

SCHEDULES

SCHEDULE 1

RETIREMENT DATE FOR HOLDERS OF JUDICIAL OFFICES ETC

PART 2

TRANSITIONAL PROVISION

General

- 43 An amendment made by Part 1 of this Schedule has effect in relation to a person appointed to an office to which the amendment relates whether the person was appointed before or after the coming into force of the amendment.

Lay justices in England and Wales

- 44 (1) This paragraph applies if on the commencement date—
- (a) a person's name is on the supplemental list, and
 - (b) the person is aged between 70 and 75.
- (2) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, direct that the person's name be removed from the supplemental list for a period specified in the direction ("the temporary period").
- (3) A direction under sub-paragraph (2) may be made only if—
- (a) the person has applied for their name to be removed, and
 - (b) the Lord Chancellor is satisfied that the direction is expedient as a temporary measure in order to facilitate the disposal of business in the magistrates' courts or the family court.
- (4) The temporary period must end no later than the day on which the person attains the age of 75.
- (5) Subject to that, the Lord Chancellor may, with the concurrence of the Lord Chief Justice, amend a direction under sub-paragraph (2) to extend the temporary period, if the Lord Chancellor is satisfied that the extension of the period would be expedient as a temporary measure in order to facilitate the disposal of business in the magistrates' courts or the family court.
- (6) The power in sub-paragraph (2) may be exercised more than once.
- (7) Where the person's name was entered on the supplemental list as a result of section 13(4) or (5) of the Courts Act 2003, section 14(2) of that Act does not apply to the removal of the person's name from the list.

Status: This is the original version (as it was originally enacted).

- (8) A person’s name that, as a result of sub-paragraph (2), is not in the supplemental list must be entered in the list at the end of the temporary period.
- (9) The Lord Chief Justice may nominate a judicial office holder as defined in section 109(4) of the Constitutional Reform Act 2005 to exercise functions of the Lord Chief Justice under this paragraph.
- (10) In this paragraph—
 - (a) “the commencement date” means the date on which the amendments made by paragraph 33 come into force;
 - (b) “the supplemental list” has the meaning given by section 12 of the Courts Act 2003 (and references to entry in and removal from the supplemental list are to be construed accordingly).

Lay magistrates in Northern Ireland

- 45 (1) If—
- (a) a person ceased to hold office before the commencement date by virtue of section 4(11) of the [Justice Act \(Northern Ireland\) 2015 \(c. 9 \(N.I.\)\)](#), and
 - (b) the person has not attained the age of 75,
- the Northern Ireland Judicial Appointments Commission may appoint the person as a lay magistrate under this paragraph.
- (2) For the purposes of sub-paragraph (1)—
 - (a) section 4(5) of that Act (which prohibits the appointment of a lay magistrate unless certain training requirements are met) is to be ignored, and
 - (b) the reference in section 4(7) of that Act to eligibility for appointment as a lay magistrate includes eligibility for appointment under this paragraph.
 - (3) In this paragraph “the commencement date” means the date on which the amendment made by paragraph 25(4)(d) takes effect.