
STATUTORY INSTRUMENTS

2013 No. 2193

The Supreme Court (Judicial Appointments) Regulations 2013

PART 3

**Selection commissions for appointment of judges
of the Supreme Court other than the President**

Application of this Part

10. This Part applies where a selection commission is convened for the appointment of a judge of the Supreme Court other than the President under section 26(5) or (5A) of the 2005 Act.

Composition of selection commission

11.—(1) The selection commission must consist of—

- (a) the President, who is to be the chairman of the selection commission;
- (b) a member of the Judicial Appointments Commission;
- (c) a member of the Judicial Appointments Board for Scotland;
- (d) a member of the Northern Ireland Judicial Appointments Commission; and
- (e) a senior UK judge nominated in accordance with regulation 14.

(2) Paragraph (3) applies where a person nominates a person to be a member of a selection commission under regulation 13(2) or 14.

(3) The person making the nomination must, in doing so, have regard (alongside all other relevant considerations) to the fact that it is desirable that the members of the selection commission should include—

- (a) both women and men; and
- (b) members drawn from a range of different racial groups (within the meaning of section 9(3) of the Equality Act 2010).

Provision where President's place on the selection commission is unfilled

12.—(1) Regulation 11(1)(a) does not apply if—

- (a) the office of President is vacant;
- (b) the President is disqualified under regulation 16; or
- (c) the President is unavailable to be a member of a selection commission.

(2) Where the President's place on a selection commission is unfilled by virtue of paragraph (1), that place is to be taken by the Deputy President, subject to paragraph (3).

(3) Where—

- (a) the office of Deputy President is vacant;

- (b) the Deputy President is disqualified under regulation 16; or
 - (c) the Deputy President is unavailable to be a member of a selection commission,
- the unfilled place on the selection commission is to be taken by the most senior ordinary judge.

Members of selection commission under regulation 11(1)(b) to (d)

13.—(1) This regulation applies to those persons who are to be members of a selection commission under regulation 11(1)(b) to (d).

(2) The chairman of the selection commission must seek a nomination from each of the bodies referred to in regulation 11(1)(b) to (d) of one of its members to be a member of the selection commission.

(3) At least two members nominated under paragraph (2) must be non-legally qualified.

(4) The Lord Chancellor may pay to any person nominated under paragraph (2) such allowances as the Lord Chancellor may determine.

Member of selection commission under regulation 11(1)(e)

14.—(1) Unless paragraph (2) or (3) applies, the President—

- (a) must nominate a senior UK judge who is not disqualified under regulation 16; and
- (b) when making such a nomination must have due regard to the territorial composition of the selection commission.

(2) Where—

- (a) the office of President is already vacant; or
- (b) it appears to the Lord Chancellor that the person holding the office of President is for the time being incapacitated,

the Deputy President (unless the Deputy President is disqualified under regulation 16) must nominate a senior UK judge in accordance with paragraph (1) to sit on the selection commission.

(3) Where paragraph (2) applies and the Deputy President is disqualified under regulation 16, the most senior ordinary judge must nominate a senior UK judge in accordance with paragraph (1) to sit on the selection commission.