



# Constitutional Reform Act 2005

## 2005 CHAPTER 4

### PART 4

#### JUDICIAL APPOINTMENTS AND DISCIPLINE

### CHAPTER 2

#### APPOINTMENTS

#### *[<sup>F1</sup>Senior President of Tribunals*

#### Textual Amendments

- F1** 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) [<sup>F2</sup>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) [<sup>F3</sup>That section is] subject to section 95 (withdrawal and modification of requests).

#### Textual Amendments

- F2** 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)
- F3** 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)

*Changes to legislation:* Constitutional Reform Act 2005, Cross Heading: Senior President of Tribunals is up to date with all changes known to be in force on or before 11 April 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) View outstanding changes

**75B Selection process**

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

<sup>F4</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 Senior President of Tribunals.]

(2) The panel must —

- (a) determine the selection process to be applied [<sup>F5</sup>by 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 [<sup>F6</sup>regulations under section 94C].

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

**Textual Amendments**

**F4** 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)

**F5** 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)

**F6** 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)

<sup>F7</sup>**75C Selection panel**

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**Textual Amendments**

**F7** 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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**F775D Report**

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**Textual Amendments**

**F7** 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)

**F775E The Lord Chancellor's options**

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**Textual Amendments**

**F7** 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)

**F775F Exercise of powers to reject or require reconsideration**

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**Textual Amendments**

**F7** 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)

**F775G Selection following rejection or requirement to reconsider**

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**Textual Amendments**

**F7** 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)

**Changes to legislation:**

Constitutional Reform Act 2005, Cross Heading: Senior President of Tribunals is up to date with all changes known to be in force on or before 11 April 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.

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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\(10\)\(b\)](#)