

Status: Point in time view as at 01/10/2022.

Changes to legislation: Constitutional Reform Act 2005, Cross Heading: Reserve Forces Act 1996 (c. 14) is up to date with all changes known to be in force on or before 01 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 4

OTHER FUNCTIONS OF THE LORD CHANCELLOR AND ORGANISATION OF THE COURTS

PART 1

AMENDMENTS

Reserve Forces Act 1996 (c. 14)

- 240 The Reserve Forces Act 1996 is amended as follows.
- 241 In section 90 (appointment of panel of chairmen), after subsection (1) insert—
- “(1A) The Lord Chancellor may not appoint a member of the panel unless the appropriate senior judge concurs.”
- 242 In section 91 (appointment of panel of ordinary members), after subsection (2) insert—
- “(2A) The Lord Chancellor may not appoint a member of the panel unless the appropriate senior judge concurs.”
- 243 (1) Section 92 (membership of tribunals etc) is amended as follows.
- (2) In subsection (1) for “by the Lord Chancellor” substitute “in accordance with subsection (2)”.
- (3) For subsections (2) and (3) substitute—
- “(2) The chairman and other members are to be selected as follows—
- (a) in the case of an appeal tribunal which is to sit in England and Wales, by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor;
- (b) in the case of an appeal tribunal which is to sit in Scotland, by the Lord President of the Court of Session;
- (c) in the case of an appeal tribunal which is to sit in Northern Ireland, by the Lord Chief Justice of Northern Ireland after consulting the Lord Chancellor.
- (3) Where a tribunal which is hearing an appeal in respect of a determination of an application under regulations under section 78 or 79 requests it, a serving or retired officer of any regular service or reserve force may be appointed in accordance with subsection (4) to advise the tribunal on any relevant service matters.
- (4) The officer is to be appointed as follows—

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- (a) in the case of an appeal tribunal which is sitting in England and Wales, by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor;
- (b) in the case of an appeal tribunal which is sitting in Scotland, by the Lord President of the Court of Session;
- (c) in the case of an appeal tribunal which is sitting in Northern Ireland, the Lord Chancellor with the concurrence of the Lord Chief Justice of Northern Ireland.”

244 After section 92 insert—

“92A Sections 90 to 92: supplementary

- (1) In sections 90 and 91 “appropriate senior judge”, in relation to the appointment of a person to be a member of a panel, means—
 - (a) if the person is to be appointed to exercise functions wholly or mainly in relation to England and Wales, the Lord Chief Justice of England and Wales;
 - (b) if the person is to be appointed to exercise functions wholly or mainly in relation to Scotland, the Lord President of the Court of Session;
 - (c) if the person is to be appointed to exercise functions wholly or mainly in relation to Northern Ireland, the Lord Chief Justice of Northern Ireland.
- (2) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise any of his functions under sections 90 to 92.
- (3) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise any of his functions under sections 90 to 92.
- (4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise any of his functions under sections 90 to 92—
 - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

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