Changes to legislation: Constitutional Reform Act 2005, Cross Heading: The Ombudsman is up to date with all changes known to be in force on or before 31 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) View outstanding changes

## SCHEDULES

#### SCHEDULE 13

### THE JUDICIAL APPOINTMENTS AND CONDUCT OMBUDSMAN

### The Ombudsman

- 1 (1) The Ombudsman is appointed by Her Majesty on the recommendation of the Lord Chancellor.
  - (2) A person must not be appointed as the Ombudsman if he is employed in the civil service of the State or if he has ever been any of these—
    - (a) a practising barrister in England and Wales;
    - (b) a practising solicitor of the Senior Courts of England and Wales;
    - (c) a practising advocate in Scotland;
    - (d) a practising solicitor in Scotland;
    - (e) a practising member of the Bar of Northern Ireland;
    - (f) a practising solicitor of the Court of Judicature of Northern Ireland;
    - (g) the holder of an office listed in Schedule 14.
  - (3) Before recommending a person for appointment as the Ombudsman the Lord Chancellor must consider—
    - (a) whether the person has exercised functions that appear to the Lord Chancellor to be of a judicial nature and such as to make the person inappropriate for the appointment;
    - (b) whether any past service in a capacity mentioned in sub-paragraph (4) appears to the Lord Chancellor to make the person inappropriate for the appointment;
    - (c) whether the extent of any present or past party political activity or affiliations appears to the Lord Chancellor to make the person inappropriate for the appointment.
  - (4) The service referred to in sub-paragraph (3)(b) is service as any of these—
    - (a) a Commissioner;
    - (b) a member of the staff of the Commission;
    - (c) a member of the House of Commons;
    - (d) a person employed in the civil service of the State.
- 2 (1) In this Schedule "practising" is to be read in accordance with sub-paragraphs (2) and (3).
  - (2) A barrister in England and Wales, an advocate in Scotland or a member of the Bar of Northern Ireland is practising if he is—
    - (a) practising as such,
    - (b) employed to give legal advice, or
    - (c) providing legal advice under a contract for services.

Changes to legislation: Constitutional Reform Act 2005, Cross Heading: The Ombudsman is up to date with all changes known to be in force on or before 31 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) View outstanding changes

- (3) A solicitor of the Senior Courts, a solicitor in Scotland or a solicitor of the Court of Judicature of Northern Ireland is practising if he is—
  - (a) acting as such,
  - (b) employed to give legal advice, or
  - (c) providing legal advice under a contract for services.

#### **Changes to legislation:**

Constitutional Reform Act 2005, Cross Heading: The Ombudsman is up to date with all changes known to be in force on or before 31 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.

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# Changes and effects yet to be applied to the whole Act associated Parts and Chapters: Whole provisions yet to be inserted into this Act (including any effects on those provisions):

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- s. 132(4A) words substituted by 2015 c. 2 s. 83(1)
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- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(2)
- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(3)
- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(4)
- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(6)
- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(8)
- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(9)
- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(10)(a)
- Sch. 7 para. 4Pt. A words substituted by 2007 c. 15 s. 144(10)(b)