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Amend the Constitutional Reform Act 2005 to provide that the Prime Minister must recommend the person selected by a Joint Committee on Nominations to the Supreme Court; to make provision for a Joint Committee on Nominations to the Supreme Court and its functions; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Joint Committee on Nominations to the Supreme Court

- (1) Section 26 (selection of members to the court) of the Constitutional Reform Act 2005 is amended as follows.
- (2) For subsection (3)(a) substitute—
 - “(a) must recommend any person—
 - (i) who is nominated as a result of the convening of a selection commission under this section, and
 - (ii) who is selected by the Joint Committee on Nominations to the Supreme Court in the report published under section 27AA(6);”
- (3) In subsection (5), at the end insert “and notify the Joint Committee on Nominations to the Supreme Court of that person”.
- (4) In subsection (5A), at the end insert “and notify the Joint Committee on Nominations to the Supreme Court of that person.”
- (5) After section 27A insert the following new section—
 - “27AA Joint Committee on Nominations to the Supreme Court**
 - (1) There is to be a body known as the Joint Committee on Nominations to the Supreme Court (“the Committee”).
 - (2) The Committee is to consist of nine members of the House of Lords and ten members of the House of Commons.

- (3) Each member of the Committee is to be appointed by the House of Parliament from which the member is to be drawn.
- (4) A member appointed to the Committee may serve for the duration of that Parliament.
- (5) The Committee's functions are to— 5
- (a) undertake an inquiry on any person nominated to the Supreme Court under section 26 by any means the Committee considers appropriate, including conducting a pre-appointment hearing, and
- (b) select the nominated person for recommendation or reject them for appointment. 10
- (6) For the purposes of subsection (5), the Committee must publish a report setting out—
- (a) its conclusions from its inquiry on the nominated person, and
- (b) its conclusion on whether to select the nominated person for recommendation or reject them, including reasons and the result of any vote of the Committee.” 15

2 Minor, consequential and transitional provision

- (1) The Secretary of State may by regulations made by statutory instrument provide for minor, consequential or transitional amendments to the Constitutional Reform Act 2005 for the purposes of section 1 of this Act. 20
- (2) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

3 Extent, commencement and short title 25

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force at the end of the period of two months beginning on the day on which it is passed.
- (3) This Act may be cited as the Joint Committee on Nominations to the Supreme Court Act 2020. 30

Joint Committee on Nominations to the Supreme Court Bill [HL]

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Lord Blencathra

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