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STATUTORY INSTRUMENTS

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**2013 No. 2192**

**The Judicial Appointments Regulations 2013**

**PART 2**

**Selection of Lord Chief Justice**

**Membership of selection panel**

5.—(1) A selection panel appointed under section 70(1) to select a person for appointment to the office of Lord Chief Justice must consist of five members.

(2) The first member is the chairman of the Commission, unless paragraph (3) applies.

(3) 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,

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

(4) The first member is the chairman of the selection panel.

(5) The second member is the most senior England and Wales Supreme Court judge who is neither disqualified nor incapacitated, or that judge's nominee.

(6) The third member is a lay member of the Commission designated by the first member.

(7) The fourth member is a member of the Commission designated by the first member.

(8) The fifth member is a person designated by the Lord Chief Justice, unless paragraph (11) applies.

(9) Before designating a person under paragraph (7) as the fourth member, the first member must, if practicable, consult the Lord Chief Justice.

(10) Paragraph (11) applies if—

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

(11) In that case the most senior England and Wales Supreme Court judge who is neither disqualified nor incapacitated must, after consulting the first member, nominate a holder of one of the offices listed in paragraph (12) to be the fifth member.

(12) Only the following may be a nominee under paragraph (5) or (11) or a designated member under paragraph (8)—

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

(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) A person is disqualified for the purposes of this regulation if—
- (a) the person is the Lord Chief Justice;
  - (b) the office of Lord Chief Justice is vacant and the person is the immediate previous holder of that office; or
  - (c) the person is willing to be considered for selection.
- (15) Paragraph (16) 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).
- (16) 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<sup>(1)</sup>).

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(1) 2010 (c.15).