
STATUTORY INSTRUMENTS

2013 No. 2192

The Judicial Appointments Regulations 2013

PART 4

Selection of Senior President of Tribunals

Membership of selection panel

17.—(1) A selection panel appointed under section 75B(1) to select a person for appointment to the office of Senior President of Tribunals must consist of five members.

(2) The first member is the Lord Chief Justice or the Lord Chief Justice's nominee.

(3) The second member is a person designated by the first member.

(4) Unless paragraph (12) applies, the third member is the chairman of the Commission or the chairman of the Commission's nominee.

(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.

(7) A nominee of the first member under paragraph (2) must be a Head of Division or Lord Justice of Appeal.

(8) The second member must be—

- (a) a person who has held but who does not currently hold the office of Senior President of Tribunals;
- (b) a person who holds, or who has held, office as a Chamber President of a chamber of the First-tier Tribunal or of a chamber of the Upper Tribunal;
- (c) a person who is, or who has been, a judge of the Employment Appeal Tribunal nominated under section 22(1)(a) or (b) of the Employment Tribunals Act 1996⁽¹⁾;
- (d) a person who is, or who has been, the President of Employment Tribunals (England and Wales) appointed under regulation 4(1) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004⁽²⁾;
- (e) a person who is, or who has been, the President of Employment Tribunals (Scotland) appointed under regulation 4(2) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004⁽³⁾; or
- (f) a person who holds, or who has held, an office that, in the opinion of the Lord Chief Justice, is such that a holder of it would acquire knowledge or experience of tribunals broadly similar to that which would be acquired by a person who holds one of the offices referred to in sub-paragraphs (a) to (e).

(9) Before designating a person under paragraph (3), the first member must consult—

(1) 1996 c.17. Section 22(1)(a) has been amended by sections 15(1) and 146 of, and Schedule 4, Part 1, and Schedule 18, Part 2, to the Constitutional Reform Act 2005.

(2) S.I. 2004/1861. Regulation 4(1) has been amended by S.I. 2008/2683.

(3) Regulation 4(2) has also been amended by S.I. 2008/2683.

- (a) the Lord President of the Court of Session; and
 - (b) the Lord Chief Justice of Northern Ireland.
- (10) The person designated by the first member under paragraph (6) must be—
- (a) a member of the Commission;
 - (b) a member of the Judicial Appointments Board for Scotland; or
 - (c) a member of the Northern Ireland Judicial Appointments Commission.
- (11) Before designating a person under paragraph (6), the first member must consult—
- (a) the chairman of the Commission;
 - (b) the Charing Member of the Judicial Appointments Board for Scotland appointed under paragraph 9 of schedule 1 to the Judiciary and Courts (Scotland) Act 2008⁽⁴⁾; and
 - (c) the chairman of the Northern Ireland Judicial Appointments Commission appointed under section 3 of the Justice (Northern Ireland) Act 2002⁽⁵⁾.
- (12) 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.
- (13) Only a lay member of the Commission may be a nominee under paragraph (4).
- (14) 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 a designated member.
- (15) The first member is the chairman of the selection panel.
- (16) A person is disqualified for the purposes of this regulation if—
- (a) the person is the holder of the office of Senior President of Tribunals;
 - (b) the office of Senior President of Tribunals is vacant and the person is the immediately previous holder of that office; or
 - (c) the person is willing to be considered for selection.
- (17) Paragraph (18) 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).
- (18) 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).

(4) 2008 asp 6.

(5) 2002 c.26.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
