

**Changes to legislation:** There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross  
Heading: Diversity considerations where candidates for judicial office are of equal merit. (See end of Document for details)

## SCHEDULES

### SCHEDULE 13

#### JUDICIAL APPOINTMENTS

#### PART 2

#### DIVERSITY

*Diversity considerations where candidates for judicial office are of equal merit*

9 In section 27 of the Constitutional Reform Act 2005 (selection for appointment to Supreme Court to be on merit etc) after subsection (5) insert—

“(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.”

#### Commencement Information

**II** Sch. 13 para. 9 in force at 15.7.2013 by [S.I. 2013/1725](#), [art. 2\(g\)](#)

10 (1) Section 63 of the Constitutional Reform Act 2005 (judicial appointments to be solely on merit) is amended as follows.

(2) In subsection (1) (selections to which subsections (2) and (3) apply) for “and (3)” substitute “to (4)”.

(3) After subsection (3) insert—

“(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.”

#### Commencement Information

**I2** Sch. 13 para. 10 in force at 15.7.2013 by [S.I. 2013/1725](#), [art. 2\(g\)](#)

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