



# Constitutional Reform Act 2005

## 2005 CHAPTER 4

### PART 4

#### JUDICIAL APPOINTMENTS AND DISCIPLINE

### CHAPTER 2

#### APPOINTMENTS

##### *Lord Chief Justice and Heads of Division*

#### 67 Selection of Lord Chief Justice and Heads of Division

- (1) Sections 68 to [F170] 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 [F294C and regulations made under it].

#### Textual Amendments

- F1** 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)
- F2** 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)

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## 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) [<sup>F3</sup>Section 70 applies] where the Lord Chancellor makes a request under this section.
- (5) [<sup>F4</sup>That section is] subject to section 95 (withdrawal and modification of requests).

### Textual Amendments

- F3** 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)
- F4** 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.
- [<sup>F5</sup>(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 [<sup>F6</sup>by it],

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- (b) apply the selection process, and
- (c) make a selection accordingly.

<sup>F7</sup>(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 [<sup>F8</sup>regulations under section 94C].

<sup>F9</sup>(5) . . . . .

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

**Textual Amendments**

- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)

<sup>F10</sup>**71 Selection panel for appointment of Lord Chief Justice**

. . . . .

**Textual Amendments**

- F10** 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)

<sup>F10</sup>**71A Selection panel for appointment of Head of Division**

. . . . .

**Textual Amendments**

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<sup>F10</sup>**71B Sections 71 and 71A: diversity and interpretation**

. . . . .

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### <sup>F10</sup>72 Report

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#### Textual Amendments

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### <sup>F10</sup>73 The Lord Chancellor's options

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#### Textual Amendments

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### <sup>F10</sup>74 Exercise of powers to reject or require reconsideration

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#### Textual Amendments

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### <sup>F10</sup>75 Selection following rejection or requirement to reconsider

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#### Textual Amendments

**F10** 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)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(2\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(3\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(4\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(6\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(8\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(9\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(10\)\(a\)](#)
- Sch. 7 para. 4Pt. A words substituted by [2007 c. 15 s. 144\(10\)\(b\)](#)