EXPLANATORY NOTE

(This note is not part of the Regulations)

Provisions concerning the appointment of persons as judges of the Supreme Court of the United Kingdom are set out in Part 3 of, and Schedule 8 to, the Constitutional Reform Act 2005 (c.4) (“the 2005 Act”). However section 20 of, and Schedule 13 to, the Crime and Courts Act 2013 (c.22) make a number of amendments to Part 3 of, and Schedule 8 to, the 2005 Act. In particular, provisions relating to the membership of selection commissions for the appointment of persons as judges of the Supreme Court and the selection process to be applied are no longer wholly set out in the 2005 Act itself but in regulations made under new section 27A of the 2005 Act.

These Regulations are made under section 27A of the 2005 Act. They contain amended provisions about the selection process for the appointment of persons as judges of the Supreme Court of the United Kingdom.

Part 2 of these Regulations contains provisions about the composition of a selection commission convened to select a person for appointment as the President of the Supreme Court.

Part 3 of these Regulations contains provisions about the composition of a selection commission convened to select a person for appointment as the Deputy President of the Supreme Court or for appointment as an ordinary judge of the Supreme Court.

Part 4 of these Regulations contains provisions about the disqualification of persons from membership of a selection commission under Part 2 or 3 and replacing members of a selection commission which has already been convened.

Part 5 of these Regulations contain provisions about the selection process itself, including consultation by the selection commission, the reporting of a selection to the Lord Chancellor and consultation by the Lord Chancellor. It also sets out the Lord Chancellor’s options in deciding upon the selection. The Lord Chancellor can accept a selection, reject a selection or require the selection commission to reconsider its selection.

Part 6 of these Regulations is a transitional provision. These Regulations only apply where the Lord Chancellor has convened a selection commission on or after 1st October 2013. Where the Lord Chancellor has convened a selection commission before this date, Part 1 of Schedule 13 to the Crime and Courts Act 2013 is treated as if it had not come into force and the legislation which it amends shall continue to have effect as if it had not been amended.