
Changes to legislation: Constitutional Reform Act 2005, Paragraph 122 is up to date with all changes known to be in force on or before 23 April 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 4

OTHER FUNCTIONS OF THE LORD CHANCELLOR AND ORGANISATION OF THE COURTS

PART 1

AMENDMENTS

Supreme Court Act 1981 (c. 54)

- 122 (1) Section 10 (appointment of judges of Supreme Court) is amended as follows.
- (2) In subsection (1)—
- (a) for “President of the Family Division or Vice-Chancellor” substitute “President of the Queen's Bench Division, President of the Family Division or Chancellor of the High Court”;
 - (b) after “may” insert “, on the recommendation of the Lord Chancellor, ”.
- (3) In subsection (2) after “may” insert “, on the recommendation of the Lord Chancellor, ”.
- (4) In subsection (3)(a) for “President of the Family Division or Vice-Chancellor” substitute “ President of the Queen's Bench Division, President of the Family Division or Chancellor of the High Court ”.
- (5) For subsection (4) substitute—
- “(4) A person appointed—
- (a) to any of the offices mentioned in subsection (1),
 - (b) as a Lord Justice of Appeal, or
 - (c) as a puisne judge of the High Court,
- shall take the required oaths as soon as may be after accepting office.
- (5) In the case of a person appointed to the office of Lord Chief Justice, the required oaths are to be taken in the presence of all of the following—
- (a) the Master of the Rolls;
 - (b) the President of the Queen's Bench Division;
 - (c) the President of the Family Division;
 - (d) the Chancellor of the High Court.
- (6) Where subsection (5) applies but there is a vacancy in one or more (but not all) of the offices mentioned in that subsection, the required oaths are to be taken in the presence of the holders of such of the offices as are not vacant.
- (7) In the case of a person appointed other than to the office of Lord Chief Justice, the required oaths are to be taken in the presence of—

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- (a) the Lord Chief Justice, or
 - (b) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) nominated by him for this purpose.
- (8) In this section “required oaths” means—
- (a) the oath of allegiance, and
 - (b) the judicial oath,
- as set out in the Promissory Oaths Act 1868.”

Commencement Information

- II** [Sch. 4 para. 122](#) wholly in force at 3.4.2006; [Sch. 4 para. 122](#) not in force at Royal Assent see [s. 148](#); [Sch. 4 para. 122\(2\)\(a\)\(4\)](#) in force at 1.10.2005 by [S.I. 2005/2505](#), [art. 2](#); [Sch. 4 para 122](#) in force at 3.4.2006 in so far as not already in force by [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(m\)](#)

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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):

- s. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- 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\(10\)\(b\)](#)