
Changes to legislation: Wales Act 2017, Part 3 is up to date with all changes known to be in force on or before 17 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

SCHEDULES

SCHEDULE 5

PRESIDENT OF WELSH TRIBUNALS

PART 3

TERMS OF OFFICE

Tenure, removal, resignation etc

- 10 (1) If—
- (a) a person is appointed to the office of President of Welsh Tribunals on terms that provide for him or her to retire from the office at a particular time specified in those terms (“the end of the fixed term”), and
 - (b) the end of the fixed term is earlier than the time at which the person is required by the 1993 Act to retire from the office,
- the person shall, if still holding the office at the end of the fixed term, vacate the office at the end of the fixed term.
- (2) Subject to sub-paragraph (1) (and to the 1993 Act), a person appointed to the office of President of Welsh Tribunals holds that office during good behaviour, subject to a power of removal by Her Majesty on an address presented to Her by both Houses of Parliament.
- (3) It is for the Lord Chancellor to recommend to Her Majesty the exercise of the power of removal under sub-paragraph (2).
- (4) In this paragraph “the 1993 Act” means the Judicial Pensions and Retirement Act 1993.

Commencement Information

- 11** [Sch. 5 para. 10](#) in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by [S.I. 2017/351](#), [reg. 2](#)

- 11 A person who holds the office of President of Welsh Tribunals may at any time resign that office by giving the Lord Chief Justice notice in writing to that effect.

Commencement Information

- 12** [Sch. 5 para. 11](#) in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by [S.I. 2017/351](#), [reg. 2](#)

- 12 (1) The Lord Chief Justice, if satisfied by means of a medical certificate that a person holding the office of President of Welsh Tribunals—

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- (a) is disabled by permanent infirmity from the performance of the duties of the office, and
 - (b) is for the time being incapacitated from resigning the office,
- may, subject to sub-paragraph (2), by instrument under his or her hand declare the person to have vacated the office; and the instrument has the equivalent effect for all purposes as if the person had on the date of the instrument resigned the office.
- (2) A declaration under sub-paragraph (1) with respect to a person is of no effect unless it is made with the concurrence of—
- (a) the Lord Chancellor, and
 - (b) the Welsh Ministers.

Commencement Information

- I3** [Sch. 5 para. 12](#) in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by [S.I. 2017/351](#), [reg. 2](#)

Remuneration, allowances and expenses

- 13 The Welsh Ministers may pay to the President of Welsh Tribunals whatever amounts they determine in respect of—
- (a) remuneration;
 - (b) allowances;
 - (c) expenses.

Commencement Information

- I4** [Sch. 5 para. 13](#) in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by [S.I. 2017/351](#), [reg. 2](#)

Oaths

- 14 (1) A person appointed to the office of President of Welsh Tribunals must take the required oaths in the presence of—
- (a) the Lord Chief Justice, or
 - (b) another holder of high judicial office (as defined in section 60(2) of the Constitutional Reform Act 2005) who is nominated by the Lord Chief Justice for the purpose of taking the oaths from the person.
- (2) Sub-paragraph (1) applies whether or not the person has previously taken the required oaths after accepting another office.
- (3) In this paragraph “the required oaths” means—
- (a) the oath of allegiance, and
 - (b) the judicial oath,
- as set out in the Promissory Oaths Act 1868.

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Commencement Information

- I5** [Sch. 5 para. 14](#) in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by [S.I. 2017/351](#), [reg. 2](#)

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Changes and effects yet to be applied to :

- specified provision(s) transitional and savings provisions for commencing S.I. 2017/1179 by [S.I. 2018/278](#) [reg. 2](#)[Sch.](#)