

SCHEDULES

SCHEDULE 13

JUDICIAL APPOINTMENTS

PART 4

JUDICIAL APPOINTMENTS: SELECTION, AND TRANSFER OF POWERS OF LORD CHANCELLOR

Other changes in relation to selection process and complaints

- 64 (1) Section 85 (sections 86 to 93 apply in relation to appointment of puisne judges of the High Court or to offices listed in Schedule 14) is amended as follows.
- (2) In subsection (1)—
- (a) for “93” substitute “88”,
 - (b) in paragraph (c) before “Part 2 or 3” insert “Table 1 of”, and
 - (c) after paragraph (c) insert—
 - “(d) an appointment to an office listed in Table 2 of Part 2 of that Schedule in exercise of the Lord Chief Justice’s function under the enactment listed opposite that office;
 - (e) an appointment to an office listed in Table 2 of Part 3 of that Schedule in exercise of the function of the Senior President of Tribunals under the enactment listed opposite that office.”
- (3) In subsection (2) for “96” substitute “94C and regulations made under it”.
- (4) After subsection (4) insert—
- “(5) The Lord Chancellor may by order provide that this section does not apply to appointments to an office listed in Schedule 14 that is specified in the order.
- (6) An office may not be specified in an order under subsection (5) if—
- (a) the provisions governing appointment to the office provide that a person is eligible for appointment only where the person satisfies the single condition specified in the provisions, and
 - (b) that condition is one of the conditions listed in subsection (8).
- (7) An office may not be specified in an order under subsection (5) if—
- (a) the provisions governing appointment to the office provide that a person is eligible for appointment only where the person satisfies one or some other particular number or all, or at least one or at least some other particular number, of several conditions specified in the provisions, and

Status: This is the original version (as it was originally enacted).

- (b) at least one of the conditions specified in the provisions is listed in subsection (8).
- (8) The conditions are—
- (a) that the person satisfies the judicial-appointment eligibility condition on an N-year basis (where N is a particular number);
 - (b) that the person is a solicitor in Scotland of at least a particular number of years' standing;
 - (c) that the person is an advocate in Scotland of at least a particular number of years' standing;
 - (d) that the person is a solicitor in Northern Ireland of at least a particular number of years' standing;
 - (e) that the person is a barrister in Northern Ireland of at least a particular number of years' standing.
- (9) Before making an order under subsection (5) the Lord Chancellor must consult the Lord Chief Justice, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland.
- (10) An order under subsection (5)—
- (a) may make different provision for different purposes;
 - (b) may make consequential, transitory, transitional or saving provision.”