

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^(a) 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.

(a) 2003 c. 44.

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

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.

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