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STATUTORY INSTRUMENTS

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**2013 No. 2193**

**The Supreme Court (Judicial Appointments) Regulations 2013**

**PART 4**

**Disqualification and replacement**

**Provision where a member of a selection commission's place is unfilled**

**17.**—(1) Where a senior UK judge's place on a selection commission is unfilled by virtue of paragraph (6), unless paragraph (2) or (3) applies, the President must nominate another person who is a senior UK judge and who is not disqualified under regulation 16 to be a member of the selection commission.

(2) Where—

- (a) the office of President is 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 must nominate another person who is a senior UK judge and who is not disqualified under regulation 16 to be a member of the selection commission.

(3) Where paragraph (2)(a) or (b) applies and the Deputy President is disqualified under regulation 16, the most senior ordinary judge must nominate another person who is a senior UK judge and who is not disqualified under regulation 16 to be a member of the selection commission.

(4) Where—

- (a) the place of a member of the Judicial Appointments Commission, the Judicial Appointments Board for Scotland or the Northern Ireland Judicial Appointments Commission on a selection commission is unfilled by virtue of paragraph (6); and
- (b) that person is not the chairman of the selection commission,

the chairman of the selection commission must seek a nomination from that body of another of its members to sit on the selection commission.

(5) Where regulation 8 applies but the place of the chairman of a selection commission is unfilled by virtue of paragraph (6), the body that was responsible for nominating that chairman to be a member of the selection commission must nominate another person to be the chairman of the selection commission.

(6) The circumstances referred to in paragraphs (1), (4) and (5) are where—

- (a) a member of the selection commission dies;
- (b) a member of the selection commission resigns his or her membership;
- (c) the Lord Chancellor gives the selection commission notice that it appears to the Lord Chancellor that a member of the commission is incapacitated from continuing to serve as a member;
- (d) a person who is a member of the selection commission by virtue of holding judicial office ceases to hold that office;

- (e) the person who is the chairman of the selection commission under regulation 8 ceases to be a member of the Judicial Appointments Commission, the Judicial Appointments Board for Scotland or the Northern Ireland Judicial Appointments Commission;
  - (f) a person nominated in accordance with regulation 9(2) or 13(2) ceases to be a member of the body that nominated him or her;
  - (g) a person who is a member of the selection commission by virtue of being non-legally qualified at the time of becoming a member ceases to be non-legally qualified; or
  - (h) a person is unavailable to be a member of the selection commission.
- (7) Where a person nominates a person to be a member of a selection commission under this regulation, 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 men and women; and
  - (b) members drawn from a range of different racial groups (within the meaning of section 9(3) of the Equality Act 2010).