
STATUTORY INSTRUMENTS

2013 No. 2192

The Judicial Appointments Regulations 2013

PART 3

Selection of Heads of Division

Membership of selection panel

11.—(1) A selection panel appointed under section 70(1) to select a person for appointment as a Head of Division must consist of five members.

(2) The first member is the Lord Chief Justice or the Lord Chief Justice's nominee, unless paragraph (8) applies.

(3) Unless paragraph (8) applies, the second member is the most senior England and Wales Supreme Court judge who is neither disqualified nor incapacitated, or that judge's nominee.

(4) The third member is the chairman of the Commission or the chairman of the Commission's nominee, unless paragraph (9) applies.

(5) The fourth member is a lay member of the Commission designated by the third member.

(6) The fifth member is a person designated by the first member after consulting the third member.

(7) Paragraph (8) applies if—

- (a) there is no Lord Chief Justice;
- (b) the Lord Chief Justice is disqualified; or
- (c) the Lord Chief Justice is incapacitated.

(8) In those cases—

- (a) the most senior England and Wales Supreme Court judge who is neither disqualified nor incapacitated, or that judge's nominee, is the first member; and
- (b) the second member is the nominee of the first member.

(9) If—

- (a) there is no chairman of the Commission;
- (b) the chairman of the Commission is incapacitated; or
- (c) the chairman of the Commission is unavailable and has not nominated a person under paragraph (4),

the third member is a lay member of the Commission selected by the lay members of the Commission other than the chairman of the Commission.

(10) Only the following may be a nominee under paragraph (2), (3) or (8)—

- (a) an England and Wales Supreme Court judge;
- (b) a Head of Division; or
- (c) a Lord Justice of Appeal.

- (11) Only a lay member of the Commission may be a nominee under paragraph (4).
- (12) Only the following may be designated under paragraph (6)—
 - (a) an England and Wales Supreme Court judge;
 - (b) a senior judge (as defined by section 109(5));
 - (c) the holder of an office listed in Schedule 14; or
 - (d) a member of the Commission.
- (13) The following also apply to nominees, or those designated, under this regulation—
 - (a) a person may not be a nominee, or a designated member, if that person is disqualified;
 - (b) a person may not be appointed to the selection panel as the nominee of, or designated by, more than one person;
 - (c) a person appointed to the selection panel otherwise than as a nominee or as a designated member may not be a nominee or designated member.
- (14) The first member is the chairman of the selection panel.
- (15) A person is disqualified for the purposes of this regulation if—
 - (a) the person is the holder of the office for which a selection is to be made;
 - (b) the person is willing to be considered for selection.
- (16) Paragraph (17) applies where a person chooses a person to be a member of a selection panel (whether as a nominee, as a designated member or otherwise).
- (17) The person making the choice must, in doing so, have regard (alongside all other relevant considerations) to the fact that it is desirable that the members of the selection panel should include—
 - (a) both women and men; and
 - (b) members drawn from a range of different racial groups (within the meaning of section 9(3) of the Equality Act 2010).