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*Changes to legislation:* Tribunals, Courts and Enforcement Act 2007, Cross Heading: Terms of appointment is up to date with all changes known to be in force on or before 20 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) View outstanding changes

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## SCHEDULES

### SCHEDULE 3 U.K.

#### JUDGES AND OTHER MEMBERS OF THE UPPER TRIBUNAL

##### *Terms of appointment*

- 4 (1) This paragraph applies—
- (a) to a person appointed under paragraph 1(1) or 2(1),
  - (b) to a transferred-in judge of the Upper Tribunal, and
  - (c) to a transferred-in other member of the Upper Tribunal.
- (2) If the terms of the person's appointment provide that he is appointed on a salaried (as opposed to fee-paid) basis, the person may be removed from office—
- (a) only by the Lord Chancellor (and in accordance with paragraph 3), and
  - (b) only on the ground of inability or misbehaviour.
- [<sup>F1</sup>(2A) If the terms of the person's appointment provide that the person is appointed on a fee-paid basis, the person may be removed from office—
- (a) only by the Lord Chancellor (and in accordance with paragraph 3), and
  - (b) only on—
    - (i) the ground of inability or misbehaviour, or
    - (ii) a ground specified in the person's terms of appointment.
- (2B) If the period (or extended period) for which the person is appointed ends before—
- (a) the day on which the person attains the age of [<sup>F2</sup>75]
  - <sup>F3</sup>(b) .....
- then, subject to sub-paragraph (2C), the Lord Chancellor must extend the period of the person's appointment (including a period already extended under this sub-paragraph) before it ends.
- (2C) Extension under sub-paragraph (2B)—
- (a) requires the person's agreement,
  - (b) is to be for such period as the Lord Chancellor considers appropriate, and
  - (c) may be refused on—
    - (i) the ground of inability or misbehaviour, or
    - (ii) a ground specified in the person's terms of appointment,but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.]
- (3) Subject to [<sup>F4</sup>the preceding provisions of this paragraph (but subject in the first place] to the Judicial Pensions and Retirement Act 1993 (c. 8)), the person is to hold and vacate office as a judge, or other member, of the Upper Tribunal in accordance with the terms of his appointment[<sup>F5</sup>, which are to be such as the Lord Chancellor may determine].

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#### **Textual Amendments**

- F1** Sch. 3 para. 4(2A)-(2C) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 13 para. 46(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F2** Word in Sch. 3 para. 4(2B)(a) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), **Sch. 1 para. 36(3)(a)** (with Sch. 1 para. 43)
- F3** Sch. 3 para. 4(2B)(b) omitted (10.3.2022) by virtue of [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), **Sch. 1 para. 36(3)(b)** (with Sch. 1 para. 43)
- F4** Words in Sch. 3 para. 4(3) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 13 para. 46(5)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F5** Words in Sch. 3 para. 4(3) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 13 para. 46(5)(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

**Changes to legislation:**

Tribunals, Courts and Enforcement Act 2007, Cross Heading: Terms of appointment is up to date with all changes known to be in force on or before 20 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.

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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. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)