



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 2

JUDICIAL APPOINTMENTS

54 Continuation of judicial office after normal retirement date

- (1) Section 26 of the Judicial Pensions and Retirement Act 1993 (c. 8) (retirement date for holders of certain judicial offices etc.) is amended as follows.
- (2) In subsection (12), in the definition of “the appropriate person”, after paragraph (c) insert “;
 - (d) the Senior President of Tribunals in the case of a person who holds a judicial office that—
 - (i) is specified in subsection (12A) below, and
 - (ii) is not in the person's case an office to which any of paragraphs (a) to (c) above applies;
 - (e) the Lord Chief Justice of England and Wales in the case of a person who holds a judicial office that is not in the person's case an office to which any of paragraphs (a) to (d) applies;”.
- (3) After subsection (12) insert—

“(12A) The judicial offices mentioned in paragraph (d) of the definition of “appropriate person” in subsection (12) above are—

 - (a) Chamber President, or Deputy Chamber President, of a chamber of the First-tier Tribunal or of a chamber of the Upper Tribunal;
 - (b) judge, or other member, of the First-tier Tribunal or of the Upper Tribunal appointed under paragraph 1(1) or 2(1) of Schedule 2 or 3 to the Tribunals, Courts and Enforcement Act 2007 (“the 2007 Act”);

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Section 54 is up to date with all changes known to be in force on or before 24 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](#)

- (c) deputy judge of the Upper Tribunal appointed under paragraph 7(1) of Schedule 3 to the 2007 Act, except in a case where the holding of the office by the person in question falls within subsection (7)(ga) above;
 - (d) transferred-in judge, or transferred-in other member, of the First-tier Tribunal or of the Upper Tribunal (see section 31(2) of the 2007 Act);
 - (e) deputy judge of the Upper Tribunal by virtue of an order under section 31(2) of the 2007 Act;
 - (f) an office held by a person if the person's holding of the office results in the person being a member of, or person who is, a tribunal in a list in Schedule 6 to the 2007 Act that has effect for the purposes of section 30 of that Act (but only if the office is specified in Schedule 5 to this Act);
 - (g) President or other member of the Asylum and Immigration Tribunal;
 - (h) member of the Employment Appeal Tribunal appointed under section 22(1)(c) of the Employment Tribunals Act 1996;
 - (i) member of a panel of chairmen of employment tribunals.
- (12B) Neither paragraph (d) nor paragraph (e) of the definition of “appropriate person” in subsection (12) above applies to an office held by a person if provision about that person's continuation in the office after the compulsory retirement date for the office—
- (a) would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament, or
 - (b) would be within the legislative competence of the Northern Ireland Assembly if it were included in an Act of that Assembly.”
- (4) In subsection (13) (Lord Chief Justices to exercise functions under section with concurrence of Lord Chancellor), after “Northern Ireland” insert “ or the Senior President of Tribunals ”.

Changes to legislation:

Tribunals, Courts and Enforcement Act 2007, Section 54 is up to date with all changes known to be in force on or before 24 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.

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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)