

*Status: Point in time view as at 01/07/2013.*

**Changes to legislation:** Constitutional Reform Act 2005, Cross Heading: Term of office etc. of Commissioners is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### SCHEDULE 12

#### THE JUDICIAL APPOINTMENTS COMMISSION

##### PART 1

##### THE COMMISSIONERS

###### *Term of office etc. of Commissioners*

- 12 (1) A Commissioner must be appointed for a fixed period.
- (2) But an appointment is subject to paragraphs 13 to 15.
- 13 A person—
- (a) may not be appointed as a Commissioner for more than 5 years at a time, and
  - (b) may not hold office as a Commissioner for periods (whether or not consecutive) totalling more than 10 years.
- 14 (1) A Commissioner—
- (a) in the case of the chairman, ceases to be a Commissioner (and chairman) on ceasing to be a lay member;
  - (b) in the case of a judicial or professional member, ceases to be a Commissioner on the earlier of ceasing to be such a member, and ceasing to fall within the paragraph of paragraph 2(3) or 2(4) for the purposes of which he was appointed;
  - (c) in any other case, ceases to be a Commissioner on ceasing to fall within the paragraph of paragraph 2(2) for the purposes of which he was appointed.
- (2) But if (before or after an event within paragraph (a) or (b) of sub-paragraph (1)) the Lord Chancellor directs in a particular case that that paragraph is to be disregarded for a period specified in the direction, the person continues to be a Commissioner until the end of that period, subject to the terms of his appointment and the other provisions of this Schedule.
- (4) A Commissioner ceases to be a Commissioner if he becomes employed in the civil service of the State.
- 15 (1) A Commissioner may at any time—
- (a) resign his office by notice in writing addressed to Her Majesty;
  - (b) be removed from office by Her Majesty on the recommendation of the Lord Chancellor.
- (2) The Lord Chancellor may not under sub-paragraph (1) recommend that a Commissioner be removed from office unless he is satisfied that the Commissioner—

*Status: Point in time view as at 01/07/2013.*

**Changes to legislation:** *Constitutional Reform Act 2005, Cross Heading: Term of office etc. of Commissioners is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) has failed without reasonable excuse to discharge the functions of his office for a continuous period of at least six months,
  - (b) has been convicted of an offence,
  - (c) is an undischarged bankrupt <sup>F1</sup> or a person in relation to whom a moratorium period under a debt relief order applies (under Part 7A of the Insolvency Act 1986)], or
  - (d) is otherwise unfit to hold his office or unable to discharge its functions.
- (3) A recommendation on the ground mentioned in sub-paragraph (2)(a) may not be made more than 3 months after the end of the period mentioned there.

#### Textual Amendments

- F1** Words in Sch. 12 para. 15(2)(c) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 52(2)** (with art. 5)

**Status:**

Point in time view as at 01/07/2013.

**Changes to legislation:**

Constitutional Reform Act 2005, Cross Heading: Term of office etc. of Commissioners is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.