

Status: Point in time view as at 01/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 12

THE COMPETITION APPEAL TRIBUNAL

Appointment, etc. of President and chairmen

- 1 (1) A person is not eligible for appointment as President unless—
- [^{F1}(a) he satisfies the judicial-appointment eligibility condition on a 7-year basis;]
 - (b) he is an advocate or solicitor in Scotland of at least [^{F2}7] years' standing; or
 - (c) he is a member of the Bar of Northern Ireland or [^{F3}solicitor of the Court of Judicature of Northern Ireland] of at least [^{F4}7] years' standing;
- and he appears to the Lord Chancellor to have appropriate experience and knowledge of competition law and practice.
- (2) A person is not eligible for appointment as a chairman unless—
- [^{F5}(a) he satisfies the judicial-appointment eligibility condition on a 5-year basis;]
 - (b) he is an advocate or solicitor in Scotland of at least [^{F6}5] years' standing; or
 - (c) he is a member of the Bar of Northern Ireland or [^{F3}solicitor of the Court of Judicature of Northern Ireland] of at least [^{F7}5] years' standing;
- and he appears to the Lord Chancellor to have appropriate experience and knowledge (either of competition law and practice or any other relevant law and practice).
- (3) Before appointing an advocate or solicitor in Scotland under this paragraph, the Lord Chancellor must consult the Lord President of the Court of Session.
- ^{F8}(4)

Textual Amendments

- F1** Sch. 2 para. 1(1)(a) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 36\(2\)\(a\)](#); S.I. 2008/1653, art. 2(d) (with arts. 3, 4)
- F2** Word in Sch. 2 para. 1(1)(b) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 36\(2\)\(b\)](#); S.I. 2008/1653, art. 2(d) (with arts. 3, 4)
- F3** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 5](#); S.I. 2009/1604, art. 2(d)
- F4** Word in Sch. 2 para. 1(1)(c) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 36\(2\)\(b\)](#); S.I. 2008/1653, art. 2(d) (with arts. 3, 4)
- F5** Sch. 2 para. 1(2)(a) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 36\(3\)\(a\)](#); S.I. 2008/1653, art. 2(d) (with arts. 3, 4)
- F6** Word in Sch. 2 para. 1(2)(b) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 36\(3\)\(b\)](#); S.I. 2008/1653, art. 2(d) (with arts. 3, 4)
- F7** Word in Sch. 2 para. 1(2)(c) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 36\(3\)\(b\)](#); S.I. 2008/1653, art. 2(d) (with arts. 3, 4)

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F8 Sch. 2 para. 1(4) repealed (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 23 Pt. 2](#); [S.I. 2008/2696](#), art. 5(j) (with art. 3)

- 2 (1) The members appointed as President or as chairmen shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.
- (2) A person may not be a chairman for more than 8 years (but this does not prevent a temporary re-appointment for the purpose of continuing to act as a member of the Tribunal as constituted for the purposes of any proceedings instituted before the end of his term of office).
- (3) The President and the chairmen may resign their offices by notice in writing to the Lord Chancellor.
- (4) The Lord Chancellor may remove a person from office as President or chairman on the ground of incapacity or misbehaviour.
- [^{F9}(5) The Lord Chancellor may remove a person from office as President under subparagraph (4) only with the concurrence of all of the following—
- (a) the Lord Chief Justice of England and Wales;
 - (b) the Lord President of the Court of Session;
 - (c) the Lord Chief Justice of Northern Ireland.
- (6) The Lord Chancellor may remove a person from office as chairman under subparagraph (4) only with the concurrence of the appropriate senior judge.
- (7) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless—
- (a) the person to be removed exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session, or
 - (b) the person to be removed exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland.]

Textual Amendments

F9 Sch. 2 para. 2(5)-(7) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 148, 279, [Sch. 4 para. 306](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(x\)](#)

- 3 If the President is absent or otherwise unable to act the Lord Chancellor may appoint as acting President any person qualified for appointment as a chairman.

Appointment, etc. of ordinary members

- 4 (1) Ordinary members shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.
- (2) A person may not be an ordinary member for more than 8 years (but this does not prevent a temporary re-appointment for the purpose of continuing to act as a member of the Tribunal as constituted for the purposes of any proceedings instituted before the end of his term of office).
- (3) An ordinary member may resign his office by notice in writing to the Secretary of State.

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- (4) The Secretary of State may remove a person from office as an ordinary member on the ground of incapacity or misbehaviour.

Remuneration etc. for members

- 5 (1) The Competition Service shall pay to the President, the chairmen and the ordinary members such remuneration (whether by way of salaries or fees), and such allowances, as the Secretary of State may determine.
- (2) The Competition Service shall, if required to do so by the Secretary of State—
- (a) pay such pension, allowances or gratuities as may be determined by the Secretary of State to or in respect of a person who holds or has held office as President, a chairman or an ordinary member; or
 - (b) make such payments as may be so determined towards provision for the payment of a pension, allowance or gratuities to or in respect of such a person.

Compensation for loss of office

- 6 If, where any person ceases to hold office as President, a chairman or ordinary member, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, the Competition Service shall pay to him such amount by way of compensation as the Secretary of State may determine.

Staff, accommodation and property

- 7 Any staff, office accommodation or equipment required for the Tribunal shall be provided by the Competition Service.

Miscellaneous

- 8 The President must arrange such training for members of the Tribunal as he considers appropriate.
- 9 In this Schedule “chairman” and “ordinary member” mean respectively a member of the panel of chairmen, or a member of the panel of ordinary members, appointed under section 12.
- 10 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), there is inserted at the appropriate place—
- “The Competition Appeal Tribunal.”
- 11 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), there is inserted at the appropriate place—
- “The Competition Appeal Tribunal.”

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