

2017 No. 1037

JUDICIAL APPOINTMENTS AND DISCIPLINE

**The Judicial Appointments and Discipline (Amendment and
Addition of Offices) Order 2017**

Made - - - - 26th October 2017
Laid before Parliament 31st October 2017
Coming into force - - 1st December 2017

The Lord Chancellor makes this Order in exercise of the power conferred by section 85(3)(a), (b) and (c) of the Constitutional Reform Act 2005(a).

Citation and Commencement

1. This Order may be cited as the Judicial Appointments and Discipline (Amendment and Addition of Offices) Order 2017 and comes into force on 1st December 2017.

Amendments

2.—(1) In Part 3 of Schedule 14 to the Constitutional Reform Act 2005(b), Table 1 (appointments by the Lord Chancellor) is amended as follows.

(2) In the entry relating to paragraph 1 of Schedule 2 to the Mental Health Act 1983(c) and the office to which that paragraph relates, in the left hand column, after “Tribunal” insert “for Wales”.

(3) In the entry relating to paragraph 3 of Schedule 2 to the Mental Health Act 1983(d) and the office to which that paragraph relates, in the left hand column—

- (a) for “Chairman” substitute “President”, and
- (b) after “Tribunal” insert “for Wales”.

(4) After the entry relating to paragraph 8(6)(a) of Schedule 5 to the Broadcasting Act 1996(e) and the office to which that paragraph relates insert—

“President of the Special Educational Needs Tribunal for Wales Member of the chairmen’s panel of the	Section 333(2) of the Education Act 1996 (c. 56)(f)”
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- (a) 2005 c. 4.
- (b) Table 1 of Part 3 was renamed by the Crime and Courts Act 2013 (c. 22), Schedule 13, paragraphs 49(1) and (3) and amended by S.I. 2008/2833. There are other amending instruments but none is relevant.
- (c) 1983 c. 20. Paragraph 1 of Schedule 2 was amended by the Constitutional Reform Act 2005 (c. 4), Schedule 4, paragraphs 150 and 158(1) and (2) and Schedule 18 and by S. I. 2008/2833.
- (d) Paragraph 3 of Schedule 2 was substituted by the Mental Health Act 2007 (c. 12), sections 38(1), (5) and (6) and subsequently amended by S.I. 2008/2833.
- (e) 1996 c. 55.
- (f) 1996 c. 56. Section 333(2) to this Act was amended by the Children and Families Act 2014 (c. 6), Schedule 3, Part 1, paragraphs 1 and 31(1) and (3)(b) and by S. I. 2008/2833.

26th October 2017

David Lidington
Lord Chancellor
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Table 1 in Part 3 of Schedule 14 to the Constitutional Reform Act 2005 (c. 4), to reflect the bringing into force of section 38(6) of the Mental Health Act 2007 (c. 12) (“the Act”), which requires the Lord Chancellor to appoint one of the members of the Mental Health Review Tribunal for Wales as President (rather than, as previously, chairman) of the Tribunal. This amendment is brought into force by the Mental Health Act 2007 (Commencement No. 12 and Transitional Provisions) Order 2017 (S.I. 1038 C. 95) on 1st December 2017.

This Order also adds the offices of President and Member of the Chairmen’s Panel of the Special Educational Needs Tribunal for Wales appointed under section 333(2) of the Education Act 1996 (c. 56) to the table so that the provisions of Part 4 of the Act will apply to the appointment, and discipline of holders of those offices.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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