S C H E D U L E S

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

I1   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)**

Encouraging diversity

11 In Part 6 of the Constitutional Reform Act 2005 (other provisions relating to the judiciary) after section 137 insert—

"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."

Commencement Information

I3 Sch. 13 para. 11 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

Maximum numbers of judges to be by reference to full-time equivalent numbers

12 The Senior Courts Act 1981 is amended as follows.

Commencement Information

I4 Sch. 13 para. 12 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

13 (1) Section 2 (the Court of Appeal) is amended as follows.

(2) In subsection (1) (composition of the Court of Appeal) for "of ex-officio judges and not more than 38 ordinary judges" substitute "of—
(a) ex-officio judges, and
(b) ordinary judges, of whom the maximum full-time equivalent number is 38".

(3) In subsection (4) (power to increase maximum number of ordinary judges) for "maximum number" substitute " maximum full-time equivalent number ".

(4) After subsection (6) insert—

"(7) For the purposes of this section the full-time equivalent number of ordinary judges is to be calculated by taking the number of full-time ordinary judges and adding, for each ordinary judge who is not a full-time ordinary judge, such fraction as is reasonable."

Commencement Information

I5 Sch. 13 para. 13 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

14 (1) Section 4 (the High Court) is amended as follows.

(2) In subsection (1) (High Court to consist of ex-officio judges and not more than 108 puisne judges) for paragraph (e) substitute—

"(e) the puisne judges of that court, of whom the maximum full-time equivalent number is 108."

(3) In subsection (4) (power to increase maximum number of puisne judges) for "maximum number" substitute " maximum full-time equivalent number ".

(4) After subsection (6) insert—

"(7) For the purposes of this section the full-time equivalent number of puisne judges is to be calculated by taking the number of full-time puisne judges and adding, for each puisne judge who is not a full-time puisne judge, such fraction as is reasonable."

Commencement Information

I6   Sch. 13 para. 14 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

15   In section 10(2) (power to appoint judges is subject to maximum numbers in sections 2(1) and 4(1)) before "numbers" insert " full-time equivalent ".

Commencement Information

I7   Sch. 13 para. 15 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

Changes to legislation:
There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 2.