

SCHEDULE 1

Transfer, modification and abolition of functions of the Lord Chancellor — primary legislation

Prevention of Terrorism Act 2005

29.—(1) Paragraph 6 of the Schedule to the Prevention of Terrorism Act 2005⁽¹⁾ is amended in accordance with this paragraph.

(2) After sub-paragraph (1) insert—

“(1A) The Lord Chancellor may appoint an adviser under this paragraph only with the concurrence of the appropriate senior judge.”.

(3) After sub-paragraph (3) insert—

“(4) In this paragraph “the appropriate senior judge” means—

- (a) in relation to an adviser who may be called in aid wholly or mainly in Scotland, the Lord President of the Court of Session;
- (b) in relation to an adviser who may be called in aid wholly or mainly in Northern Ireland, the Lord Chief Justice of Northern Ireland;
- (c) in any other case, the Lord Chief Justice of England and Wales.

(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise any of his functions under this paragraph.

(6) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.

(7) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”.

(1) 2005 c. 2.