

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Paragraph 7 is up to date with all changes known to be in force on or before 15 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 3

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

##### *Deputy judges of the Upper Tribunal*

- 7 (1) The [<sup>F1</sup>Senior President of Tribunals] may appoint a person to be a deputy judge of the Upper Tribunal for such period as the Lord Chancellor considers appropriate.
- (2) A person is eligible for appointment under sub-paragraph (1) only if he is eligible to be appointed under paragraph 1(1) (see paragraph 1(2)).
- (3) [<sup>F2</sup>The following provisions of this paragraph] apply—
- (a) to a person appointed under sub-paragraph (1), and
  - (b) to a person who becomes a deputy judge of the Upper Tribunal as a result of provision under section 31(2).
- [<sup>F3</sup>(3A) 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.
- (3B) 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>F4</sup>75]
  - <sup>F5</sup>(b) .....
- then, subject to sub-paragraph (3C), the Lord Chancellor must extend the period of the person's appointment (including a period already extended under this sub-paragraph) before it ends.
- (3C) Extension under sub-paragraph (3B)—
- (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.
- (4) Subject to the previous provisions of this paragraph (but subject in the first place to the Judicial Pensions and Retirement Act 1993), a person is to hold and vacate office as a deputy judge of the Upper Tribunal in accordance with the person's terms of appointment, which are to be such as the Lord Chancellor may determine.]

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- (5) The Lord Chancellor may pay to a person to whom this sub-paragraph applies such amounts (if any) as the Lord Chancellor may determine by way of—
- (a) remuneration;
  - (b) allowances;
  - (c) expenses.

#### **Textual Amendments**

- F1** Words in Sch. 3 para. 7(1) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 46\(6\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F2** Words in Sch. 3 para. 7(3) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 46\(7\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F3** Sch. 3 para. 7(3A)-(3C) substituted for Sch. 3 (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 46\(8\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F4** Word in Sch. 3 para. 7(3B)(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\(4\)\(a\)](#) (with Sch. 1 para. 43)
- F5** Sch. 3 para. 7(3B)(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\(4\)\(b\)](#) (with Sch. 1 para. 43)

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