoint the referee.

(8) The appointment is to be made only with the concurrence of—

(a) the Lord Chief Justice of England and Wales, if the determination of the Commissioners was made in relation to England and Wales;

(b) the Lord President of the Court of Session, if the determination was made in relation to Scotland; or

(c) the Lord Chief Justice of Northern Ireland, if the determination was made in relation to Northern Ireland.

(9) None of the following may be appointed—

(a) an official of any government department;

(b) an office holder in, or a member of the staff of, the Scottish Administration.

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(10) 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.

(11) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.

(12) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

Magistrates' Courts Act 1980 (c. 43)

99 The Magistrates' Courts Act 1980 is amended as follows.

100 (1) Section 3B (transfer of trials of summary offences) is amended as follows.

(2) In subsection (3) for "Lord Chancellor may" substitute " Lord Chief Justice may, with the concurrence of the Lord Chancellor, ".

(3) After subsection (4) insert—

"(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 (3)."

[F159]101 . . . . . .

Textual Amendments

F159 Sch. 4 para. 101 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 99** Table; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

102 (1) Section 144 (rule committee and rules of procedure) is amended as follows.

[F160](2) . . . . . .

(3) In subsection (1)—

(a) for the words from the beginning to "and may on" substitute "The Lord Chief Justice may on";

(b) after "consultation with the rule committee" insert ", and with the concurrence of the Lord Chancellor,".

(4) After subsection (1) insert—

"(1A) If the Lord Chancellor does not agree rules made by the Lord Chief Justice, the Lord Chancellor must give the Lord Chief Justice and the rules committee written reasons for doing so."

[F160](5) . . . . . .

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(6) After subsection (4) insert—

"(4A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section."

Textual Amendments

F160 Sch. 4 para. 102(2)(5) repealed (18.9.2012) by The Public Bodies (Abolition of Crown Court Rule Committee and Magistrates' Courts Rule Committee) Order 2012 (S.I. 2012/2398), art. 1(2), **Sch. 2 para. 9**

103 After section 144 insert—

"**144A Rules to be made if required by Lord Chancellor**

(1) This section applies if the Lord Chancellor gives the Lord Chief Justice written notice that he thinks it is expedient for rules made under section 144 to include provision that would achieve a purpose specified in the notice.

(2) The Lord Chief Justice must make such rules as he considers necessary to achieve the specified purpose.

(3) Those rules must be—

(a) made within a reasonable period after the Lord Chancellor gives notice to the Lord Chief Justice;

(b) made in accordance with section 144.

(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."

Housing Act 1980 (c. 51)

104 In section 86 of the Housing Act 1980 (jurisdiction of county court), omit subsections (4) to (6) (rules and directions).

Pensions Appeal Tribunals (Posthumous Appeals) Order 1980 (S.I. 1980/1082)

105 The Pensions Appeal Tribunals (Posthumous Appeals) Order 1980 is amended as follows.

106 In Article 6 (directions in relation to appeals brought or continued under the Order) for "judge of the High Court nominated by the Lord Chancellor in accordance with" substitute " relevant judicial authority for the purposes of ".

107 In Article 10 (application to Scotland), omit paragraphs (b) and (c).

108 In Article 11 (application to Northern Ireland)—

(a) omit paragraphs (b) and (c)';

(b) in paragraph (d) for "Chairman" substitute " President ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Judicial Pensions Act 1981 (c. 20)

109 The Judicial Pensions Act 1981 is amended as follows.

110 In section 1 (interpretation) in the entry beginning "Judge of the Supreme Court" in the first column of the table omit ", other than the Lord Chancellor".

111 (1) Section 5 (Circuit Judge in England and Wales) is amended as follows.

(2) After subsection (1) insert—

"(1A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales before making a recommendation in a case that falls within subsection (1)(b) or (c)."

(3) After subsection (6) insert—

"(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."

112 (1) Section 7 (stipendiary magistrates in England and Wales) is amended as follows.

(2) After subsection (1) insert—

"(1A) The Lord Chancellor must consult the Lord Chief Justice before making a recommendation in a case that falls within subsection (1)(b)."

(3) After subsection (6) insert—

"(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."

113 (1) Section 13 (Social Security Commissioners) is amended as follows.

(2) After subsection (1) insert—

"(1A) In a case that falls within subsection (1)(c), the Lord Chancellor must consult—

(a) the Lord Chief Justice of England and Wales before making a recommendation in relation to a Commissioner who holds office in England and Wales;

(b) the Lord President of the Court of Session before making a recommendation in relation to a Commissioner who holds office in Scotland;

(c) the Lord Chief Justice of Northern Ireland before making a recommendation in relation to a Commissioner who holds office in Northern Ireland."

(3) After subsection (6)—

"(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.

(8) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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).”

Supreme Court Act 1981 (c. 54)

114 The Supreme Court Act 1981 is amended as follows.

115 (1) Section 2 (membership of the Court of Appeal) is amended as follows.

(2) In subsection (2)—

(a) omit paragraph (a);

(b) in paragraph (b) for “has been Lord Chancellor” substitute “ was Lord Chancellor before 12 June 2003 ”;

(c) for paragraphs (f) and (g) substitute—

“(f) the President of the Queen's Bench Division;

(g) the President of the Family Division;

(h) the Chancellor of the High Court;”

(d) for “Lord Chancellor's request” substitute “ request of the Lord Chief Justice ”.

(3) After subsection (2) insert—

“(2A) 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 function under subsection (2) of making requests to persons within paragraphs (b) and (c) of that subsection.”

(4) After subsection (4) insert—

“(4A) It is for the Lord Chancellor to recommend to Her Majesty the making of an Order under subsection (4).”

(5) In subsection (6)—

(a) omit “Lord Chancellor,”;

(b) for “President of the Family Division or Vice-Chancellor” substitute “ President of the Queen's Bench Division, President of the Family Division or Chancellor of the High Court ”.

Commencement Information

I19 Sch. 4 para. 115 wholly in force at 3.4.2006; Sch. 4 para. 115 not in force at Royal Assent see s. 148; Sch. 4 para. 115(2)(c)(5)(b) in force at 1.10.2005 by S.I. 2005/2505, **art. 2**; Sch. 4 para. 115 in force at 3.4.2006 in so far as not already in force by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para 11(f)

116 (1) Section 3 (Divisions of Court of Appeal) is amended as follows.

(2) In subsection (3) for “Lord Chancellor may” substitute “ Lord Chief Justice may, after consulting the Lord Chancellor ”.

(3) After subsection (5) insert—

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"(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)."

117 (1) Section 4 (membership of the High Court) is amended as follows.

(2) In subsection (1)—

(a) omit paragraph (a);

(b) for paragraphs (c) and (d) substitute—

"(ba) the President of the Queen's Bench Division;

(c) the President of the Family Division;

(d) the Chancellor of the High Court;".

(3) After subsection (4) insert—

"(4A) It is for the Lord Chancellor to recommend to Her Majesty the making of an Order under subsection (4)."

(4) In subsection (6)—

(a) omit "Lord Chancellor,";

(b) for "President of the Family Division, Vice-Chancellor" substitute " President of the Queen's Bench Division, President of the Family Division, Chancellor of the High Court ".

Commencement Information

I20 Sch. 4 para. 117 wholly in force at 3.4.2006; Sch. 4 para. 117 not in force at Royal Assent see s. 148; Sch. 4 para. 117(2)(b)(4)(b) in force at 1.10.2005 by S.I. 2005/2505, **art. 2**; Sch. 4 para. 117 in force at 3.4.2006 in so far as not already in force by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(h)

118 (1) Section 5 (divisions of the High Court) is amended as follows.

(2) In subsection (1)(a) for the words from "the Lord Chancellor" to "vice-president thereof," substitute " the Chancellor of the High Court, who shall be president thereof, ".

(3) In subsection (1)(b) for "who shall be president thereof" substitute " , the President of the Queen's Bench Division ".

(4) In subsection (2) for "of the Lord Chancellor" in each place substitute " given by the Lord Chief Justice after consulting the Lord Chancellor ".

(5) In subsection (3) for the words from "with the concurrence of" to the end substitute "with the concurrence of both of the following—

(a) the senior judge of the Division to which the judge is attached;

(b) the senior judge of the Division of which the judge is to act as an additional judge."

(6) After subsection (5) insert—

"(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2)."

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Commencement Information

I21 Sch. 4 para. 118 wholly in force at 3.4.2006; Sch. 4 para. 118 not in force at Royal Assent see s. 148; Sch. 4 para. 118(3) in force at 1.10.2005 by S.I. 2005/2505, **art. 2**; Sch. 4 para. 118 in force at 3.4.2006 in so far as not already in force by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(i)

119 (1) Section 6 (the Patents, Admiralty and Commercial Courts) is amended as follows.

(2) In subsection (2) for "Lord Chancellor may" substitute " Lord Chief Justice may, after consulting the Lord Chancellor, ".

(3) After subsection (2) insert—

"(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)."

120 (1) Section 7 (power to alter Divisions etc) is amended as follows.

(2) In subsection (1) after "recommendation of" insert " the Lord Chancellor and ".

(3) In subsection (2)—

(a) omit "the Lord Chancellor,";

(b) for "the President of the Family Division and the Vice-Chancellor" substitute " the President of the Queen's Bench Division, the President of the Family Division and the Chancellor of the High Court ".

Commencement Information

I22 Sch. 4 para. 120 wholly in force at 3.4.2006; Sch. 4 para. 120 not in force at Royal Assent see s. 148; Sch. 4 para. 120(3)(b) in force at 1.10.2005 by S.I. 2005/2505, **art. 2**; Sch. 4 para. 120 in force at 3.4.2006 in so far as not already in force by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(k)

121 (1) Section 9 (assistance for transaction of judicial business of Supreme Court) is amended as follows.

(2) In subsection (2)—

(a) for the definition of "the appropriate authority" substitute—

""the appropriate authority" means—

(a) the Lord Chief Justice or a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) nominated by him to exercise his functions under this section, or

(b) at any time when the Lord Chief Justice or the nominated judicial office holder is unable to make such a request himself, or there is a vacancy in the office of Lord Chief Justice, the Master of the Rolls;"

(b) omit the words after the definition of "relevant court".

(3) After subsection (2) insert—

"(2A) The power of the appropriate authority to make a request under subsection (1) is subject to subsections (2B) to (2D).

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(2B) In the case of a request to a person within entry 1, 3, 5 or 6 in column 1 of the Table, the appropriate authority may make the request only after consulting the Lord Chancellor.

(2C) In any other case the appropriate authority may make a request only with the concurrence of the Lord Chancellor.

(2D) In the case of a request to a Circuit judge or Recorder to act as a judge of the High Court, the appropriate authority may make the request only with the concurrence of the Judicial Appointments Commission."

(4) In subsection (4)—

(a) for "appears to the Lord Chancellor" substitute " appears to the Lord Chief Justice, after consulting the Lord Chancellor, ";

(b) for "Lord Chancellor thinks fit" substitute " Lord Chief Justice may, after consulting the Lord Chancellor, think fit ".

(5) After subsection (8) insert—

"(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (4)."

122 (1) Section 10 (appointment of judges of Supreme Court) is amended as follows.

(2) In subsection (1)—

(a) for "President of the Family Division or Vice-Chancellor" substitute " President of the Queen's Bench Division, President of the Family Division or Chancellor of the High Court ";

(b) after "may" insert " , on the recommendation of the Lord Chancellor, ".

(3) In subsection (2) after "may" insert " , on the recommendation of the Lord Chancellor, ".

(4) In subsection (3)(a) for "President of the Family Division or Vice-Chancellor" substitute " President of the Queen's Bench Division, President of the Family Division or Chancellor of the High Court ".

(5) For subsection (4) substitute—

"(4) A person appointed—

(a) to any of the offices mentioned in subsection (1),

(b) as a Lord Justice of Appeal, or

(c) as a puisne judge of the High Court,

shall take the required oaths as soon as may be after accepting office.

(5) In the case of a person appointed to the office of Lord Chief Justice, the required oaths are to be taken in the presence of all of the following—

(a) the Master of the Rolls;

(b) the President of the Queen's Bench Division;

(c) the President of the Family Division;

(d) the Chancellor of the High Court.

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(6) Where subsection (5) applies but there is a vacancy in one or more (but not all) of the offices mentioned in that subsection, the required oaths are to be taken in the presence of the holders of such of the offices as are not vacant.

(7) In the case of a person appointed other than to the office of Lord Chief Justice, the required oaths are to be taken in the presence of—

(a) the Lord Chief Justice, or

(b) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) nominated by him for this purpose.

(8) In this section "required oaths" means—

(a) the oath of allegiance, and

(b) the judicial oath,

as set out in the Promissory Oaths Act 1868."

Commencement Information

I23 Sch. 4 para. 122 wholly in force at 3.4.2006; Sch. 4 para. 122 not in force at Royal Assent see s. 148; Sch. 4 para. 122(2)(a)(4) in force at 1.10.2005 by S.I. 2005/2505, **art. 2**; Sch. 4 para 122 in force at 3.4.2006 in so far as not already in force by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(m)

123 (1) Section 11 (tenure of office) is amended as follows.

(2) In subsection (1) omit "except the Lord Chancellor".

(3) After subsection (3) insert—

"(3A) It is for the Lord Chancellor to recommend to Her Majesty the exercise of the power of removal under subsection (3)."

(4) In subsection (9)(a) for "the President of the Family Division and the Vice-Chancellor," substitute " the President of the Queen's Bench Division, the President of the Family Division and the Chancellor of the High Court, ".

Commencement Information

I24 Sch. 4 para. 123 wholly in force at 3.4.2006; Sch. 4 para. 123 not in force at Royal Assent see s. 148; Sch. 4 para. 123(4) in force at 1.10.2005 by S.I. 2005/2505, **art. 2**; Sch. 4 para. 123 in force at 3.4.2006 in so far as not already in force by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(n)

124 In section 12 (salaries etc of judges of Supreme Court), in subsection (1) omit ", other than the Lord Chancellor,".

125 (1) Section 13 (precedence of judges of Supreme Court) is amended as follows.

(2) For subsections (2) and (3) substitute—

"(2) Subject to subsection (1)(b), the President of the Queen's Bench Division shall rank next after the Master of the Rolls.

(2A) The President of the Family Division shall rank next after the President of the Queen's Bench Division.

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(3) The Chancellor of the High Court shall rank next after the President of the Family Division."

(3) In subsection (4) for "Vice-Chancellor" substitute " Chancellor of the High Court ".

126 In section 44 (extraordinary functions of judges of High Court), in subsection (2) omit "the Lord Chancellor,".

127 In section 56B (allocation of cases in criminal division), in subsection (1) for "with the concurrence of the Lord Chancellor" substitute " after consulting the Lord Chancellor ".

128 (1) Section 57 (Court of Appeal: sittings and vacations) is amended as follows.

(2) In subsection (2) after "Lord Chancellor" insert " after consulting the Lord Chief Justice ".

(3) After subsection (4) insert—

"(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."

129 (1) Section 61 (distribution of business among Divisions) is amended as follows).

(2) In subsection (3)—

(a) for "Lord Chancellor may" substitute " Lord Chief Justice may, with the concurrence of the Lord Chancellor, ";

(b) in paragraph (b) for "appears to him" substitute " appears to the Lord Chief Justice and the Lord Chancellor ".

(3) After subsection (8) insert—

"(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)."

130 (1) Section 63 (business assigned to specially nominated judges) is amended as follows.

(2) In subsection (1) for "by the Lord Chancellor" substitute " by the Lord Chief Justice after consulting the Lord Chancellor ".

(3) In subsection (2) for "Lord Chancellor" substitute " Lord Chief Justice, after consulting the Lord Chancellor, to be ".

(4) After subsection (3) insert—

"(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1) or (2)."

131 (1) Section 68 (exercise of jurisdiction of High Court otherwise than by judges of that court) is amended as follows.

(2) In subsection (1)(a) for "Lord Chancellor may" substitute " Lord Chief Justice may, after consulting the Lord Chancellor, ".

(3) In subsection (6) for "by the Lord Chancellor" substitute " by the Lord Chief Justice after consulting the Lord Chancellor ".

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(4) After subsection (7) insert—

"(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)."

132 (1) Section 71 (High Court: sittings and vacations) is amended as follows.

(2) In subsection (2) after "Lord Chancellor" insert " after consulting the Lord Chief Justice ".

(3) After subsection (5) insert—

"(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."

133 (1) Section 74 (appeals and committals for sentence) is amended as follows.

(2) After subsection (5) insert—

"(5A) Before exercising any functions under subsection (4), the Lord Chancellor must consult the Lord Chief Justice."

(3) After subsection (7) insert—

"(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."

134 (1) Section 78 (Crown Court: sittings) is amended as follows.

(2) In subsection (3) after "Lord Chancellor" insert " after consulting the Lord Chief Justice ".

(3) After subsection (3) insert—

"(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."

135 (1) Section 82 (duties of officers of Crown Court) is amended as follows.

(2) In subsection (1) after "Lord Chancellor" insert " after consulting the Lord Chief Justice ".

(3) After subsection (2) insert—

"(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."

136 Omit section 84(8) (rules of court for Crown Court etc to be made by statutory instrument).

F161 137 . . . . . .

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F161 Sch. 4 para. 137 repealed (18.9.2012) by The Public Bodies (Abolition of Crown Court Rule Committee and Magistrates' Courts Rule Committee) Order 2012 (S.I. 2012/2398), art. 1(2), **Sch. 1 para. 9**

138 After section 86 insert—

"**86A Process for making rules of court under section 84**

(1) Crown Court rules must be—
(a) signed by a majority of the members of the Crown Court Rule Committee, and
(b) submitted to the Lord Chancellor.

(2) The Lord Chancellor may allow or disallow rules so made.

(3) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so.

(4) Rules so made and allowed by the Lord Chancellor—
(a) come into force on such day as the Lord Chancellor directs, and
(b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 applies as if the instrument contained rules made by a Minister of the Crown.

(5) A statutory instrument containing Crown Court rules is subject to annulment in pursuance of a resolution of either House of Parliament.

(6) In this section and section 86B "Crown Court rules" means rules of court made under section 84.

86B Rules to be made if required by Lord Chancellor

(1) This section applies if the Lord Chancellor gives the Crown Court Rule Committee written notice that he thinks it is expedient for Crown Court rules to include provision that would achieve a purpose specified in the notice.

(2) The Committee must make such Crown Court rules as it considers necessary to achieve the specified purpose.

(3) Those rules must be—
(a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;
(b) made in accordance with section 86A."

139 (1) Section 91 (deputies and temporary appointments) is amended as follows.

(2) In subsection (1)—
(a) for "Lord Chancellor" in the first place substitute " Lord Chief Justice, after consulting the Lord Chancellor, ";
(b) in paragraph (a) omit "or III";
(c) for "Lord Chancellor thinks fit" substitute " Lord Chief Justice may, after consulting the Lord Chancellor, think fit ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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(3) After subsection (1) insert—

"(1A) If it appears to the Lord Chancellor that it is expedient to do so in order to facilitate the disposal of business in the Senior Courts, he may appoint a person—

(a) to act as a deputy for any person holding an office listed in column 1 of Part 3 of Schedule 2; or

(b) to act as a temporary additional officer in any such office,

during such period or on such occasions as the Lord Chancellor may think fit."

(4) After subsection (6) insert—

"(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 (1)."

140 (1) Section 92 (tenure of office) is amended as follows.

(2) In subsection (5) after "Lord Chancellor" insert " with the concurrence of the Lord Chief Justice ".

(3) In subsection (6) after "also" insert " , with the concurrence of the Lord Chief Justice, ".

(4) After subsection (7) insert—

"(8) It is for the Lord Chancellor to recommend to Her Majesty the exercise of any power under subsection (7)."

141 (1) Section 96 (Central Office) is amended as follows.

(2) In subsection (1) leave out "Lord Chancellor may" and insert " Lord Chief Justice may, with the concurrence of the Lord Chancellor, ".

(3) In subsection (2) for "of the Lord Chancellor under this section" substitute " under subsection (1) ".

(4) After subsection (2) insert—

"(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."

142 In section 98 (judges' clerks and secretaries), in subsection (1) for "the President of the Family Division and the Vice-Chancellor" substitute " the President of the Queen's Bench Division, the President of the Family Division and the Chancellor of the High Court ".

143 (1) Section 99 (district registries) is amended as follows.

(2) In subsection (1) after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice, ".

(3) After subsection (2) insert—

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"(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section."

144 (1) Section 104 (district probate registries) is amended as follows.

(2) In subsection (1) after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice, ".

(3) After subsection (2) insert—

"(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."

145 (1) Section 131 (conveyancing counsel of Supreme Court) is amended as follows.

(2) In subsection (2) after "Lord Chancellor" insert " with the concurrence of the Lord Chief Justice ".

(3) After subsection (2) insert—

"(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."

146 In section 151 (interpretation), in subsection (1) for the definition of "senior judge" substitute—

""senior judge", where the reference is to the senior judge of a Division, means the president of that Division;".

Administration of Justice Act 1982 (c. 53)

147 The Administration of Justice Act 1982 is amended as follows.

148 (1) Section 25 (regulations as to deposit and registration of wills) is amended as follows.

(2) In subsection (4) after "Lord Chancellor" insert " after consulting the Lord Chief Justice of England and Wales ".

(3) After subsection (8) insert—

"(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (4)."

Representation of the People Act 1983 (c. 2)

149 In section 161 of the Representation of the People Act 1983 (justices of the peace guilty of corrupt practice)—

(a) after "Lord Chancellor" insert " and the Lord Chief Justice ";

(b) after "Scotland," insert " to ".

Mental Health Act 1983 (c. 20)

150 The Mental Health Act 1983 is amended as follows.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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151 (1) Section 93 (judicial authorities and Court of Protection) is amended as follows.

(2) In subsection (1) for "Lord Chancellor shall" substitute " Lord Chief Justice shall, after consulting the Lord Chancellor, ".

(3) In subsection (3) for "Lord Chancellor" substitute " Lord Chief Justice ".

(4) In subsection (4) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ".

(5) After subsection (4) insert—

"(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)."

152 In section 94 (exercise of the judge's functions: the patient), in subsection (1) omit "by the Lord Chancellor or".

153 In section 96 (powers of the judge as to the patient's property and affairs), in subsection (3) omit "the Lord Chancellor or".

154 In section 104 (general powers of the judge with respect to proceedings), in subsection (3) omit "the Lord Chancellor or" in both places.

155 In section 105 (appeals), in subsection (2) omit "from any decision of the Lord Chancellor or".

156 (1) Section 108 (general provisions as to rules under Part 7) is amended as follows.

(2) For subsection (1) substitute—

"(1) Rules under section 106(5) are to be made by the Lord Chancellor after consulting the Lord Chief Justice."

(3) After subsection (2) insert—

"(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."

(4) Paragraph 16 of Schedule 1 also amends section 108.

157 (1) Section 111 (construction of references in other Acts) is amended as follows.

(2) In subsection (1) omit "by the Lord Chancellor or".

(3) In subsection (2) omit "the Lord Chancellor,".

(4) In subsection (4)—

(a) in paragraph (a) omit "the Lord Chancellor or";

(b) in paragraph (b) omit "the Lord Chancellor,".

158 (1) Schedule 2 (mental health review tribunals) is amended as follows.

(2) In paragraph 1(b) and (c) omit "after consultation with the Secretary of State".

(3) After paragraph 1 insert—

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"1A As part of the selection process for an appointment under paragraph 1(b) or (c) the Judicial Appointments Commission shall consult the Secretary of State."

PROSPECTIVE

Pastoral Measure 1983 (1983 No. 1)

159 (1) Section 81(2) of the Pastoral Measure 1983 (application to benefices in the patronage of the Crown or the Duke of Cornwall) is amended as follows.

(2) In paragraph (a)—

(a) for the words from the beginning to "benefices" substitute " any consent under the foregoing subsection in respect of a benefice or benefices ";

(b) omit the words from ", or a" to "books";

(c) omit "last-mentioned".

(3) Omit paragraph (b).

County Courts Act 1984 (c. 28)

160 The County Courts Act 1984 is amended as follows.

F162 161 . . . . . .

Textual Amendments

F162 Sch. 4 para. 161 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 141**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

162 (1) Section 3 (places and times of sittings) is amended as follows.

F163 (2) . . . . . .

(3) After subsection (4) insert—

"(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)."

Textual Amendments

F163 Sch. 4 para. 162(2) repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 141**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F164 163 . . . . . .

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F164 Sch. 4 para. 163 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 141**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

164 (1) Section 11 (tenure of office) is amended as follows.

(2) In subsection (5) after "by the Lord Chancellor" insert " , but only with the concurrence of the Lord Chief Justice ".

(3) In subsection (6) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ".

165 In section 12 (records of proceedings to be kept by district judges), after subsection (2) insert—

"(3) The Lord Chancellor must consult the Lord Chief Justice before making regulations under this section.

(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."

F165 166 . . . . . .

Textual Amendments

F165 Sch. 4 para. 166 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 141**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

167 In section 38 (remedies available in county courts), in subsection (5) for "by the Lord Chancellor under this section" substitute " under this section by the Lord Chancellor after consulting the Lord Chief Justice ".

168 (1) Section 61 (right of audience by direction) is amended as follows.

(2) In subsection (1) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ".

(3) After subsection (4) insert—

"(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."

169 Omit section 74A (practice directions).

170 In section 145 (power to raise monetary limits), after subsection (2) insert—

"(2A) It is for the Lord Chancellor to recommend to Her Majesty the making of an Order under subsection (1)."

Matrimonial and Family Proceedings Act 1984 (c. 42)

F166 171 . . . . . .

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F166 Sch. 4 paras. 171-174 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 210** Table; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F166 172 . . . . . .

Textual Amendments

F166 Sch. 4 paras. 171-174 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 210** Table; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F166 173 . . . . . .

Textual Amendments

F166 Sch. 4 paras. 171-174 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 210** Table; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F166 174 . . . . . .

Textual Amendments

F166 Sch. 4 paras. 171-174 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 210** Table; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Inheritance Tax Act 1984 (c. 51)

175 The Inheritance Tax Act 1984 is amended as follows.

176 In section 256 (regulations about accounts etc), for subsection (3A) substitute—

"(3A) Regulations under this section may only be made—

(a) in relation to England and Wales, after consulting the Lord Chancellor;

(b) in relation to Scotland, after consulting the Scottish Ministers;

(c) in relation to Northern Ireland, after consulting the Lord Chief Justice of Northern Ireland.

(3B) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (3A)—

(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)."

177 (1) Section 257 (form etc of accounts) is amended as follows.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In subsection (3) for "Lord Chancellor" substitute " Lord Chief Justice of Northern Ireland ".

(3) After subsection (3) insert—

"(4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (3)—

(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)."

Reserve Forces (Safeguard of Employment) Act 1985 (c. 17)

178 (1) Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985 (Reinstatement Committees and Umpires) is amended as follows.

(2) In paragraph 2 (membership of Reinstatement Committees), for "Lord Chief Justice of Northern Ireland" substitute " Lord Chancellor ".

Transport Act 1985 (c. 67)

179 (1) Schedule 4 to the Transport Act 1985 (constitution, powers and proceedings of the Transport Tribunal) is amended as follows.

(2) In paragraph 3 (tenure of office), after sub-paragraph (3) insert—

"(3A) The Lord Chancellor may remove a judicial member from office under sub-paragraph (3) only with the concurrence of the appropriate senior judge.

(3B) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the judicial member who is to be removed exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session."

(3) In paragraph 10 (the president)—

(a) in sub-paragraph (1) for "Lord Chancellor" substitute " Lord Chief Justice ";

(b) after sub-paragraph (1) insert—

"(1A) Before exercising his functions under sub-paragraph (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.";

(c) after sub-paragraph (3) insert—

"(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).

(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)."

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Housing Act 1985 (c. 68)

180 The Housing Act 1985 is amended as follows.

181 Omit section 111 (secure tenancies: county court rules and directions).

182 In section 181 (right to buy: jurisdiction of county court), omit subsections (4) and (5) (rules and directions).

183 In section 572 (assistance for owners of defective housing: jurisdiction of county court), omit subsections (4) to (6) (rules and directions).

Merchant Shipping (Formal Investigations) Rules 1985 (S.I. 1985/1001)

184 In rule 17 of the Merchant Shipping (Formal Investigations) Rules 1985 (application to Northern Ireland), omit sub-paragraph (a).

Insolvency Act 1986 (c. 45)

185 The Insolvency Act 1986 is amended as follows.

186 (1) Section 117 (High Court and county court jurisdiction) is amended as follows.

(2) In subsection (4) for "may by order" substitute " may, with the concurrence of the Lord Chief Justice, by order ".

(3) After subsection (7) insert—

"(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."

187 (1) Section 374 (insolvency districts) is amended as follows.

(2) In subsection (1) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ".

(3) In subsection (2) after "Lord Chancellor" insert " and the Lord Chief Justice ".

(4) After subsection (4) insert—

"(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."

188 (1) Section 411 (company insolvency rules) is amended as follows.

(2) In subsection (1)(a) after "Secretary of State" insert " and, in the case of rules that affect court procedure, with the concurrence of the Lord Chief Justice ".

(3) After subsection (6) insert—

"(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."

189 (1) Section 412 (individual insolvency rules (England and Wales) is amended as follows.

(2) In subsection after "Secretary of State" insert " and, in the case of rules that affect court procedure, with the concurrence of the Lord Chief Justice ".

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Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) After subsection (5) insert—

"(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."

190 (1) Section 413 (Insolvency Rules committee) is amended as follows.

(2) In subsection (3) for "by the Lord Chancellor" substitute " in accordance with subsection (3A) or (3B) ".

(3) After subsection (3) insert—

"(3A) The Lord Chief Justice must appoint the persons referred to in paragraphs (a) to (d) of subsection (3), after consulting the Lord Chancellor.

(3B) The Lord Chancellor must appoint the persons referred to in paragraphs (e) to (g) of subsection (3), after consulting the Lord Chief Justice."

(4) After subsection (4) insert—

"(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."

191 (1) Section 420 (insolvent partnerships) is amended as follows.

(2) In subsection (1) after "Secretary of State" insert " and the Lord Chief Justice ".

(3) In subsection (2) after "Lord Chancellor" insert " and the Lord Chief Justice ".

(4) After subsection (3) insert—

"(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."

192 (1) Section 421 (insolvent estates of deceased persons) is amended as follows.

(2) In subsection (1) after "Secretary of State" insert " and the Lord Chief Justice ".

(3) In subsection (2) after "Lord Chancellor" insert " and the Lord Chief Justice ".

(4) After subsection (4) insert—

"(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."

Coroners Act 1988 (c. 13)

193 The Coroners Act 1988 is amended as follows.

194 (1) Section 3 (terms on which coroners hold office) is amended as follows.

(2) For subsection (4) substitute—

"(4) The Lord Chancellor may, with the agreement of the Lord Chief Justice, remove any coroner from office for inability or misbehaviour."

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In subsection (5) for “, wilful neglect of his duty or misbehaviour in the discharge of his duty” substitute “ or wilful neglect of his duty ”.

195 In section 33 (savings), in subsection (2)(a) omit “the Lord Chancellor or”.

Criminal Justice Act 1988 (c. 33)

196 In Schedule 12 to the Criminal Justice Act 1988 (assessors of compensation for miscarriages of justice), for paragraph 6 (power of removal) substitute—

“6 (1) The exercise of the power conferred by paragraph 5 is subject to the following provisions of this paragraph.

(2) In the case of a person who qualifies for appointment under—

(a) paragraph (1)(a), or

(b) paragraph (1)(d) by virtue of holding or having held judicial office in England and Wales,

that power shall only be exercisable with the consent of the Lord Chancellor, which may only be given with the concurrence of the Lord Chief Justice of England and Wales.

(3) In the case of a person who qualifies for appointment under—

(a) paragraph (1)(b), or

(b) paragraph (1)(d) by virtue of holding or having held judicial office in Scotland,

that power shall only be exercisable with the consent of the Lord President of the Court of Session.

(4) In the case of a person who qualifies for appointment under—

(a) paragraph (1)(c), or

(b) paragraph (1)(d) by virtue of holding or having held judicial office in Northern Ireland,

that power shall only be exercisable with the consent of the Lord Chancellor, which may only be given with the concurrence of the Lord Chief Justice of Northern Ireland.”

Finance Act 1988 (c. 39)

197 In section 134 (General Commissioners for Northern Ireland), omit subsection (4).

Copyright, Designs and Patents Act 1988 (c. 48)

198 The Copyright, Designs and Patents Act 1988 is amended as follows.

199 (1) Section 146 (membership of the copyright tribunal) is amended as follows.

(2) After subsection (6) insert—

“(7) The Lord Chancellor may exercise his powers to remove a person under subsection (3) or to appoint a person under subsection (4) only with the concurrence of the appropriate senior judge.

(8) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless—

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(a) the person to be removed exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session, or

(b) the person to be removed exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland.

(9) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (7) in relation to the appointment of a person under subsection (4).

(10) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under subsection (7) in relation to the appointment of a person under subsection (4).

(11) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (7) in relation to the appointment of a person under subsection (4)—

(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).”

F167 200 . . . . . .

Textual Amendments

F167 Sch. 4 para. 200 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 141**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F168 201 . . . . . .

Textual Amendments

F168 Sch. 4 para. 201 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 141**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

202 F169 . . . . . .

Textual Amendments

F169 Sch. 4 para. 202 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(i)(xii)** (with art. 9)

Children Act 1989 (c. 41)

203 The Children Act 1989 is amended as follows.

204 (1) Section 7 (welfare reports) is amended as follows.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In subsection (2) after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice, ".

(3) After subsection (5) insert—

"(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2)."

F170 205 . . . . . .

Textual Amendments

F170 Sch. 4 para. 205 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 210** Table; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F171 206 . . . . . .

Textual Amendments

F171 Sch. 4 para. 206 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 210** Table; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

207 In section 96 (evidence given by, or with respect to, children), in subsection (3) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ".

208 (1) In section 97 (privacy for children involved in certain proceedings).

(2) In subsection (4) after "requires it" insert " and, in the case of the Lord Chancellor, if the Lord Chief Justice agrees ".

(3) After subsection (8) insert—

"(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (4)."

209 (1) In Schedule 1 (financial provision for children), paragraph 5 (maximum lump sum payable for maintenance of child by order of magistrates court) is amended as follows.

(2) In sub-paragraph (2) after "Lord Chancellor may" substitute " , after consulting the Lord Chief Justice, ".

(3) After sub-paragraph (6) insert—

"(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."

F172 210 . . . . . .

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F172 Sch. 4 para. 210 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 210** Table; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Courts and Legal Services Act 1990 (c. 41)

211 The Courts and Legal Services Act 1990 is amended as follows.

212 (1) Section 1 (allocation of business between High Court and county courts) is amended as follows.

(2) After subsection (1) insert—

"(1A) An order under subsection (1)(a) or (b) may be made only with the concurrence of the Lord Chief Justice."

(3) In subsection (9) for "the President of the Family Division, the Vice-Chancellor" substitute " the President of the Queen's Bench Division, the President of the Family Division, the Chancellor of the High Court ".

(4) After subsection (12) insert—

"(13) 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."

Commencement Information

I25 Sch. 4 para. 212 wholly in force at 3.4.2006; Sch. 4 para. 212 not in force at Royal Assent see s. 148; Sch. 4 para. 212(3) in force at 1.10.2005 by S.I. 2005/2505, **art. 2**; Sch. 4 para. 212 in force at 3.4.2006 in so far already not in force by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(s)

F173 213 . . . . . .

Textual Amendments

F173 Sch. 4 para. 213 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 99** Table; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

214 (1) Section 11 (representation in certain county court cases) is amended as follows.

(2) In subsection (1) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ".

(3) Omit subsection (10).

(4) After subsection (11) insert—

"(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)."

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

215 (1) Section 73 (delegation of certain administrative functions of Master of the Rolls) is amended as follows.

(2) In subsection (3)—

(a) for "Lord Chancellor may" substitute " Lord Chief Justice may, with the concurrence of the Lord Chancellor, ";

(b) for "Lord Chancellor considers" substitute " Lord Chief Justice and Lord Chancellor consider ".

(3) After subsection (5) insert—

"(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)."

216 In section 119 (interpretation), in subsection (1) in the definition of "designated judge" for "the President of the Family Division or the Vice-Chancellor" substitute " the President of the Queen's Bench Division, the President of the Family Division or the Chancellor of the High Court ".

Armed Forces Act 1991 (c. 62)

217 In Schedule 1 to the Armed Forces Act 1991 (assessors of compensation for miscarriages of justice) for paragraph 6 (power of removal) substitute—

"6 (1) The exercise of the power conferred by paragraph 5 is subject to the following provisions of this paragraph.

(2) In the case of a person who qualifies for appointment under—

(a) paragraph (1)(a), or

(b) paragraph (1)(d) by virtue of holding or having held judicial office in England and Wales,

that power shall only be exercisable with the consent of the Lord Chancellor, which may only be given with the concurrence of the Lord Chief Justice of England and Wales.

(3) In the case of a person who qualifies for appointment under—

(a) paragraph (1)(b), or

(b) paragraph (1)(d) by virtue of holding or having held judicial office in Scotland,

that power shall only be exercisable with the consent of the Lord President of the Court of Session.

(4) In the case of a person who qualifies for appointment under—

(a) paragraph (1)(c), or

(b) paragraph (1)(d) by virtue of holding or having held judicial office in Northern Ireland,

that power shall only be exercisable with the consent of the Lord Chancellor, which may only be given with the concurrence of the Lord Chief Justice of Northern Ireland."

Child Support Act 1991 (c. 48)

218 The Child Support Act 1991 is amended as follows.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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219 (1) Section 8 (role of the courts with respect to maintenance of children) is amended as follows.

(2) After subsection (5) insert—

"(5A) The Lord Chancellor may make an order under subsection (5) only with the concurrence of the Lord Chief Justice."

(3) After subsection (11) insert—

"(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."

220 In section 45 (jurisdiction of courts in certain proceedings under the Act), after subsection (7) insert—

"(8) The functions of the Lord Chancellor under this section may be exercised only after consultation with the Lord Chief Justice.

(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section."

221 F174 . . . . . .

Textual Amendments

F174 Sch. 4 para. 221 repealed (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9, **Sch. 3 para. 228(m)**

Land Drainage Act 1991 (c. 59)

222 (1) Section 31 of the Land Drainage Act 1991 (composition and incidental powers of the Agricultural Land Tribunal) is amended as follows.

(2) After subsection (1) insert—

"(1A) Before drawing up, or revising, a panel under subsection (1), the Lord Chancellor must consult the Lord Chief Justice."

(3) After subsection (5) insert—

"(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."

Tribunals and Inquiries Act 1992 (c. 53)

223 The Tribunal and Inquiries Act 1992 is amended as follows.

224 In section 6 (appointment of chairmen of certain tribunals), omit subsection (9).

225 (1) In section 7 (concurrence required for removal of members of certain tribunals), subsection (1) is amended as follows.

(2) Omit ", other than the Lord Chancellor,".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In paragraphs (a) to (c) after "Lord Chancellor" in each place insert " (unless he is the Minister terminating the person's membership), the Lord Chief Justice of England and Wales, ".

(4) In paragraph (d) after "Lord Chancellor" insert " (unless he is the Minister terminating the person's membership) and the Lord Chief Justice of England and Wales ".

Judicial Pensions and Retirement Act 1993 (c. 8)

226 The Judicial Pensions and Retirement Act 1993 is amended as follows.

227 (1) Section 2 (the judicial officer's entitlement to a pension) is amended as follows.

(2) After subsection (3) insert—

"(3A) Where the appropriate minister is the Lord Chancellor, he must, before satisfying himself as mentioned in subsection (3)(b)—

(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."

(3) After subsection (8) insert—

"(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.

(10) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

228 (1) Section 26 (retirement date for holders of certain judicial offices) is amended as follows.

(2) For "appropriate minister" in subsections (5) and (6) substitute " appropriate person ".

(3) In subsection (7)—

(a) in paragraph (a) omit ", unless he is the Lord Chancellor";

(b) in paragraph (b) omit ", unless he is the Lord Chancellor".

(4) In subsection (12), after the definition of "appointed day" insert—

""the appropriate person" means—

(a) the appropriate Minister in a case which falls within paragraph (a) of the definition of the expression in section 30;

(b) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to England and Wales, the Lord Chief Justice of England and Wales;

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(c) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to Northern Ireland, the Lord Chief Justice of Northern Ireland."

(5) After subsection (12) insert—

"(13) Where the Lord Chief Justice of England or Wales or the Lord Chief Justice of Northern Ireland is the appropriate person, he must obtain the concurrence of the Lord Chancellor before exercising any functions under this section.

(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.

(15) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

229 In Schedule 1 (offices which may be qualifying judicial offices) in Part 1 (judges) for the entries "President of the Family Division" and "Vice-Chancellor" substitute — "President of the Queen's Bench Division President of the Family Division Chancellor of the High Court ".

230 In Schedule 5 (retirement provisions: the relevant offices), in the second entry omit ", other than the Lord Chancellor".

Bail (Amendment) Act 1993 (c. 26)

231 In section 1 of the Bail (Amendment) Act 1993 (prosecution right of appeal), in subsection (12) in the definition of "magistrates' court" and "court" for "designated" to the end substitute " designated in accordance with section 67 or section 139 of the Extradition Act 2003 ".

Welsh Language Act 1993 (c. 38)

232 (1) Section 23 of the Welsh Language Act 1993 (oaths and affirmations) is amended as follows.

(2) That section becomes subsection (1) of section 23.

(3) In that subsection after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice of England and Wales, ".

(4) After that subsection insert—

"(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."

Local Government (Wales) Act 1994 (c. 19)

233 (1) Section 55 of the Local Government (Wales) Act 1994 (magistrates' courts, justices of the peace etc) is amended as follows.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In subsection (1)—

(a) after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice, ";

(b) for "he thinks necessary or expedient" substitute " the Lord Chancellor thinks necessary or expedient, after consulting the Lord Chief Justice, ".

(3) In subsection (3)—

(a) after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice, ";

(b) for "appears to him expedient" substitute " appears to the Lord Chancellor to be expedient, after consulting the Lord Chief Justice, ".

234 After subsection (5) insert—

"(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."

Value Added Tax Act 1994 (c. 23)

235 The Value Added Tax Act 1994 is amended as follows.

236 In section 86 (appeals to the Court of Appeal), after subsection (2) insert—

"(2A) Before making an order under this section that relates to England and Wales, the Lord Chancellor must consult the Lord Chief Justice of England and Wales.

(2B) Before making an order under this section that relates to Northern Ireland, the Lord Chancellor must consult the Lord Chief Justice of Northern Ireland.

(2C) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

(2D) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

237 (1) Schedule 12 (constitution and procedure of VAT tribunals) is amended as follows.

(2) In paragraph 3 (tenure of office of President)—

(a) after sub-paragraph (5) insert—

"(5A) The Lord Chancellor may remove a person from office under sub-paragraph (4), or nominate a person under sub-paragraph (5), only with the concurrence of all of the following—

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland.";

(b) after sub-paragraph (8) insert—

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"(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 sub-paragraph (5A) in relation to the nomination of a person under sub-paragraph (5).

(10) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under sub-paragraph (5A) in relation to the nomination of a person under sub-paragraph (5).

(11) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (5A) in relation to the nomination of a person under sub-paragraph (5)—

(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)."

(3) In paragraph 4—

(a) that paragraph becomes sub-paragraph (1) of paragraph 4;

(b) after that sub-paragraph insert—

"(2) The powers of the Lord Chancellor under sub-paragraph (1) may be exercised—

(a) in relation to England and Wales only after consulting the Lord Chief Justice of England and Wales;

(b) in relation to Northern Ireland only after consulting the Lord Chief Justice of Northern Ireland.

(3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.

(4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—

(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)."

(4) In paragraph 7 (membership of panels)—

(a) in sub-paragraph (3)(c) for "Lord Chief Justice of Northern Ireland" substitute " Lord Chancellor ";

(b) for sub-paragraph (7) substitute—

"(7A) The Lord Chancellor may, with the concurrence of the Lord Chief Justice of England and Wales, remove from office on the ground of incapacity or misbehaviour a chairman of VAT Tribunals appointed under sub-paragraph (3)(a).

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Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7B) The Lord President of the Court of Session may remove from office on the ground of incapacity or misbehaviour a chairman of VAT Tribunals appointed under sub-paragraph (3)(b).”

Trade Marks Act 1994 (c. 26)

238 In section 77 of the Trade Marks Act 1994 (persons appointed to hear and determine appeals), after subsection (4) insert—

“(5) The Lord Chancellor may remove a person from office under subsection (3)(c) only with the concurrence of the appropriate senior judge.

(6) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless—

(a) the person to be removed exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session, or

(b) the person to be removed exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland.”

Merchant Shipping Act 1995 (c. 21)

239 In section 297 of the Merchant Shipping Act 1995 (wreck commissioners), after subsection (3) insert—

“(3A) The Lord Chancellor may remove a wreck commissioner from office only with the concurrence of—

(a) the Lord Chief Justice of England and Wales, or

(b) if the commissioner was appointed to act in Northern Ireland, the Lord Chief Justice of Northern Ireland.”

Reserve Forces Act 1996 (c. 14)

240 The Reserve Forces Act 1996 is amended as follows.

241 In section 90 (appointment of panel of chairmen), after subsection (1) insert—

“(1A) The Lord Chancellor may not appoint a member of the panel unless the appropriate senior judge concurs.”

242 In section 91 (appointment of panel of ordinary members), after subsection (2) insert—

“(2A) The Lord Chancellor may not appoint a member of the panel unless the appropriate senior judge concurs.”

243 (1) Section 92 (membership of tribunals etc) is amended as follows.

(2) In subsection (1) for “by the Lord Chancellor” substitute “ in accordance with subsection (2) ”.

(3) For subsections (2) and (3) substitute—

“(2) The chairman and other members are to be selected as follows—

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(a) in the case of an appeal tribunal which is to sit in England and Wales, by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor;

(b) in the case of an appeal tribunal which is to sit in Scotland, by the Lord President of the Court of Session;

(c) in the case of an appeal tribunal which is to sit in Northern Ireland, by the Lord Chief Justice of Northern Ireland after consulting the Lord Chancellor.

(3) Where a tribunal which is hearing an appeal in respect of a determination of an application under regulations under section 78 or 79 requests it, a serving or retired officer of any regular service or reserve force may be appointed in accordance with subsection (4) to advise the tribunal on any relevant service matters.

(4) The officer is to be appointed as follows—

(a) in the case of an appeal tribunal which is sitting in England and Wales, by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor;

(b) in the case of an appeal tribunal which is sitting in Scotland, by the Lord President of the Court of Session;

(c) in the case of an appeal tribunal which is sitting in Northern Ireland, the Lord Chancellor with the concurrence of the Lord Chief Justice of Northern Ireland."

244 After section 92 insert—

"**92A Sections 90 to 92: supplementary**

(1) In sections 90 and 91 "appropriate senior judge", in relation to the appointment of a person to be a member of a panel, means—

(a) if the person is to be appointed to exercise functions wholly or mainly in relation to England and Wales, the Lord Chief Justice of England and Wales;

(b) if the person is to be appointed to exercise functions wholly or mainly in relation to Scotland, the Lord President of the Court of Session;

(c) if the person is to be appointed to exercise functions wholly or mainly in relation to Northern Ireland, the Lord Chief Justice of Northern Ireland.

(2) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise any of his functions under sections 90 to 92.

(3) The Lord President of the Court of Session may nominate a judge 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 any of his functions under sections 90 to 92.

(4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise any of his functions under sections 90 to 92—

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(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)."

Employment Tribunals Act 1996 (c. 17)

245 The Employment Tribunals Act 1996 is amended as follows.

246 (1) Section 22 (membership of appeal tribunal) is amended as follows.

(2) In subsection (1)(a)—
(a) for "by the Lord Chancellor" substitute " by the Lord Chief Justice, after consulting the Lord Chancellor, ";
(b) omit "(other than the Lord Chancellor)".

(3) In subsection (3) for "Lord Chancellor shall, after consultation with the Lord President of the Court of Session," substitute " Lord Chief Justice shall ".

(4) After subsection (3) insert—

"(3A) The Lord Chief Justice must not make an appointment under subsection (3) unless—
(a) he has consulted the Lord Chancellor, and
(b) the Lord President of the Court of Session agrees."

(5) After subsection (4) insert—

"(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.

(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)."

247 (1) Section 23 (temporary membership) is amended as follows.

(2) In subsection (1) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) In subsection (2)(a) for "Lord Chancellor" substitute " Lord Chief Justice ".

(4) After subsection (5) insert—

"(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.

(7) The functions conferred on the Lord Chancellor by subsection (3) may be exercised only after consultation with the Lord Chief Justice.

(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."

248 (1) Section 24 (temporary additional judicial membership) is amended as follows.

(2) For subsection (1) substitute—

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"(1) This section applies if both of the following conditions are met—

(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;

(b) the Lord Chancellor requests the Lord Chief Justice to make such an appointment.

(1A) The Lord Chief Justice may, after consulting the Lord Chancellor, appoint a qualified person as mentioned in subsection (1)(a).

(1B) An appointment under this section is—

(a) for such period, or

(b) on such occasions,

as the Lord Chief Justice determines, after consulting the Lord Chancellor."

(3) In subsection (2) for "subsection (1)" substitute " this section ".

(4) After subsection (3) insert—

"(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."

249 In section 25 (tenure of appointed members) after subsection (4) insert—

"(5) The Lord Chancellor may declare an appointed member's office vacant under subsection (4) only with the concurrence of the appropriate senior judge.

(6) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the member whose office is to be declared vacant exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session."

Arbitration Act 1996 (c. 23)

250 In section 105 of the Arbitration Act 1996 (jurisdiction of High Court and county court), after subsection (3) insert—

"(3A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales or the Lord Chief Justice of Northern Ireland (as the case may be) before making an order under this section.

(3B) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

(3C) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

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Criminal Procedure and Investigations Act 1996 (c. 25)

251 In section 19 of the Criminal Procedure and Investigations Act 1996 (rules of court), in subsection (3) for the words from "with any modifications" to the end substitute " or such provision with modifications ".

Family Law Act 1996 (c. 27)

252 The Family Law Act 1996 is amended as follows.

F175 253 . . . . . .

Textual Amendments

F175 Sch. 4 para. 253 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 210** Table; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F176 254 . . . . . .

Textual Amendments

F176 Sch. 4 para. 254 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 210** Table; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Defamation Act 1996 (c. 31)

255 In section 9 of the Defamation Act 1996 (meaning of summary relief), after subsection (2) insert—

"(2A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales before making any order under subsection (1)(c) in relation to England and Wales.

(2B) The Lord Chancellor must consult the Lord Chief Justice of Northern Ireland before making any order under subsection (1)(c) in relation to Northern Ireland.

(2C) 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.

(2D) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

Housing Act 1996 (c. 52)

256 The Housing Act 1996 is amended as follows.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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257 In section 138 (introductory tenancies: jurisdiction of county court), omit subsections (4) to (6) (rules and directions).

258 In section 143N (demoted tenancies: jurisdiction of county court), omit subsections (5) to (7) (rules and directions).

Education Act 1996 (c. 56)

259 In section 334 of the Education Act 1996 (Special Educational Needs Tribunal: President and members), in subsection (3)—

(a) after "Lord Chancellor" in the first place insert " and of the Lord Chief Justice ";

(b) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ".

Deregulation (Model Appeal Provisions) Order 1996 (S.I. 1996/1678)

260 In the Schedule (model rules for appeals) to the Deregulation (Model Appeal Provisions) Order 1996, after paragraph 6(3) insert—

"(3A) The Lord Chancellor may exercise his power under sub-paragraph (3) to remove a person appointed to the panel of chairmen for England and Wales only with the concurrence of the Lord Chief Justice."

Civil Procedure Act 1997 (c. 12)

261 The Civil Procedure Act 1997 is amended as follows.

262 In section 1 (civil procedure rules), in subsection (3) (as amended by section 82 of the Courts Act 2003) omit "or alter".

263 (1) Section 2 (Civil Procedure Rule Committee) is amended as follows.

(2) For subsection (1) substitute—

"(1) Civil Procedure Rules are to be made by a committee known as the Civil Procedure Rule Committee, which is to consist of the following persons—

(a) the Head of Civil Justice;

(b) the Deputy Head of Civil Justice (if there is one);

(c) the persons currently appointed in accordance with subsections (1A) and (1B).

(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (d) of subsection (2).

(1B) The Lord Chancellor must appoint the persons falling within paragraphs (e) to (g) of subsection (2)."

(3) In subsection (2) for "The Lord Chancellor must appoint" substitute " The persons to be appointed in accordance with subsections (1A) and (1B) are ".

(4) For subsection (3) substitute—

"(3) Before appointing a person in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor."

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(5) In subsection (4) for "under paragraph (e) or (f) of subsection (2), the Lord Chancellor must consult" substitute " in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice and, if the person falls within paragraph (e) or (f) of subsection (2), must also consult ".

(6) After subsection (8) insert—

"(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section."

264 (1) Section 2A (power to change certain requirements relating to Committee) is amended as follows.

(2) In subsection (1) for paragraph (a) substitute—

"(a) amend section 2(2), (3) or (4), and".

(3) For subsection (2) substitute—

"(2) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.

(2A) Before making an order under this section the Lord Chancellor must consult the following persons—

(a) the Head of Civil Justice;

(b) the Deputy Head of Civil Justice (if there is one).

(2B) 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."

265 (1) Section 3 (process for making Civil Procedure rules) (as amended by section 85 of the Courts Act 2003 (c. 39)) is amended as follows.

(2) For subsections (3) and (4) substitute—

"(3) The Lord Chancellor may allow or disallow Rules so made.

(4) If the Lord Chancellor disallows Rules, he must give the Committee written reasons for doing so."

(3) In subsection (5) for ", as allowed or altered" substitute " and allowed ".

(4) In subsection (6) omit "Subject to subsection (7),".

(5) Omit subsection (7).

266 After section 3 insert—

"**3A Rules to be made if required by Lord Chancellor**

(1) This section applies if the Lord Chancellor gives the Civil Procedure Rules Committee written notice that he thinks it is expedient for Civil Procedure Rules to include provision that would achieve a purpose specified in the notice.

(2) The Committee must make such Rules as it considers necessary to achieve the specified purpose.

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(3) Those rules must be—

(a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;

(b) made in accordance with section 3."

267 (1) Section 4 (power to make consequential amendments) (as amended by section 85 of the Courts Act 2003 (c. 39)) is amended as follows.

(2) In subsections (1) and (2) after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice, ".

(3) After subsection (5) insert—

"(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 (1) or (2)."

268 (1) Section 6 (Civil Justice Council) is amended as follows.

(2) After subsection (2) insert—

"(2A) The Lord Chancellor must decide the following questions, after consulting the Lord Chief Justice—

(a) how many members of the Council are to be drawn from each of the groups mentioned in subsection (2);

(b) how many other members the Council is to have.

(2B) It is for—

(a) the Lord Chief Justice to appoint members of the judiciary to the Council, after consulting the Lord Chancellor;

(b) the Lord Chancellor to appoint other persons to the Council."

(3) After subsection (4) insert—

"(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."

Plant Varieties Act 1997 (c. 66)

269 (1) Schedule 3 to the Plant Varieties Act 1997 (Plant Varieties and Seeds Tribunal) is amended as follows.

(2) In paragraph 4 (chairman of the Tribunal for proceedings in Northern Ireland), in sub-paragraph (1) for "Lord Chief Justice of Northern Ireland" substitute " Lord Chancellor ".

(3) In paragraph 5 (duration of appointment)—

(a) in sub-paragraph (5) for "paragraph 2, 3 or 4" substitute " paragraph 2 or 3 ";

(b) after sub-paragraph (5) insert—

"(5A) Where the appointing authority is the Lord Chancellor, the power conferred by sub-paragraph (5) may be exercised only with the concurrence of the Lord Chief Justice of England and Wales."

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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(4) In paragraph 7 (the panels), in sub-paragraph (2) for the words in brackets substitute " (which makes it necessary to obtain the concurrence of the Lord Chancellor and certain judicial office holders to dismissals in certain cases) ".

(5) In paragraph 16 (interpretation), in paragraph (c) of the definition of "appointing authority" for "Lord Chief Justice of Northern Ireland" substitute " Lord Chancellor ".

Reserve Forces Appeal Tribunals Rules 1997 (S.I. 1997/798)

270 (1) Rule 7 of the Reserve Forces Appeal Tribunals Rules 1997 (acknowledgement and registration of appeal and request to select tribunal) is amended as follows.

(2) In sub-paragraph (c), for the words from "Lord Chancellor" to "Northern Ireland" substitute " person who under section 92(2) of the Act is authorised to do so, ".

Social Security Act 1998 (c. 14)

271 The Social Security Act 1998 is amended as follows.

272 (1) Section 6 (panel for appointment to appeal tribunals) is amended as follows.

(2) In subsection (2) for the words from "such" to the end substitute " persons appointed by the Lord Chancellor ".

(3) After subsection (3) insert—

"(3A) As part of the selection process for the appointment of a medical practitioner as a member of the panel, the Judicial Appointments Commission shall consult the Chief Medical Officer."

(4) In subsection (5) after "misbehaviour" insert " ; but the Lord Chancellor may remove such a person only with the concurrence of the appropriate senior judge ".

(5) After subsection (5) insert—

"(5A) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the person to be removed exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session."

273 **[**[F177]In Schedule 1 (Appeal Tribunals: supplementary provisions), in paragraph 1(3) (tenure of office) after "by the Lord Chancellor" insert " , with the concurrence of the Lord Chief Justice and the Lord President of the Court of Session, ".**]**

Textual Amendments

F177 Sch. 4 para. 273 repealed (E.W.N.I.) (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), arts. 1(5)(g), 9, **Sch. 3 para. 228(n)**

274 **[**[F178]In Schedule 4 (Social Security Commissioners), in paragraph 5 (removal) after sub-paragraph (1) insert—

"(1A) The Lord Chancellor may remove a person under sub-paragraph (1) only with the concurrence of the appropriate senior judge.

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(1B) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the person exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session.”**]**

Textual Amendments

F178 Sch. 4 para. 274 repealed (E.W.N.I.) (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), arts. 1(5)(g), 9, **Sch. 3 para. 228(n)**

Data Protection Act 1998 (c. 29)

[F179]275 . . . . . .

Textual Amendments

F179 Sch. 4 para. 275 repealed (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 4 Pt. 1** (with Sch. 5)

Crime and Disorder Act 1998 (c. 37)

276 The Crime and Disorder Act 1998 (powers of magistrates' courts exercisable by single justice etc) is amended as follows.

277 (1) Section 10 (appeals against parenting orders) is amended as follows.

(2) In subsection (6) after “Lord Chancellor may” insert “ , with the concurrence of the Lord Chief Justice, ”.

(3) After subsection (7) insert—

“(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.”

Human Rights Act 1998 (c. 42)

278 In section 18 of the Human Rights Act 1998 (appointment to ECHR), after subsection (7) insert—

“(7A) The following paragraphs apply to the making of an order under subsection (7) in relation to any holder of a judicial office listed in subsection (1)(a)—

(a) before deciding what transitional provision it is appropriate to make, the person making the order must consult the Lord Chief Justice of England and Wales;

(b) before making the order, that person must consult the Lord Chief Justice of England and Wales.

(7B) The following paragraphs apply to the making of an order under subsection (7) in relation to any holder of a judicial office listed in subsection (1)(c)—

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(a) before deciding what transitional provision it is appropriate to make, the person making the order must consult the Lord Chief Justice of Northern Ireland;

(b) before making the order, that person must consult the Lord Chief Justice of Northern Ireland.

(7C) The Lord Chief Justice of England and Wales may nominate a judicial office holder (within the meaning of section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

(7D) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

Access to Justice Act 1999 (c. 22)

279 The Access to Justice Act 1999 is amended as follows.

280 (1) Section 56 (power to prescribe alternative destination of appeals) is amended as follows.

(2) In subsection (4) for paragraphs (c) and (d) substitute—

"(c) the President of the Queen's Bench Division,

(d) the President of the Family Division, and

(e) the Chancellor of the High Court."

(3) After subsection (7) insert—

"(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."

Commencement Information

I26 Sch. 4 para. 280 wholly in force at 3.4.2006; Sch. 4 para. 280 not in force at Royal Assent see s. 148; Sch. 4 para. 280(2) in force at 1.10.2005 by S.I. 2005/2505, **art. 2**; Sch. 4 para. 280 in force at 3.4.2006 in so far as not already in force by S.I. 2006/1014 {art. 2(a)}, Sch. 1 para. 11(w)

281 (1) Section 68 (judges holding office in European or international courts) is amended as follows.

(2) In subsection (2), in the definition of "relevant international court" for "for the purposes of this section by the Lord Chancellor or the Secretary of State" substitute " in relation to the holder of a United Kingdom judicial office by the appropriate Minister ".

(3) In subsection (6) for "subsection (5)" substitute " this section ".

(4) After subsection (7) insert—

"(8) The Lord Chancellor may exercise functions under this section in relation to the holder of a United Kingdom judicial office specified in paragraph (a) of

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the definition in subsection (2) only after consulting the Lord Chief Justice of England and Wales.

(9) The Lord Chancellor may exercise functions under this section in relation to the holder of a United Kingdom judicial office specified in paragraph (c) of the definition in subsection (2) only after consulting the Lord Chief Justice of Northern Ireland.

(10) The Lord Chief Justice of England and Wales may nominate a judicial office holder (within the meaning of section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (8).

(11) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (9)—

(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)."

282 (1) Section 69 (Vice-President of Queen's Bench division) is amended as follows.

(2) In subsection (1) for "Lord Chancellor may" substitute " Lord Chief Justice may, after consulting the Lord Chancellor, ".

(3) After subsection (1) insert—

"(1A) 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)."

Immigration and Asylum Act 1999 (c. 33)

283 The Immigration and Asylum Act 1999 is amended as follows.

284 (1) Section 53 (applications for bail in immigration cases) is amended as follows.

(2) After subsection (6) insert—

"(6A) In so far as regulations under this section relate to England and Wales, the Lord Chancellor must consult the Lord Chief Justice of England and Wales before giving his approval.

(6B) In so far as regulations under this section relate to Northern Ireland, the Lord Chancellor must consult the Lord Chief Justice of Northern Ireland before giving his approval."

(3) After subsection (7) insert—

"(8) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

(9) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

F180 285 . . . . . .

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Textual Amendments

F180 Sch. 4 para. 285 repealed (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 4 Pt. 1** (with Sch. 5)

Financial Services and Markets Act 2000 (c. 8)

[F181]286 . . . . . .

Textual Amendments

F181 Sch. 4 para. 286 repealed (6.4.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(2)(g), **Sch. 4 Pt. 2** (with Sch. 5)

Terrorism Act 2000 (c. 11)

287 The Terrorism Act 2000 is amended as follows.

288 (1) Section 74 (court for trial) is amended as follows.

(2) In subsection (1)—

(a) after "unless" insert " the Lord Chief Justice of Northern Ireland directs that ";

(b) in paragraph (a) omit from "the Lord Chancellor" to "directs that";

(c) in paragraph (b) omit "the Lord Chief Justice of Northern Ireland directs that".

(3) After subsection (1) insert—

"(1A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (1)—

(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)."

289 (1) In Schedule 3 (Proscribed Organisations Appeal Commission), paragraph 4 (sittings) is amended as follows.

(2) In sub-paragraph (1) after "direct" insert "after consulting the following—

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland".

(3) After sub-paragraph (3) insert—

"(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.

(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 this paragraph.

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(6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);

(b) a Lord Justice of Appeal (as defined in section 88 of that Act)."

290 (1) Schedule 8 (detention) is amended as follows.

(2) In paragraph 29 (warrants of further detention)—

(a) in sub-paragraph (4)(a) for "by the Lord Chancellor" substitute " by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor ";

(b) in sub-paragraph (4)(c) for "by the Lord Chancellor" substitute " by the Lord Chief Justice of Northern Ireland after consulting the Lord Chancellor ";

(c) after sub-paragraph (4) insert—

"(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 sub-paragraph (4)(a).

(6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (4)(c)—

(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)."

Local Government Act 2000 (c. 22)

F182 291 . . . . . .

Textual Amendments

F182 Sch. 4 para. 291 repealed (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 4 Pt. 1** (with Sch. 5)

Postal Services Act 2000 (c. 26)

292 (1) Schedule 3 to the Postal Services Act 2000 (transfer to the Post Office Company: supplementary provisions) is amended as follows.

(2) In paragraph 6 (third party rights relating to land), in sub-paragraph (5)(c) for "Lord Chancellor" substitute " Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland ".

(3) In paragraph 7 (other third party property rights), in sub-paragraph (3)(c) for "Lord Chancellor" substitute " Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland ".

Transport Act 2000 (c. 38)

293 The Transport Act 2000 is amended as follows.

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294 In section 61 (special provisions about land), in subsection (6)(c) for "Lord Chancellor" substitute " Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland ".

295 In section 93 (control in time of hostilities etc), in subsection (10)(c) for "Lord Chancellor" substitute " Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland ".

296 In section 94 (orders for possessions of aerodromes etc), in subsection (8)(c) for "Lord Chancellor" substitute " Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland ".

297 (1) Schedule 6 (transfer schemes) is amended as follows.

(2) In paragraph 20 (compensation for third parties), in sub-paragraph (6)(c) for "Lord Chancellor" substitute " Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland ".

Criminal Justice and Court Services Act 2000 (c. 43)

298 (1) Schedule 1 of the Criminal Justice and Court Services Act 2000 (local probation boards) is amended as follows.

(2) In paragraph 2 (membership)—

(a) in sub-paragraph (2) for "Lord Chancellor" substitute " Lord Chief Justice, after consulting the Lord Chancellor ";

(b) after sub-paragraph (7) insert—

"(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 sub-paragraph (2)."

(3) In paragraph 3 (tenure of members), after sub-paragraph (3) insert—

"(3A) The power conferred by sub-paragraph (3) may be exercised by the Lord Chancellor to remove a person appointed by him by virtue of paragraph 2(2) only with the concurrence of the Lord Chief Justice."

International Criminal Court Act 2001 (c. 17)

299 Section 26 of the International Criminal Court Act 2001 (definitions) is amended as follows—

(a) that section becomes subsection (1) of section 26;

(b) in that subsection for "by the Lord Chancellor" substitute " by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor ";

(c) after that subsection insert—

"(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."

Anti-terrorism, Crime and Security Act 2001 (c. 24)

300 (1) In Schedule 6 to the Anti-terrorism, Crime and Security Act 2001 (Pathogens Access Appeal Commission), paragraph 4 (sittings) is amended as follows.

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(2) In sub-paragraph (1) after "direct" insert "after consulting the following—

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland."

(3) After sub-paragraph (3) insert—

"(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).

(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 (1).

(6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (1)—

(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)."

Land Registration Act 2002 (c. 9)

301 The Land Registration Act 2002 is amended as follows.

302 (1) Section 127 (exercise of powers) is amended as follows.

(2) In subsection (2)(a) for "Lord Chancellor" substitute " Lord Chief Justice, or a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) nominated by him, after consulting the Lord Chancellor ".

(3) In subsection (2)(h) after "consumer affairs" insert " nominated by the Lord Chancellor ".

303 In Schedule 9 (the Adjudicator), in paragraph 1 (holding of office), in sub-paragraph (2) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ".

Enterprise Act 2002 (c. 40)

304 The Enterprise Act 2002 is amended as follows.

305 (1) Section 268 (disqualification from office: general) is amended as follows.

(2) In subsection (7)—

(a) omit "made with the concurrence of the Lord Chancellor";

(b) after "tribunal" insert "; but any such order must—

(a) if it relates to England and Wales, be made with the concurrence of the Lord Chief Justice of England and Wales;

(b) if it relates to Northern Ireland, be made with the concurrence of the Lord Chief Justice of Northern Ireland".

(3) After subsection (15) insert—

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"(16) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (7).

(17) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (7)—

(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)."

306 In paragraph 2 of Schedule 2 (tenure of members of Competition Appeal Tribunal), after sub-paragraph (4) insert—

"(5) The Lord Chancellor may remove a person from office as President under sub-paragraph (4) only with the concurrence of all of the following—

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland.

(6) The Lord Chancellor may remove a person from office as chairman under sub-paragraph (4) only with the concurrence of the appropriate senior judge.

(7) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless—

(a) the person to be removed exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session, or

(b) the person to be removed exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland."

Finance Act 2003 (c. 14)

307 (1) Schedule 17 to the Finance Act 2003 (stamp duty land tax: General and Special Commissioners, appeals and other proceedings) is amended as follows.

(2) In paragraph 2 (regulations about determination of disputes), after sub-paragraph (1) insert—

"(1A) The Lord Chancellor may make regulations under this paragraph only after consulting all of the following—

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland.

(1B) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.

(1C) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.

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(1D) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—

(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)."

(3) In paragraph 3 (regulations about jurisdiction of General or Special Commissioners), after sub-paragraph (3) insert—

"(4) The Lord Chancellor may make regulations under this paragraph only after consulting all of the following—

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland.

(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.

(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 this paragraph.

(7) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—

(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)."

(4) In paragraph 5 (regulations about quorum)—

(a) that paragraph becomes sub-paragraph (1) of paragraph 5;

(b) after that sub-paragraph—

"(2) The Lord Chancellor may make regulations under this paragraph only after consulting all of the following—

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland.

(3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.

(4) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.

(5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

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(b) a Lord Justice of Appeal (as defined in section 88 of that Act)."

(5) In paragraph 11 (regulations), for sub-paragraph (1) substitute—

"(1) Any power to make regulations under this Schedule is exercisable—
(a) only with the consent of the Scottish Ministers;
(b) subject to any other provision of this Schedule."

Courts Act 2003 (c. 39)

308 The Courts Act 2003 is amended as follows.

309 (1) In section 2 (Court officers, staff and services), in subsection (7) for paragraphs (c) and (d) substitute—
"(c) the President of the Queen's Bench Division,
(d) the President of the Family Division, and
(e) the Chancellor of the High Court."

310 **[**[F183](1) Section 4 (establishment of courts boards) is amended as follows.

(2) After subsection (5) insert—

"(5A) Before making any order under subsection (2) or (4), the Lord Chancellor must consult the Lord Chief Justice."

(3) After subsection (7) insert—

"(7A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section."**]**

Textual Amendments

F183 Sch. 4 para. 310 repealed (E.W.) (2.5.2012) by The Public Bodies (Abolition of Courts Boards) Order 2012 (S.I. 2012/1206), art. 1(2), **Sch. para. 9**

311 **[**[F184](1) Section 5 (functions of courts boards) is amended as follows.

(2) In subsection (5) after "Lord Chancellor must" insert ", after consulting the Lord Chief Justice,".

(3) In subsection (7) after "Lord Chancellor may" insert ", after consulting the Lord Chief Justice,".

(4) After subsection (8) insert—

"(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section."**]**

Textual Amendments

F184 Sch. 4 para. 311 repealed (E.W.) (2.5.2012) by The Public Bodies (Abolition of Courts Boards) Order 2012 (S.I. 2012/1206), art. 1(2), **Sch. para. 9**

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312 (1) Section 8 (local justice areas) is amended as follows.

(2) After subsection (5) insert—

"(5A) Before making any order under subsection (2) or (4), the Lord Chancellor must consult the Lord Chief Justice."

(3) After subsection (7) insert—

"(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."

313 (1) Section 10 (appointment of lay justices etc) is amended as follows.

(2) In subsection (2) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) In subsection (3) for "or on behalf of the Lord Chancellor" substitute " Lord Chief Justice ".

(4) After subsection (5) insert—

"(6) The functions conferred on the Lord Chief Justice by subsections (2) and (3) may be exercised only after consulting the Lord Chancellor.

(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) or (3)."

314 In section 11 (resignation and removal of lay justices), in subsection (2)—

(a) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ";

(b) in paragraph (b) after "Lord Chancellor" insert " with the concurrence of the Lord Chief Justice ".

315 (1) Section 13 (entry of names in the supplemental list) is amended as follows.

(2) In subsection (3) for "Lord Chancellor may" substitute " Lord Chief Justice may, with the concurrence of the Lord Chancellor, ".

(3) In subsection (5) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ".

(4) After subsection (5) insert—

"(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)."

316 In section 14 (removal of names from the supplemental list), in subsection (2)(b) after "Lord Chancellor" insert " , with the concurrence of the Lord Chief Justice, ".

317 (1) Section 15 (lay justices' allowances) is amended as follows.

(2) In subsection (7) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) After subsection (8) insert—

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"(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 (7)."

318 In section 16 (records of lay justices), after subsection (3) insert—

"(4) The Lord Chancellor must consult the Lord Chief Justice before—
(a) appointing a person under subsection (1), or
(b) giving a direction under subsection (2).

(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."

319 (1) Section 17 (chairman and deputy chairmen) is amended as follows.

(2) In subsection (3) for "Lord Chancellor, or a person acting on his behalf, may" substitute " Lord Chief Justice may, with the concurrence of the Lord Chancellor, ".

(3) After subsection (5) insert—

"(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."

320 (1) Section 19 (training, development and appraisal of lay justices) is amended as follows.

(2) In subsection (2) for "Lord Chancellor" in each place substitute " Lord Chief Justice ".

(3) In subsection (3)—
(a) for "Lord Chancellor" substitute " Lord Chief Justice ";
(b) for "appropriate training and training materials" substitute " training and training materials that appear to him, after consulting the Lord Chancellor, to be appropriate ".

(4) After subsection (3) insert—

"(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."

321 (1) Section 20 (rules) is amended as follows.

(2) In subsection (1) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) In subsection (2)—
(a) for "Lord Chancellor" substitute " Lord Chief Justice ";
(b) before paragraph (a) insert—
"(za) the Lord Chancellor,".

(4) After subsection (2) insert—

"(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."

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

322 (1) Section 21 (duty to consult lay justices on matters affecting them etc) is amended as follows.

(2) That section becomes subsection (1) of section 21.

(3) In that subsection after "Lord Chancellor" insert " and the Lord Chief Justice ".

(4) After that subsection insert—

"(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."

323 In section 22 (appointment of District Judges (Magistrates' Courts)), in subsection (5) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ".

324 In section 24 (Deputy District Judges (Magistrates' Courts)), in subsection (4) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ".

325 (1) Section 25 (District Judges (Magistrates' Courts) as justices of the peace) is amended as follows.

(2) In subsection (2), leave out "or on behalf of the Lord Chancellor" and insert " the Lord Chief Justice, after consulting the Lord Chancellor ".

(3) After subsection (2) insert—

"(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)."

326 (1) Section 27 (justices' clerks and assistant clerks) is amended as follows.

(2) In subsection (1)(b) after "Lord Chancellor" insert " , after consulting the Lord Chief Justice, ".

(3) In subsection (3)—

(a) in paragraph (a) after "must" insert " , after consulting the Lord Chief Justice, ";

(b) in paragraph (b) for "subsection (4)" substitute " subsections (4A) to (4C) ".

(4) For subsection (4) substitute—

"(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.

(4B) Before changing the assignment, the Lord Chancellor must consult—

(a) the chairman of the lay justices assigned to the relevant area, or

(b) if that is not possible or not practicable, the deputy chairman or such of the lay justices assigned to or acting in the relevant area as it appears to the Lord Chancellor appropriate to consult.

(4C) The Lord Chief Justice must agree to the change."

(5) After subsection (6) insert—

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"(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."

327 (1) Section 28 (functions) is amended as follows.

(2) In subsection (8) after "Lord Chancellor" insert " with the concurrence of the Lord Chief Justice ".

(3) After subsection (9) insert—

"(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."

328 (1) Section 30 (places, dates and times of sittings) is amended as follows.

(2) In subsection (1) after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice, ".

(3) In subsection (7) after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice, ".

(4) After subsection (8) insert—

"(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)."

329 (1) Section 34 (costs in legal proceedings) is amended as follows.

(2) In subsection (5) after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice, ".

(3) After subsection (5) insert—

"(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."

330 For section 62 substitute—

"**62 Head and Deputy Head of Civil Justice**

(1) There is to be a Head of Civil Justice.

(2) The Head of Civil Justice is—
(a) the Master of the Rolls, or
(b) if the Lord Chief Justice appoints another person, that person.

(3) The Lord Chief Justice may appoint a person to be Deputy Head of Civil Justice.

(4) The Lord Chief Justice must not appoint a person under subsection (2)(b) or (3) unless these conditions are met—
(a) the Lord Chief Justice has consulted the Lord Chancellor;
(b) the person to be appointed is one of the following—
(i) the Chancellor of the High Court;

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(ii) an ordinary judge of the Court of Appeal.

(5) A person appointed under subsection (2)(b) or (3) holds the office to which he is appointed in accordance with the terms of his appointment.

(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."

331 (1) Section 64 (power to alter judicial titles) is amended as follows.

(2) In subsection (2)—

(a) omit "Vice-Chancellor";

(b) insert at the appropriate place—

(i) " Chancellor of the High Court ";

(ii) " Deputy Head of Civil Justice ";

(iii) " Deputy Head of Criminal Justice ";

(iv) " Deputy Head of Family Justice ";

(v) " Head of Civil Justice ";

(vi) " Head of Criminal Justice ";

(vii) " Head of Family Justice ";

(viii) " President of the Courts of England and Wales ";

(ix) " President of the Queen's Bench Division ".

(3) After subsection (3) insert—

"(3A) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice."

(4) In subsection (4)—

(a) omit paragraph (a);

(b) for paragraphs (c) and (d) substitute—

"(ba) the President of the Queen's Bench Division,

(c) the President of the Family Division, and

(d) the Chancellor of the High Court."

(5) After subsection (6) insert—

"(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."

Commencement Information

I27 Sch. 4 para. 331 partly in force; Sch. 4 para. 331 not in force at Royal Assent see s. 148; Sch. 4 para. 331(1)(2)(a)(b)(i)(ii)(v)-(ix)(3)-(5) in force at 3.4.2006 by S.I 2006/1014 {art. 2(a)}, Sch. 1 para. 11(z)

332 In section 69 (Criminal Procedure Rules), in subsection (4) omit "or alter".

333 (1) Section 70 (Criminal Procedure Rule Committee) is amended as follows.

(2) In subsection (1) for paragraph (b) substitute—

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"(b) the persons currently appointed in accordance with subsections (1A) and (1B)."

(3) After subsection (1) insert—

"(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (e) of subsection (2).

(1B) The Lord Chancellor must appoint the persons falling within paragraphs (f) to (k) of subsection (2)."

(4) In subsection (2) for "The Lord Chancellor must appoint" substitute " The persons to be appointed in accordance with subsections (1A) and (1B) are ".

(5) For subsection (3) substitute—

"(3) Before appointing a person in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor.

(3A) Before appointing a person in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice."

(6) After subsection (5) insert—

"(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."

334 (1) Section 71 (power to change certain requirements relating to Committee) is amended as follows.

(2) In subsection (1) for paragraph (a) substitute—

"(a) amend section 70(2) or (3A), and".

(3) For subsection (2) substitute—

"(2) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.

(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."

335 (1) Section 72 (process for making Criminal Procedure Rules) is amended as follows.

(2) For subsections (3) and (4) substitute—

"(3) The Lord Chancellor may, with the concurrence of the Secretary of State, allow or disallow rules so made.

(4) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so."

(3) In subsection (5) for ", as allowed or altered" substitute " and allowed ".

336 After section 72 insert—

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"**72A Rules to be made if required by Lord Chancellor**

(1) This section applies if the Lord Chancellor gives the Criminal Procedure Rules Committee written notice that he thinks it is expedient for Criminal Procedure Rules to include provision that would achieve a purpose specified in the notice.

(2) The Committee must make such rules as it considers necessary to achieve the specified purpose.

(3) Those rules must be—

(a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;

(b) made in accordance with section 72.

(4) The Lord Chancellor may not give notice under subsection (1) unless the Secretary of State agrees."

337 (1) Section 73 (power to amend legislation in connection with Criminal Procedure Rules) is amended as follows.

(2) That section becomes subsection (1) of section 73.

(3) In that subsection after "Secretary of State" insert " and after consulting the Lord Chief Justice ".

(4) After that subsection insert—

"(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."

338 In section 75 (Family Procedure Rules), in subsection (5) omit "or alter".

339 (1) Section 77 (Family Procedure Rule Committee) is amended as follows.

(2) In subsection (1) for paragraph (b) substitute—

"(b) the persons currently appointed in accordance with subsections (1A) and (1B)."

(3) After subsection (1) insert—

"(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (f) of subsection (2).

(1B) The Lord Chancellor must appoint the persons falling within paragraphs (g) to (o) of subsection (2)."

(4) In subsection (2) for "The Lord Chancellor must appoint" substitute " The persons to be appointed in accordance with subsections (1A) and (1B) are ".

(5) In subsection (3) for "under subsection (2), Lord Chancellor must consult" substitute " in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor and ".

(6) Omit subsection (4).

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) In subsection (5) for "under subsection (2)(h) to (m), the Lord Chancellor must consult" substitute " in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice and, if the person falls within any of paragraphs (h) to (m) of subsection (2), must also consult ".

(8) After section (6) insert—

"(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."

340 (1) Section 78 (power to change certain requirements relating to Committee) is amended as follows.

(2) In subsection (1)(a) after "Lord Chancellor" insert " or Lord Chief Justice ".

(3) After subsection (1) insert—

"(1A) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice."

(4) After subsection (2) insert—

"(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."

341 (1) Section 79 (process for making Family Procedure Rules) is amended as follows.

(2) For subsections (3) and (4) substitute—

"(3) The Lord Chancellor may allow or disallow rules so made.

(4) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so."

(3) In subsection (5) for ", as allowed or altered" substitute " and allowed ".

342 After section 79 insert—

"**79A Rules to be made if required by Lord Chancellor**

(1) This section applies if the Lord Chancellor gives the Family Procedure Rules Committee written notice that he thinks it is expedient for Family Procedure Rules to include provision that would achieve a purpose specified in the notice.

(2) The Committee must make such rules as it considers necessary to achieve the specified purpose.

(3) Those rules must be—

(a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;

(b) made in accordance with section 79."

343 (1) Section 80 (power to amend legislation in connection with the rules) is amended as follows.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) That section becomes subsection (1) of section 80.

(3) In that subsection after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice, ".

(4) After that subsection insert—

"(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."

344 (1) Section 81 (practice directions relating to family proceedings) is amended as follows.

(2) In subsection (1), before paragraph (a) insert—

"(za) the civil division of the Court of Appeal,

(zb) the High Court,".

(3) After subsection (2) insert—

"(2A) Directions as to the practice and procedure of any relevant court in family proceedings (whether given under subsection (1) or otherwise) may provide for any matter which, by virtue of paragraph 3 of Schedule 1 to the Civil Procedure Act 1997, may be provided for by Civil Procedure Rules."

F185(4) . . . . . .

(5) After subsection (4) (inserted by paragraph 9(5) of Schedule 2 to this Act) insert—

"(5) In this section—

"Civil Procedure Rules" has the same meaning as in the Civil Procedure Act 1997;

"relevant court" means a court listed in subsection (1)."

Textual Amendments

F185 Sch. 4 para. 344(4) repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 99** Table; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

345 In section 92 (fees), in subsection (5) for paragraphs (c) and (d) substitute—

"(ba) the President of the Queen's Bench Division;

(c) the President of the Family Division;

(d) the Chancellor of the High Court;".

346 (1) Section 102 (power to alter judicial titles: Northern Ireland) is amended as follows.

(2) Omit subsection (4).

(3) After subsection (6) insert—

"(6A) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.

(6B) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (6A)—

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(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)."

347 In section 107 (interpretation), in subsection (6) omit "by the Lord Chancellor".

348 In section 108 (rules, regulations and orders), in subsections (1) and (6) after "Lord Chancellor" insert " or Lord Chief Justice ".

349 (1) Section 109 (minor and consequential amendments etc) is amended as follows.

(2) After subsection (4) insert—

"(4A) The following paragraphs apply to the making of provision that relates to England and Wales in an order under subsection (4)—

(a) before deciding what provision it is necessary or expedient to make, the Lord Chancellor must consult the Lord Chief Justice of England and Wales;

(b) before making the order, the Lord Chancellor must consult the Lord Chief Justice of England and Wales.

(4B) The following paragraphs apply to the making of provision that relates to Northern Ireland in an order under subsection (4)—

(a) before deciding what provision it is necessary or expedient to make, the Lord Chancellor must consult the Lord Chief Justice of Northern Ireland;

(b) before making the order, the Lord Chancellor must consult the Lord Chief Justice of Northern Ireland."

(3) After subsection (6) insert—

"(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.

(8) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

350 [F186](1) Schedule 1 (constitution and procedure of courts boards) is amended as follows.

(2) For paragraph 1 substitute—

"1 (1) The members of each courts board are to be appointed by the Lord Chancellor.

(2) The Lord Chancellor may appoint a member of a description mentioned in paragraph 2(a) only with the concurrence of the Lord Chief Justice."

(3) In paragraph 8 (meaning of regulations) after "Lord Chancellor" insert "after consulting the Lord Chief Justice".

(4) After paragraph 8 insert—

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"9 The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this Schedule."**]**

Textual Amendments

F186 Sch. 4 para. 350 repealed (E.W.) (2.5.2012) by The Public Bodies (Abolition of Courts Boards) Order 2012 (S.I. 2012/1206), art. 1(2), **Sch. para. 9**

351 In Schedule 7 (High Court writs of execution), in paragraph 12(4) (regulations) for paragraphs (c) and (d) substitute—

"(ba) the President of the Queen's Bench Division,

(c) the President of the Family Division,

(d) the Chancellor of the High Court, and".

Extradition Act 2003 (c. 41)

352 The Extradition Act 2003 is amended as follows.

353 (1) Section 67 (the appropriate judge) is amended as follows.

(2) In subsection (1)(a) for "by the Lord Chancellor" substitute " by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor ".

(3) In subsection (1)(c) for "by the Lord Chancellor" substitute " by the Lord Chief Justice of Northern Ireland after consulting the Lord Chancellor ".

(4) After subsection (4) insert—

"(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).

(6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (1)(c)—

(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)."

354 (1) Section 139 (the appropriate judge) is amended as follows.

(2) In subsection (1)(a) for "by the Lord Chancellor" substitute " by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor ".

(3) In subsection (1)(c) for "Lord Chancellor" substitute " Lord Chief Justice of Northern Ireland after consulting the Lord Chancellor ".

(4) After subsection (4) insert—

"(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).

(6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (1)(c)—

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(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)."

355 In section 185 (free legal aid: supplementary), in subsection (6) (meaning of appropriate judge)—

(a) in paragraph (a) for "by the Lord Chancellor" substitute " under section 67 ";

(b) in paragraph (b) for "by the Lord Chancellor" substitute " under section 139 ".

Criminal Justice Act 2003 (c. 44)

356 The Criminal Justice Act 2003 is amended as follows.

F187 357 . . . . . .

Textual Amendments

F187 Sch. 4 para. 357 repealed (6.4.2010) by Coroners and Justice Act 2009 (c. 25), s. 182(4)(g)(ii), **Sch. 23 Pt. 4** (with s. 180); S.I. 2010/816, art. 2, Sch. para. 22(b)

F188 358 . . . . . .

Textual Amendments

F188 Sch. 4 para. 358 repealed (6.4.2010) by Coroners and Justice Act 2009 (c. 25), s. 182(4)(g)(ii), **Sch. 23 Pt. 4** (with s. 180); S.I. 2010/816, art. 2, Sch. para. 22(b)

359 (1) Section 330 (orders and rules) is amended as follows.

(2) In subsection (1)(b) after "Lord Chancellor" insert " or the Lord Chief Justice ".

(3) After subsection (2) insert—

"(2A) Where a statutory instrument is made by the Lord Chief Justice in the exercise of the power referred to in subsection (1)(b), the Statutory Instruments Act 1946 applies to the instrument as if it contained an order made by a Minister of the Crown."

Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (S.I. 2004/ 1861)

360 In regulation 4 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (President of Employment Tribunals), after paragraph (5) insert—

"(5A) Where the Lord Chancellor is the appointing office holder, he may revoke an appointment in accordance with paragraph (5) only with the concurrence of the Lord Chief Justice."

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PART 2

AMENDMENTS OF OR RELATING TO ENACTMENTS REPEALED OR AMENDED OTHERWISE THAN BY THIS ACT

Introduction

361 (1) This Part of this Schedule contains amendments of or relating to enactments that have already been amended or repealed by provisions of other Acts.

(2) In each case the amending or repealing provision is specified, in relation to the enactment referred to, as the "original amending provision".

(3) An amendment contained in any provision of this Part of this Schedule has effect only until the original amending provision comes fully into force in relation to the enactment referred to in that provision of this Part of this Schedule.

Promissory Oaths Act 1871 (c. 48)

362 (1) Section 2 of the Promissory Oaths Act 1871 (persons before whom oaths to be taken) is amended as follows.

(2) In the paragraph beginning "In England" for "Lord High Chancellor of Great Britain" substitute " Lord Chief Justice of England and Wales ".

(3) After that paragraph insert— " 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 the preceding paragraph. "

(4) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 51 of Schedule 8 to the Courts Act 2003 (c. 39).

Children and Young Persons Act 1933 (c. 12)

363 (1) Schedule 2 to the Children and Young Persons Act 1933 (constitution of youth courts) is amended as follows.

(2) In paragraph 6—

(a) in paragraph (a)—

(i) after "he may" insert " after consulting the Lord Chief Justice ";

(ii) after "thinks fit" insert " after consulting the Lord Chief Justice ";

(b) in paragraph (b)—

(i) after "may" insert " , after consulting the Lord Chief Justice, ";

(ii) after "thinks fit" insert " , after consulting the Lord Chief Justice, ".

(3) In paragraph 14 after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice, ".

(4) In paragraph 15(b)—

(a) for "by the Lord Chancellor" substitute " by the Lord Chief Justice, after consulting the Lord Chancellor, ";

(b) for "order of the Lord Chancellor" substitute " order made by the Lord Chief Justice after consulting the Lord Chancellor ".

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(5) In paragraph 16 for "consent of the Lord Chancellor," substitute " consent of the Lord Chief Justice, given after consulting the Lord Chancellor, ".

(6) In paragraph 18—
- (a) for "Lord Chancellor" in the first place substitute " Lord Chief Justice ";
- (b) for "Lord Chancellor" in the second place substitute " Lord Chief Justice, after consulting the Lord Chancellor ".

(7) After paragraph 21 insert—

"22 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 Schedule."

(8) In relation to the enactments referred to in this paragraph, the original amending provision is Schedule 10 to the Courts Act 2003.

Pensions Appeal Tribunals Act 1943 (c. 39)

364 (1) Section 6 of the Pensions Appeal Tribunal Act 1943 (constitution, jurisdiction and procedure of Pensions Appeal Tribunals) is amended as follows.

(2) In subsection (2)—
- (a) for "a judge of the High Court nominated for the purpose by the Lord Chancellor" substitute " the relevant judicial authority ";
- (b) for "judge so nominated" substitute " relevant judicial authority ";
- (c) for "that judge" substitute " that authority ".

(3) After subsection (2) insert—

"(2ZA) In subsection (2) "relevant judicial authority" means—
- (a) in relation to England and Wales, a judge of the High Court in England and Wales nominated for the purposes of subsection (2) by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor;
- (b) in relation to Scotland, the Court of Session;
- (c) in relation to Northern Ireland, the Court of Appeal in Northern Ireland.

(2ZB) 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 (2ZA)(a)."

(4) After subsection (4) insert—

"(5) In the application of subsection (2) in relation to Northern Ireland, "rules of court" means rules of court made under section 55 of the Judicature (Northern Ireland) Act 1978."

(5) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 3(2) of Schedule 1 to the Armed Forces (Pensions and Compensation) Act 2004 (c. 32).

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Maintenance Orders Act 1950 (c. 37)

365 (1) In section 25(1) of the Maintenance Orders Act 1950 (power to make rules about procedure under section 144 of the Magistrates' Court Act 1980), for "Lord Chancellor" substitute " Lord Chief Justice of England and Wales ".

(2) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 91(2) of Schedule 8 to the Courts Act 2003.

Courts Act 1971 (c. 23)

366 (1) In section 27 of the Courts Act 1971, in the definition of "the senior judges" in subsection (9) for "the Vice-Chancellor and the President of the Family Division" substitute " the President of the Queen's Bench Division, the President of the Family Division and the Chancellor of the High Court ".

(2) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 139(a) of Schedule 8 to the Courts Act 2003.

Restrictive Practices Court Act 1976 (c. 33)

367 The Restrictive Practices Court Act 1976 is amended as follows.

368 (1) In section 1 (the Court), after subsection (3) insert—

"(3A) The Lord Chancellor may select a person under subsection (3) only with the concurrence of all of the following—

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland.

(3B) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

(3C) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.

(3D) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

(2) In relation to the enactment referred to in this paragraph, the original amending provision is section 1 of the Competition Act 1998 (c. 41).

369 (1) Section 2 (judges of the Court) is amended as follows.

(2) In subsections (1)(a) and (3) for "Lord Chancellor" substitute " Lord Chief Justice of England and Wales ".

(3) After subsection (4) insert—

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"(5) The functions conferred on the Lord Chief Justice of England and Wales or on the Lord Chief Justice of Northern Ireland by this section may be exercised only after consulting the Lord Chancellor.

(6) The functions conferred on the Lord Chief Justice of Northern Ireland by this section may be exercised only after consulting the Lord Chancellor.

(7) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

(8) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.

(9) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

(4) In relation to the enactment referred to in this paragraph, the original amending provision is section 1 of the Competition Act 1998 (c. 41).

370 (1) Section 3 (non-judicial members) is amended as follows.

(2) After subsection (3) insert—

"(4) The Lord Chancellor may exercise his functions under subsection (2)(b) only with the concurrence of the appropriate senior judge.

(5) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless—

(a) the member to be removed exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session, or

(b) the member to be removed exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland."

(3) In relation to the enactment referred to in this paragraph, the original amending provision is section 1 of the Competition Act 1998.

371 (1) Section 4 (provision for additional judges or members) is amended as follows.

(2) In subsection (1), in paragraph (a) after "consultation with" insert " the Lord Chief Justice of England and Wales, ".

(3) After subsection (2) insert—

"(3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

(4) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.

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(5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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)."

(4) In relation to the enactment referred to in this paragraph, the original amending provision is section 1 of the Competition Act 1998.

372 (1) Section 6 (administration) is amended as follows.

(2) In subsection (5) after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice of England and Wales, ".

(3) After subsection (6) insert—

"(7) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section."

(4) In relation to the enactment referred to in this paragraph, the original amending provision is section 1 of the Competition Act 1998.

373 (1) In section 9 (procedure), in subsection (1) for "Lord Chancellor" substitute " president of the Court with the concurrence of the Lord Chancellor ".

(2) In relation to the enactment referred to in this paragraph, the original amending provision is section 1 of the Competition Act 1998 (c. 41).

Magistrates' Courts Act 1980 (c. 43)

374 The Magistrates' Courts Act 1980 is amended as follows.

375 (1) Section 67 (family proceedings courts and panels) is amended as follows.

(2) In subsection (2)(a) for "by the Lord Chancellor" substitute " by the Lord Chief Justice, after consulting the Lord Chancellor, ".

(3) In subsection (5) for "on the Lord Chancellor" substitute " , exercisable by the Lord Chancellor with the concurrence of the Lord Chief Justice, ".

(4) After subsection (8) insert—

"(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 (2)(a)."

(5) In relation to the enactment referred to in this paragraph, the original amending provision is section 49(1) of the Courts Act 2003.

376 (1) Section 68 (combined family panels) is amended as follows.

(2) In subsection (2), after "thinks fit" insert " after consulting the Lord Chief Justice ".

(3) After subsection (6) insert—

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"(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."

(4) In relation to the enactment referred to in this paragraph, the original amending provision is section 49(2) of the Courts Act 2003 (c. 39).

377 (1) In section 146 (rules relating to youth court panels and composition of youth court), in subsection (2) for "Lord Chancellor" substitute " Lord Chief Justice ".

(2) After subsection (5) insert—

"(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 powers under rules made under this section."

(3) In relation to the enactment referred to in this paragraph, the original amending provision is section 50(3) of the Courts Act 2003.

Supreme Court Act 1981 (c. 54)

378 (1) Section 130 of the Supreme Court Act 1981 (fees to be taken in Supreme Court) is amended as follows.

(2) In subsection (2)(a) for "President of the Family Division and the Vice-Chancellor" substitute " President of the Queen's Bench Division, President of the Family Division and the Chancellor of the High Court ".

(3) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 263 of Schedule 8 to the Courts Act 2003 (c. 39).

Matrimonial and Family Proceedings Act 1984 (c. 42)

379 The Matrimonial and Family Proceedings Act 1984 is amended as follows.

380 (1) Section 40 (family proceedings rules) is amended as follows.

(2) In subsection (1) for "by the Lord Chancellor together with any four or more of the following persons, namely—" substitute " by a committee known as the Family Proceedings Rule Committee, which is to consist of the following persons— ".

(3) For subsection (3) substitute—

"(3) The members of the Family Proceedings Rule Committee, other than those eligible to act by virtue of their office, are appointed under subsection (3ZA) or (3ZB).

(3ZA) The Lord Chief Justice must appoint the persons referred to in paragraphs (b), (c) (d) and (e) of subsection (1), after consulting the Lord Chancellor.

(3ZB) The Lord Chancellor must appoint the persons referred to in paragraphs (f) and (g) of subsection (1), after consulting the Lord Chief Justice.

(3ZC) A person is to be appointed under subsection (3ZA) or (3ZB) for such period as the Lord Chancellor determines after consulting the Lord Chief Justice."

(4) Omit subsection (5).

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(5) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 278(a) of Schedule 8 to the Courts Act 2003.

381 (1) After section 40 insert—

"**40A Process for making rules of court under section 40**

(1) Family proceedings rules must be—
(a) signed by a majority of the members of the Family Proceedings Rule Committee, and
(b) submitted to the Lord Chancellor.

(2) The Lord Chancellor may allow or disallow rules so made.

(3) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so.

(4) Rules so made and allowed by the Lord Chancellor—
(a) come into force on such day as the Lord Chancellor directs, and
(b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 applies as if the instrument contained rules made by a Minister of the Crown.

(5) A statutory instrument containing Family Proceedings rules is subject to annulment in pursuance of a resolution of either House of Parliament.

(6) In this section and section 40B "Family Proceedings rules" means rules of court made under section 40.

40B Rules to be made if required by Lord Chancellor

(1) This section applies if the Lord Chancellor gives the Family Proceedings Rule Committee written notice that he thinks it is expedient for Family Proceedings rules to include provision that would achieve a purpose specified in the notice.

(2) The Committee must make such Family Proceedings rules as it considers necessary to achieve the specified purpose.

(3) Those rules must be—
(a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;
(b) made in accordance with section 40A."

(2) The enactment referred to in this paragraph, for the purposes of paragraph 361(3), is section 40 of the Matrimonial and Family Proceedings Act 1984 (c. 42), and in relation to that enactment the original amending provision is paragraph 278(a) of Schedule 8 to the Courts Act 2003 (c. 39).

Railways Act 1993 (c. 43)

382 The Railways Act 1993 is amended as follows.

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383 (1) In section 91 (transfer schemes: general), in subsection (7)(c) for "Lord Chancellor" substitute " Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland ".

(2) In relation to the enactment referred to in this paragraph, the original amending provision is section 274 of, and Schedule 31 to, the Transport Act 2000 (c. 38).

384 (1) Schedule 8 (transfers by transfer scheme) is amended as follows.

(2) In paragraph 14 (third parties affected by vesting provisions), in sub-paragraph (5)(c) for "Lord Chancellor" substitute " Chairman for the time being of the Royal Institution of Chartered Surveyors in Northern Ireland ".

(3) In relation to the enactment referred to in this paragraph, the original amending provision is section 274 of, and Schedule 31 to, the Transport Act 2000.

Civil Procedure Act 1997 (c. 12)

385 (1) Section 2 of the Civil Procedure Act 1997 (Civil Procedure Rule Committee) is amended as follows.

(2) After subsection (8) insert—

"(9) If the Lord Chancellor disallows rules under subsection (8), he must give the Civil Procedure Rule Committee written reasons for doing so."

(3) In relation to the enactment referred to in this paragraph, the original amending provision is section 85(1) of the Courts Act 2003 (c. 39).

Justices of the Peace Act 1997 (c. 25)

386 (1) The Justices of the Peace Act 1997 is amended as follows.

(2) In relation to the enactments in that Act referred to below, the original amending provision is section 6(4) of the Courts Act 2003.

387 (1) Section 1 (Commission areas) is amended as follows.

(2) In subsection (2) for "by the Lord Chancellor by order made by statutory instrument" substitute " by order made by the Lord Chancellor, after consulting the Lord Chief Justice, by statutory instrument ".

(3) After subsection (3) insert—

"(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."

388 (1) Section 4 (petty sessions areas) is amended as follows.

(2) In subsection (2) for "by the Lord Chancellor by order made by statutory instrument" substitute " by order made by the Lord Chancellor, after consulting the Lord Chief Justice, by statutory instrument ".

(3) After subsection (3) insert—

"(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."

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389 In section 5 (appointment and removal of justices of the peace), in subsection (1) for "in like manner" substitute " by the Lord Chancellor with the concurrence of the Lord Chief Justice ".

390 (1) Section 6 (residence qualification) is amended as follows.

(2) In subsection (3) for "Lord Chancellor is" substitute " Lord Chancellor and the Lord Chief Justice are both ".

(3) After subsection (4) insert—

"(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."

391 In section 7 (supplemental list for England and Wales), in subsection (4)—

(a) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ";

(b) for "Lord Chancellor is" substitute " Lord Chancellor and the Lord Chief Justice are both ".

392 In section 8 (removal of name from supplemental list), in subsection (1) after "Lord Chancellor" insert " , with the concurrence of the Lord Chief Justice, ".

393 (1) Section 9 (effect of entry of name in supplemental list) is amended as follows.

(2) In subsection (3) for "by the Lord Chancellor" substitute " by the Lord Chief Justice ".

(3) After subsection (4) insert—

"(5) The Lord Chief Justice may not give an authorisation under subsection (3) unless the Lord Chancellor concurs.

(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)."

394 In section 10A (appointment and tenure), in subsection (3) after "Lord Chancellor" insert " , with the concurrence of the Lord Chief Justice, ".

395 In section 10B (deputies), in subsection (2) after "Lord Chancellor" insert " , with the concurrence of the Lord Chief Justice, ".

396 (1) Section 10C (status) is amended as follows.

(2) In subsection (3) for "given by the Lord Chancellor from time to time" substitute " given by the Lord Chief Justice from time to time after consulting the Lord Chancellor ".

(3) After subsection (4) insert—

"(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."

397 (1) Section 24 (rules as to chairmanship and size of bench) is amended as follows.

(2) In subsection (5) omit "by the Lord Chancellor".

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(3) After subsection (5) insert—

"(6) Rules under this section that relate to the matters referred to in any of paragraphs (c) to (e) of subsection (2) are to be made by the Lord Chief Justice after consulting the Lord Chancellor.

(7) Any other rules under this section are to be made by the Lord Chancellor after consulting the Lord Chief Justice.

(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."

398 In section 25 (records of justices of the peace) after subsection (4) insert—

"(5) The Lord Chancellor must consult the Lord Chief Justice before—
(a) designating a justice under subsection (1), or
(b) giving a direction under subsection (2).

(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."

399 (1) Section 26 (Greater Manchester, Merseyside and Lancashire) is amended as follows.

(2) In subsection (2)—
(a) in paragraph (a) after "Lord Chancellor" insert " or the Lord Chief Justice ";
(b) in paragraph (b)—
(i) after "Lord Chancellor" in the first place insert " or the Lord Chief Justice ";
(ii) for "the Lord Chancellor" in the second place substitute " that person, or those persons, ".

(3) In subsection (3)—
(a) in paragraph (a) after "Lord Chancellor" insert " or the Lord Chief Justice ";
(b) in paragraph (b)—
(i) after "Lord Chancellor" in the first place insert " or the Lord Chief Justice ";
(ii) for "the Lord Chancellor" in the second place substitute " that person, or those persons, ".

(4) After subsection (3) insert—

"(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."

400 (1) Section 27A (magistrates' courts committees) is amended as follows.

(2) In subsection (2) for "by the Lord Chancellor by order made by statutory instrument" substitute " by order made by the Lord Chancellor, after consulting the Lord Chief Justice, by statutory instrument ".

(3) After subsection (3) insert—

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"(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."

401 (1) Section 27B (alteration of committee areas) is amended as follows.

(2) In subsection (4) before paragraph (a) insert—

"(za) the Lord Chief Justice;".

(3) After subsection (10) insert—

"(11) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section."

402 (1) Section 33 (alteration of petty sessions areas) is amended as follows.

(2) In subsection (2) after "Lord Chancellor" in the first place insert " after he has consulted the Lord Chief Justice ".

(3) In subsection (3)—

(a) in paragraph (a) after "Lord Chancellor thinks fit" insert " after consulting the Lord Chief Justice ";

(b) for paragraph (b) substitute—

"(b) a magistrates' court committee fail to comply within six months with a direction under subsection (2);

(bb) the Lord Chancellor is, after consulting the Lord Chief Justice, dissatisfied with the draft order or report submitted in pursuance of such a direction; or".

(4) After subsection (3) insert—

"(3A) The Lord Chancellor may only make an order to which subsection (3) applies after consulting the Lord Chief Justice."

(5) In subsection (4) after "appear to the Lord Chancellor" insert " , after consulting the Lord Chief Justice, ".

(6) After subsection (5) insert—

"(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."

403 (1) Section 53A (costs in legal proceedings) is amended as follows.

(2) In subsection (4) after "Lord Chancellor may" insert " , after consulting the Lord Chief Justice, ".

(3) After subsection (6) insert—

"(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."

404 (1) Section 54 (indemnification of justices and justices' clerks) is amended as follows.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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(2) In subsection (6) for "by the Lord Chancellor" substitute " by the Lord Chief Justice after consulting the Lord Chancellor ".

(3) After subsection (9) insert—

"(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 subsection (6)."

405 (1) Section 64 (training courses) is amended as follows.

(2) In subsection (1) for "by the Lord Chancellor" substitute " by the Lord Chief Justice after consulting the Lord Chancellor ".

(3) After subsection (3) insert—

"(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1)."

Data Protection Act 1998 (c. 29)

406 (1) Paragraph 3 of Schedule 6 to the Data Protection Act 1998 (constitution of Tribunal in national security cases) is amended as follows.

(2) That paragraph becomes sub-paragraph (1) of paragraph 3.

(3) After that sub-paragraph insert—

"(2) The Lord Chancellor may designate a person to preside under this paragraph only with the concurrence of all of the following—

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland.

(3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.

(4) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.

(5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—

(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)."

(4) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 2 of Schedule 4 to the Freedom of Information Act 2000 (c. 36).

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Nationality, Immigration and Asylum Act 2002 (c. 41)

407 (1) In Schedule 5 to the Nationality, Immigration and Asylum Act 2002 (Immigration Appeal Tribunal), paragraph 3 (appointment of President) is amended as follows.

(2) That paragraph becomes sub-paragraph (1) of paragraph 3.

(3) In that sub-paragraph, after "Lord Chancellor shall" insert " , with the concurrence of the Lord Chief Justice of England and Wales, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, ".

(4) After that sub-paragraph insert—

"(2) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.

(3) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.

(4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—

(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)."

(5) In relation to the enactment referred to in this paragraph, the original amending provision is section 26(5)(b) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19).

SCHEDULE 5

Section 15

FUNCTIONS UNDER LEGISLATION RELATING TO NORTHERN IRELAND

PART 1

AMENDMENTS

Land Law (Ireland) Act 1896 (c. 47)

1 (1) Section 24 of the Land Law (Ireland) Act 1896 (power to nominate judge to act as additional land judge) is amended as follows.

(2) For "Lord Chancellor" in each place substitute " Lord Chief Justice ".

(3) At the end of the section insert—

"The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

(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)."

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Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.))

2 The Coroners Act (Northern Ireland) 1959 is amended as follows.

3 In section 2 (appointment of coroners), after subsection (1) insert—

"(1A) The Lord Chief Justice must also be consulted before any determination is made under subsection (1) as to numbers of coroners or deputy coroners.

(1B) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (1A)—

(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)."

4 (1) Section 3 (power to amalgamate districts) is amended as follows.

(2) That section becomes subsection (1) of section 3.

(3) After that subsection insert—

"(2) The Lord Chief Justice must be consulted before any date is appointed and before any order is made under subsection (1).

(3) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)—

(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)."

5 (1) Section 6 (coroner to hold inquests in district in which he is appointed) is amended as follows.

(2) In subsection (2) for "Lord Chancellor may" in each place substitute " Lord Chief Justice may, after consultation with the Lord Chancellor, ".

(3) After subsection (2) insert—

"(3) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)—

(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)."

6 (1) Section 36 is amended as follows.

(2) In subsection (1)—

(a) for "The Lord Chancellor may by rules" substitute " Rules under this section may ";

(b) in paragraph (a) omit "made after consultation with the Treasury,";

(c) in paragraph (b) omit "made after consultation with the Lord Chief Justice".

(3) After subsection (1) insert—

"(1A) It is for the Lord Chancellor to make rules under subsection (1)(a), after consultation with the Treasury.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(1B) It is for the Lord Chief Justice to make rules under subsection (1)(b), in accordance with subsections (1C) to (1G).

(1C) The Lord Chief Justice may make rules under subsection (1)(b) only with the agreement of the Lord Chancellor.

(1D) If the Lord Chancellor does not agree such rules made by the Lord Chief Justice, the Lord Chancellor must give the Lord Chief Justice written reasons why he does not agree the rules.

(1E) Subsection (1F) applies if the Lord Chancellor gives the Lord Chief Justice written notice that he thinks it is expedient for rules under subsection (1)(b) to include provision that would achieve a purpose specified in the notice.

(1F) The Lord Chief Justice must make such rules under subsection (1)(b) as he considers necessary to achieve the specified purpose.

(1G) Those rules must be—

(a) made within a reasonable period after the Lord Chancellor gives notice under subsection (1E);

(b) made in accordance with the relevant provisions of this section.

(1H) The Lord Chief Justice may nominate any of the following to exercise his functions under subsections (1B), (1C) and (1F)—

(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)."

County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

7 The County Courts Act (Northern Ireland) 1959 is amended as follows.

8 In section 102 (appointment and assignment of judges), in subsections (2) and (4) for "Lord Chancellor" substitute " Lord Chief Justice ".

9 In section 105 (tenure and oaths of office and retirement of judges), in subsection (4) omit "Lord Chancellor's".

10 In section 107 (deputy judges), in subsection (4) omit "Lord Chancellor's".

11 In section 116 (pensions of judges), after subsection (5) insert—

"(5A) The Lord Chancellor must consult the Lord Chief Justice before—

(a) making a recommendation in a case that falls within subsection (1)(b), or

(b) requiring a person to resume the duties of judge in accordance with subsection (4).

(5B) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (5A)—

(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)."

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Resident Magistrates' Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.))

12 The Resident Magistrates' Pensions Act (Northern Ireland) 1960 is amended as follows.

13 In section 1 (retiring age of resident magistrates), omit "Lord Chancellor's".

14 In section 2 (pensions of resident magistrates), after subsection (6) insert—

"(7) The Lord Chancellor must consult the Lord Chief Justice before—

(a) satisfying himself as mentioned in subsection (3)(c), or

(b) requiring a person to resume the duties of resident magistrate in accordance with subsection (4).

(8) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (7)—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);

(b) a Lord Justice of Appeal (as defined in section 88 of that Act)."

15 Omit section 11 (resident magistrates already serving).

Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.))

16 In section 9 of the Magistrates' Courts Act (Northern Ireland) 1964 (appointment and assignment of resident magistrates), in subsections (3) and (5) for "Lord Chancellor" substitute " Lord Chief Justice ".

Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))

17 In section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (terms of appointment of members of Lands Tribunal), in subsection (1)(b) omit "Lord Chancellor's".

Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))

18 (1) Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 (constitution of juvenile courts) is amended as follows.

(2) In paragraph 8 (regulations), after "Lord Chancellor" insert " after consultation with the Lord Chief Justice ".

Land Registration Act (Northern Ireland) 1970 (c. 18 (N.I.))

19 In section 85 of the Land Registration Act (Northern Ireland) 1970, after subsection (2) insert—

"(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)(a)—

(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)."

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Misuse of Drugs Tribunal (Northern Ireland) Rules 1974 (S.R. 1974/256)

20 (1) Rule 2 of the Misuse of Drugs Tribunal (Northern Ireland) Rules 1974 (interpretation) is amended as follows.

(2) In paragraph (1), in the definition of "the chairman" for "by the Lord Chief Justice of Northern Ireland" substitute " in accordance with paragraph 1(1)(a) of Schedule 3 to the Act ".

Social Security (Northern Ireland) Act 1975 (c. 15)

21 (1) Schedule 10 to the Social Security (Northern Ireland) Act 1975 (supplementary provision as to Local Tribunals, Commissioners etc) is amended as follows.

(2) In paragraph 6 (Commissioners' pensions), after sub-paragraph (1) insert—

"(1ZA) The Lord Chancellor must consult the Lord Chief Justice before satisfying himself as mentioned in sub-paragraph (1)(c).

(1ZB) The Lord Chief Justice may nominate any of the following to exercise his functions under sub-paragraph (1ZA)—

(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)."

(3) In paragraph 7 (Commissioners' pensions: supplementary), after sub-paragraph (5) insert—

"(5A) The Lord Chancellor must consult the Lord Chief Justice before requiring a person to resume the duties of Commissioner in accordance with sub-paragraph (5).

(5B) The Lord Chief Justice may nominate any of the following to exercise his functions under sub-paragraph (5A)—

(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)."

Judicature (Northern Ireland) Act 1978 (c. 23)

22 The Judicature (Northern Ireland) Act 1978 is amended as follows.

23 (1) Section 7 (further assistance for transaction of judicial business) is amended as follows.

(2) In subsections (1) and (2) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) After subsection (4) insert—

"(5) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

(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)."

24 (1) Section 47 (exercise of jurisdiction by Crown Court) is amended as follows.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In subsection (2)—

(a) for "Lord Chancellor" in the first place substitute " Lord Chief Justice ";

(b) for "Lord Chancellor after consultation with the Lord Chief Justice" substitute " Lord Chief Justice ".

(3) In subsection (3) for "Lord Chancellor after consultation with the Lord Chief Justice" substitute " Lord Chief Justice ".

(4) In subsection (5) after "Lord Chancellor" insert " after consultation with the Lord Chief Justice ".

(5) After subsection (6) insert—

"(7) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

(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)."

25 In section 48 (committal for trial on indictment), in subsection (1)(c) for "Lord Chancellor" substitute " Lord Chief Justice ".

26 In section 52 (Crown Court rules), in subsection (1) for the words from the beginning to "prescribing—" substitute—

"(1) Subject to any statutory provision, Crown Court rules may be made in accordance with section 53A for the purpose of regulating and prescribing—".

27 (1) Section 53 (membership of the Crown Court Rules Committee) is amended as follows.

(2) In subsection (1)(c) and (d) for "Lord Chancellor after consultation with the Lord Chief Justice" substitute " Lord Chief Justice ".

(3) After subsection (1) insert—

"(1A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (1)(c) or (d)—

(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)."

28 After section 53 insert—

"**53A Making of Crown Court rules**

(1) It is for the Crown Court Rules Committee to make Crown Court rules.

(2) After making Crown Court rules the Committee must submit them to the Lord Chancellor.

(3) The Lord Chancellor must allow or disallow Crown Court rules submitted to him.

(4) Crown Court rules have effect only if allowed by the Lord Chancellor.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) If the Lord Chancellor disallows Crown Court rules, the Lord Chancellor must give the Committee written reasons why he has disallowed them.

(6) Subsection (7) applies if the Lord Chancellor gives the Committee written notice that he thinks it is expedient for Crown Court rules to include provision that would achieve a purpose specified in the notice.

(7) The Committee must make such Crown Court rules as it considers necessary to achieve the specified purpose.

(8) Those Crown Court rules must be—

(a) made within a reasonable period after the Lord Chancellor gives notice under subsection (6);

(b) made in accordance with this section."

29 (1) Section 55 (rules of court) is amended as follows.

(2) In subsection (1) for the words from the beginning to "with respect to—" substitute—

"(1) Subject to any statutory provision, rules may be made in accordance with section 55A with respect to—".

(3) In subsection (2) for the words from the beginning to "make rules—" substitute—

"(2) Subject to any statutory provision, rules may be made in accordance with section 55A—".

(4) In subsection (3) for "made by the Rules Committee" substitute " made under this section ".

30 After section 55 insert—

"**55A Making of rules of Court**

(1) It is for the Rules Committee to make rules under section 55(1) or (2).

(2) After making such rules the Rule Committee must submit them to the Lord Chancellor.

(3) The Lord Chancellor must allow or disallow rules submitted to him.

(4) Rules submitted to the Lord Chancellor have effect only if allowed by him.

(5) If the Lord Chancellor disallows rules submitted to him, he must give the Committee written reasons why he has disallowed them.

(6) Subsection (7) applies if the Lord Chancellor gives the Rules Committee written notice that he thinks it is expedient for rules under section 55(1) or (2) to include provision that would achieve a purpose specified in the notice.

(7) The Rules Committee must make such rules as it considers necessary to achieve the specified purpose.

(8) Those rules must be—

(a) made within a reasonable period after the Lord Chancellor gives notice under subsection (6);

(b) made in accordance with this section."

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

31 (1) Section 58 (sittings of High Court and Court of Appeal) is amended as follows.

(2) In subsection (2) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) After subsection (3) insert—

"(4) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

(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)."

32 (1) Section 60 (taxation of costs) is amended as follows.

(2) In subsection (1) for "Lord Chancellor after consultation with the Lord Chief Justice" substitute " Lord Chief Justice ".

(3) After subsection (2) insert—

"(3) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

(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)."

33 (1) Section 68 (departments of the Supreme Court) is amended as follows.

(2) In subsection (2)(b) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) In subsection (4) for "Lord Chancellor" substitute " Lord Chief Justice ".

(4) After subsection (6) insert—

"(7) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

(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)."

34 In section 71 (tenure of office of statutory officers), in subsection (3) omit "Lord Chancellor's".

35 (1) Section 75 (Official Solicitor) is amended as follows.

(2) In subsection (2)(b) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) After subsection (2) insert—

"(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)(b)—

(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)."

F189 36 . . . . . .

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F189 Sch. 5 para. 36 repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 9 Pt. 1**; S.R. 2016/387, art. 2(l) (with art. 3)

37 Omit section 104 (under-sheriffs).

38 (1) Section 112 (oaths and affidavits) is amended as follows.

(2) In subsection (3) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) After subsection (7) insert—

"(8) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (3)—

(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)."

39 In section 119 (making and control of subordinate legislation), in subsection (5) omit "on the Lord Chancellor".

40 (1) Schedule 6 (transitional provisions) is amended as follows.

(2) Omit paragraph 6(a).

(3) In paragraph 9(b) after "Lord Chancellor" insert " after consultation with the Lord Chief Justice ".

(4) After paragraph 9 insert—

"9A The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph 9—

(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)."

(5) Omit paragraphs 11(3), 14 and 17.

Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15))

41 (1) Article 48 (the court) is amended as follows.

(2) In paragraph (1)—

(a) for "by the Lord Chancellor" substitute " in accordance with paragraph (1A) ";

(b) omit the words after sub-paragraph (b).

(3) After paragraph (1) insert—

"(1A) It is for the Lord Chancellor, with the concurrence of the Lord Chief Justice, to make an order such as is mentioned in paragraph (1)(b)."

(1B) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (1A)—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

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(b) a Lord Justice of Appeal (as defined in section 88 of that Act)."

Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1979 (S.I. 1979/291)

42 (1) Article 7 of the Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1979 (modifications of section 5 of Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 in application to Northern Ireland) is amended as follows.

(2) After paragraph (1) insert—

"(1A) In subsection (2) for "Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005" substitute " The Lord Chief Justice of Northern Ireland may, with the concurrence of the Lord Chancellor, make rules ".

(1B) For subsections (5A) and (5B) substitute—

"(5A) The Lord Chancellor must consult the Lord Chief Justice of Northern Ireland before making rules under subsection (1) that relate to Northern Ireland.".."

(3) In paragraph (2), in subsections (6) and (7) substituted for subsection (6) of the 1951 Act, for "this section" substitute " subsection (1) ".

(4) After paragraph (2) insert—

"(3) At the end of that section insert—

"(8) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(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).".."

Administration of Estates (Northern Ireland) Order 1979 (S.I. 1979/1575 (N.I. 14))

43 The Administration of Estates (Northern Ireland) Order 1979 is amended as follows.

44 (1) Article 20 (inheritance tax accounts) is amended as follows.

(2) In paragraph (2) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) After paragraph (2) insert—

"(2A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (2)—

(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)."

45 (1) Article 23 (keeping and inspection of wills and other documents) is amended as follows.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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(2) In paragraph (1) for "Lord Chancellor" in the second place substitute " Lord Chief Justice ".

(3) In paragraph (2) for "Lord Chancellor" substitute " Lord Chief Justice ".

(4) After paragraph (4) insert—

"(5) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

(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)."

46 (1) Article 24 (records of grants) is amended as follows.

(2) In paragraph (2) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) After paragraph (2) insert—

"(3) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

(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)."

47 (1) Article 26 (copies of wills etc to be delivered to Inland Revenue Commissioners).

(2) In paragraph (1) for "Lord Chancellor" in each place substitute " Lord Chief Justice ".

(3) After paragraph (1) insert—

"(1A) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

(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)."

County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))

48 The County Courts (Northern Ireland) Order 1980 is amended as follows.

49 In Article 2 (interpretation), in paragraph (5) omit"on the Lord Chancellor".

F190 50 . . . . . .

Textual Amendments

F190 Sch. 5 para. 50 repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 9 Pt. 1**; S.R. 2016/387, art. 2(l) (with art. 3)

51 In Article 4 (directions as to holding of courts), for "Lord Chancellor" in each place substitute " Lord Chief Justice ".

52 In Article 5 (directions for courts to sit otherwise in courthouses), for "Lord Chancellor" substitute " Lord Chief Justice ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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53 (1) Article 6 (appointment of days for holding of ordinary sittings) is amended as follows.

(2) In paragraph (1) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) In paragraph (2) for "Lord Chancellor shall consult the Lord Chief Justice and" substitute " Lord Chief Justice shall consult ".

54 In Article 7 (additional and extraordinary sittings), in paragraphs (1) and (2) for "Lord Chancellor" substitute " Lord Chief Justice ".

55 In Article 22 (power to increase civil jurisdiction of county courts), after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

56 In Article 46 (as amended by section 73(2) of the Justice (Northern Ireland) Act 2002), in paragraph (1)(a) for "Lord Chancellor" substitute " Lord Chief Justice ".

57 In Article 47 (making of county court rules) for paragraphs (2) and (3) substitute—

"(2) County court rules must be certified under the hand of the members of the Rule Committee, or any three or more of them.

(3) After making and certifying county court rules the Rules Committee must submit them to the Lord Chancellor.

(4) The Lord Chancellor must, after consultation with the Lord Chief Justice, allow or disallow county court rules submitted to him.

(5) County court rules have effect only if the Lord Chancellor allows them.

(6) If the Lord Chancellor disallows county court rules, the Lord Chancellor must give the Rules Committee written reasons why he has disallowed them.

(7) County court rules allowed by the Lord Chancellor shall come into operation on such day as the Lord Chancellor shall direct.

(8) Paragraph (9) applies if the Lord Chancellor gives the Rules Committee written notice that he thinks it is expedient for county court rules to include provision that would achieve a purpose specified in the notice.

(9) The Rules Committee must make such county court rules as it considers necessary to achieve the specified purpose.

(10) Those rules must be—

(a) made within a reasonable period after the Lord Chancellor gives notice under paragraph (8);

(b) made in accordance with this Article."

58 In Article 56 (swearing of affidavits before designated court officer), in subsection (1) for "Lord Chancellor" substitute " Lord Chief Justice ".

59 In Article 58 (furnishing of information by certain officers), at the end insert " and furnish to the Lord Chief Justice such information as may be prescribed or required by the Lord Chief Justice. "

Domestic Proceedings (Northern Ireland) Order 1980 (S.I. 1980/563 (N.I. 5)

60 (1) Article 4 of the Domestic Proceedings (Northern Ireland) Order 1980 (powers of court to make provision for domestic proceedings) is amended as follows.

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(2) In paragraph (3) after "may" insert " , after consultation with the Lord Chief Justice, ".

(3) After paragraph (3) insert—

"(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (3)—

(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)."

(4) In paragraph (4) for the words from the beginning to "under" substitute " Any order made under ".

Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))

61 The Magistrates' Courts (Northern Ireland) Order 1981 is amended as follows.

62 (1) Article 6A (costs in legal proceedings) is amended as follows.

(2) In paragraph (4) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

(3) After paragraph (4) insert—

"(4A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (4)—

(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)."

63 (1) Article 11 (petty sessions and petty sessions districts) is amended as follows.

[F191](2) . . . . . .

(3) In paragraph (3) for "Lord Chancellor" in each place substitute "Lord Chief Justice".

Textual Amendments

F191 Sch. 5 para. 63(2) repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 9 Pt. 1**; S.R. 2016/387, art. 2(l) (with art. 3)

64 In Article 12 (holding of petty sessions in courthouse), in paragraph (a) for "Lord Chancellor" substitute " Lord Chief Justice ".

65 (1) Article 13 (magistrates' courts rules) is amended as follows.

(2) In paragraph (1) omit the words from "or as" to "Article 14".

(3) In paragraph (2) for "Lord Chancellor" substitute " Lord Chief Justice ".

(4) For paragraph (3) substitute—

"(3) It is for the Rules Committee to make such rules as are referred to in paragraph (1) (which may be known as "magistrates' courts rules").

(3A) The Rules Committee may make magistrates' courts rules only—

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(a) after consultation with the Lord Chancellor, and
(b) with the agreement of the Lord Chief Justice.

(3B) Paragraph (3C) applies if the Lord Chancellor gives the Rules Committee written notice that he thinks it is expedient for magistrates' courts rules to include provision that would achieve a purpose specified in the notice.

(3C) The Rules Committee must make such magistrates' courts rules as it considers necessary to achieve the specified purpose.

(3D) Those rules must be—
(a) made within a reasonable period after the Lord Chancellor gives notice under paragraph (3B);
(b) made in accordance with this Article."

(5) In paragraph (5), after "member of the committee" insert " as the Lord Chief Justice shall designate ".

66 Omit Article 14 (recommendations by Rules Committee to Lord Chancellor).

67 In Article 15 (rules under or for the purpose of particular enactments), in paragraph (2) for "Lord Chancellor" substitute " Lord Chief Justice ".

68 In Article 37 (discharge or committal for trial), in paragraph (5) omit "Without prejudice to Article 14,".

69 In Article 168 (directions), omit "on the Lord Chancellor".

Pensions Appeal Tribunals (Northern Ireland) Rules 1981 (S.R. 1981/231)

70 The Pensions Tribunals (Northern Ireland) Rules 1981 is amended as follows.

71 In rule 2 (interpretation), in paragraph (1)—
(a) for the definition of "the Chairman" substitute—

""the Chairman" means the person who is chairman of a Tribunal in accordance with the Schedule to the Act (including any directions under paragraph 3A of that Schedule)";

(b) in the definition of "the Deputy President" omit "by the Lord Chief Justice of Northern Ireland";
(c) in the definition of "the President" omit "by the Lord Chief Justice of Northern Ireland".

72 In rule 2A (functions of the President), in paragraph (2) after "Lord Chief Justice of Northern Ireland" insert " after consultation with the Lord Chancellor ".

Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4))

73 The Mental Health (Northern Ireland) Order 1986 is amended as follows.

74 (1) Article 83 (procedure of tribunal) is amended as follows.

(2) In paragraph (1) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

(3) After paragraph (1) insert—

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"(1A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (1)—

(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)."

75 (1) Schedule 3 (Mental Health Review Tribunal for Northern Ireland) is amended as follows.

(2) In paragraph 1—

(a) in sub-paragraph (a) after "suitable" insert " after consultation with the Lord Chief Justice ";

(b) In sub-paragraph (b) and (c) omit "after consultation with the Head of the Department".

(3) After paragraph 1 insert—

"1A (1) The Lord Chief Justice may nominate any of the following to exercise his functions under sub-paragraph 1(a)—

(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).

(2) As part of the selection process for an appointment under paragraph 1(b) or (c) the Northern Ireland Judicial Appointments Commission shall consult the Head of the Department."

76 In Schedule 6 to the Mental Health (Northern Ireland) Order 1986 (transitional provisions), omit paragraph 19.

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

77 The Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as follows.

78 In Article 80A (evidence through live links), in paragraph (6) after "Lord Chancellor" insert " , after consultation with the Lord Chief Justice, ".

79 In Article 81 (evidence through television links), in paragraph (8) after "Lord Chancellor" insert " , after consultation with the Lord Chief Justice, ".

Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))

80 The Insolvency (Northern Ireland) Order 1989 is amended as follows.

81 In Article 359 (insolvency rules), after paragraph (1) insert—

"(1A) Rules that affect court procedure may be made under paragraph (1) only with the concurrence of the Lord Chief Justice.

(1B) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (1A)—

(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)."

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82 (1) Article 360 (committee to review insolvency rules) is amended as follows.

(2) In paragraph (1) for "continue to be a committee appointed by the Lord Chancellor" substitute " be a committee appointed by the Lord Chief Justice ".

(3) In paragraph (2)(f) for "Lord Chancellor" substitute " Lord Chief Justice ".

(4) After paragraph (2) insert—

"(3) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

(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)."

83 (1) Article 364 (insolvent partnerships) is amended as follows.

(2) In paragraph (1) after "concurrence of" insert " the Lord Chief Justice and ".

(3) After paragraph (1) insert—

"(1ZA) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (1)—

(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)."

84 (1) Article 365 (insolvent estates of deceased persons) is amended as follows.

(2) In paragraph (1) after "concurrence of" insert " the Lord Chief Justice and ".

(3) After paragraph (1) insert—

"(1ZA) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (1)—

(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)."

Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23))

85 The Child Support (Northern Ireland) Order 1991 is amended as follows.

86 (1) Article 10 (role of the courts with respect to maintenance for children) is amended as follows.

(2) In paragraph (5), after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ".

(3) After paragraph (5) insert—

"(5A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (5)—

(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)."

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87 (1) Article 42 (jurisdiction of courts in certain proceedings under this Order) is amended as follows.

(2) In paragraphs (1) and (3) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

(3) In paragraph (4) after "Lord Chancellor considers appropriate" insert " , after consultation with the Lord Chief Justice, ".

(4) After paragraph (4) insert—

"(5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this Article—

(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)."

PROSPECTIVE

Registered Homes (Northern Ireland) Order 1992 (S.I. 1992/3204 (N.I. 20))

88 (1) In the Registered Homes (Northern Ireland) Order 1992, Article 30 (constitution of panels for chairmen and members of Social Care Tribunals) is amended as follows.

(2) In paragraph (3) after "suitable" insert " after consultation with the Lord Chief Justice ".

(3) After paragraph (3) insert—

"(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (3)—

(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)."

Family Law (Northern Ireland) Order 1993 (S.I. 1993/1575 (N.I. 6))

89 The Family Law (Northern Ireland) Order 1993 is amended as follows.

90 (1) Article 12 (family proceedings rules) is amended as follows.

(2) In paragraph (1) for the words from "which" to "court" substitute " which may make rules of court in accordance with Article 12A ".

(3) In paragraph (3) for "rules of court made under this Article" substitute " family proceedings rules ".

(4) In paragraph (4) for "Rules of court made under this Article" substitute " Family proceedings rules ".

(5) In paragraph (5)—

(a) after "this Article" insert " and Article 12A ";

(b) at the end insert—

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""family proceedings rules" means rules of court made under this Article."

91 After Article 12 insert—

Making of family proceedings rules

"12A(1) After making family proceedings rules the Committee must submit them to the Lord Chancellor.

(2) The Lord Chancellor may allow or disallow family proceedings rules submitted to him.

(3) Family proceedings rules have effect only if allowed by the Lord Chancellor.

(4) If the Lord Chancellor disallows family proceedings rules, the Lord Chancellor must give the Committee written reasons why he has disallowed them.

(5) Paragraph (6) applies if the Lord Chancellor gives the Committee written notice that he thinks it is expedient for family proceedings rules to include provision that would achieve a purpose specified in the notice.

(6) The Committee must make such family proceedings rules as it considers necessary to achieve the specified purpose.

(7) Those rules must be—

(a) made within a reasonable period after the Lord Chancellor gives notice under paragraph (5);

(b) made in accordance with this Article."

92 (1) In Schedule 2 (Northern Ireland Family Proceedings Rules Committee), paragraph 2 is amended as follows.

(2) That paragraph becomes sub-paragraph (1) of paragraph 2.

(3) In that sub-paragraph—

(a) in sub-paragraph (c) for "Lord Chancellor after consultation with the Lord Chief Justice" substitute " Lord Chief Justice ";

(b) in sub-paragraph (f) for "Lord Chancellor" substitute " Lord Chief Justice ".

(4) After that sub-paragraph insert—

"(2) The Lord Chief Justice may nominate any of the following to exercise his functions under this paragraph—

(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)."

Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))

93 The Children (Northern Ireland) Order 1995 is amended as follows.

94 In Article 4 (reports on child's welfare), in paragraph (2) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

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95 In Article 60 (representation of child and his interests in certain proceedings), in paragraph (8) for "Lord Chancellor" substitute " Lord Chief Justice ".

96 In Article 166 (appeals), in paragraph (14) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

97 In Article 169 (evidence given by, or with respect to, children), in paragraph (5) after "Lord Chancellor may" insert " , with the concurrence of the Lord Chief Justice, ".

98 In Article 170 (privacy for children involved in certain proceedings), in paragraph (5) after "requires it" insert " and if the Lord Chief Justice agrees ".

99 After Article 181 insert—

Delegation of functions by Lord Chief Justice

"181A(1) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise a delegable function—

(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).

(2) In paragraph (1) "delegable function" means a function under any of these provisions of this Order—

(a) Article 4(2);

(b) Article 166(14);

(c) Article 169(5);

(d) Article 170(5);

(e) in Schedule 1, paragraph 6(2);

(f) in Schedule 7—

(i) paragraph 1(1), (2) and (4);

(ii) paragraph 2(1) and (5);

(iii) paragraph 3;

(iv) paragraph 4(4), (6)(a) and (7)."

100 In paragraph 6 of Schedule 1 (financial provision for children: provisions relating to lump sums), in sub-paragraph (2) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

101 (1) Schedule 7 (commencement of proceedings) is amended as follows.

(2) In paragraph 1 (commencement of certain proceedings in particular court), in sub-paragraphs (1), (2) and (4) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

(3) In paragraph 2 (transfer of proceedings)—

(a) in sub-paragraph (1) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ";

(b) in sub-paragraph (5) after "Lord Chancellor thinks appropriate" insert " , after consultation with the Lord Chief Justice, ".

(4) In paragraph 3 (emergency protection orders), after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

(5) In paragraph 4 (general)—

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(a) in sub-paragraph (4) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice ";

(b) in sub-paragraph (6)(a) after "Lord Chancellor considers expedient" insert " , after consultation with the Lord Chief Justice ";

(c) in sub-paragraph (7) after "Lord Chancellor by order otherwise provides" insert " , after consultation with the Lord Chief Justice ".

Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1))

102 (1) In the Education (Northern Ireland) Order 1996, Article 22 (constitution of Special Educational Needs Tribunal for Northern Ireland) is amended as follows.

(2) In paragraph (3)(a) after "suitable" insert " after consultation with the Lord Chief Justice ".

(3) After paragraph (3) insert—

"(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (3)—

(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)."

Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. 1997/269

103 (1) The Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 is amended as follows.

(2) In the Schedule, in rule 6 (appointment of tribunal)—

(a) in paragraph (3)(a) omit "but";

(b) omit paragraph (3)(b).

Northern Ireland Act 1998 (c. 47)

104 The Northern Ireland Act 1998 is amended as follows.

105 In section 90 (effect of certificates), in subsection (2) for "made by the Lord Chancellor" substitute " made under section 91 ".

106 (1) Section 91 (the National Security Certificates Tribunal) is amended as follows.

(2) In subsection (2), after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice of Northern Ireland, ".

(3) After subsection (2) insert—

"(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)—

(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)."

107 (1) Section 92 (appeals from the Tribunal) is amended as follows.

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(2) In subsection (3) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice of Northern Ireland, ".

(3) After subsection (3) insert—

"(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (3)—

(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)."

108 (1) In Schedule 11 (tribunal established under section 91 of the Act), paragraph 5 (times and places of sittings in accordance with directions) is amended as follows.

(2) That paragraph becomes sub-paragraph (1) of paragraph 5.

(3) In that sub-paragraph, for "Lord Chancellor" substitute " Lord Chief Justice ".

(4) After that sub-paragraph insert—

"(2) The Lord Chief Justice may nominate any of the following to exercise his functions under this paragraph—

(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)."

Family Homes and Domestic Violence (Northern Ireland) Order 1998 (S.I. 1998/1071 (N.I. 6))

109 The Family Homes and Domestic Violence (Northern Ireland) Order 1998 is amended as follows.

110 (1) Article 34 (jurisdiction of courts and procedure) is amended as follows.

(2) In paragraphs (3), (4) and (5) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

(3) In paragraph (7) after "Lord Chancellor thinks appropriate" insert " , after consultation with the Lord Chief Justice, ".

(4) In paragraph (9) after "Lord Chancellor" insert " , after consultation with the Lord Chief Justice, ".

(5) After paragraph (9) insert—

"(9A) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

(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)."

111 (1) Article 39 (appeals) is amended as follows.

(2) In paragraph (4) after "Lord Chancellor" in each place insert " , after consultation with the Lord Chief Justice, ".

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(3) In paragraph (11) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

(4) After paragraph (11) insert—

"(11A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (4) or (11)—

(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)."

Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))

112 In Article 27 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (youth courts), in paragraph (3) for "Lord Chancellor" substitute " Lord Chief Justice ".

Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

113 (1) In the Social Security (Northern Ireland) Order 1998, Article 7 (qualifications for membership of appeal panels) is amended as follows.

(2) In paragraph (2) for the words from "such" to the end substitute " persons appointed by the Lord Chancellor ".

(3) In paragraph (3) at the end insert " ; and such concurrence may be given only after consultation with the Lord Chief Justice ".

(4) After paragraph (3) insert—

"(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (3)—

(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)."

(3B) As part of the selection process for the appointment of a medical practitioner as a member of the panel, the Northern Ireland Judicial Appointments Commission shall consult the Chief Medical Officer of the Department."

Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8))

114 In Article 12 of the Criminal Evidence (Northern Ireland) Order 1999 (evidence by live link), in paragraph (5) after "Lord Chancellor" insert " , after consultation with the Lord Chief Justice, ".

Justice (Northern Ireland) Act 2002 (c. 26)

115 (1) The Justice (Northern Ireland) Act 2002 is amended as follows.

(2) Where the amendment to section [F192]... 24(5) or 43(6) of that Act made by this Schedule comes into force before section 23 of this Act, the reference in that section (as amended by this Schedule) to the President of the Supreme Court has effect, until section 23 comes into force, as a reference to the senior Lord of Appeal in Ordinary.

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Textual Amendments

F192 Word in Sch. 5 para. 115(2) omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 5 para. 6(2)**; S.I. 2010/812, art. 2

Commencement Information

I28 Sch. 5 para. 115 partly in force; Sch. 5 para. 115 not in force at Royal Assent see s. 148; Sch. 5 para. 115(1) in force at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(c)

PROSPECTIVE

F193 116 . . . . . .

Textual Amendments

F193 Sch. 5 para. 116 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 5 para. 6(3)**; S.I. 2010/812, art. 2

F194 117 . . . . . .

Textual Amendments

F194 Sch. 5 para. 117 repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 9 Pt. 1**; S.R. 2016/387, art. 2(l) (with art. 3)

118 In section 10 (transfer of functions of justices of the peace), in subsection (4) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

119 In section 12 (role of the Lord Chief Justice), omit subsections (2) and (3).

120 (1) In section 24 (removal of Attorney General), in subsection (5) after "Lord Chancellor" insert "after consultation with all of the following—

(a) the President of the Supreme Court;
(b) the Lord Chief Justice of England and Wales;
(c) the Lord President of the Court of Session;
(d) the Lord Chief Justice of Northern Ireland".

Commencement Information

I29 Sch. 5 para. 120 in force at 12.4.2010 by S.I. 2010/883, **art. 2(c)(i)**

121 In section 43 (appointment and removal of Director of Public Prosecutions), in subsection (6) after "Lord Chancellor" insert "after consultation with all of the following—

(a) the President of the Supreme Court;
(b) the Lord Chief Justice of England and Wales;
(c) the Lord President of the Court of Session;
(d) the Lord Chief Justice of Northern Ireland".

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Commencement Information

I30 Sch. 5 para. 121 in force at 12.4.2010 by S.I. 2010/883, **art. 2(c)(i)**

122 (1) Schedule 1 (listed judicial offices) is amended as follows.

(2) After the entry "Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland" insert—

"Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22))".

(3) For the entry "Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland" and the entry inserted by sub-paragraph (2) above substitute—

"Member of the panel of persons who may serve as chairmen of the Care Tribunal established by Article 44 of the Health and Personal Social Services (Quality, Improvements and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))".

(4) Before the entry "Member of the panel of chairmen of the Fair Employment Tribunal" insert—

"Member of the panel of chairmen of the Industrial Tribunals".

(5) At the end of the Schedule insert—

"Member of the panel of persons who may serve as chairmen of a tribunal established for the purposes of the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. 1997/269)

Chairman of a Tribunal appointed under paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 in its application to Northern Ireland

Member of a Tribunal appointed under paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland

President or Deputy President of Pensions Appeal Tribunals appointed under paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland

Chairman of the Plant Varieties and Seeds Tribunal for the purpose of proceedings brought before it in Northern Ireland

Member of the panel of persons to act as chairmen of Reinstatement Committees sitting in Northern Ireland (appointed under paragraph 2(1)(a) of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985)

Member of the panel of persons appointed under section 6(1) of the Tribunals and Inquiries Act 1992 to act as chairmen of tribunals that sit in Northern Ireland

Member of the panel of chairmen of VAT tribunals for Northern Ireland

General Commissioner for a division in Northern Ireland (appointed under section 2 of the Taxes Management Act 1970)".

Commencement Information

I31 Sch. 5 para. 122 partly in force; Sch. 5 para. 122 not in force at Royal Assent see s. 148; Sch. 5 para. 122(4) in force for specified purposes at 31.8.2005 by S.I. 2005/2284, **art. 2**; Sch. 5 para. 122(1)-(3)(5)

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in force for specified purposes at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(e); Sch. 5 para. 122(5) in force for specified further purposes at 15.6.2006 by S.I. 2006/1537, **art. 2**

PROSPECTIVE

F195 123 . . . . . .

Textual Amendments

F195 Sch. 5 para. 123 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 5 para. 6(3)**; S.I. 2010/812, art. 2

124 (1) Schedule 4 (functions of justices of the peace) is amended as follows.

(2) In paragraph 4 (amendment of Schedule by order), after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

(3) In paragraph 5 (consequential amendments by order) after "Lord Chancellor may" insert " , after consultation with the Lord Chief Justice, ".

(4) After paragraph 5 insert—

"5A The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph 4 or 5—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);

(b) a Lord Justice of Appeal (as defined in section 88 of that Act)."

125 Omit Schedule 5 (transfer of functions to Lord Chief Justice).

126 (1) Schedule 6 (office-holders required to take judicial oath) is amended as follows.

(2) After the entry "Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland" insert— " Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)) ".

(3) For the entry "Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland" and the entry inserted by sub-paragraph (2) above substitute— " Member of the panel of persons who may serve as chairmen of the Care Tribunal established by Article 44 of the Health and Personal Social Services (Quality, Improvements and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)) ".

(4) Before the entry "Member of the panel of chairmen of the Fair Employment Tribunal" insert— " Member of the panel of chairmen of the Industrial Tribunals ".

(5) At the end of the Schedule insert— " Member of the panel of persons who may serve as chairmen of a tribunal established for the purposes of the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. 1997/269). Chairman of a Tribunal appointed under paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 in its application to Northern Ireland Member of a Tribunal appointed under paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland President or Deputy President of Pensions

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Appeal Tribunals appointed under paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland Chairman of the Plant Varieties and Seeds Tribunal for the purpose of proceedings brought before it in Northern Ireland Member of the panel of persons to act as chairmen of Reinstatement Committees sitting in Northern Ireland (appointed under paragraph 2(1)(a) of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985) Member of the panel of persons appointed under section 6(1) of the Tribunals and Inquiries Act 1992 to act as chairmen of tribunals that sit in Northern Ireland Member of the panel of chairmen of VAT tribunals for Northern Ireland General Commissioner for a division in Northern Ireland (appointed under section 2 of the Taxes Management Act 1970) ”.

Commencement Information

I32 Sch. 5 para. 126 partly in force; Sch. 5 not in force at Royal Assent see s. 148; Sch. 5 para. 126(4) in force at 31.8.2005 by S.I. 2005/2284, **art. 2**; Sch. 5 para. 126(1)(2)(5) in force for specified purposes at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(g)

127 In Schedule 12 (minor and consequential amendments), after paragraph 81 insert—

“**Constitutional Reform Act 2005**

82 Omit sections 133 to 136 of the Constitutional Reform Act 2005 (judicial removals: Northern Ireland).”

Commencement Information

I33 Sch. 5 para. 127 in force at 12.4.2010 by S.I. 2010/883, **art. 2(c)(ii)**

128 (1) Schedule 13 (repeals and revocations) is amended as follows.

(2) Omit—

(a) the entry relating to the County Courts (Northern Ireland) Order 1980 (1980/397 (N.I. 3));

(b) the entry relating to Article 168 of the Magistrates' Courts (Northern Ireland) Order 1981.

(3) After the entries relating to the Justice (Northern Ireland) Act 2002 insert—

“Constitutional Reform Act 2005	Sections 133 to 136.”

Commencement Information

I34 Sch. 5 para. 128 partly in force; Sch. 5 para. 128 not in force at Royal Assent see s. 148; Sch. 5 para. 128(1)(2) in force at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(h)

I35 Sch. 5 para. 128(3) in force at 12.4.2010 by S.I. 2010/883, **art. 2(c)(iii)**

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Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))

129 (1) In Schedule 2 to the Health and Personal Social Services (Quality, Improvements and Regulation) (Northern Ireland) Order 2003 (the Care Tribunal), paragraph (1) (composition of Care Tribunal) is amended as follows.

(2) For sub-paragraph (2)(a) substitute—

"(a) a chairman nominated from the chairmen's panel by the Lord Chief Justice after consultation with the First Minister and deputy First Minister; and".

(3) After sub-paragraph (2) insert—

"(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under this paragraph—

(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)."

(4) In paragraph (3) (tenure of office), omit sub-paragraph (3).

PROSPECTIVE

Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2004 (S.R. 2004/165)

130 (1) Regulation 5 of the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2004 (panels of chairmen and members of tribunals) is amended as follows.

(2) In paragraph (1)(a), for "the Department" substitute " the Lord Chancellor ".

(3) In paragraph (2), for "to the Department" substitute " to the Lord Chancellor, in the case of a member of the panel of chairmen, or to the Department, in any other case, ".

PART 2

AMENDMENTS RELATING TO ENACTMENTS REPEALED OR AMENDED OTHERWISE THAN BY THIS ACT

Introduction

131 (1) This Part of this Schedule contains amendments of or relating to enactments that have already been amended or repealed by provisions of other Acts.

(2) In each case the amending or repealing provision is specified, in relation to the enactment referred to, as the "original amending provision".

(3) An amendment contained in any provision of this Part of this Schedule has effect only until the original amending provision comes fully into force in relation to the enactment referred to in that provision of this Part of this Schedule.

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PROSPECTIVE

Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))

132 (1) Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 (constitution of juvenile courts) is amended as follows.

(2) In paragraph 1 (juvenile court panels)—

(a) in sub-paragraph (3) for "Lord Chancellor" in each place substitute " Lord Chief Justice ";

(b) after sub-paragraph (3) insert—

"(3A) The Lord Chief Justice may approve a course of training, or allow a longer period for completion of a course, only after consultation with the Lord Chancellor."

(3) In relation to the enactment referred to in this paragraph, the original amending provision is section 86 of, and Schedule 13 to, the Justice (Northern Ireland) Act 2002 (c. 26).

Administration of Estates (Northern Ireland) Order 1979 (S.I. 1979/1575 (N.I. 14))

133 (1) Article 27 of the Administration of Estates (Northern Ireland) Order 1979 (depositories of wills of living persons) is amended as follows.

(2) That Article becomes paragraph (1) of Article 27.

(3) In that paragraph, for "the directions of the Lord Chancellor" substitute " directions given by the Lord Chief Justice with the concurrence of the Lord Chancellor ".

(4) After that paragraph insert—

"(2) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

(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)."

(5) In relation to the enactment referred to in this paragraph, the original amending provision is section 75 of, and Part 2 of Schedule 9 to, the Administration of Justice Act 1982 (c. 53).

County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 14))

134 (1) Article 46 of the County Courts (Northern Ireland) Order 1980 (county court rules committee) is amended as follows.

(2) In paragraph (1) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) After paragraph (1) insert—

"(1A) The Lord Chief Justice must consult the Lord Chancellor before making an appointment under paragraph (1)(b), (c), (e) or (f)."

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(4) In relation to the enactment referred to in this paragraph, the original amending provision is section 73(2) of the Justice (Northern Ireland) Act 2002 (c. 26).

SCHEDULE 6

Section 18

SPEAKERSHIP OF THE HOUSE OF LORDS

Clerk of the Parliaments Act 1824 (c. 82)

1 (1) For the title to section 3 of the Clerk of the Parliaments Act 1824 substitute " Appointment of other clerks officiating at the table ".

(2) In section 3 for "the lord chancellor or speaker of the House of Lords for the time being" substitute " the Speaker of the House of Lords ".

Parliamentary Papers Act 1840 (c. 9)

2 In section 1 of the Parliamentary Papers Act 1840 (proceedings against persons for publication of Parliamentary papers) for the words from "the lord high chancellor" to "the time being" substitute " the Speaker of the House of Lords ".

Church of England Assembly (Powers) Act 1919 (c. 76)

3 In section 2(2) of the Church of England Assembly (Powers) Act 1919 (members of Ecclesiastical Committee of both Houses of Parliament), for "the Lord Chancellor" in both places substitute " the Speaker of the House of Lords ".

Statutory Instruments Act 1946 (c. 36)

4 (1) The Statutory Instruments Act is amended as follows.

(2) In section 4(1) (statutory instruments required to be laid before Parliament) for "to the Lord Chancellor and to the Speaker of the House of Commons" substitute " to the Speaker of the House of Commons and the Speaker of the House of Lords ".

(3) In section 8(1) (regulations for the purposes of the Act) for "the Lord Chancellor and the Speaker of the House of Commons" in each place substitute " the Speaker of the House of Commons and the Speaker of the House of Lords ".

Laying of Documents Before Parliament (Interpretation) Act 1948 (c. 59)

5 (1) For the title to section 2 of the Laying of Documents Before Parliament (Interpretation) Act 1948 substitute " Statutory Instruments Act 1946, s.4: notification during vacancy of office of Speaker of either House ".

(2) In section 2—

(a) for "to the Lord Chancellor and to the Speaker of the House of Commons" substitute " to the Speaker of the House of Commons and the Speaker of the House of Lords ";

(b) for "of the Lord Chancellor or of the Speaker" substitute " of the Speaker of the House of Commons or the Speaker of the House of Lords ".

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Consolidation of Enactments (Procedure) Act 1949 (c. 33)

6 (1) Section 1 of the Consolidation of Enactments (Procedure) Act 1949 (procedure for making corrections and minor improvements) is amended as follows.

(2) In subsection (3) for "the Lord Chancellor and the Speaker of the House of Commons" substitute " the Speaker of the House of Commons and the Speaker of the House of Lords ".

(3) In subsection (4)—

(a) for "the Lord Chancellor and the Speaker" substitute " the Speaker of the House of Commons and the Speaker of the House of Lords ";

(b) for "of the Lord Chancellor and of the Speaker" substitute " of the Speaker of the House of Commons and the Speaker of the House of Lords ".

(4) In subsection (5) for "the Lord Chancellor nor the Speaker" substitute " the Speaker of the House of Commons nor the Speaker of the House of Lords ".

(5) In subsections (6) and (7) for "of the Lord Chancellor and of the Speaker" substitute " of the Speaker of the House of Commons and the Speaker of the House of Lords ".

Exchequer and Audit Departments Act 1957 (c. 45)

F196 7 . . . . . .

Textual Amendments

F196 Sch. 6 para. 7 omitted (1.4.2012) by virtue of Budget Responsibility and National Audit Act 2011 (c. 4), s. 29, **Sch. 5 para. 25**; S.I. 2011/2576, art. 5

Ministerial and other Salaries Act 1975 (c. 27)

8 In section 2(3) of the Ministerial and other Salaries Act 1975 (question as to who is Leader of the Opposition in the House of Lords) for "the Lord Chancellor" substitute " the Speaker of the House of Lords ".

SCHEDULE 7

Section 19

PROTECTED FUNCTIONS OF THE LORD CHANCELLOR

1 Any function of the Lord Chancellor that relates to the custody or use of the Great Seal of the United Kingdom.

2 Any function of the Lord Chancellor under this Act **[**F197, including any function under provision inserted into this Act by—

(a) the Crime and Courts Act 2013, or

(b) any earlier or later enactment**]**.

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Textual Amendments

F197 Words in Sch. 7 para. 2 inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 79**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

3 Any function of the Lord Chancellor under another enactment, if the function is conferred or modified by an amendment made by this Act.

[[F198]3A Any function of the Lord Chancellor under the Legal Services Act 2007.**]**

Textual Amendments

F198 Sch. 7 para. 3A inserted (7.3.2008) by Legal Services Act 2007 (c. 29), **ss. 199(2)**, 211; S.I. 2008/222, **art. 2(g)**

4 Any function of the Lord Chancellor under these provisions—

A: GENERAL

Sheriffs Act 1887 (c. 55)
Section 20

F199…

Stamp Act 1891 (c. 39)
Section 13A

War Pensions (Administrative Provisions) Act 1919 (c. 53)
The Schedule, paragraphs 1, 2, 3, 8 and 9

Administration of Justice Act 1925 (c. 28)
Section 22(4)

Children and Young Persons Act 1933 (c. 12)
Schedule 2, paragraphs 4, 5, 11, 12 and 20

Compensation (Defence) Act 1939 (c. 75)
Section 8

London Building Acts (Amendment) Act 1939 (c. xcvii)
Section 109(2)

Pensions Appeal Tribunals Act 1943 (c. 39)
The Schedule, paragraphs 2(1), 2A, 2B, 3C and 5

Coal Industry Nationalisation Act 1946 (c. 59)
Section 61(1)
Section 64(10)

Agriculture Act 1947 (c. 48)
Schedule 9

Commonwealth Telegraphs Act 1949 (c. 39)
Section 6(4)

F200 . . . . . .

National Health Service (Amendment) Act 1949 (c. 93)
Section 7(6)
Section 9(4)(a)

National Parks and Access to the Countryside Act 1949 (c. 97)

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Section 18(3)

[[F201]*Registered Designs Act 1949 (c.88)*

Sections 27A and 27B.**]**

Foreign Compensation Act 1950 (c. 12)

Section 1(1)

Section 4

Courts-Martial (Appeals) Act 1951 (c. 46)

Section 28

Section 30

Section 31(4)

Section 32

Section 33

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

Section 5

Agriculture (Miscellaneous Provisions) Act 1954 (c. 39)

Section 6(6)

Landlord and Tenant Act 1954 (c. 56)

Section 63(6)(c)

Land Powers (Defence) Act 1958 (c. 30)

Schedule 2, paragraphs 4(3) and (4)

Land Compensation Act 1961 (c. 33)

Section 3

Transport Act 1962 (c. 46)

Schedule 6, paragraph 3(4)

Betting, Gaming and Lotteries Act 1963 (c. 2)

Section 29

Ecclesiastical Jurisdiction Measure 1963 (1963 No. 1)

Section 2(1A)

Section 3

Industrial and Provident Societies Act 1965 (c. 12)

F202 …

[[F203]*Commons Registration Act 1965 (c. 64)***]***

Superannuation Act 1965 (c. 74)

Section 39A

Courts-Martial (Appeals) Act 1968 (c. 20)

Section 2

Section 5

Section 7(2)

Section 30

Countryside Act 1968 (c. 41)

Section 15A(3)

F204 . . . . . .

Transport Act 1968 (c. 73)

Schedule 4, paragraph 13(3)

Taxes Management Act 1970 (c. 9)

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Section 2
Section 2A
Section 3
Section 3A
Section 4(1), (3) and (6)
Section 4A(1) and (6)
Section 28ZC
Section 46A
Section 56B

Administration of Justice Act 1970 (c. 31)
Section 10(3)

Courts Act 1971 (c. 23)
Section 16(1)
Section 18
[[F205]Section 21**]**
Section 24
Schedule 2, paragraphs 4(3) and 9(2)

Misuse of Drugs Act 1971 (c. 38)
Schedule 3, paragraphs 1(1), 3 and 4 and, in the table in paragraph 21, the entry for paragraph 1

Immigration Act 1971 (c. 77)
Section 22

Administration of Justice Act 1973 (c. 15)
Sections 9 and 12

Juries Act 1974 (c. 23)
Section 2
Section 3(1)
Section 5(1)
Section 8
Section 19
Section 21
Section 23(2)

[[F206]*Solicitors Act 1974 (c. 47)*
Section 56**]**

Industry Act 1975 (c. 68)
Schedule 3, paragraphs 4(1)(a) and 17

Armed Forces Act 1976 (c. 52)
Section 6(3), (4), (8) and (11)

F207 . . . . . .

F208 . . . . . .

Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)
Section 2(3)

Customs and Excise Management Act 1979 (c. 2)
Schedule 3, paragraph 17(4)

Magistrates' Courts Act 1980 (c. 43)

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Section 137
Section 144(2) and (3)

Judicial Pensions Act 1981 (c. 20)

Section 3
Section 5
Section 7
Section 10
Section 11
Section 13
Section 13A
Section 14A
Section 23
Section 29B
Section 32A
[[F209]Section 33ZA**]**
Section 33A
Schedule 1, paragraph 3(3)
Schedule 1A, paragraphs 2 and 11
Schedule 2, paragraph 2(2)

British Telecommunications Act 1981 (c. 38)

Schedule 2, paragraph 12(3)

Supreme Court Act 1981 (c. 54)

Section 9(8)
Section 11(7) and (8)
Section 12
Section 54(3)
Section 57(4)(a)
Section 71(4)(a)
Section 74
Section 75
[[F210]Section 91**]**
Section 92(1) and (3A)
Section 98
[[F211]Section 102**]**
Section 126
Section 133
Section 140(4)

Wildlife and Countryside Act 1981 (c. 69)

Section 28N(3)

Transport Act 1982 (c. 49)

Section 66(4)(a)

Administration of Justice Act 1982 (c. 53)

Section 25(3)(a) [F212]...

Mental Health Act 1983 (c. 20)

Section 78

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Section 143(1)
Schedule 2, paragraphs 1, 2 and 3

Car Tax Act 1983 (c. 53)
Section 3(5)

County Courts Act 1984 (c. 28)
[[F213]Section 8**]**
Section 12(1)
Section 128
Section 130

Matrimonial and Family Proceedings Act 1984 (c. 42)
Section 37

Ordnance Factories and Military Services Act 1984 (c. 59)
Schedule 1, paragraph 2(5)

Reserve Forces (Safeguard of Employment) Act 1985 (c. 17)
Schedule 2, paragraph 2(1)(a)

[[F214]*Administration of Justice Act 1985 (c. 61)*
Section 9(7)
Section 69(2)
Schedule 3**]**

Transport Act 1985 (c. 67)
Schedule 4, paragraphs 2(1)(a), 3(4) and (5), 6, 7, 15 and 16

Landlord and Tenant Act 1985 (c. 70)
Section 29(4)

[F215] . . . . . .

Insolvency Act 1986 (c. 45)
Section 117
Section 413
Section 414
Section 415
Section 420(1)
Section 421(1)
Schedule 7, paragraph 1(1)(a)

Ecclesiastical Fees Measure 1986 (1986 No. 2)
Section 4(1)(a)

Income and Corporation Taxes Act 1988 (c. 1)
Section 706(1)

Coroners Act 1988 (c. 13)
Section 17A

Criminal Justice Act 1988 (c. 33)
Schedule 12

Education Reform Act 1988 (c. 40)
Schedule 10, paragraph 9(4)

[[F216]*Local Government Finance Act 1988*
Schedule 11, paragraph A7**]**

Copyright, Designs and Patents Act 1988 (c. 48)

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Section 145(2)
Section 146(6)
Section 150
Section 291(5)
Section 292

Electricity Act 1989 (c. 29)
Schedule 10, paragraph 9(2)(a)

Children Act 1989 (c. 41)
Section 104(1)

Broadcasting Act 1990 (c. 42)
Schedule 9, paragraph 5(5)(a)

Town and Country Planning Act 1990 (c. 8)
Section 20(5)

Courts and Legal Services Act 1990 (c. 41)
Section 1
[[F217]Section 53
Section 60**]**
Section 72
[[F218]Section 89
Section 125(4)
Schedule 19, paragraph 17**]**

Child Support Act 1991 (c. 48)
Section 8
[F219] . . . . . .
[F219] . . . . . .
[F219] . . . . . .
Section 52(1)
Schedule 4, paragraphs **[**[F220]2(1) and (2)**]**

Ports Act 1991 (c. 52)
Schedule 2, paragraph 11(5)

Land Drainage Act 1991 (c. 59)
Section 31(1)

Armed Forces Act 1991 (c. 62)
Schedule 1

Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 1)
Section 25(2)(a)

Social Security Administration Act 1992 (c. 5)
Section 24
Section 41(4)(c)
Section 43(5)(c)
Section 50(4)(c)
Section 51(1)
Section 52(2)
Section 58

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Schedule 2, paragraph 6

Further and Higher Education Act 1992 (c. 13)

Schedule 5, paragraph 7(4)

Finance (No. 2) Act 1992 (c. 48)

Section 75

Tribunals and Inquiries Act 1992 (c. 53)

Section 6(2), (8) and (9)
Section 9
Section 13
Section 15
Section 16(2)

Judicial Pensions and Retirement Act 1993 (c. 8)

Section 1
Section 2
Section 3
Section 9
[[F222]Section 9A**]**
Section 10
Section 11
Section 12
Section 13
Section 19
Section 20
Section 21
Section 26(5), (6) and (9)
Section 31
Schedule 2, paragraphs 2, 11, 12 and 13
Schedule 2A, paragraphs 1 and 2
Schedule 5, as it applies in relation to the office of chairman or other member of Rent Assessment Committees
Schedule 7, paragraph 2

Coal Industry Act 1994 (c. 21)

Schedule 2, paragraph 8(6)(a)

Value Added Tax Act 1994 (c. 23)

Schedule 12, paragraphs 2(2) and (3), 3(2), (4), (5), (6) and (8), 4(2), 7(8) and (10), and 9

Trade Marks Act 1994 (c. 26)

Section 77

Merchant Shipping Act 1995 (c. 21)

Section 297(1)

Atomic Energy Authority Act 1995 (c. 37)

Schedule 1, paragraph 10(6)(a)

Employment Tribunals Act 1996 (c. 17)

Section 3
Section 22(1)(c) and (2)

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Section 27
Section 30
Reserve Forces Act 1996 (c. 14)
Section 90
Section 91
Police Act 1996 (c. 16)
Schedule 6, paragraph 1(a)
Arbitration Act 1996 (c. 23)
F223 …
Section 105
Defamation Act 1996 (c. 31)
Section 9(1)(c)
Housing Act 1996 (c. 52)
Section 119(3)
Broadcasting Act 1996 (c. 55)
Schedule 5, paragraph 8(6)(a)
Education Act 1996 (c. 56)
Section 333(3)
School Inspections Act 1996 (c. 57)
Schedule 2, paragraph 1(1)(a)
Civil Procedure Act 1997 (c. 12)
Section 3
Section 6
Justices of the Peace Act 1997 (c. 25)
Section 10
Section 10A(1)
Section 10B(1)
Section 27B
Section 29
Section 30
Section 30B
Section 30C
Section 31
Section 32A
Section 34
Finance (No. 2) Act 1997 (c. 58)
Schedule 2, paragraph 11(2)
Plant Varieties Act 1997 (c. 66)
Schedule 3, paragraphs 2(1), 13 and 16
Special Immigration Appeals Commission Act 1997 (c. 68)
Section 5
Section 8
Schedule 1, paragraphs 1, 2, 3 and 4
Social Security Act 1998 (c. 14)
Section 5(1)

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Section 6(1) to (4)
Section 79
Schedule 4, paragraphs 1(2), 2, 3, 6 and 8
Data Protection Act 1998 (c. 29)
Section 6(4)
Crime and Disorder Act 1998 (c. 37)
Section 51
Section 51D
Section 81
Human Rights Act 1998 (c. 42)
Schedule 4
Social Security Contributions (Transfer of Functions, Etc.) Act 1999 (c. 2)
Section 13
F224 . . . . . .
F224 . . . . . .
Finance Act 1999 (c. 16)
Schedule 17, paragraph 11
[*F225 Access to Justice Act 1999 (c. 22)*
Section 45**]**
Greater London Authority Act 1999 (c. 29)
Section 189(6)
Welfare Reform and Pensions Act 1999 (c. 30)
Section 43
Immigration and Asylum Act 1999 (c. 33)
Section 53(6)
Schedule 7, paragraphs 1 and 2
[F226Schedule 10**]**
F227 …
Terrorism Act 2000 (c. 11)
Schedule 3, paragraphs 1, 2, 3 and 5
F228 . . . . . .
F228 . . . . . .
Local Government Act 2000 (c. 22)
Section 75
Section 76(11)
International Criminal Court Act 2001 (c. 17)
Schedule 1, paragraph 7
Anti-terrorism, Crime and Security Act 2001 (c. 24)
Schedule 6, paragraphs 1, 2, 3 and 5
Land Registration Act 2002 (c. 9)
[F229Section 108(5)**]**
Commonhold and Leasehold Reform Act 2002 (c. 15)
Schedule 12, paragraph 5(3)
Tax Credits Act 2002 (c. 21)

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Section 65

Proceeds of Crime Act 2002 (c. 29)

Section 320(3)(b)

Enterprise Act 2002 (c. 40)

Section 12(2)(a) and (b)

Section 16

Schedule 2, paragraphs 1 and 3

Nationality, Immigration and Asylum Act 2002 (c. 41)

Section 16

Section 81

Section 106

Schedule 4, paragraphs 1, 2, 6 and 7

Schedule 5, paragraphs 1, 2, 3, 4, 5, 9, 10 and 11

Finance Act 2003 (c. 14)

Schedule 17, paragraphs 6 to 10

Communications Act 2003 (c. 21)

Schedule 2, paragraph 4(7)(a)

Courts Act 2003 (c. 39)

Section 1

Section 22(1)

[[F230]Section 24**]**

Section 27

Section 35

Section 36

Section 37

Section 51

Section 61

[[F231]Section 70(2)(a)**]**

Schedule 1, paragraphs 2 and 6

Schedule 5, paragraph 43

Schedule 6, paragraph 1

Schedule 7, paragraphs 2 and 12

[[F232]*Criminal Justice Act 2003 (c. 44)*

Section 174(4)

Section 269(6) and (7)**]**

[F233] . . . . . .

[[F234]*Income Tax Act 2007*

Section 704(1)**]**

[[F235]*Tribunals, Courts and Enforcement Act 2007*

Part 1

Section 51

Part 3

Sections 95 to 102**]**

[[F236]*Coroners and Justice Act 2009 (c. 25)*

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Section 119(1) and (2)
Section 120(6)
Section 122(4)
Section 124(1)
Section 131(2)
Section 132(1), (4) and (6)
Section 133
Schedule 15**]**

[[F237]*Marriage (Same Sex Couples) Act 2013*
Section 8**]**

[[F238]*Public Service Pensions Act 2013*
Schedule 1, paragraph 2(1).
Schedule 2, paragraph 2**]**

B: LEGISLATION RELATING TO NORTHERN IRELAND

Judicial Pensions Act (Northern Ireland) 1951 (c. 20 (N.I.))
Section 11A
Section 16
Schedule 4, paragraph 3

Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.))
F239 …
F239 …
F239 …
Section 36(1) and (2)

County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))
F240 …
Section 106 (1) and (3)
Section **[**[F241]107(7)**]**
Section 116(1)
Section 116A(3)(b), (4)(a) and (b), (5) and (6)
Section 127A(1)
Section 132
Section 132A(1), (2) and (4)
Section 134
Schedule 2A, paragraphs 2(1)(a), 11(1), 12(1) and 13(a)

Resident Magistrates' Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.))
Section 2(1)
Section 2A(3)(b), (4)(a) and (b), (5) and (6)
[[F242]Section 8A**]**
Section 9A(1)
Section 16(1), (3) and (4)
Section 21A(1), (2) and (4)
Schedule 2, paragraph 3(3)(a)
Schedule 3, paragraphs 2(a), 11(1), 12(1) and 13

Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.))

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F240 …

Section 10(1)

Section 12(1)

F240 …

Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))

F240 …

Section 2A(3)(b), (4)(a) and (b), (5) and (6)

F240 …

Registration of Deeds Act (Northern Ireland) 1970 (c. 25 (N.I.))

F243 …

Social Security (Northern Ireland) Act 1975 (c. 15)

Schedule 10, paragraphs 6(1), 7(2), (3) and (4), 7A(3)(b), (4)(a) and (b), (5) and (6)

Judicature (Northern Ireland) Act 1978 (c. 23)

Section 7(4)

F240 …

F240 …

[F244Sections 12B and 12C**]**

F245 …

F245 …

F245 …

F245 …

F240 …

Section 71(4)

Section 72(3)

Section **[**F246**]**74(5)

F245 …

F245 …

F240 …

F245 …

Section 117A

Section 123(2) and (3)

Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15))

F247 …

Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)

Schedule 1, Part 1

County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))

F248 …

F248 …

F248 …

F248 …

Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))

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F249 …

F249 …

F249 …

F249 …

Forfeiture (Northern Ireland) Order 1982 (S.I. 1982/1082 (N.I. 14))

F250 …

Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4))

F251 …

F240 …

Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23))

F252 …

F252 …

F252 …

F252 …

[F253Schedule 4, paragraph 4**]**

Judicial Pensions (Northern Ireland) Order 1991 (S.I. 1991/2631 (N.I. 24))

Article 1(2)

Social Security Administration (Northern Ireland) Act 1992 (c. 8)

F254 …

Section 56(6)

F254 …

F254 …

F254 …

Registered Homes (Northern Ireland) Order 1992 (S.I. 1992/3204 (N.I. 20))

Article 30(1)(a)

Article 31(2)

Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6))

F255 …

Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))

F256 …

F256 …

F256 …

Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1))

F240 …

Northern Ireland Act 1998 (c. 47)

Section 91(6)

Schedule 11, paragraphs 2(1) and (3), **[**F257**]**2A,**]** 3(1) and (4), and 4

Family Homes and Domestic Violence (Northern Ireland) Order 1998 (S.I. 1998/1071 (N.I. 6))

F258 …

F258 …

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Road Traffic (New Drivers) (Northern Ireland) Order 1998 (S.I. 1998/1074 (N.I. 7))

F259 …

Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

F240 …

F240 …

F260 …

F260 …

Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21))

F261 …

F240 …

Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

Article 40

Article 73(10) and (11)

Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

F262 …

Justice (Northern Ireland) Act 2002 (c. 26)

F263 …

F263 …

F240 …

F240 …

Section 12(3)

F263 …

F263 …

F263 …

F263 …

[[F264]Schedule 3, Part 1**]**

Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))

F240 …

Justice (Northern Ireland) Act 2004 (c. 4)

F265 …

Textual Amendments

F199 Entry in Sch. 7 para. 4 repealed (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 14 para. 48, **Sch. 23 Pt. 4** (with s. 89); S.I. 2014/768, art. 2(1)(b)

F200 Sch. 7 para. 4 entry omitted (1.6.2009) by virtue of The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 285**

F201 Sch. 7 para. 4 entry inserted (6.4.2015) by Intellectual Property Act 2014 (c. 18), **ss. 10(10)**, 24(1); S.I. 2015/165, art. 3

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F202 Words in Sch. 7 para. 4 repealed (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 7** (with Sch. 5)

F203 Sch. 7 para. 4 entry repealed (E.W.) (1.12.2010) by Commons Act 2006 (c. 26), s. 56, **Sch. 6 Pt. 1** (with s. 60); S.I. 2010/2356, art. 3(3)

F204 Sch. 7 para. 4 entry repealed (1.4.2010) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 15 Pt. 2**; S.I. 2010/708, art. 4(2)(d)

F205 Words in Sch. 7 para. 4 substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 32(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F206 Sch. 7 para. 4 entry inserted (30.6.2008) by Legal Services Act 2007 (c. 29), **ss. 199(4)**, 211; S.I. 2008/1436, **art. 2(b)** (with art. 4)

F207 Sch. 7 para. 4 entry omitted (22.3.2013) by virtue of The Public Bodies (Abolition of the Aircraft and Shipbuilding Industries Arbitration Tribunal) Order 2013 (S.I. 2013/686), art. 1(2), **Sch. 1 para. 8(3)** (with arts. 28-31)

F208 Sch. 7 para. 4 entry repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F209 Sch. 7 para. 4 entry inserted (3.1.2012) by Pensions Act 2011 (c. 19), s. 38(4), **Sch. 5 para. 3(2)**; S.I. 2011/3034, art. 3(j)

F210 Words in Sch. 7 para. 4 substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 35(6)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F211 Words in Sch. 7 para. 4 substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 36(6)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F212 Words in Sch. 7 para. 4 omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 79(a)** (with arts. 28-31)

F213 Words in Sch. 7 para. 4 substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 37(7)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F214 Sch. 7 para. 4 entry inserted (30.6.2008 in regard to the insertion of s. 9(7) and otherwise 31.3.2009) by Legal Services Act 2007 (c. 29), **ss. 199(5)**, 211; S.I. 2008/1436, **art. 2(b)**; S.I. 2009/503, **art. 2(a)**

F215 Sch. 7 para. 4 entry repealed (19.10.2006) by The Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2805), art. 18, **Sch. 2**

F216 Sch. 7 para. 4 entry inserted (1.4.2008 for certain purposes otherwise 1.10.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 220, 245, **Sch. 16 para. 15(2)**; S.I. 2008/917, **art. 2(1)(dd)**; S.I. 2008/3110, **art. 6(d)(iv)**

F217 Sch. 7 para. 4 entry inserted (31.3.2009 in regard to the insertion of s. 53 and otherwise 1.1.2010) by Legal Services Act 2007 (c. 29), **ss. 199(6)(a)**, 211; S.I. 2009/503, **art. 2(a)**; S.I. 2009/3250, **art. 2(g)** (with art. 9)

F218 Sch. 7 para. 4 entry inserted (30.6.2008 in regard to the insertion of s. 89 only and otherwise 31.3.2009) by Legal Services Act 2007 (c. 29), **ss. 199(6)(b)**, 211; S.I. 2008/1436, **art. 2(b)**; S.I. 2009/503, **art. 2(a)** (with art. 9)

F219 Sch. 7 para. 4 entries omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9, **Sch. 3 para. 219(2)(a)**

F220 Words in Sch. 7 para. 4 substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9, **Sch. 3 para. 219(2)(b)**

F221 Sch. 7 para. 4 entry omitted (3.11.2008) by virtue of and repealed (prosp.) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 48(1), 146, 148, Sch. 8 para. 64, **Sch. 23 Pt. 1**; S.I. 2008/2696, **art. 5(c)(i)** (with arts. 3,4)

F222 Sch. 7 para. 4 entry inserted (3.1.2012) by Pensions Act 2011 (c. 19), s. 38(4), **Sch. 5 para. 3(3)**; S.I. 2011/3034, art. 3(j)

F223 Sch. 7 para. 4 entry omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 79(b)** (with arts. 28-31)

F224 Sch. 7 para. 4 entry omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9, **Sch. 3 para. 219(3)**

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F225 Sch. 7 para. 4 entry inserted (1.1.2010) by Legal Services Act 2007 (c. 29), **ss. 199(7)**, 211; S.I. 2009/3250, **art. 2(g)** (with art. 9)

F226 Words in Sch. 7 para. 4 inserted (2.4.2007) by The Transfer of Functions (Asylum Support Adjudicators) Order 2007 (S.I. 2007/275), **art. 5** (with art. 4)

F227 Sch. 7 para. 4 entry repealed (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 19** (with Sch. 20); S.I. 2013/423, art. 3, Sch.

F228 Sch. 7 para. 4 entry omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9, **Sch. 3 para. 219(4)**

F229 Sch. 7 para. 4 entry substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 240** (with Sch. 3)

F230 Words in Sch. 7 para. 4 inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 38(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F231 Sch. 7 para. 4 entry inserted (22.8.2007) by virtue of The Secretary of State for Justice Order 2007 (S.I. 2007/2128), art. 8, **Sch. para. 11**

F232 Sch. 7 para. 4 entry substituted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), **ss. 134(a)**, 182(4)(b) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 8

F233 Sch. 7 para. 4 entry omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 91** (with Sch. 5)

F234 Sch. 7 para. 4 entry inserted (with effect as mentioned in s. 1034(1)) by Income Tax Act 2007 (c. 3), ss. 1027, 1034, **Sch. 1 para. 490** (with transitional provisions and savings in Sch. 2)

F235 Sch. 7 para. 4 entry inserted (19.9.2007 for specified purposes) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 144(11)**, 148; S.I. 2007/2709, **art. 2(f)**

F236 Sch. 7 para. 4 entry inserted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), **ss. 134(b)**, 182(4)(b) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 8

F237 Sch. 7 para. 4 entry inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), **ss. 8(6)**, 21(3); S.I. 2014/93, art. 3(d)

F238 Sch. 7 para. 4 entry inserted (1.4.2014) by Public Service Pensions Act 2013 (c. 25), s. 41(2), **Sch. 8 para. 29** (with Sch. 11 para. 8); S.I. 2014/839, art. 4(2)(n)

F239 Sch. 7 para. 4 entries omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(a)** (with arts. 28-31)

F240 Sch. 7 para. 4 entries omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 5 para. 7(2)**; S.I. 2010/812, art. 2

F241 Word in Sch. 7 para. 4 substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 5 para. 7(3)**; S.I. 2010/812, art. 2

F242 Sch. 7 para. 4 entry inserted (3.1.2012) by Pensions Act 2011 (c. 19), s. 38(4), **Sch. 5 para. 3(4)**; S.I. 2011/3034, art. 3(j)

F243 Sch. 7 para. 4 entry omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(b)** (with arts. 28-31)

F244 Sch. 7 para. 4 entry inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 5 para. 7(4)(a)**; S.I. 2010/812, art. 2

F245 Sch. 7 para. 4 entries omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(c)** (with arts. 28-31)

F246 Sch. 7 para. 4 entry substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 5 para. 7(4)(b)**; S.I. 2010/812, art. 2

F247 Sch. 7 para. 4 entry omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(d)** (with arts. 28-31)

F248 Sch. 7 para. 4 entries omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(e)** (with arts. 28-31)

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F249 Sch. 7 para. 4 entries omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(f)** (with arts. 28-31)

F250 Sch. 7 para. 4 entry omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(g)** (with arts. 28-31)

F251 Sch. 7 para. 4 entry omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(h)** (with arts. 28-31)

F252 Sch. 7 para. 4 entries omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 80(a)** (with arts. 28-31)

F253 Words in Sch. 7 para. 4 substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 80(b)** (with arts. 28-31)

F254 Sch. 7 para. 4 entries omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(i)** (with arts. 28-31)

F255 Sch. 7 para. 4 entry omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(j)** (with arts. 28-31)

F256 Sch. 7 para. 4 entries omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(k)** (with arts. 28-31)

F257 Word in Sch. 7 para. 4 inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 5 para. 7(5)**; S.I. 2010/812, art. 2

F258 Sch. 7 para. 4 entries omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(l)** (with arts. 28-31)

F259 Sch. 7 para. 4 entry omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(m)** (with arts. 28-31)

F260 Sch. 7 para. 4 entries omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(n)** (with arts. 28-31)

F261 Sch. 7 para. 4 entry omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(o)** (with arts. 28-31)

F262 Sch. 7 para. 4 entry omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(p)** (with arts. 28-31)

F263 Sch. 7 para. 4 entries omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(q)** (with arts. 28-31)

F264 Sch. 7 para. 4 entry inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 5 para. 7(6)**; S.I. 2010/812, art. 2

F265 Sch. 7 para. 4 entry omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 81(r)** (with arts. 28-31)

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SCHEDULE 8

Section 26

SUPREME COURT SELECTION COMMISSIONS

[F266]PART 1

MEMBERSHIP

Textual Amendments

F266 Sch. 8 Pts. 1, 2 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(1)(a)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

General rules

1 . . . . . .

Special rules where President's or Deputy President's place unfilled

2 . . . . . .

3 . . . . . .

4 . . . . . .

Disqualification

5 . . . . . .

Non-judicial members of selection commissions

6 . . . . . .

Chairing of selection commissions

7 . . . . . .

Interpretation

8 . . . . . .

9 . . . . . .

[F266]PART 2

DISSOLUTION

10 . . . . . .

11 . . . . . .

12 . . . . . .

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PART 3

DUTY TO CONVENE COMMISSION: SPECIAL RULES

Selection commission for the office of Deputy President

13 (1) Any duty imposed on the Lord Chancellor under this Act to convene a selection commission for the office of Deputy President does not apply if any of the following conditions are met at the time when the Lord Chancellor should convene that commission—

(a) a selection commission for the office of President has been convened and not dissolved;

(b) the Lord Chancellor is under a duty to convene such a selection commission.

(2) Where sub-paragraph (1) applies, the Lord Chancellor must convene a selection commission for the office of Deputy President as soon as practicable after **[**[F267]a person has been selected as a result of the convening of**]** a selection commission in respect of the vacancy in the office of President.

(3) Sub-paragraph (1) applies to the duty under sub-paragraph (2) to convene a commission as it applies to all other such duties.

Textual Amendments

F267 Words in Sch. 8 para. 13(2) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(11)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

Selection commission for the office of judge

14 (1) Any duty imposed on the Lord Chancellor under this Act to convene a selection commission for the office of judge does not apply if any of the following conditions are met at the time when the Lord Chancellor should convene that commission—

(a) a selection commission for the office of President has been convened and not dissolved;

(b) the Lord Chancellor is under a duty to convene such a selection commission;

(c) a selection commission for the office of Deputy President has been convened and not dissolved;

(d) the Lord Chancellor is under a duty to convene such a selection commission.

(2) Where sub-paragraph (1) applies, the Lord Chancellor must convene a selection commission for the office of judge as soon as practicable after **[**[F268]a person has been selected as a result of the convening of**]** a selection commission in respect of the vacancy in the office of President or Deputy President.

(3) Sub-paragraph (1) applies to the duty under sub-paragraph (2) to convene a commission as it applies to all other such duties.

Textual Amendments

F268 Words in Sch. 8 para. 14(2) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 7(12)**; S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

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SCHEDULE 9

Section 40

AMENDMENTS RELATING TO JURISDICTION OF THE SUPREME COURT

PART 1

JURISDICTION TRANSFERRED FROM THE HOUSE OF LORDS

British Law Ascertainment Act 1859 (c. 63)

1 In the British Law Ascertainment Act 1859—

(a) in the sidenote to section 4 (Her Majesty in Council or House of Lords on appeal may adopt or reject opinion) for "House of Lords" substitute " Supreme Court ";

(b) in that section, for "the House of Lords" and "that House" in each place substitute " the Supreme Court ".

Nautical Assessors (Scotland) Act 1894 (c. 40)

2 In section 6 of the Nautical Assessors (Scotland) Act 1894 (calling in nautical assessors to assist) —

(a) in the sidenote, for "House of Lords" substitute " Supreme Court ";

(b) for "House of Lords" in the first place substitute " Supreme Court "; and

(c) for "Orders made by the House of Lords" substitute " Supreme Court Rules ".

Administration of Justice (Appeals) Act 1934 (c. 40)

3 In the Administration of Justice (Appeals) Act 1934, omit section 1 (restrictions on appeal from Court of Appeal).

National Health Service (Amendment) Act 1949 (c. 93)

4 In the National Health Service (Amendment) Act 1949, in section 9 (application of Part 1 to Scotland) in the substituted section 7(9) of the Act, as inserted by subsection (4), for "House of Lords" in each place substitute " Supreme Court ".

Miners' Welfare Act 1952 (c. 23)

5 In the Miners' Welfare Act 1952, in section 17 (application to Scotland) in subsection (3) for "House of Lords" substitute " Supreme Court ".

Army Act 1955 (c. 18)

6 In the Army Act 1955, in section 113C (review of sentences by Courts-Martial Appeal Court)—

(a) in subsection (4)—

(i) for "House of Lords for their opinion" substitute " Supreme Court for its opinion ";

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(ii) for "the House shall consider the point and give their opinion" substitute " the Supreme Court shall consider the point and give its opinion ";

(iii) for the words from "deal with it themselves" to the end of the subsection substitute " itself deal with the case. ";

(b) in subsection (5) for "the House of Lords" in each place and "that House" substitute " the Supreme Court ";

(c) in subsections (6) and (7) for "House of Lords" in each place substitute " Supreme Court ".

Air Force Act 1955 (c. 19)

7 In the Air Force Act 1955, in section 113C (review of sentences by Courts-Martial Appeal Court)—

(a) in subsection (4)—

(i) for "House of Lords for their opinion" substitute " Supreme Court for its opinion ";

(ii) for "the House shall consider the point and give their opinion" substitute " the Supreme Court shall consider the point and give its opinion ";

(iii) for the words from "deal with it themselves" to the end of the subsection substitute " itself deal with the case. ";

(b) in subsection (5) for "the House of Lords" in each place and "that House" substitute " the Supreme Court ";

(c) in subsections (6) and (7) for "House of Lords" in each place substitute " Supreme Court ".

Administration of Justice Act 1956 (c. 46)

8 In the Administration of Justice Act 1956, in Schedule 1 (provisions applicable to Northern Ireland) in paragraph 4A for "House of Lords" substitute " Supreme Court ".

Geneva Conventions Act 1957 (c. 52)

9 In the Geneva Conventions Act 1957, in section 4 (appeals by protected persons) in subsection (1A) for "House of Lords" substitute " Supreme Court ".

Naval Discipline Act 1957 (c. 53)

10 In the Naval Discipline Act 1957, in section 71AC (review of sentences by Courts-Martial Appeal Court)—

(a) in subsection (4)—

(i) for "House of Lords for their opinion" substitute " Supreme Court for its opinion ";

(ii) for "the House shall consider the point and give their opinion" substitute " the Supreme Court shall consider the point and give its opinion ";

(iii) for the words from "deal with it themselves" to the end of the subsection substitute " itself deal with the case. ";

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(b) in subsection (5) for "the House of Lords" in each place and "that House" substitute " the Supreme Court ";

(c) in subsections (6) and (7) for "House of Lords" in each place substitute " Supreme Court ".

Agricultural Marketing Act 1958 (c. 47)

11 In the Agricultural Marketing Act 1958, in section 12(2) (enforcement of decision of disciplinary committee and power to state case: Scotland), in paragraph (a) for "House of Lords" in each place substitute " Supreme Court ".

Caravan Sites and Control of Development Act 1960 (c. 62)

12 In the Caravan Sites and Control of Development Act 1960, in section 32 (application of Part 1 to Scotland) in subsection (2) for "House of Lords" in each place substitute " Supreme Court ".

Administration of Justice Act 1960 (c. 65)

13 (1) The Administration of Justice Act 1960 is amended as follows.

(2) In section 1 (right of appeal to House of Lords in criminal cases)—

(a) in subsection (1) for "House of Lords" substitute " Supreme Court ";

(b) in subsection (2) for "the House of Lords" and "that House" in each place substitute " the Supreme Court ";

(c) omit subsection (3);

(d) in subsections (4) and (5) for "House of Lords" substitute " Supreme Court ".

(3) In section 2 (application for leave to appeal)—

(a) for "House of Lords" in each place substitute " Supreme Court ";

(b) for "that House or that court" substitute " the Supreme Court or the court below ".

(4) In section 4 (admission of appellant to bail) in subsection (2) for "the House of Lords" and "that House" substitute " the Supreme Court ".

(5) In sections 5(5) and 6(3) (power to order detention or admission to bail of defendant, and computation of sentence where bail granted) for "House of Lords" substitute " Supreme Court ".

(6) In section 9 (procedure) in subsection (3) for "the House of Lords" and "that House" substitute " the Supreme Court ".

(7) In section 13 (appeal in cases of contempt of court)—

(a) in subsection (2)(c) for "House of Lords" substitute " Supreme Court ";

(b) in subsection (4) for "the House of Lords" and "that House" substitute " the Supreme Court ".

Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)

14 In section 2A of the Backing of Warrants (Republic of Ireland) Act 1965 (statement of case by court) for "House of Lords" in each place substitute " Supreme Court ".

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Commonwealth Secretariat Act 1966 (c. 10)

15 In the Commonwealth Secretariat Act 1966, in section 1 (the Commonwealth Secretariat, its privileges and immunities) in subsection (4)(a) for "House of Lords" in each place substitute " Supreme Court ".

Criminal Appeal Act 1968 (c. 19)

16 (1) The Criminal Appeal Act 1968 is amended as follows.

(2) In section 30 (restitution of property) in subsection (3) for "House of Lords" substitute " Supreme Court ".

(3) In section 33 (right of appeal to House of Lords)—
- (a) in the sidenote and subsection (1) for "House of Lords" substitute " Supreme Court ";
- (b) in subsection (2) for "the House of Lords" and "that House" substitute in each place " the Supreme Court ".

(4) In section 34 (application for leave to appeal)—
- (a) for "House of Lords" in each place substitute " Supreme Court ";
- (b) in subsection (1) for "decision of the Court" substitute " decision of the Court of Appeal ";
- (c) in subsection (2) for "that House or the Court" substitute " the Supreme Court or the Court of Appeal ".

(5) In section 35 (hearing and disposal of appeal)—
- (a) omit subsections (1) and (2);
- (b) in subsection (3) for "House of Lords" substitute " Supreme Court ".

(6) In sections 36 and 37 (bail on appeal by defendant, and detention of defendant on appeal by the Crown) for "House of Lords" in each place substitute " Supreme Court ".

(7) In section 38 (presence of defendant at hearing) for "House of Lords" and "House" in each place substitute " Supreme Court ".

(8) In section 43 (effect of appeal on sentence) for "the House of Lords" and "that House" substitute " the Supreme Court ".

(9) In Schedule 4 (procedural and other modifications for capital cases)—
- (a) in the italic heading preceding paragraph 3 for "House of Lords" substitute " Supreme Court ";
- (b) in paragraphs 3 and 4 for "the House of Lords" and "the House" in each place substitute " the Supreme Court ".

Courts-Martial (Appeals) Act 1968 (c. 20)

17 (1) The Courts-Martial (Appeals) Act 1968 is amended as follows.

(2) In section 5 (constitution of court for particular sittings) in subsection (3)(b) for "House of Lords" substitute " Supreme Court ".

(3) In sections 39 and 40 (right of appeal, and application for leave to appeal)—

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(a) for "the House of Lords" and "that House" in each place substitute " the Supreme Court ";
(b) for "the Court" in each place substitute " the Appeal Court ".

(4) In section 41 (hearing and disposal of appeal)—
(a) omit subsections (1) and (2);
(b) in subsection (3) for "House of Lords" substitute " Supreme Court ".

(5) In sections 42 and 43 (bail, and detention of accused) for "House of Lords" in each place substitute " Supreme Court ", and in section 42 for "the Court" substitute " the Appeal Court ".

(6) In section 44 (presence of accused at hearing)—
(a) for "the House of Lords" in the first place substitute " the Supreme Court ";
(b) for "an order of the House of Lords authorises" substitute " Supreme Court Rules authorise ";
(c) for "that House" substitute " the Supreme Court ".

(7) In section 45 (effect of repeal on sentence) in subsection (1) for "House of Lords" in each place substitute " Supreme Court ".

(8) In section 46 (restitution of property) for "the House of Lords" and "the House" in each place substitute " the Supreme Court ".

(9) In section 47 (costs) for "the House of Lords" and "that House" in each place substitute " the Supreme Court ", and for "the Court or the House" substitute " the Appeal Court or the Supreme Court ".

(10) In sections 50 and 57 (duties of registrar with respect to appeals etc, and interpretation) for "House of Lords" substitute " Supreme Court ".

Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)

18 In the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968, in section 4 (provisions relating to Northern Ireland), in subsection (2) for "House of Lords" substitute " Supreme Court ".

Foreign Compensation Act 1969 (c. 20)

19 In the Foreign Compensation Act 1969 in section 3 (determinations of the Foreign Compensation Commission and appeals against such determinations) for subsection (8) substitute—

"(8) No appeal shall lie to the Supreme Court from a decision of the Court of Appeal on an appeal under this section."

Administration of Justice Act 1969 (c. 58)

20 (1) The Administration of Justice Act 1969 is amended as follows.

(2) Part 2 is renamed "Appeal from High Court to Supreme Court".

(3) In section 12 (grant of certificate by trial judge) for "House of Lords" in each place substitute " Supreme Court ".

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(4) In section 13 (leave to appeal to House of Lords)—

(a) in the sidenote and subsection (1) for "House of Lords" in each place substitute " Supreme Court ".

(b) In subsection (2) for "House of Lords" and "House" in each place substitute " Supreme Court ";

(c) omit subsection (4).

(5) Omit section 14 (appeal where leave granted).

(6) In section 15 (cases excluded from s 12) in subsection (2)(b) for "House of Lords" substitute " Supreme Court ".

Taxes Management Act 1970 (c. 9)

21 (1) The Taxes Management Act 1970 is amended as follows.

(2) In section 56 (statement of case for the opinion of the High Court)—

(a) in subsection (8) for "House of Lords" in the first place substitute " Supreme Court ";

(b) for subsection (8)(a) substitute—

"(a) an appeal to the Supreme Court under this subsection lies only with the permission of the Court of Appeal or the Supreme Court, and";

(c) in subsection (8)(b) and in subsection (10) for "House of Lords" in each place substitute " Supreme Court ".

(3) In section 56A (appeals from the Special Commissioners)—

(a) in subsections (5) and (6) for "House of Lords" in each place substitute " Supreme Court ";

(b) for subsection (7) substitute—

"(7) An appeal to the Supreme Court under subsection (6) lies only with the permission of the Court of Appeal or the Supreme Court.";

(c) in subsection (10) for "House of Lords" substitute " Supreme Court ".

(4) In section 58 (proceedings in tax cases in Northern Ireland) in subsection (2C) for "House of Lords" substitute " Supreme Court ".

Administration of Justice Act 1970 (c. 31)

22 In the Administration of Justice Act 1970, in Schedule 9 (enforcement of orders for costs, compensation, etc) in paragraphs 6(c) and 16A for "House of Lords" in each place substitute " Supreme Court ".

Criminal Justice Act 1972 (c. 71)

23 In the Criminal Justice Act 1972, in section 36 (reference to Court of Appeal of point of law following acquittal on indictment)—

(a) in subsection (3) for "the House of Lords" and "that House" in each place substitute " Supreme Court ", and for "court that" substitute " Court of Appeal that ";

(b) in subsection (4)—

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(i) for "the House of Lords" substitute " the Supreme Court ";

(ii) for the words from "the House shall consider the point" to the end of the subsection, substitute " the Supreme Court shall consider the point and give its opinion on it accordingly. ";

(c) in subsection (5) for "House of Lords" substitute "Supreme Court", and for "the court or the House" substitute " the Court of Appeal or the Supreme Court ".

Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1))

24 In the Prosecution of Offences (Northern Ireland) Order 1972, in Article 5 (functions of the Director), in paragraph (1)(f) for "House of Lords" substitute " Supreme Court ".

Administration of Justice Act 1973 (c. 15)

25 In the Administration of Justice Act 1973, in section 18 (payment of interpreters in criminal cases) in subsection (2) for "the House of Lords" and "that House" in each place substitute " the Supreme Court ", and for "the court" substitute " the High Court ".

Litigants in Person (Costs and Expenses) Act 1975 (c. 47)

26 In the Litigants in Person (Costs and Expenses) Act 1975, in section 1 (costs or expenses recoverable) in subsection (1)(a) and in subsection (2)(a) for "House of Lords" substitute " Supreme Court ".

Industry Act 1975 (c. 68)

27 In the Industry Act 1975, in Schedule 3 (arbitration) in paragraph 23(2) for "House of Lords" in each place substitute " Supreme Court ".

Race Relations Act 1976 (c. 74)

28 In the Race Relations Act 1976, in section 57A (claims under section 19B in immigration cases) in subsection (5) at the definition of "immigration appellate body" for "House of Lords" substitute " Supreme Court ".

Aircraft and Shipbuilding Industries Act 1977 (c. 3)

F269 29 . . . . . .

Textual Amendments

F269 Sch. 9 para. 29 omitted (22.3.2013) by virtue of The Public Bodies (Abolition of the Aircraft and Shipbuilding Industries Arbitration Tribunal) Order 2013 (S.I. 2013/686), art. 1(2), **Sch. 1 para. 8(4)**

Judicature (Northern Ireland) Act 1978 (c. 23)

30 (1) The Judicature (Northern Ireland) Act 1978 is amended as follows.

(2) Part 3 is renamed "The Court of Appeal and the Supreme Court".

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(3) In section 35 (appeals to Court of Appeal from High Court) in subsection (5) for "House of Lords" substitute " Supreme Court ".

(4) In section 41 (appeals to the House of Lords in other criminal matters)—
- (a) in the sidenote and in subsection (1) for "House of Lords" substitute " Supreme Court ";
- (b) in subsection (2) for "the House of Lords" in each place and "that House" substitute " the Supreme Court ";
- (c) omit subsection (3);
- (d) in subsections (4) and (6) for "House of Lords" substitute " Supreme Court ".

(5) In section 42 (appeals to the House of Lords in civil cases)—
- (a) in the sidenote and in subsections (1) and (2) for "House of Lords" substitute " Supreme Court ";
- (b) omit subsections (3), (4) and (5).

(6) In section 43 (appeals to House of Lords from High Court) and in the sidenote for that section, for "House of Lords" in each place substitute " Supreme Court ".

(7) In section 44 (appeal in cases of contempt of court)—
- (a) in subsection (2)(b) for "House of Lords" substitute " Supreme Court ";
- (b) in subsection (4) for "the House of Lords" and for "that House" substitute " the Supreme Court ".

(8) In Schedule 1 (appeals to House of Lords in certain criminal matters)—
- (a) in the title to the Schedule, for "House of Lords" substitute " Supreme Court ";
- (b) in paragraphs 1 and 3 to 5 for "the House of Lords" and "that House" in each place substitute "the Supreme Court", and in paragraph 1(2) for "that court" substitute " the court below ";
- (c) in paragraph 6—
  - (i) for "an order of the House of Lords" substitute " Supreme Court Rules ";
  - (ii) for "that House" substitute " the Supreme Court ".

Estate Agents Act 1979 (c. 38)

31 [F270] . . . . . .

Textual Amendments

F270 Sch. 9 para. 31 repealed (1.9.2009) by The Transfer of Functions (Estate Agents Appeals and Additional Scheduled Tribunal) Order 2009 (S.I. 2009/1836), art. 5(2), **Sch. 2** (with Sch. 3)

Solicitors (Scotland) Act 1980 (c. 46)

32 (1) The Solicitors (Scotland) Act 1980 is amended as follows.

(2) In section 20(2)(a) (duty of Council of Law Society of Scotland to supply lists of solicitors holding practising certificates), for sub-paragraph (ii) substitute—

"(ii) the Supreme Court;".

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(3) In section 25A (rights of audience)—
- (a) in the sidenote and in each of subsections (1)(a) and (4), for "House of Lords" substitute " Supreme Court "; and
- (b) in subsection (4) omit the words "and the Judicial Committee of the Privy Council" where they last occur.

Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

-33 (1) The Criminal Appeal (Northern Ireland) Act 1980 is amended as follows.

(2) In section 31 (right of appeal to House of Lords)—
- (a) in subsection (1) for "House of Lords" substitute " Supreme Court ";
- (b) in subsection (2) for "the House of Lords" and "that House" substitute " the Supreme Court ".

(3) In section 32 (application for leave to appeal) for "the House of Lords" and "that House" in each place substitute " the Supreme Court ".

(4) In section 33 (hearing and disposal of appeal)—
- (a) omit subsections (1) and (2);
- (b) in subsection (3) for "House of Lords" substitute " Supreme Court ".

(5) In section 34 (further reference to House of Lords)—
- (a) in the sidenote, for "House of Lords" substitute " Supreme Court ";
- (b) in subsection (1) for "the House of Lords" and "that House" substitute " the Supreme Court ";
- (c) in subsection (2)—
  - (i) for "the House of Lords" and "the House" in each place substitute " the Supreme Court ";
  - (ii) for "the House's" substitute " the Supreme Court's ";
- (d) in subsection (3)—
  - (i) for "the House of Lords" in the first place and "the House" substitute " the Supreme Court ";
  - (ii) for the words from "by such officer" to "House of Lords" substitute " under Supreme Court Rules ".

(6) In section 36 (detention of defendant pending appeal by Crown) for "House of Lords" in each place substitute " Supreme Court ".

(7) In section 37 (legal aid), in subsection (3) for the words from "by the House of Lords" to "order of that House" substitute " under Supreme Court Rules ".

(8) In section 38 (presence of defendant at hearing)—
- (a) for "an order of the House of Lords" substitute " Supreme Court Rules ";
- (b) for "that House" substitute " the Supreme Court ".

(9) In section 39 (computation of sentence) in subsection (2) for "House of Lords" substitute " Supreme Court ".

(10) In section 40 (restitution of property) for "the House of Lords" and "that House" in each place substitute " the Supreme Court ".

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(11) In section 41 (costs) for "the House of Lords" and "the House" in each place substitute " the Supreme Court ".

(12) In section 42 (taxation of costs)—

(a) in subsection (2)—

(i) for "the House of Lords" in the first place substitute " the Supreme Court ";

(ii) for the words from "by such officer" to "House of Lords" substitute " under Supreme Court Rules ";

(b) in subsection (3) for "the House of Lords" substitute " the Supreme Court ".

(13) In Schedule 3 (procedural and other modifications for capital cases) in paragraph 3 and in the italic heading preceding that paragraph for "House of Lords" substitute " Supreme Court ".

Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)

34 In Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, in Group A of Part 1, for paragraph (a) substitute—

"(a) Justices of the Supreme Court or the President or Deputy President of that Court;".

Contempt of Court Act 1981 (c. 49)

35 (1) The Contempt of Court Act 1981 is amended as follows.

(2) In section 16 (enforcement of fines imposed by certain superior courts) in subsection (4) for "House of Lords" substitute " Supreme Court ".

(3) In section 19 (interpretation) in the definition of "Scottish proceedings" for "House of Lords" substitute " Supreme Court ", and in the definition of "superior court" after "means", insert " the Supreme Court ", and omit the words from "and includes" to the end.

Supreme Court Act 1981 (c. 54)

36 (1) The Supreme Court Act 1981 is amended as follows.

(2) In section 9 (assistance for transaction of judicial business) in subsection (6A) for "House of Lords" substitute " Supreme Court ".

(3) In section 16 (appeals from High Court) in subsection (1) for "House of Lords" substitute " Supreme Court ".

(4) In section 28A (proceedings on case stated) in subsection (4) for "House of Lords" substitute " Supreme Court ".

(5) In sections 54(5) and 55(4)(b) (court of civil and court of criminal division) for "House of Lords" substitute " Supreme Court ".

(6) In section 58 (calling into question of incidental decisions), in subsection (2) for "House of Lords" substitute " Supreme Court ".

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Wildlife and Countryside Act 1981 (c. 69)

37 In the Wildlife and Countryside Act 1981, in section 31 (restoration) in subsection (2) for "the House of Lords", "that House" and "the House" in each case substitute " the Supreme Court ".

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))

38 In the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, in paragraph 1(a) of Part I of Schedule 1 (proceedings for which legal aid may be given) for "House of Lords" substitute " Supreme Court ".

Civil Jurisdiction and Judgments Act 1982 (c. 27)

39 In the Civil Jurisdiction and Judgments Act 1982, in section 6 (appeals under the Lugano Convention)—

(a) in subsection (1)(a) for "House of Lords" in each place substitute " Supreme Court ";

(b) in subsection (2) for "the House of Lords" and "that House" substitute " the Supreme Court ".

Mental Health (Scotland) Act 1984 (c. 36)

40 In section 66A(4) of the Mental Health (Scotland) Act 1984 (appeal to Court of Session against certain decisions of sheriff), for "House of Lords" in each place substitute " Supreme Court ".

Prosecution of Offences Act 1985 (c. 23)

41 (1) The Prosecution of Offences Act 1985 is amended as follows.

(2) In section 3 (functions of the Director), in subsection (2)(f)(ii) for "House of Lords" substitute " Supreme Court ".

(3) In sections 16(5), 17(1)(b), and 18(2)(b) (payment of prosecution costs, defendant's costs orders, and award of costs on dismissal of appeal or application) for "House of Lords" in each place substitute " Supreme Court ".

(4) In section 20 (regulations) at subsection (8)(b) for "House of Lords" substitute " Supreme Court ".

Transport Act 1985 (c. 67)

42 (1) The Transport Act 1985 is amended as follows.

(2) **[**[F271]In section 9 (appeals against traffic regulation conditions) in subsection (9) for "House of Lords" in each place substitute " Supreme Court ".**]**

(3) In Schedule 4 (consultation, powers and proceedings of the Transport Tribunal), in paragraph 14(7) for "House of Lords" substitute " Supreme Court ", and for "that Court" substitute " the Court of Appeal or Court of Session (as the case may be) ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F271 Sch. 9 para. 42(2) repealed (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 131, 134, **Sch. 7 Pt. 3**; S.I. 2009/107, **art. 2(1)**, Sch. 1 Pt. 1

Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)

43 In section 22(1) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (re-employment of retired judges)—

(a) after paragraph (a) insert—

"(aa) has held office as a Justice of the Supreme Court or as President or Deputy President of that Court and who, at the time of being appointed to the office in question, was eligible for appointment as a judge in the Court of Session;"; and

(b) omit the words ", in either case,".

Insolvency Act 1986 (c. 45)

44 In the Insolvency Act 1986, in section 277(3)(b) (petition based on criminal bankruptcy order)—

(a) for "House of Lords" substitute " Supreme Court ";

(b) for the words from "section 40(5)" to the end of the section substitute "subsection (4).

(4) For the purposes of subsection (3)(b) an appeal to the Supreme Court shall be treated as pending until any application for leave to appeal is disposed of and, if leave to appeal is granted, until the appeal is disposed of; and for the purposes of this subsection an application for leave to appeal shall be treated as disposed of at the expiration of the time within which it may be made, if it is not made within that time."

Legal Aid (Scotland) Act 1986 (c. 47)

45 In the Legal Aid (Scotland) Act 1986, in Part 1 of Schedule 2 (courts in which civil legal aid is available), for "House of Lords" substitute " Supreme Court ".

Criminal Justice Act 1987 (c. 38)

46 In the Criminal Justice Act 1987, in section 11 (restrictions on reporting)—

(a) in subsection (5)(c) for "House of Lords" substitute " Supreme Court ";

(b) in subsection (6)—

(i) for "The House of Lords" substitute " The Supreme Court ";

(ii) for "that House" substitute " the Supreme Court ";

(c) in subsections (7) and (8) for "House of Lords" in each place substitute " Supreme Court ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Income and Corporation Taxes Act 1988 (c. 1)

47 (1) The Income and Corporation Taxes Act 1988 is amended as follows.

(2) In section 705A (statement of case by tribunal)—

(a) in subsection (8) for "House of Lords" in each place substitute " Supreme Court ";

(b) in subsection (9—

(i) for "House of Lords" substitute " Supreme Court ";

(ii) for the words from "unless leave has been given" to the end of the subsection substitute " except with the leave of the Court of Appeal or of the Supreme Court. ";

(c) in subsection (12) for "House of Lords" substitute " Supreme Court ".

(3) In section 705B (proceedings in Northern Ireland), in subsection (2) for "House of Lords" substitute " Supreme Court ".

Criminal Justice Act 1988 (c. 33)

48 (1) The Criminal Justice Act 1988 is amended as follows.

(2) In section 36 (reviews of sentencing)—

(a) in subsection (5)—

(i) for "the House of Lords for their opinion" substitute " the Supreme Court for its opinion ";

(ii) for "the House shall consider the point and give their opinion" substitute " the Supreme Court shall consider the point and give its opinion ";

(iii) for the words from "deal with it themselves" to the end of the subsection substitute " itself deal with the case. ";

(b) in subsection (6) for "the House of Lords" and "that House" in each place substitute " the Supreme Court ";

(c) in subsection (7) for "House of Lords" substitute " Supreme Court ".

(3) In Schedule 3 (reviews of sentencing_supplementary)—

(a) in paragraphs 4 and 5 for the words "House of Lords" in each place substitute " Supreme Court ";

(b) in paragraph 9 for "the House of Lords" and "the House" in each place substitute " the Supreme Court ";

(c) in paragraph 10 for "House of Lords" substitute " Supreme Court ";

(d) in paragraph 11—

(i) for "the House of Lords" in the first place substitute " the Supreme Court ";

(ii) for "the Court or the House" substitute " the Court of Appeal or the Supreme Court ";

(iii) for "such officer as may be prescribed by order of the House of Lords" substitute " under Supreme Court Rules ".

Court of Session Act 1988 (c. 36)

49 (1) The Court of Session Act 1988 is amended as follows.

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Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In section 24 (appeals in exchequer cases), in the sidenote and in subsection (1), for "House of Lords" substitute " Supreme Court ".

(3) In section 27(5) (special cases), for "House of Lords" substitute " Supreme Court ".

(4) In section 32(5) (appeals from sheriff on matters of law only), for "House of Lords" substitute " Supreme Court ".

(5) In the heading before section 40, for "House of Lords" substitute " Supreme Court ".

(6) In section 40 (appealable interlocutors)—

(a) in subsection (1), for "House of Lords" in each place substitute " Supreme Court ";

(b) in subsection (2)—

(i) for "the Court" in each place substitute " the Inner House "; and

(ii) for "House of Lords" in each place substitute " Supreme Court "; and

(c) in each of subsections (3) and (4), for "House of Lords" substitute " Supreme Court ".

(7) In section 41 (interim possession, execution and expenses), in subsections (1) and (2), for "House of Lords" in each place substitute " Supreme Court ".

(8) In section 42 (order on payment of interest) and in its sidenote, for "House of Lords" substitute " Supreme Court ".

(9) In section 43 (interest and expenses where appeal dismissed for want of prosecution), for "House of Lords" substitute " Supreme Court ".

(10) In section 52(3) (appeals relating to estate duty), for "House of Lords" substitute " Supreme Court ".

Road Traffic Offenders Act 1988 (c. 53)

50 In the Road Traffic Offenders Act 1988, in section 40 (power of appellate courts in England and Wales to suspend disqualification) in subsection (3) for "House of Lords" substitute " Supreme Court ".

Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I. 1988/1846 (N.I. 16))

51 In the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988, in Article 10 (restrictions on reporting)—

(a) in paragraph (5)(c), for "House of Lords" substitute " Supreme Court ";

(b) in paragraph (6), for "the House of Lords" and "that House" in each place substitute " the Supreme Court ";

(c) in paragraphs (7) and (8), for "House of Lords" in each place substitute " Supreme Court ".

Extradition Act 1989 (c. 33)

52 In section 10 of the Extradition Act 1989 (statement of case by court) for "House of Lords" in each place substitute " Supreme Court ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

New Roads and Street Works Act 1991 (c. 22)

53 In the New Roads and Street Works Act 1991, in section 158 (arbitration) in subsections (2) and (3) for "House of Lords" in each place substitute " Supreme Court ".

Child Support Act 1991 (c. 48)

54 In the Child Support Act 1991, in section 28ZC (restrictions on liability in certain cases of error) in subsection (6) in the definition of "the court", for "House of Lords" substitute " Supreme Court ".

Water Resources Act 1991 (c. 57)

55 In the Water Resources Act 1991, in Schedule 14 (orders transferring main river functions) in paragraph 5(3), and in Schedule 16 (schemes imposing special drainage charges) in paragraph 8(3), for "House of Lords" in each place substitute " Supreme Court ".

Land Drainage Act 1991 (c. 59)

56 In the Land Drainage Act 1991, in Schedule 3 (procedure with respect to certain orders), in paragraph 7(3) for "House of Lords" substitute " Supreme Court ".

Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23))

57 In the Child Support (Northern Ireland) Order 1991, in Article 28ZC (restrictions on liability in certain cases of error) in paragraph (6) in the definition of "the court", for "House of Lords" substitute " Supreme Court ".

Social Security Administration (Northern Ireland) Act 1992 (c. 8)

58 In the Social Security Administration (Northern Ireland) Act 1992, in section 66 (restrictions on entitlement to benefit in certain cases of error) in subsection (4) in the definition of "the court" for "House of Lords" substitute " Supreme Court ".

Tribunals and Inquiries Act 1992 (c. 53)

59 In the Tribunals and Inquiries Act 1992, in section 11 (appeals from certain tribunals) in subsection (7)(d) for "House of Lords" in each place substitute " Supreme Court ".

Arbitration Act 1996 (c. 23)

60 In the Arbitration Act 1996, in Schedule 2 (modifications of Part 1 in relation to judge-arbitrators) in paragraph 2(2) for "House of Lords" substitute " Supreme Court ".

Criminal Procedure and Investigations Act 1996 (c. 25)

61 (1) The Criminal Procedure and Investigations Act 1996 is amended as follows.

(2) In section 36 (appeals to the House of Lords), in sidenote for "House of Lords" substitute " Supreme Court ".

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(3) In section 37 (restrictions on reporting)—

(a) in subsection (4)(c), for "House of Lords" substitute " Supreme Court ";

(b) in subsection (5), for "the House of Lords" and "that House" in each place substitute " the Supreme Court ";

(c) in subsections (6) and (7), for "House of Lords" substitute " Supreme Court ".

Proceeds of Crime (Northern Ireland) Order 1996 (S.I. 1996/1299 (N.I. 9))

62 In the Proceeds of Crime (Northern Ireland) Order 1996, in paragraph (6)(b) of Article 13 (application of procedure for enforcing fines) for "House of Lords" substitute " Supreme Court ".

Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10))

63 In the Road Traffic Offenders (Northern Ireland) Order 1996, in Article 45 (power of appellate courts in Northern Ireland to suspend disqualification) in paragraph (3) for "House of Lords" substitute " Supreme Court ".

Social Security Act 1998 (c. 14)

64 In the Social Security Act 1998, in section 27 (restrictions on entitlement to benefit in certain cases of error), in subsection (7) in the definition of "the court" for "House of Lords" substitute " Supreme Court ".

Competition Act 1998 (c. 41)

65 (1) The Competition Act 1998 is amended as follows.

(2) In section 38 (the appropriate level of a penalty) for subsection (10)(d) substitute—

"(d) the Supreme Court."

(3) In section 47A (monetary claims before Tribunal) in subsection (7)(d) for "House of Lords" substitute " Supreme Court ".

(4) In section 58A (findings of infringements) in subsection (4)(c) for "House of Lords" substitute " Supreme Court ".

(5) In Schedule 13 (transitional provisions and savings) in paragraph 10 for sub-paragraph (6)(e) substitute—

"(e) the Supreme Court."

Human Rights Act 1998 (c. 42)

66 (1) The Human Rights Act 1998 is amended as follows.

(2) In section 4 (declaration of incompatibility) in subsection (5) for paragraph (a) substitute—

"(a) the Supreme Court;".

(3) In section 5 (right of Crown to intervene) in subsections (4) and (5) for "House of Lords" in each case substitute " Supreme Court ".

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(4) In section 6 (acts of public authorities) omit subsection (4).

Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

67 In the Social Security (Northern Ireland) Order 1998, in Article 27 (restriction of entitlement to benefit in certain cases of error), in paragraph (7) in the definition of "the court" for "House of Lords" substitute " Supreme Court ".

Access to Justice Act 1999 (c. 22)

68 (1) The Access to Justice Act 1999 is amended as follows.

(2) In section 57 (assignment of appeals to Court of Appeal) in subsection (1) for "House of Lords" substitute "Supreme Court".

F272(3) . . . . . .

Textual Amendments

F272 Sch. 9 para. 68(3) repealed (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 Pt. 2**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

69 In the Powers of Criminal Courts (Sentencing) Act 2000, in sections 132(4) and 139(9), and in subsections (4) and (5) of section 140 (compensation order on restoration of conviction, powers and duties of Crown Court in relation to fines, and enforcement of fines imposed), for "House of Lords" in each case substitute " Supreme Court ".

F273…

Textual Amendments

F273 Sch. 9 para. 70 and cross-heading repealed (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 19** (with Sch. 20); S.I. 2013/423, art. 3, Sch.

F273 70 . . . . . .

Terrorism Act 2000 (c. 11)

71 In the Terrorism Act 2000, in section 6 (further appeal) in subsection (3) for "House of Lords" substitute " Supreme Court ".

Child Support, Pensions and Social Security Act 2000 (c. 19)

72 In the Child Support, Pensions and Social Security Act 2000, in Schedule 7 (housing benefit and council tax benefit: revisions and appeals), for paragraph 18(6)(d) substitute—

"(d) the Supreme Court; or".

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Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11)

73 In section 2(2) of the Regulation of Investigatory Powers (Scotland) Act 2000 (persons appointed to be Surveillance Commissioners), for "Appellate Jurisdiction Act 1876" substitute " Constitutional Reform Act 2005 ".

Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

74 In the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, in Schedule 7 (housing benefit: revisions and appeals), for paragraph 18(6)(c) substitute—

"(c) the Supreme Court; or".

International Criminal Court Act 2001 (c. 17)

75 In the International Criminal Court Act 2001, in section 9 (appeal against refusal of delivery order: England and Wales) for "House of Lords" in each place substitute " Supreme Court ".

Armed Forces Act 2001 (c. 19)

76 In the Armed Forces Act 2001, in section 30 (conditional release from custody) in subsection (2)(b) for "House of Lords" substitute " Supreme Court ".

Proceeds of Crime Act 2002 (c. 29)

77 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 33 (appeal to House of Lords) in the sidenote and in subsections (1) and (3) to (5) for "House of Lords" in each place substitute " Supreme Court ".

(3) In each of sections 44 and 66 (appeal to House of Lords) in the sidenote and subsections (1) and (3) for "House of Lords" in each place substitute " Supreme Court ".

(4) In section 85 (proceedings) in subsection (6) for "House of Lords" in each place substitute " Supreme Court ".

(5) In section 90 (procedure on appeal to the House of Lords) in sidenote and in subsections (1) and (2) for "House of Lords" in each place substitute " Supreme Court ".

(6) In section 183 (appeal to House of Lords) in sidenote and in subsections (1) and (3) to (5) for "House of Lords" in each place substitute " Supreme Court ".

(7) In each of sections 193 and 214 (appeal to House of Lords), in the sidenote and in subsections (1) and (3) for "House of Lords" in each place substitute " Supreme Court ".

(8) In section 233 (proceedings) in subsection (6) for "House of Lords" in each place substitute " Supreme Court ".

(9) In section 238 (procedure on appeal to the House of Lords) and in the sidenote for that section, for "House of Lords" in each place substitute " Supreme Court ".

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Licensing Act 2003 (c. 17)

78 In the Licensing Act 2003, in section 130 (powers of appellate court to suspend order under section 129), in subsection (4) for "House of Lords" substitute " Supreme Court ".

Crime (International Co-operation) Act 2003 (c. 32)

79 In the Crime (International Co-operation) Act 2003, in sections 60(4) and 62(4) (suspension of disqualification) for "House of Lords" substitute " Supreme Court ".

Courts Act 2003 (c. 39)

80 (1) The Courts Act 2003 is amended as follows.

(2) In section 88 (extension of time for criminal appeals)—
- (a) in the sidenote and in subsections (1) and (4) for "House of Lords" substitute " Supreme Court ";
- (b) in subsection (5)(b) for "Court" substitute " Court of Appeal ";
- (c) in subsection (6) in the inserted section 34(1A)(b) of the Criminal Appeal Act 1968 for "Court" substitute " Court of Appeal ".

(3) In section 91 (extension of time for appeals from Courts-Martial Appeals Court)—
- (a) in subsection (1) for "House of Lords" substitute " Supreme Court ";
- (b) in subsection (2)(b) for "Court" substitute " Appeal Court ";
- (c) in subsection (3) in the inserted section 40(1A)(b) of the Courts-Martial (Appeals) Act 1968 for "Court" substitute " Appeal Court ".

Extradition Act 2003 (c. 41)

81 (1) The Extradition Act 2003 is amended as follows.

(2) In section 32 (appeal to House of Lords) in the sidenote and in subsections (1), (3), (4)(b), (6) and (8)(b) for "House of Lords" substitute " Supreme Court ".

(3) In section 114 (appeal to House of Lords) in the sidenote and in subsections (1), (3), (4)(b), (6), and (8)(b) for "House of Lords" substitute " Supreme Court ".

(4) In each of the following provisions for "House of Lords" in each place substitute " Supreme Court "
- (a) section 30 (detention pending conclusion of appeal under section 28);
- (b) section 33 (powers on an appeal) and the sidenote to that section;
- **[**[F274](ba) section 33A (detention pending conclusion of certain appeals under section 32);**]**
- (c) section 36 (extradition following appeal);
- (d) section 43 (withdrawal of warrant while appeal pending) and the sidenote to that section;
- (e) section 60 (costs);
- (f) section 61 (costs where discharge ordered);
- (g) section 107 (detention pending conclusion of appeal under section 105);
- (h) section 112 (detention pending conclusion of appeal under section 110);

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(i) section 115 (powers on appeal under section 114) and the sidenote to that section;

[F275(ia) section 115A (detention pending conclusion of certain appeals under section 114);]

(j) section 118 (extradition following appeal);

(k) section 125 (withdrawal of request while appeal pending) and the sidenote to that section;

(l) section 133 (costs where extradition ordered);

(m) section 134 (costs where discharge ordered);

(n) section 184 (grant of free legal aid: Northern Ireland);

(o) section 208 (national security);

(p) section 213 (disposal of Part 1 warrant and extradition request);

(q) section 214 (disposal of charge).

(5) In section 185 (free legal aid: supplementary)—

(a) in subsection (4) for "House of Lords" substitute " Supreme Court ";

(b) in subsection (5) for the words from "allowed by" to the end substitute " by the Supreme Court or under Supreme Court Rules. "

Textual Amendments

F274 Sch. 9 para. 81(4)(ba) inserted (15.1.2006) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 13 para. 35(a)**; S.I. 2006/3364, **art. 2(e)**

F275 Sch. 9 para. 81(4)(ia) inserted (15.1.2006) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 13 para. 35(b)**; S.I. 2006/3364, **art. 2(e)**

Criminal Justice Act 2003 (c. 44)

82 (1) The Criminal Justice Act 2003 is amended as follows.

(2) In section 50 (application of Part 7 to Northern Ireland)—

(a) in subsection (8) in the substituted section 47(6) for "House of Lords" substitute " Supreme Court ";

(b) in subsection (14), in the new subsection (3B) of section 41 of the Criminal Procedure and Investigations Act 1996 as inserted by subsection (4) of section 48A (reporting restrictions) for "House of Lords" substitute " Supreme Court " and for "that House" in each place substitute " the Supreme Court ";

(c) in subsection (14), in subsections (5) and (6) of section 48A for "House of Lords" substitute " Supreme Court ".

(3) In section 71 (restrictions on reporting)—

(a) in subsection (3) for "House of Lords" substitute " Supreme Court ";

(b) in subsection (4) for "House of Lords" substitute " Supreme Court " and for "that House" in each place substitute " the Supreme Court ";

(c) in subsections (5) and (6) for "House of Lords are" substitute " Supreme Court is ".

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(4) In section 81 (appeals), in subsection (2) in the inserted section 33(1B) of the Criminal Appeal Act 1968 and the words before it, for "House of Lords" substitute " Supreme Court ".

(5) In section 274 (further provision about transferred life prisoners) for "House of Lords" in each place substitute " Supreme Court ".

(6) In Schedule 22 (mandatory life sentences) in paragraph 14(2), (4) and (5) for "House of Lords" substitute " Supreme Court ".

Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)

83 In section 323(2)(a) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (suspension of decision of Mental Health Tribunal for Scotland until expiry of time allowed to appeal), for "House of Lords" in each place substitute " Supreme Court ".

Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))

84 In the Access to Justice (Northern Ireland) Order 2003, in Schedule 2 (civil legal services: excluded services) in paragraph 2(a)(i) for "House of Lords" substitute " Supreme Court ".

PART 2

DEVOLUTION JURISDICTION

Legal Aid (Scotland) Act 1986 (c. 47)

85 (1) The Legal Aid (Scotland) Act 1986 is amended as follows.

(2) In section 21(1)(c) (scope and nature of criminal legal aid), for "Judicial Committee of the Privy Council" substitute " Supreme Court ".

(3) In section 25AB (legal aid in references, appeals or applications for special leave to appeal), in the sidenote and in subsection (1), for "Judicial Committee of the Privy Council" substitute " Supreme Court ".

(4) In Part 1 of Schedule 2 (courts in which civil legal aid is available), in paragraph 1 for "Judicial Committee of the Privy Council" substitute " Supreme Court ".

Criminal Procedure (Scotland) Act 1995 (c. 46)

86 In section 288B of the Criminal Procedure (Scotland) Act 1995 (appeal against a determination of a devolution issue)—

(a) in the sidenote and in subsection (1), for "Judicial Committee of the Privy Council" substitute " Supreme Court "; and

(b) in subsection (3), for "Judicial Committee" substitute " Supreme Court ".

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Government of Wales Act 1998 (c. 38)

PROSPECTIVE

87 F276 . . . . . .

Textual Amendments

F276 Sch. 9 para. 87-92 repealed (coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) of the amending Act) by The Government Wales Act 2006 (c. 32) s. 163, {Sch. 12} (with Sch. 11 para. 22)

PROSPECTIVE

88 F277 . . . . . .

Textual Amendments

F277 Sch. 9 para. 87-92 repealed (coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) of the amending Act) by The Government Wales Act 2006 (c. 32) s. 163, {Sch. 12} (with Sch. 11 para. 22)

PROSPECTIVE

89 F278 . . . . . .

Textual Amendments

F278 Sch. 9 para. 87-92 repealed (coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) of the amending Act) by The Government Wales Act 2006 (c. 32) s. 163, {Sch. 12} (with Sch. 11 para. 22)

PROSPECTIVE

90 F279 . . . . . .

Textual Amendments

F279 Sch. 9 para. 87-92 repealed (coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) of the amending Act) by The Government Wales Act 2006 (c. 32) s. 163, {Sch. 12} (with Sch. 11 para. 22)

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PROSPECTIVE

91 F280 . . . . . .

Textual Amendments

F280 Sch. 9 para. 87-92 repealed (coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) of the amending Act) by The Government Wales Act 2006 (c. 32) s. 163, {Sch. 12} (with Sch. 11 para. 22)

PROSPECTIVE

92 F281 . . . . . .

Textual Amendments

F281 Sch. 9 para. 87-92 repealed (coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) of the amending Act) by The Government Wales Act 2006 (c. 32) s. 163, {Sch. 12} (with Sch. 11 para. 22)

Scotland Act 1998 (c. 46)

93 The Scotland Act 1998 is amended as follows.

94 In section 15 (disqualification from membership of the Parliament) in subsection (1) omit paragraph (c).

95 In section 32 (submission of Bills for Royal Assent)—

(a) in subsection (2)(b) for "Judicial Committee" substitute " Supreme Court ";

(b) in subsection (3)(a) for "Judicial Committee have" substitute " Supreme Court has ";

(c) in subsection (4) omit the definition of "Judicial Committee".

96 (1) In the sidenote to section 33 (scrutiny of Bills by the Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(2) In subsection (1) of that section for "Judicial Committee" substitute " Supreme Court ".

97 In section 34 (ECJ references), in subsection (1)(b) for "Judicial Committee" substitute " Supreme Court ".

98 In section 35 (power of Secretary of State to intervene in certain cases), in subsection (3)(c) for "Judicial Committee" substitute " Supreme Court ".

99 In section 36 (stages of Bills), in subsection (4) for "Judicial Committee decide" substitute " Supreme Court decides ".

100 In section 95 (appointment and removal of judges)—

(a) for subsection (9)(b) substitute—

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(b) for the appointment to chair the tribunal of a member of the Judicial Committee of the Privy Council who holds or has held high judicial office,";

(b) in subsection (11), before the definition of "provision" insert—

""high judicial office" has the meaning given by section 60 of the Constitutional Reform Act 2005,".

101 Omit section 103 (proceedings before the Judicial Committee).

102 In section 127 (index of defined expressions) omit the entry for "Judicial Committee".

103 (1) Part 2 of Schedule 6 (proceedings in Scotland on devolution issues) is amended as follows.

(2) In paragraph 7 (references to Inner House of Court of Session) for "House of Lords" substitute " Supreme Court ".

(3) In the heading before paragraph 10 (references from superior courts to Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(4) In paragraph 10 (references from Court of Session) for "Judicial Committee" substitute " Supreme Court ".

(5) In paragraph 11 (references from High Court of Justiciary) for "Judicial Committee" substitute " Supreme Court ".

(6) In the heading before paragraph 12 (appeals from superior courts to Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(7) In paragraph 12 (appeal from Inner House of Court of Session) for "Judicial Committee" substitute " Supreme Court ".

(8) In paragraph 13 (other appeals from superior courts)—

(a) for "House of Lords" substitute " Supreme Court apart from this paragraph ";
(b) for "Judicial Committee" in each place substitute " Supreme Court ";
(c) for "leave" in the first two places substitute " permission ";
(d) for "concerned" substitute " from which the appeal lies ";
(e) for "special leave" substitute " permission ".

104 (1) Part 3 of Schedule 6 (proceedings in England and Wales on devolution issues) is amended as follows.

(2) In paragraph 19 (reference in civil proceedings), in sub-paragraph (2)(a) for "House of Lords" substitute " Supreme Court ".

(3) In paragraph 21 (reference in criminal proceedings), for "House of Lords" substitute " Supreme Court ".

(4) In the heading before paragraph 22 (references from Court of Appeal to Judicial Committee), for "Judicial Committee" substitute " Supreme Court ".

(5) In paragraph 22, for "Judicial Committee" substitute " Supreme Court ".

(6) In the heading before paragraph 23 (appeals from superior courts to Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) In paragraph 23—
- (a) for "Judicial Committee" in each place substitute " Supreme Court ";
- (b) for "leave" in the first two places substitute " permission ";
- (c) for "special leave" substitute " permission ".

105 (1) Part 4 of Schedule 6 (proceedings in Northern Ireland on devolution issues) is amended as follows.

(2) In paragraph 28 (reference to Court of Appeal) for "House of Lords" substitute " Supreme Court ".

(3) In the heading before paragraph 30 (references from Court of Appeal to Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(4) In paragraph 30 for "Judicial Committee" substitute " Supreme Court ".

(5) In the heading before paragraph 31 (appeals from Court of Appeal to Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(6) In paragraph 31—
- (a) for "Judicial Committee" in each place substitute " Supreme Court ";
- (b) for "leave" in the first two places substitute " permission ";
- (c) for "special leave" substitute " permission ".

106 (1) Part 5 of Schedule 6 (devolution issues: general) is amended as follows.

(2) Omit paragraph 32 (proceedings in the House of Lords) and the heading before it.

(3) In the heading before paragraph 33 (direct references to Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(4) In paragraph 33 (law officer requiring court to refer devolution issue) for "Judicial Committee" substitute " Supreme Court ".

(5) In paragraph 34 (law officer referring devolution issues) for "Judicial Committee" substitute " Supreme Court ".

107 In Schedule 7 (procedure for subordinate legislation), in the table under paragraph 1(2) omit the entry relating to section 103(3)(a) and (b).

Northern Ireland Act 1998 (c. 47)

108 The Northern Ireland Act 1998 is amended as follows.

109 (1) In the sidenote to section 11 (scrutiny of Bills by the Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(2) In subsection (1) of that section for "Judicial Committee" substitute " Supreme Court ".

(3) In subsection (4) of that section—
- (a) for "Judicial Committee decide" substitute " Supreme Court decides ";
- (b) for "their decision" substitute " its decision ".

110 In section 12 (reconsideration where reference made to ECJ), in subsection (1)(b) for "Judicial Committee" substitute " Supreme Court ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

111 In section 13 (stages of Bills), in subsection (5)(a) for "Judicial Committee decide" substitute " Supreme Court decides ".

112 In section 14 (submission by Secretary of State of Bills for Royal Assent)—
(a) in subsection (2)(b) for "Judicial Committee" substitute " Supreme Court ";
(b) in subsection (3)(a) for "Judicial Committee have" substitute " Supreme Court has ".

113 Omit section 82 (proceedings before the Judicial Committee).

114 In section 98 (interpretation), in subsection (1) omit the entry for "Judicial Committee".

115 (1) Part 2 of Schedule 10 (proceedings in Northern Ireland on devolution issues) is amended as follows.

(2) In paragraph 7 (reference to Court of Appeal) for "House of Lords" substitute " Supreme Court ".

(3) In the heading before paragraph 9 (references from Court of Appeal to Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(4) In paragraph 9 for "Judicial Committee" substitute " Supreme Court ".

(5) In the heading before paragraph 10 (appeals from Court of Appeal to Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(6) In paragraph 10—
(a) for "Judicial Committee" in each place substitute " Supreme Court ";
(b) for "leave" in the first two places substitute " permission ";
(c) for "special leave" substitute " permission ".

116 (1) Part 3 of Schedule 10 (proceedings in England and Wales on devolution issues) is amended as follows.

(2) In paragraph 16 (reference in civil proceedings), in sub-paragraph (2)(a) for "House of Lords" substitute " Supreme Court ".

(3) In paragraph 18 (reference in criminal proceedings) for "House of Lords" substitute " Supreme Court ".

(4) In the heading before paragraph 19 (references from Court of Appeal to Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(5) In paragraph 19 for "Judicial Committee" substitute " Supreme Court ".

(6) In the heading before paragraph 20 (appeals from superior courts to Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(7) In paragraph 20—
(a) for "Judicial Committee" in each place substitute " Supreme Court ";
(b) for "leave" in the first two places substitute " permission ";
(c) for "special leave" substitute " permission ".

117 (1) Part 4 of Schedule 10 (proceedings in Scotland on devolution issues) is amended as follows.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In paragraph 25 (references to Inner House of Court of Session) for "House of Lords" substitute " Supreme Court ".

(3) In the heading before paragraph 28 (references from superior courts to Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(4) In paragraph 28 (references from Court of Session) for "Judicial Committee" substitute " Supreme Court ".

(5) In paragraph 29 (references from High Court of Justiciary) for "Judicial Committee" substitute " Supreme Court ".

(6) In the heading before paragraph 30 (appeals from superior courts to Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(7) In paragraph 30 (appeal from Inner House of Court of Session) for "Judicial Committee" substitute " Supreme Court ".

(8) In paragraph 31 (appeal from other superior courts)—

(a) for "House of Lords" substitute " Supreme Court apart from this paragraph ";

(b) for "Judicial Committee" in each place substitute " Supreme Court ";

(c) for "leave" in the first two places substitute " permission ";

(d) for "special leave" substitute " permission ".

118 (1) Part 5 of Schedule 10 (devolution issues: general) is amended as follows.

(2) Omit paragraph 32 (proceedings in the House of Lords) and the heading before it.

(3) In the heading before paragraph 33 (direct references to the Judicial Committee) for "Judicial Committee" substitute " Supreme Court ".

(4) In paragraph 33 (law officers etc requiring court to refer devolution issue) for "Judicial Committee" substitute " Supreme Court ".

(5) In paragraph 34 (law officers etc referring devolution issue) for "Judicial Committee" substitute " Supreme Court ".

(6) In paragraph 39 (bail and legal aid in criminal proceedings), in sub-paragraphs (2) to (4)—

(a) for "Court" in each place substitute " Court of Appeal ";

(b) for "Judicial Committee" and "Committee" substitute " Supreme Court ".

119 In paragraph 40 (application of paragraph 39 in particular circumstances), in sub-paragraphs (a) and (b)—

(a) for "Judicial Committee" and "Committee" in each place substitute " Supreme Court ";

(b) for "Court" substitute " Court of Appeal ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 10

Section 57

PROCEEDINGS UNDER JURISDICTION TRANSFERRED TO SUPREME COURT

Interpretation

1 (1) In this Schedule "transferred jurisdiction" means any jurisdiction of—

(a) the House of Lords, or

(b) the Judicial Committee of the Privy Council,

that is transferred to the Supreme Court by virtue of this Act.

(2) In relation to transferred jurisdiction—

"original court" means (as appropriate)—

(a) the House of Lords, or

(b) the Judicial Committee of the Privy Council;

"transfer day" means the day when the jurisdiction is transferred to the Supreme Court.

2 In this Schedule "transferred proceedings" means proceedings which were begun before the transfer day in the original court under transferred jurisdiction.

Proceedings

3 (1) As from the transfer day, transferred proceedings may be continued in the Supreme Court as if they had been begun in that court.

(2) This paragraph is subject to Supreme Court Rules (whether made before or after the transfer date).

4 (1) Anything done in accordance with the rules of the original court in relation to transferred proceedings is, after the transfer day, to be treated as if it had been done in accordance with any Supreme Court Rules applicable to corresponding proceedings in the Supreme Court.

(2) This paragraph is subject to Supreme Court Rules (whether made before or after the transfer date).

5 (1) Any act, judgment or order of the original court in the transferred proceedings is to have the same effect after the transfer day as if it had been an act, judgment or order of the Supreme Court in corresponding proceedings in that Court.

(2) Accordingly, after the transfer day, further proceedings may be taken in the Supreme Court in respect of such an act, judgment or order.

Fees

6 (1) This paragraph applies to any fee due under the rules of the original court in relation to transferred proceedings which was unpaid on the transfer day.

(2) As from the transfer day, the fee is payable as if it were due under the corresponding Supreme Court Rules.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Funds

7 (1) This paragraph applies to the investments and money which constitute the funds in court of—
(a) the House of Lords, or
(b) the Judicial Committee of the Privy Council,
that are held in relation to transferred proceedings.

(2) On the transfer day the investments and money are, by virtue of this paragraph and without any transfer or assignment, vested in the accounting officer as funds in the Supreme Court.

(3) In dealing with any investments and money vested in him by virtue of this paragraph, the accounting officer must comply with any directions which the Lord Chancellor may give with a view to securing the transition of the administration of the funds in court referred to in sub-paragraph (1).

8 (1) The transfer of any investments and money under paragraph 7 does not affect the right of any person in or to any thing so transferred.

(2) Any such right may be enforced from the transfer day as if it had always been a right in respect of funds in the Supreme Court.

9 (1) This paragraph applies to a liability of the House of Lords or the Judicial Committee of the Privy Council if the following conditions are met—
(a) the liability is in respect of sums which at one time formed part of funds in court held in relation to proceedings under transferred jurisdiction but which ceased to do so before the transfer day;
(b) the liability is outstanding immediately before the transfer day.

(2) On the transfer day the liability is, by virtue of this paragraph and without any transfer or assignment, vested in the accounting officer.

(3) Any amounts required to meet any such liability are to be paid out of the Consolidated Fund to the accounting officer.

10 In paragraphs 7 and 9 "accounting officer" means the person who, in the view of the President of the Supreme Court, carries out duties in relation to that court that correspond as nearly as possible to the duties carried out in relation to the Senior Courts of England and Wales by the Accountant-General of those courts.

SCHEDULE 11

Section 59

RENAMING OF THE SUPREME COURTS OF ENGLAND AND WALES AND NORTHERN IRELAND

PART 1

CITATION OF ACTS AND RULES

1 (1) The Supreme Court Act 1981 (c. 54) may be cited as the Senior Courts Act 1981.

(2) **[**[F282]For the words "Supreme Court Act 1981" wherever they occur in any enactment substitute "Senior Courts Act 1981".**]**

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F282 Sch. 11 para. 1(2) repealed (prosp.) by Legal Services Act 2007 (c. 29), ss. 210, 211, **Sch. 23** (with ss. 29, 192, 193) (which amendment fell (12.11.2009) by virtue of the repeal of the amending provision by 2009 c. 25, ss. 177, 178, 182(1)(h)(j)(v), Sch. 21 para. 97, Sch. 23 Pt. 9 (with s. 180, Sch. 22))

2 (1) The Supreme Court (Offices) Act 1997 (c. 69) may be cited as the Senior Courts (Offices) Act 1997.

(2) For the words "Supreme Court (Offices) Act 1997" wherever they occur in any enactment substitute " Senior Courts (Offices) Act 1997 ".

3 (1) The Rules of the Supreme Court (Northern Ireland) (Revision) 1980 (S.R. 1980/346) may be cited as the Rules of the Court of Judicature (Northern Ireland) (Revision) 1980.

(2) For the words "Rules of the Supreme Court (Northern Ireland) (Revision) 1980" wherever they occur in any enactment substitute " Rules of the Court of Judicature (Northern Ireland) (Revision) 1980 ".

(3) The Rules of the Supreme Court (Northern Ireland) 1980 may be cited as the Rules of the Court of Judicature (Northern Ireland) 1980.

(4) For the words "Rules of the Supreme Court (Northern Ireland) 1980"wherever they occur in any enactment substitute " Rules of the Court of Judicature (Northern Ireland) 1980 ".

PART 2

MISCELLANEOUS AMENDMENTS: SUPREME COURT OF ENGLAND AND WALES

4 (1) In each of the enactments listed in sub-paragraph (3) for "Supreme Court" or "Supreme Court of Judicature" in each place substitute "Senior Courts".

(2) This paragraph does not apply to those words—

(a) in the short title or title of any enactment or group of enactments,

(b) where they are amended by paragraph 3 or 5 of this Schedule, or

(c) (unless otherwise provided) as inserted by any other provision of this Act.

(3) The enactments amended are—

the Bills of Sale Act 1878 (c. 31), sections 10, 13 and 17
the Sheriffs Act 1887 (c. 55)
the Public Trustee Act 1906 (c. 55)
F283 …
the Law of Property Act 1922 (c. 16)
the Settled Land Act 1925 (c. 18)
the Trustee Act 1925 (c. 19)
the Law of Property Act 1925 (c. 20)
the Universities and College Estates Act 1925 (c. 24)
the Registered Designs Act 1949 (c. 88)
the Justices of the Peace Act 1949 (c. 101)

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

the Mines and Quarries Act 1954 (c. 70)

F284 . . . . . .

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F284 . . . . . .

the Public Records Act 1958 (c. 51)

the Administration of Justice Act 1965 (c. 2), including any amendment to—

(i) the Defence Act 1842 (c. 94)

(ii) the Lands Clauses Consolidation Act 1845 (c. 18)

(iii) the Consolidated Fund (Permanent Charges Redemption) Act 1873 (c. 57)

(iv) the Life Insurance Companies (Payment into Court) Act 1896 (c. 8)

the Gas Act 1965 (c. 36)

the Compulsory Purchase Act 1965 (c. 56)

the Mines (Working Facilities and Support) Act 1966 (c. 4)

the Courts Act 1971 (c. 23)

the Local Government Act 1972 (c. 70)

the House of Commons Disqualification Act 1975 (c. 24)

the Northern Ireland Assembly Disqualification Act 1975 (c. 25)

the Bail Act 1976 (c. 63) (subject to any repeal contained in the Courts Act 2003 (c. 39))

the Magistrates' Courts Act 1980 (c. 43), section 144(3)(b) and (c)

the Mental Health Act 1983 (c. 20)

the County Courts Act 1984 (c. 28)

the Matrimonial and Family Proceedings Act 1984 (c. 42)

the Companies Act 1985 (c. 6)

the Public Trustee and Administration of Funds Act 1986 (c. 57)

the Criminal Justice Act 1987 (c. 38), section 1(7)(b)

the Legal Aid Act 1988 (c. 34)

the Copyright, Designs and Patents Act 1988 (c. 48)

the Road Traffic Act 1988 (c. 52)

the Road Traffic Offenders Act 1988 (c. 53)

the Courts and Legal Services Act 1990 (c. 41)

the Judicial Pensions and Retirement Act 1993 (c. 8), section 26 and Schedules 1, 5 and 7

the Civil Procedure Act 1997 (c. 12), except paragraph 1 of Schedule 1

the Government of Wales Act 1998 (c. 38)

the Human Rights Act 1998 (c. 42), section 18(4)(a)

the Greater London Authority Act 1999 (c. 29)

the Courts Act 2003 (c. 39), except sections 102(1)(a) and 103(8)

Textual Amendments

F283 Entry in Sch. 11 para. 4(3) omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 6 para. 2(19)(b)** (with Sch. 6 para. 3); S.I. 2015/1732, art. 2(e)(i)

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F284 Sch. 11 para. 4(3): entries repealed (28.3.2009 for certain purposes and otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with S.I. 2009/1059); S.I. 2009/1167, **art. 4**

PART 3

MISCELLANEOUS AMENDMENTS: SUPREME COURT OF JUDICATURE OF NORTHERN IRELAND

Solicitor of the Supreme Court

5 For the words in the first column wherever they occur in any enactment substitute the words in the second column—

Old reference	***New reference***
"solicitor of the Supreme Court of Northern Ireland"	" solicitor of the Court of Judicature of Northern Ireland "
"solicitors of the Supreme Court of Northern Ireland"	" solicitors of the Court of Judicature of Northern Ireland "
"solicitor of the Supreme Court of Judicature of Northern Ireland"	" solicitor of the Court of Judicature of Northern Ireland "
"solicitors of the Supreme Court of Judicature of Northern Ireland"	" solicitors of the Court of Judicature of Northern Ireland "

Miscellaneous

6 (1) In each of the enactments listed in sub-paragraph (3) for "Supreme Court" or "Supreme Court of Judicature" in each place substitute "Court of Judicature".

(2) This paragraph does not apply to those words—
(a) in the short title or title of any enactment or group of enactments,
(b) where they are amended by paragraph 3 or 5 of this Schedule, or
(c) (unless otherwise provided) as inserted by any other provision of this Act.

(3) The enactments amended are—
the Railway Act (Ireland) 1851 (c. 70)
the Railways Act (Ireland) 1860 (c. 97)
the Tramways (Ireland) Act 1860 (c. 152)
the Settled Estates Act 1877 (c. 18)
the Bills of Sale (Ireland) Act 1879 (c. 50)
the Parliamentary Deposits and Bonds Act 1892 (c. 27)
the Land Law (Ireland) Act 1896 (c. 47)
the Colonial Solicitors Act 1900 (c. 14)
the Northern Ireland Land Act 1925 (c. 34)
the Local Government Act (Northern Ireland) 1934 (c. 22 (N.I.))
the Northern Ireland Land Purchase (Winding Up) Act 1935 (c. 21)
the Evidence and Powers of Attorney Act 1940 (c. 28)
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. . . . . .

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))

the Trustee Act (Northern Ireland) 1958 (c. 23 (N.I.))

the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.))

the County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.))

the Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.))

the Courts-Martial (Appeals) Act 1968 (c. 20)

the Medicines Act 1968 (c. 67)

the Land Registration Act (Northern Ireland) 1970 (c. 18 (N.I.))

the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971 (c. 7 (N.I.))

the Powers of Attorney Act (Northern Ireland) 1971 (c. 33 (N.I.))

the Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/ 538 (N.I. 1))

the Administration of Justice Act 1973 (c. 15)

the Northern Ireland Constitution Act 1973 (c. 36)

F286 . . . . . .

F287 . . . . . .

the Solicitors (Northern Ireland) Order 1976 (S.I. 1976/582 (N.I. 12))

the Judicature (Northern Ireland) Act 1978 (c. 23), including section 68A(1)(a) inserted by section 10 of this Act, and any amendment to—

(i) the Lands Clauses Consolidation Act 1845 (c. 18), except section 3

(ii) the Consolidated Fund (Permanent Charges Redemption) Act 1873 (c. 57)

(iii) the Life Insurance Companies (Payment into Court) Act 1896 (c. 8)

the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979 (S.I. 1979/924 (N.I. 8))

the Administration of Estates (Northern Ireland) Order 1979 (S.I. 1979/1575 (N.I. 14))

the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))

the Rules of the Supreme Court (Northern Ireland) (Revision) 1980 (S.R. 1980/346)

the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6))

F288 ...

the Medical Act 1983 (c. 54)

the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/ 595 (N.I. 4))

F289 . . . . . .

the Solicitors (Amendment) (Northern Ireland) Order 1989 (S.I. 1989/1343 (N.I. 14))

the Family Law (Northern Ireland) Order 1993 (S.I. 1993/ 1576 (N.I. 6))

the Merchant Shipping Act 1995 (c. 21)

the Juries (Northern Ireland) Order 1996 (S.I. 1996/1141 (N.I. 6))

the Human Rights Act 1998 (c. 42), section 18(4)(c)

the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3 (N.I.))

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

the Justice (Northern Ireland) Act 2002 (c. 26)
the Courts Act 2003 (c. 39), sections 102(1)(a) and 103(8)
the Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/ 435 (N.I. 10))

Textual Amendments

F285 Sch. 11 para. 6(3): entry repealed (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(5), **Sch. 4**

F286 Sch. 11 para. 6(3) entry repealed (1.4.2010) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 15 Pt. 2**; S.I. 2010/708, art. 4(2)(d)

F287 Sch. 11 para. 6(3) entry repealed (10.3.2013) by The Competition Act 1998 (Consequential Provisions) Order 2013 (S.I. 2013/294), arts. 1, 2, **Sch.**

F288 Entry in Sch. 11 para. 6(3) repealed (N.I) (1.4.2015) by Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 (c. 11), s. 12(1), **Sch. 3 Pt. 1** (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/193, art. 2(f)

F289 Sch. 11 para. 6(3): entry repealed (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(2), **Sch. 2** (with art. 10)

PART 4

SPECIFIC AMENDMENTS

Chelsea and Kilmainham Hospitals Act 1826 (c. 16)

7 (1) The Chelsea and Kilmainham Hospitals Act 1826 is amended as follows.

(2) For "Supreme Court" in each place substitute " Senior Courts ".

(3) In sections 46, 49 and 50 for "the said court" in each place substitute " the said courts ".

Ecclesiastical Houses of Residence Act 1842 (c. 26)

8 (1) The Ecclesiastical Houses of Residence Act 1842 is amended as follows.

(2) For "Supreme Court" in each place substitute " Senior Courts ".

(3) In section 12 for "the said court" in each place substitute " the said courts ".

Lands Clauses Consolidation Act 1845 (c. 18)

9 (1) The Lands Clauses Consolidation Act 1845 is amended as follows.

(2) For "Supreme Court" in each place, except in section 3, substitute " Senior Courts ".

(3) In section 3 for the definition of "Supreme Court" substitute— " Any reference to the Senior Courts shall, where it relates to monies to be paid or deposited in respect of lands situate in Northern Ireland, be read as a reference to the Court of Judicature. "

Landed Estates Court (Ireland) Act 1858 (c. 72)

10 (1) The Landed Estates Court (Ireland) Act 1858 is amended as follows.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In section 56 (purchase money)—
- (a) in the side-note for "Supreme Court" substitute " Court of Judicature ";
- (b) for "Supreme Court of Judicature of Northern Ireland ("the Supreme Court")" substitute " Court of Judicature ".

(3) In section 57 (persons interested may bid at sale, etc) for "Supreme Court" in each place substitute " Court of Judicature ".

(4) In section 70 (power to order money to be paid into Court)—
- (a) for "Supreme Court or (where the case may require) the Supreme Court of Judicature of England" substitute " Court of Judicature or (where the case may require) the Senior Courts ";
- (b) for "such respective Court" substitute " the Court of Judicature or the Senior Courts respectively ";
- (c) after "as such Court" insert " or Courts ".

Defence Act 1860 (c. 112)

11 (1) The Defence Act 1860 is amended as follows.

(2) In sections 21 and 22 (payment to meet consequent expenses, and payment into Supreme Court on failure to deduce title) for "Supreme Court or into the Supreme Court in Northern Ireland" substitute " Senior Courts or Court of Judicature ".

(3) In section 23 (orders concerning money paid into Supreme Court)—
- (a) for "Supreme Court" substitute " Senior Courts ";
- (b) for "the said Court" substitute " the said Courts ".

The Great Seal (Offices) Act 1874 (c. 81)

12 In the Great Seal (Offices) Act 1874, in section 5 (transfer of duties of cursitors and clerk of the petty bag)—
- (a) for "of the Supreme Court" substitute " of the Senior Courts ";
- (b) for the words from "under the Supreme Court" to "amending the same" substitute " within the meaning given in the Interpretation Act 1978 ".

Commons Act 1876 (c. 56)

13 In the Commons Act 1876, in section 30 (jurisdiction of county court) for the words from "to be made by the Supreme Court" to "Supreme Court of Judicature Act 1875" substitute " within the meaning given in the Interpretation Act 1978 ".

Public Offices Fees Act 1879 (c. 58)

14 In the Public Offices Fees Act 1879, in section 7 (application of Act) for "Supreme Courts of Judicature," substitute " Senior Courts, the Court of Judicature, ".

Commissioners for Oaths Act 1889 (c. 10)

15 (1) The Commissioners for Oaths Act 1889 is amended as follows.

(2) For "Supreme Court" in each place, except in section 11, substitute " Senior Courts ".

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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(3) In section 11 omit the definition of "Supreme Court".

Notice of Accidents Act 1894 (c. 28)

16 (1) The Notice of Accidents Act 1894 is amended as follows.

(2) In section 3(4) for "master of the Supreme Court" substitute " Master (Taxing Office) of the Court of Judicature ".

(3) Omit section 8.

London Building Acts (Amendment) Act 1939 (c. xcvii)

17 (1) The London Building Acts (Amendment) Act 1939 is amended as follows.

(2) In section 105 (payment of surplus of proceeds into court) for "Supreme Court of Judicature" substitute " Senior Courts ".

(3) In section 116 (tribunal may state case for opinion of High Court) in subsection (6) for the words from "the court" to the end substitute " court ".

Registered Designs Act 1949 (c. 88)

18 In the Registered Designs Act 1949, in section 31 (evidence before registrar) in paragraph (b) before "as regards" insert " or of the Court of Judicature ".

Maintenance Orders Act 1950 (c. 37)

19 (1) The Maintenance Orders Act 1950 is amended as follows.

(2) In section 17(3)(a) for "Supreme Court of Judicature in England" substitute " Senior Courts " and for "Supreme Court of Judicature of Northern Ireland" substitute " Court of Judicature ".

(3) In section 18(1B) for "Supreme Court in England or Northern Ireland" substitute " Senior Courts or the Court of Judicature ".

Northern Ireland Act 1962 (c. 30)

20 In the Northern Ireland Act 1962, in section 29 (supplemental) in subsection (1) omit the definition of "the Supreme Court".

Solicitors Act 1974 (c. 47)

21 (1) The Solicitors Act 1974 is amended as follows.

(2) In section 6 (keeping of the roll) in subsection (1) for "Supreme Court" substitute " Senior Courts ".

(3) [F290] . . . . . .

(4) In section 29 (non-British subjects as solicitors) for "of the Supreme Court or of the Supreme Court of Northern Ireland" substitute " of the Senior Courts or of the Court of Judicature ".

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(5) In section 50 (jurisdiction over solicitors)—

(a) in the side-note and subsection (1) for "Supreme Court" substitute " Senior Courts ";

(b) in subsection (2) for "Supreme Court was" substitute " Senior Courts were ".

(6) In section 87 (interpretation) in the definitions of "contentious business", "the roll", and "solicitor" for "Supreme Court" substitute " Senior Courts ".

Textual Amendments

F290 Sch. 11 para. 21(3) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(i)(xii)** (with art. 9)

Litigants in Person (Costs and Expenses) Act 1975 (c. 47)

22 In the Litigants in Person (Costs and Expenses) Act 1975, in section 1 (costs or expenses recoverable)—

(a) in subsection (1)(a) for "Supreme Court" substitute " Senior Courts, in the Court of Judicature ";

(b) in subsection (5), omit" "the Supreme Court"".

Patents Act 1977 (c. 37)

23 (1) The Patents Act 1977 is amended as follows,

(2) [F291] . . . . . .

(3) [F291] . . . . . .

(4) In section 106 (costs and expenses in proceedings before the Court) for "the Rules of the Supreme Court or by the County Court Rules" substitute " rules of court ".

Textual Amendments

F291 Sch. 11 para. 23(2)(3) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(i)(xii)** (with art. 9)

Interpretation Act 1978 (c. 30)

24 In the Interpretation Act 1978, in Schedule 1 (words and expressions defined)—

(a) for the definition of "Supreme Court" substitute—

""Supreme Court" means the Supreme Court of the United Kingdom."

(b) insert the following definitions at the appropriate places—

""Court of Judicature" means the Court of Judicature of Northern Ireland."

""Senior Courts" means the Senior Courts of England and Wales."

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Judicial Pensions Act 1981 (c. 20)

25 (1) The Judicial Pensions Act 1981 is amended as follows.

(2) In the table in section 1 (interpretation) in each place—
- (a) for "Supreme Court of England and Wales" substitute " Senior Courts ";
- (b) for "Supreme Court of Northern Ireland" substitute " Court of Judicature ".

(3) In the table in section 16 (application of Part 2, and interpretation) for "Supreme Court" and "Supreme Court of Northern Ireland" respectively in each place (except where those words are inserted by this Act) substitute " Senior Courts " and " Court of Judicature ".

(4) In Schedule 1 (certain officers, and President of Transport Tribunal) for "Supreme Court" in each place substitute " Senior Courts ".

Supreme Court Act 1981 (c. 54)

26 (1) The Supreme Court Act 1981 is amended as follows.

(2) For "Supreme Court" in each place substitute " Senior Courts ".

(3) In section 14, in the side-note for "Supreme" substitute " Senior Courts ".

Administration of Justice Act 1982 (c. 53)

27 (1) The Administration of Justice Act 1982 is amended as follows.

(2) In the following provisions for "Supreme Court" or "Supreme Court of Judicature" substitute " Court of Judicature "
- (a) section 23(1)(c);
- (b) section 25(3)(c);
- (c) section 39(5)(b);
- (d) section 42(5)(b).

(3) In section 47 (interpretation of Part 6) in the definition of "Accountant General" for "the Accountant General of the Supreme Court" substitute " in relation to England and Wales, the Accountant General of the Senior Courts and, in relation to Northern Ireland, the Accountant General of the Court of Judicature ".

Representation of the People Act 1983 (c. 2)

28 (1) The Representation of the People Act 1983 is amended as follows.

(2) In section 157 (application to Northern Ireland)—
- (a) in each place for "Supreme Court (Queen's Bench Division)" substitute " Senior Courts (Queen's Bench Division) ";
- (b) in subsection (8) for "Supreme Court of Judicature" substitute " Court of Judicature ".

(3) In the following provisions for "Supreme Court" substitute " Senior Courts "
- (a) section 182(1);
- (b) section 183(1).

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Income and Corporation Taxes Act 1988 (c. 1)

F292 29 . . . . . .

Textual Amendments

F292 Sch. 11 para. 29 repealed (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 3 Pt. 1** (with Sch. 2)

Taxation of Chargeable Gains Act 1992 (c. 12)

30 (1) The Taxation of Chargeable Gains Act 1992 is amended as follows.

(2) In section 61 (funds in court) in subsection (3)—

(a) for "Supreme Court" in paragraph (a) substitute " Senior Courts ";

(b) for "Supreme Court of Judicature in England" substitute " Senior Courts ";

(c) for "Supreme Court of Judicature of Northern Ireland" in each place substitute " Court of Judicature ".

Trade Marks Act 1994 (c. 26)

31 In the Trade Marks Act 1994 in section 69 (evidence before registrar) for "Supreme Court" substitute " Senior Courts or of the Court of Judicature ".

Supreme Court (Offices) Act 1997 (c. 69)

32 In the Supreme Court (Offices) Act 1997, for "Supreme Court" in each place substitute " Senior Courts ".

Northern Ireland Act 1998 (c. 47)

33 (1) The Northern Ireland Act 1998 is amended as follows.

(2) In Schedules 2 and 3 for "Supreme Court of Judicature" substitute " Court of Judicature ".

(3) In paragraph 12(1) of Schedule 12 for "Supreme Court of Judicature of Northern Ireland" substitute " Court of Judicature ".

Freedom of Information Act 2000 (c. 36)

34 In Part 7 of Schedule 1 to the Freedom of Information Act 2000—

(a) omit "The Northern Ireland Supreme Court Rules Committee.";

(b) insert in the appropriate place " The Northern Ireland Court of Judicature Rules Committee. ".

Criminal Justice and Court Services Act 2000 (c. 43)

35 In the following provisions of the Criminal Justice and Court Services Act 2000 for "senior court" in each place substitute " superior court "

(a) section 28(2)(b) and (3)(b);

(b) section 29(2)(b) and (3)(b);

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(c) section 29A(1)(b);
(d) section 30(1).

SCHEDULE 12

Section 61

THE JUDICIAL APPOINTMENTS COMMISSION

PART 1

THE COMMISSIONERS

The Commissioners

1 The Commission consists of—
(a) a chairman, and
[F293(b) such number of other Commissioners as the Lord Chancellor may specify by regulations made with the agreement of the Lord Chief Justice,]
appointed by Her Majesty on the recommendation of the Lord Chancellor.

Textual Amendments
F293 Sch. 12 para. 1(b) substituted (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 17**; S.I. 2013/2200, art. 2(c)

2 (1) The chairman must be a lay member.

F294(2) . . . . . .

F294(2A) . . . . . .

F294(3) . . . . . .

F294(4) . . . . . .

F294(5) . . . . . .

Textual Amendments
F294 Sch. 12 para. 2(2)-(5) omitted (4.9.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 18**; S.I. 2013/2200, art. 2(c)

3 A person must not be appointed as a Commissioner if he is employed in the civil service of the State.

[F295 3A The number of Commissioners who are holders of judicial office must be less than the number of Commissioners (including the chairman) who are not holders of judicial office.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F295 Sch. 12 paras. 3A-3C inserted (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 19**; S.I. 2013/2200, art. 2(c)

3B (1) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision about the composition of the Commission.

(2) The power to make regulations under this paragraph is to be exercised so as to ensure that the Commission's members include—

(a) holders of judicial office,

(b) persons practising or employed as lawyers, and

(c) lay members.

(3) Regulations under this paragraph may (in particular)—

(a) make provision about the number, maximum number or minimum number of Commissioners of a particular description;

(b) make provision about eligibility for appointment as a Commissioner, eligibility for appointment as the chairman or eligibility for appointment as a Commissioner of a particular description.

Textual Amendments

F295 Sch. 12 paras. 3A-3C inserted (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 19**; S.I. 2013/2200, art. 2(c)

3C The Lord Chancellor may by regulations made with the agreement of the Lord Chief Justice—

(a) define "lay member", in relation to the Commission, for the purposes of this Part of this Act;

(b) define "holder of judicial office" for the purposes of paragraphs 3A, 3B(2)(a), 11 and 20(5).**]**

Textual Amendments

F295 Sch. 12 paras. 3A-3C inserted (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 19**; S.I. 2013/2200, art. 2(c)

F296 4 . . . . . .

Textual Amendments

F296 Sch. 12 paras. 4-6 omitted (4.9.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 18**; S.I. 2013/2200, art. 2(c)

F296 5 . . . . . .

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F296 Sch. 12 paras. 4-6 omitted (4.9.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 18**; S.I. 2013/2200, art. 2(c)

[F296]6 . . . . . .

Textual Amendments

F296 Sch. 12 paras. 4-6 omitted (4.9.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 18**; S.I. 2013/2200, art. 2(c)

[[F297]6A(1) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision for or in connection with the selection or nomination of persons to be recommended for appointment under paragraph 1.

(2) Regulations under this paragraph may (in particular)—

(a) provide for selection or nomination to be by a person, or body, specified in or appointed under the regulations;

(b) make provision about selection procedure, including—

(i) provision for a selector to determine the selector's own procedure or for selection procedure to be otherwise determined under the regulations;

(ii) provision as to matters to which a selector is to, or may or may not, have regard;

(iii) provision requiring that selection is carried out with a view to ensuring that there is a Commissioner with special knowledge of a particular geographical area or of a particular matter;

(c) make provision for the payment to selectors of remuneration, fees or expenses.

Textual Amendments

F297 Sch. 12 paras. 6A, 6B substituted for Sch. 12 paras. 7-10 (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 20**; S.I. 2013/2200, art. 2(c)

6B The powers to make regulations under this Part of this Schedule are to be exercised with a view to ensuring, so far as may be practicable, that the Commissioners who are lay members include at any time at least one person who appears to have special knowledge of Wales.**]**

Textual Amendments

F297 Sch. 12 paras. 6A, 6B substituted for Sch. 12 paras. 7-10 (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 20**; S.I. 2013/2200, art. 2(c)

Vice-chairman

11 (1) The **[**[F298]most senior of the holders of judicial office who are Commissioners**]** is vice-chairman of the Commission.

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(2) For the purposes of sub-paragraph (1) **[**[F299]seniority is to be determined in accordance with regulations made by the Lord Chancellor with the agreement of the Lord Chief Justice.**]**

(3) In the absence of the chairman, the vice-chairman may exercise the chairman's functions **[**[F300]other than—

(a) any functions as a member of a commission convened under section 26(5) or (5A) or of a panel appointed under section 70(1), 75B(1) or 79(1) (including functions of chairing such a commission or panel), and

(b) any functions specified in regulations made by the Lord Chancellor with the agreement of the Lord Chief Justice.**]**

Textual Amendments

F298 Words in Sch. 12 para. 11(1) substituted (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 21(2)**; S.I. 2013/2200, art. 2(c)

F299 Words in Sch. 12 para. 11(2) substituted (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 21(3)**; S.I. 2013/2200, art. 2(c)

F300 Words in Sch. 12 para. 11(3) substituted (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 21(4)**; S.I. 2013/2200, art. 2(c)

Term of office etc. of Commissioners

12 (1) A Commissioner must be appointed for a fixed period.

(2) But an appointment is subject to paragraphs 13 to 15.

[[F301]13(1) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision about the periods for which a Commissioner may be appointed or hold office.

(2) Regulations under this paragraph may (in particular) make provision about—

(a) the number of times a person may be appointed as a Commissioner;

(b) the length of any particular appointment;

(c) the total length of a person's appointments or the total period for which a person may hold office as a Commissioner.**]**

Textual Amendments

F301 Sch. 12 para. 13 substituted (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 22**; S.I. 2013/2200, art. 2(c)

14**[**[F302](1) The Lord Chancellor may by regulations made with the agreement of the Lord Chief Justice—

(a) provide for a Commissioner to cease to be a Commissioner on ceasing, or on ceasing for a particular reason, to be eligible for appointment as a Commissioner;

(b) provide for a Commissioner other than the chairman to cease to be a Commissioner on ceasing, or on ceasing for a particular reason, to be eligible for appointment as a Commissioner of a particular description;

(c) provide for the chairman—

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(i) to cease to be the chairman without ceasing to be a Commissioner, or

(ii) to cease to be the chairman and cease to be a Commissioner,

on ceasing, or on ceasing for a particular reason, to be eligible for appointment as the chairman;

(d) confer power to disapply or suspend the operation of provision under paragraph (a), (b) or (c) in individual cases.**]**

(4) A Commissioner ceases to be a Commissioner if he becomes employed in the civil service of the State.

Textual Amendments

F302 Sch. 12 para. 14(1) substituted for Sch. 12para. 14(1)(2) (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 23**; S.I. 2013/2200, art. 2(c)

15 (1) A Commissioner may at any time—

(a) resign his office by notice in writing addressed to Her Majesty;

(b) be removed from office by Her Majesty on the recommendation of the Lord Chancellor.

(2) The Lord Chancellor may not under sub-paragraph (1) recommend that a Commissioner be removed from office unless he is satisfied that the Commissioner—

(a) has failed without reasonable excuse to discharge the functions of his office for a continuous period of at least six months,

(b) has been convicted of an offence,

(c) is an undischarged bankrupt **[**[F303]or a person in relation to whom a moratorium period under a debt relief order applies (under Part 7A of the Insolvency Act 1986)**]**, or

(d) is otherwise unfit to hold his office or unable to discharge its functions.

(3) A recommendation on the ground mentioned in sub-paragraph (2)(a) may not be made more than 3 months after the end of the period mentioned there.

Textual Amendments

F303 Words in Sch. 12 para. 15(2)(c) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 52(2)** (with art. 5)

Salary, allowances and expenses

16 (1) The Commission may—

(a) pay to each Commissioner such remuneration, fees or expenses as the Lord Chancellor may determine;

(b) pay, or make provision for the payment of, such pension, allowance or gratuity as the Lord Chancellor may determine to or in respect of a person who is or has been a Commissioner.

(2) If—

(a) a person ceases to hold office as a Commissioner other than on the expiry of his term of appointment, and

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(b) it appears to the Lord Chancellor that there are special circumstances that would warrant the payment of compensation to him,

the Lord Chancellor may direct the Commission to make to or in respect of that person a payment of such amount as the Lord Chancellor may determine.

Code of Conduct

17 The Lord Chancellor may issue and from time to time revise a code of conduct to be observed by the Commissioners.

[F304 Regulations

Textual Amendments

F304 Sch. 12 para. 17A and cross-heading inserted (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 24**; S.I. 2013/2200, art. 2(c)

17A Regulations under this Part of this Schedule may—

(a) make different provision for different purposes;

(b) include transitional or transitory provision or savings.**]**

PART 2

THE COMMISSION

Status of the Commission and its property

18 (1) The Commission is not to be regarded—

(a) as the servant or agent of the Crown, or

(b) as enjoying any status, immunity or privilege of the Crown.

(2) The property of the Commission is not be regarded as property of, or property held on behalf of, the Crown.

Powers

19 (1) The Commission may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of its functions.

(2) But the Commission may not borrow money except with the agreement of the Lord Chancellor.

(3) Nothing in this Schedule is to be read as limiting the generality of sub-paragraph (1).

Committees

20 (1) The Commission may establish committees.

(2) A committee of the Commission may establish sub-committees.

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(3) A person may not be a member of a committee or sub-committee unless he is a Commissioner.

(4) The Commission may delegate functions to a committee, and a committee may delegate functions (including functions delegated to them) to a sub-committee.

(5) The function of making a selection under this Part of this Act may be delegated only to a committee or sub-committee whose members include at least one **[**[F305]who is a holder of judicial office and at least**]** one lay member.

(6) In sub-paragraphs (2) to (5) references to a committee do not include references to a selection panel appointed under section 70 **[**[F306], 75B**]** or 79.

Textual Amendments

F305 Words in Sch. 12 para. 20(5) substituted (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 25**; S.I. 2013/2200, art. 2(c)

F306 Word in Sch. 12 para. 20(6) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 80**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

Procedure and proceedings

21 (1) The Commission may regulate its own procedure, and the procedure of its committees and sub-committees, including quorum.

(2) But the quorum of a committee or sub-committee to which the Commission's function of making a selection under this Part of this Act has been delegated must not be less than 3.

(3) The validity of proceedings of the Commission or a committee or sub-committee is not affected by—

(a) a vacancy among the members, or

(b) a defect in the appointment of a member.

Staff

22 (1) The Commission—

(a) must appoint a chief executive, and

(b) may appoint such other staff as it considers necessary to assist in the performance of its functions.

(2) The Commission must not appoint a person as chief executive unless the Lord Chancellor approves the appointment.

(3) Staff are to be—

(a) appointed on terms and conditions determined by the Commission, and approved by the Lord Chancellor, and

(b) paid by the Commission in accordance with provision made by or under the terms of appointment.

(4) In determining the terms and conditions the Commission must have regard to the desirability of keeping remuneration and the other terms and conditions broadly in line with those applying to employment in the civil service of the State.

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Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) In Schedule 1 to the Superannuation Act 1972 (c. 11) (kinds of employment to which a scheme under section 1 of the Act may apply), at the end of the list of "Royal Commissions and other Commissions" insert— " Judicial Appointments Commission. "

(6) The Commission must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (5) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

(7) Staff of the Commission are not to be regarded as—
  (a) servants or agents of the Crown, or
  (b) enjoying any status, immunity or privilege of the Crown.

Arrangements for assistance

23 (1) The Commission may make arrangements with such persons as it considers appropriate for assistance to be provided to it.

(2) Arrangements may include the paying of fees to such persons.

(3) No arrangements may be made under this paragraph unless approved by the Lord Chancellor.

Appointments and arrangements by the Lord Chancellor

24 (1) The Lord Chancellor may appoint a person to serve as chief executive until the first appointment under paragraph 22(1)(a) takes effect.

(2) A chief executive serving under sub-paragraph (1) may incur expenditure and do other things (including appointing staff and making arrangements for assistance under paragraph 23) in the name and on behalf of the Commission—
  (a) before the membership of the Commission is first constituted in accordance with paragraph 1, and
  (b) thereafter, until the Commission determines otherwise.

(3) A chief executive's powers under sub-paragraph (2) are exercisable subject to any directions given to him by the Lord Chancellor.

25 (1) The Lord Chancellor may—
  (a) appoint persons to serve as members of the Commission's staff;
  (b) make arrangements in the name and on behalf of the Commission for other assistance to be provided to the Commission.

(2) The Lord Chancellor may not exercise his powers under sub-paragraph (1) later than—
  (a) the end of 3 years after the day on which the Commission is first constituted in accordance with paragraph 1, or
  (b) such earlier time as the Commission may determine.

(3) If there is a chief executive of the Commission the Lord Chancellor may not exercise his powers under sub-paragraph (1) without the agreement of the chief executive.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Power to transfer staff to employment of the Commission

26 (1) The Lord Chancellor may by regulations provide for the employment of any relevant person to be transferred to the Commission.

(2) A relevant person is any person who, immediately before the date prescribed in regulations under sub-paragraph (1), is—
- (a) employed in the civil service of the State, and
- (b) providing assistance to the Commission in pursuance of arrangements made under paragraph 23 or 25.

(3) But a person is not a relevant person if—
- (a) his employment in the civil service ends on the day immediately before the date referred to in sub-paragraph (2), or
- (b) he is withdrawn from work with the Commission with effect from that date.

(4) Before making any regulations under this paragraph the Lord Chancellor must consult such organisations as appear to him to represent the interests of persons likely to be affected by the regulations.

(5) The Lord Chancellor may only exercise his power under sub-paragraph (1)—
- (a) before the membership of the Commission is first constituted in accordance with paragraph 1, and
- (b) with the agreement of the Commission, during the period of 3 years beginning with the day on which the Commission is first constituted in accordance with that paragraph.

Commencement Information

I36 Sch. 12 para. 26 partly in force; Sch. 12 para. 26 not in force at Royal Assent see s. 148; Sch. 12 para. 26 in force for specified purposes at 1.10.2005 by S.I. 2005/2505, **art. 2(b)**; Sch. 12 para 26 in force at 3.4.2006 in so far as not already in force by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 15

Delegation

27 (1) The Commission may delegate functions to—
- (a) any of its staff,
- (b) any person with whom arrangements are made under paragraph 23 or 25, or
- (c) any person providing assistance to the Commission in pursuance of such arrangements.

(2) A committee, a sub-committee or the chief executive may delegate functions (including functions delegated to them or him) to any of the persons listed at sub-paragraph (1).

(3) Sub-paragraphs (1) and (2) do not apply to the functions of the Commission, or of a selection panel appointed under section 70 **[**[F307], 75B**]** or 79, of making a selection under this Part of this Act.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F307 Word in Sch. 12 para. 27(3) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 80**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

Delegation and contracting out of superannuation functions

28 (1) Section 1(2) of the Superannuation Act 1972 (c. 11) (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another officer of the Crown etc.) has effect as if the reference to an officer of the Crown other than a Minister included a reference to the Commission's chief executive.

(2) Any administration function conferred on the chief executive under section 1(2) of that Act (in accordance with sub-paragraph (1)) may be exercised by, or by employees of, any person authorised by the chief executive.

(3) "Administration function" means a function of administering schemes—
(a) made under section 1 of that Act, and
(b) from time to time in force.

(4) The chief executive may, under sub-paragraph (2), authorise a person to exercise administrative functions—
(a) to their full extent or to a specified extent;
(b) in all cases or in specified cases;
(c) unconditionally or subject to specified conditions.

(5) An authorisation under sub-paragraph (2)—
(a) is to be treated for all purposes as given by virtue of an order under section 69 of the Deregulation and Contracting Out Act 1994 (c. 40) (contracting out of functions of Ministers and office-holders);
(b) may be revoked at any time by the Commission or the chief executive.

Inspection of documents

29 (1) The Commission must permit any person authorised by the Lord Chancellor to inspect or make copies of accounts or other documents which in the opinion of the Lord Chancellor relate to costs and expenditure of the Commission.

(2) The Commission must provide such explanation of accounts or documents inspected or copied by any person under this paragraph as that person or the Lord Chancellor may require.

Financial provisions and directions

30 (1) The Lord Chancellor must pay to the Commission such sums as he may determine are appropriate for, or in connection with, the exercise by it of its functions.

(2) The Lord Chancellor may by direction require the Commission—
(a) not to incur costs and expenditure in excess of a specified amount without his consent;
(b) to follow specified procedures in relation to its costs and expenditure.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) A direction under sub-paragraph (2) may relate to all of the Commission's costs and expenditure, or to costs and expenditure of a specified description.

Accounts and audit

31 (1) The Commission must keep proper accounts and proper records in relation to them.

(2) The Commission must prepare a statement of accounts in respect of each financial year.

(3) The statement must give a true and fair view of the state of the Commission's affairs at the end of the financial year, and of its income and expenditure and cash flows in the financial year.

(4) The statement must be in compliance with any directions given by the Lord Chancellor with the Treasury's consent as to the information to be contained in the statement, the manner in which the information is to be presented or the methods and principles according to which the statement is to be prepared.

(5) The Commission must send the statement to the Lord Chancellor at such time as he may direct.

(6) The Lord Chancellor must, on or before 31 August in any year, send to the Comptroller and Auditor General the statement prepared by the Commission for the financial year last ended.

(7) The Comptroller and Auditor General must examine, certify and report on the statement sent to him under sub-paragraph (6) and must lay copies of it and of his report before each House of Parliament.

Reports

32 (1) The Commission must, as soon as practicable after the end of each financial year, provide to the Lord Chancellor a report about the performance of its functions during that year.

(2) After consulting the Lord Chief Justice, the Lord Chancellor may by direction require the Commission to deal, in reports or a particular report under sub-paragraph (1), with matters specified in the direction.

(3) The Commission must, as soon as practicable after a direction by the Lord Chancellor under this sub-paragraph, provide to the Lord Chancellor a report about any matter or matters specified in the direction.

(4) The Lord Chancellor must lay before each House of Parliament a copy of any report provided to him under sub-paragraph (1).

(5) The Commission must publish any report once copies of it have been laid under sub-paragraph (4).

Documentary evidence

33 The application of the seal of the Commission is to be authenticated by the signature of any Commissioner or member of staff of the Commission who has been authorised (whether generally or specifically) for the purpose.

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34 Any contract or instrument which, if entered into or executed by an individual, would not need to be under seal, may be entered into or executed on behalf of the Commission by any person who has been authorised (whether generally or specifically) for the purpose.

35 A document purporting to be—

(a) duly executed under the seal of the Commission, or

(b) signed on behalf of the Commission,

is to be received in evidence and, unless the contrary is proved, taken to be executed or signed in that way.

General

36 (1) "Financial year" in this Schedule, means—

(a) the period beginning with the date on which section 61 comes into force and ending with the following 31 March, and

(b) each successive period of twelve months.

(2) In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified) at the appropriate place insert— " The Judicial Appointments Commission. ".

(3) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (other public bodies and offices which are public authorities) at the appropriate place insert— " The Judicial Appointments Commission. "

SCHEDULE 13

Section 62

THE JUDICIAL APPOINTMENTS AND CONDUCT OMBUDSMAN

The Ombudsman

1 (1) The Ombudsman is appointed by Her Majesty on the recommendation of the Lord Chancellor.

(2) A person must not be appointed as the Ombudsman if he is employed in the civil service of the State or if he has ever been any of these—

(a) a practising barrister in England and Wales;

(b) a practising solicitor of the Senior Courts of England and Wales;

(c) a practising advocate in Scotland;

(d) a practising solicitor in Scotland;

(e) a practising member of the Bar of Northern Ireland;

(f) a practising solicitor of the Court of Judicature of Northern Ireland;

(g) the holder of an office listed in Schedule 14.

(3) Before recommending a person for appointment as the Ombudsman the Lord Chancellor must consider—

(a) whether the person has exercised functions that appear to the Lord Chancellor to be of a judicial nature and such as to make the person inappropriate for the appointment;

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(b) whether any past service in a capacity mentioned in sub-paragraph (4) appears to the Lord Chancellor to make the person inappropriate for the appointment;

(c) whether the extent of any present or past party political activity or affiliations appears to the Lord Chancellor to make the person inappropriate for the appointment.

(4) The service referred to in sub-paragraph (3)(b) is service as any of these—

(a) a Commissioner;

(b) a member of the staff of the Commission;

(c) a member of the House of Commons;

(d) a person employed in the civil service of the State.

2 (1) In this Schedule "practising" is to be read in accordance with sub-paragraphs (2) and (3).

(2) A barrister in England and Wales, an advocate in Scotland or a member of the Bar of Northern Ireland is practising if he is—

(a) practising as such,

(b) employed to give legal advice, or

(c) providing legal advice under a contract for services.

(3) A solicitor of the Senior Courts, a solicitor in Scotland or a solicitor of the Court of Judicature of Northern Ireland is practising if he is—

(a) acting as such,

(b) employed to give legal advice, or

(c) providing legal advice under a contract for services.

Term of office etc. of Ombudsman

3 (1) The Ombudsman must be appointed for a fixed period.

(2) But an appointment is subject to paragraphs 4 and 5.

4 (1) A person—

(a) may not be appointed as the Ombudsman for more than 5 years at a time, and

(b) may not hold office as the Ombudsman for periods (whether or not consecutive) totalling more than 10 years.

5 (1) The Ombudsman may at any time—

(a) resign his office by notice in writing addressed to Her Majesty;

(b) be removed from office by the Lord Chancellor.

(2) The Lord Chancellor may not remove the Ombudsman from office unless he is satisfied that the Ombudsman—

(a) has become disqualified for appointment under paragraph 1(2),

(b) has ceased to be appropriate for the appointment because of considerations listed in paragraph 1(3),

(c) has, within the preceding nine months, failed to discharge the functions of his office for a continuous period of at least six months,

(d) has been convicted of an offence,

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(e) is an undischarged bankrupt **[**[F308]or a person in relation to whom a moratorium period under a debt relief order applies (under Part 7A of the Insolvency Act 1986)**]**, or

(f) is otherwise unfit to hold his office or unable to discharge its functions.

Textual Amendments

F308 Words in Sch. 13 para. 5(2)(e) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 52(3)** (with art. 5)

Salary, allowances and expenses

6 (1) The Lord Chancellor may—

(a) pay to the Ombudsman such remuneration, fees or expenses as the Lord Chancellor may determine;

(b) pay, or make provision for the payment of, such pension, allowance or gratuity as the Lord Chancellor may determine to or in respect of a person who is or has been the Ombudsman.

(2) If—

(a) the Ombudsman ceases to hold office other than on the expiry of his term of appointment, and

(b) it appears to the Lord Chancellor that there are special circumstances that would warrant the payment of compensation to him,

the Lord Chancellor may make to or in respect of him a payment of such amount as the Lord Chancellor may determine.

Acting Ombudsman

7 (1) The Lord Chancellor may appoint a person to exercise the functions of the Ombudsman if—

(a) the Ombudsman's office becomes vacant,

(b) the Lord Chancellor determines that the Ombudsman is incapable of exercising his functions, or

(c) the Ombudsman notifies the Lord Chancellor that it would be inappropriate for him to exercise any of his functions in connection with a particular matter because of a possible conflict of interests or for any other reason.

(2) But a person may be appointed under this paragraph only if he is eligible under paragraph 1(2) to be appointed as Ombudsman.

(3) The Lord Chancellor may—

(a) pay to a person appointed under this paragraph such remuneration, fees or expenses as the Lord Chancellor may determine;

(b) pay, or make provision for the payment of, such pension, allowance or gratuity as the Lord Chancellor may determine to or in respect of a person who is or has been a person appointed under this paragraph.

(4) A person appointed under this paragraph is to exercise the functions of the Ombudsman in accordance with the terms of his appointment.

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(5) The Lord Chancellor may end an appointment under this paragraph at any time.

(6) Otherwise any appointment of a person under this paragraph ends on the earliest of—
- (a) that person's ceasing to be eligible to be appointed as Ombudsman;
- (b) the expiry of the appointment in accordance with its terms and conditions;
- (c) the date on which with the agreement of the Lord Chancellor the Ombudsman resumes the exercise of his functions;
- (d) the appointment of a new Ombudsman;
- (e) the end of twelve months beginning with the relevant date.

(7) The relevant date is—
- (a) if the appointment was under sub-paragraph (1)(a), the date when the vacancy arose;
- (b) if the appointment was under sub-paragraph (1)(b), the date of the Lord Chancellor's determination;
- (c) if the appointment was under sub-paragraph (1)(c), the date of the notification.

Status of the Ombudsman

8 The person for the time being holding the office of the Ombudsman is by the name of that office a corporation sole.

Powers of the Ombudsman

9 (1) The Ombudsman does not have power to do any of the following—
- (a) to borrow money;
- (b) to hold real property;
- (c) to appoint staff (except by way of arrangements under paragraph 10).

(2) Subject to sub-paragraph (1), the Ombudsman may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of his functions.

(3) Nothing in this Schedule is to be read as limiting the generality of sub-paragraph (2).

Arrangements for assistance

10 (1) The Ombudsman may make arrangements with such persons as he considers appropriate for assistance to be provided to him.

(2) Arrangements may include the paying of fees to such persons.

(3) No arrangements may be made under this paragraph unless approved by the Lord Chancellor.

Arrangements by the Lord Chancellor

11 Unless the Ombudsman has made arrangements under paragraph 10, the Lord Chancellor may make arrangements for assistance to be provided to the Ombudsman.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Delegation of functions

12 (1) The Ombudsman may delegate any functions to—
(a) any person with whom arrangements are made under paragraph 10 or 11, or
(b) any person providing assistance to the Ombudsman in pursuance of such arrangements.

(2) But all recommendations and reports prepared by or on behalf of the Ombudsman must be signed by him.

Financial provisions and directions

13 (1) Expenditure incurred by the Ombudsman in the discharge of his functions is to be met by the Lord Chancellor.

(2) The Lord Chancellor may by direction require the Ombudsman—
(a) not to incur costs and expenditure in excess of a specified amount without his consent;
(b) to follow specified procedures in relation to his costs and expenditure.

(3) A direction under sub-paragraph (2) may relate to all of the Ombudsman's costs and expenditure, or to costs and expenditure of a specified description.

Code of conduct

14 The Lord Chancellor may issue and from time to time revise a code of conduct to be observed by the Ombudsman and any person appointed under paragraph 7 to exercise his functions.

Reports

15 (1) The Ombudsman must, as soon as practicable after the end of each financial year, provide to the Lord Chancellor a report about the performance of his functions during that year.

(2) The Lord Chancellor may by direction require the Ombudsman to deal, in reports or a particular report under sub-paragraph (1), with matters specified in the direction.

(3) The Ombudsman must, as soon as practicable after a direction by the Lord Chancellor under this sub-paragraph, provide to the Lord Chancellor a report about any matter or matters specified in the direction.

(4) The Lord Chancellor must lay before each House of Parliament a copy of any report provided to him under sub-paragraph (1).

(5) The Ombudsman must publish any report once copies of it have been laid under sub-paragraph (4).

Documentary evidence

16 A document purporting to be an instrument issued by the Ombudsman and to be signed by or on behalf of the Ombudsman is to be received in evidence and, unless the contrary is proved, taken to be such an instrument and signed in that way.

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

General

17 (1) "Financial year" in this Schedule, means—

(a) the period beginning with the date on which section 62 comes into force and ending with the following 31 March, and

(b) each successive period of twelve months.

(2) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (other disqualifying offices) at the appropriate place insert— " The Judicial Appointments and Conduct Ombudsman. "

(3) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (other public bodies and offices which are public authorities) at the appropriate place insert— " The Judicial Appointments and Conduct Ombudsman. "

SCHEDULE 14

Section 85

THE JUDICIAL APPOINTMENTS COMMISSION: RELEVANT OFFICES AND ENACTMENTS

Commencement Information

I37 Sch. 14 partly in force at 3.4.2006; Sch. 14 not in force at Royal Assent see s. 148; Sch. 14 in force for specified purposes at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 20 (subject to Sch. 1 para. 20(2)-(4)); Sch. 14 in force for specified purposes at 21.3.2007 by S.I. 2007/967, **art. 2**

PART 1

APPOINTMENTS BY HER MAJESTY

[F309Table 1 Appointments where the Commission reports to the Lord Chancellor]

Office	*Enactment*
F310	F310
. . .	. . .
Judge Advocate General	Section 29 of the Courts-Martial (Appeals) Act 1951 (c. 46)
Common Serjeant	Section 12(1) of the City of London (Courts) Act 1964 (c. iv)
F311	F311
. . .	. . .
Master of the Court of Protection	Section 89(1) of the Supreme Court Act 1981
F312	F312
F312	. . . . .
Member of the Employment Appeal Tribunal	Section 22(1)(c) of the Employment Tribunals Act 1996 (c. 17)

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District Judge (Magistrates' Courts)	Section 10A(1) of the Justices of the Peace Act 1997 (c. 25)
F313 . . .	F313
F313 . . .	. . .
Chief Social Security Commissioner Social Security Commissioner	Paragraph 1(1) of Schedule 4 to the Social Security Act 1998 (c. 14)

Textual Amendments

F309 Sch. 14 Pt. 1: Table renumbered as Table 1 with heading (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 29(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F310 Sch. 14 Pt. 1 Table 1: entry repealed (1.1.2008) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2007/2913, **art. 3**

F311 Sch. 14 Pt. 1 Table 1: entry repealed (10.3.2013) by The Competition Act 1998 (Consequential Provisions) Order 2013 (S.I. 2013/294), arts. 1, 2, **Sch.**

F312 Sch. 14 Pt. 1 Table 1: entries omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9, **Sch. 3 para. 220(2)**

F313 Sch. 14 Pt. 1 Table 1: entries omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 29(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F314 Table 2 Appointments where the Commission reports to the Lord Chief Justice

Office	*Enactment*
Circuit judge	Section 16(1) of the Courts Act 1971 (c. 23)
Recorder	Section 21(1) of the Courts Act 1971
Master, Queen's Bench Division Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals Admiralty Registrar Master, Chancery Division Registrar in Bankruptcy of the High Court Taxing Master of the Senior Courts District judge of the principal registry of the Family Division	Section 89(1) of the Supreme Court Act 1981
. Senior Master of the Queen's Bench Division Chief Chancery Master Chief Taxing Master Chief Bankruptcy Registrar Senior District Judge of the Family Division	Section 89(3) of the Supreme Court Act 1981 (c. 54) (c. 54)
District judge	Section 6(1) of the County Courts Act 1984 (c. 28)
District Judge (Magistrates' Courts)	Section 22(1) of the Courts Act 2003 (c. 39)
Senior District Judge (Chief Magistrate)	Section 23 of the Courts Act 2003 (c. 39)]

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Deputy Senior District Judge (Chief Magistrate)

Textual Amendments

F314 Sch. 14 Pt. 1 Table 2 formed from entries moved from Table 1 (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 29(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[[F315]Table 3 Appointments where the Commission reports to the Senior President of Tribunals

Office	*Enactment*
[[F316]Judge of the Upper Tribunal by appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007	Paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007]]

Textual Amendments

F315 Sch. 14 Pt. 1 Table 3 formed from entry moved from Table 1 (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 29(5)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F316 Sch. 14 Pt. 1 Table 3: entry inserted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 48(1), 148, **Sch. 8 para. 66(2)**; S.I. 2008/2696, **art. 5(c)(i)**

PART 2

[[F317]COURT-RELATED APPOINTMENTS]

Textual Amendments

F317 Sch. 14 Pt. 2 title substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 41(2)** (with Sch. 14 para. 3(2)); S.I. 2013/2200, art. 3(e) (with art. 4) (with savings in S.I. 2013/2192, regs. 48, 49)

[[F318]Table 1 Appointments by the Lord Chancellor]

Office	*Enactment*
Vice Judge Advocate General Assistant Judge Advocate General	Section 30(1) of the Courts-Martial (Appeals) Act 1951 (c. 46)
Person appointed temporarily to assist the Judge Advocate General	Section 30(2) of the Courts-Martial (Appeals) Act 1951
Judge of the Courts-Martial Appeal Court	Section 2(2) of the Courts-Martial (Appeals) Act 1968 (c. 20)
Judge of the [[F319]Court Martial Appeal Court]	Section 2(2) of the [[F320]Court Martial Appeals Act 1968 (c. 20)]

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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F321	Section 2 of the Taxes Management Act 1970 (c. 9)
. . .	
F322	F322
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F323	F323
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Deputy District Judge (Magistrates' Courts)	Section 10B(1) of the Justices of the Peace Act 1997 (c. 25)

Textual Amendments

F318 Sch. 14 Pt. 2: Table renumbered as Table 1 with heading (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 41(3)** (with Sch. 14 para. 3(2)); S.I. 2013/2200, art. 3(e) (with art. 4) (with savings in S.I. 2013/2192, regs. 48, 49)

F319 Sch. 14 Pt. 2 Table 1: entry substituted (28.3.2009 for certain purposes otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 358, 383 {Sch. 16 para. 244(a)}; S.I. 2009/812, **art. 3** (with S.I. 2009/1059); S.I. 2009/1167, **art. 4**

F320 Sch. 14 Pt. 2 Table 1: entry substituted (28.3.2009 for certain purposes otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 358, 383 {Sch. 16 para. 244(b)}; S.I. 2009/812, **art. 3** (with S.I. 2009/1059); S.I. 2009/1167, **art. 4**

F321 Sch. 14 Pt. 2 Table 1: entry repealed (1.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, **Sch. 23 Pt. 1**; S.I. 2008/2696, **art. 6(c)(x)**

F322 Sch. 14 Pt. 2 Table 1: entry omitted (15.7.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 89(2)(k)**; S.I. 2013/1725, art. 2(g)

F323 Sch. 14 Pt. 2 Table 1: entry omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 41(6)** (with Sch. 14 para. 3(2)); S.I. 2013/2200, art. 3(e) (with art. 4) (with savings in S.I. 2013/2192, regs. 48, 49)

[[F324]Table 2 Appointments by the Lord Chief Justice

Office	*Enactment*
[[F325]Deputy judge of the High Court	Section 9(4) of the Senior Courts Act 1981**]**
[[F326]Person appointed F327 ... as a deputy for a holder of, or as a temporary additional officer in, an office listed in column 1 of Part 2 of Schedule 2 to the Supreme Court Act 1981	Section 91(1) of the Supreme Court Act 1981, unless subsection (1ZA) of that section applies to the appointment**]**
Deputy district judge F328 . . .	Section 102(1) of the Supreme Court Act 1981 (c. 54)
Deputy district judge F328 . . .	Section 8(1) of the County Courts Act 1984 (c. 28)
Justice of the peace who is not a District Judge (Magistrates' Courts)	Section 10(1) of the Courts Act 2003 (c. 39)

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Deputy District Judge (Magistrates' Courts)	Section 24(1) of the Courts Act 2003]

Textual Amendments

F324 Sch. 14 Pt. 2 Table 2 formed from entries moved from Table 1 (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 41(4)** (with Sch. 14 para. 3(2)); S.I. 2013/2200, art. 3(e) (with art. 4) (with savings in S.I. 2013/2192, regs. 48, 49)

F325 Sch. 14 Pt. 2 Table 2: entry inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 3(1)** (with Sch. 14 para. 3(2)); S.I. 2013/2200, art. 3(g)

F326 Sch. 14 Pt. 2 Table 2: entry inserted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **s. 57(7)**

F327 Sch. 14 Pt. 2 Table 2: words omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 41(5)** (with Sch. 14 para. 3(2)); S.I. 2013/2200, art. 3(e) (with art. 4) (with savings in S.I. 2013/2192, regs. 48, 49)

F328 Sch. 14 Pt. 2 Table 2: words in entries omitted (19.7.2007) and repealed (1.4.2009) by virtue of Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 56, 146, 148, **Sch. 11 para. 15**, Sch. 23 Pt. 2; S.I. 2008/2696, **art. 5(j)**

PART 3

[F329TRIBUNAL-RELATED AND OTHER APPOINTMENTS]

Textual Amendments

F329 Sch. 14 Pt. 3 title substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 49(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[F330Table 1 Appointments by the Lord Chancellor]

Office	*Enactment*
Member of pensions appeal tribunal	Paragraphs 2 and 3 of the Schedule to the War Pensions (Administrative Provisions) Act 1919 (c. 53)
Member of the Shipping Claims Tribunal President of the Shipping Claims Tribunal	Section 8(1) of the Compensation (Defence) Act 1939 (c. 75)
Member of panel	Section 109(1)(a) of the London Building Acts (Amendment) Act 1939 (c.xcvii)
Deputy member of panel	Section 109(1)(h) of the London Building Acts (Amendment) Act 1939
Member of a Pensions Appeal Tribunal	Paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 (c. 39)
President of Pensions Appeal Tribunals Deputy President of Pensions Appeal Tribunals	Paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943 (c. 39)

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Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Member of panel of persons to act as arbitrators	Section 61(1) of the Coal Industry Nationalisation Act 1946 (c. 59)
Chairman of panel of persons to act as arbitrators	
Deputy chairman of panel of persons to act as arbitrators	
Chairman of an Agricultural Land Tribunal	Paragraph 13(1) of Schedule 9 to the Agriculture Act 1947 (c. 48)
Member of panel of deputy-chairmen of Agricultural Land Tribunal	Paragraph 14(1) of Schedule 9 to the Agriculture Act 1947
Member of panel	Paragraph 15(1) of Schedule 9 to the Agriculture Act 1947 (c. 48)
[[F331]Appointed person	Section 27A(1)(a) of the Registered Designs Act 1949**]**
F332	F332
. . . . .	. . . . .
First of the three arbitration committee members	Section 7(6) of the National Health Service (Amendment) Act 1949 (c. 93)
Arbitrator	Section 18(3) of the National Parks and Access to the Countryside Act 1949 (c. 97)
Chairman of the Foreign Compensation Commission	Section 1(1) of the Foreign Compensation Act 1950 (c. 12)
Arbitrator	Paragraph 3(4) of Schedule 6 to the Transport Act 1962 (c. 46)
Chairman of a Levy Appeal Tribunal	Section 29(2)(a) of the Betting, Gaming and Lotteries Act 1963 (c. 2)
[[F333]Commons Commissioner**]** **[**[F333]Chief Commons Commissioner**]**	**[**[F333]Section 17(1) of the Commons Registration Act 1965 (c. 64)**]**
[[F333]Substitute Chief Commons Commissioner**]**	**[**[F333]Section 17(3) of the Commons Registration Act 1965**]**
Arbitrator	Section 15A(3) of the Countryside Act 1968 (c. 41)
Arbitrator	Paragraph 13(3) of Schedule 4 to the Transport Act 1968 (c. 73)
Arbitrator	Paragraph 10(3) of Schedule 4 to the Transport Act 1968 as set out in Schedule 2 to the Transport Act 1985 (Modifications in Schedule 4 to the Transport Act 1968) Order 1985 (S.I. 1985/1903)
Arbitrator	Paragraph 10(3) of Schedule 4 to the Transport Act 1968 as set out in Schedule 2 to the Airports Act 1986 (Modifications in

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	Schedule 4 to the Transport Act 1968) Order 1986 (S.I. 1986/1801)
F334	**F334**
. . . . .	. . . . .
F334	**F334**
. . . . .	. . . . .
Chairman of a tribunal	Paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 (c. 38)
President of tribunal established by the Secretary of State	Paragraph 4(a) of Schedule 3 to the Industry Act 1975 (c. 68)
F335	**F335**
. . . . .	. . . . .
Member of panel	Paragraph 2(a) of Schedule 10 to the Rent Act 1977 (c. 42)
F336	**F336**
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Arbitrator	Paragraph 12(3) of Schedule 2 to the British Telecommunications Act 1981 (c. 38)
Arbitrator	Section 28N(3) of the Wildlife and Countryside Act 1981 (c. 69)
Arbitrator	Section 66(4)(a) of the Transport Act 1982 (c. 49)
Member of the Mental Health Review Tribunal	Paragraph 1 of Schedule 2 to the Mental Health Act 1983 (c. 20)
Chairman of the Mental Health Review Tribunal	Paragraph 3 of Schedule 2 to the Mental Health Act 1983
Arbitrator	Paragraph 2(5) of Schedule 1 to the Ordnance Factories and Military Services Act 1984 (c. 59)
Member of panel	Paragraph 2(1)(a) of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985 (c. 17)
President of the Transport Tribunal Chairman of the Transport Tribunal	Paragraph 2(1)(a) of Schedule 4 to the Transport Act 1985 (c. 67)
F337	**F337**
. . .	. . .
F338	**F339**

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F334	**F334**
. . . . .	. . . . .
Arbitrator	Paragraph 9(4) of Schedule 10 to the Education Reform Act 1988 (c. 40)
[[F340]President of the Valuation Tribunal for England	Paragraph A7 of Schedule 11 to the Local Government Finance Act 1988
Vice-President of the Valuation Tribunal for England	Paragraph A7 of Schedule 11 to the Local Government Finance Act 1988
Member of the panel of chairmen of the Valuation Tribunal for England	Paragraph A7 of Schedule 11 to the Local Government Finance Act 1988
Other member of the Valuation Tribunal for England	Paragraph A7 of Schedule 11 to the Local Government Finance Act 1988**]**
Chairman of the Copyright Tribunal Deputy chairman of the Copyright Tribunal	Section 145(2) of the Copyright, Designs and Patents Act 1988 (c. 48)
Arbitrator	Paragraph 9(2)(a) of Schedule 10 to the Electricity Act 1989 (c. 29)
Arbitrator	Schedule 9, paragraph 5(5)(a), of the Broadcasting Act 1990 (c. 42)
F341	**F341**
. . . . .	. . . . .
Arbitrator	Paragraph 11(5) of Schedule 2 to the Ports Act 1991 (c. 52)
Member of panel	Section 31(1) of the Land Drainage Act 1991 (c. 59)
Arbitrator	Paragraph 7(4) of Schedule 5 to the Further and Higher Education Act 1992 (c. 13)
Member of panel	Section 6(1) of the Tribunals and Inquiries Act 1992 (c. 53)
F342	**F342**
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F342	
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F343	**F343**
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F343	
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F343	**F343**
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Arbitrator	Paragraph 8(6)(a) of Schedule 2 to the Coal Industry Act 1994 (c. 21)

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F334	**F334**
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F334	**F334**
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Persons appointed to hear and determine appeals	Section 77(1) of the Trade Marks Act 1994 (c. 26)
Arbitrator	**[**[F344] Regulation 32(3)(a) of the Conservation (Natural Habitats, &c) Regulations 1994 (S.I. 1994/2716)**][**[F344] Regulation 34(3) of the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490)**]**
Wreck commissioner	Section 297(1) of the Merchant Shipping Act 1995 (c. 21)
Arbitrator	Paragraph 10(6)(a) of Schedule 1 to the Atomic Energy Authority Act 1995 (c. 37)
Person nominated for the purpose of Schedule 6 to the Police Act 1996	Paragraph 1(1)(a) of Schedule 6 to the Police Act 1996 (c. 16)
Arbitrator	Paragraph 8(6)(a) of Schedule 5 to the Broadcasting Act 1996 (c. 55)
Chairman of a tribunal	Schedule 2, paragraph 1(1)(a), to the School Inspections Act 1996 (c. 57)
F341	**F341**
. . . . .	. . . . .
F341	
. . . . .	
Member of panel of chairmen for England and Wales	Paragraph 6(2)(a) of the Schedule to the Deregulation (Model Appeal Provisions) Order 1996 (S.I. 1996/1678)
Chairman of the Plant Varieties and Seeds Tribunal	Paragraph 2(1) of Schedule 3 to the Plant Varieties Act 1997 (c. 66)
F345	
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F341	**F341**
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F341	**F341**
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F341	**F341**
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F346	**F346**
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F346	
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F341	F341
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F341	F341
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Member of appeal panel	Section 189(6) of the Greater London Authority Act 1999 (c. 29)
F347	F347
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F348	F348
. . . . .	. . . . .
[F349Adjudicator	Rule 2(1) of the Prison Rules 1999 (S.I. 1999/728)
Person on a list	Regulation 14(1) of the Police (Conduct) (Senior Officers) Regulations 1999 (S.I. 1999/731)]
F350	F350
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F351	F351
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F352	F352
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F353	F353
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F354	F354
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F355	F355
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Member of the panel of tribunal chairmen	Regulation 7(1)(a) of the Health Service Medicines (Price Control Appeals) Regulations 2000 (S.I. 2000/124)

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Senior tribunal chairman	Regulation 7(1)(b) of the Health Service Medicines (Price Control Appeals) Regulations 2000 (S.I. 2000/124)
[[F356]Adjudicator	Rule 2(1) of the Young Offender Institution Rules 2000 (S.I. 2000/3371)**]**
F345	
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President of the Employment Tribunals (England and Wales)	Regulation 3(1) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001 (S.I. 2001/ 1171)
Member of panel	Regulation 5(1)(a) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001
Regional Chairman	Regulation 8(1) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001
Road user charging adjudicator	Regulation 3(1) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (S.I. 2001/2313)
F357	**F357**
. . ..	. . . . .
President of the Competition Appeal Tribunal	Section 12(2)(a) of the Enterprise Act 2002 (c. 40)
Member of panel of chairmen of the Competition Appeal Tribunal	Section 12(2)(b) of the Enterprise Act 2002
Acting President of Competition Appeal Tribunal	Paragraph 3 of Schedule 2 to the Enterprise Act 2002
F334	**F334**
. . . . .	. . . . .
Adjudicator	Section 81(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41)
Chief Adjudicator Deputy Chief Adjudicator Regional Adjudicator Deputy Regional Adjudicator	Section 81(3) of the Nationality, Immigration and Asylum Act 2002
F358	**F358**
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F358	**F358**
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F358	**F358**

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. . . . .	. . . . .
Member of the Immigration Appeal Tribunal	Paragraph 1 of Schedule 5 to the Nationality, Immigration and Asylum Act 2002
Deputy President of the Immigration Appeal Tribunal	Paragraph 4(1) of Schedule 5 to the Nationality, Immigration and Asylum Act 2002
Arbitrator	Paragraph 4(7)(a) of Schedule 2 to the Communications Act 2003 (c. 21)
F359	**F359**
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F360	**F360**
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F334	**F334**
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F334	**F334**
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[[F361]Coroner for Treasure	Paragraph 1 of Schedule 4 to the Coroners and Justice Act 2009
Deputy Chief Coroner	Paragraph **[**[F362]2(6)**]** of Schedule 8 to the Coroners and Justice Act 2009**]**

Textual Amendments

F330 Sch. 14 Pt. 3 Table renumbered as Table 1 with heading (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 49(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F331 Sch. 14 Pt. 3 Table 1 entry inserted (1.10.2014) by The Judicial Appointments and Discipline (Addition of Office) Order 2014 (S.I. 2014/2040), arts. 1, **2**

F332 Sch. 14 Pt. 3 Table 1: entry omitted (1.6.2009) by virtue of The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 286**

F333 Sch. 14 Pt. 3 Table 1: entries repealed (E.W.) (1.12.2010) by Commons Act 2006 (c. 26), s. 56, **Sch. 6 Pt. 1** (with s. 60); S.I. 2010/2356, art. 3(3)

F334 Sch. 14 Pt. 3 Table 1: entries omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 436**

F335 Sch. 14 Pt. 3 Table 1: entry omitted (22.3.2013) by virtue of The Public Bodies (Abolition of the Aircraft and Shipbuilding Industries Arbitration Tribunal) Order 2013 (S.I. 2013/686), art. 1(2), **Sch. 1 para. 8(5)**

F336 Sch. 14 Pt. 3 Table 1: entries omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 92(a)(b)(c)** (with Sch. 5)

F337 Entry in Sch. 14 Pt. 3 Table 1 omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 6 para. 22(14)**; S.I. 2015/1732, art. 2(e)(vi) (with art. 7)

F338 Sch. 14 Pt. 3 Table 1: entry repealed (19.10.2006) by The Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2285), art. 18, **Sch. 2** (with art. 10)

F339 Sch. 14 Pt. 3 Table 1: entry repealed (19.10.2006) by The Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2285), art. 18, **Sch. 2** (with art. 10)

F340 Sch. 14 Pt. 3 Table 1: entries inserted (1.4.2008 for certain purposes otherwise 1.10.2009) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 220, 245, **Sch. 16 para. 16(2)**; S.I. 2008/917, **art. 2(1)(dd)**; S.I. 2008/3110, **art. 6(d)(iv)**

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F341 Sch. 14 Pt. 3 Table 1: entries repealed (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 6, **Sch. 3 para. 220(3)**

F342 Entries in Sch. 14 Pt. 3 Table 1 repealed (6.4.2015) by The Mines Regulations 2014 (S.I. 2014/3248), reg. 1(2), **Sch. 3 Pt. 2** (with reg. 1(3))

F343 Sch. 14 Pt. 3 Table 1: entries omitted (1.9.2009) by virtue of The Transfer of Functions of the Charity Tribunal Order 2009 (S.I. 2009/1834), art. 4(1), **Sch. 1 para. 16** (with Sch. 4)

F344 Words in Sch. 14 Pt. 3 Table 1 substituted (E.W.) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), reg. 1(2), **Sch. 6 para. 4** (with reg. 125)

F345 Sch. 14 Pt. 3 Table 1: entries repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 59, 146, 148, **Sch. 23 Pt. 2**; S.I. 2008/2696, **art. 5(j)**

F346 Sch. 14 Pt. 3 Table 1: entries omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 92(d)(e)** (with Sch. 5)

F347 Sch. 14 Pt. 3 Table 1: entry omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 92(f)** (with Sch. 5)

F348 Sch. 14 Pt. 3 Table 1: entry omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 92(g)** (with Sch. 5)

F349 Sch. 14 Pt. 3 Table 1: entry inserted (3.4.2006) by The Judicial Appointments and Discipline (Modification of Offices) Order 2006 (S.I. 2006/678), **art. 2(2)**

F350 Sch. 14 Pt. 3 Table 1: entry omitted (6.4.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(2)(e), **Sch. 2 para. 92(h)** (with Sch. 5)

F351 Sch. 14 Pt. 3 Table 1: entry omitted (6.4.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(2)(e), **Sch. 2 para. 92(i)** (with Sch. 5)

F352 Sch. 14 Pt. 3 Table 1: entry omitted (6.4.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(2)(e), **Sch. 2 para. 92(j)** (with Sch. 5)

F353 Sch. 14 Pt. 3 Table 1: entry omitted (6.4.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(2)(e), **Sch. 2 para. 92(k)** (with Sch. 5)

F354 Sch. 14 Pt. 3 Table 1: entry omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 92(l)** (with Sch. 5)

F355 Sch. 14 Pt. 3 Table 1: entries omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 92(m)(n)** (with Sch. 5)

F356 Sch. 14 Pt. 3 Table 1: entry inserted (3.4.2006) by The Judicial Appointments and Discipline (Modification of Offices) Order 2006 (S.I. 2006/678), **art. 2(3)**

F357 Sch. 14 Pt. 3 Table 1: entry omitted (1.7.2013) by virtue of The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 241** (with Sch. 3)

F358 Sch. 14 Pt. 3 Table 1: entries omitted (15.2.2010) by virtue of The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, **Sch. 1 para. 34** (with Sch. 4)

F359 Sch. 14 Pt. 3 Table 1: entry omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 92(o)** (with Sch. 5)

F360 Sch. 14 Pt. 3 Table 1: entry omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 92(p)** (with Sch. 5)

F361 Sch. 14 Pt. 3 Table 1: entries inserted (25.7.2013 for specified purposes) by Coroners and Justice Act 2009 (c. 25), s. 182(4)(e), **Sch. 21 para. 51** (with s. 180); S.I. 2013/1869, art. 2(o)(xvii)

F362 Word in Sch. 14 Pt. 3 Table 1 substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 49(5)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

[[F363]Table 2 Appointments by the Senior President of Tribunals

Office	*Enactment*
[[F364]Chamber President of a chamber of the First-tier Tribunal, or of a chamber of the Upper Tribunal, by appointment under section 7(7) of the Tribunals, Courts	Section 7(7) of the Tribunals, Courts and Enforcement Act 2007

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and Enforcement Act 2007, but not where appointed in accordance with paragraph 2(2) to (5) of Schedule 4 to that Act	
Judge of the First-tier Tribunal by appointment under paragraph 1(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007	Paragraph 1(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007
Other member of the First-tier Tribunal by appointment under paragraph 2(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007	Paragraph 2(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007
Other member of the Upper Tribunal by appointment under paragraph 2(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007	Paragraph 2(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007
Deputy judge of the Upper Tribunal by appointment under paragraph 7(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007	Paragraph 7(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007
Deputy Chamber President of a chamber of the First-tier Tribunal, or of a chamber of the Upper Tribunal, but not where appointed in accordance with paragraph 5(5) to (8) of Schedule 4 to the Tribunals, Courts and Enforcement Act 2007	Paragraph 5(1) of Schedule 4 to the Tribunals, Courts and Enforcement Act 2007**]]**

Textual Amendments

F363 Sch. 14 Pt. 3 Table 2 formed from entries moved from Table 1 (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 49(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F364 Sch. 14 Pt. 3 Table 2: entries inserted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 48(1), 148, **Sch. 8 para. 66(3)**; S.I. 2008/2696, **art. 5(c)(i)**

SCHEDULE 15

Section 124

NORTHERN IRELAND JUDICIAL APPOINTMENTS OMBUDSMAN

After Schedule 3 to the Justice (Northern Ireland) Act 2002 (c. 26) insert—

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"SCHEDULE 3A

THE NORTHERN IRELAND JUDICIAL APPOINTMENTS OMBUDSMAN

The Ombudsman

1 (1) A person must not be appointed as the Ombudsman if any of these sub-paragraphs applies—
- (a) he is employed in the civil service of the State;
- (b) he is a member of the House of Commons;
- (c) he is a member of the Northern Ireland Assembly;
- (d) he is engaged in political activity as a member of a political party;
- (e) he has ever been any of these—
  - (i) a practising barrister in England and Wales;
  - (ii) a practising solicitor of the Supreme Court of England and Wales;
  - (iii) a practising advocate in Scotland;
  - (iv) a practising solicitor in Scotland;
  - (v) a practising member of the Bar of Northern Ireland;
  - (vi) a practising solicitor of the Supreme Court of Judicature of Northern Ireland;
  - (vii) the holder of a listed judicial office.

(2) Before recommending a person for appointment as the Ombudsman the Lord Chancellor must consider—
- (a) whether the person has exercised functions that appear to the Lord Chancellor to be of a judicial nature and such as to make the person inappropriate for the appointment;
- (b) whether any past service in a capacity mentioned in sub-paragraph (3) appears to the Lord Chancellor to make the person inappropriate for the appointment.

(3) The service referred to in subsection (2)(b) is service as any of these—
- (a) a Commissioner;
- (b) a member of staff of the Commission;
- (c) a person employed in the civil service of the State.

2 (1) In this Schedule "practising" is to be read in accordance with sub-paragraphs (2) and (3).

(2) A barrister in England and Wales, an advocate in Scotland or a member of the Bar of Northern Ireland is practising if he is—
- (a) practising as such,
- (b) employed to give legal advice, or
- (c) providing legal advice under a contract for services.

(3) A solicitor of the Supreme Court, a solicitor in Scotland or a solicitor of the Supreme Court of Judicature of Northern Ireland is practising if he is—
- (a) acting as such,
- (b) employed to give legal advice, or
- (c) providing legal advice under a contract for services.

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Term of office etc. of Ombudsman

3 (1) The Ombudsman must be appointed for a fixed period.

(2) But an appointment is subject to paragraphs 4 and 5.

4 A person—

(a) may not be appointed as the Ombudsman for more than 5 years at a time, and

(b) may not hold office as the Ombudsman for periods (whether or not consecutive) totalling more than 10 years.

5 (1) The Ombudsman may at any time—

(a) resign his office by notice in writing addressed to Her Majesty;

(b) be removed from office by the Lord Chancellor.

(2) The Lord Chancellor may not remove the Ombudsman from office unless he is satisfied that the Ombudsman—

(a) has become disqualified for appointment under paragraph 1(1),

(b) has ceased to be appropriate for the appointment because of considerations listed in paragraph 1(2),

(c) has, within the preceding nine months, failed to discharge the functions of his office for a continuous period of at least six months,

(d) has been convicted of an offence,

(e) is an undischarged bankrupt, or

(f) is otherwise unfit to hold his office or unable to discharge its functions.

Salary, allowances and expenses

6 (1) The Lord Chancellor may—

(a) pay to the Ombudsman such remuneration, fees or expenses as the Lord Chancellor may determine;

(b) pay, or make provision for the payment of, such pension, allowance or gratuity as the Lord Chancellor may determine to or in respect of a person who is or has been the Ombudsman.

(2) If—

(a) the Ombudsman ceases to hold office other than on the expiry of his term of appointment, and

(b) it appears to the Lord Chancellor that there are special circumstances that would warrant the payment of compensation to him,

the Lord Chancellor may make to or in respect of him a payment of such amount as the Lord Chancellor may determine.

Acting Ombudsman

7 (1) The Lord Chancellor may appoint a person to exercise the functions of the Ombudsman if—

(a) the Ombudsman's office becomes vacant,

(b) the Lord Chancellor determines that the Ombudsman is incapable of exercising his functions, or

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(c) the Ombudsman notifies the Lord Chancellor that it would be inappropriate for him to exercise any of his functions in connection with a particular matter because of a possible conflict of interests or for any other reason.

(2) But a person may be appointed under this paragraph only if he is eligible under paragraph 1 to be appointed as Ombudsman.

(3) The Lord Chancellor may—

(a) pay to a person appointed under this paragraph such remuneration, fees or expenses as the Lord Chancellor may determine;

(b) pay, or make provision for the payment of, such pension, allowance or gratuity as the Lord Chancellor may determine to or in respect of a person who is or has been a person appointed under this paragraph.

(4) A person appointed under this paragraph is to exercise the functions of the Ombudsman in accordance with the terms of his appointment.

(5) The Lord Chancellor may end an appointment under this paragraph at any time.

(6) Otherwise any appointment of a person under this paragraph ends on the earliest of—

(a) that person's ceasing to be eligible to be appointed as Ombudsman;

(b) the expiry of the appointment in accordance with its terms and conditions;

(c) the date on which with the agreement of the Lord Chancellor the Ombudsman resumes the exercise of his functions;

(d) the appointment of a new Ombudsman;

(e) the end of twelve months beginning with the relevant date.

(7) The relevant date is—

(a) if the appointment was under sub-paragraph (1)(a), the date when the vacancy arose;

(b) if the appointment was under sub-paragraph (1)(b), the date of the Lord Chancellor's determination;

(c) if the appointment was under sub-paragraph (1)(c), the date of the notification.

Status of the Ombudsman

8 The person for the time being holding the office of the Ombudsman is by the name of that office a corporation sole.

Powers of the Ombudsman

9 (1) The Ombudsman does not have power to do any of the following—

(a) to borrow money;

(b) to hold real property;

(c) to appoint staff (except by way of arrangements under paragraph 10).

(2) Subject to sub-paragraph (1), the Ombudsman may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of his functions.

(3) Nothing in this Schedule is to be read as limiting the generality of sub-paragraph (2).

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Arrangements for assistance

10 (1) The Ombudsman may make arrangements with such persons as he considers appropriate for assistance to be provided to him.

(2) Arrangements may include the paying of fees to such persons.

(3) No arrangements may be made under this paragraph unless approved by the Lord Chancellor.

Arrangements by the Lord Chancellor

11 Unless the Ombudsman has made arrangements under paragraph 10, the Lord Chancellor may make arrangements for assistance to be provided to the Ombudsman.

Delegation of functions

12 (1) The Ombudsman may delegate any functions to—

(a) any person with whom arrangements are made under paragraph 10 or 11, or

(b) any person providing assistance to the Ombudsman in pursuance of such arrangements.

(2) But all recommendations and reports prepared by or on behalf of the Ombudsman must be signed by him.

Financial provisions and directions

13 (1) Expenditure incurred by the Ombudsman in the discharge of his functions is to be met by the Lord Chancellor.

(2) The Lord Chancellor may by direction require the Ombudsman—

(a) not to incur costs and expenditure in excess of a specified amount without his consent;

(b) to follow specified procedures in relation to his costs and expenditure.

(3) A direction under sub-paragraph (2) may relate to all of the Ombudsman's costs and expenditure, or to costs and expenditure of a specified description.

Code of conduct

14 The Lord Chancellor may issue and from time to time revise a code of conduct to be observed by the Ombudsman and any person appointed under paragraph 7 to exercise his functions.

Reports

15 (1) The Ombudsman must, as soon as practicable after the end of each financial year, provide to the Lord Chancellor a report about the performance of his functions during that year.

(2) The Lord Chancellor may by direction require the Ombudsman to deal, in reports or a particular report under sub-paragraph (1), with matters specified in the direction.

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(3) The Ombudsman must, as soon as practicable after a direction by the Lord Chancellor under this sub-paragraph, provide to the Lord Chancellor a report about any matter or matters specified in the direction.

(4) The Lord Chancellor must lay before each House of Parliament a copy of any report provided to him under sub-paragraph (1).

(5) The Ombudsman must publish any report once copies of it have been laid under sub-paragraph (4).

Documentary evidence

16 A document purporting to be an instrument issued by the Ombudsman and to be signed by or on behalf of the Ombudsman is to be received in evidence and, unless the contrary is proved, taken to be such an instrument and signed in that way.

General

17 (1) Financial year in this Schedule, means—

(a) the period beginning with the date on which section 9A comes into force and ending with the following 31 March, and

(b) each successive period of twelve months.

(2) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (other disqualifying offices) at the appropriate place insert— " The Northern Ireland Judicial Appointments Ombudsman. "

(3) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (other public bodies and offices which are public authorities) at the appropriate place insert— " The Northern Ireland Judicial Appointments Ombudsman. ""

SCHEDULE 16

Section 138

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

Judicial Committee Act 1833 (c. 41)

1 The Judicial Committee Act 1833 is amended as follows.

2 For section 1 substitute—

"**1 The Judicial Committee of the Privy Council**

(1) There shall be a committee of the Privy Council styled "The Judicial Committee of the Privy Council".

(2) A person is a member of the committee if—

(a) he is a member of the Privy Council who holds, or has held, high judicial office, or

(b) another enactment provides for him to be a member of the committee.

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(3) Subsection (2)(a) does not apply to a person after the day on which he attains the age of 75 years.

(4) In this section "high judicial office" has the same meaning as in Part 3 of the Constitutional Reform Act 2005."

3 For section 18 substitute—

"**18 Appointment of registrar**

(1) Her Majesty may, under her sign manual, appoint any person to be the registrar of the said privy council, as regards the purposes of this Act, and direct what duties shall be performed by the registrar.

(2) A recommendation to Her Majesty to exercise any power under subsection (1) may be made only after consultation with the President of the Supreme Court of the United Kingdom."

4 In section 19 (attendance of witnesses etc) for "the president for the time being of the said privy council" substitute " the Judicial Committee of the Privy Council ".

Court of Chancery Act 1851 (c. 83)

5 In section 16 of the Court of Chancery Act 1851 (quorum of Judicial Committee) omit the words from ", exclusive of" to the end.

Privy Council Registrar Act 1853 (c. 85)

6 In section 2 of the Privy Council Registrar Act 1853 (appointment by President of the Council of person to act for registrar) after "Privy Council" insert " , after consulting the President of the Supreme Court of the United Kingdom, ".

Oxford University Act 1862 (c. 26)

7 In section 7 of the Oxford University Act 1862 (approbation of statutes by Her Majesty in Council etc) omit ", not including the Lord President,".

Public Schools Act 1868 (c. 118)

8 In section 9 of the Public Schools Act 1868 (statutes to be laid before Privy Council) omit ", not including the Lord President,".

Judicial Committee Act 1881 (c. 3)

9 The Judicial Committee Act 1881 ceases to have effect.

Judicial Committee Act 1915 (c. 92)

10 In section 1 of the Judicial Committee Act 1915 (power of Judicial Committee to sit in more than one division) omit "and the Lord President of the Council".

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SCHEDULE 17

Section 145

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

THE LORD CHANCELLOR

Fines Act 1833 (c. 99)

1 The Fines Act 1833 ceases to have effect.

Promissory Oaths Act 1868 (c. 72)

2 In the Schedule to the Promissory Oaths Act 1868 (persons to take oaths) in Part 2 omit "The Lord Chancellor of Great Britain".

Universities of Oxford and Cambridge Act 1877 (c. 48)

3 In the Universities of Oxford and Cambridge Act 1877, in section 44 (constitution of Universities Committee of Privy Council) omit—

(a) "the Lord Chancellor," in the first place;

(b) "the Lord Chancellor or".

Sheriffs Act 1887 (c. 55)

4 In the Sheriffs Act 1887, in section 6 (nomination and appointment of sheriffs) in subsection (1) omit "the Lord Chancellor,".

Administration of Justice Act 1964 (c. 42)

5 In section 37 of the Administration of Justice Act 1964 (financial provisions) omit subsection (2).

Parliamentary Commissioner Act 1967 (c. 13)

6 (1) The Parliamentary Commissioner Act 1967 is amended as follows.

(2) In section 5 (matters subject to investigation) in subsection (6) for "Lord Chancellor's Department" substitute " Department for Constitutional Affairs ".

(3) In Schedule 2 (departments etc. subject to investigation) in the note relating to the Department for Constitutional Affairs omit "the Lord Chancellor's Department and".

(4) In Schedule 3 (matters not subject to investigation) at the end insert—

"12 (1) Action not otherwise within this Schedule which is taken in the course of administrative functions exercised at the direction, or on the authority (whether express or implied), of a judge of any court established under the law of England and Wales or Northern Ireland.

(2) In this paragraph "judge" includes—

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(a) a person appointed under section 89 of, and Part 2 or 3 of Schedule 2 to, the Supreme Court Act 1981, and

(b) a Master or District Judge appointed under section 70 of, and Schedule 3 to, the Judicature (Northern Ireland) Act 1978."

PROSPECTIVE

Patronage (Benefices) Measure 1986 (1986 No. 3)

7 Section 36 of the Patronage (Benefices) Measure 1986 ceases to have effect.

PROSPECTIVE

Priests (Ordination of Women) Measure 1993 (1993 No. 2)

8 (1) The Priests (Ordination of Women) Measure 1993 is amended as follows.

(2) Omit section 2(4)(c) (notice of declaration by Bishop to be given to Lord Chancellor).

(3) In section 7(1) (benefices in the patronage of the Crown etc), omit the words from "and to" to "Lord Chancellor".

PART 2

AMENDMENTS RELATING TO PART 3

Appellate Jurisdiction Act 1876 (c. 59)

9 The Appellate Jurisdiction Act 1876 ceases to have effect.

Jurisdiction in Rating Act 1877 (c. 11)

10 In the Jurisdiction in Rating Act 1877, in section 3 (interpretation) in the definition of "Judge" for the words from "any Lord of Appeal" to the end of the definition substitute " any judge of the Supreme Court and any person acting as a judge of that court under section 38 of the Constitutional Reform Act 2005. "

Appellate Jurisdiction Act 1887 (c. 70)

11 The Appellate Jurisdiction Act 1887 ceases to have effect.

Railway and Canal Traffic Act 1888 (c. 25)

12 Section 17(5) of the Railway and Canal Traffic Act 1888 ceases to have effect.

Supreme Court of Judicature Act 1891 (c. 53)

13 The Supreme Court of Judicature Act 1891 ceases to have effect.

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Appellate Jurisdiction Act 1947 (c. 11)

14 The Appellate Jurisdiction Act 1947 ceases to have effect.

Life Peerages Act 1958 (c. 21)

15 In the Life Peerages Act 1958, in section 1 (power to create life peerages), in subsection (1) omit the words "Without prejudice to Her Majesty's powers as to the appointment of Lords of Appeal in Ordinary,".

Ecclesiastical Jurisdiction Measure 1963 (1963 No. 1)

16 (1) The Ecclesiastical Jurisdiction Measure 1963 is amended as follows.

(2) In section 11 (review of commissions of convocation or Court of Ecclesiastical Causes Reserved) for "Lords of Appeal (within the meaning of the Appellate Jurisdiction Act 1876)" substitute " judges of the Supreme Court, or members of the supplementary panel under section 39 of the Constitutional Reform Act 2005, ".

(3) In section 66(1) (interpretation) for the definition of "high judicial office" substitute—

> ""high judicial office" means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council;".

Law Commissions Act 1965 (c. 22)

17 In section 6 of the Law Commissions Act 1965 (supplemental) for the words from "has the same meaning" to "1887;" substitute " means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council; ".

Administration of Justice Act 1968 (c. 5)

18 The Administration of Justice Act 1968 ceases to have effect.

Administration of Justice Act 1973 (c. 15)

19 (1) The Administration of Justice Act 1973 is amended as follows.

(2) In section 9 (judicial salaries) omit subsection (1)(a).

(3) In section 12 (retirement of higher judiciary in event of incapacity)—

(a) in subsection (1)—

(i) omit "as Lord of Appeal in Ordinary, or";

(ii) for "subsections (2) to (4)" substitute " subsection (4) ";

(b) omit subsection (2).

Juries Act 1974 (c. 23)

20 In the Juries Act 1974, in Group A in Part 1 of Schedule 1 (persons ineligible: the judiciary)—

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(a) in the entry relating to holders of high judicial office, for "the Appellate Jurisdiction Act 1876" substitute " Part 3 of the Constitutional Reform Act 2005 ", and

(b) after that entry insert the following entry— " Members of the Judicial Committee of the Privy Council (if not holders of high judicial office within the meaning of that Part). "

Judicature (Northern Ireland) Act 1978 (c. 23)

21 (1) The Judicature (Northern Ireland) Act 1978 is amended as follows.

(2) In section 7 (further assistance for transaction of judicial business) in subsections (1)(a) and (4) for "Lord of Appeal in Ordinary" substitute " judge of the Supreme Court ".

(3) In section 9 (qualifications of judges), in subsection (3)(b) for "Lord of Appeal in Ordinary" substitute " judge of the Supreme Court ".

Supreme Court Act 1981 (c. 54)

22 (1) The Supreme Court Act 1981 is amended as follows.

(2) In section 2 (the Court of Appeal), in subsection (2)(c) for "Lord of Appeal in Ordinary" substitute " judge of the Supreme Court ".

(3) In section 9 (assistance for transaction of judicial business), in subsection (8) for paragraph (a)(i) substitute—

"(i) a judge of the Supreme Court; or".

(4) In section 11 (tenure of offices), in subsection (4) for "Lord Chancellor or a Lord of Appeal in Ordinary" substitute " a judge of the Supreme Court ".

(5) In section 13 (precedence), in subsection (1)(b) for the words "Lords of Appeal in Ordinary" in each place substitute " judges of the Supreme Court ".

Civil Jurisdiction and Judgments Act 1982 (c. 27)

23 In the Civil Jurisdiction and Judgments Act 1982, in section 50 (interpretation) in the definition of "court of law" for paragraph (a) substitute—

"(a) the Supreme Court,".

Courts and Legal Services Act 1990 (c. 41)

24 In the Courts and Legal Services Act 1990, in Schedule 11 (judges etc barred from legal practice) for the words "Lord of Appeal in Ordinary" substitute

"Judge of the Supreme Court"

Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 3)

25 In the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, in section 31(1) (interpretation) for the definition of "high judicial office" substitute—

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""high judicial office" means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council;".

Justices of the Peace Act 1997 (c. 25)

26 In section 7(2) of the Justices of the Peace Act 1997 (the supplemental list)—

(a) in paragraph (a) omit "within the meaning of the Appellate Jurisdiction Act 1876", and

(b) after paragraph (b) insert " ; and in this subsection "high judicial office" means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council. ".

Police Act 1997 (c. 50)

27 In section 91(2) of the Police Act 1997 (Commissioners for the authorisation of action in respect of property) for "the Appellate Jurisdiction Act 1876 (c. 59))." substitute " Part 3 of the Constitutional Reform Act 2005 or are or have been members of the Judicial Committee of the Privy Council. "

Special Immigration Appeals Commission Act 1997 (c. 68)

28 In paragraph 5 of Schedule 1 to the Special Immigration Appeals Commission Act 1997 (the Commission) for "the Appellate Jurisdiction Act 1876)" substitute " Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council ".

Terrorism Act 2000 (c. 11)

29 In paragraph 4(3)(b) of Schedule 3 to the Terrorism Act 2000 (the Proscribed Organisations Appeal Commission) for "the Appellate Jurisdiction Act 1876)" substitute " Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council ".

Regulation of Investigatory Powers Act 2000 (c. 23)

30 (1) The Regulation of Investigatory Powers Act 2000 is amended as follows.

(2) In each of—

(a) section 57(5) (Interception of Communications Commissioner),

(b) section 59(5) (Intelligence Services Commissioner), and

(c) paragraphs 1(1)(a) and 2(2) of Schedule 3 (the Tribunal),

for "the Appellate Jurisdiction Act 1876)" substitute " Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council ".

(3) In section 61(8)(a) (Investigatory Powers Commissioner for Northern Ireland) for "the Appellate Jurisdiction Act 1876" substitute " Part 3 of the Constitutional Reform Act 2005 ".

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Anti-terrorism, Crime and Security Act 2001 (c. 24)

31 In Schedule 6 to the Anti-terrorism, Crime and Security Act 2001 (the Pathogens Access Appeal Commission), in paragraph 4(3)(b) for "the Appellate Jurisdiction Act 1876 (c. 59));" substitute " Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council; ".

European Parliamentary Elections Act 2002 (c. 24)

32 In the European Parliamentary Elections Act 2002, in section 10 (disqualification) in subsection (1) omit paragraph (b) and the "or" immediately preceding it.

Justice (Northern Ireland) Act 2002 (c. 26)

33 (1) The Justice (Northern Ireland) Act 2002 is amended as follows.

(2) In each of—

(a) section 8(4)(a),

(b) section 24(4)(a), and

(c) section 43(5)(a),

(tribunals for considering removal from certain offices) for the words from "holds the office" to "Appellate Jurisdiction Act 1887 (c. 70))" substitute " holds high judicial office, within the meaning of Part 3 of the Constitutional Reform Act 2005 ".

(3) Omit section 18(1) (amendment of section 6 of the Appellate Jurisdiction Act 1876).

Nationality, Immigration and Asylum Act 2002 (c. 41)

34 In Schedule 4 to the Nationality, Immigration and Asylum Act 2002 (the Asylum and Immigration Tribunal) (as inserted by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004), in paragraph 5(1)(a) (President of the Asylum and Immigration Tribunal) for "the Appellate Jurisdiction Act 1859 (c. 59)" substitute " Part 3 of Constitutional Reform Act 2005 or who is or has been a member of the Judicial Committee of the Privy Council ".

Clergy Discipline Measure 2003 (2003 No. 3)

35 In the Clergy Discipline Measure 2003, in section 43(1) (interpretation) for the definition of "high judicial office" substitute—

""high judicial office" means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council;".

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PART 3

NORTHERN IRELAND

Judicature (Northern Ireland) Act 1978 (c. 23)

PROSPECTIVE

F365 36 . . . . . .

Textual Amendments

F365 Sch. 17 paras. 36-39 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 5 para. 8**; S.I. 2010/812, art. 2

Justice (Northern Ireland) Act 2002 (c. 26)

PROSPECTIVE

F365 37 . . . . . .

Textual Amendments

F365 Sch. 17 paras. 36-39 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 5 para. 8**; S.I. 2010/812, art. 2

PROSPECTIVE

F365 38 . . . . . .

Textual Amendments

F365 Sch. 17 paras. 36-39 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 5 para. 8**; S.I. 2010/812, art. 2

PROSPECTIVE

F365 39 . . . . . .

Textual Amendments

F365 Sch. 17 paras. 36-39 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 5 para. 8**; S.I. 2010/812, art. 2

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Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 18

Section 146

REPEALS AND REVOCATIONS

PART 1

POWERS TO MAKE RULES

Reference	*Extent of repeal or revocation*
Courts-Martial (Appeals) Act 1968 (c. 20)	Section 49(3) and (4).
Supreme Court Act 1981 (c. 54)	Section 127(3). Section 136(3).
County Courts Act 1984 (c. 28)	Section 38(4)(c).
Matrimonial and Family Proceedings Act 1984 (c. 42)	In the second paragraph of section 40(2)— (a) in paragraph (a) "by the Lord Chancellor"; (b) in paragraph (b) "by the President of the Family Division with the concurrence of the Lord Chancellor".
Coroners Act 1988 (c. 13)	Section 32(4).

PART 2

JUDICIARY-RELATED FUNCTIONS AND ORGANISATION OF THE COURTS

Commencement Information

I38 Sch. 18 Pt. 2 partly in force; Sch. 18 Pt. 2 not in force at Royal Assent see s. 148; Sch. 18 Pt. 2 in force for certain purposes at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 30(b)

Reference	*Extent of repeal or revocation*
Habeas Corpus Act 1679 (c. 2)	In section 1 "the lord chauncelior or lord keeper of the great seale of England for the time being or". In section 2— (a) "the lord chauncellour or lord keeper or" in each place; (b) "lord chauncellor lord keeper"; (c) "the said lord chauncellor or lord keeper or" in the first and second places; (d) "lord chauncellor or lord keeper or" in the last place. In section 9 "the said lord chauncellor or lord keeper or".
Pluralities Act 1838 (c. 106)	In section 126 "or persons".

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	In section 128 “or persons” in the second place.
Ecclesiastical Leasing Act 1842 (c. 108)	In section 22 “or persons”.
British Law Ascertainment Act 1859 (c. 63)	In section 5 “the Lord Chancellor,”.
Compensation (Defence) Act 1939 (c. 75)	Section 9(1)(a). Section 18(2).
Pensions Appeal Tribunals Act 1943 (c. 39)	Section 13. Section 14.
Agriculture Act 1947 (c. 48)	In section 108(1) “by the Minister” in the second place.
Lands Tribunal Act 1949 (c. 42)	In section 2(9)(a) “to the Lord President of the Court of Session or, in subsections (5) to (7),”.
Land Powers (Defence) Act 1958 (c. 30)	In Schedule 2, paragraphs 10 and 11.
Mental Health Act 1959 (c. 72)	In section 145 “or the Lord Chancellor”.
Administration of Justice Act 1960 (c. 65)	In section 14(2) “; and no such application shall in any case be made to the Lord Chancellor”.
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2 in the note relating to the Department for Constitutional Affairs “the Lord Chancellor's Department and”.
Transport Act 1962 (c. 46)	In Schedule 11, paragraph 10.
Courts Act 1971 (c. 23)	In section 24(1)— (a) “, he may”; (b) in paragraph (a) “or” in the last place where it occurs. In Schedule 10, paragraphs 3 and 4.
Land Charges Act 1972 (c. 61)	In section 16(2) “of the Lord Chancellor, with the concurrence of the Secretary of State,”.
Hearing Aid Council Act 1968 (c. 50)	In section 13 “on the Lord Chancellor”.
Rent (Agriculture) Act 1976 (c. 80)	Section 26(5).
Rent Act 1977 (c. 42)	Section 142.
Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)	In section 2(3), the second paragraph.
Housing Act 1980 (c. 51)	Section 86(4) to (6).
Pensions Appeal Tribunals (Posthumous Appeals) Order 1980 (S.I. 1980/1082)	Article 10(b) and (c). Article 11(b) and (c).
Judicial Pensions Act 1981 (c. 20)	In section 1 in the entry beginning “Judge of the Supreme Court” in the first column of the table “, other than the Lord Chancellor”.
Supreme Court Act 1981 (c. 54)	Section 1(2).

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	In section 2— (a) subsection (2)(a); (b) in subsection (6) "Lord Chancellor,". In section 4— (a) subsection (1)(a); (b) in subsection (6) "Lord Chancellor,". In section 7 "the Lord Chancellor,". In section 9(2) the words after the definition of "relevant court". In section 11(1) "except the Lord Chancellor". In section 12(1) ", other than the Lord Chancellor,". In section 44(2), "the Lord Chancellor,". Section 84(8). In section 91(1)(a) "or III".
Mental Health Act 1983 (c. 20)	In section 94(1) "by the Lord Chancellor or". In section 96(3) "the Lord Chancellor or". In section 104(3) "the Lord Chancellor or" in both places. In section 105(2) "from any decision of the Lord Chancellor or". In section 111— (a) in subsection (1) "by the Lord Chancellor or"; (b) in subsection (2) "the Lord Chancellor or"; (c) in subsection (4)(a) "the Lord Chancellor or"; (d) in subsection (4)(b) "the Lord Chancellor,". In Schedule 2, in paragraph 1(b) and (c) "after consultation with the Secretary of State".
Pastoral Measure 1983 (1983 No. 1)	In section 81(2)— (a) in paragraph (a) the words from ", or a" to "books" and "last-mentioned"; (b) paragraph (b).
County Courts Act 1984 (c. 28)	Section 74A.
Matrimonial and Family Proceedings Act 1984 (c. 42)	Section 40(5).
Housing Act 1985 (c. 68)	Section 111. Section 181(4) and (5). Section 572(4) to (6).
Coroners Act 1988 (c. 13)	In section 33(2)(a) "the Lord Chancellor or".
Finance Act 1988 (c. 39)	Section 134(4).
Courts and Legal Services Act 1990 (c. 41)	Section 11(10).
Child Support Act 1991 (c. 48)	In section 52(1) "the Lord Chancellor,".

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Tribunals and Inquiries Act 1992 (c. 53)	Section 6(9). In section 7(1) “, other than the Lord Chancellor,”.
Judicial Pensions and Retirement Act 1993 (c. 8)	In section 26(7)— (a) in paragraph (a) “, unless he is the Lord Chancellor”; (b) in paragraph (b) “, unless he is the Lord Chancellor”. In Schedule 5, in the second entry “, other than the Lord Chancellor”.
Employment Tribunals Act 1996 (c. 17)	In section 22(1)(a) “(other than the Lord Chancellor)”.
Housing Act 1996 (c. 52)	Section 138(4) to (6). Section 143N(5) to (7).
Civil Procedure Act 1997 (c. 12)	In section 1(3) “or alter”. In section 3(6) “Subject to subsection (7),”. Section 3(7).
Justices of the Peace Act 1997 (c. 25)	In section 24(5) “by the Lord Chancellor”.
Terrorism Act 2000 (c. 11)	In section 74— (a) in paragraph (a) from “the Lord Chancellor” to “directs that”; (b) in paragraph (b) “the Lord Chief Justice of Northern Ireland directs that”.
Criminal Justice and Court Services Act 2000 (c. 43)	In section 76(1) “the Lord Chancellor or”. In section 77(1) “The Lord Chancellor or”.
Enterprise Act 2002 (c. 40)	In section 268(7) “made with the concurrence of the Lord Chancellor”.
Nationality, Immigration and Asylum Act 2002 (c. 41)	In section 16(3)(a) “of the Lord Chancellor”.
Criminal Justice Act 2003 (c. 44)	In section 330(1)(b) “on the Lord Chancellor”. Section 168(2).
Courts Act 2003 (c. 39)	In section 64— (a) in subsection (2) “Vice-Chancellor”; (b) subsection (4)(a). In section 69(4) “or alter”. In section 72(6), “Subject to subsection (7),”. Section 72(7). In section 75(5) “or alter”. Section 77(4). In section 79(6), “Subject to subsection (7),”. Section 79(7). Section 107(6), “by the Lord Chancellor”.
Armed Forces (Pensions and Compensation) Act 2004 (c. 32)	In Schedule 1, paragraphs 8 and 9.

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PART 3

FUNCTIONS UNDER LEGISLATION RELATING TO NORTHERN IRELAND

Commencement Information

I39 Sch. 18 Pt. 3 partly in force; Sch. 18 Pt. 3 not in force at Royal Assent see s. 148; Sch. 18 Pt. 3 in force for certain purposes at 3.4.2006 by S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 30(c)

Reference	*Extent of repeal or revocation*
Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.))	In section 36(1)— (a) in paragraph (a) "made after consultation with the Treasury,"; (b) in paragraph (b) "made after consultation with the Lord Chief Justice".
County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))	In section 105(4) "Lord Chancellor's". In section 107(4) "Lord Chancellor's".
Resident Magistrates' Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.))	In section 1 "Lord Chancellor's". Section 11.
Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))	In section 2(1)(b) "Lord Chancellor's".
Judicature (Northern Ireland) Act 1978 (c. 23)	In section 71(3) "Lord Chancellor's". Section 104. In section 119(5) "on the Lord Chancellor". In Schedule 6, paragraphs 6(a), 11(3), 14 and 17.
Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15))	In Article 48(1) the words after paragraph (b).
County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))	In Article 2(5) "on the Lord Chancellor".
Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))	In Article 13(1) the words from "or as" to "Article 14". Article 14. In Article 37(5) "Without prejudice to Article 14,". In Article 168 "on the Lord Chancellor".
Pensions Appeal Tribunals (Northern Ireland) Rules 1981 (S.R. 1981/231)	In Rule 2(1)— (a) in the definition of "the Deputy President", "by the Lord Chief Justice of Northern Ireland"; (b) in the definition of "the President", "by the Lord Chief Justice of Northern Ireland".
Merchant Shipping (Formal Investigations) Rules 1985 (S.I. 1985/1001)	Rule 17(a).

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Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4))	In Schedule 3, in paragraph 1(b) and (c) "after consultation with the Head of the Department". In Schedule 6, paragraph 19.
Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. 1997/269)	In the Schedule, in rule 6 (appointment of tribunal)— (a) in paragraph (3)(a) omit "but"; (b) omit paragraph (3)(b).
Justice (Northern Ireland) Act 2002 (c. 26)	Section 12(2) and (3). In Schedule 3, paragraph 33. Schedule 5. In Schedule 13— (a) the entry relating to section 119(5) of the Judicature (Northern Ireland) Act 1978; (b) the entry relating to the County Courts (Northern Ireland) Order 1980; (c) the entry relating to Article 168 of the Magistrates' Courts (Northern Ireland) Order 1981.
Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))	In Schedule 2, paragraph 3(3). In Schedule 4, the amendment of Schedule 6 to the Justice (Northern Ireland) Act 2002."

PART 4

THE LORD CHANCELLOR: MINOR AND CONSEQUENTIAL

Commencement Information

I40 Sch. 18 Pt. 4 partly in force; Sch. 18 Pt. 4 not in force at Royal Assent see s. 148; Sch. 18 Pt. 4 in force for certain puropses at (3.4.2006) by S.I. 2006/1014, **art. 2**, Sch. 1 para. 30

Reference	*Extent of repeal or revocation*
Fines Act 1833 (c. 99)	The whole Act.
Promissory Oaths Act 1868 (c. 72)	In the Schedule in Part 2 "The Lord Chancellor of Great Britain".
Universities of Oxford and Cambridge Act 1877 (c. 48)	In section 44— (a) "the Lord Chancellor," in the first place; (b) "the Lord Chancellor or".
Sheriffs Act 1887 (c. 55)	In section 6(1) "the Lord Chancellor,".
Administration of Justice Act 1964 (c. 42)	Section 37(2).
Patronage (Benefices) Measure 1986 (1986 No. 3)	Section 36.

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Priests (Ordination of Women) Measure 1993 (1993 No. 2)	Section 2(4)(c). In section 7(1) the words from "and to" to "Lord Chancellor".

PART 5

SUPREME COURT

Reference	*Extent of repeal or revocation*
Appellate Jurisdiction Act 1876 (c. 59)	The whole Act.
Appellate Jurisdiction Act 1887 (c. 70)	The whole Act.
Railway and Canal Traffic Act 1888 (c. 25)	Section 17(5).
Supreme Court of Judicature Act 1891 (c. 53)	The whole Act.
Commissioners for Oaths Act 1889 (c. 10)	In section 11 the definition of "Supreme Court".
Notice of Accidents Act 1894 (c. 28)	Section 8.
Administration of Justice (Appeals) Act 1934 (c. 40)	Section 1.
Appellate Jurisdiction Act 1947 (c. 11)	The whole Act.
Life Peerages Act 1958 (c. 21)	In section 1(1), "Without prejudice to Her Majesty's powers as to the appointment of Lords of Appeal in Ordinary,".
Administration of Justice Act 1960 (c. 65)	Section 1(3).
Northern Ireland Act 1962 (c. 30)	In section 29(1) the definition of "the Supreme Court".
Administration of Justice Act 1968 (c. 5)	The whole Act.
Criminal Appeal Act 1968 (c. 19)	Section 35(1) and (2).
Courts-Martial (Appeals) Act 1968 (c. 20)	Section 41(1) and (2).
Administration of Justice Act 1969 (c. 58)	Section 13(4) Section 14.
Taxes Management Act 1970(c. 9)	Section 56(8)(a). Section 56A(7).
Administration of Justice Act 1973 (c. 15)	Section 9(1)(a). In section 12, in subsection (1) "as Lord of Appeal in Ordinary, or" and subsection (2).
Judicature (Northern Ireland) Act 1978 (c. 23)	Section 41(3). Section 42(3) to (5). In Schedule 5, in Part 2 the entry relating to the Appellate Jurisdiction Act 1876.
Criminal Appeal (Northern Ireland) Act 1980 (c. 47)	Section 33(1) and (2).

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Contempt of Court Act 1981 (c. 49)	In section 19, in the definition of "superior court", the words from "and includes" to the end.
Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))	In Part 1 of Schedule 1, paragraph 1(b).
Justices of the Peace Act 1997 (c. 25)	In section 7(2)(a) "within the meaning of the Appellate Jurisdiction Act 1876".
Government of Wales Act 1998 (c. 38)	In Schedule 8— (a) paragraph 1(2)(a); (b) paragraph 29 and the heading before it; (c) paragraphs 32 to 34 and the heading before paragraph 32.
Human Rights Act 1998 (c. 42)	Section 6(4).
Scotland Act 1998 (c. 46)	Section 15(1)(c). In section 32(4), the definition of "Judicial Committee". Section 103. In section 127, the entry for "Judicial Committee". In Schedule 6, paragraph 32 and the heading before it. In Schedule 7, in the table under paragraph 1(2), the entry relating to section 103(3)(a) and (b).
Northern Ireland Act 1998 (c. 47)	In section 36(6)(a) "(other than a Lord of Appeal in Ordinary)". Section 82. In section 98(1), the entry for "Judicial Committee". In Schedule 10, paragraph 32 and the heading before it.
Access to Justice Act 1999 (c. 22)	In Schedule 2, paragraph 2(1)(b).
Freedom of Information Act 2000 (c. 36)	In Part 7 of Schedule 1, "The Northern Ireland Supreme Court Rules Committee."
European Parliamentary Elections Act 2002 (c. 24)	In section 10(1), paragraph (b) and the "or" immediately preceding it.
Justice (Northern Ireland) Act 2002 (c. 26)	Section 18(1).
Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))	In Schedule 2, paragraph 2(a)(ii).

PART 6

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

Reference	***Extent of repeal or revocation***

Status: *Point in time view as at 10/07/2017. This version of this Act contains provisions that are prospective.*
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Court of Chancery Act 1851 (c. 83)	In section 16, the words from “, exclusive of” to the end.
Oxford University Act 1862 (c. 26)	In section 7, “, not including the Lord President,”.
Public Schools Act 1868 (c. 118)	In section 9, “, not including the Lord President,”.
Judicial Committee Act 1881 (c. 3)	The whole Act.
Judicial Committee Act 1915 (c. 92)	In section 1, “and the Lord President of the Council”.

Status:
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Changes to legislation:
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