

*Status: Point in time view as at 02/04/2007.*

*Changes to legislation: Constitutional Reform Act 2005, Cross Heading: Acting Ombudsman is up to date with all changes known to be in force on or before 17 May 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 13

#### THE JUDICIAL APPOINTMENTS AND CONDUCT OMBUDSMAN

##### *Acting Ombudsman*

- 7 (1) The Lord Chancellor may appoint a person to exercise the functions of the Ombudsman if—
- (a) the Ombudsman's office becomes vacant,
  - (b) the Lord Chancellor determines that the Ombudsman is incapable of exercising his functions, or
  - (c) the Ombudsman notifies the Lord Chancellor that it would be inappropriate for him to exercise any of his functions in connection with a particular matter because of a possible conflict of interests or for any other reason.
- (2) But a person may be appointed under this paragraph only if he is eligible under paragraph 1(2) to be appointed as Ombudsman.
- (3) The Lord Chancellor may—
- (a) pay to a person appointed under this paragraph such remuneration, fees or expenses as the Lord Chancellor may determine;
  - (b) pay, or make provision for the payment of, such pension, allowance or gratuity as the Lord Chancellor may determine to or in respect of a person who is or has been a person appointed under this paragraph.
- (4) A person appointed under this paragraph is to exercise the functions of the Ombudsman in accordance with the terms of his appointment.
- (5) The Lord Chancellor may end an appointment under this paragraph at any time.
- (6) Otherwise any appointment of a person under this paragraph ends on the earliest of—
- (a) that person's ceasing to be eligible to be appointed as Ombudsman;
  - (b) the expiry of the appointment in accordance with its terms and conditions;
  - (c) the date on which with the agreement of the Lord Chancellor the Ombudsman resumes the exercise of his functions;
  - (d) the appointment of a new Ombudsman;
  - (e) the end of twelve months beginning with the relevant date.
- (7) The relevant date is—
- (a) if the appointment was under sub-paragraph (1)(a), the date when the vacancy arose;
  - (b) if the appointment was under sub-paragraph (1)(b), the date of the Lord Chancellor's determination;
  - (c) if the appointment was under sub-paragraph (1)(c), the date of the notification.

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