

**EXPLANATORY MEMORANDUM TO THE
CONSTITUTIONAL REFORM ACT 2005 (TRANSITIONAL AND
CONSEQUENTIAL PROVISIONS) ORDER 2005**

2005 No. 2506

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The title Vice-Chancellor is to be replaced by the title Chancellor of the High Court as of 1st October 2005 (see SI 2005/ 2505 (C.106)). This Order requires that from that date certain statutory references to the former title be read as references to the latter, pending the commencement in 2006 of substantive amendments that will supersede these references. It also makes two consequential changes to secondary legislation concerning judicial pensions.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 As part of the reform of the office of Lord Chancellor enacted in the Constitutional Reform Act 2005 (c. 4) (“the Act”) the title of Vice-Chancellor is to be replaced by the title Chancellor of the High Court.

4.2 The new title will have effect on 1st October 2005 on the coming into force of the relevant paragraphs of Schedule 4 to the Act (see SI 2005/2505 (C.106)). These paragraphs substitute the new title for the old.

4.3 However, there are other statutory references to the Vice-Chancellor that will be superseded by additional, substantive amendments made by the Act. These amendments will not be commenced until 2006.

4.4 For the intervening period this Order requires that these references to the old title be read as references to the new, thus preserving the substance of the unamended provisions and at the same time avoiding any conflict with the new references to the Chancellor of the High Court.

4.5 The Order also makes two consequential changes to secondary legislation concerning judicial pensions, in order to ensure that the change of title does not affect the pension entitlements of the office-holder.

5. Extent

5.1 This instrument applies to England and Wales only.

6. European Convention on Human Rights

6.1 Not applicable

7. Policy background

7.1 This Order makes transitional and consequential provisions and does not initiate any new substantive policy in addition to that already approved by Parliament.

7.2. The policy objective is simply to ensure consistency between statutory references for a transitional period, and to ensure that the change of title from Vice-Chancellor to Chancellor of the High Court does not affect the pension entitlements of the office-holder.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no substantive impact on the public sector.

9. Contact

James Neilson at the Department for Constitutional Affairs Tel: 020 7210 8090 or e-mail: james.neilson@dca.gsi.gov.uk can answer any queries regarding the instrument.