
STATUTORY INSTRUMENTS

2017 No. 1282

**The Selection of the President of
Welsh Tribunals Regulations 2017**

Membership of selection panel

3.—(1) A selection panel appointed under paragraph 4(1) of Schedule 5 (appointment of panel) to select a person for appointment to the office of President of Welsh Tribunals must consist of five members.

(2) The first member, who is to be the chairperson of the panel, is a person designated by the Lord Chief Justice.

(3) A person designated under paragraph (2) must be a person who holds, or has held, office as a judge of the Supreme Court, a Lord Justice of Appeal or a puisne judge of the High Court.

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

(5) A person designated under paragraph (4) must be—

- (a) a person who has held the office of President of Welsh 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, the judicial lead of a Welsh Tribunal, or
- (d) a person who holds, or who has held, an office or other position that, in the opinion of the Lord Chief Justice, is such that a holder of it would acquire knowledge or experience broadly similar to that which would be acquired by a person who holds one of the offices referred to in sub-paragraphs (a) to (c).

(6) Unless paragraph (10) applies the third member is the chairman of the Commission⁽¹⁾ or the chairman's nominee.

(7) Only a lay member of the Commission⁽²⁾ may be a nominee under paragraph (6).

(8) The fourth member is a lay member of the Commission designated by the third member.

(9) The fifth member is a person designated by the Lord Chancellor with the agreement of Welsh Ministers.

(10) If—

- (a) there is no chairman of the Commission;
- (b) the chairman of the Commission is, in the opinion of the Lord Chief Justice, incapacitated, or
- (c) the chairman of the Commission is unavailable and has not nominated a person under paragraph (6),

(1) The Judicial Appointments Commission (see paragraph 2(5) of Schedule 5 to the Wales Act 2017).

(2) A lay member of the commission is a person who is appointed to be a member of the commission and who meets the criteria set out in regulation 8 of the Judicial Appointment Commission Regulations 2013 (S.I. 2013/2191) – see paragraphs 3B(2) (c) and 3C of Schedule 12 to the Constitutional Reform Act 2005.

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

- (11) A person may not, under this regulation—
- (a) be a nominee, or a designated member, if that person is disqualified under paragraph (12);
 - (b) be appointed to the selection panel as the nominee of, or designated by, more than one person;
 - (c) be appointed to the selection panel as a nominee or a designated member if they have been appointed to the panel otherwise than as a nominee, or as a designated member.
- (12) A person is disqualified for the purposes of this regulation if—
- (a) the person is the holder of the office of President of Welsh Tribunals;
 - (b) the office of the President of Welsh 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 as President of Welsh Tribunals.
- (13) Where a person chooses a person to be a member of a selection panel under this regulation 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;
 - (b) members drawn from a range of different racial groups (within the meaning of section 9(3) of the Equality Act 2010(3)), and
 - (c) members with an understanding of the administration of justice in Wales and Welsh devolution arrangements.

Commencement Information

II [Reg. 3](#) in force at 12.12.2017, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Selection of the President of Welsh Tribunals Regulations 2017, Section 3.