
STATUTORY INSTRUMENTS

2013 No. 2193

The Supreme Court (Judicial Appointments) Regulations 2013

PART 2

Selection Commission for appointment of President

Application of this Part

4. This Part applies where a selection commission is convened to select a person for appointment to the office of President under section 26(5) of the 2005 Act.

Composition of selection commission

5.—(1) The selection commission must consist of—

- (a) the Deputy President;
- (b) a senior UK judge nominated in accordance with regulation 7;
- (c) one member of each of the following bodies—
 - (i) the Judicial Appointments Commission;
 - (ii) the Judicial Appointments Board for Scotland;
 - (iii) the Northern Ireland Judicial Appointments Commission.

(2) Of the three members mentioned in paragraph (1)(c), at least two must be non-legally qualified.

(3) Paragraph (4) applies where a person nominates a person to be a member of a selection commission under regulation 7 or 9(2).

(4) The person making the nomination must, in doing so, have regard (alongside all other relevant considerations) to the fact that it is desirable that the members of the selection commission 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⁽¹⁾).

Provision where Deputy President's place on the selection commission is unfilled

6.—(1) Regulation 5(1)(a) does not apply if—

- (a) the office of Deputy President is vacant;
- (b) the Deputy President is disqualified under regulation 16; or
- (c) the Deputy President is unavailable to be a member of a selection commission.

(1) 2010 (c.15).

(2) Where the Deputy President's place on a selection commission is unfilled by virtue of paragraph (1), that place is to be taken by the most senior ordinary judge.

Senior UK judge

7.—(1) Unless paragraph (2) or (3) applies, the President—

- (a) must nominate a senior UK judge who is not disqualified under regulation 16; and
- (b) when making such a nomination must have due regard to the territorial composition of the selection commission.

(2) Where—

- (a) the office of President is already vacant; or
- (b) it appears to the Lord Chancellor that the person holding the office of President is for the time being incapacitated,

the Deputy President (unless the Deputy President is disqualified under regulation 16) must nominate a senior UK judge in accordance with paragraph (1) to sit on the selection commission.

(3) Where paragraph (2) applies and the Deputy President is disqualified under regulation 16, the most senior ordinary judge must nominate a senior UK judge in accordance with paragraph (1) to sit on the selection commission.

Chairman of selection commission

8.—(1) The chairman of the selection commission must be—

- (a) a member of one of the bodies referred to in regulation 5(1)(c); and
- (b) non-legally qualified.

(2) The first selection commission convened on or after the date on which these Regulations come into force must be chaired by a member of the Judicial Appointments Commission who has been nominated by the Judicial Appointments Commission to be chairman of the selection commission.

(3) Thereafter, the chairmanship of any selection commissions subsequently convened must be rotated between the following in the order that they are listed—

- (a) the Judicial Appointments Board for Scotland;
- (b) the Northern Ireland Judicial Appointments Commission;
- (c) the Judicial Appointments Commission.

(4) The chairman is to be nominated by the body of which he or she is a member.

Members of selection commission under regulation 5(1)(c)

9.—(1) The chairman of the selection commission must seek one nomination from each of those bodies mentioned in regulation 5(1)(c) of which the chairman of the selection commission is not a member.

(2) The Lord Chancellor may pay to any person nominated under paragraph (1) and to the chairman of the selection commission such allowances as the Lord Chancellor may determine.