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STATUTORY INSTRUMENTS

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**2004 No. 246**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Sentencing Guidelines Council  
(Supplementary Provisions) Order 2004**

<i>Made</i>	- - - -	<i>29th January 2004</i>
<i>Laid before Parliament</i>		<i>6th February 2004</i>
<i>Coming into force</i>	- -	<i>27th February 2004</i>

The Lord Chancellor, in exercise of powers conferred on him by section 168(1) and (2) of the Criminal Justice Act 2003<sup>(1)</sup> hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Sentencing Guidelines Council (Supplementary Provisions) Order 2004 and shall come into force on 27th February 2004.

**Term of office, resignation and re-appointment of Council members**

2.—(1) In relation to the Council, the term of office of—

- (a) a judicial member appointed to the Council by virtue of his judicial office, shall last for so long as he holds that office;
- (b) the Director of Public Prosecutions, shall last for so long as he continues to be the Director of Public Prosecutions;
- (c) any other judicial or non-judicial member shall not exceed 5 years.

(2) A member may resign at any time from the Council by giving 4 weeks notice in writing—

- (a) in the case of a judicial member, to the Lord Chancellor; and
- (b) in the case of a non-judicial member, to the Secretary of State.

(3) A member falling within paragraph (1)(c) shall, on the expiry of his initial term of office, be eligible for re-appointment to the Council for one further term not exceeding 4 years.

### **Removal of members**

3. The appropriate Minister may remove a judicial member or non-judicial member from the Council if he is satisfied that that member is—

- (a) incapable of continuing to be a member of the Council; or
- (b) has behaved in such a way that he is unfit to be a member of the Council.

### **Council proceedings**

4. The arrangements for the proceedings of the Council (including the quorum for meetings) shall be such as the Council may determine.

On authority of the Lord Chancellor

29th January 2004

*Christopher Leslie*  
Parliamentary Under-Secretary of State,  
Department of Constitutional Affairs

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for the term of office, resignation, re-appointment and removal of members of the Sentencing Guidelines Council. Section 167 of the Criminal Justice Act 2003 (c. 44) (commenced by S.I.2004/81 (C. 2 )) makes provision for the constitution of the Council and eligibility for membership.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.