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**Changes to legislation:** Wales Act 2017, Paragraph 7 is up to date with all changes known to be in force on or before 30 May 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 5 **U.K.**

#### PRESIDENT OF WELSH TRIBUNALS

#### PART 2 **U.K.**

##### SELECTION BY THE JUDICIAL APPOINTMENTS COMMISSION

###### *Regulations about selection*

- 7 (1) The Lord Chancellor must by regulations made with the agreement of the Lord Chief Justice and the Welsh Ministers—
- (a) make further provision about the process to be applied in a case where the Commission receives a request under paragraph 2(5);
  - (b) make further provision about—
    - (i) membership of selection panels appointed under paragraph 4, and
    - (ii) the process that is to be applied in a case where a selection panel is required to be appointed under that paragraph;
  - (c) secure, subject to paragraph 8 and any provision within sub-paragraph (2)(d) that is included in the regulations, that in every case referred to paragraph (a) or (b)(ii) there will come a point in the process when a selection has to be accepted, either unconditionally or subject only to matters such as the selected person's willingness and availability, by or on behalf of the Lord Chief Justice.
- (2) The regulations may in particular—
- (a) provide for process additional to the selection process applied under paragraph 4(4), including post-acceptance process;
  - (b) make provision as to things that are, or as to things that are not, to be done—
    - (i) as part of the selection process applied under paragraph 4(4), or
    - (ii) in determining what that process is to be;
  - (c) provide for paragraph 4(4)(c) not to apply where, or to the extent that, the Commission decides that the selection process applied under paragraph 4(4) has not identified candidates of sufficient merit for it to comply with paragraph 4(4)(c);
  - (d) give powers to the Lord Chief Justice, including—
    - (i) power to require a selection panel to reconsider a selection under paragraph 4(4) or any subsequent selection,
    - (ii) power to reject a selection under paragraph 4(4) or any subsequent selection, and
    - (iii) power to require the reconsideration of a decision mentioned in paragraph (c);

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- (e) provide for particular action to be taken by the Commission or a selection panel after the panel has complied with paragraph 4;
- (f) provide for the dissolution of a selection panel appointed under paragraph 4;
- (g) provide for a person to cease to be a member of such a panel where the person's membership of the panel ceases to contribute to meeting a requirement about the panel's members;
- (h) provide for a person to become a member of such a panel where another person ceases to be a member of the panel or where another person's membership of the panel ceases to contribute to meeting a requirement about the panel's members;
- (i) make provision for or in connection with assessments, whether pre-acceptance or post-acceptance, of the health of persons selected;
- (j) provide for the Lord Chief Justice to nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions given to the Lord Chief Justice by the regulations;
- (k) make provision as to the meaning of “non-legally-qualified” and “judicial member” in paragraph 4(3).

(3) Regulations under this paragraph—

- (a) may make different provision for different purposes;
- (b) may make transitory, transitional or saving provision.

(4) The power to make regulations under this paragraph is exercisable by statutory instrument.

A statutory instrument containing regulations under this paragraph may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(5) This paragraph is subject to paragraph 8.

#### **Commencement Information**

- II** [Sch. 5 para. 7](#) in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by [S.I. 2017/351](#), [reg. 2](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) transitional and savings provisions for commencing S.I. 2017/1179 by [S.I. 2018/278](#) reg. 2Sch.