

Constitutional Reform Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Constitutional Affairs, will be published separately as Bill 18 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Mr Christopher Leslie has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Constitutional Reform Bill [HL] are compatible with the Convention rights.

Constitutional Reform Bill [HL]

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[NOTE: The words marked in bold type were inserted by the Lords to avoid questions of privilege.]

A
B I L L

TO

Make provision for modifying the office of Lord Chancellor, and to make provision relating to the functions of that office; to establish a Supreme Court of the United Kingdom, and to abolish the appellate jurisdiction of the House of Lords; to make provision about the jurisdiction of the Judicial Committee of the Privy Council and the judicial functions of the President of the Council; to make other provision about the judiciary, their appointment and discipline; 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:—

PART 1

THE RULE OF LAW

1 The rule of law

This Act does not adversely affect—

- (a) the existing constitutional principle of the rule of law, or
- (b) the Lord Chancellor’s existing constitutional role in relation to that principle.

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PART 2

ARRANGEMENTS TO MODIFY THE OFFICE OF LORD CHANCELLOR

Qualifications for office of Lord Chancellor

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2 Requirement of membership of the House of Lords

No person is qualified to be Lord Chancellor unless he is a member of the House of Lords.

3 Legal qualifications

- (1) A person is not qualified to be appointed Lord Chancellor unless he has at any time –
- (a) held high judicial office for a period of at least 2 years; or
 - (b) practised as a qualifying practitioner (as defined in section 22) for at least 12 years. 5
- (2) For the avoidance of doubt, a person serving as a law officer of the Crown is practising as a qualified practitioner.

*Continued judicial independence***4 Guarantee of continued judicial independence 10**

- (1) The Lord Chancellor, other Ministers of the Crown and all with responsibility for matters relating to the judiciary or otherwise to the administration of justice must uphold the continued independence of the judiciary.
- (2) Subsection (1) does not impose any duty which it would be within the legislative competence of the Scottish Parliament to impose. 15
- (3) A person is not subject to the duty imposed by subsection (1) if he is subject to the duty imposed by section 1(1) of the Justice (Northern Ireland) Act 2002 (c. 26).
- (4) The following particular duties are imposed for the purpose of upholding that independence. 20
- (5) The Lord Chancellor and other Ministers of the Crown must not seek to influence particular judicial decisions through any special access to the judiciary.
- (6) The Lord Chancellor (“the Minister”) must have regard to –
- (a) the need to defend that independence; 25
 - (b) the need for the judiciary to have the support necessary to enable them to exercise their functions;
 - (c) the need for the public interest in regard to matters relating to the judiciary or otherwise to the administration of justice to be properly represented in decisions affecting those matters. 30
- (7) In this section “the judiciary” includes the judiciary of any of the following –
- (a) the Supreme Court;
 - (b) any other court established under the law of any part of the United Kingdom;
 - (c) any international court. 35
- (8) In subsection (7) “international court” means the International Court of Justice or any other court or tribunal which exercises jurisdiction, or performs functions of a judicial nature, in pursuance of –
- (a) an agreement to which the United Kingdom or Her Majesty’s Government in the United Kingdom is a party, or 40
 - (b) a resolution of the Security Council or General Assembly of the United Nations.

5 Guarantee of continued judicial independence: Northern Ireland

- (1) For section 1 of the Justice (Northern Ireland) Act 2002 (c. 26) (guarantee of continued judicial independence) substitute –

“1 Guarantee of continued judicial independence

- (1) The following persons must uphold the continued independence of the judiciary – 5
- (a) the First Minister,
 - (b) the deputy First Minister,
 - (c) Northern Ireland Ministers, and
 - (d) all with responsibility for matters relating to the judiciary or otherwise to the administration of justice, where that responsibility is to be discharged only in or as regards Northern Ireland. 10
- (2) The following particular duty is imposed for the purpose of upholding that independence. 15
- (3) The First Minister, the deputy First Minister and Northern Ireland Ministers must not seek to influence particular judicial decisions through any special access to the judiciary.
- (4) In this section “the judiciary” includes the judiciary of any of the following – 20
- (a) the Supreme Court;
 - (b) any other court established under the law of any part of the United Kingdom;
 - (c) any international court.
- (5) In subsection (4) “international court” means the International Court of Justice or any other court or tribunal which exercises jurisdiction, or performs functions of a judicial nature, in pursuance of – 25
- (a) an agreement to which the United Kingdom or Her Majesty’s Government in the United Kingdom is a party, or
 - (b) a resolution of the Security Council or General Assembly of the United Nations.” 30
- (2) In section 91(2) of that Act (extent: provisions not restricted to Northern Ireland), before paragraph (a) insert –
- “(za) section 1,”.

The judiciary and the courts 35

6 Representations to Parliament

- (1) The chief justice of any part of the United Kingdom may lay before Parliament written representations on matters that appear to him to be matters of importance relating to the judiciary, or otherwise to the administration of justice, in that part of the United Kingdom. 40
- (2) But in relation to Scotland those matters do not include matters within the legislative competence of the Scottish Parliament, unless they are matters to which a bill for an Act of Parliament relates.

- (3) In this section “chief justice” means—
- (a) in relation to England and Wales or Northern Ireland, the Lord Chief Justice of that part of the United Kingdom;
 - (b) in relation to Scotland, the Lord President of the Court of Session.

7 President of the Courts of England and Wales 5

- (1) The Lord Chief Justice holds the office of President of the Courts of England and Wales and is Head of the Judiciary of England and Wales.
- (2) As President of the Courts of England and Wales he is responsible—
- (a) for representing the views of the judiciary of England and Wales to Parliament, to the Minister and to Ministers of the Crown generally; 10
 - (b) for the maintenance of appropriate arrangements for the welfare, training and guidance of the judiciary of England and Wales within the resources made available by the Minister;
 - (c) for the maintenance of appropriate arrangements for the deployment of the judiciary of England and Wales and the allocation of work within courts. 15
- (3) The President of the Courts of England and Wales is president of the courts listed in subsection (4) and is entitled to sit in any of those courts.
- (4) The courts are—
- the Court of Appeal 20
 - the High Court
 - the Crown Court
 - the county courts
 - the magistrates’ courts.
- (5) In section 1 of the Supreme Court Act 1981 (c. 54), subsection (2) (Lord Chancellor to be president of the Supreme Court of England and Wales) ceases to have effect. 25

8 Head and Deputy Head of Criminal Justice

- (1) There is to be a Head of Criminal Justice.
- (2) The Head of Criminal Justice is— 30
- (a) the Lord Chief Justice, or
 - (b) if the Lord Chief Justice appoints another person, that person.
- (3) The Lord Chief Justice may appoint a person to be Deputy Head of Criminal Justice.
- (4) The Lord Chief Justice must not appoint a person under subsection (2)(b) or (3) unless these conditions are met— 35
- (a) the Lord Chief Justice has consulted the Minister;
 - (b) the person to be appointed is an ordinary judge of the Court of Appeal.
- (5) A person appointed under subsection (2)(b) or (3) holds the office to which he is appointed in accordance with the terms of his appointment. 40

9 Head and Deputy Head of Family Justice

- (1) The President of the Family Division is Head of Family Justice.
- (2) The Lord Chief Justice may appoint a person to be Deputy Head of Family Justice.
- (3) The Lord Chief Justice must not appoint a person under subsection (2) unless these conditions are met –
 - (a) the Lord Chief Justice has consulted the Minister;
 - (b) the person to be appointed is an ordinary judge of the Court of Appeal.
- (4) A person appointed as Deputy Head of Family Justice holds that office in accordance with the terms of his appointment.

10 Powers to make rules

- (1) Part 1 of Schedule 1 sets out a process for the exercise of rule-making powers.
- (2) Part 2 of the Schedule contains amendments of Acts that contain rule-making powers.
- (3) Those amendments –
 - (a) provide for those powers to be exercised in accordance with the process set out in Part 1 of the Schedule, and
 - (b) make consequential provision.

11 Powers to give directions

- (1) Part 1 of Schedule 2 sets out a process for the exercise of powers to give directions.
- (2) Part 2 of the Schedule contains amendments of Acts that contain powers to give directions.
- (3) Those amendments –
 - (a) provide for those powers to be exercised in accordance with the process set out in Part 1 of the Schedule, and
 - (b) make consequential provision.

12 Transfer of appointment functions to Her Majesty

Schedule 3 provides for –

- (a) Her Majesty instead of the Lord Chancellor to make appointments to certain offices, and
- (b) the modification of enactments relating to those offices.

13 Other functions of the Lord Chancellor and organisation of the courts

Schedule 4 provides for –

- (a) the transfer of certain functions of the Lord Chancellor,
- (b) the modification of other functions of the Lord Chancellor,
- (c) the modification of enactments relating to those functions, and
- (d) the modification of enactments relating to the organisation of the courts.

*Lord Chancellor's oath***14 Lord Chancellor's oath**

- (1) In the Promissory Oaths Act 1868 (c. 72) after section 6 insert –

“6A Lord Chancellor's Oath

- (1) The oath set out in subsection (2) shall be tendered to and taken by the Lord Chancellor, after and in the same manner as the official oath, as soon as may be after his acceptance of office. 5
- (2) The oath is –
- “I, _____, do swear that in the office of Lord High Chancellor of Great Britain I will respect the rule of law, defend the independence of the judiciary and discharge my duty to ensure the provision of resources for the efficient and effective support of the courts for which I am responsible. So help me God.”” 10
- (2) The section inserted by subsection (1) does not apply in the case of acceptance of office before the coming into force of this section. 15

*Speakership of the House of Lords***15 Speakership of the House of Lords**

- Schedule 5 contains amendments relating to the Speakership of the House of Lords. 20

*Functions subject to transfer, modification or abolition***16 Transfer, modification or abolition of functions by order**

- (1) The Minister may by order make provision for any of these purposes –
- (a) to transfer an existing function of the Minister to another person;
- (b) to direct that an existing function of the Minister is to be exercisable concurrently with another person; 25
- (c) to direct that an existing function of the Minister exercisable concurrently with another person is to cease to be exercisable by the Minister;
- (d) to modify an existing function of the Minister; 30
- (e) to abolish an existing function of the Minister.
- (2) An order under subsection (1) may in particular –
- (a) amend or repeal any of the following –
- (i) an enactment other than one contained in an Act passed, or Northern Ireland legislation passed or made, after the Session in which this Act is passed; 35
- (ii) subordinate legislation other than subordinate legislation made under an Act passed, or Northern Ireland legislation passed or made, after the Session in which this Act is passed;
- (iii) any other instrument or document, including a prerogative instrument; 40

- (b) include—
 - (i) any supplementary, incidental or consequential provision, and
 - (ii) any transitory, transitional or saving provision,
which the Minister considers necessary or expedient for the purposes
of, in consequence of, or for giving full effect to, provision made under
subsection (1). 5
- (3) The amendments that may be made by virtue of subsection (2)(a) are in
addition to those made by or under any other provision of this Act.
- (4) An order under subsection (1) may not include provision that may be made
under section 1(1) of the Ministers of the Crown Act 1975 (c. 26) (power to
transfer functions to other Ministers etc). 10
- (5) An order under subsection (1) may not be made in relation to any function of
the Minister that is within Schedule 6.
- (6) An order under subsection (1) may amend Schedule 6 so as to include any
function which, by virtue of provision in the order— 15
 - (a) becomes exercisable by the Lord Chancellor concurrently with another
person, or
 - (b) is modified.
- (7) An order under subsection (1) may not, to the extent that it amends Schedule
6, be revoked by another order under subsection (1). 20
- (8) In this section—
 - “existing function” means any function other than one that is conferred
by—
 - (a) an Act passed, or Northern Ireland legislation passed or made,
after the Session in which this Act is passed, or 25
 - (b) subordinate legislation made under an Act passed, or Northern
Ireland legislation passed or made, after the Session in which
this Act is passed;
 - “prerogative instrument” means an Order in Council, warrant, charter or
other instrument made under the prerogative. 30

17 Protected functions not transferable under Ministers of the Crown Act 1975

- (1) The Ministers of the Crown Act 1975 is amended as follows.
- (2) In section 1 (power by Order in Council to transfer functions of Ministers), after
subsection (5) insert—
 - “(6) This section does not apply to the functions of the Lord Chancellor that
are within Schedule 6 to the Constitutional Reform Act 2005. 35
 - (7) An Order in Council under this section may amend Schedule 6 to the
Constitutional Reform Act 2005 so as to include any function which, by
virtue of provision in the Order in Council—
 - (a) is transferred to the Lord Chancellor, 40
 - (b) becomes exercisable by the Lord Chancellor concurrently with
another person, or
 - (c) remains exercisable by the Lord Chancellor but ceases to be
exercisable concurrently with another person.

- (8) An Order in Council under this section may not, to the extent that it amends Schedule 6 to the Constitutional Reform Act 2005, be revoked by another Order in Council under this section.”
- (3) After section 5(3) (Orders under Act to be revocable) insert –
- “(3A) Subsection (3) is subject to section 1(8).” 5
- 18 Amendment of Schedule 6**
- (1) The Minister may by order amend Schedule 6 so as to include within that Schedule any function of the Minister under an enactment, other than an enactment contained in an Act passed, or Northern Ireland legislation passed or made, after the Session in which this Act is passed. 10
- (2) For the purposes of subsection (1) it does not matter whether a function of the Minister is exercisable by him alone or concurrently with another person.
- (3) An order made under this section may not be revoked by an order made under this section.
- Supplementary* 15
- 19 Transfers: supplementary**
- (1) This section applies where a function of the Minister is transferred to another person (“the transferee”) by any provision of this Act or of an order under section 16 (“the amending provision”).
- (2) Where the transferee is Her Majesty, references to the transferee in the following provisions of this section are to be read as references to the Minister. 20
- (3) The transfer does not affect the validity of anything done (or having effect as if done) by or in relation to the Lord Chancellor before the commencement of the amending provision.
- (4) So far as is necessary in consequence of the transfer, an enactment or instrument passed or made before the commencement of the provision has effect, subject to any amendment made by the amending provision or any other provision of this Act, as if – 25
- (a) a reference to the Lord Chancellor were a reference to the transferee;
- (b) a reference to the Lord Chancellor’s Department were a reference to the department of the transferee; 30
- (c) a reference to an officer of the Lord Chancellor were a reference to an officer of the transferee.
- (5) Anything done by or in relation to the Lord Chancellor in connection with the function has effect, so far as is necessary for continuing its effect after the commencement of the amending provision, as if done by or in relation to the transferee. 35
- (6) Anything which relates to the function and which is in the process of being done by or in relation to the Lord Chancellor at the commencement of the amending provision may be continued by or in relation to the transferee. 40

- (7) Legal proceedings to which the Lord Chancellor is party in relation to the function at the commencement of the amending provision may be continued by or against the transferee.
- (8) Documents or forms printed for use in connection with the function may be used in connection with it even though they contain (or are to be read as containing) references to the Lord Chancellor, his Department or an officer of his. 5
- (9) For the purposes of the use of any such documents after the commencement of the amending provision, those references are to be read as references to the transferee, his department or an officer of his. 10

PART 3

THE SUPREME COURT

The Supreme Court

20 The Supreme Court

- (1) There is to be a Supreme Court of the United Kingdom. 15
- (2) The Court consists of 12 judges appointed by Her Majesty by letters patent.
- (3) Her Majesty may from time to time by Order in Council amend subsection (2) so as to increase or further increase the number of judges of the Court.
- (4) No recommendation may be made to Her Majesty in Council to make an Order under subsection (3) unless a draft of the Order has been laid before and approved by resolution of each House of Parliament. 20
- (5) Her Majesty may by letters patent appoint one of the judges to be President and one to be Deputy President of the Court.
- (6) The judges other than the President and Deputy President are to be styled “Justices of the Supreme Court”. 25
- (7) The Court is to be taken to be duly constituted despite any vacancy among the judges of the Court or in the office of President or Deputy President.

21 First members of the Court

On the commencement of section 20—

- (a) the persons who immediately before that commencement are Lords of Appeal in Ordinary become judges of the Supreme Court, 30
- (b) the person who immediately before that commencement is the senior Lord of Appeal in Ordinary becomes the President of the Court, and
- (c) the person who immediately before that commencement is the second senior Lord of Appeal in Ordinary becomes the Deputy President of the Court. 35

*Appointment of judges***22 Qualification for appointment**

- (1) A person is not qualified to be appointed a judge of the Supreme Court unless he has (at any time) –
- (a) held high judicial office for a period of at least 2 years, or 5
 - (b) been a qualifying practitioner for a period of at least 15 years.
- (2) A person is a qualifying practitioner for the purposes of this section at any time when –
- (a) he has a Supreme Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41), 10
 - (b) he is an advocate in Scotland or a solicitor entitled to appear in the Court of Session and the High Court of Justiciary, or
 - (c) he is a member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Judicature of Northern Ireland.

23 Selection of members of the Court

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- (1) This section applies to a recommendation for an appointment to one of the following offices –
- (a) judge of the Supreme Court;
 - (b) President of the Court;
 - (c) Deputy President of the Court. 20
- (2) A recommendation may be made only by the Prime Minister.
- (3) The Prime Minister –
- (a) must recommend any person whose name is notified to him under section 26;
 - (b) may not recommend any other person. 25
- (4) A person who is not a judge of the Court must be recommended for appointment as a judge if his name is notified to the Prime Minister for an appointment as President or Deputy President.
- (5) If there is a vacancy in one of the offices mentioned in subsection (1), or it appears to him that there will soon be such a vacancy, the Minister must convene a selection commission for the selection of a person to be recommended. 30
- (6) Schedule 7 is about selection commissions.
- (7) Subsection (5) is subject to Part 3 of that Schedule.
- (8) Sections 24 to 28 apply where a selection commission is convened under this section. 35

24 Selection process

- (1) The commission must –
- (a) determine the selection process to be applied,
 - (b) apply the selection process, and 40
 - (c) make a selection accordingly.

-
- (2) As part of the selection process the commission must consult each of the following—
- (a) such of the senior judges as are not members of the commission and are not willing to be considered for selection;
 - (b) the Minister; 5
 - (c) the First Minister in Scotland;
 - (d) the Assembly First Secretary in Wales;
 - (e) the Secretary of State for Northern Ireland.
- (3) If for any part of the United Kingdom no judge of the courts of that part is to be consulted under subsection (2)(a), the commission must consult as part of the selection process the most senior judge of the courts of that part who is not a member of the commission and is not willing to be considered for selection. 10
- (4) Subsections (5) to (10) apply to any selection under this section or section 28.
- (5) Selection must be on merit.
- (6) A person may be selected only if he meets the requirements of section 22. 15
- (7) A person may not be selected if he is a member of the commission.
- (8) In making selections for the appointment of judges of the Court the commission must ensure that between them the judges will have knowledge of, and experience of practice in, the law of each part of the United Kingdom.
- (9) The commission must have regard to any guidance given by the Minister as to matters to be taken into account (subject to any other provision of this Act) in making a selection. 20
- (10) Any selection must be of one person only.

25 Report

- (1) After complying with section 24 the commission must submit a report to the Minister. 25
- (2) The report must—
- (a) state who has been selected;
 - (b) state the senior judges consulted under section 24(2)(a) and any judge consulted under section 24(3); 30
 - (c) contain any other information required by the Minister.
- (3) The report must be in a form approved by the Minister.
- (4) After submitting the report the commission must provide any further information the Minister may require.
- (5) When he receives the report the Minister must consult each of the following— 35
- (a) the senior judges consulted under section 24(2)(a);
 - (b) any judge consulted under section 24(3);
 - (c) the First Minister in Scotland;
 - (d) the Assembly First Secretary in Wales;
 - (e) the Secretary of State for Northern Ireland. 40

26 The Minister's options

- (1) This section refers to the following stages –

Stage 1: where a person has been selected under section 24

Stage 2: where a person has been selected following a rejection or reconsideration at stage 1 5

Stage 3: where a person has been selected following a rejection or reconsideration at stage 2.

- (2) At stage 1 the Minister must do one of the following –

- (a) notify the selection;
- (b) reject the selection; 10
- (c) require the commission to reconsider the selection.

- (3) At stage 2 the Minister must do one of the following –

- (a) notify the selection;
- (b) reject the selection, but only if it was made following a reconsideration at stage 1; 15
- (c) require the commission to reconsider the selection, but only if it was made following a rejection at stage 1.

- (4) At stage 3 the Minister must notify the selection, unless subsection (5) applies and he makes a notification under it.

- (5) If a person whose selection the Minister required to be reconsidered at stage 1 or 2 was not selected again at the next stage, the Minister may at stage 3 notify that person's name to the Prime Minister. 20

- (6) In this Part references to the Minister notifying a selection are references to his notifying to the Prime Minister the name of the person selected.

27 Exercise of powers to reject or require reconsideration 25

- (1) The power of the Minister under section 26 to reject a selection at stage 1 or 2 is exercisable only on the grounds that, in the Minister's opinion, the person selected is not suitable for the office concerned.

- (2) The power of the Minister under section 26 to require the commission to reconsider a selection at stage 1 or 2 is exercisable only on the grounds that, in the Minister's opinion – 30

- (a) there is not enough evidence that the person is suitable for the office concerned,
- (b) there is evidence that the person is not the best candidate on merit, or
- (c) there is not enough evidence that if the person were appointed the judges of the Court would between them have knowledge of, and experience of practice in, the law of each part of the United Kingdom. 35

- (3) The Minister must give the commission reasons in writing for rejecting or requiring reconsideration of a selection.

28 Selection following rejection or requirement to reconsider

- (1) If under section 26 the Minister rejects or requires reconsideration of a selection at stage 1 or 2, the commission must select a person in accordance with this section.
- (2) If the Minister rejects a selection, the commission – 5
 - (a) may not select the person rejected, and
 - (b) where the rejection is following reconsideration of a selection, may not select the person (if different) whose selection it reconsidered.
- (3) If the Minister requires a selection to be reconsidered, the commission – 10
 - (a) may select the same person or a different person, but
 - (b) where the requirement is following a rejection, may not select the person rejected.
- (4) The commission must inform the Minister of the person selected following a rejection or requirement to reconsider.

Terms of appointment 15

29 Oath of allegiance and judicial oath

- (1) A person who is appointed as President of the Court must, as soon as may be after accepting office, take the required oaths in the presence of – 20
 - (a) the Deputy President, or
 - (b) if there is no Deputy President, the senior ordinary judge.
- (2) A person who is appointed as Deputy President of the Supreme Court must, as soon as may be after accepting office, take the required oaths in the presence of – 25
 - (a) the President, or
 - (b) if there is no President, the senior ordinary judge.
- (3) A person who is appointed as a judge of the Supreme Court must, as soon as may be after accepting office, take the required oaths in the presence of – 30
 - (a) the President, or
 - (b) if there is no President, the Deputy President, or
 - (c) if there is no President and no Deputy President, the senior ordinary judge.
- (4) Subsections (1) and (2) apply whether or not the person appointed as President or Deputy President has previously taken the required oaths in accordance with this section after accepting another office.
- (5) Subsection (3) does not apply where a person is first appointed as a judge of the Court upon appointment to the office of President or Deputy President. 35
- (6) In this section “required oaths” means – 40
 - (a) the oath of allegiance, and
 - (b) the judicial oath,as set out in the Promissory Oaths Act 1868 (c. 72).

30 Tenure

A judge of the Supreme Court holds that office during good behaviour, but may be removed from it on the address of both Houses of Parliament.

31 Salaries and allowances

- (1) A judge of the Supreme Court is entitled to a salary. 5
- (2) The amount of the salary is to be determined by the Minister with the agreement of the Treasury.
- (3) Until otherwise determined under subsection (2), the amount is that of the salary of a Lord of Appeal in Ordinary immediately before the commencement of section 20. 10
- (4) A determination under subsection (2) may increase but not reduce the amount.
- (5) Salaries payable under this section are to be charged on and paid out of the Consolidated Fund of the United Kingdom.
- (6) Any allowance determined by the Minister with the agreement of the Treasury may be paid to a judge of the Court out of money provided by Parliament. 15

32 Resignation and retirement

- (1) A judge of the Supreme Court may at any time resign that office by giving the Minister notice in writing to that effect.
- (2) The President or Deputy President of the Court may at any time resign that office (whether or not he resigns his office as a judge) by giving the Minister notice in writing to that effect. 20
- (3) In section 26(4)(a) of and Schedule 5 to the Judicial Pensions and Retirement Act 1993 (c. 8) (retirement), for “Lord of Appeal in Ordinary” substitute “Judge of the Supreme Court”.

33 Medical retirement

- (1) This section applies if the Minister is satisfied by means of a medical certificate that a person holding office as a judge of the Supreme Court –
 - (a) is disabled by permanent infirmity from the performance of the duties of his office, and
 - (b) is for the time being incapacitated from resigning his office. 30
- (2) The Minister may by instrument under his hand declare the person’s office to have been vacated.
- (3) A declaration by instrument under subsection (2) has the same effect for all purposes as if the person had, on the date of the instrument, resigned his office.
- (4) But such a declaration has no effect unless it is made – 35
 - (a) in the case of an ordinary judge, with the agreement of the President and Deputy President of the Court;
 - (b) in the case of the President, with the agreement of the Deputy President and the senior ordinary judge;

- (c) in the case of the Deputy President, with the agreement of the President and the senior ordinary judge.

34 Pensions

- (1) In the tables in sections 1 and 16 of the Judicial Pensions Act 1981 (c. 20) (application and interpretation), for “Lord of Appeal in Ordinary” – 5
 - (a) in the first column, substitute “Judge of the Supreme Court”, and
 - (b) in the second column, in each place substitute “judge of the Supreme Court”.
- (2) In Part 1 of Schedule 1 to the Judicial Pensions and Retirement Act 1993 (c. 8) (qualifying judicial offices: judges), for “Lord of Appeal in Ordinary” substitute “Judge of the Supreme Court”. 10
- (3) The amendments made by this section to the 1981 and 1993 Acts do not affect the operation of any provision of or made under those Acts, or anything done under such provision, in relation to the office of, or service as, Lord of Appeal in Ordinary. 15

Acting judges

35 Acting judges

- (1) At the request of the President of the Supreme Court any of the following may act as a judge of the Court – 20
 - (a) a person who holds office as a senior territorial judge;
 - (b) a member of the supplementary panel under section 36.
- (2) A request under subsection (1) may be made by the Deputy President of the Court if there is no President or the President is unable to make that request.
- (3) In section 26(7) of the Judicial Pensions and Retirement Act 1993 (requirement not to act in certain capacities after the age of 75) for paragraph (b) substitute – 25
 - “(b) act as a judge of the Supreme Court under section 35 of the Constitutional Reform Act 2005;”.
- (4) Every person while acting under this section is, subject to subsections (5) and (6), to be treated for all purposes as a judge of the Supreme Court (and so may perform any of the functions of a judge of the Court). 30
- (5) A person is not to be treated under subsection (4) as a judge of the Court for the purposes of any statutory provision relating to – 35
 - (a) the appointment, retirement, removal or disqualification of judges of the Court,
 - (b) the tenure of office and oaths to be taken by judges of the Court, or
 - (c) the remuneration, allowances or pensions of judges of the Court.
- (6) Subject to section 27 of the Judicial Pensions and Retirement Act 1993, a person is not to be treated under subsection (4) as having been a judge of the Court if he has acted in the Court only under this section.
- (7) Such remuneration and allowances as the Minister may with the agreement of the Treasury determine may be paid out of money provided by Parliament to any person who acts as a judge of the Court under this section. 40

- (8) In this section “office as a senior territorial judge” means office as any of the following –
- (a) a judge of the Court of Appeal in England and Wales;
 - (b) a judge of the Court of Session, but only if the holder of the office is a member of the First or Second Division of the Inner House of that Court; 5
 - (c) a judge of the Court of Appeal in Northern Ireland, unless the holder holds the office only by virtue of being a puisne judge of the High Court.

36 Supplementary panel 10

- (1) There is to be a panel of persons known as the supplementary panel.
- (2) On the commencement of this section any member of the House of Lords who –
- (a) meets one of the conditions in subsection (3),
 - (b) does not hold high judicial office, 15
 - (c) has not attained the age of 75, and
 - (d) is not a person who was appointed to the office of Lord Chancellor on or after 12 June 2003,
- becomes a member of the panel.
- (3) The conditions are – 20
- (a) that he ceased to hold high judicial office less than 5 years before the commencement of this section;
 - (b) that he was a member of the Judicial Committee of the Privy Council immediately before that commencement;
 - (c) that he ceased to be a member of that Committee less than 5 years before that commencement. 25
- (4) A person becomes a member of the supplementary panel on ceasing to hold office as a judge of the Supreme Court or as a senior territorial judge, but only if, while he holds such office – 30
- (a) his membership of the panel is approved in writing by the President of the Supreme Court, and
 - (b) the President of the Court gives the Minister notice in writing of the approval.
- (5) Subsection (4) does not apply to a person who ceases to hold office as a judge of the Supreme Court when he ceases to be President of the Court. 35
- (6) Such a person becomes a member of the supplementary panel on ceasing to be President of the Court, unless –
- (a) while President, he gives the Minister notice that he is not to become a member of the panel,
 - (b) he ceases to be President on being removed from office as a judge of the Court on the address of both Houses of Parliament, or 40
 - (c) his office is declared vacant under section 33.
- (7) A person does not become a member of the supplementary panel under subsection (4) or (6) if – 45
- (a) on ceasing to hold office as a judge of the Supreme Court he takes office as a senior territorial judge, or

- (b) on ceasing to hold office as a senior territorial judge he takes office as a judge of the Supreme Court.
- (8) A member of the supplementary panel may resign by notice in writing to the President of the Court.
- (9) Unless he resigns (and subject to sections 26(7)(b) and 27 of the Judicial Pensions and Retirement Act 1993 (c. 8)), a person ceases to be a member of the supplementary panel – 5
- (a) at the end of 5 years after the last day on which he holds his qualifying office, or
- (b) if earlier, at the end of the day on which he attains the age of 75. 10
- (10) In this section –
- (a) “office as a senior territorial judge” has the same meaning as in section 35;
- (b) a person’s “qualifying office” is the office (that is, high judicial office, membership of the Judicial Committee of the Privy Council, office as a judge of the Supreme Court or office as a senior territorial judge) that he held before becoming a member of the supplementary panel. 15

Jurisdiction and relation to other courts etc

37 Jurisdiction

- (1) The Supreme Court is a superior court of record. 20
- (2) An appeal lies to the Court from any order or judgment of the Court of Appeal in England and Wales in civil proceedings.
- (3) An appeal lies to the Court from any order or judgment of a court in Scotland if an appeal lay from that court to the House of Lords at or immediately before the commencement of this section. 25
- (4) Schedule 8 –
- (a) transfers other jurisdiction from the House of Lords to the Court,
- (b) transfers devolution jurisdiction from the Judicial Committee of the Privy Council to the Court, and
- (c) makes other amendments relating to jurisdiction. 30
- (5) The Court has power to determine any question necessary to be determined for the purposes of doing justice in an appeal to it under any enactment.
- (6) An appeal under subsection (2) lies only with the permission of the Court of Appeal or the Supreme Court; but this is subject to provision under any other enactment restricting such an appeal. 35

38 Relation to other courts etc

- (1) Nothing in this Part is to affect the distinctions between the separate legal systems of the parts of the United Kingdom.
- (2) A decision of the Supreme Court on appeal from a court of any part of the United Kingdom, other than a decision on a devolution matter, is to be regarded as the decision of a court of that part of the United Kingdom. 40

- (3) A decision of the Supreme Court on a devolution matter –
- (a) is not binding on that Court when making such a decision;
 - (b) otherwise, is binding in all legal proceedings.
- (4) In this section “devolution matter” means –
- (a) a question referred to the Supreme Court under section 33 of the Scotland Act 1998 (c. 46) or section 11 of the Northern Ireland Act 1998 (c. 47); 5
 - (b) a devolution issue as defined in Schedule 8 to the Government of Wales Act 1998 (c. 38), Schedule 6 to the Scotland Act 1998 or Schedule 10 to the Northern Ireland Act 1998. 10

Composition for proceedings

39 Composition

- (1) The Supreme Court is duly constituted in any proceedings only if all of the following conditions are met –
- (a) the Court consists of an uneven number of judges; 15
 - (b) the Court consists of at least three judges;
 - (c) more than half of those judges are permanent judges.
- (2) Paragraphs (a) and (b) of subsection (1) are subject to any directions that in specified proceedings the Court is to consist of a specified number of judges that is both uneven and greater than three. 20
- (3) Paragraph (b) of subsection (1) is subject to any directions that in specified descriptions of proceedings the Court is to consist of a specified minimum number of judges that is greater than three.
- (4) This section is subject to section 40.
- (5) In this section – 25
- (a) “directions” means directions given by the President of the Court;
 - (b) “specified”, in relation to directions, means specified in those directions;
 - (c) references to permanent judges are references to those judges of the Court who are not acting judges under section 35. 30
- (6) This section and section 40 apply to the constitution of the Court in any proceedings from the time judges are designated to hear the proceedings.

40 Changes in composition

- (1) This section applies if in any proceedings the Court ceases to be duly constituted in accordance with section 39, or in accordance with a direction under this section, because one or more members of the Court are unable to continue. 35
- (2) The presiding judge may direct that the Court is still duly constituted in the proceedings.
- (3) The presiding judge may give a direction under this section only if – 40
- (a) the parties agree;

- (b) the Court still consists of at least three judges (whether the number of judges is even or uneven);
 - (c) at least half of those judges are permanent judges.
- (4) Subsections (2) and (3) are subject to directions given by the President of the Court. 5
- (5) If in any proceedings the Court is duly constituted under this section with an even number of judges, and those judges are evenly divided, the case is to be re-argued in a Court which is constituted in accordance with section 39.
- (6) In this section –
 - (a) “presiding judge” means the judge who is to preside, or is presiding, over proceedings; 10
 - (b) references to permanent judges have the same meaning as in section 39.

Practice and procedure

41 Specially qualified advisers

- (1) If the Supreme Court thinks it expedient in any proceedings, it may hear and dispose of the proceedings wholly or partly with the assistance of one or more specially qualified advisers appointed by it. 15
- (2) Any remuneration payable to such an adviser is to be determined by the Court unless agreed between the adviser and the parties to the proceedings.
- (3) Any remuneration forms part of the costs of the proceedings. 20

42 Making of rules

- (1) The President of the Supreme Court may make rules (to be known as “Supreme Court Rules”) governing the practice and procedure to be followed in the Court.
- (2) The power to make Supreme Court Rules includes power to make different provision for different cases, including different provision – 25
 - (a) for different descriptions of proceedings, or
 - (b) for different jurisdiction of the Supreme Court.
- (3) The President must exercise the power to make Supreme Court Rules with a view to securing that – 30
 - (a) the Court is accessible, fair and efficient, and
 - (b) the rules are both simple and simply expressed.
- (4) Before making Supreme Court Rules the President must consult all of the following –
 - (a) the Minister; 35
 - (b) the bodies listed in subsection (5);
 - (c) such other bodies that represent persons likely to be affected by the Rules as the President considers it appropriate to consult.
- (5) The bodies referred to in subsection (4)(b) are – 40
 - The General Council of the Bar of England and Wales;
 - The Law Society of England and Wales;

The Faculty of Advocates of Scotland;
The Law Society of Scotland;
The General Council of the Bar of Northern Ireland;
The Law Society of Northern Ireland.

- 43 Procedure after rules made** 5
- (1) Supreme Court Rules made by the President of the Supreme Court must be submitted by him to the Minister.
 - (2) Supreme Court Rules submitted to the Minister –
 - (a) come into force on such day as the Minister directs, and
 - (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown. 10
 - (3) A statutory instrument containing Supreme Court Rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- 44 Photography etc** 15
- (1) In section 41 of the Criminal Justice Act 1925 (c. 86) (prohibition on taking photographs etc in court), for subsection (2)(a) substitute –
 - “(a) the expression “court” means any court of justice (including the court of a coroner), apart from the Supreme Court;”.
 - (2) In section 29 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 N.I.) (prohibition on taking photographs etc in court), for subsection (2)(a) substitute –
 - “(a) the expression “court” means any court of justice (including the court of a coroner), apart from the Supreme Court;”.
- Staff and resources* 25
- 45 Chief executive**
- (1) The Supreme Court is to have a chief executive.
 - (2) The Minister must appoint the chief executive, after consulting the President of the Court.
 - (3) The President of the Court may delegate to the chief executive any of these functions –
 - (a) functions of the President under section 46(1);
 - (b) non-judicial functions of the Court. 30
 - (4) The chief executive must carry out his functions (under subsection (3) or otherwise) in accordance with any directions given by the President of the Court. 35
- 46 Officers and staff**
- (1) The President of the Supreme Court may appoint officers and staff of the Court.

- (2) It is for the chief executive of the Supreme Court to determine these matters with the agreement of the Minister –
 - (a) the number of officers and staff of the Court;
 - (b) subject to subsection (3), the terms on which officers and staff are to be appointed. 5
- (3) The civil service pension arrangements for the time being in force apply (with any necessary adaptations) to the chief executive of the Court, and to persons appointed under subsection (1), as they apply to other persons employed in the civil service of the State.
- (4) In subsection (3) “the civil service pension arrangements” means – 10
 - (a) the principal civil service pension scheme (within the meaning of section 2 of the Superannuation Act 1972 (c. 11), and
 - (b) any other superannuation benefits for which provision is made under or by virtue of section 1 of that Act for or in respect of persons in employment in the civil service of the State. 15

47 Accommodation and other resources

- (1) The Minister must ensure that the Supreme Court is provided with the following –
 - (a) such court-houses, offices and other accommodation as the Minister thinks are appropriate for the Court to carry on its business; 20
 - (b) such other resources as the Minister thinks are appropriate for the Court to carry on its business.
- (2) The Minister may discharge the duty under subsection (1) by –
 - (a) providing accommodation or other resources, or
 - (b) entering into arrangements with any other person for the provision of accommodation or other resources. 25
- (3) The powers to acquire land for the public service conferred by –
 - (a) section 2 of the Commissioners of Works Act 1852 (c. 28) (acquisition by agreement), and
 - (b) section 228(1) of the Town and Country Planning Act 1990 (c. 8) (compulsory acquisition), 30are to be treated as including power to acquire land for the purpose of its provision under arrangements under subsection (2)(b).
- (4) The Scottish Ministers may make payments by way of contribution to the costs incurred by the Minister in providing the Court with resources in accordance with subsection (1)(b). 35
- (5) In this section “court-house” means any place where the Court sits, including the precincts of any building in which it sits.

48 System to support Court in carrying on business

- (1) The chief executive of the Supreme Court must ensure that the Court’s resources are used to provide an efficient and effective system to support the Court in carrying on its business. 40
- (2) In particular –
 - (a) appropriate services must be provided for the Court;

- (b) the accommodation provided under section 47 must be appropriately equipped, maintained and managed.

Fees

49 Fees

- (1) The Minister may, with the agreement of the Treasury, by order prescribe fees payable in respect of anything dealt with by the Supreme Court. 5
- (2) An order under this section may, in particular, contain provision about –
- (a) scales or rates of fees;
 - (b) exemptions from fees;
 - (c) reductions in fees; 10
 - (d) whole or partial remission of fees.
- (3) When including any provision in an order under this section, the Minister must have regard to the principle that access to the courts must not be denied.
- (4) Before making an order under this section, the Minister must consult all of the following – 15
- (a) the persons listed in subsection (5);
 - (b) the bodies listed in subsection (6).
- (5) The persons referred to in subsection (4)(a) are –
- (a) the President of the Supreme Court;
 - (b) the Lord Chief Justice of England and Wales; 20
 - (c) the Master of the Rolls;
 - (d) the Lord President of the Court of Session;
 - (e) the Lord Chief Justice of Northern Ireland;
 - (f) the Lord Justice Clerk;
 - (g) the President of the Queen’s Bench Division; 25
 - (h) the President of the Family Division;
 - (i) the Chancellor of the High Court.
- (6) The bodies referred to in subsection (4)(b) are –
- (a) the General Council of the Bar of England and Wales;
 - (b) the Law Society of England and Wales; 30
 - (c) the Faculty of Advocates of Scotland;
 - (d) the Law Society of Scotland;
 - (e) the General Council of the Bar of Northern Ireland;
 - (f) the Law Society of Northern Ireland.

50 Fees: supplementary

35

- (1) Supreme Court fees are recoverable summarily as a civil debt.
- (2) The Minister must take such steps as are reasonably practicable to bring information about Supreme Court fees to the attention of persons likely to have to pay them.
- (3) In this section “Supreme Court fees” means fees prescribed in an order under section 49. 40

Annual report

51 Annual report

- (1) As soon as practicable after each financial year, the chief executive of the Supreme Court must prepare a report about the business of the Supreme Court during that year and give a copy of that report to the following persons – 5
 - (a) the Minister;
 - (b) the First Minister in Scotland;
 - (c) the First Minister and the deputy First Minister in Northern Ireland;
 - (d) the Assembly First Secretary in Wales.
- (2) The Minister must lay a copy of any report of which a copy is given under subsection (1)(a) before each House of Parliament. 10
- (3) Each of the following is a “financial year” for the purposes of this section –
 - (a) the period which begins with the date on which this section comes into force and ends with the following 31 March;
 - (b) each successive period of 12 months. 15

Supplementary

52 Records of the Supreme Court

- (1) Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records) is amended as follows.
- (2) In paragraph 4 (records of courts and tribunals), before sub-paragraph (1)(a) insert – 20
 - “(za) records of the Supreme Court of the United Kingdom;”.

53 Proceedings under jurisdiction transferred to Supreme Court

Schedule 9 contains transitional provision relating to proceedings under jurisdiction which is transferred to the Supreme Court by this Act from the House of Lords or the Judicial Committee of the Privy Council. 25

54 Interpretation of Part 3

- (1) In this Part –
 - “part of the United Kingdom” means England and Wales, Scotland or Northern Ireland; 30
 - “the senior judges” means –
 - (a) the judges of the Supreme Court;
 - (b) the Lord Chief Justice of England and Wales;
 - (c) the Master of the Rolls;
 - (d) the Lord President of the Court of Session; 35
 - (e) the Lord Chief Justice of Northern Ireland;
 - (f) the Lord Justice Clerk;
 - (g) the President of the Queen’s Bench Division;
 - (h) the President of the Family Division;
 - (i) the Chancellor of the High Court; 40

“the Supreme Court” means the Supreme Court of the United Kingdom.

- (2) In this Part—
- (a) “high judicial office” means office as a judge of any of the following courts—
- (i) the Supreme Court; 5
 - (ii) the Court of Appeal in England and Wales;
 - (iii) the High Court in England and Wales;
 - (iv) the Court of Session;
 - (v) the Court of Appeal in Northern Ireland;
 - (vi) the High Court in Northern Ireland; 10
- or as a Lord of Appeal in Ordinary;
- (b) a person appointed to the office of Lord Chancellor on or after 12 June 2003 who holds, or held, office of a kind referred to in paragraph (a) (“the qualifying office”) is to be regarded as holding, or having held, high judicial office only if— 15
- (i) he has ceased to be Lord Chancellor by virtue of that appointment, and
 - (ii) he holds, or held, the qualifying office otherwise than by virtue of that appointment as Lord Chancellor.
- (3) In this Part— 20
- (a) “ordinary judge” means a judge of the Supreme Court who is not the President or the Deputy President of the Court;
- (b) the senior ordinary judge at any time is, of the ordinary judges at that time, the one who has served longest as a judge of the Court (whether over one or more periods and whether or not including one or more previous periods as President or Deputy President). 25
- (4) Service as a Lord of Appeal in Ordinary counts as service as a judge of the Court for the purposes of subsection (3)(b).
- (5) In this Part references to the Minister notifying a selection are to be read in accordance with section 26(6). 30

PART 4

JUDICIAL APPOINTMENTS AND DISCIPLINE

CHAPTER 1

COMMISSION AND OMBUDSMAN

- 55 The Judicial Appointments Commission** 35
- (1) There is to be a body corporate called the Judicial Appointments Commission.
- (2) Schedule 10 is about the Commission.
- 56 Judicial Appointments and Conduct Ombudsman**
- (1) There is to be a Judicial Appointments and Conduct Ombudsman.
- (2) Schedule 11 is about the Ombudsman. 40

CHAPTER 2

APPOINTMENTS

General provisions

- 57 Merit and good character** 5
- (1) Subsections (2) and (3) apply to any selection under this Part by the Commission or a selection panel (“the selecting body”).
 - (2) Selection must be solely on merit.
 - (3) A person must not be selected unless the selecting body is satisfied that he is of good character.
- 58 Guidance about procedures** 10
- (1) The Minister may issue guidance about procedures for the performance by the Commission or a selection panel of its functions of –
 - (a) identifying persons willing to be considered for selection under this Part, and
 - (b) assessing such persons for the purposes of selection. 15
 - (2) The guidance may, among other things, relate to consultation or other steps in determining such procedures.
 - (3) The purposes for which guidance may be issued under this section include the encouragement of diversity in the range of persons available for selection.
 - (4) The Commission and any selection panel must have regard to the guidance in matters to which it relates. 20
- 59 Guidance: supplementary**
- (1) Before issuing any guidance the Minister must –
 - (a) consult the Lord Chief Justice;
 - (b) after doing so, lay a draft of the proposed guidance before each House of Parliament. 25
 - (2) If the draft is approved by a resolution of each House of Parliament within the 40-day period the Minister must issue the guidance in the form of the draft.
 - (3) In any other case the Minister must take no further steps in relation to the proposed guidance. 30
 - (4) Subsection (3) does not prevent a new draft of the proposed guidance from being laid before each House of Parliament after consultation with the Lord Chief Justice.
 - (5) Guidance comes into force on such date as the Minister may appoint by order.
 - (6) The Minister may – 35
 - (a) from time to time revise the whole or part of any guidance and re-issue it;
 - (b) by order revoke any guidance.

- (7) In this section—
- “40-day period” in relation to the draft of any proposed guidance means—
- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later day, and 5
 - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House, 10
- no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days;
- “guidance” means guidance issued by the Minister under section 58 and includes guidance which has been revised and re-issued.

Lord Chief Justice and Heads of Division

60 Selection of Lord Chief Justice and Heads of Division 15

- (1) This section applies to a recommendation for an appointment to one of the following offices—
- (a) Lord Chief Justice;
 - (b) Master of the Rolls;
 - (c) President of the Queen’s Bench Division; 20
 - (d) President of the Family Division;
 - (e) Chancellor of the High Court.
- (2) A recommendation may be made only under section 64.
- (3) If the office of Lord Chief Justice is vacant, the Minister must make a recommendation to fill the vacancy. 25
- (4) If there is a vacancy in one of the other offices mentioned in subsection (1), the Minister must, unless the Lord Chief Justice agrees otherwise, make a recommendation to fill the vacancy.
- (5) A request for the selection of a person to be recommended must be made by the Minister to the Commission. 30
- (6) Before making a request the Minister must consult the Lord Chief Justice.
- (7) Subsection (6) does not apply if the request relates only to the office of Lord Chief Justice and that office is vacant.
- (8) Sections 61 to 66 apply where the Minister makes a request under this section.

61 Selection process 35

- (1) On receiving a request the Commission must appoint a selection panel.
- (2) The panel must—
- (a) determine the selection process to be applied,
 - (b) apply the selection process, and
 - (c) make a selection accordingly. 40

- (3) Any selection under this section or section 66 must be of one person only (but a request may be for a selection to be made for each of a number of appointments).
- (4) If practicable the panel must consult, about the exercise of its functions under this section, the current holder of the office for which a selection is to be made. 5
- (5) A selection panel is a committee of the Commission.

62 Selection panel

- (1) The selection panel must consist of four members.
- (2) The first member is the most senior England and Wales Supreme Court judge who is not disqualified, or his nominee. 10
- (3) Unless subsection (7) applies, the second member is the Lord Chief Justice or his nominee.
- (4) Unless subsection (9) applies, the third member is the chairman of the Commission or his nominee.
- (5) The fourth member is a lay member of the Commission designated by the third member. 15
- (6) Subsection (7) applies if –
 - (a) the Lord Chief Justice is disqualified, or
 - (b) there is no Lord Chief Justice.
- (7) In those cases the most senior England and Wales Supreme Court judge who is not disqualified must designate a person (but not a person who is disqualified) as the second member. 20
- (8) Subsection (9) applies if –
 - (a) there is no chairman of the Commission, or
 - (b) the chairman of the Commission is unavailable and has not nominated a person under subsection (4). 25
- (9) In those cases the third member is a lay member of the Commission selected by the lay members of the Commission other than the chairman.
- (10) Only the following may be a nominee under subsection (2) or (3) or designated under subsection (7) – 30
 - (a) an England and Wales Supreme Court judge,
 - (b) a Head of Division, or
 - (c) a Lord Justice of Appeal.
- (11) The following also apply to nominees under this section – 35
 - (a) a person may not be a nominee if he is disqualified;
 - (b) a person may not be appointed to the panel as the nominee of more than one person;
 - (c) a person appointed to the panel otherwise than as a nominee may not be a nominee.
- (12) The first member is the chairman of the panel. 40
- (13) On any vote by the panel the chairman of the panel has an additional, casting vote in the event of a tie.

- (14) A person is disqualified for the purposes of this section if –
- (a) he is the current holder of the office for which a selection is to be made, or
 - (b) he is willing to be considered for selection.
- (15) In this section “England and Wales Supreme Court judge” means a judge of the Supreme Court who has held high judicial office in England and Wales before appointment to the Court. 5

63 Report

- (1) After complying with section 61(2) the selection panel must submit a report to the Minister. 10
- (2) The report must –
- (a) state who has been selected;
 - (b) contain any other information required by the Minister.
- (3) The report must be in a form approved by the Minister.
- (4) After submitting the report the panel must provide any further information the Minister may require. 15

64 The Minister’s options

- (1) This section refers to the following stages –

Stage 1: where a person has been selected under section 61

Stage 2: where a person has been selected following a rejection or reconsideration at stage 1 20

Stage 3: where a person has been selected following a rejection or reconsideration at stage 2.

- (2) At stage 1 the Minister must do one of the following –
- (a) recommend the person selected; 25
 - (b) reject the selection;
 - (c) require the selection panel to reconsider the selection.
- (3) At stage 2 the Minister must do one of the following –
- (a) recommend the person selected;
 - (b) reject the selection, but only if it was made following a reconsideration at stage 1; 30
 - (c) require the selection panel to reconsider the selection, but only if it was made following a rejection at stage 1.
- (4) At stage 3 the Minister must recommend the person selected, unless subsection (5) applies and he makes a recommendation under it. 35
- (5) If a person whose selection the Minister required to be reconsidered at stage 1 or 2 was not selected again at the next stage, the Minister may recommend that person at stage 3.

- (6) In this section references to recommending a person are references to making the recommendation for which he has been selected.

65 Exercise of powers to reject or require reconsideration

- (1) The power of the Minister under section 64 to reject a selection at stage 1 or 2 is exercisable only on the grounds that, in the Minister’s opinion, the person selected is not suitable for the office concerned. 5
- (2) The power of the Minister under section 64 to require the selection panel to reconsider a selection at stage 1 or 2 is exercisable only on the grounds that, in the Minister’s opinion – 10
- (a) there is not enough evidence that the person is suitable for the office concerned, or
- (b) there is evidence that the person is not the best candidate on merit.
- (3) The Minister must give the selection panel reasons in writing for rejecting or requiring reconsideration of a selection.

66 Selection following rejection or requirement to reconsider 15

- (1) If under section 64 the Minister rejects or requires reconsideration of a selection at stage 1 or 2, the selection panel must select a person in accordance with this section.
- (2) If the Minister rejects a selection, the selection panel – 20
- (a) may not select the person rejected, and
- (b) where the rejection is following reconsideration of a selection, may not select the person (if different) whose selection it reconsidered.
- (3) If the Minister requires a selection to be reconsidered, the selection panel – 25
- (a) may select the same person or a different person, but
- (b) where the requirement is following a rejection, may not select the person rejected.
- (4) The selection panel must inform the Minister of the person selected following a rejection or a requirement to reconsider.
- (5) Subsections (2) and (3) do not prevent a person being selected on a subsequent request under section 60. 30

Lords Justices of Appeal

67 Selection of Lords Justices of Appeal

- (1) This section applies to a recommendation for appointment as a Lord Justice of Appeal.
- (2) A recommendation may be made only under section 71. 35
- (3) If there is a vacancy among the Lords Justices of Appeal the Minister must, unless the Lord Chief Justice agrees otherwise, make a recommendation to fill the vacancy.
- (4) For the purposes of subsection (3) a vacancy arises only on a Lord Justice of Appeal vacating his office after the commencement of this section. 40

- (5) A request for the selection of a person to be recommended must be made by the Minister to the Commission.
- (6) Before making a request the Minister must consult the Lord Chief Justice.
- (7) Sections 68 to 73 apply where the Minister makes a request under this section.

68 Selection process 5

- (1) On receiving a request the Commission must appoint a selection panel.
- (2) The panel must –
 - (a) determine the selection process to be applied,
 - (b) apply the selection process, and
 - (c) make a selection accordingly. 10
- (3) Any selection under this section or section 73 must be of one person only (but a request may be for a selection to be made for each of a number of appointments).
- (4) A selection panel is a committee of the Commission.

69 Selection panel 15

- (1) The selection panel must consist of four members.
- (2) The first member is the Lord Chief Justice, or his nominee.
- (3) The second member is a Head of Division or Lord Justice of Appeal designated by the Lord Chief Justice.
- (4) Unless subsection (7) applies, the third member is the chairman of the Commission or his nominee. 20
- (5) The fourth member is a lay member of the Commission designated by the third member.
- (6) Subsection (7) applies if –
 - (a) there is no chairman of the Commission, or 25
 - (b) the chairman of the Commission is unavailable and has not nominated a person under subsection (4).
- (7) In those cases the third member is a lay member of the Commission selected by the lay members of the Commission other than the chairman.
- (8) A nominee of the Lord Chief Justice must be a Head of Division or a Lord Justice of Appeal. 30
- (9) A person may not be appointed to the panel if he is willing to be considered for selection.
- (10) A person may not be appointed to the panel as the nominee of more than one person. 35
- (11) A person appointed to the panel otherwise than as a nominee may not be a nominee.
- (12) The first member is the chairman of the panel.

- (13) On any vote by the panel the chairman of the panel has an additional, casting vote in the event of a tie.

70 Report

- (1) After complying with section 68(2) the selection panel must submit a report to the Minister. 5
- (2) The report must –
- (a) state who has been selected;
 - (b) contain any other information required by the Minister.
- (3) The report must be in a form approved by the Minister.
- (4) After submitting the report the panel must provide any further information the Minister may require. 10

71 The Minister's options

- (1) This section refers to the following stages –

Stage 1: where a person has been selected under section 68

Stage 2: where a person has been selected following a rejection or reconsideration at stage 1 15

Stage 3: where a person has been selected following a rejection or reconsideration at stage 2.

- (2) At stage 1 the Minister must do one of the following –
- (a) recommend the person selected; 20
 - (b) reject the selection;
 - (c) require the selection panel to reconsider the selection.
- (3) At stage 2 the Minister must do one of the following –
- (a) recommend the person selected;
 - (b) reject the selection, but only if it was made following a reconsideration at stage 1; 25
 - (c) require the selection panel to reconsider the selection, but only if it was made following a rejection at stage 1.
- (4) At stage 3 the Minister must recommend the person selected, unless subsection (5) applies and he makes a recommendation under it. 30
- (5) If a person whose selection the Minister required to be reconsidered at stage 1 or 2 was not selected again at the next stage, the Minister may recommend that person at stage 3.
- (6) In this section references to recommending a person are references to making the recommendation for which he has been selected. 35

72 Exercise of powers to reject or require reconsideration

- (1) The power of the Minister under section 71 to reject a selection at stage 1 or 2 is exercisable only on the grounds that, in the Minister's opinion, the person selected is not suitable for the office concerned.
- (2) The power of the Minister under section 71 to require the selection panel to reconsider a selection at stage 1 or 2 is exercisable only on the grounds that, in the Minister's opinion –
 - (a) there is not enough evidence that the person is suitable for the office concerned, or
 - (b) there is evidence that the person is not the best candidate on merit.
- (3) The Minister must give the selection panel reasons in writing for rejecting or requiring reconsideration of a selection.

73 Selection following rejection or requirement to reconsider

- (1) If under section 71 the Minister rejects or requires reconsideration of a selection at stage 1 or 2, the selection panel must select a person in accordance with this section.
- (2) If the Minister rejects a selection, the selection panel –
 - (a) may not select the person rejected, and
 - (b) where the rejection is following reconsideration of a selection, may not select the person (if different) whose selection it reconsidered.
- (3) If the Minister requires a selection to be reconsidered, the selection panel –
 - (a) may select the same person or a different person, but
 - (b) where the requirement is following a rejection, may not select the person rejected.
- (4) The selection panel must inform the Minister of the person selected following a rejection or a requirement to reconsider.
- (5) Subsections (2) and (3) do not prevent a person being selected on a subsequent request under section 67.

Puisne judges and other office holders

74 Selection of puisne judges and other office holders

- (1) Section 75 applies to –
 - (a) a recommendation for an appointment to the office of puisne judge of the High Court;
 - (b) a recommendation for an appointment to an office listed in Part 1 of Schedule 12 in exercise of Her Majesty's function under the enactment listed opposite that office;
 - (c) an appointment to an office listed in Part 2 or 3 of that Schedule in exercise of the Minister's function under the enactment listed opposite that office.
- (2) The Minister may by order make any of the following amendments to Schedule 12 –

- (a) an amendment which adds a reference to an enactment under which appointments are made to an office;
 - (b) an amendment which adds a reference to an office to which appointments are made under an enactment;
 - (c) an amendment consequential on the abolition or change of name of an office; 5
 - (d) an amendment consequential on the substitution of one or more enactments for an enactment under which appointments are made to an office.
- 75 Request 10**
- (1) A recommendation or appointment to which this section applies may be made only under section 78.
 - (2) If there is a vacancy in the office of puisne judge of the High Court or in an office listed in Part 1 of Schedule 12 the Minister must, unless the Lord Chief Justice agrees otherwise, make a recommendation to fill the vacancy. 15
 - (3) If there is a vacancy in an office listed in Part 2 or 3 of that Schedule the Minister must, unless the Lord Chief Justice agrees otherwise, make an appointment to fill the vacancy.
 - (4) For the purposes of subsections (2) and (3) a vacancy arises only on the holder of an office vacating it after the commencement of this section. 20
 - (5) A request for the selection of a person to be recommended or appointed must be made by the Minister to the Commission.
 - (6) Before making a request the Minister must consult the Lord Chief Justice.
 - (7) Sections 76 to 81 apply where the Minister makes a request under this section.
 - (8) Those sections are subject to section 82 (withdrawal of request). 25
- 76 Selection process**
- (1) On receiving a request the Commission must—
 - (a) determine the selection process to be applied,
 - (b) apply the selection process, and
 - (c) make a selection accordingly. 30
 - (2) But if or so far as the Commission decides that the selection process has not identified candidates of sufficient merit for it to comply with subsection (1)(c), section 81 applies and subsection (1)(c) does not apply.
 - (3) At least once during any selection process (but before making a selection or a decision under subsection (2)) the Commission must consult—
 - (a) the Lord Chief Justice; and
 - (b) a person (other than the Lord Chief Justice) who has held the office for which a selection is to be made or has other relevant experience. 35
 - (4) Any selection under this section or section 80 must be of one person only (but a request may be for a selection to be made for each of a number of appointments). 40

77 Report

- (1) After complying with section 76 the Commission must submit a report to the Minister.
- (2) The report must –
 - (a) describe the selection process; 5
 - (b) state any selection made;
 - (c) state any decision under section 76(2);
 - (d) state any recommendation made in consultation under section 76(3) by a person consulted;
 - (e) give reasons in any case where the Commission has not followed such a recommendation; 10
 - (f) contain any other information required by the Minister.
- (3) The report must be in a form approved by the Minister.
- (4) After submitting the report the Commission must provide any further information the Minister may require. 15

78 The Minister's options

- (1) This section refers to the following stages –

Stage 1: where a person has been selected under section 76

Stage 2: where a person has been selected following a rejection or reconsideration at stage 1 20

Stage 3: where a person has been selected following a rejection or reconsideration at stage 2.
- (2) At stage 1 the Minister must do one of the following –
 - (a) recommend or appoint the person selected;
 - (b) reject the selection; 25
 - (c) require the Commission to reconsider the selection.
- (3) At stage 2 the Minister must do one of the following –
 - (a) recommend or appoint the person selected;
 - (b) reject the selection, but only if it was made following a reconsideration at stage 1; 30
 - (c) require the Commission to reconsider the selection, but only if it was made following a rejection at stage 1.
- (4) At stage 3 the Minister must recommend or appoint the person selected, unless subsection (5) applies and he makes a recommendation or appointment under it. 35
- (5) If a person whose selection the Minister required to be reconsidered at stage 1 or 2 was not selected again at the next stage, the Minister may recommend or appoint that person at stage 3.

- (6) In this section references to recommending or appointing a person are references to making the recommendation or appointment (as the case may be) for which he has been selected.

79 Exercise of powers to reject or require reconsideration

- (1) The power of the Minister under section 78 to reject a selection at stage 1 or 2 is exercisable only on the grounds that, in the Minister's opinion, the person selected is not suitable for the office concerned or particular functions of that office. 5
- (2) The power of the Minister under section 78 to require the Commission to reconsider a selection at stage 1 or 2 is exercisable only on the grounds that, in the Minister's opinion – 10
- (a) there is not enough evidence that the person is suitable for the office concerned or particular functions of that office, or
 - (b) there is evidence that the person is not the best candidate on merit.
- (3) The Minister must give the Commission reasons in writing for rejecting or requiring reconsideration of a selection. 15

80 Selection following rejection or requirement to reconsider

- (1) If under section 78 the Minister rejects or requires reconsideration of a selection at stage 1 or 2, the selection panel must select a person in accordance with this section. 20
- (2) If the Minister rejects a selection, the Commission –
- (a) may not select the person rejected, and
 - (b) where the rejection is following a requirement to reconsider, may not select the person (if different) whose selection it reconsidered.
- (3) If the Minister requires a selection to be reconsidered, the Commission – 25
- (a) may select the same person or a different person, but
 - (b) where the requirement is following a rejection, may not select the person rejected.
- (4) The Commission must inform the Minister of any person selected following a rejection or a requirement to reconsider. 30
- (5) Subsections (2) and (3) do not prevent a person being selected on a subsequent request under section 75.

81 Reconsideration of decision not to select

- (1) The Minister may require the Commission to reconsider a decision that the selection process has not identified candidates of sufficient merit for it to make a selection. 35
- (2) The Commission must inform the Minister of any person selected on reconsideration under this section.
- (3) Sections 78 to 80 apply to such a person as if the Commission had selected him instead of making the decision reconsidered. 40

82 Withdrawal of request

- (1) The Minister may not withdraw a request if a recommendation or appointment has been made in pursuance of a selection made on the request.
- (2) At any other time he may withdraw a request after consulting the Lord Chief Justice. 5
- (3) Withdrawal of a request must be by notice in writing to the Commission.
- (4) The notice must state the Minister’s reasons for withdrawing the request.
- (5) If a request is withdrawn –
 - (a) sections 76 to 81 cease to apply in relation to it, and
 - (b) any selection made on it is to be disregarded. 10
- (6) Withdrawal of a request does not affect the power of the Minister to make another request in the same or different terms.
- (7) In this section “request” means a request under section 75.

83 Scotland and Northern Ireland

- (1) This section applies to consultation that a person is required to undertake under any of these provisions –
 - (a) section 75(6);
 - (b) section 76(3);
 - (c) section 82(2). 15
- (2) If the consultation appears to that person to relate to the appointment (or a recommendation for the appointment) of a person to exercise functions wholly or mainly in Scotland, any reference in the provision to the Lord Chief Justice is to be read as a reference to the Lord President of the Court of Session. 20
- (3) If the consultation appears to that person to relate to the appointment (or a recommendation for the appointment) of a person to exercise functions wholly or mainly in Northern Ireland, any reference in the provision to the Lord Chief Justice is to be read as a reference to the Lord Chief Justice of Northern Ireland. 25

Assistance in connection with other appointments

84 Assistance in connection with other appointments

- (1) The Commission must provide any assistance requested by the Minister under this section. 30
- (2) The Minister may request assistance for the making by him or by another Minister of the Crown of an appointment or recommendation for appointment, other than one to which section 23 or a provision of this Part applies.
- (3) The Minister may only request assistance under this section if it appears to him appropriate because of the Commission’s other functions under this Part and the nature of the appointment concerned. 35
- (4) Without limiting the assistance that may be requested, it may include –
 - (a) determining a selection process;
 - (b) applying a selection process; 40

- (c) selecting a person;
 - (d) selecting a short list;
 - (e) advice on any of those matters.
- (5) Before making a request the Minister must consult –
- (a) the Lord Chief Justice, and
 - (b) the Commission.
- (6) In this section “appointment” includes the conferring of any public function.
- (7) In this Part references to selection under this Part include references to selection by the Commission pursuant to a request under this section (and references to a person selected under this Part are to be read accordingly).

Complaints and references

85 Complaints: interpretation

- (1) This section applies for the purposes of this Part.
- (2) A Commission complaint is a complaint by a qualifying complainant of maladministration by the Commission or a committee of the Commission.
- (3) A departmental complaint is a complaint by a qualifying complainant of maladministration by the Minister or his department in connection with any of the following –
- (a) selection under this Part;
 - (b) recommendation for or appointment to an office listed in Schedule 12.
- (4) A qualifying complainant is a complainant who claims to have been adversely affected, as an applicant for selection or as a person selected under this Part, by the maladministration complained of.

86 Complaints to the Commission or the Minister

- (1) The Commission must make arrangements for investigating any Commission complaint made to it.
- (2) The Minister must make arrangements for investigating any departmental complaint made to him.
- (3) Arrangements under this section need not apply to a complaint made more than 28 days after the matter complained of.

87 Complaints to the Ombudsman

- (1) Subsections (2) and (3) apply to a complaint which the complainant –
- (a) has made to the Commission or the Minister in accordance with arrangements under section 86, and
 - (b) makes to the Ombudsman not more than 28 days after being notified of the Commission’s or Minister’s decision on the complaint.
- (2) If the Ombudsman considers that investigation of the complaint is not necessary, he must inform the complainant.
- (3) Otherwise he must investigate the complaint.

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- (4) The Ombudsman may investigate a complaint which the complainant –
- (a) has made to the Commission or the Minister in accordance with arrangements under section 86, and
 - (b) makes to the Ombudsman at any time.
- (5) The Ombudsman may investigate a transferred complaint made to him, and no such complaint may be made under the Judicial Appointments Order after the commencement of this section. 5
- (6) The Judicial Appointments Order is the Judicial Appointments Order in Council 2001, which sets out the functions of Her Majesty’s Commissioners for Judicial Appointments. 10
- (7) A transferred complaint is a complaint that lay to those Commissioners (whether or not it was made to them) in respect of the application of appointment procedures before the commencement of this section, but not a complaint that those Commissioners had declined to investigate or on which they had concluded their investigation. 15
- (8) Any complaint to the Ombudsman under this section must be in a form approved by him.
- 88 Report and recommendations**
- (1) The Ombudsman must prepare a report on any complaint he has investigated under section 87. 20
- (2) The report must state –
- (a) what findings the Ombudsman has made;
 - (b) whether he considers the complaint should be upheld in whole or part;
 - (c) if he does, what if any action he recommends should be taken by the Commission or the Minister as a result of the complaint. 25
- (3) The recommendations that may be made under subsection (2)(c) include recommendations for the payment of compensation.
- (4) Such a recommendation must relate to loss which appears to the Ombudsman to have been suffered by the complainant as a result of maladministration and not as a result of any failure to be appointed to an office to which the complaint related. 30
- 89 Report procedure**
- (1) This section applies to a report under section 88.
- (2) The Ombudsman must submit a draft of the report –
- (a) to the Minister, and
 - (b) if the complaint was a Commission complaint, to the Commission. 35
- (3) In finalising the report the Ombudsman –
- (a) must have regard to any proposal by the Minister or the Commission for changes in the draft report;
 - (b) must include in the report a statement of any such proposal not given effect to. 40
- (4) The report must be signed by the Ombudsman.

- (5) If the complaint was a Commission complaint the Ombudsman must send the report in duplicate to the Minister and the Commission.
- (6) Otherwise the Ombudsman must send the report to the Minister.
- (7) The Ombudsman must send a copy of the report to the complainant, but that copy must not include information –
 - (a) which relates to an identified or identifiable individual other than the complainant, and
 - (b) whose disclosure by the Ombudsman to the complainant would (apart from this subsection) be contrary to section 111.

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90 References by the Minister

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- (1) If the Minister refers to the Ombudsman any matter relating to the procedures of the Commission or a committee of the Commission, the Ombudsman must investigate it.
- (2) The matter may relate to such procedures generally or in a particular case.
- (3) The Ombudsman must report to the Minister on any investigation under this section.
- (4) The report must state –
 - (a) what findings the Ombudsman has made;
 - (b) what if any action he recommends should be taken by any person in relation to the matter.
- (5) The report must be signed by the Ombudsman.

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91 Information

The Commission and the Minister must provide the Ombudsman with such information as he may reasonably require relating to the subject matter of any investigation by him under section 87 or 90.

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Miscellaneous

92 Consultation on appointment of lay justices

In section 10 of the Courts Act 2003 (c. 39) (appointment of lay justices etc.) after subsection (2) insert –

“(2A) The Lord Chancellor must ensure that arrangements for the exercise, so far as affecting any local justice area, of functions under subsections (1) and (2) include arrangements for consulting persons appearing to him to have special knowledge of matters relevant to the exercise of those functions in relation to that area.”

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93 Disclosure of information to the Commission

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- (1) Information which is held by or on behalf of a permitted person (whether obtained before or after this section comes into force) may be disclosed to the Commission or a committee of the Commission for the purposes of selection under this Part.

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- (2) A disclosure under this section is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (3) But nothing in this section authorises the making of a disclosure –
- (a) which contravenes the Data Protection Act 1998 (c. 29), or
 - (b) which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23). 5
- (4) This section does not affect a power to disclose which exists apart from this section.
- (5) The following are permitted persons –
- (a) a chief officer of police of a police force in England and Wales; 10
 - (b) a chief constable of a police force in Scotland;
 - (c) the Chief Constable of the Police Service of Northern Ireland;
 - (d) the Director General of the National Criminal Intelligence Service;
 - (e) the Director General of the National Crime Squad;
 - (f) the Commissioners of Inland Revenue; 15
 - (g) the Commissioners of Customs and Excise.
- (6) The Minister may by order designate as permitted persons other persons who exercise functions which he considers are of a public nature (including a body or person discharging regulatory functions in relation to any description of activities). 20
- (7) Information must not be disclosed under this section on behalf of the Commissioners of Inland Revenue or on behalf of the Commissioners of Customs and Excise unless the Commissioners concerned authorise the disclosure.
- (8) The power to authorise a disclosure under subsection (7) may be delegated (either generally or for a specific purpose) – 25
- (a) in the case of the Commissioners of Inland Revenue, to an officer of the Board of Inland Revenue,
 - (b) in the case of the Commissioners of Customs and Excise, to a customs officer. 30
- (9) For the purposes of this section a customs officer is a person commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979 (c. 2).

CHAPTER 3

DISCIPLINE 35

Procedures

94 Disciplinary powers

- (1) Any power of the Minister to remove a person from an office listed in Schedule 12 is exercisable only after the Minister has complied with prescribed procedures (as well as any other requirements to which the power is subject). 40

- (2) The Lord Chief Justice may exercise any of the following powers but only with the agreement of the Minister and only after complying with prescribed procedures.
- (3) The Lord Chief Justice may give a judicial office holder any of the following for disciplinary purposes – 5
- (a) advice;
 - (b) a warning;
 - (c) a formal reprimand.
- (4) He may suspend a person from a judicial office for any period during which any of the following applies – 10
- (a) the person is subject to criminal proceedings;
 - (b) the person is serving a sentence imposed in criminal proceedings;
 - (c) the person has been convicted of an offence and is subject to disciplinary procedures to determine whether he should be removed from office. 15
- (5) He may suspend a person from a judicial office for any period if –
- (a) the person has been convicted of a criminal offence,
 - (b) it has been determined under prescribed procedures that the person should not be removed from office, and
 - (c) it appears to the Lord Chief Justice with the agreement of the Minister that the suspension is necessary for maintaining confidence in the judiciary. 20
- (6) He may suspend a person from office as a senior judge for any period during which the person is subject to proceedings for an Address.
- (7) He may suspend the holder of an office listed in Schedule 12 for any period during which the person – 25
- (a) is under investigation for an offence, or
 - (b) is subject to disciplinary procedures.
- (8) While a judicial office holder of any description is suspended under this section he may not exercise any functions of his office. 30

95 Disciplinary powers: interpretation

- (1) This section has effect for the purposes of section 94.
- (2) A person is subject to criminal proceedings if in any part of the United Kingdom proceedings against him for an offence have been begun and have not come to an end, and the times when proceedings are begun and come to an end for the purposes of this subsection are such as may be prescribed. 35
- (3) A person is subject to proceedings for an Address from the time when notice of a motion is given in each House of Parliament for an Address for the removal of the person from office, until the earliest of the following events –
- (a) either notice is withdrawn; 40
 - (b) either motion is amended so that it is no longer a motion for an address for removal of the person from office;
 - (c) either motion is withdrawn, lapses or is disagreed to;
 - (d) where an Address is presented by each House, a message is brought to each House from Her Majesty in answer to the Address. 45

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- (4) “Judicial office” means –
- (a) office as a senior judge, or
 - (b) an office listed in Schedule 12;
- and “judicial office holder” means the holder of a judicial office.
- (5) “Senior judge” means any of these – 5
- (a) Master of the Rolls;
 - (b) President of the Queen’s Bench Division;
 - (c) President of the Family Division;
 - (d) Chancellor of the High Court;
 - (e) Lord Justice of Appeal; 10
 - (f) puisne judge of the High Court.
- (6) “Sentence” includes any sentence other than a fine (and “serving” is to be read accordingly).
- (7) “Subject to disciplinary procedures” and “under investigation for an offence” have such meaning as may be prescribed. 15
- 96 Regulations about procedures**
- (1) The Lord Chief Justice may, with the agreement of the Minister, make regulations providing for the procedures that are to be followed in the investigation and determination of allegations by any person of misconduct by judicial office holders. 20
- (2) The regulations are to be made in the form of a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the regulations were made by a Minister of the Crown.
- (3) Any such statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament. 25
- 97 Contents of regulations**
- (1) Regulations under section 96 may include provision as to any of the following –
- (a) circumstances in which an investigation must or may be undertaken (on the making of a complaint or otherwise); 30
 - (b) steps to be taken by a complainant before a complaint is to be investigated;
 - (c) the conduct of an investigation, including steps to be taken by the office holder under investigation or by a complainant or other person;
 - (d) time limits for taking any step and procedures for extending time limits; 35
 - (e) persons by whom an investigation or part of an investigation is to be conducted;
 - (f) matters to be determined by the Lord Chief Justice, the Minister, the office holder under investigation or any other person; 40
 - (g) requirements as to records of investigations;
 - (h) requirements as to confidentiality of communications or proceedings;
 - (i) requirements as to the publication of information or its provision to any person.

- (2) The regulations –
 - (a) may require a decision as to the exercise of functions under section 94, or functions mentioned in subsection (1) of that section, to be taken in accordance with findings made pursuant to prescribed procedures;
 - (b) may require that prescribed steps be taken by the Lord Chief Justice or the Minister in exercising those functions or before exercising them. 5
- (3) The regulations may provide for any prescribed requirement not to apply if the Lord Chief Justice and the Minister so agree.
- (4) Where the regulations impose any requirement on the office holder under investigation or on a complainant, a person contravening the requirement does not incur liability other than liability to such procedural penalty if any (which may include the suspension or dismissal of a complaint) –
 - (a) as may be prescribed by the regulations, or
 - (b) as may be determined by the Lord Chief Justice and the Minister or either of them in accordance with provisions so prescribed. 10
- (5) The regulations may make different provision for different purposes.
- (6) Nothing in this section limits the generality of section 96. 15

98 Procedural rules

- (1) Regulations under section 96 may provide for provision of a prescribed description that may be included in the regulations to be made instead by rules made by the Lord Chief Justice with the agreement of the Minister. 20
- (2) But the provision that may be made by rules does not include –
 - (a) provision within section 97(2);
 - (b) provision made for the purposes of section 97(4).
- (3) The rules are to be published in such manner as the Lord Chief Justice may determine with the agreement of the Minister. 25

99 Extension of discipline provisions to other offices

- (1) This Chapter applies in relation to an office designated by the Minister under this section as it would apply if the office were listed in Schedule 12.
- (2) The Minister may by order designate any office, not listed in Schedule 12, the holder of which he has power to remove from office. 30
- (3) An order under this section may be made only with the agreement of the Lord Chief Justice.

Complaints and references

100 Investigations by the Ombudsman relating to conduct 35

- (1) Subsections (2) and (3) apply to a complaint by a person within subsection (4) of –
 - (a) a failure by the Lord Chief Justice, the Minister or any other person to comply with prescribed procedures, or

- (b) other maladministration in an investigation or determination to which such procedures apply.
 - (2) If the Ombudsman considers that investigation of the complaint is not necessary, he must inform the complainant.
 - (3) Otherwise he must investigate the complaint. 5
 - (4) The persons who may make a complaint under this section are these –
 - (a) the judicial office holder who was the subject of the investigation or determination concerned;
 - (b) a complainant under regulations under section 96.
 - (5) Subsection (1) does not apply to a complaint such as is mentioned there if it is made to the Ombudsman more than 28 days after the latest of – 10
 - (a) the matter complained of;
 - (b) the complainant being notified of the conclusion or other termination of an investigation to which the complaint relates;
 - (c) the complainant being notified of a determination to which the complaint relates. 15
 - (6) A complaint under this section must be in a form approved by the Ombudsman.
- 101 Report and recommendations**
- (1) The Ombudsman must prepare a report on any complaint he has investigated under section 100. 20
 - (2) The report must state –
 - (a) what findings the Ombudsman has made;
 - (b) whether he considers the complaint should be upheld in whole or part;
 - (c) if he does, what if any action he recommends should be taken by the Lord Chief Justice or the Minister as a result of the complaint. 25
 - (3) The recommendations that may be made under subsection (2)(c) include recommendations for the payment of compensation.
 - (4) Such a recommendation must relate to loss which appears to the Ombudsman to have been suffered by the complainant as a result of maladministration. 30
- 102 Report procedure**
- (1) This section applies to a report under section 101.
 - (2) The Ombudsman must submit a draft of the report to the Lord Chief Justice and to the Minister.
 - (3) In finalising the report the Ombudsman – 35
 - (a) must have regard to any proposal by the Lord Chief Justice or the Minister for changes in the draft report;
 - (b) must include in the report a statement of any such proposal not given effect to.
 - (4) The report must be signed by the Ombudsman. 40

- (5) The Ombudsman must send the report in duplicate to the Lord Chief Justice and to the Minister.
- (6) The Ombudsman must send a copy of the report to the complainant, but that copy must not include information –
 - (a) which relates to an identified or identifiable individual other than the complainant, and
 - (b) whose disclosure by the Ombudsman to the complainant would (apart from this subsection) be contrary to section 111.

103 References to the Ombudsman relating to conduct

- (1) The Ombudsman must investigate any matter referred to him by the Lord Chief Justice or the Minister relating to an investigation or determination to which prescribed procedures apply. 10
- (2) The matter may relate to the investigation or determination of a particular complaint or complaints of any description.
- (3) The Ombudsman must report to the Lord Chief Justice and the Minister on any investigation under this section. 15
- (4) The report must state –
 - (a) what findings the Ombudsman has made;
 - (b) what if any action he recommends should be taken by any person in relation to the matter. 20
- (5) The report must be signed by the Ombudsman.

CHAPTER 4

INTERPRETATION OF PART 4

104 Interpretation of Part 4

- In this Part – 25
 - “appoint” includes nominate or designate (and “appointment” is to be read accordingly);
 - the “Commission” means the Judicial Appointments Commission;
 - “Head of Division” means any of these –
 - (a) the Master of the Rolls;
 - (b) the President of the Queen’s Bench Division;
 - (c) the President of the Family Division;
 - (d) the Chancellor of the High Court;
 - “high judicial office” has the meaning given by section 54;
 - “lay member” of the Commission has the meaning given by paragraph 4 of Schedule 10;
 - “Lord Chief Justice”, unless otherwise stated, means the Lord Chief Justice of England and Wales;
 - “office” includes a position of any description;
 - the “Ombudsman” means the Judicial Appointments and Conduct Ombudsman; 40

“prescribed” means prescribed by regulations under section 96 or by rules under section 98.

PART 5

JUDICIAL DISCIPLINE: NORTHERN IRELAND

- | | | |
|------------|---|----|
| 105 | Removal from most senior judicial offices | 5 |
| | In the Judicature (Northern Ireland) Act 1978 (c. 23) before section 13 insert – | |
| | "12B Tenure of office | |
| | (1) The Lord Chief Justice, Lords Justices of Appeal and judges of the High Court hold office during good behaviour (subject to section 26 of, and Schedule 7 to, the Judicial Pensions and Retirement Act 1993). | 10 |
| | (2) Her Majesty may on an address presented to Her Majesty by both Houses of Parliament remove a person from office as Lord Chief Justice, a Lord Justice of Appeal or a judge of the High Court. | |
| | (3) A motion for the presentation of an address to Her Majesty for the removal of a person from any of those offices may be made – | 15 |
| | (a) to the House of Commons only by the Prime Minister; and | |
| | (b) to the House of Lords only by the Lord Chancellor. | |
| | (4) Neither the Prime Minister nor the Lord Chancellor may make a motion for the presentation of such an address unless a tribunal convened under section 107 of the Constitutional Reform Act 2005 has reported to the Lord Chancellor recommending that the person be removed from the office on the ground of misbehaviour. | 20 |
| | (5) The Prime Minister shall lay a copy of the report before the House of Commons before making a motion for the presentation of an address in that House; and the Lord Chancellor shall lay a copy of it before the House of Lords before making such a motion in that House. | 25 |
| | (6) If the Prime Minister and Lord Chancellor are considering the making of motions for the presentation of an address to Her Majesty in relation to the Lord Chief Justice, the Prime Minister may suspend him from office; and if they are considering the making of such motions in relation to a Lord Justice of Appeal or a judge of the High Court the Prime Minister may suspend him from office with the agreement of the Lord Chief Justice. | 30 |
| | (7) If a person is suspended from an office under subsection (6), he may not perform any of the functions of the office (but his other rights as holder of the office are unaffected).” | 35 |
| 106 | Removal from listed judicial offices | |
| | (1) A person holding a listed judicial office other than as a judge of the High Court may be removed from office (and suspended from office pending a decision whether to remove him) but only in accordance with this section. | 40 |
| | (2) The power to remove or suspend him is exercisable by the Lord Chancellor. | |

- (3) He may only be removed if a tribunal convened under section 107 has reported to the Lord Chancellor recommending that he be removed on the ground of misbehaviour or inability to perform the functions of the office.
- (4) He may only be suspended if the tribunal, at any time when it is considering whether to recommend his removal, has recommended to the Lord Chancellor that he be suspended. 5
- (5) He may not be removed or suspended except after consultation with the Lord Chief Justice.
- (6) If he is suspended he may not perform any of the functions of the office until the decision whether to remove him has been taken (but his other rights as holder of the office are unaffected). 10

107 Tribunals for considering removal

- (1) A tribunal to consider the removal of the Lord Chief Justice may be convened by the Lord Chancellor.
- (2) A tribunal to consider the removal of the holder of any other protected judicial office may be convened – 15
 - (a) by the Lord Chancellor, after consulting the Lord Chief Justice, or
 - (b) by the Lord Chief Justice, after consulting the Lord Chancellor.
- (3) A tribunal to consider the removal of the Lord Chief Justice or a Lord Justice of Appeal may not be convened unless the Prime Minister has been consulted. 20
- (4) A tribunal to consider the removal of the Lord Chief Justice, a Lord Justice of Appeal or a judge of the High Court is to consist of – 25
 - (a) a person who holds high judicial office within the meaning of Part 3 and does not hold (and has never held) the office of Lord Chief Justice, Lord Justice of Appeal or judge of the High Court,
 - (b) a person who is, or has been, a judge of the Court of Appeal of England and Wales or the Inner House of the Court of Session, and
 - (c) a person who does not hold (and has never held) a protected judicial office and is not (and has never been) a barrister or solicitor.
- (5) A tribunal to consider the removal of the holder of any other protected judicial office is to consist of – 30
 - (a) a person who holds, or has held, the office of Lord Chief Justice or Lord Justice of Appeal,
 - (b) a person who holds the office of judge of the High Court, and
 - (c) a person who does not hold (and has never held) a protected judicial office and is not (and has never been) a barrister or solicitor. 35
- (6) The chairman of a tribunal is the person mentioned in paragraph (a) of subsection (4) or (5).
- (7) The selection of the persons to be the members of a tribunal under paragraphs (a) and (b) of subsection (4) is to be made by the Lord Chancellor, after consultation with – 40
 - (a) the Lord Chief Justice (unless the tribunal is to consider his removal from office),
 - (b) the President of the Supreme Court of the United Kingdom,
 - (c) the Lord Chief Justice of England and Wales, and 45

- (d) the Lord President of the Court of Session.
- (8) The selection of the persons to be the members of a tribunal under paragraphs (a) and (b) of subsection (5) is to be made by the Lord Chief Justice.
- (9) The selection of the person who is to be the member of a tribunal under paragraph (c) of subsection (4) or (5) is to be made by the Lord Chancellor. 5
- (10) The procedure of a tribunal is to be determined by the Lord Chief Justice except where –
- (a) the office of Lord Chief Justice is vacant,
 - (b) he is not available, or
 - (c) the tribunal is to consider his removal from office; 10
- and in such a case its procedure is to be determined by its chairman.
- (11) The Lord Chancellor may pay to a member of a tribunal any such allowances or fees as he may determine.

108 Interpretation of Part 5

- In this Part – 15
- “listed judicial office” means an office listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
- “Lord Chief Justice”, unless otherwise stated, means the Lord Chief Justice of Northern Ireland;
- “Lord Justice of Appeal” means a person styled as such under section 3 of the Judicature (Northern Ireland) Act 1978 (c. 23); 20
- “protected judicial office” means the office of Lord Chief Justice, the office of Lord Justice of Appeal or a listed judicial office.

PART 6

OTHER PROVISIONS RELATING TO THE JUDICIARY 25

109 Parliamentary disqualification

- (1) In Part 1 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (judicial offices disqualifying for membership) at the beginning insert –
- “Judge of the Supreme Court.”
- (2) In Part 1 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (judicial offices disqualifying for membership) at the beginning insert – 30
- “Judge of the Supreme Court.”
- (3) A member of the House of Lords is, while he holds any disqualifying judicial office, disqualified for sitting or voting in – 35
- (a) the House of Lords,
 - (b) a committee of that House, or
 - (c) a joint committee of both Houses.
- (4) In subsection (3) “disqualifying judicial office” means any of the judicial offices specified in – 40

- (a) Part 1 of Schedule 1 to the House of Commons Disqualification Act 1975, or
 - (b) Part 1 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.
- (5) A member of the House of Lords who is disqualified under subsection (3) is not for that reason disqualified for receiving a writ of summons to attend that House, but any such writ is subject to that subsection. 5

110 Judicial Committee of the Privy Council

Schedule 13 contains amendments about the Judicial Committee of the Privy Council. 10

PART 7

GENERAL

111 Confidentiality

- (1) A person who obtains confidential information, or to whom confidential information is provided, under or for the purposes of a relevant provision must not disclose it except with lawful authority. 15
- (2) These are the relevant provisions –
- (a) sections 23 to 28;
 - (b) Part 4;
 - (c) regulations and rules under Part 4. 20
- (3) Information is confidential if it relates to an identified or identifiable individual (a “subject”).
- (4) Confidential information is disclosed with lawful authority only if and to the extent that any of the following applies –
- (a) the disclosure is with the consent of each person who is a subject of the information (but this is subject to subsection (5)); 25
 - (b) the disclosure is for (and is necessary for) the exercise by any person of functions under a relevant provision;
 - (c) the disclosure is for (and is necessary for) the exercise of functions under section 11(3A) of the Supreme Court Act 1981 (c. 54) or a decision whether to exercise them; 30
 - (d) the disclosure is for (and is necessary for) the exercise of powers to which section 94 applies, or a decision whether to exercise them;
 - (e) the disclosure is required, under rules of court or a court order, for the purposes of legal proceedings of any description. 35
- (5) An opinion or other information given by one identified or identifiable individual (A) about another (B) –
- (a) is information that relates to both;
 - (b) must not be disclosed to B without A’s consent.
- (6) This section does not prevent the disclosure with the agreement of the Lord Chancellor and the Lord Chief Justice of information as to disciplinary action taken in accordance with a relevant provision. 40

- (7) This section does not prevent the disclosure of information which is already, or has previously been, available to the public from other sources.
- (8) A contravention of this section in respect of any information is actionable, subject to the defences and other incidents applying to actions for breach of statutory duty. 5
- (9) But it is actionable only at the suit of a person who is a subject of the information.

112 “Enactment”

- (1) In this Act “enactment” includes – 10
- (a) an enactment contained in this Act;
 - (b) an enactment contained in a local, personal or private Act;
 - (c) except in sections 16 and 115, an enactment contained in subordinate legislation;
- and any reference to an enactment includes a reference to an enactment whenever passed or made. 15
- (2) In section 19 “enactment” also includes an enactment contained in, or in an instrument made under, Northern Ireland legislation.
- (3) In Part 3 “enactment” also includes – 20
- (a) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;
 - (b) an enactment contained in, or in an instrument made under, Northern Ireland legislation.
- (4) In sections 16 and 115 and in paragraph 3 of Schedule 6 “enactment” also includes – 25
- (a) an enactment contained in Northern Ireland legislation;
 - (b) an enactment contained in a Measure of the Church Assembly or of the General Synod of the Church of England.

113 “Subordinate legislation”

- (1) In this Act “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30). 30
- (2) In sections 16 and 115 “subordinate legislation” also includes an enactment contained in an instrument made under Northern Ireland legislation.

114 General interpretation

In this Act – 35

- “functions” includes powers and duties;
- “the Minister” means the Lord Chancellor;
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26).

115 Supplementary provision etc

- (1) The Minister may by order make – 40

- (a) any supplementary, incidental or consequential provision, and
(b) any transitory, transitional or saving provision,
which he considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of this Act.
- (2) An order under this section may in particular – 5
- (a) provide for any provision of this Act which comes into force before another such provision has come into force to have effect, until that other provision has come into force, with such modifications as are specified in the order;
- (b) amend or repeal any of the following – 10
- (i) an enactment other than one contained in an Act passed, or Northern Ireland legislation passed or made, after the Session in which this Act is passed;
- (ii) subordinate legislation other than subordinate legislation made under an Act passed, or Northern Ireland legislation passed or made, after the Session in which this Act is passed; 15
- (iii) any other instrument or document, including a prerogative instrument.
- (3) The amendments that may be made by virtue of subsection (2)(b) are in addition to those made by or under any other provision of this Act. 20
- (4) In this section “prerogative instrument” means an Order in Council, warrant, charter or other instrument made under the prerogative.

116 Orders and regulations

- (1) Any power of a Minister of the Crown to make an order or regulations under this Act is exercisable by statutory instrument, except where subsection (2) applies. 25
- (2) Any power of the Minister to make an order under section 16(1) or 115 amending an enactment contained in, or in an instrument made under, Northern Ireland legislation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)). 30
- (3) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (4) Subsection (3) applies to a statutory instrument which contains any of the following – 35
- (a) an order under section 74(2)(a) or (b) which amends Part 1 of Schedule 12;
- (b) an order under section 16(1) which amends a public general Act, except where the only such amendment is the inclusion in Schedule 6 of a function of the Lord Chancellor; 40
- (c) an order under section 115 which amends a public general Act;
- (d) an order under paragraph 5 of Schedule 10.
- (5) In any other case a statutory instrument containing an order or regulations under this Act, unless it contains only an order under section 59(5) or 120, is subject to annulment in pursuance of a resolution of either House of Parliament. 45

- (6) A statutory rule made under a power to which subsection (2) applies is subject to annulment in pursuance of a resolution of either House of Parliament.

117 Minor and consequential amendments

Schedule 14 (minor and consequential amendments) has effect.

118 Repeals and revocations

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The provisions listed in Schedule 15 are repealed or revoked to the extent specified.

119 Extent

- (1) Sections 7, 8 and 9 extend to England and Wales only.
- (2) Part 5 extends to Northern Ireland only. 10
- (3) Any amendment, repeal or revocation made by this Act has the same extent as the provision to which it relates.
- (4) Subject to subsections (1) to (3), this Act extends to Northern Ireland.

120 Commencement

- (1) This Act, except the following provisions, comes into force in accordance with provision to be made by the Minister by order. 15
- (2) The provisions excepted from subsection (1) are –
- (a) section 5;
 - (b) sections 112 to 116;
 - (c) section 119; 20
 - (d) this section;
 - (e) section 121.
- (3) Section 5 comes into force in accordance with provision to be made by the Secretary of State by order.
- (4) An order by which section 20(1) comes into force at any time may not be made unless the Minister is satisfied that the Supreme Court will at that time be provided with accommodation in accordance with written plans that he has approved. 25
- (5) The Minister may approve plans only if, having consulted the Lords of Appeal in Ordinary holding office at the time of the approval, he is satisfied that accommodation in accordance with the plans will be appropriate for the purposes of the Court. 30
- (6) An order under this section may make different provision for different purposes.

121 Short title

35

- (1) This Act may be cited as the Constitutional Reform Act 2005.

- (2) **Nothing in this Act shall impose any charge on the people or on public funds, or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying, administration or application of any money raised by any such charge.**

SCHEDULES

SCHEDULE 1

Section 10

POWERS TO MAKE RULES

PART 1

THE PROCESS

5

Interpretation

- 1 In this Part “designated rules” means rules under another Act which are, by virtue of provision in that Act, to be made in accordance with this Part.

The process

10

- 2 (1) It is for the Lord Chief Justice, or a judicial office holder nominated by the Lord Chief Justice with the agreement of the Minister, to make designated rules.

- (2) The Lord Chief Justice may nominate a judicial office holder in accordance with sub-paragraph (1) –

15

- (a) to make designated rules generally, or
(b) to make designated rules under a particular enactment.

- (3) In this Part –

- (a) “judicial office holder” has the same meaning as in section 95(4);
(b) references to the Lord Chief Justice’s nominee, in relation to designated rules, means a judicial office holder nominated by the Lord Chief Justice under sub-paragraph (1) to make those rules.

20

- 3 (1) The Lord Chief Justice, or his nominee, may make designated rules only with the agreement of the Minister.

- (2) If the Minister does not agree designated rules made by the Lord Chief Justice, or by his nominee, the Minister must give that person written reasons why he does not agree the rules.

25

- 4 (1) Designated rules made by the Lord Chief Justice, or by his nominee, and agreed by the Minister –

- (a) come into force on such day as the Minister directs, and
(b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.

30

- (2) A statutory instrument containing designated rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- 5 (1) This paragraph applies if the Minister gives the Lord Chief Justice, or his nominee, written notice that he thinks it is expedient for designated rules to include provision that would achieve a purpose specified in the notice. 5
- (2) The Lord Chief Justice, or his nominee, must make such designated rules as he considers necessary to achieve the specified purpose.
- (3) Those rules must be –
- (a) made within a reasonable period after the Minister gives notice under sub-paragraph (1); 10
- (b) made in accordance with the provisions of this Part.

PART 2

RULE-MAKING POWERS SUBJECT TO THE PROCESS IN PART 1

Trustee Act 1925 (c. 19)

- 6 In section 54 of the Trustee Act 1925 (jurisdiction in regard to mental patients), for the paragraph after subsection (2)(d) substitute – 15
- “(2A) Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 with respect to the exercise of the jurisdiction referred to in subsection (2).”

Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36) 20

- 7 In section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedure for indictment of offenders), in subsection (6A)(a) for “by the Lord Chancellor” substitute “in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005”.

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65) 25

- 8 (1) Section 5 of the Reserve and Auxiliary Forces (Protection of Civilian Interests) Act 1951 (appropriate courts and procedure) is amended as follows.
- (2) In subsection (2) for “The Lord Chancellor may also make rules” substitute “Rules may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005”. 30
- (3) In subsections (3) to (5) for “Rules so made” substitute “Rules under subsection (2)”.

Courts-Martial (Appeals) Act 1968 (c. 20)

- 9 (1) Section 49 of the Courts-Martial (Appeals) Act 1968 (rules of court) is amended as follows. 35
- (2) In subsection (1) for “by the Lord Chief Justice with the approval of the Lord Chancellor” substitute “in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005”.

- (3) In subsection (2) for “Lord Chief Justice” substitute “person making the rules”.
- (4) Omit subsections (3) and (4).

Adoption Act 1976 (c. 36)

- 10 In section 66 of the Adoption Act 1976 (rules of procedure), in subsection (1) for “by the Lord Chancellor” substitute “in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005”. 5

Supreme Court Act 1981 (c. 54)

- 11 The Supreme Court Act 1981 is amended as follows.
- 12 (1) Section 127 (probate rules) is amended as follows. 10
- (2) In subsection (1) for the words from the beginning to “for regulating” substitute “Rules of court (in this Part referred to as “probate rules”) may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 for regulating”.
- (3) Omit subsection (3). 15
- 13 (1) Section 136 (production of documents filed in, or in custody of, Supreme Court) is amended as follows.
- (2) In subsection (1) for the words from the beginning to “make rules” substitute “Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005”. 20
- (3) In subsection (2)(b) for “Lord Chancellor” substitute “person making the rules”.
- (4) Omit subsection (3).

Mental Health Act 1983 (c. 20)

- 14 The Mental Health Act 1983 is amended as follows. 25
- 15 In section 65 (Mental Health Review Tribunals), in subsection (3) omit “by the Lord Chancellor”.
- 16 In section 108 (general provisions as to rules under Part 7), after subsection (1) (as substituted by paragraph 129(2) of Schedule 4) insert – 30
- “(1A) Rules under any other provision of this Part of this Act are to be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005”.
- 17 In section 143 (general provisions as to regulations, orders and rules), after subsection (3) insert – 35
- “(4) This section does not apply to rules which are, by virtue of section 108 of this Act, to be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005.”

County Courts Act 1984 (c. 28)

- 18 (1) Section 38 of the County Courts Act (remedies available in county courts) is amended as follows.
- (2) Omit subsection (4)(c).
- (3) After subsection (4) insert – 5
- “(4A) If regulations are made under subsection (3), rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 about procedure relevant to the matters prescribed in the regulations.”

Matrimonial and Family Proceedings Act 1984 (c. 42) 10

- 19 In section 40 of the Matrimonial and Family Proceedings Act 1984 (family proceedings rules), in the second paragraph of subsection (2) –
- (a) in paragraph (a) omit “by the Lord Chancellor”;
- (b) in paragraph (b) omit “by the President of the Family Division with the concurrence of the Lord Chancellor”. 15

Coroners Act 1988 (c. 13)

- 20 The Coroners Act 1988 is amended as follows.
- 21 In section 11 (proceedings at inquest), for subsection (5)(c) substitute –
- “(c) shall be in such form as may be prescribed in rules made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005.” 20
- 22 (1) Section 32 (power to make rules) is amended as follows.
- (2) In subsection (1) for “The Lord Chancellor may, with the concurrence of the Secretary of State, make rules” substitute “Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005”. 25
- (3) In subsection (3) for “of the Lord Chancellor under this section to make rules” substitute “to make rules under this section”.
- (4) Omit subsection (4).

Family Law Act 1996 (c. 27)

- 23 The Family Law Act 1996 is amended as follows. 30
- 24 (1) For the title to section 12 substitute “Rules about procedure”.
- (2) In subsection (1) for “The Lord Chancellor may make rules” substitute “Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005”.
- (3) In subsection (2) for “The Lord Chancellor may make rules” substitute “Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005”. 35
- 25 In section 65 (rules, regulations and orders), in subsection (5) after “does not apply” insert “to rules made under section 12 or”.

- 26 The power to amend or repeal enactments that is referred to in section 109(5)(b) of the Courts Act 2003 (c. 39) may be exercised in relation to sections 12 and 65 of the Family Law Act 1996 (c. 27) as amended by paragraphs 24 and 25 of this Schedule.

Adoption and Children Act 2002 (c. 38) 5

- 27 (1) The Adoption and Children Act 2002 is amended as follows.
 (2) Those amendments do not have effect at any time after the amendments made to the Adoption and Children Act 2002 by paragraph 413 of Schedule 8 to the Courts Act 2003 have come into force.

28 In section 141 (rules of procedure), in subsection (1) for “The Lord Chancellor may make rules” substitute “Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005”. 10

29 In section 142 (supplementary and consequential provision), in subsection (4) for “this Act or” substitute “this Act, any power to make rules under section 141 or any power”. 15

Courts Act 2003 (c. 39)

- 30 In section 76 of the Courts Act 2003 (further provision about scope of Family Procedure Rules) omit “by the President of the Family Division, with the concurrence of the Lord Chancellor,”.

SCHEDULE 2

Section 11

20

POWERS TO GIVE DIRECTIONS

PART 1

THE PROCESS

Interpretation

- 1 In this Part “designated directions” means directions under another Act which are, by virtue of provision in that Act, to be made or given in accordance with this Part. 25

The process

- 2 (1) It is for the Lord Chief Justice, or a judicial office holder nominated by the Lord Chief Justice with the agreement of the Minister, to make or give designated directions. 30
 (2) The Lord Chief Justice may nominate a judicial office holder in accordance with sub-paragraph (1) –
 (a) to make or give designated directions generally, or
 (b) to make or give designated directions under a particular enactment. 35
 (3) In this part –
 (a) “judicial office holder” has the same meaning as in section 95(4);

- (b) references to the Lord Chief Justice’s nominee, in relation to designated directions, means a judicial office holder nominated by the Lord Chief Justice under sub-paragraph (1) to make or give those directions.
- 3 (1) The Lord Chief Justice, or his nominee, may make or give designated directions only with the agreement of the Minister. 5
- (2) Sub-paragraph (1) does not apply to designated directions to the extent that they consist of guidance about any of the following—
- (a) the application or interpretation of the law;
- (b) the making of judicial decisions. 10
- (3) If the Minister does not agree designated directions made or given by the Lord Chief Justice, or by his nominee, the Minister must give that person written reasons why he does not agree the directions.

PART 2

POWERS OF DIRECTION SUBJECT TO THE PROCESS IN PART 1 15

Courts-Martial (Appeals) Act 1968 (c. 20)

- 4 (1) Section 4 of the Courts-Martial (Appeals) Act 1968 is amended as follows.
- (2) In subsection (1) for “by the Lord Chief Justice with the consent of the Lord Chancellor” substitute “in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005”. 20
- (3) In subsection (2) for “If the Lord Chief Justice so directs” substitute “If such directions so provide”.
- (4) In subsection (3) for “the Lord Chief Justice shall direct” substitute “such directions may provide”.

Supreme Court Act 1981 (c. 54) 25

- 5 In section 124 of the Supreme Court Act 1981 (place for deposit of original wills and other documents), for “as the Lord Chancellor may direct” substitute “as may be provided for in directions given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005”.

Civil Procedure Act 1997 (c. 12) 30

- 6 For section 5 of the Civil Procedure Act 1997 substitute—
- “5 Practice directions**
- (1) Practice directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005.
- (2) Practice directions given otherwise than under subsection (1) may not be given without the approval of— 35
- (a) the Lord Chancellor, and
- (b) the Lord Chief Justice.

-
- (3) Practice directions (whether given under subsection (1) or otherwise) may provide for any matter which, by virtue of paragraph 3 of Schedule 1, may be provided for by Civil Procedure Rules.
- (4) The power to give practice directions under subsection (1) includes power – 5
- (a) to vary or revoke directions given by any person;
- (b) to give directions containing different provision for different cases (including different areas);
- (c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction. 10
- (5) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following –
- (a) the application or interpretation of the law;
- (b) the making of judicial decisions.”
- Courts Act 2003 (c. 39)* 15
- 7 The Courts Act 2003 is amended as follows.
- 8 (1) Section 74 (practice directions as to practice and procedure of criminal courts) is amended as follows.
- (2) In subsection (1) for “The Lord Chief Justice may, with the concurrence of the Lord Chancellor, give directions” substitute “Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005”. 20
- (3) In subsection (2) for the words from “may not be given” to the end substitute “given otherwise than under subsection (1) may not be given without the approval of –
- (a) the Lord Chancellor, and 25
- (b) the Lord Chief Justice.”
- (4) In subsection (3)(a) for “by the Lord Chief Justice or any other person” substitute “under subsection (1) or otherwise”.
- (5) For subsection (4) substitute –
- “(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following – 30
- (a) the application or interpretation of the law;
- (b) the making of judicial decisions.”
- 9 (1) Section 81 (practice directions relating to family proceedings) is amended as follows. 35
- (2) In subsection (1) for “The President of the Family Division may, with the concurrence of the Lord Chancellor, give directions” substitute “Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005”.
- (3) In subsection (2) for the words from “may not be given” to the end substitute “given otherwise than under subsection (1) may not be given without the approval of – 40
- (a) the Lord Chancellor, and
- (b) the Lord Chief Justice.”

(4) In subsection (3)(a) for “by the President of the Family Division or any other person” substitute “under subsection (1) or otherwise”.

(5) After subsection (3) insert –

“(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following –

(a) the application or interpretation of the law;

(b) the making of judicial decisions.”

5

SCHEDULE 3

Section 12

TRANSFER OF APPOINTMENT FUNCTIONS TO HER MAJESTY

District Judges

10

1 (1) For section 6 of the County Courts Act 1984 (c. 28) substitute –

“6 District judges

(1) Her Majesty may, on the recommendation of the Lord Chancellor, appoint district judges.

(2) The Lord Chief Justice, after consulting the Lord Chancellor –

15

(a) must assign each district judge to one or more districts;

(b) may change an assignment so as to assign the district judge to a different district or districts.

(3) A reference in any enactment or other instrument to the district judge for a district or of a county court is a reference to any district judge assigned to the district concerned.

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(4) Every district judge is, by virtue of his office, capable of acting in any district whether or not assigned to it, but may do so only in accordance with arrangements made by or on behalf of the Lord Chief Justice.

25

(5) A district judge is to be paid such salary as may be determined by the Lord Chancellor with the concurrence of the Treasury.

(6) A salary payable under this section may be increased but not reduced by a determination or further determination under this section.”

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(2) That section as substituted applies to a district judge holding office by virtue of an appointment made before the commencement of sub-paragraph (1) as if he had been assigned to the district or districts for which he was appointed.

2 (1) For sections 100 and 101 of the Supreme Court Act 1981 (c. 54) substitute –

35

“100 District judges

(1) The Lord Chief Justice, after consulting the Lord Chancellor –

(a) may assign a district judge to one or more district registries;

- (b) may change an assignment so as to assign the district judge to a different district registry or registries (or to no district registry).
- (2) A reference in any enactment or other instrument to the district judge of a district registry is a reference to any district judge assigned to the registry concerned. 5
- (3) Every district judge is, by virtue of his office, capable of acting in any district registry whether or not assigned to it, but may do so only in accordance with arrangements made by or on behalf of the Lord Chief Justice. 10
- (4) Whilst a district judge is assigned to one or more district registries in accordance with subsection (1) he is a district judge of the High Court.”
- (2) That section as substituted applies to a district judge holding office by virtue of an appointment made before the commencement of sub-paragraph (1) as if he had been assigned to the district registry or registries for which he was appointed. 15
- (3) In section 102 of that Act (deputy district judges) for subsection (4) substitute—
- “(4) A person appointed to be a deputy district judge in a district registry has, while acting under this section, the same jurisdiction as a district judge assigned to that registry.” 20

High Court Masters and Registrars

- 3 (1) Section 89 of the Supreme Court Act 1981 (c. 54) (masters and registrars) is amended as follows. 25
- (2) In subsection (1), for the words from “the Lord Chancellor” to the end substitute “Her Majesty.”
- (3) After that subsection insert—
- “(1A) The maximum number of appointments under subsection (1) is such as may be determined from time to time by the Lord Chancellor with the concurrence of the Treasury.” 30
- (4) For subsection (3) substitute—
- “(3) Her Majesty shall, on the recommendation of the Lord Chancellor, appoint a person to each office listed in the first column of the table in subsection (3C) (“a senior office”). 35
- (3A) A person may be appointed to a senior office only if—
- (a) he holds the office in the corresponding entry in the second column of that table (“the qualifying office”), or
- (b) he does not hold the qualifying office but could be appointed to it in compliance with section 88. 40
- (3B) Where a person who is to be appointed to a senior office meets the condition in subsection (3A)(b) he shall, when appointed to the senior office, also be appointed to the qualifying office.

(3C) This is the table referred to in subsections (3) and (3A) –

<i>Senior office</i>	<i>Qualifying office</i>	
Senior Master of the Queen’s Bench Division	Master of the Queen’s Bench Division	
Chief Chancery Master	Master of the Chancery Division	5
Chief Taxing Master	Taxing master of the Supreme Court	
Chief Bankruptcy Registrar	Registrar in bankruptcy of the High Court	
Senior District Judge of the Family Division	Registrar of the Principal Registry of the Family Division”	10

(5) Before subsection (8) insert –

“(7A) A person appointed under subsection (1) is to be paid such salary, and a person appointed to a senior office is to be paid such additional salary, as may be determined by the Lord Chancellor with the concurrence of the Treasury. 15

(7B) A salary payable under or by virtue of this section –
 (a) may in any case be increased, but
 (b) may not, in the case of a salary payable in respect of an office listed in column 1 of Part 2 of Schedule 2 or of a senior office, be reduced, 20
 by a determination or further determination under this section.”

4 In section 93(2) of the Mental Health Act 1983 (c. 20) (Court of Protection) for “the Lord Chancellor” substitute “Her Majesty”.

Senior District Judge (Chief Magistrate) 25

5 In section 23 of the Courts Act 2003 (c. 39) (Senior District Judge (Chief Magistrate)) –
 (a) for “The Lord Chancellor” substitute “Her Majesty”;
 (b) for “he” substitute “she”.

6 In section 10A(2) of the Justices of the Peace Act 1997 (c. 25) (until the coming into force of the repeal of that Act by the Courts Act 2003) for “The Lord Chancellor” substitute “Her Majesty”. 30

SCHEDULE 4

Section 13

OTHER FUNCTIONS OF THE LORD CHANCELLOR AND
 ORGANISATION OF THE COURTS

PART 1

AMENDMENTS

5

Habeas Corpus Act 1679 (c. 2)

- | | | |
|---|---|----|
| 1 | The Habeas Corpus Act 1679 is amended as follows. | |
| 2 | In section 1 (bringing before Lord Chancellor or other judges) omit “the lord chauncelior or lord keeper of the great seale of England for the time being or”. | 10 |
| 3 | In section 2 (appeal to Lord Chancellor or other judges) omit – <ul style="list-style-type: none"> (a) “the lord chauncellour or lord keeper or” in each place; (b) “lord chauncellor lord keeper”; (c) “the said lord chauncellor or lord keeper or” in the first and second places; (d) “lord chauncellor or lord keeper or” in the last place. | 15 |
| 4 | In section 9 (Lord Chancellor or other judge unduly denying writ) omit “the said lord chauncellor or lord keeper or”. | |

Cestui que Vie Act 1707 (c. 72)

- | | | |
|---|---|----|
| 5 | Any reference to the Lord Chancellor and keeper or commissioners for the custody of the great seal of Great Britain for the time being in section 1 of the Cestui que Vie Act 1707 is to be construed as a reference to a judge of the Chancery Division of the High Court. | 20 |
|---|---|----|

British Law Ascertainment Act 1859 (c. 63)

- | | | |
|---|--|----|
| 6 | In section 5 of the British Law Ascertainment Act 1859 (interpretation) omit “the Lord Chancellor,”. | 25 |
|---|--|----|

Promissory Oaths Act 1871 (c. 48)

- | | | |
|---|---|----|
| 7 | (1) Section 2 of the Promissory Oaths Act 1871 (persons before whom oaths to be taken) (as amended by paragraph 51 of Schedule 8 to the Courts Act 2003 (c. 39)) is amended as follows. | 30 |
| | (2) In the paragraph beginning “In England and Wales” for “Lord Chancellor” substitute “Lord Chief Justice of England and Wales”. | |
| | (3) After that paragraph insert – <ul style="list-style-type: none"> “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under the preceding paragraph.” | 35 |

Stannaries Court (Abolition) Act 1896 (c. 45)

- 8 (1) Section 1 of the Stannaries Court (Abolition) Act 1896 (abolition of Vice-Warden’s Court) is amended as follows.
- (2) In subsection (1) after “may” insert “, after consulting the Lord Chief Justice,”. 5
- (3) After subsection (2) insert –
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

Judicial Committee Act 1915 (c. 92) 10

- 9 (1) Section 1 of the Judicial Committee Act 1915 (power of Judicial Committee of the Privy Council to sit in more than one division at the same time) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor” substitute “President of the Supreme Court of the United Kingdom”. 15

Administration of Justice Act 1925 (c. 28)

- 10 (1) Section 22 of the Administration of Justice Act 1925 (registration of deeds of arrangement) is amended as follows.
- (2) In subsection (5) for “by the Lord Chancellor with the concurrence” substitute “by the Lord Chief Justice with the concurrence of the Lord Chancellor and”. 20
- (3) After subsection (5) insert –
- “(5A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (5).” 25

Children and Young Persons Act 1933 (c. 12)

- 11 (1) Section 45 of the Children and Young Persons Act 1933 (youth courts) (as amended by section 50 of the Courts Act 2003 (c. 39)) is amended as follows.
- (2) In subsection (3) for “Lord Chancellor or a person acting on his behalf” substitute “Lord Chief Justice, with the concurrence of the Lord Chancellor,”. 30
- (3) In subsection (4) for “Lord Chancellor may” substitute “Lord Chief Justice may, with the concurrence of the Lord Chancellor,”.
- (4) In subsection (5) after “Lord Chancellor” insert “or Lord Chief Justice”.
- (5) After subsection (8) insert – 35
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3) or (4) or his powers under rules under subsection (4).”

Compensation (Defence) Act 1939 (c. 75)

- 12 (1) The Compensation (Defence) Act 1939 is amended as follows.
- (2) For the title to section 9 substitute “Incidental powers of tribunals and rules of procedure”.
- (3) Omit section 9(1)(a) (incidental powers of tribunals to make rules of procedure). 5
- (4) After section 9(1) insert—
- “(1A) Rules prescribing the procedure for notifying, presenting and hearing claims and all matters incidental thereto may be made in relation to each of the tribunals constituted under this Act. 10
- (1B) Such rules are to be made as follows—
- (a) if the rules relate to proceedings in England and Wales, they are to be made by the Lord Chancellor;
- (b) if the rules relate to proceedings in Scotland, they are to be made by the Lord President of the Court of Session; 15
- (c) if the rules relate to proceedings in Northern Ireland, they are to be made by the Lord Chief Justice of Northern Ireland.”
- (5) In subsection (2) for the words from the beginning to “subsection” substitute “Such rules”.
- (6) After subsection (3) insert— 20
- “(4) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.
- (5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section— 25
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

London Building Acts (Amendment) Act 1939 (c. xcvi) 30

- 13 (1) Section 109 of the London Building Acts (Amendment) Act 1939 (constitution etc of tribunal appeal) is amended as follows.
- (2) In subsection (1)(i) for “if he thinks fit” substitute “, if he thinks fit and if the Lord Chief Justice agrees,”.
- (3) After subsection (2) insert— 35
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

Pensions Appeal Tribunals Act 1943 (c. 39)

- 14 The Pension Appeal Tribunals Act 1943 is amended as follows. 40

-
- 15 (1) Section 6 (constitution, jurisdiction and procedure of Pensions Appeal Tribunals) is amended as follows.
- (2) In subsection (2) for “by the Lord Chancellor” substitute “by the Lord Chief Justice of England and Wales, after consulting the Lord Chancellor,”.
- (3) After subsection (4) insert – 5
- “(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).”
- 16 (1) Section 13 (application to Scotland) is amended as follows.
- (2) In paragraph (a) for “Lord Chancellor” substitute “Lord Chief Justice of England and Wales” 10
- (3) In paragraph (b) after “Lord Chancellor” insert “or the Lord Chief Justice of England and Wales”.
- 17 In section 14 (application to Northern Ireland), after “Schedule)” insert “or to the Lord Chief Justice of England and Wales” 15
- 18 (1) The Schedule (constitution, jurisdiction and procedure of Tribunals) is amended as follows.
- (2) In paragraph 1 (constitution of Tribunals) –
- (a) that paragraph becomes sub-paragraph (1) of paragraph 1;
- (b) in that sub-paragraph after “determine” in each place insert “after consulting the Lord Chief Justice of England and Wales”; 20
- (c) after that sub-paragraph insert –
- “(2) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.” 25
- (3) In paragraph 2 (membership) –
- (a) in sub-paragraph (3) after “fit” insert “and if the Lord Chief Justice of England and Wales agrees”;
- (b) after sub-paragraph (4) insert – 30
- “(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.”
- Agriculture Act 1947 (c. 48)* 35
- 19 The Agriculture Act 1947 is amended, or has effect, as follows.
- 20 In section 73 (establishment, constitution and procedure of Agricultural Land Tribunals), in subsection (1) for the words before “by order” substitute “For the purposes of this section the Lord Chancellor shall, after consulting the Chairman of the Agricultural Land Tribunals,” 40
- 21 (1) The functions of the Lord Chancellor under section 75 (provisions as to land lying partly in one area and partly in another) are exercisable only after consultation with the Lord Chief Justice.

- (2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of this Act) to exercise his functions under sub-paragraph (1).
- 22 In section 108 (regulations and orders), in subsection (1) omit “by the Minister” in the second place.
- 23 (1) Schedule 9 (constitution of Agricultural Land Tribunals) is amended as follows. 5
- (2) In paragraph 13 (chairman of each Tribunal), in sub-paragraph (4) –
- (a) for “is” substitute “and Lord Chief Justice are both”;
- (b) after “may” insert “, with the concurrence of the Lord Chief Justice,”.
- (3) In paragraph 16A (discharge of chairman’s duties) – 10
- (a) that paragraph becomes sub-paragraph (1) of paragraph 16A;
- (b) in that sub-paragraph for “Lord Chancellor” substitute “Lord Chief Justice, after consulting the Lord Chancellor”;
- (c) after that sub-paragraph insert –
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (1).” 15
- Lands Tribunal Act 1949 (c. 42)*
- 24 (1) Section 2 of the Lands Tribunal Act 1949 (members, officers and expenses of Lands Tribunal) is amended as follows. 20
- (2) In subsection (3) for “Lord Chancellor may” substitute “Lord Chief Justice of England and Wales may, after consulting the Lord Chancellor,”.
- (3) In subsection (4) after “Lord Chancellor” insert “and the Lord Chief Justice of England and Wales”. 25
- (4) In subsection (9)(a) after “Lord Chancellor” insert “and the Lord Chief Justice of England and Wales”.
- (5) After subsection (10) insert –
- “(11) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsections (3) and (9A).” 30
- Registered Designs Act 1949 (c. 88)*
- 25 The Registered Designs Act 1949 is amended as follows.
- 26 (1) Section 27 (meaning of the court) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor may select” substitute “Lord Chief Justice of England and Wales may, after consulting the Lord Chancellor, select”. 35
- (3) After subsection (2) insert –
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).” 40

- 27 (1) Section 28 (the Appeal Tribunal) is amended as follows.
- (2) In subsection (2)(a) for “by the Lord Chancellor” substitute “by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor”.
- (3) After subsection (10) insert—
- “(11) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2)(a).” 5

Courts-Martial (Appeals) Act 1951 (c. 46)

- 28 The Courts-Martial (Appeals) Act 1951 is amended as follows.
- 29 In section 28 (provisions with respect to office of Judge Advocate of fleet), after subsection (3) insert— 10
- “(3A) The Lord Chancellor may make a recommendation under subsection (3) only with the concurrence of all of the following—
- (a) the Lord Chief Justice of England and Wales;
- (b) the Lord President of the Court of Session; 15
- (c) the Lord Chief Justice of Northern Ireland.”
- 30 In section 32 (tenure of office of Judge Advocate General and assistants), after subsection (1) insert—
- “(1A) The Lord Chancellor may make a recommendation, or remove a person from office, under subsection (1) only with the concurrence of all of the following— 20
- (a) the Lord Chief Justice of England and Wales;
- (b) the Lord President of the Court of Session;
- (c) the Lord Chief Justice of Northern Ireland.”

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65) 25

- 31 (1) Section 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (appropriate courts and procedure) is amended as follows.
- (2) After subsection (5) insert—
- “(5A) The Lord Chancellor must consult the Lord Chief Justice before making rules under subsection (1). 30
- (5B) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (5A).”
- (3) In subsection (6) for “this section” substitute “subsection (1)”.

Pharmacy Act 1954 (c. 61) 35

- 32 (1) In Schedule 1C to the Pharmacy Act 1954 (appeal tribunals), paragraph 3 (appointments) is amended as follows.
- (2) In sub-paragraph (4) for “by the Lord Chancellor and” substitute “by the Lord Chief Justice, after consulting the Lord Chancellor, and by”.

- (3) After sub-paragraph (5) insert—
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.”
- Mines and Quarries Act 1954 (c.70)* 5
- 33 (1) Section 170 of the Mines and Quarries Act 1954 (provisions as to references upon notices) is amended as follows.
- (2) In subsection (9) after “Lord Chancellor” insert “, the Lord Chief Justice”.
- (3) After subsection (9) insert—
- “(10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (9).” 10
- Land Powers (Defence) Act 1958 (c. 30)*
- 34 (1) Schedule 2 to the Land Powers (Defence) Act 1958 (provisions with respect to making certain orders under the Act) is amended as follows. 15
- (2) In paragraph 4 (inquiries into objections)—
- (a) in sub-paragraph (1) for “by the Lord Chancellor” substitute “by the Lord Chief Justice of England and Wales, after consulting the Lord Chancellor,”;
- (b) after sub-paragraph (4) insert— 20
- “(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (1).”
- (3) In paragraph 10 (application of Schedule to land in Scotland), in paragraph (a) for the words from the beginning to “Chancellor” substitute “in paragraph 4(1) the words “after consulting the Lord Chancellor” shall be omitted, and for the reference there to the Lord Chief Justice of England and Wales and the reference to the Lord Chancellor in paragraph 4(4)”;
- 25
- (4) In paragraph 11 (application of Schedule to land in Northern Ireland), in paragraph (a) for the words from the beginning to “Chancellor” substitute “in paragraph 4(1) the words “after consulting the Lord Chancellor” shall be omitted, and for the reference there to the Lord Chief Justice of England and Wales and the reference to the Lord Chancellor in paragraph 4(4)”.
- 30
- Agriculture Act 1958 (c. 71)* 35
- 35 In the Agriculture Act 1958, in section 5 (functions under section 73 of the Agriculture Act 1947) for “by the Lord Chancellor and not by the Minister” substitute “as provided for in that section”.
- Mental Health Act 1959 (c. 72)*
- 36 In section 145 of the Mental Health Act 1959 (general provisions as to regulations, orders and rules) omit “or the Lord Chancellor”. 40

Administration of Justice Act 1960 (c. 65)

- 37 In section 14 of the Administration of Justice Act 1960 (procedure on application for habeas corpus), in subsection (2) omit “; and no such application shall in any case be made to the Lord Chancellor”.

Transport Act 1962 (c.46)

5

- 38 The Transport Act 1962 is amended as follows.

- 39 (1) Section 74 (Minister’s power to make orders about pensions) is amended as follows.

- (2) In subsection (6)(c) after “Lord Chancellor” insert “and the Lord Chief Justice of England and Wales”.

10

- (3) After subsection (9) insert –

“(10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

- 40 (1) Section 81 (compensation to officers and servants of the Commission) is amended as follows

15

- (2) In subsection (4)(b) after “Lord Chancellor” insert “and the Lord Chief Justice of England and Wales”.

- (3) After subsection (10) insert –

“(11) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

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- 41 (1) In Schedule 7 (transitional provisions) paragraph 17 is amended as follows.

- (2) In sub-paragraph (3) after “Lord Chancellor” insert “and the Lord Chief Justice of England and Wales”.

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- (3) After sub-paragraph (6) insert –

“(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.”

City of London (Courts) Act 1964 (c. iv)

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- 42 (1) Section 15 of the City of London (Courts) Act 1964 (oaths) is amended as follows.

- (2) That section becomes subsection (1) of section 15.

- (3) In that subsection for “Lord Chancellor” substitute “Lord Chief Justice”.

- (4) After that subsection insert –

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“(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1).”

Finance Act 1966 (c.18)

- 43 (1) In Schedule 1 to the Finance Act 1966 (reliefs for shipbuilders), paragraph 6 is amended as follows.
- (2) In sub-paragraph (2) after “Lord Chancellor” insert “with the concurrence of the Lord Chief Justice of England and Wales”. 5
- (3) After sub-paragraph (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.”

Courts-Martial (Appeals) Act 1968 (c. 20) 10

- 44 (1) Section 5 of the Courts-Martial (Appeals) Act 1968 (constitution of court for particular sittings) is amended as follows.
- (2) In subsection (4) after “expedient to do so” insert “after consulting the Lord Chief Justice”.
- (3) After subsection (5) insert – 15
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

Taxes Management Act 1970 (c. 9)

- 45 The Taxes Management Act 1970 is amended as follows. 20
- 46 In section 2 (General Commissioners), after subsection (6) insert –
- “(6A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales or, in Northern Ireland, the Lord Chief Justice of Northern Ireland before exercising any function conferred on him by subsection (1) or (6). 25
- (6B) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.
- (6C) The Lord Chief Justice of Northern Ireland may nominate one of the following to exercise his functions under this section – 30
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 47 (1) Section 4 (Special Commissioners) is amended as follows.
- (2) After subsection (4) insert – 35
- “(4A) The Lord Chancellor may designate a person under subsection (3) or remove a person from office under subsection (4) only with the concurrence of all of the following –
- (a) the Lord Chief Justice of England and Wales;
- (b) the Lord President of the Court of Session; 40
- (c) the Lord Chief Justice of Northern Ireland.”

(3) After subsection (7) insert—

- “(8) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (4A) so far as they relate to the designation of a person under subsection (3). 5
- (9) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under subsection (4A) so far as they relate to the designation of a person under subsection (3). 10
- (10) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (4A) so far as they relate to the designation of a person under subsection (3) —
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26); 15
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

Administration of Justice Act 1970 (c. 31)

48 (1) Section 10 of the Administration of Justice Act 1970 (temporary additional judges of the Registered Designs Appeal Tribunal) is amended as follows.

(2) For subsection (1) substitute— 20

- “(1) This section applies if both of the following conditions are met—
- (a) the Lord Chancellor thinks that it is expedient, having regard to the state of business pending before the Registered Designs Appeal Tribunal and after consulting the Lord Chief Justice, for a person to be appointed to sit and act as an additional judge of the Tribunal (either alone or with a judge of the High Court who is a judge of the Tribunal); 25
 - (b) the Lord Chancellor requests the Lord Chief Justice to make such an appointment.

(1A) The Lord Chief Justice may, after consulting the Lord Chancellor, appoint one of the following persons as mentioned in subsection (1)(a)— 30

- (a) a judge of the Court of Appeal;
- (b) a person who has held office as a judge of the Court of Appeal or of the High Court; 35
- (c) one of Her Majesty’s Counsel.

(1B) An appointment under this section is —

- (a) for such period, or
 - (b) for the purpose of hearing such appeals,
- as the Lord Chief Justice determines, after consulting the Lord Chancellor.” 40

(3) After subsection (4) insert—

- “(4A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 45

Courts Act 1971 (c. 23)

- 49 The Courts Act 1971 is amended as follows.
- 50 In section 17 (retirement, removal and disqualification of Circuit judges), in subsection (4) after “fit” insert “and if the Lord Chief Justice agrees”.
- 51 In section 21 (appointment of Recorders), in subsection (6) after “fit” insert “and if the Lord Chief Justice agrees”. 5
- 52 (1) Section 22 (oaths to be taken by Circuit judges and Recorders) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor” substitute “Lord Chief Justice”.
- (3) After subsection (3) insert – 10
- “(3A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).”
- 53 (1) Section 24 (deputy Circuit judges and assistant Recorders) is amended as follows. 15
- (2) In subsection (1) –
- (a) for “the Lord Chancellor” substitute “him”;
- (b) omit “, he may”;
- (c) in paragraph (a), before “appoint” insert “the Lord Chief Justice may, with the concurrence of the Lord Chancellor,” and omit the word “or” in the last place where it occurs; 20
- (d) in paragraph (b), before “appoint” insert “the Lord Chancellor may”.
- (3) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1)(a).” 25
- 54 In the table in paragraph 2 of Schedule 8 (general rules of construction), in the second column of entry 7 and of entry 14 for “Lord Chancellor” in each place substitute “Lord Chief Justice”.
- 55 In Schedule 10 (transitional provisions), omit paragraphs 3 and 4. 30

Land Charges Act 1972 (c. 61)

- 56 In section 16 of the Land Charges Act 1972 (general rules), in subsection (2) omit “of the Lord Chancellor, with the concurrence of the Secretary of State”.

Matrimonial Causes Act 1973 (c. 18)

- 57 (1) Section 10A of the Matrimonial Causes Act 1973 (proceedings after decree nisi: religious marriage) is amended as follows.
- (2) In subsection (6) after “Lord Chancellor” insert “after consulting the Lord Chief Justice”.
- 35

(3) After subsection (7) insert—

“(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

Juries Act 1974 (c. 23)

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58 The Juries Act 1974 is amended as follows.

59 In section 5 (panels of persons summoned as jurors), after subsection (4) insert—

“(5) The Lord Chancellor must consult the Lord Chief Justice before giving any direction under subsection (1).”

10

(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

60 (1) Section 9AA (requirement to issue guidance) is amended as follows.

(2) In subsection (1) after “shall” insert “, after consulting the Lord Chief Justice,”.

15

(3) After subsection (2) insert—

“(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

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Industry Act 1975 (c. 68)

61 (1) Schedule 3 to the Industry Act 1975 (tribunals to arbitrate disputes relating to vesting and compensation orders) is amended as follows.

(2) In paragraph 4 (constitution and sittings)—

(a) that paragraph becomes sub-paragraph (1) of paragraph 4;

25

(b) in that sub-paragraph after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice of England and Wales and the Lord Chief Justice of Northern Ireland,”;

(c) after that sub-paragraph insert—

“(2) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.”

30

(3) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

35

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

40

(3) In paragraph 5 (Scottish proceedings) for “paragraph 4” substitute “paragraph 4(1)”.

(4) In paragraph 8(a) (meaning of “appointor”) for “paragraph 4” substitute “paragraph 4(1)”.

(5) After paragraph 8 insert –

“8A Where the appointor is, by virtue of paragraph 8(a), the Lord Chancellor, the power conferred by paragraph 6(1)(b) may be exercised only with the concurrence of the Lord Chief Justice of England and Wales and the Lord Chief Justice of Northern Ireland.”

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Armed Forces Act 1976 (c. 52)

62 (1) Section 6 of the Armed Forces Act 1976 (establishment of Standing Civilian Courts) is amended as follows. 10

(2) After subsection (3) insert –

“(3A) The Lord Chancellor may give approval to an order under subsection (3) only after consulting the relevant judges.”

(3) After subsection (4) insert –

15

“(4A) The Lord Chancellor may make an appointment under subsection (4) only with the concurrence of the relevant judges.”

(4) In subsection (7) after “Lord Chancellor” insert “and the relevant judges”.

(5) After subsection (8) insert –

“(8A) The Lord Chancellor may give his approval under section (8) only with the concurrence of the relevant judges.”

20

(6) After subsection (11) insert –

“(11A) The Lord Chancellor may give his approval to the removal of a member under subsection (11) only with the concurrence of the relevant judges.”

25

(7) After subsection (17) insert –

“(18) References in this section to the relevant judges are references to all of the following –

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland.

30

(19) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section, except his functions in relation to the removal of a member under subsection (11).

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(20) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section, except his functions in relation to the removal of a member under subsection (11).

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(21)	The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section, except his functions in relation to the removal of a member under subsection (11)–	
(a)	the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);	5
(b)	a Lord Justice of Appeal (as defined in section 88 of that Act).”	
<i>Race Relations Act 1976 (c. 74)</i>		
63	(1) Section 67 of the Race Relations Act 1976 (sheriff courts and designated county courts) is amended as follows.	10
	(2) In subsection (1) after “Lord Chancellor” insert “with the concurrence of the Lord Chief Justice”.	
	(3) After subsection (5) insert –	
	“(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”	15
<i>Rent (Agriculture) Act 1976 (c. 80)</i>		
64	In section 26 of the Rent (Agriculture) Act 1976 (jurisdiction and procedure), omit subsection (5).	
<i>Aircraft and Shipbuilding Industries Act 1977 (c. 3)</i>		
65	(1) Section 42 of the Aircraft and Shipbuilding Industries Act 1977 (the arbitration tribunal) is amended as follows.	20
	(2) After subsection (2) insert –	
	“(2A) The arbitration tribunal shall either sit as a single tribunal or sit in two or more divisions, as the Lord Chancellor may direct after consulting all of the following –	25
	(a) the Lord Chief Justice of England and Wales;	
	(b) the Lord President of the Court of Session;	
	(c) the Lord Chief Justice of Northern Ireland.”	
	(3) In subsection (3) for the words from the beginning to “consist of” substitute “For the hearing of any proceedings, the arbitration tribunal shall, subject to subsection (4) below, consist of”.	30
	(4) After subsection (8) insert –	
	“(8A) Where the appointor is, by virtue of subsection (8)(a), the Lord Chancellor, the power conferred by subsection (5)(b) may be exercised only with the concurrence of the Lord Chief Justice of England and Wales and the Lord Chief Justice of Northern Ireland.”	35
	(5) At the end insert –	
	“(11) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2A)(a).	40

(12)	The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under subsection (2A)(b).	
(13)	The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (2A)(c) –	5
	(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);	
	(b) a Lord Justice of Appeal (as defined in section 88 of that Act).”	
<i>Patents Act 1977 (c. 37)</i>		10
66	The Patents Act 1977 is amended as follows.	
67	(1) Section 97 (appeals from the comptroller) is amended as follows.	
	(2) In subsection (2) for “or on behalf of the Lord Chancellor” substitute “the Lord Chief Justice of England and Wales after consulting the Lord Chancellor”.	15
	(3) After subsection (3) insert –	
	“(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).”	
68	(1) Section 102A (right of audience etc in proceedings on appeal from the comptroller) is amended as follows.	20
	(2) In subsection (3) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice of England and Wales,”.	
	(3) After subsection (6) insert –	
	“(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”	25
<i>Administration of Justice Act 1977 (c. 38)</i>		
69	(1) Section 23 of the Administration of Justice Act 1977 (jurisdiction of ancient courts) is amended as follows.	30
	(2) In subsection (4) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.	
	(3) After subsection (5) insert –	
	“(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”	35
<i>Rent Act 1977 (c. 42)</i>		
70	Omit section 142 of the Rent Act 1977 (rules as to procedure).	

National Health Service Act 1977 (c. 49)

- 71 In Schedule 9A to the National Health Service Act 1977 (Family Health Services Appeal Authority), in paragraph 5 (appointment of members of Authority) after “by the Lord Chancellor” insert “, with the concurrence of the Lord Chief Justice,”. 5

Domestic Proceedings and Magistrates’ Courts Act 1978 (c. 22)

- 72 (1) Section 2 of the Domestic Proceedings and Magistrates’ Courts Act 1978 (powers of court to make orders for financial provision) is amended as follows.
- (2) In subsection (3) omit the second paragraph. 10
- (3) After subsection (3) insert—
- “(4) An order made by the Lord Chancellor under this section—
- (a) shall be made only after consultation with the Lord Chief Justice;
- (b) shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament. 15
- (5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 20

Customs and Excise Management Act 1979 (c.2)

- 73 In Schedule 3 to the Customs and Excise Management Act 1979 (provisions relating to forfeiture), after paragraph 17(4) insert—
- “(5) The Lord Chancellor may make an appointment under sub-paragraph (4) only with the concurrence— 25
- (a) where the proceedings referred to in sub-paragraph (1) were taken in England and Wales, of the Lord Chief Justice of England and Wales;
- (b) where those proceedings were taken in Scotland, of the Lord President of the Court of Session; 30
- (c) where those proceedings were taken in Northern Ireland, of the Lord Chief Justice of Northern Ireland.
- (6) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph. 35
- (7) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.
- (8) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph— 40
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

Tobacco Products Duty Act 1979 (c. 7)

- 74 (1) Section 5 of the Tobacco Products Duty Act 1979 (retail price of cigarettes) is amended as follows.
- (2) In subsection (4) for the words from “by the Lord Chancellor” to the end substitute “in accordance with subsections (7) to (9).” 5
- (3) After subsection (6) insert—
- “(7) The Lord Chancellor is to appoint the referee.
- (8) The appointment is to be made only with the concurrence of—
- (a) the Lord Chief Justice of England and Wales, if the determination of the Commissioners was made in relation to England and Wales; 10
- (b) the Lord President of the Court of Session, if the determination was made in relation to Scotland; or
- (c) the Lord Chief Justice of Northern Ireland, if the determination was made in relation to Northern Ireland. 15
- (9) None of the following may be appointed—
- (a) an official of any government department;
- (b) an office holder in, or a member of the staff of, the Scottish Administration.
- (10) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section. 20
- (11) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section. 25
- (12) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26); 30
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

Magistrates’ Courts Act 1980 (c. 43)

- 75 The Magistrates’ Courts Act 1980 is amended as follows.
- 76 (1) Section 3B (transfer of trials of summary offences) is amended as follows.
- (2) In subsection (3) for “Lord Chancellor may” substitute “Lord Chief Justice may, with the concurrence of the Lord Chancellor,” 35
- (3) After subsection (4) insert—
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3).” 40
- 77 (1) Section 67 (Family Proceedings Courts) (as substituted by section 49(1) of the Courts Act 2003 (c. 39)) is amended as follows.

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- (2) In subsection (3) for “Lord Chancellor or a person acting on his behalf” substitute “Lord Chief Justice”.
- (3) In subsection (4) for “Lord Chancellor may by rules” substitute “Lord Chief Justice may, after consulting the Lord Chancellor, by rules”.
- (4) In subsection (5) for “Lord Chancellor” substitute “Lord Chief Justice”. 5
- (5) After subsection (8) insert—
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3) or (4) or the powers conferred on him by rules under subsection (4).” 10
- 78 (1) Section 144 (rule committee and rules of procedure) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) The Lord Chancellor may appoint a rule committee for magistrates’ courts.”
- (3) In subsection (1)— 15
- (a) for the words from the beginning to “and may on” substitute “The Lord Chief Justice may on”;
- (b) after “consultation with the rule committee” insert “, and with the concurrence of the Lord Chancellor,”.
- (4) After subsection (1) insert— 20
- “(1A) If the Lord Chancellor does not agree rules made by the Lord Chief Justice, the Lord Chancellor must give the Lord Chief Justice and the rules committee written reasons for doing so.”
- (5) In subsection (2) for “he may determine” substitute “he may, after consulting the Lord Chief Justice, determine”. 25
- (6) After subsection (4) insert—
- “(4A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 79 After section 144 insert— 30
- “144A Rules to be made if required by Lord Chancellor**
- (1) This section applies if the Lord Chancellor gives the Lord Chief Justice written notice that he thinks it is expedient for rules made under section 144 to include provision that would achieve a purpose specified in the notice. 35
- (2) The Lord Chief Justice must make such rules as he considers necessary to achieve the specified purpose.
- (3) Those rules must be—
- (a) made within a reasonable period after the Lord Chancellor gives notice to the Lord Chief Justice; 40
- (b) made in accordance with section 144.

- (4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

Housing Act 1980 (c. 51)

- 80 In section 86 of the Housing Act 1980 (jurisdiction of county court), omit subsections (4) to (6) (rules and directions). 5

Judicial Pensions Act 1981 (c. 20)

- 81 The Judicial Pensions Act 1981 is amended as follows.
- 82 In section 1 (interpretation) in the entry beginning “Judge of the Supreme Court” in the first column of the table omit “, other than the Lord Chancellor”. 10
- 83 (1) Section 5 (Circuit Judge in England and Wales) is amended as follows.
- (2) After subsection (1) insert –
- “(1A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales before making a recommendation in a case that falls within subsection (1)(b) or (c).” 15
- (3) After subsection (6) insert –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 20
- 84 (1) Section 7 (stipendiary magistrates in England and Wales) is amended as follows.
- (2) After subsection (1) insert –
- “(1A) The Lord Chancellor must consult the Lord Chief Justice before making a recommendation in a case that falls within subsection (1)(b).” 25
- (3) After subsection (6) insert –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 30
- 85 (1) Section 13 (Social Security Commissioners) is amended as follows.
- (2) After subsection (1) insert –
- “(1A) The Lord Chancellor must consult the Lord Chief Justice before making a recommendation in a case that falls within subsection (1)(b) or (c).” 35
- (3) After subsection (6) –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

Supreme Court Act 1981 (c. 54)

- 86 The Supreme Court Act 1981 is amended as follows.
- 87 (1) Section 2 (membership of the Court of Appeal) is amended as follows.
- (2) In subsection (2) –
- (a) omit paragraph (a); 5
 - (b) in paragraph (b) for “has been Lord Chancellor” substitute “was Lord Chancellor before 12 June 2003”;
 - (c) for paragraphs (f) and (g) substitute –
 - “(f) the President of the Queen’s Bench Division;
 - (g) the President of the Family Division; 10
 - (h) the Chancellor of the High Court;”
 - (d) for “Lord Chancellor’s request” substitute “request of the Lord Chief Justice”.
- (3) After subsection (2) insert –
- “(2A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his function under subsection (2) of making requests to persons within paragraphs (b) and (c) of that subsection.” 15
- (4) After subsection (4) insert –
- “(4A) It is for the Lord Chancellor to recommend to Her Majesty the making of an Order under subsection (4).” 20
- (5) In subsection (6) –
- (a) omit “Lord Chancellor,”;
 - (b) for “President of the Family Division or Vice-Chancellor” substitute “President of the Queen’s Bench Division, President of the Family Division or Chancellor of the High Court”. 25
- 88 (1) Section 3 (Divisions of Court of Appeal) is amended as follows.
- (2) In subsection (3) for “Lord Chancellor may” substitute “Lord Chief Justice may, after consulting the Lord Chancellor”.
- (3) After subsection (5) insert – 30
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3).”
- 89 (1) Section 4 (membership of the High Court) is amended as follows.
- (2) In subsection (1) – 35
- (a) omit paragraph (a);
 - (b) for paragraphs (c) and (d) substitute –
 - “(ba) the President of the Queen’s Bench Division;
 - (c) the President of the Family Division;
 - (d) the Chancellor of the High Court;” 40

-
- (3) After subsection (4) insert—
- “(4A) It is for the Lord Chancellor to recommend to Her Majesty the making of an Order under subsection (4).”
- (4) In subsection (6) —
- (a) omit “Lord Chancellor,”; 5
- (b) for “President of the Family Division, Vice-Chancellor” substitute “President of the Queen’s Bench Division, President of the Family Division, Chancellor of the High Court”.
- 90 (1) Section 5 (divisions of the High Court) is amended as follows.
- (2) In subsection (1)(a) for the words from “the Lord Chancellor” to “vice-president thereof,” substitute “the Chancellor of the High Court, who shall be president thereof,”. 10
- (3) In subsection (1)(b) for “who shall be president thereof” substitute “, the President of the Queen’s Bench Division”.
- (4) In subsection (2) for “of the Lord Chancellor” in each place substitute “given by the Lord Chief Justice after consulting the Lord Chancellor”. 15
- (5) In subsection (3) for the words from “with the concurrence of” to the end substitute “with the concurrence of both of the following—
- (a) the senior judge of the Division to which the judge is attached; 20
- (b) the senior judge of the Division of which the judge is to act as an additional judge.”
- (6) After subsection (5) insert—
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).” 25
- 91 (1) Section 6 (the Patents, Admiralty and Commercial Courts) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor may” substitute “Lord Chief Justice may, after consulting the Lord Chancellor,”. 30
- (3) After subsection (2) insert—
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).”
- 92 (1) Section 7 (power to alter Divisions etc) is amended as follows. 35
- (2) In subsection (1) after “recommendation of” insert “the Lord Chancellor and”.
- (3) In subsection (2) —
- (a) omit “the Lord Chancellor,”;
- (b) for “the President of the Family Division and the Vice-Chancellor” substitute “the President of the Queen’s Bench Division, the President of the Family Division and the Chancellor of the High Court”. 40

- 93 (1) Section 9 (assistance for transaction of judicial business of Supreme Court) is amended as follows.
- (2) In subsection (2) –
- (a) for the definition of “the appropriate authority” substitute –
- “the appropriate authority” means –
- (a) the Lord Chief Justice or a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) nominated by him to exercise his functions under this section, or
- (b) at any time when the Lord Chief Justice or the nominated judicial office holder is unable to make such a request himself, or there is a vacancy in the office of Lord Chief Justice, the Master of the Rolls;
- (b) omit the words after the definition of “relevant court”.
- (3) After subsection (2) insert –
- “(2A) The power of the appropriate authority to make a request under subsection (1) is subject to subsections (2B) to (2D).
- (2B) In the case of a request to a person within entry 1, 3, 5 or 6 in column 1 of the Table, the appropriate authority may make the request only after consulting the Lord Chancellor.
- (2C) In any other case the appropriate authority may make a request only with the concurrence of the Lord Chancellor.
- (2D) In the case of a request to a Circuit judge or Recorder to act as a judge of the High Court, the appropriate authority may make the request only with the concurrence of the Judicial Appointments Commission.”
- (4) In subsection (4) –
- (a) for “appears to the Lord Chancellor” substitute “appears to the Lord Chief Justice, after consulting the Lord Chancellor,”;
- (b) for “Lord Chancellor thinks fit” substitute “Lord Chief Justice may, after consulting the Lord Chancellor, think fit”.
- (5) After subsection (8) insert –
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (4).”
- 94 (1) Section 10 (appointment of judges of Supreme Court) is amended as follows.
- (2) In subsection (1) –
- (a) for “President of the Family Division or Vice-Chancellor” substitute “President of the Queen’s Bench Division, President of the Family Division or Chancellor of the High Court”;
- (b) after “may” insert “, on the recommendation of the Lord Chancellor,”.
- (3) In subsection (2) after “may” insert “, on the recommendation of the Lord Chancellor,”.

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- (4) In subsection (3)(a) for “President of the Family Division or Vice-Chancellor” substitute “President of the Queen’s Bench Division, President of the Family Division or Chancellor of the High Court”.
- (5) For subsection (4) substitute –
- “(4) A person appointed – 5
- (a) to any of the offices mentioned in subsection (1),
- (b) as a Lord Justice of Appeal, or
- (c) as a puisne judge of the High Court,
- shall take the required oaths as soon as may be after accepting office.
- (5) In the case of a person appointed to the office of Lord Chief Justice, 10
 the required oaths are to be taken in the presence of all of the following –
- (a) the Master of the Rolls;
- (b) the President of the Queen’s Bench Division;
- (c) the President of the Family Division; 15
- (d) the Chancellor of the High Court.
- (6) Where subsection (5) applies but there is a vacancy in one or more (but not all) of the offices mentioned in that subsection, the required oaths are to be taken in the presence of the holders of such of the offices as are not vacant. 20
- (7) In the case of a person appointed other than to the office of Lord Chief Justice, the required oaths are to be taken in the presence of –
- (a) the Lord Chief Justice, or
- (b) a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) nominated by him for this purpose. 25
- (8) In this section “required oaths” means –
- (a) the oath of allegiance, and
- (b) the judicial oath,
- as set out in the Promissory Oaths Act 1868.” 30
- 95 (1) Section 11 (tenure of office) is amended as follows.
- (2) After subsection (3) insert –
- “(3A) It is for the Lord Chancellor to recommend to Her Majesty the exercise of the power of removal under subsection (3).”
- (3) In subsection (9)(a) for “the President of the Family Division and the Vice-Chancellor,” substitute “the President of the Queen’s Bench Division, the President of the Family Division and the Chancellor of the High Court,”. 35
- 96 In section 12 (salaries etc of judges of Supreme Court), in subsection (1) omit “, other than the Lord Chancellor,”.
- 97 (1) Section 13 (precedence of judges of Supreme Court) is amended as follows. 40
- (2) For subsections (2) and (3) substitute –
- “(2) Subject to subsection (1)(b), the President of the Queen’s Bench Division shall rank next after the Master of the Rolls.

- (2A) The President of the Family Division shall rank next after the President of the Queen’s Bench Division.
- (3) The Chancellor of the High Court shall rank next after the President of the Family Division.”
- (3) In subsection (4) for “Vice-Chancellor” substitute “Chancellor of the High Court”. 5
- 98 In section 44 (extraordinary functions of judges of High Court), in subsection (2) omit “the Lord Chancellor,”.
- 99 In section 56B (allocation of cases in criminal division), in subsection (1) for “with the concurrence of the Lord Chancellor” substitute “after consulting the Lord Chancellor”. 10
- 100 (1) Section 57 (Court of Appeal: sittings and vacations) is amended as follows.
- (2) In subsection (2) after “Lord Chancellor” insert “after consulting the Lord Chief Justice”.
- (3) After subsection (4) insert – 15
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 101 (1) Section 61 (distribution of business among Divisions) is amended as follows). 20
- (2) In subsection (3) –
- (a) for “Lord Chancellor may” substitute “Lord Chief Justice may, with the concurrence of the Lord Chancellor,”;
- (b) in paragraph (b) for “appears to him” substitute “appears to the Lord Chief Justice and the Lord Chancellor”. 25
- (3) After subsection (8) insert –
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3).”
- 102 (1) Section 63 (business assigned to specially nominated judges) is amended as follows. 30
- (2) In subsection (1) for “by the Lord Chancellor” substitute “by the Lord Chief Justice after consulting the Lord Chancellor”.
- (3) In subsection (2) for “Lord Chancellor” substitute “Lord Chief Justice, after consulting the Lord Chancellor, to be”. 35
- (4) After subsection (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1) or (2).”
- 103 (1) Section 68 (exercise of jurisdiction of High Court otherwise than by judges of that court) is amended as follows. 40

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- (2) In subsection (1)(a) for “Lord Chancellor may” substitute “Lord Chief Justice may, after consulting the Lord Chancellor;”.
- (3) In subsection (6) for “by the Lord Chancellor” substitute “by the Lord Chief Justice after consulting the Lord Chancellor”.
- (4) After subsection (7) insert – 5
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsections (1)(a) and (6).”
- 104 (1) Section 71 (High Court: sittings and vacations) is amended as follows.
- (2) In subsection (2) after “Lord Chancellor” insert “after consulting the Lord Chief Justice”. 10
- (3) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 15
- 105 (1) Section 74 (appeals and committals for sentence) is amended as follows.
- (2) After subsection (5) insert –
- “(5A) Before exercising any functions under subsection (4), the Lord Chancellor must consult the Lord Chief Justice.”
- (3) After subsection (7) insert – 20
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 106 (1) Section 78 (Crown Court: sittings) is amended as follows.
- (2) In subsection (3) after “Lord Chancellor” insert “after consulting the Lord Chief Justice”. 25
- (3) After subsection (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 30
- 107 (1) Section 82 (duties of officers of Crown Court) is amended as follows.
- (2) In subsection (1) after “Lord Chancellor” insert “after consulting the Lord Chief Justice”.
- (3) After subsection (2) insert –
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 35
- 108 Omit section 84(8) (rules of court for Crown Court etc to be made by statutory instrument).
- 109 (1) Section 86 (the Crown Court Rule Committee) is amended as follows. 40

- (2) In subsection (1) for “by the Lord Chancellor together with any four or more of the following persons, namely –” substitute “by a committee known as the Crown Court Rule Committee, which is to consist of the following persons –”.
- (3) For subsections (2) to (4) substitute – 5
- “(2) The members of the Crown Court Rule Committee, other than those eligible to act by virtue of their office, are appointed under subsection (3) or (4).
- (3) The Lord Chief Justice must appoint the persons referred to in paragraphs (b), (c) and (e) of subsection (1), after consulting the Lord Chancellor. 10
- (4) The Lord Chancellor must appoint the persons referred to in paragraphs (f) and (g) of subsection (1), after consulting the following –
- (a) the Lord Chief Justice; 15
- (b) any authorised body with members who are eligible for appointment under the relevant paragraph.
- (5) A person is to be appointed under subsection (3) or (4) for such period as the Lord Chancellor determines after consulting the Lord Chief Justice. 20
- (6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 110 After section 86 insert –
- “86A Process for making rules of court under section 84 25**
- (1) Crown Court rules must be –
- (a) signed by a majority of the members of the Crown Court Rule Committee, and
- (b) submitted to the Lord Chancellor.
- (2) The Lord Chancellor may allow or disallow rules so made. 30
- (3) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so.
- (4) Rules so made and allowed by the Lord Chancellor –
- (a) come into force on such day as the Lord Chancellor directs, and 35
- (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 applies as if the instrument contained rules made by a Minister of the Crown.
- (5) A statutory instrument containing Crown Court rules is subject to annulment in pursuance of a resolution of either House of Parliament. 40
- (6) In this section and section 86B “Crown Court rules” means rules of court made under section 84.

86B Rules to be made if required by Lord Chancellor

- (1) This section applies if the Lord Chancellor gives the Crown Court Rule Committee written notice that he thinks it is expedient for Crown Court rules to include provision that would achieve a purpose specified in the notice. 5
- (2) The Committee must make such Crown Court rules as it considers necessary to achieve the specified purpose.
- (3) Those rules must be –
- (a) made within a reasonable period after the Lord Chancellor gives notice to the Committee; 10
 - (b) made in accordance with section 86A.”
- 111 (1) Section 91 (deputies and temporary appointments) is amended as follows.
- (2) In subsection (1) –
- (a) for “Lord Chancellor” in the first place substitute “Lord Chief Justice, after consulting the Lord Chancellor,”; 15
 - (b) in paragraph (a) omit “or III”;
 - (c) for “Lord Chancellor thinks fit” substitute “Lord Chief Justice may, after consulting the Lord Chancellor, think fit”.
- (3) After subsection (1) insert –
- “(1A) If it appears to the Lord Chancellor that it is expedient to do so in order to facilitate the disposal of business in the Supreme Court, he may appoint a person – 20
- (a) to act as a deputy for any person holding an office listed in column 1 of Part 3 of Schedule 2; or
 - (b) to act as a temporary additional officer in any such office, 25
- during such period or on such occasions as the Lord Chancellor may think fit.”
- (4) After subsection (6) insert –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1).” 30
- 112 (1) Section 92 (tenure of office) is amended as follows.
- (2) In subsection (5) after “Lord Chancellor” insert “with the concurrence of the Lord Chief Justice”.
- (3) In subsection (6) after “also” insert “, with the concurrence of the Lord Chief Justice,”. 35
- (4) After subsection (7) insert –
- “(8) It is for the Lord Chancellor to recommend to Her Majesty the exercise of any power under subsection (7).”

- 113 For section 96 (Central Office) substitute –
“96 Central Office
The Central Office of the Supreme Court shall perform such business as it performed immediately before the commencement of this Act.”
- 114 In section 98 (judges’ clerks and secretaries), in subsection (1) for “the President of the Family Division and the Vice-Chancellor” substitute “the President of the Queen’s Bench Division, the President of the Family Division and the Chancellor of the High Court”. 5
- 115 (1) Section 99 (district registries) is amended as follows.
(2) In subsection (1) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”. 10
(3) After subsection (2) insert –
“(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 15
- 116 (1) Section 104 (district probate registries) is amended as follows.
(2) In subsection (1) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.
(3) After subsection (2) insert –
“(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 20
- 117 (1) Section 131 (conveyancing counsel of Supreme Court) is amended as follows.
(2) In subsection (2) after “Lord Chancellor” insert “with the concurrence of the Lord Chief Justice”. 25
(3) After subsection (2) insert –
“(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 30
- 118 In section 151 (interpretation), in subsection (1) for the definition of “senior judge” substitute –
““senior judge”, where the reference is to the senior judge of a Division, means the president of that Division;”.
- Administration of Justice Act 1982 (c. 53)* 35
- 119 The Administration of Justice Act 1982 is amended as follows.
- 120 (1) Section 25 (regulations as to deposit and registration of wills) is amended as follows.
(2) In subsection (4) after “Lord Chancellor” insert “after consulting the Lord Chief Justice of England and Wales”. 40

- (3) After subsection (8) insert—
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (4).”
- Representation of the People Act 1983 (c. 2)* 5
- 121 In section 161 of the Representation of the People Act 1983 (justices of the peace guilty of corrupt practice)—
- (a) after “Lord Chancellor” insert “and the Lord Chief Justice”;
- (b) after “Scotland,” insert “to”.
- Mental Health Act 1983 (c. 20)* 10
- 122 The Mental Health Act 1983 is amended as follows.
- 123 In section 65 (Mental Health Review Tribunals), in subsection (3) omit “by the Lord Chancellor”.
- 124 (1) Section 93 (judicial authorities and Court of Protection) is amended as follows. 15
- (2) In subsection (1) for “Lord Chancellor shall” substitute “Lord Chief Justice shall, after consulting the Lord Chancellor,”.
- (3) In subsection (3) for “Lord Chancellor” substitute “Lord Chief Justice”.
- (4) In subsection (4) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”. 20
- (5) After subsection (4) insert—
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1), (3) or (4).”
- 125 In section 94 (exercise of the judge’s functions: the patient), in subsection (1) omit “by the Lord Chancellor or”. 25
- 126 In section 96 (powers of the judge as to the patient’s property and affairs), in subsection (3) omit “the Lord Chancellor or”.
- 127 In section 104 (general powers of the judge with respect to proceedings), in subsection (3) omit “the Lord Chancellor or” in both places. 30
- 128 In section 105 (appeals), in subsection (2) omit “from any decision of the Lord Chancellor or”.
- 129 (1) Section 108 (general provisions as to rules under Part 7) is amended as follows.
- (2) For subsection (1) substitute— 35
- “(1) Rules under section 106(5) are to be made by the Lord Chancellor after consulting the Lord Chief Justice.”

- (3) After subsection (2) insert—
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- (4) Paragraph 16 of Schedule 1 also amends section 108. 5
- 130 (1) Section 111 (construction of references in other Acts) is amended as follows.
- (2) In subsection (1) omit “by the Lord Chancellor or”.
- (3) In subsection (2) omit “the Lord Chancellor,”.
- (4) In subsection (4)—
- (a) in paragraph (a) omit “the Lord Chancellor or”; 10
- (b) in paragraph (b) omit “the Lord Chancellor,”.
- Car Tax Act 1983 (c. 53)*
- 131 In the Car Tax Act 1983, in section 3(5) (ombudsman) after “Lord Chancellor” insert “with the concurrence of the Lord Chief Justice”.
- County Courts Act 1984 (c. 28)* 15
- 132 The County Courts Act 1984 is amended as follows.
- 133 (1) Section 2 (county court districts etc) is amended as follows.
- (2) In subsection (1) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.
- (3) In subsection (3) after “given” insert “, after consulting the Lord Chief Justice,”. 20
- (4) After subsection (4) insert—
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1) or (3).” 25
- 134 (1) Section 3 (places and times of sittings) is amended as follows.
- (2) In subsection (1) after “given” insert “, after consulting the Lord Chief Justice,”.
- (3) After subsection (4) insert—
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1).” 30
- 135 (1) Section 5 (judges of county courts) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor shall” substitute “Lord Chief Justice shall, after consulting the Lord Chancellor,”. 35
- (3) In subsection (2) for “or on behalf of the Lord Chancellor” substitute “the Lord Chief Justice after consulting the Lord Chancellor”.

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- (4) In subsection (3) for “Lord Chancellor considers desirable” substitute “Lord Chief Justice considers desirable after consulting the Lord Chancellor”.
- (5) In subsection (4)(a) for “Lord Chancellor may direct” substitute “Lord Chief Justice may, after consulting the Lord Chancellor, direct”.
- (6) After subsection (4) insert – 5
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 136 (1) Section 11 (tenure of office) is amended as follows.
- (2) In subsection (5) after “by the Lord Chancellor” insert “, but only with the concurrence of the Lord Chief Justice”. 10
- (3) In subsection (6) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”.
- 137 In section 12 (records of proceedings to be kept by district judges), after subsection (2) insert – 15
- “(3) The Lord Chancellor must consult the Lord Chief Justice before making regulations under this section.
- (4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 20
- 138 (1) Section 26 (districts for Admiralty purposes) is amended as follows.
- (2) In subsection (1) –
- (a) after “Lord Chancellor” insert “and the Lord Chief Justice”;
- (b) for “him” substitute “the Lord Chancellor”.
- (3) After subsection (4) insert – 25
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 139 (1) Section 61 (right of audience by direction) is amended as follows.
- (2) In subsection (1) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”. 30
- (3) After subsection (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 35
- 140 Omit section 74A (practice directions).
- 141 In section 145 (power to raise monetary limits), after subsection (2) insert –
- “(2A) It is for the Lord Chancellor to recommend to Her Majesty the making of an Order under subsection (1).”

Matrimonial and Family Proceedings Act 1984 (c. 42)

- 142 The Matrimonial and Family Proceedings Act 1984 is amended as follows.
- 143 (1) Section 33 (jurisdiction of county courts in matrimonial cases) is amended as follows.
- (2) In subsections (1) and (4) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”. 5
- (3) After subsection (5) insert—
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 10
- 144 (1) Section 36 (assignment of circuit judges to family proceedings) is amended as follows.
- (2) That section becomes subsection (1) of section 36.
- (3) In that subsection, for “Lord Chancellor may direct” substitute “Lord Chief Justice may, after consulting the Lord Chancellor, direct”. 15
- (4) After that subsection insert—
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 145 (1) Section 42 (county court proceedings in principal registry of Family Division) is amended as follows. 20
- (2) In subsection (2)(a) for “may direct” substitute “may, after consulting the Lord Chief Justice, direct”.
- (3) After subsection (6) insert—
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 25

Transport Act 1985 (c. 67)

- 146 (1) Schedule 4 to the Transport Act 1985 (constitution, powers and proceedings of the Transport Tribunal) is amended as follows. 30
- (2) In paragraph 3 (tenure of office), in sub-paragraph (3) after “fit” insert “and if the Lord Chief Justice agrees”.
- (3) In paragraph 10 (the president)—
- (a) in sub-paragraph (1) for “the Lord Chancellor may direct” substitute “the Lord Chief Justice may, after consulting the Lord Chancellor, direct”; 35
- (b) after sub-paragraph (3) insert—
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (1).” 40

Housing Act 1985 (c. 68)

- 147 The Housing Act 1985 is amended as follows.
- 148 Omit section 111 (secure tenancies: county court rules and directions).
- 149 In section 181 (right to buy: jurisdiction of county court), omit subsections (4) and (5) (rules and directions). 5
- 150 In section 572 (assistance for owners of defective housing: jurisdiction of county court), omit subsections (4) to (6) (rules and directions).

Insolvency Act 1986 (c. 45)

- 151 The Insolvency Act 1986 is amended as follows.
- 152 (1) Section 117 (High Court and county court jurisdiction) is amended as follows. 10
- (2) In subsection (4) for “may by order” substitute “may, with the concurrence of the Lord Chief Justice, by order”.
- (3) After subsection (7) insert –
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 15
- 153 (1) Section 374 (insolvency districts) is amended as follows.
- (2) In subsection (1) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”. 20
- (3) In subsection (2) after “Lord Chancellor” insert “and the Lord Chief Justice”.
- (4) After subsection (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 25
- 154 (1) Section 411 (company insolvency rules) is amended as follows.
- (2) For subsection (1) substitute –
- “(1) The Lord Chancellor may make rules for the purpose of giving effect to Parts 1 to 7 of this Act.
- (1A) The Lord Chancellor may make different rules under subsection (1) in relation to – 30
- (a) England and Wales, and
- (b) Scotland.
- (1B) Rules that affect court procedure in England and Wales may be made under subsection (1) only with the concurrence of the Lord Chief Justice.” 35
- (3) In subsection (2)(b) for the words from “may appear” to the end substitute “may appear necessary or expedient to the Lord Chancellor”.

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- (4) After subsection (6) insert –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 155 (1) Section 412 (individual insolvency rules (England and Wales)) is amended as follows. 5
- (2) For subsection (1) substitute –
- “(1) The Lord Chancellor may make rules for the purpose of giving effect to Parts 8 to 11 of this Act.
- (1A) Rules that affect court procedure in England and Wales may be made under subsection (1) only with the concurrence of the Lord Chief Justice.” 10
- (3) In subsection (2)(b) for the words from “may appear” to the end substitute “may appear necessary or expedient to the Lord Chancellor”.
- (4) After subsection (5) insert – 15
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 156 (1) Section 413 (Insolvency Rules committee) is amended as follows.
- (2) In subsection (3) for “by the Lord Chancellor” substitute “in accordance with subsection (3A) or (3B)”. 20
- (3) After subsection (3) insert –
- “(3A) The Lord Chief Justice must appoint the persons referred to in paragraphs (a) to (d) of subsection (3), after consulting the Lord Chancellor. 25
- (3B) The Lord Chancellor must appoint the persons referred to in paragraphs (e) to (g) of subsection (3), after consulting the Lord Chief Justice.”
- (4) After subsection (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 30
- 157 (1) Section 420 (insolvent partnerships) is amended as follows.
- (2) In subsection (1) after “Secretary of State” insert “and the Lord Chief Justice”.
- (3) In subsection (2) after “Lord Chancellor” insert “and the Lord Chief Justice”. 35
- (4) After subsection (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 158 (1) Section 421 (insolvent estates of deceased persons) is amended as follows. 40

- (2) In subsection (1) after “Secretary of State” insert “and the Lord Chief Justice”.
- (3) In subsection (2) after “Lord Chancellor” insert “and the Lord Chief Justice”.
- (4) After subsection (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

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Coroners Act 1988 (c. 13)

159 The Coroners Act 1988 is amended as follows.

160 (1) Section 3 (terms on which coroners hold office) is amended as follows.

(2) For subsection (4) substitute –

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“(4) The Lord Chancellor may, with the agreement of the Lord Chief Justice, remove any coroner from office for inability or misbehaviour.”

(3) In subsection (5) for “, wilful neglect of his duty or misbehaviour in the discharge of his duty” substitute “or wilful neglect of his duty”.

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161 In section 33 (savings), in subsection (2)(a) omit “the Lord Chancellor or”.

Criminal Justice Act 1988 (c. 33)

162 (1) In Schedule 12 to the Criminal Justice Act 1988 (assessors of compensation for miscarriages of justice), paragraph 6 (power of removal) is amended as follows.

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(2) That paragraph becomes sub-paragraph (1) of paragraph 6.

(3) After that sub-paragraph insert –

“(2) The Lord Chancellor may give consent under sub-paragraph (1)(a) only with the concurrence of all of the following –

(a) the Lord Chief Justice of England and Wales;

(b) the Lord Chief Justice of Northern Ireland.”

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Copyright, Designs and Patents Act 1988 (c. 48)

163 The Copyright, Designs and Patents Act 1988 is amended as follows.

164 In section 146 (membership of the Copyright Tribunal), after subsection (6) insert –

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“(7) The Lord Chancellor may exercise his powers under subsection (3) only with the concurrence of all of the following –

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland.”

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165 (1) Section 287 (patents county courts: special jurisdiction) is amended as follows.

- (2) In subsection (1) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”.
- (3) After subsection (5) insert –
- “(6) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 5
- 166 (1) Section 291 (proceedings in patents county court) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor shall” substitute “Lord Chief Justice shall, after consulting the Lord Chancellor,”.
- (3) After subsection (5) insert – 10
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1).”
- 167 (1) Section 292 (rights and duties of registered patent agents in relation to proceedings in patents courts) is amended as follows. 15
- (2) After subsection (2) insert –
- “(2A) The Lord Chancellor may make regulations under subsection (2) only with the concurrence of the Lord Chief Justice.”
- (3) After subsection (6) insert –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 20
- Children Act 1989 (c. 41)*
- 168 The Children Act 1989 is amended as follows.
- 169 (1) Section 7 (welfare reports) is amended as follows. 25
- (2) In subsection (2) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.
- (3) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).” 30
- 170 (1) Section 92 (jurisdiction of the courts) is amended as follows.
- (2) In subsection (9) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.
- (3) In subsection (10) after “Lord Chancellor thinks expedient” insert “, after consulting the Lord Chief Justice,”. 35
- (4) After subsection (10) insert –
- “(10A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (9) or (10).” 40

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- 171 (1) Section 94 (appeals) is amended as follows.
- (2) In subsection (10) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.
- (3) After subsection (11) insert –
- “(12) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (10).” 5
- 172 In section 96 (evidence given by, or with respect to, children), in subsection (3) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”. 10
- 173 (1) In section 97 (privacy for children involved in certain proceedings).
- (2) In subsection (4) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”.
- (3) After subsection (8) insert –
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (4).” 15
- 174 (1) In Schedule 1 (financial provision for children), paragraph 5 (maximum lump sum payable for maintenance of child by order of magistrates court) is amended as follows. 20
- (2) In sub-paragraph (2) after “Lord Chancellor may” substitute “, after consulting the Lord Chief Justice,”.
- (3) After sub-paragraph (6) insert –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.” 25
- 175 (1) Schedule 11 (jurisdiction) is amended as follows.
- (2) In paragraph 1 (commencement of proceedings) after “Lord Chancellor may” in each place insert “, after consulting the Lord Chief Justice,”.
- (3) In paragraph 2 (transfer of proceedings) – 30
- (a) in sub-paragraph (1) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”;
- (b) in sub-paragraph (5) after “Lord Chancellor thinks appropriate” insert “, after consulting the Lord Chief Justice,”.
- (4) In paragraph 3 (hearings by a single justice), in sub-paragraph (1) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”. 35
- (5) In paragraph 4 (general) –
- (a) in sub-paragraph 5(a) after “Lord Chancellor considers expedient” insert “, after consulting the Lord Chief Justice,”.
- (b) after sub-paragraph (5) insert – 40
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional

Reform Act 2005) to exercise his functions under this Part of this Schedule.”

Courts and Legal Services Act 1990 (c. 41)

- 176 The Courts and Legal Services Act 1990 is amended as follows.
- 177 (1) Section 1 (allocation of business between High Court and county courts) is amended as follows. 5
- (2) After subsection (1) insert—
- “(1A) An order under subsection (1)(a) or (b) may be made only with the concurrence of the Lord Chief Justice.”
- (3) In subsection (9) for “the President of the Family Division, the Vice-Chancellor” substitute “the President of the Queen’s Bench Division, the President of the Family Division, the Chancellor of the High Court”. 10
- (4) After subsection (12) insert—
- “(13) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 15
- 178 In section 9 (allocation of family proceedings which are within the jurisdiction of the county courts), in subsection (1) for the words from the beginning to “Family Division,” substitute “The President of the Family Division may, after consulting the Lord Chancellor,”. 20
- 179 (1) Section 11 (representation in certain county court cases) is amended as follows.
- (2) In subsection (1) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”.
- (3) Omit subsection (10). 25
- (4) After subsection (11) insert—
- “(12) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1) or (2).”
- 180 (1) Section 73 (delegation of certain administrative functions of Master of the Rolls) is amended as follows. 30
- (2) In subsection (3)—
- (a) for “Lord Chancellor may” substitute “Lord Chief Justice may, with the concurrence of the Lord Chancellor,”;
- (b) for “Lord Chancellor considers” substitute “Lord Chief Justice and Lord Chancellor consider”. 35
- (3) After subsection (5) insert—
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3).” 40

181 In section 119 (interpretation), in subsection (1) in the definition of “designated judge” for “the President of the Family Division or the Vice-Chancellor” substitute “the President of the Queen’s Bench Division, the President of the Family Division or the Chancellor of the High Court”.

Armed Forces Act 1991 (c. 62) 5

182 (1) In Schedule 1 to the Armed Forces Act 1991 (assessors of compensation for miscarriages of justice), paragraph 6 (power of removal) is amended as follows.

(2) That paragraph becomes sub-paragraph (1) of paragraph 6.

(3) After that sub-paragraph insert – 10

“(2) The Lord Chancellor may give consent under sub-paragraph (1)(a) or (1)(c) only with the concurrence of the following –

- (a) the Lord Chief Justice of England and Wales;
- (b) the Lord Chief Justice of Northern Ireland.”

Child Support Act 1991 (c. 48) 15

183 The Child Support Act 1991 is amended as follows.

184 (1) Section 8 (role of the courts with respect to maintenance of children) is amended as follows.

(2) After subsection (5) insert –

“(5A) The Lord Chancellor may make an order under subsection (5) only with the concurrence of the Lord Chief Justice.” 20

(3) After subsection (11) insert –

“(12) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 25

185 In section 45 (jurisdiction of courts in certain proceedings under the Act), after subsection (7) insert –

“(8) The functions of the Lord Chancellor under this section may be exercised only after consultation with the Lord Chief Justice.

(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 30

186 In Schedule 4 (Child Support Commissioners), in paragraph 1 (tenure of office) after sub-paragraph (3) insert –

“(3A) The Lord Chancellor may remove a Child Support Commissioner under sub-paragraph (3) only with the concurrence of –

- (a) the Lord Chief Justice of England and Wales, and
- (b) the Lord President of the Court of Session.”

Land Drainage Act 1991 (c. 59)

- 187 (1) Section 31 of the Land Drainage Act 1991 (composition and incidental powers of the Agricultural Land Tribunal) is amended as follows.
- (2) After subsection (1) insert –
- “(1A) Before drawing up, or revising, a panel under subsection (1), the Lord Chancellor must consult the Lord Chief Justice.” 5
- (3) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 10

Tribunals and Inquiries Act 1992 (c. 53)

- 188 (1) In section 7 of the Tribunal and Inquiries Act 1992 (concurrence required for removal of members of certain tribunals), subsection (1) is amended as follows.
- (2) Omit “, other than the Lord Chancellor,”. 15
- (3) In paragraphs (a) to (c) after “Lord Chancellor” in each place insert “(unless he is the Minister terminating the person’s membership), the Lord Chief Justice of England and Wales,”.
- (4) In paragraph (d) after “Lord Chancellor” insert “(unless he is the Minister terminating the person’s membership) and the Lord Chief Justice of England and Wales”. 20

Judicial Pensions and Retirement Act 1993 (c. 8)

- 189 The Judicial Pensions and Retirement Act 1993 is amended as follows.
- 190 (1) Section 2 (the judicial officer’s entitlement to a pension) is amended as follows. 25
- (2) In subsection (3)(b) after “by means of a medical certificate” insert “(and, where the appropriate Minister is the Lord Chancellor, after consulting the Lord Chief Justice of England and Wales)”.
- (3) After subsection (8) insert –
- “(9) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 30
- 191 (1) Section 26 (retirement date for holders of certain judicial offices) is amended as follows.
- (2) For “appropriate minister” in each place substitute “appropriate person”. 35
- (3) In subsection (7) –
- (a) in paragraph (a) omit “, unless he is the Lord Chancellor”;
- (b) in paragraph (b) omit “, unless he is the Lord Chancellor”.
- (4) In subsection (12), after the definition of “appointed day” insert –
- ““the appropriate person” means – 40

-
- (a) the appropriate Minister in a case which falls within paragraph (a) of the definition of the expression in section 30;
- (b) in any other case, the Lord Chief Justice of England and Wales;”.
- 5
- (5) After subsection (12) insert—
- “(13) Where the Lord Chief Justice is the appropriate person, he must obtain the concurrence of the Lord Chancellor before exercising any functions under this section.
- (14) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 10
- 192 In Schedule 1 (offices which may be qualifying judicial offices) in Part 1 (judges) for the entries “President of the Family Division” and “Vice-Chancellor” substitute—
- “President of the Queen’s Bench Division
 President of the Family Division
 Chancellor of the High Court”.
- 15
- 193 In Schedule 5 (retirement provisions: the relevant offices), in the second entry omit “, other than the Lord Chancellor”.
- 20
- Bail (Amendment) Act 1993 (c. 26)*
- 194 In section 1 of the Bail (Amendment) Act 1993 (prosecution right of appeal), in subsection (12) in the definition of “magistrates’ court” and “court” for “designated” to the end substitute “designated in accordance with section 67 or section 139 of the Extradition Act 2003”.
- 25
- Welsh Language Act 1993 (c. 38)*
- 195 (1) Section 23 of the Welsh Language Act 1993 (oaths and affirmations) is amended as follows.
- (2) That section becomes subsection (1) of section 23.
- (3) In that subsection after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice of England and Wales,”.
- 30
- (4) After that subsection insert—
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 35
- Local Government (Wales) Act 1994 (c. 19)*
- 196 (1) Section 55 of the Local Government (Wales) Act 1994 (magistrates’ courts, justices of the peace etc) is amended as follows.
- (2) In subsection (1)—
- (a) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”;
- 40

- (b) for “he thinks necessary or expedient” substitute “the Lord Chancellor thinks necessary or expedient, after consulting the Lord Chief Justice,”.
- (3) In subsection (3) –
- (a) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”; 5
- (b) for “appears to him expedient” substitute “appears to the Lord Chancellor to be expedient, after consulting the Lord Chief Justice,”.
- 197 After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 10
- Value Added Tax Act 1994 (c. 23)*
- 198 The Value Added Tax Act 1994 is amended as follows.
- 199 (1) Section 86 (appeals to the Court of Appeal) is amended as follows. 15
- (2) In subsection (1) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice of England and Wales,”.
- (3) After subsection (2) insert –
- “(2A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95 of the Constitutional Reform Act 2005) to exercise his functions under this section.” 20
- 200 (1) Schedule 12 (constitution and procedure of VAT tribunals) is amended as follows.
- (2) In paragraph 3 (tenure of office of President) –
- (a) after sub-paragraph (5) insert – 25
- “(5A) The Lord Chancellor may remove a person from office under sub-paragraph (4), or designate a person under sub-paragraph (5), only with the concurrence of all of the following –
- (a) the Lord Chief Justice of England and Wales; 30
- (b) the Lord President of the Court of Session;
- (c) the Lord Chief Justice of Northern Ireland.”;
- (b) after sub-paragraph (8) insert –
- “(9) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95 of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (5A) in relation to the designation of a person under sub-paragraph (5). 35
- (10) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under sub-paragraph (5A) in relation to the designation of a person under sub-paragraph (5). 40

(11)	The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (5A) in relation to the designation of a person under sub-paragraph (5) –	
(a)	the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);	5
(b)	a Lord Justice of Appeal (as defined in section 88 of that Act).”	
(3)	In paragraph 4 –	
(a)	that paragraph becomes sub-paragraph (1) of paragraph 4;	10
(b)	after that sub-paragraph insert –	
“(2)	The powers of the Lord Chancellor under sub-paragraph (1) may be exercised –	
(a)	in relation to England and Wales only after consulting the Lord Chief Justice of England and Wales;	15
(b)	in relation to Northern Ireland only after consulting the Lord Chief Justice of Northern Ireland.	
(3)	The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.	20
(4)	The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section –	25
(a)	the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;	
(b)	a Lord Justice of Appeal (as defined in section 88 of that Act).”	30
(4)	In paragraph 7 (membership of panels), after sub-paragraph (7) insert –	
“(7A)	Where the appropriate authority is the Lord Chancellor, the power conferred by sub-paragraph (7) may be exercised only with the concurrence of the Lord Chief Justice of England and Wales.”	35

Trade Marks Act 1994 (c. 26)

201	In section 77 of the Trade Marks Act 1994 (persons appointed to hear and determine appeals), after subsection (4) insert –	
“(5)	The Lord Chancellor may remove a person from office under subsection (3)(c) only with the concurrence of all of the following –	40
(a)	the Lord Chief Justice of England and Wales;	
(b)	the Lord President of the Court of Session;	
(c)	the Lord Chief Justice of Northern Ireland.”	

Merchant Shipping Act 1995 (c. 21)

202	In section 297 of the Merchant Shipping Act 1995 (wreck commissioners),	45
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after subsection (3) insert –

“(3A) The Lord Chancellor may remove a wreck commissioner from office only with the concurrence of –

- (a) the Lord Chief Justice of England and Wales, or
- (b) if the commissioner was appointed to act in Northern Ireland, the Lord Chief Justice of Northern Ireland.”

5

Reserve Forces Act 1996 (c. 14)

203 (1) Section 92 of the Reserve Forces Act 1996 (membership of tribunals etc) is amended as follows.

(2) In subsection (1) for “by the Lord Chancellor” substitute “by the Lord Chief Justice of England and Wales, after consulting the Lord Chancellor,”.

10

(3) After subsection (3) insert –

“(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1).”

15

Employment Tribunals Act 1996 (c. 17)

204 The Employment Tribunals Act 1996 is amended as follows.

205 (1) Section 22 (membership of appeal tribunal) is amended as follows.

(2) In subsection (1)(a) –

- (a) for “by the Lord Chancellor” substitute “by the Lord Chief Justice, after consulting the Lord Chancellor,”;
- (b) omit “(other than the Lord Chancellor)”.

20

(3) In subsection (1)(c) for the words from “joint” to “State” substitute “recommendation of the Lord Chancellor”.

(4) In subsection (2) omit “and the Secretary of State”.

25

(5) In subsection (3) –

- (a) for “Lord Chancellor” substitute “Lord Chief Justice”;
- (b) after “consultation with” insert “the Lord Chancellor and”.

(6) After subsection (4) insert –

“(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

30

206 (1) Section 23 (temporary membership) is amended as follows.

(2) In subsection (1) for “Lord Chancellor” substitute “Lord Chief Justice”.

(3) In subsection (2)(a) for “Lord Chancellor” substitute “Lord Chief Justice”.

35

(4) After subsection (5) insert –

“(6) The functions conferred on the Lord Chief Justice by the preceding provisions of this section may be exercised only after consulting the Lord Chancellor.

-
- (7) The functions conferred on the Lord Chancellor by subsection (3) may be exercised only after consultation with the Lord Chief Justice.
- (8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 5
- 207 (1) Section 24 (temporary additional judicial membership) is amended as follows.
- (2) For subsection (1) substitute –
- “(1) This section applies if both of the following conditions are met –
- (a) the Lord Chancellor thinks that it is expedient, after consulting the Lord Chief Justice, for a qualified person to be appointed to be a temporary additional judge of the Appeal Tribunal in order to facilitate in England and Wales the disposal of business in the Appeal Tribunal; 10
- (b) the Lord Chancellor requests the Lord Chief Justice to make such an appointment. 15
- (1A) The Lord Chief Justice may, after consulting the Lord Chancellor, appoint a qualified person as mentioned in subsection (1)(a).
- (1B) An appointment under this section is –
- (a) for such period, or 20
- (b) on such occasions,
- as the Lord Chief Justice determines, after consulting the Lord Chancellor.”
- (3) In subsection (2) for “subsection (1)” substitute “this section”.
- (4) After subsection (3) insert – 25
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 208 In section 25 (tenure of appointed members) in subsection (4) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”. 30
- Arbitration Act 1996 (c. 23)*
- 209 In section 105 of the Arbitration Act 1996 (jurisdiction of High Court and county court), after subsection (3) insert –
- “(3A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales or the Lord Chief Justice of Northern Ireland (as the case may be) before making an order under this section. 35
- (3B) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.
- (3C) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section – 40
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

Criminal Procedure and Investigations Act 1996 (c. 25)

210 In section 19 of the Criminal Procedure and Investigations Act 1996 (rules of court), in subsection (3) for the words from “with any modifications” to the end substitute “or such provision with modifications”. 5

Family Law Act 1996 (c. 27)

211 The Family Law Act 1996 is amended as follows.

212 (1) Section 57 (jurisdiction of the courts) is amended as follows.

(2) In subsections (3), (4) and (5) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”. 10

(3) In subsection (7) after “Lord Chancellor thinks appropriate” insert “, after consulting the Lord Chief Justice”.

(4) In subsection (9) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.

(5) In subsection (10) after “Lord Chancellor thinks expedient” insert “, after consulting the Lord Chief Justice,”. 15

(6) After subsection (11) insert –

“(12) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 20

213 (1) Section 61 (appeals) is amended as follows.

(2) In subsection (5) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.

(3) After subsection (6) insert –

“(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 25

Defamation Act 1996 (c. 31)

214 In section 9 of the Defamation Act 1996 (meaning of summary relief), after subsection (2) insert – 30

“(2A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales before making any order under subsection (1)(c).

(2B) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 35

Housing Act 1996 (c. 52)

215 The Housing Act 1996 is amended as follows.

216	In section 138 (introductory tenancies: jurisdiction of county court), omit subsections (4) to (6) (rules and directions).	
217	In section 143N (demoted tenancies: jurisdiction of county court), omit subsections (5) to (7) (rules and directions).	
<i>Education Act 1996 (c. 56)</i>		5
218	In section 334 of the Education Act 1996 (Special Educational Needs Tribunal: President and members), in subsection (3) –	
	(a) after “Lord Chancellor” in the first place insert “and of the Lord Chief Justice”;	
	(b) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”.	10
<i>Deregulation (Model Appeal Provisions) Order 1996 (S.I. 1996/1678)</i>		
219	In the Schedule (model rules for appeals) to the Deregulation (Model Appeal Provisions) Order 1996, after paragraph 6(3) insert –	
	“(3A) The Lord Chancellor may exercise his power under subparagraph (3) to remove a person appointed to the panel of chairmen for England and Wales only with the concurrence of the Lord Chief Justice.”	15
<i>Civil Procedure Act 1997 (c. 12)</i>		
220	The Civil Procedure Act 1997 is amended as follows.	20
221	(1) Section 2 (Civil Procedure Rule Committee) is amended as follows.	
	(2) For subsection (1) substitute –	
	“(1) Civil Procedure Rules are to be made by a committee known as the Civil Procedure Rule Committee, which is to consist of the following persons –	25
	(a) the Head of Civil Justice;	
	(b) the Deputy Head of Civil Justice (if there is one);	
	(c) the persons currently appointed in accordance with subsections (1A) and (1B).	
	(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (d) of subsection (2).	30
	(1B) The Lord Chancellor must appoint the persons falling within paragraphs (e) to (g) of subsection (2).”	
	(3) In subsection (2) for “The Lord Chancellor must appoint” substitute “The persons to be appointed in accordance with subsections (1A) and (1B) are”.	35
	(4) For subsection (3) substitute –	
	“(3) Before appointing a person in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor.”	
	(5) In subsection (4) for “under paragraph (e) or (f) of subsection (2), the Lord Chancellor must consult” substitute “in accordance with subsection (1B), the	40

- Lord Chancellor must consult the Lord Chief Justice and, if the person falls within paragraph (e) or (f) of subsection (2), must also consult”.
- (6) After subsection (8) insert –
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 5
- 222 (1) Section 2A (power to change certain requirements relating to Committee) is amended as follows.
- (2) In subsection (1) for paragraph (a) substitute –
- “(a) amend section 2(2), (3) or (4), and”.
- (3) For subsection (2) substitute –
- “(2) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.
- (2A) Before making an order under this section the Lord Chancellor must consult the following persons – 15
- (a) the Head of Civil Justice;
- (b) the Deputy Head of Civil Justice (if there is one).
- (2B) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 20
- 223 (1) Section 3 (process for making Civil Procedure rules) (as amended by section 85 of the Courts Act 2003 (c. 39)) is amended as follows.
- (2) For subsections (3) and (4) substitute –
- “(3) The Lord Chancellor may allow or disallow Rules so made.
- (4) If the Lord Chancellor disallows Rules, he must give the Committee written reasons for doing so.” 25
- (3) In subsection (5) for “, as allowed or altered” substitute “and allowed”.
- (4) In subsection (6) omit “Subject to subsection (7),”.
- (5) Omit subsection (7).
- 224 After section 3 insert – 30
- “3A Rules to be made if required by Lord Chancellor**
- (1) This section applies if the Lord Chancellor gives the Civil Procedure Rules Committee written notice that he thinks it is expedient for Civil Procedure Rules to include provision that would achieve a purpose specified in the notice. 35
- (2) The Committee must make such Rules as it considers necessary to achieve the specified purpose.
- (3) Those rules must be –
- (a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;
- (b) made in accordance with section 3.” 40

-
- 225 (1) Section 4 (power to make consequential amendments) (as amended by section 85 of the Courts Act 2003 (c. 39)) is amended as follows.
- (2) In subsections (1) and (2) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.
- (3) After subsection (5) insert – 5
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1) or (2).”
- 226 (1) Section 6 (Civil Justice Council) is amended as follows.
- (2) After subsection (2) insert – 10
- “(2A) The Lord Chancellor must decide the following questions –
- (a) how many members of the Council are to be drawn from each of the groups mentioned in subsection (2);
- (b) how many other members the Council is to have.
- (2B) It is for – 15
- (a) the Lord Chief Justice to appoint members of the judiciary to the Council;
- (b) the Lord Chancellor to appoint other persons to the Council.”
- (3) After subsection (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 20

Plant Varieties Act 1997 (c. 66)

- 227 (1) Schedule 3 to the Plant Varieties Act 1997 (Plant Varieties and Seeds Tribunal) is amended as follows. 25
- (2) In paragraph 5 (duration of appointment), after sub-paragraph (5) insert –
- “(5A) Where the appointing authority is the Lord Chancellor, the power conferred by sub-paragraph (5) may be exercised only with the concurrence of the Lord Chief Justice of England and Wales.”
- (3) In paragraph 7 (the panels), in sub-paragraph (2) for the words in brackets substitute “(which makes it necessary to obtain the concurrence of the Lord Chancellor and certain judicial office holders to dismissals in certain cases)”. 30

Social Security Act 1998 (c. 14)

- 228 The Social Security Act 1998 is amended as follows.
- 229 In section 6 (panel for appointment to appeal tribunals), in subsection (5) for “A person may be removed from the panel by the Lord Chancellor” substitute “The Lord Chancellor may, with the concurrence of the Lord Chief Justice and the Lord President of the Court of Session, remove a person from the panel”. 35

- 230 In Schedule 1 (Appeal Tribunals: supplementary provisions), in paragraph 1(3) (tenure of office) after “by the Lord Chancellor” insert “, with the concurrence of the Lord Chief Justice,”.
- 231 In Schedule 4 (Social Security Commissioners), in paragraph 5 (removal) after sub-paragraph (1) insert – 5
- “(1A) The Lord Chancellor may remove a person under sub-paragraph (1) only with the concurrence of the following –
- (a) the Lord Chief Justice;
- (b) the Lord President of the Court of Session.”
- Data Protection Act 1998 (c. 29)* 10
- 232 (1) Schedule 6 to the Data Protection Act 1998 (appeal proceedings) (as amended by paragraph 2 of Schedule 4 to the Freedom of Information Act 2000 (c. 36)) is amended as follows.
- (2) In paragraph 2 (designation of persons to hear appeals in national security cases), after sub-paragraph (2) insert – 15
- “(3) The Lord Chancellor may make, or revoke, a designation under this paragraph only with the concurrence of all of the following –
- (a) the Lord Chief Justice;
- (b) the Lord President of the Court of Session;
- (c) the Lord Chief Justice of Northern Ireland. 20
- (4) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (3) so far as they relate to a designation under this paragraph.
- (5) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under sub-paragraph (3) so far as they relate to a designation under this paragraph. 25
- (6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (3) so far as they relate to a designation under this paragraph – 30
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).” 35
- (3) In paragraph 3 (constitution of Tribunal in national security cases) (as substituted by paragraph 2 of Schedule 4 to the Freedom of Information Act 2000) –
- (a) that paragraph becomes sub-paragraph (1) of paragraph 3;
- (b) after that sub-paragraph insert – 40
- “(2) The Lord Chancellor may designate a person to preside under this paragraph only with the concurrence of all of the following –
- (a) the Lord Chief Justice of England and Wales;
- (b) the Lord President of the Court of Session; 45

	(c) the Lord Chief Justice of Northern Ireland.	
	(3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.	5
	(4) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.	
	(5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph –	10
	(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);	
	(b) a Lord Justice of Appeal (as defined in section 88 of that Act).”	15
 <i>Crime and Disorder Act 1998 (c. 37)</i>		
233	The Crime and Disorder Act 1998 (powers of magistrates’ courts exercisable by single justice etc) is amended as follows.	
234	(1) Section 10 (appeals against parenting orders) is amended as follows.	20
	(2) In subsection (6) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”.	
	(3) After subsection (7) insert –	
	“(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95 of the Constitutional Reform Act 2005) to exercise his functions under this section.”	25
 <i>Human Rights Act 1998 (c. 42)</i>		
235	(1) Section 18 of the Human Rights Act 1998 (appointment to ECHR) is amended as follows.	
	(2) In subsection (7), after “considers appropriate” insert “(in the case of the Lord Chancellor, after consulting the Lord Chief Justice of England and Wales)”.	30
	(3) After subsection (7) insert –	
	“(7A) Before making an order under subsection (7) the Lord Chancellor must consult the Lord Chief Justice of England and Wales.	35
	(7B) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”	
 <i>Access to Justice Act 1999 (c. 22)</i>		
236	The Access to Justice Act 1999 is amended as follows.	40

- 237 (1) Section 56 (power to prescribe alternative destination of appeals) is amended as follows.
- (2) In subsection (4) for paragraphs (c) and (d) substitute –
- “(c) the President of the Queen’s Bench Division,
 - (d) the President of the Family Division, and
 - (e) the Chancellor of the High Court.”
- 5
- (3) After subsection (7) insert –
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 10
- 238 (1) Section 68 (judges holding office in European or international courts) is amended as follows.
- (2) In the definition of “relevant international court” in subsection (2), for paragraph (b) substitute –
- “(b) any international court (apart from the European Court of Human Rights) which –
 - (i) is designated in relation to the holder of any United Kingdom judicial office specified in paragraph (a) or (c) of the definition in subsection (2) by the Lord Chancellor, or
 - (ii) is designated in relation to the holder of any United Kingdom judicial office specified in paragraph (b) of the definition in subsection (2) by the Secretary of State.”
- 15
- 20
- (3) After subsection (7) insert –
- “(8) The Lord Chancellor may exercise functions conferred on him by this section only after consulting the Lord Chief Justice of England and Wales.
- (9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (8).”
- 25
- 30
- 239 (1) Section 69 (Vice-President of Queen’s Bench division) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor may” substitute “Lord Chief Justice may, after consulting the Lord Chancellor,”.
- 35
- (3) After subsection (1) insert –
- “(1A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1).”

Immigration and Asylum Act 1999 (c. 33) 40

240 The Immigration and Asylum Act 1999 is amended as follows.

241 (1) Section 53 (applications for bail in immigration cases) is amended as follows.

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- (2) After subsection (6) insert—
- “(6A) Before giving his approval under subsection (6) the Lord Chancellor must consult the Lord Chief Justice of England and Wales.”
- (3) For subsection (7) substitute—
- “(7) Subsection (6A) does not apply insofar as regulations under this section relate to the sheriff or the Court of Session; but in such a case the Lord Chancellor must obtain the consent of the Scottish Ministers before giving his approval under subsection (6).” 5
- (4) After subsection (7) insert—
- “(8) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 10
- 242 In Schedule 7 (Immigration Services Tribunal), in paragraph 3 (terms and conditions of appointment of members) after sub-paragraph (4) insert—
- “(5) The Lord Chancellor may dismiss a person under sub-paragraph (4) only with the concurrence of the following— 15
- (a) the Lord Chief Justice of England and Wales;
- (b) the Lord President of the Court of Session;
- (c) the Lord Chief Justice of Northern Ireland.”
- Financial Services and Markets Act 2000 (c. 8)* 20
- 243 (1) Schedule 13 (Financial Services and Markets Tribunal) of the Financial Services and Markets Act 2000 is amended as follows.
- (2) In paragraph 2 (president of the tribunal), after sub-paragraph (7) insert—
- “(8) The Lord Chancellor may appoint a person under sub-paragraph (7)(b) only after consulting the following— 25
- (a) the Lord Chief Justice of England and Wales;
- (b) the Lord President of the Court of Session;
- (c) the Lord Chief Justice of Northern Ireland.
- (9) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph. 30
- (10) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph. 35
- (11) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26); 40
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

- (3) In paragraph 4 (terms of office), after sub-paragraph (2) insert –
- “(2A) The Lord Chancellor may remove a person under sub-paragraph (2) only with the concurrence of the following
- (a) the Lord Chief Justice of England and Wales;
 - (b) the Lord President of the Court of Session; 5
 - (c) the Lord Chief Justice of Northern Ireland.”
- (4) In paragraph 8 (sittings) after “Lord Chancellor may” insert “, after consulting the President of the Financial Services and Markets Tribunal.”

Terrorism Act 2000 (c. 11)

- 244 The Terrorism Act 2000 is amended as follows. 10
- 245 (1) In Schedule 3 (Proscribed Organisations Appeal Commission), paragraph 4 (sittings) is amended as follows.
- (2) In sub-paragraph (1) after “direct” insert “after consulting the following –
- (a) the Lord Chief Justice of England and Wales;
 - (b) the Lord President of the Court of Session; 15
 - (c) the Lord Chief Justice of Northern Ireland”.
- (3) After sub-paragraph (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph. 20
- (5) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.
- (6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph – 25
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).” 30
- 246 (1) Schedule 8 (detention) is amended as follows.
- (2) In paragraph 29 (warrants of further detention) –
- (a) in sub-paragraph (4)(a) for “by the Lord Chancellor” substitute “by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor”; 35
 - (b) after sub-paragraph (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (4)(a).” 40

Local Government Act 2000 (c. 22)

- 247 (1) Section 76 of the Local Government Act 2000 (case tribunals and interim case tribunals) is amended as follows.
- (2) In subsection (9) for “Lord Chancellor” substitute “Lord Chief Justice”.
- (3) After subsection (9) insert – 5
- “(9A) The Lord Chief Justice must consult the Lord Chancellor before specifying a member of the Panel in accordance with subsection (9).”
- (4) In subsection (12) after “Lord Chancellor must” insert “consult the Lord Chief Justice and”.
- (5) After subsection (14) insert – 10
- “(15) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

Criminal Justice and Court Services Act 2000 (c. 43)

- 248 (1) Schedule 1 of the Criminal Justice and Court Services Act 2000 (local probation boards) is amended as follows. 15
- (2) In paragraph 2 (membership) –
- (a) in sub-paragraph (2) for “Lord Chancellor” substitute “Lord Chief Justice, after consulting the Lord Chancellor”;
- (b) after sub-paragraph (7) insert – 20
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (2).”
- (3) In paragraph 3 (tenure of members), after sub-paragraph (3) insert – 25
- “(3A) The power conferred by sub-paragraph (3) may be exercised by the Lord Chancellor to remove a person appointed by him by virtue of paragraph 2(2) only with the concurrence of the Lord Chief Justice.”

International Criminal Court Act 2001 (c. 17)

- 249 Section 26 of the International Criminal Court Act 2001 (definitions) is amended as follows – 30
- (a) that section becomes subsection (1) of section 26;
- (b) in that subsection for “by the Lord Chancellor” substitute “by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor”;
- (c) after that subsection insert – 35
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 40

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 250 (1) In Schedule 6 to the Anti-terrorism, Crime and Security Act 2001 (Pathogens Access Appeal Commission), paragraph 4 (sittings) is amended as follows.
- (2) In sub-paragraph (1) after “direct” insert “after consulting the following –
- (a) the Lord Chief Justice of England and Wales; 5
 - (b) the Lord President of the Court of Session;
 - (c) the Lord Chief Justice of Northern Ireland.”
- (3) After sub-paragraph (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (1). 10
- (5) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under sub-paragraph (1). 15
- (6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (1) –
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).” 20

Land Registration Act 2002 (c. 9)

- 251 The Land Registration Act 2002 is amended as follows.
- 252 (1) Section 127 (exercise of powers) is amended as follows.
- (2) In subsection (2)(a) for “Lord Chancellor” substitute “Lord Chief Justice, or a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) nominated by him, after consulting the Lord Chancellor”. 25
- (3) In subsection (2)(h) after “consumer affairs” insert “nominated by the Lord Chancellor”.
- 253 In Schedule 9 (the Adjudicator), in paragraph 1 (holding of office), in sub-paragraph (2) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”. 30

Enterprise Act 2002 (c. 40)

- 254 The Enterprise Act 2002 is amended as follows.
- 255 (1) Section 268 (disqualification from office: general) is amended as follows. 35
- (2) In subsection (7) for “Lord Chancellor” substitute “Lord Chief Justice of England and Wales”.
- (3) After subsection (15) insert –
- “(16) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (7).” 40

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- 256 In paragraph 2 of Schedule 2 (tenure of members of Competition Appeal Tribunal), after sub-paragraph (4) insert –
- “(5) The Lord Chancellor may remove a person from office under sub-paragraph (4) only with the concurrence of all of the following –
- (a) the Lord Chief Justice of England and Wales; 5
 - (b) the Lord President of the Court of Session;
 - (c) the Lord Chief Justice of Northern Ireland.”
- Finance Act 2003 (c. 14)*
- 257 (1) Schedule 17 to the Finance Act 2003 (stamp duty land tax: General and Special Commissioners, appeals and other proceedings) is amended as follows. 10
- (2) In paragraph 2 (regulations about determination of disputes), after sub-paragraph (1) insert –
- “(1A) The Lord Chancellor may make regulations under this paragraph only after consulting all of the following – 15
- (a) the Lord Chief Justice of England and Wales;
 - (b) the Lord President of the Court of Session;
 - (c) the Lord Chief Justice of Northern Ireland.
- (1B) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph. 20
- (1C) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph. 25
- (1D) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph –
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26); 30
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- (3) In paragraph 3 (regulations about jurisdiction of General or Special Commissioners), after sub-paragraph (3) insert –
- “(4) The Lord Chancellor may make regulations under this paragraph only after consulting all of the following – 35
- (a) the Lord Chief Justice of England and Wales;
 - (b) the Lord President of the Court of Session;
 - (c) the Lord Chief Justice of Northern Ireland.
- (5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph. 40
- (6) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second 45

- Division of the Inner House of that Court to exercise his functions under this section.
- (7) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section –
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26); 5
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- (4) In paragraph 5 (regulations about quorum) –
- (a) that paragraph becomes sub-paragraph (1) of paragraph 5; 10
 - (b) after that sub-paragraph –
 - “(2) The Lord Chancellor may make regulations under this paragraph only after consulting all of the following –
 - (a) the Lord Chief Justice of England and Wales;
 - (b) the Lord President of the Court of Session; 15
 - (c) the Lord Chief Justice of Northern Ireland.
 - (3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph. 20
 - (4) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.
 - (5) The Lord Chief Justice of Northern Ireland may nominate 25
 - any of the following to exercise his functions under this section –
 - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).” 30
- (5) In paragraph 11 (regulations), for sub-paragraph (1) substitute –
- “(1) Any power to make regulations under this Schedule is exercisable –
 - (a) only with the consent of the Scottish Ministers; 35
 - (b) subject to any other provision of this Schedule.”

Courts Act 2003 (c. 39)

258 The Courts Act 2003 is amended as follows.

- 259 (1) In section 2 (Court officers, staff and services), in subsection (7) for paragraphs (c) and (d) substitute – 40
- “(c) the President of the Queen’s Bench Division,
 - (d) the President of the Family Division, and
 - (e) the Chancellor of the High Court.”

260 (1) Section 4 (establishment of courts boards) is amended as follows.

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- (2) After subsection (5) insert –
- “(5A) Before making any order under subsection (2) or (4), the Lord Chancellor must consult the Lord Chief Justice.”
- (3) After subsection (7) insert –
- “(7A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 5
- 261 (1) Section 5 (functions of courts boards) is amended as follows.
- (2) In subsection (5) after “Lord Chancellor must” insert “, after consulting the Lord Chief Justice,”. 10
- (3) In subsection (7) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.
- (4) After subsection (8) insert –
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 15
- 262 (1) Section 8 (local justice areas) is amended as follows.
- (2) After subsection (5) insert –
- “(5A) Before making any order under subsection (2) or (4), the Lord Chancellor must consult the Lord Chief Justice.” 20
- (3) After subsection (7) insert –
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 263 (1) Section 10 (appointment of lay justices etc) is amended as follows. 25
- (2) In subsection (2) for “Lord Chancellor” substitute “Lord Chief Justice”.
- (3) In subsection (3) for “or on behalf of the Lord Chancellor” substitute “Lord Chief Justice”.
- (4) After subsection (5) insert –
- “(6) The functions conferred on the Lord Chief Justice by subsections (2) and (3) may be exercised only after consulting the Lord Chancellor. 30
- (7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2) or (3).”
- 264 In section 11 (resignation and removal of lay justices), in subsection (2) – 35
- (a) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”;
- (b) in paragraph (b) after “Lord Chancellor” insert “with the concurrence of the Lord Chief Justice”.
- 265 (1) Section 13 (entry of names in the supplemental list) is amended as follows. 40

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- (2) In subsection (3) for “Lord Chancellor may” substitute “Lord Chief Justice may, with the concurrence of the Lord Chancellor,”.
- (3) In subsection (5) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”.
- (4) After subsection (5) insert – 5
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3).”
- 266 In section 14 (removal of names from the supplemental list), in subsection (2)(b) after “Lord Chancellor” insert “, with the concurrence of the Lord Chief Justice,”. 10
- 267 (1) Section 15 (lay justices’ allowances) is amended as follows.
- (2) In subsection (7) for “Lord Chancellor” substitute “Lord Chief Justice”.
- (3) After subsection (8) insert –
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (7).” 15
- 268 In section 16 (records of lay justices), after subsection (3) insert –
- “(4) The Lord Chancellor must consult the Lord Chief Justice before – 20
- (a) appointing a person under subsection (1), or
- (b) giving a direction under subsection (2).
- (5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 269 (1) Section 17 (chairman and deputy chairmen) is amended as follows. 25
- (2) In subsection (3) for “Lord Chancellor, or a person acting on his behalf, may” substitute “Lord Chief Justice may, with the concurrence of the Lord Chancellor,”.
- (3) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 30
- 270 (1) Section 19 (training, development and appraisal of lay justices) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor” in each place substitute “Lord Chief Justice”. 35
- (3) In subsection (3) –
- (a) for “Lord Chancellor” substitute “Lord Chief Justice”;
- (b) for “appropriate training and training materials” substitute “training and training materials that appear to him, after consulting the Lord Chancellor, to be appropriate”. 40

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- (4) After subsection (3) insert—
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 271 (1) Section 20 (rules) is amended as follows. 5
- (2) In subsection (1) for “Lord Chancellor” substitute “Lord Chief Justice”.
- (3) In subsection (2)—
- (a) for “Lord Chancellor” substitute “Lord Chief Justice”;
- (b) before paragraph (a) insert—
- “(za) the Lord Chancellor,”. 10
- (4) After subsection (2) insert—
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions of making the rules referred to in this section.”
- 272 (1) Section 21 (duty to consult lay justices on matters affecting them etc) is amended as follows. 15
- (2) That section becomes subsection (1) of section 21.
- (3) In that subsection after “Lord Chancellor” insert “and the Lord Chief Justice”.
- (4) After that subsection insert— 20
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 273 In section 22 (appointment of District Judges (Magistrates’ Courts)), in subsection (5) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”. 25
- 274 In section 24 (Deputy District Judges (Magistrates’ Courts)), in subsection (4) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”.
- 275 (1) Section 25 (District Judges (Magistrates’ Courts) as justices of the peace) is amended as follows. 30
- (2) In subsection (2), leave out “or on behalf of the Lord Chancellor” and insert “the Lord Chief Justice, after consulting the Lord Chancellor”.
- (3) After subsection (2) insert—
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).” 35
- 276 (1) Section 27 (justices’ clerks and assistant clerks) is amended as follows.
- (2) In subsection (1)(b) after “Lord Chancellor” insert “, after consulting the Lord Chief Justice,”. 40
- (3) In subsection (3)—

- (a) in paragraph (a) after “must” insert “, after consulting the Lord Chief Justice,”;
 - (b) in paragraph (b) for “subsection (4)” substitute “subsections (4A) to (4C)”.
- (4) For subsection (4) substitute – 5
 - “(4A) The Lord Chancellor may change an assignment of a justices’ clerk so that he is no longer assigned to a local justice area (“the relevant area”) only if the conditions in subsections (4B) and (4C) are met.
 - (4B) Before changing the assignment, the Lord Chancellor must consult –
 - (a) the chairman of the lay justices assigned to the relevant area, 10
or
 - (b) if that is not possible or not practicable, the deputy chairman or such of the lay justices assigned to or acting in the relevant area as it appears to the Lord Chancellor appropriate to consult. 15
 - (4C) The Lord Chief Justice must agree to the change.”
- (5) After subsection (6) insert –
 - “(6A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 20
- 277 (1) Section 28 (functions) is amended as follows.
 - (2) In subsection (8) after “Lord Chancellor” insert “with the concurrence of the Lord Chief Justice”.
 - (3) After subsection (9) insert –
 - “(10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 25
- 278 (1) Section 30 (places, dates and times of sittings) is amended as follows.
 - (2) In subsection (1) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”. 30
 - (3) In subsection (7) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.
 - (4) After subsection (8) insert –
 - “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1) or (7).” 35
- 279 (1) Section 34 (costs in legal proceedings) is amended as follows.
 - (2) In subsection (5) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.

- (3) After subsection (5) insert—
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 280 For section 62 substitute— 5
- “62 Head and Deputy Head of Civil Justice**
- (1) The Master of the Rolls is Head of Civil Justice.
- (2) The Lord Chief Justice may appoint a person to be Deputy Head of Civil Justice.
- (3) The Lord Chief Justice must not appoint a person under subsection (2) unless these conditions are met— 10
- (a) the Lord Chief Justice has consulted the Lord Chancellor;
- (b) the person to be appointed is one of the following—
- (i) the Chancellor of the High Court;
- (ii) an ordinary judge of the Court of Appeal. 15
- (4) A person appointed as Deputy Head of Civil Justice holds that office in accordance with the terms of his appointment.
- (5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 20
- 281 (1) Section 64 (power to alter judicial titles) is amended as follows.
- (2) In subsection (2)—
- (a) omit “Vice-Chancellor”;
- (b) insert at the appropriate place— 25
- (i) “Chancellor of the High Court”;
- (ii) “Deputy Head of Civil Justice”;
- (iii) “Deputy Head of Criminal Justice”;
- (iv) “Deputy Head of Family Justice”;
- (v) “Head of Civil Justice”;
- (vi) “Head of Criminal Justice”;
- (vii) “Head of Family Justice”;
- (viii) “President of the Courts of England and Wales”;
- (ix) “President of the Queen’s Bench Division”. 30
- (3) After subsection (3) insert—
- “(3A) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.” 35
- (4) In subsection (4)—
- (a) omit paragraph (a);
- (b) for paragraphs (c) and (d) substitute— 40
- “(ba) the President of the Queen’s Bench Division,
- (c) the President of the Family Division, and
- (d) the Chancellor of the High Court.”

- (5) After subsection (6) insert—
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 282 (1) Section 70 (Criminal Procedure Rule Committee) is amended as follows. 5
- (2) In subsection (1) for paragraph (b) substitute—
- “(b) the persons currently appointed in accordance with subsections (1A) and (1B).”
- (3) After subsection (1) insert—
- “(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (e) of subsection (2). 10
- (1B) The Lord Chancellor must appoint the persons falling within paragraphs (f) to (k) of subsection (2).”
- (4) In subsection (2) for “The Lord Chancellor must appoint” substitute “The persons to be appointed in accordance with subsections (1A) and (1B) are”. 15
- (5) For subsection (3) substitute—
- “(3) Before appointing a person in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor.
- (3A) Before appointing a person in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice.” 20
- (6) After subsection (5) insert—
- “(5A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 283 (1) Section 71 (power to change certain requirements relating to Committee) is amended as follows. 25
- (2) In subsection (1) for paragraph (a) substitute—
- “(a) amend section 70(2) or (3A), and”.
- (3) For subsection (2) substitute—
- “(2) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice. 30
- (3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 284 (1) Section 72 (process for making Criminal Procedure Rules) is amended as follows. 35
- (2) For subsections (3) and (4) substitute—
- “(3) The Lord Chancellor may, with the concurrence of the Secretary of State, disallow rules so made.
- (4) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so.” 40

- (3) In subsection (5) for “, as allowed or altered” substitute “and allowed”.
- 285 After section 72 insert –
- “72A Rules to be made if required by Lord Chancellor**
- (1) This section applies if the Lord Chancellor gives the Criminal Procedure Rules Committee written notice that he thinks it is expedient for Criminal Procedure Rules to include provision that would achieve a purpose specified in the notice. 5
- (2) The Committee must make such rules as it considers necessary to achieve the specified purpose.
- (3) Those rules must be – 10
- (a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;
- (b) made in accordance with section 72.”
- 286 (1) Section 73 (power to amend legislation in connection with Criminal Procedure Rules) is amended as follows. 15
- (2) That section becomes subsection (1) of section 73.
- (3) In that subsection after “Secretary of State” insert “and after consulting the Lord Chief Justice”.
- (4) After that subsection insert –
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 20
- 287 (1) Section 77 (Family Procedure Rule Committee) is amended as follows.
- (2) In subsection (1) for paragraph (b) substitute – 25
- “(b) the persons currently appointed in accordance with subsections (1A) and (1B).”
- (3) After subsection (1) insert –
- “(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (e) of subsection (2).
- (1B) The Lord Chancellor must appoint the persons falling within paragraphs (f) to (o) of subsection (2).” 30
- (4) In subsection (2) for “The Lord Chancellor must appoint” substitute “The persons to be appointed in accordance with subsections (1A) and (1B) are”.
- (5) In subsection (3) for “under subsection (2), Lord Chancellor must consult” substitute “in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor and”. 35
- (6) Omit subsection (4).
- (7) In subsection (5) for “under subsection (2)(h) to (m), the Lord Chancellor must consult” substitute “in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice and, if the person falls within any of paragraphs (h) to (m) of subsection (2), must also consult”. 40

- (8) After section (6) insert –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 288 (1) Section 78 (power to amend certain requirements relating to Committee) is amended as follows. 5
- (2) In subsection (1)(a) after “Lord Chancellor” insert “or Lord Chief Justice”.
- (3) After subsection (1) insert –
- “(1A) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.” 10
- (4) After subsection (2) insert –
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 289 (1) Section 79 (process for making Family Procedure Rules) is amended as follows. 15
- (2) For subsections (3) and (4) substitute –
- “(3) The Lord Chancellor may disallow rules so made.
- (4) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so.” 20
- (3) In subsection (5) for “, as allowed or altered” substitute “and allowed”.
- 290 After section 79 insert –
- “79A Rules to be made if required by Lord Chancellor**
- (1) This section applies if the Lord Chancellor gives the Family Procedure Rules Committee written notice that he thinks it is expedient for Family Procedure Rules to include provision that would achieve a purpose specified in the notice. 25
- (2) The Committee must make such rules as it considers necessary to achieve the specified purpose.
- (3) Those rules must be – 30
- (a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;
- (b) made in accordance with section 79.”
- 291 (1) Section 80 (power to amend legislation in connection with the rules) is amended as follows. 35
- (2) That section becomes subsection (1) of section 80.
- (3) In that subsection after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.

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- (4) After that subsection insert –
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 292 (1) Section 81 (practice directions relating to family proceedings) is amended as follows. 5
- (2) In subsection (1), before paragraph (a) insert –
- “(za) the civil division of the Court of Appeal,
 (zb) the High Court.”
- (3) After subsection (2) insert – 10
- “(2A) Directions as to the practice and procedure of any relevant court in family proceedings (whether given under subsection (1) or otherwise) may provide for any matter which, by virtue of paragraph 3 of Schedule 1 to the Civil Procedure Act 1997, may be provided for by Civil Procedure Rules.” 15
- (4) In subsection (3) for “magistrates’ courts and county courts (or any of them)” substitute “any relevant court”.
- (5) After subsection (4) (inserted by paragraph 9(5) of Schedule 2 to this Act) insert –
- “(5) In this section – 20
 “Civil Procedure Rules” has the same meaning as in the Civil Procedure Act 1997;
 “relevant court” means a court listed in subsection (1).”
- 293 In section 83 (Civil Procedure Rule Committee), omit subsection (3).
- 294 In section 92 (fees), in subsection (5) for paragraphs (c) and (d) substitute – 25
- “(ba) the President of the Queen’s Bench Division;
 (c) the President of the Family Division;
 (d) the Chancellor of the High Court;”.
- 295 In section 107 (interpretation), in subsection (6) omit “by the Lord Chancellor”. 30
- 296 In section 108 (rules, regulations and orders), in subsections (1) and (6) after “Lord Chancellor” insert “or Lord Chief Justice”.
- 297 (1) Section 109 (minor and consequential amendments etc) is amended as follows.
- (2) In subsection (4) – 35
- (a) after “Lord Chancellor may” substitute “, after consulting the Lord Chief Justice;”;
- (b) after “considers” insert “, after consulting the Lord Chief Justice;”.
- (3) After subsection (6) insert –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 40

- 298 (1) Schedule 1 (constitution and procedure of courts boards) is amended as follows.
- (2) For paragraph 1 substitute –
- “1 (1) The members of each courts board are to be appointed by the Lord Chancellor. 5
- (2) The Lord Chancellor may appoint a member of a description mentioned in paragraph 2(a) only with the concurrence of the Lord Chief Justice.”
- (3) In paragraph 8 (meaning of regulations) after “Lord Chancellor” insert “after consulting the Lord Chief Justice”. 10
- (4) After paragraph 8 insert –
- “9 The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this Schedule.”
- 299 In Schedule 7 (High Court writs of execution), in paragraph 12(4) (regulations) for paragraphs (c) and (d) substitute – 15
- “(ba) the President of the Queen’s Bench Division,
(c) the President of the Family Division,
(d) the Chancellor of the High Court, and”.
- Extradition Act 2003 (c. 41)* 20
- 300 The Extradition Act 2003 is amended as follows.
- 301 (1) Section 67 (the appropriate judge) is amended as follows.
- (2) In subsection (1)(a) for “by the Lord Chancellor” substitute “by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor”.
- (3) After subsection (4) insert – 25
- “(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1)(a).”
- 302 (1) Section 139 (the appropriate judge) is amended as follows.
- (2) In subsection (1)(a) for “by the Lord Chancellor” substitute “by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor”. 30
- (3) After subsection (4) insert –
- “(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1)(a).” 35
- Criminal Justice Act 2003 (c. 44)*
- 303 The Criminal Justice Act 2003 is amended as follows.
- 304 (1) Section 167 (Sentencing Guidelines Council) is amended as follows.
- (2) In subsection (1)(b) –

-
- (a) for “Lord Chancellor” substitute “Lord Chief Justice”;
- (b) for “Lord Chief Justice” substitute “Lord Chancellor”.
- (3) After subsection (9) insert –
- “(10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 5
- 305 (1) Section 168 (Sentencing Guidelines Council: supplementary) is amended as follows.
- (2) In subsection (1) for paragraphs (b) and (c) substitute –
- “(b) enabling the Lord Chancellor to remove a judicial member from office, with the concurrence of the Lord Chief Justice, on the grounds of incapacity or misbehaviour, and 10
- (c) enabling the Secretary of State to remove a non-judicial member from office on the grounds of incapacity or misbehaviour.” 15
- (3) For subsection (2) substitute –
- “(1A) The following provisions apply to an order under subsection (1) –
- (a) if the order includes provision falling within subsection (1)(a), the Lord Chancellor must consult the Lord Chief Justice about that provision before making the order; 20
- (b) if the order includes provision falling within subsection (1)(b), the order may not be made unless the Lord Chief Justice agrees to the inclusion of that provision.
- (1B) The Lord Chief Justice may, with the concurrence of the Lord Chancellor, by order make provision as to the proceedings of the Council.” 25
- (4) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1B).” 30
- 306 (1) Section 330 (orders and rules) is amended as follows.
- (2) In subsection (1)(b) after “Lord Chancellor” insert “or the Lord Chief Justice”.
- (3) After subsection (2) insert –
- “(2A) Where a statutory instrument is made by the Lord Chief Justice in the exercise of the power referred to in subsection (1)(b), the Statutory Instruments Act 1946 applies to the instrument as if it contained an order made by a Minister of the Crown.” 35
- Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (S.I. 2004/1861)* 40
- 307 In regulation 4 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (President of Employment Tribunals), after

paragraph (5) insert –

“(5A) Where the Lord Chancellor is the appointing office holder, he may revoke an appointment in accordance with paragraph (5) only with the concurrence of the Lord Chief Justice.”

PART 2

5

AMENDMENTS OF OR RELATING TO ENACTMENTS REPEALED OR AMENDED
OTHERWISE THAN BY THIS ACT

Introduction

- 308 (1) This Part of this Schedule contains amendments of or relating to enactments that have already been amended or repealed by provisions of other Acts. 10
- (2) In each case the amending or repealing provision is specified, in relation to the enactment referred to, as the “original amending provision”.
- (3) An amendment contained in any provision of this Part of this Schedule has effect only until the original amending provision comes fully into force in relation to the enactment referred to in that provision of this Part of this Schedule. 15

Promissory Oaths Act 1871 (c. 48)

- 309 (1) Section 2 of the Promissory Oaths Act 1871 (persons before whom oaths to be taken) is amended as follows.
- (2) In the paragraph beginning “In England” for “Lord High Chancellor of Great Britain” substitute “Lord Chief Justice of England and Wales”. 20
- (3) After that paragraph insert –
- “The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under the preceding paragraph.” 25
- (4) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 51 of Schedule 8 to the Courts Act 2003 (c. 39).

Children and Young Persons Act 1933 (c. 12)

- 310 (1) Schedule 2 to the Children and Young Persons Act 1933 (constitution of youth courts) is amended as follows. 30
- (2) In paragraph 6 –
- (a) in paragraph (a) –
- (i) after “he may” insert “after consulting the Lord Chief Justice”; 35
- (ii) after “thinks fit” insert “after consulting the Lord Chief Justice”;
- (b) in paragraph (b) –
- (i) after “may” insert “, after consulting the Lord Chief Justice,”;
- (ii) after “thinks fit” insert “, after consulting the Lord Chief Justice,”. 40

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- (3) In paragraph 14 after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.
- (4) In paragraph 15(b) –
- (a) for “by the Lord Chancellor” substitute “by the Lord Chief Justice, after consulting the Lord Chancellor,”; 5
 - (b) for “order of the Lord Chancellor” substitute “order made by the Lord Chief Justice after consulting the Lord Chancellor”.
- (5) In paragraph 16 for “consent of the Lord Chancellor,” substitute “consent of the Lord Chief Justice, given after consulting the Lord Chancellor,”.
- (6) In paragraph 18 – 10
- (a) for “Lord Chancellor” in the first place substitute “Lord Chief Justice”;
 - (b) for “Lord Chancellor” in the second place substitute “Lord Chief Justice, after consulting the Lord Chancellor”.
- (7) After paragraph 21 insert – 15
- “22 The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this Schedule.”
- (8) In relation to the enactments referred to in this paragraph, the original amending provision is Schedule 10 to the Courts Act 2003 (c. 39). 20
- Maintenance Orders Act 1950 (c. 37)*
- 311 (1) In section 25(1) of the Maintenance Orders Act 1950 (power to make rules about procedure under section 144 of the Magistrates’ Court Act 1980), for “Lord Chancellor” substitute “Lord Chief Justice of England and Wales”.
- (2) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 91(2) of Schedule 8 to the Courts Act 2003. 25
- Courts Act 1971 (c. 23)*
- 312 (1) In section 27 of the Courts Act 1971, in the definition of “the senior judges” in subsection (9) for “the Vice-Chancellor and the President of the Family Division” substitute “the President of the Queen’s Bench Division, the President of the Family Division and the Chancellor of the High Court”. 30
- (2) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 139(a) of Schedule 8 to the Courts Act 2003.
- Restrictive Practices Court Act 1976 (c. 33)* 35
- 313 The Restrictive Practices Court Act 1976 is amended as follows.
- 314 (1) In section 1 (the Court), after subsection (3) insert –
- “(3A) The Lord Chancellor may select a person under subsection (3) only with the concurrence of all of the following –
- (a) the Lord Chief Justice of England and Wales; 40
 - (b) the Lord President of the Court of Session;

- (c) the Lord Chief Justice of Northern Ireland.
- (3B) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.
- (3C) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section. 5
- (3D) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section – 10
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- (2) In relation to the enactment referred to in this paragraph, the original amending provision is section 1 of the Competition Act 1998 (c. 41). 15
- 315 (1) Section 2 (judges of the Court) is amended as follows.
- (2) In subsections (1)(a) and (3) for “Lord Chancellor” substitute “Lord Chief Justice of England and Wales”.
- (3) After subsection (4) insert –
- “(5) The functions conferred on the Lord Chief Justice of England and Wales by this section may be exercised only after consulting the Lord Chancellor. 20
- (6) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 25
- (4) In relation to the enactment referred to in this paragraph, the original amending provision is section 1 of the Competition Act 1998.
- 316 (1) Section 3 (non-judicial members) is amended as follows.
- (2) After subsection (3) insert –
- “(4) The Lord Chancellor may exercise his functions under subsection (2)(b) only with the concurrence of all of the following – 30
- (a) the Lord Chief Justice of England and Wales;
- (b) the Lord President of the Court of Session;
- (c) the Lord Chief Justice of Northern Ireland.
- (5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section. 35
- (6) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section. 40
- (7) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section –

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- (3) In relation to the enactment referred to in this paragraph, the original amending provision is section 1 of the Competition Act 1998 (c. 41). 5
- 317 (1) Section 4 (provision for additional judges or members) is amended as follows.
- (2) In subsection (1), in paragraph (a) after “consultation with” insert “the Lord Chief Justice of England and Wales,”.
- (3) After subsection (2) insert— 10
- “(3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- (4) In relation to the enactment referred to in this paragraph, the original amending provision is section 1 of the Competition Act 1998. 15
- 318 (1) Section 6 (administration) is amended as follows.
- (2) In subsection (5) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice of England and Wales,”.
- (3) After subsection (6) insert—
- “(7) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 20
- (4) In relation to the enactment referred to in this paragraph, the original amending provision is section 1 of the Competition Act 1998.
- 319 (1) In section 9 (procedure), in subsection (1) for “Lord Chancellor” substitute “president of the Court with the concurrence of the Lord Chancellor”. 25
- (2) In relation to the enactment referred to in this paragraph, the original amending provision is section 1 of the Competition Act 1998.
- Magistrates’ Courts Act 1980 (c. 43)*
- 320 The Magistrates’ Courts Act 1980 is amended as follows. 30
- 321 (1) Section 67 (family proceedings courts and panels) is amended as follows.
- (2) In subsection (2)(a) for “by the Lord Chancellor” substitute “by the Lord Chief Justice, after consulting the Lord Chancellor,”.
- (3) In subsection (5) for “on the Lord Chancellor” substitute “, exercisable by the Lord Chancellor with the concurrence of the Lord Chief Justice,”. 35
- (4) After subsection (8) insert—
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2)(a).”

- (5) In relation to the enactment referred to in this paragraph, the original amending provision is section 49(1) of the Courts Act 2003.
- 322 (1) Section 68 (combined family panels) is amended as follows.
- (2) In subsection (2), after “thinks fit” insert “after consulting the Lord Chief Justice”.
- (3) After subsection (6) insert—
- “(6A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- (4) In relation to the enactment referred to in this paragraph, the original amending provision is section 49(2) of the Courts Act 2003 (c. 39).
- 323 (1) In section 146 (rules relating to youth court panels and composition of youth court), in subsection (2) for “Lord Chancellor” substitute “Lord Chief Justice”.
- (2) After subsection (5) insert—
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his powers under rules made under this section.”
- (3) In relation to the enactment referred to in this paragraph, the original amending provision is section 50(3) of the Courts Act 2003.
- Supreme Court Act 1981 (c. 54)*
- 324 (1) Section 130 of the Supreme Court Act 1981 (fees to be taken in Supreme Court) is amended as follows.
- (2) In subsection (2)(a) for “President of the Family Division and the Vice-Chancellor” substitute “President of the Queen’s Bench Division, President of the Family Division and the Chancellor of the High Court”.
- (3) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 263 of Schedule 8 to the Courts Act 2003 (c. 39).
- Matrimonial and Family Proceedings Act 1984 (c. 42)*
- 325 The Matrimonial and Family Proceedings Act 1984 is amended as follows.
- 326 (1) Section 40 (family proceedings rules) is amended as follows.
- (2) In subsection (1)—
- (a) for “by the Lord Chancellor together with any four or more of the following persons, namely—” substitute “by a committee known as the Family Proceedings Rule Committee, which is to consist of the following persons—”;
- (b) before paragraph (a) insert—
- “(za) the Lord Chief Justice,”.

- (3) For subsection (3) substitute –
- “(3) The members of the Family Proceedings Rule Committee, other than those eligible to act by virtue of their office, are appointed under subsection (3ZA) or (3ZB).
- (3ZA) The Lord Chief Justice must appoint the persons referred to in paragraphs (b), (c) (d) and (e) of subsection (1), after consulting the Lord Chancellor. 5
- (3ZB) The Lord Chancellor must appoint the persons referred to in paragraphs (f) and (g) of subsection (1), after consulting the Lord Chief Justice. 10
- (3ZC) A person is to be appointed under subsection (3ZA) or (3ZB) for such period as the Lord Chancellor determines after consulting the Lord Chief Justice.”
- (4) Omit subsection (5).
- (5) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 278(a) of the Courts Act 2003. 15
- 327 (1) After section 40 insert –
- “40A Process for making rules of court under section 40**
- (1) Family proceedings rules must be –
- (a) signed by a majority of the members of the Family Proceedings Rule Committee, and 20
- (b) submitted to the Lord Chancellor.
- (2) The Lord Chancellor may allow or disallow rules so made.
- (3) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so. 25
- (4) Rules so made and allowed by the Lord Chancellor –
- (a) come into force on such day as the Lord Chancellor directs, and
- (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 applies as if the instrument contained rules made by a Minister of the Crown. 30
- (5) A statutory instrument containing Family Proceedings rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section and section 40B “Family Proceedings rules” means rules of court made under section 40. 35
- 40B Rules to be made if required by Lord Chancellor**
- (1) This section applies if the Lord Chancellor gives the Family Proceedings Rule Committee written notice that he thinks it is expedient for Family Proceedings rules to include provision that would achieve a purpose specified in the notice. 40
- (2) The Committee must make such Family Proceedings rules as it considers necessary to achieve the specified purpose.

- (3) Those rules must be—
- (a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;
 - (b) made in accordance with section 40A.”
- (2) The enactment referred to in this paragraph, for the purposes of paragraph 308(3), is section 40 of the Matrimonial Proceedings Act 1984, and in relation to that enactment the original amending provision is paragraph 278(a) of the Courts Act 2003. 5
- Social Security Administration Act 1992 (c. 5)*
- 328 (1) Schedule 2 of the Social Security Administration Act 1992 (Commissioners, Tribunals etc – supplementary provisions) is amended as follows. 10
- (2) In paragraph (1) (tenure of office), after sub-paragraph (5) insert—
- “(5A) The Lord Chancellor may exercise a power conferred on him by sub-paragraph (4) above only with the concurrence of all of the following— 15
- (a) the Lord Chief Justice;
 - (b) the Lord President of the Court of Session.”
- (3) In relation to the enactment referred to in this paragraph, the original amending provision is section 39(3) of the Social Security Act 1998.
- Civil Procedure Act 1997 (c. 12)* 20
- 329 (1) Section 2 of the Civil Procedure Act 1997 (Civil Procedure Rule Committee) is amended as follows.
- (2) After subsection (8) insert—
- “(9) If the Lord Chancellor disallows rules under subsection (8), he must give the Civil Procedure Rule Committee written reasons for doing so.” 25
- (3) In relation to the enactment referred to in this paragraph, the original amending provision is section 85(1) of the Courts Act 2003 (c. 39).
- Justices of the Peace Act 1997 (c. 25)*
- 330 (1) The Justices of the Peace Act 1997 is amended as follows. 30
- (2) In relation to the enactments in that Act referred to below, the original amending provision is section 6(4) of the Courts Act 2003.
- 331 (1) Section 1 (Commission areas) is amended as follows.
- (2) In subsection (2) for “by the Lord Chancellor by order made by statutory instrument” substitute “by order made by the Lord Chancellor, after consulting the Lord Chief Justice, by statutory instrument”. 35
- (3) After subsection (3) insert—
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 40

- 332 (1) Section 4 (petty sessions areas) is amended as follows.
- (2) In subsection (2) for “by the Lord Chancellor by order made by statutory instrument” substitute “by order made by the Lord Chancellor, after consulting the Lord Chief Justice, by statutory instrument”.
- (3) After subsection (3) insert – 5
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 333 In section 5 (appointment and removal of justices of the peace), in subsection (1) for “in like manner” substitute “by the Lord Chancellor with the concurrence of the Lord Chief Justice”. 10
- 334 (1) Section 6 (residence qualification) is amended as follows.
- (2) In subsection (3) for “Lord Chancellor is” substitute “Lord Chancellor and the Lord Chief Justice are both”.
- (3) After subsection (4) insert – 15
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 335 In section 7 (supplemental list for England and Wales), in subsection (4) – 20
- (a) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”;
- (b) for “Lord Chancellor is” substitute “Lord Chancellor and the Lord Chief Justice are both”.
- 336 In section 8 (removal of name from supplemental list), in subsection (1) after “Lord Chancellor” insert “, with the concurrence of the Lord Chief Justice,”. 25
- 337 (1) Section 9 (effect of entry of name in supplemental list) is amended as follows.
- (2) In subsection (3) for “by the Lord Chancellor” substitute “by the Lord Chief Justice”.
- (3) After subsection (4) insert –
- “(5) The Lord Chief Justice may not give an authorisation under subsection (3) unless the Lord Chancellor concurs. 30
- (6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3).”
- 338 In section 10A (appointment and tenure), in subsection (3) after “Lord Chancellor” insert “, with the concurrence of the Lord Chief Justice,”. 35
- 339 In section 10B (deputies), in subsection (2) after “Lord Chancellor” insert “, with the concurrence of the Lord Chief Justice,”.
- 340 (1) Section 10C (status) is amended as follows.
- (2) In subsection (3) for “given by the Lord Chancellor from time to time” substitute “given by the Lord Chief Justice from time to time after consulting the Lord Chancellor”. 40

- (3) After subsection (4) insert—
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 341 (1) Section 24 (rules as to chairmanship and size of bench) is amended as follows. 5
- (2) In subsection (5) omit “by the Lord Chancellor”.
- (3) After subsection (5) insert—
- “(6) Rules under this section that relate to the matters referred to in any of paragraphs (c) to (e) of subsection (2) are to be made by the Lord Chief Justice after consulting the Lord Chancellor. 10
- (7) Any other rules under this section are to be made by the Lord Chancellor after consulting the Lord Chief Justice.
- (8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 15
- 342 In section 25 (records of justices of the peace) after subsection (4) insert—
- “(5) The Lord Chancellor must consult the Lord Chief Justice before—
- (a) designating a justice under subsection (1), or
- (b) giving a direction under subsection (2). 20
- (6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 343 (1) Section 26 (Greater Manchester, Merseyside and Lancashire) is amended as follows. 25
- (2) In subsection (2)—
- (a) in paragraph (a) after “Lord Chancellor” insert “or the Lord Chief Justice”;
- (b) in paragraph (b)—
- (i) after “Lord Chancellor” in the first place insert “or the Lord Chief Justice”;
- (ii) for “the Lord Chancellor” in the second place substitute “that person, or those persons,”. 30
- (3) In subsection (3)—
- (a) in paragraph (a) after “Lord Chancellor” insert “or the Lord Chief Justice”;
- (b) in paragraph (b)—
- (i) after “Lord Chancellor” in the first place insert “or the Lord Chief Justice”;
- (ii) for “the Lord Chancellor” in the second place substitute “that person, or those persons,”. 40

- (4) After subsection (3) insert—
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 344 (1) Section 27A (magistrates’ courts committees) is amended as follows. 5
- (2) In subsection (2) for “by the Lord Chancellor by order made by statutory instrument” substitute “by order made by the Lord Chancellor, after consulting the Lord Chief Justice, by statutory instrument”.
- (3) After subsection (3) insert—
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 10
- 345 (1) Section 27B (alteration of committee areas) is amended as follows.
- (2) In subsection (4) before paragraph (a) insert—
- “(za) the Lord Chief Justice;”. 15
- (3) After subsection (10) insert—
- “(11) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 346 (1) Section 33 (alteration of petty sessions areas) is amended as follows. 20
- (2) In subsection (2) after “Lord Chancellor” in the first place insert “after he has consulted the Lord Chief Justice”.
- (3) In subsection (3)—
- (a) in paragraph (a) after “Lord Chancellor thinks fit” insert “after consulting the Lord Chief Justice”; 25
- (b) for paragraph (b) substitute—
- “(b) a magistrates’ court committee fail to comply within six months with a direction under subsection (2);
- (bb) the Lord Chancellor is, after consulting the Lord Chief Justice, dissatisfied with the draft order or report submitted in pursuance of such a direction; or”. 30
- (4) After subsection (3) insert—
- “(3A) The Lord Chancellor may only make an order to which subsection (3) applies after consulting the Lord Chief Justice.”
- (5) In subsection (4) after “appear to the Lord Chancellor” insert “, after consulting the Lord Chief Justice,”. 35
- (6) After subsection (5) insert—
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 40
- 347 (1) Section 53A (costs in legal proceedings) is amended as follows.

- (2) In subsection (4) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”.
- (3) After subsection (6) insert –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.” 5
- 348 (1) Section 54 (indemnification of justices and justices’ clerks) is amended as follows.
- (2) In subsection (6) for “by the Lord Chancellor” substitute “by the Lord Chief Justice after consulting the Lord Chancellor”. 10
- (3) After subsection (9) insert –
- “(10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (6).”
- 349 (1) Section 64 (training courses) is amended as follows. 15
- (2) In subsection (1) for “by the Lord Chancellor” substitute “by the Lord Chief Justice after consulting the Lord Chancellor”.
- (3) After subsection (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1).” 20
- Data Protection Act 1998 (c. 29)*
- 350 (1) Paragraph 3 of Schedule 6 to the Data Protection Act 1998 (constitution of Tribunal in national security cases) is amended as follows.
- (2) That paragraph becomes sub-paragraph (1) of paragraph 3. 25
- (3) After that sub-paragraph insert –
- “(2) The Lord Chancellor may designate a person to preside under this paragraph only with the concurrence of all of the following –
- (a) the Lord Chief Justice of England and Wales;
- (b) the Lord President of the Court of Session; 30
- (c) the Lord Chief Justice of Northern Ireland.
- (3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 95(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph. 35
- (4) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.
- (5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section – 40

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- (4) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 2 of Schedule 4 to the Freedom of Information Act 2000 (c. 36). 5

SCHEDULE 5

Section 15

SPEAKERSHIP OF THE HOUSE OF LORDS

- Clerk of the Parliaments Act 1824 (c. 82)* 10
- 1 (1) For the title to section 3 of the Clerk of the Parliaments Act 1824 substitute “Appointment of other clerks officiating at the table”.
- (2) In section 3 for “the lord chancellor or speaker of the House of Lords for the time being” substitute “the Speaker of the House of Lords”.
- Parliamentary Papers Act 1840 (c. 9)* 15
- 2 In section 1 of the Parliamentary Papers Act 1840 (proceedings against persons for publication of Parliamentary papers) for the words from “the lord high chancellor” to “the time being” substitute “the Speaker of the House of Lords”.
- Church of England Assembly (Powers) Act 1919 (c. 76)* 20
- 3 In section 2(2) of the Church of England Assembly (Powers) Act 1919 (members of Ecclesiastical Committee of both Houses of Parliament), for “the Lord Chancellor” in both places substitute “the Speaker of the House of Lords”.
- Statutory Instruments Act 1946 (c. 36)* 25
- 4 (1) The Statutory Instruments Act is amended as follows.
- (2) In section 4(1) (statutory instruments required to be laid before Parliament) for “to the Lord Chancellor and to the Speaker of the House of Commons” substitute “to the Speaker of the House of Commons and the Speaker of the House of Lords”. 30
- (3) In section 8(1) (regulations for the purposes of the Act) for “the Lord Chancellor and the Speaker of the House of Commons” in each place substitute “the Speaker of the House of Commons and the Speaker of the House of Lords”.
- Laying of Documents Before Parliament (Interpretation) Act 1948 (c. 59)* 35
- 5 (1) For the title to section 2 of the Laying of Documents Before Parliament (Interpretation) Act 1948 substitute “Statutory Instruments Act 1946, s.4: notification during vacancy of office of Speaker of either House”.

- (2) In section 2 –
- (a) for “to the Lord Chancellor and to the Speaker of the House of Commons” substitute “to the Speaker of the House of Commons and the Speaker of the House of Lords”;
 - (b) for “of the Lord Chancellor or of the Speaker” substitute “of the Speaker of the House of Commons or the Speaker of the House of Lords”. 5

Consolidation of Enactments (Procedure) Act 1949 (c. 33)

- 6 (1) Section 1 of the Consolidation of Enactments (Procedure) Act 1949 (procedure for making corrections and minor improvements) is amended as follows. 10
- (2) In subsection (3) for “the Lord Chancellor and the Speaker of the House of Commons” substitute “the Speaker of the House of Commons and the Speaker of the House of Lords”.
- (3) In subsection (4) – 15
- (a) for “the Lord Chancellor and the Speaker” substitute “the Speaker of the House of Commons and the Speaker of the House of Lords”;
 - (b) for “of the Lord Chancellor and of the Speaker” substitute “of the Speaker of the House of Commons and the Speaker of the House of Lords”. 20
- (4) In subsection (5) for “the Lord Chancellor nor the Speaker” substitute “the Speaker of the House of Commons nor the Speaker of the House of Lords”.
- (5) In subsections (6) and (7) for “of the Lord Chancellor and of the Speaker” substitute “of the Speaker of the House of Commons and the Speaker of the House of Lords”. 25

Exchequer and Audit Departments Act 1957 (c. 45)

- 7 In section 2 of the Exchequer and Audit Departments Act 1957 (performance of Comptroller’s functions by authorised officer), for subsection (3)(a) substitute – 30
- “(a) shall extend only to accounts in respect of which (as the case may be) –
 - (i) the Speaker of the House of Commons has certified to the House of Commons, or
 - (ii) the Speaker of the House of Commons has certified to the House of Commons and the Speaker of the House of Lords has certified to the House of Lords, 35 - that the Comptroller is unable to do so himself; and”.

Ministerial and other Salaries Act 1975 (c. 27)

- 8 In section 2(3) of the Ministerial and other Salaries Act 1975 (question as to who is Leader of the Opposition in the House of Lords) for “the Lord Chancellor” substitute “the Speaker of the House of Lords”. 40

SCHEDULE 6

Section 16

PROTECTED FUNCTIONS OF THE MINISTER

1	Any function of the Minister that relates to the custody or use of the Great Seal of the United Kingdom.	
2	Any function of the Minister under this Act.	5
3	Any function of the Minister under another enactment, if the function is conferred or modified by an amendment made by this Act.	
4	Any function of the Minister under these provisions—	
	<i>Sheriffs Act 1887 (c. 55)</i> Section 20	10
	<i>Law of Distress Amendment Act 1888 (c. 21)</i> Section 8	
	<i>Stamp Act 1891 (c. 39)</i> Section 13A	
	<i>War Pensions (Administrative Provisions) Act 1919 (c. 53)</i> The Schedule, paragraphs 1, 2, 3, 8 and 9	15
	<i>Administration of Justice Act 1925 (c. 28)</i> Section 22(4)	
	<i>Children and Young Persons Act 1933 (c. 12)</i> Schedule 2, paragraphs 4, 5, 11, 12 and 20	20
	<i>Compensation (Defence) Act 1939 (c. 75)</i> Section 8	
	<i>London Building Acts (Amendment) Act 1939 (c. xcvi)</i> Section 109(2)	
	<i>Pensions Appeal Tribunals Act 1943 (c. 39)</i> The Schedule, paragraphs 2(1), 2A, 2B, 3C and 5	25
	<i>Coal Industry Nationalisation Act 1946 (c. 59)</i> Section 61(1) Section 64(10)	
	<i>Agriculture Act 1947 (c. 48)</i> Schedule 9	30
	<i>Commonwealth Telegraphs Act 1949 (c. 39)</i> Section 6(4)	
	<i>Lands Tribunal Act 1949 (c. 42)</i> Section 2 Section 3	35
	<i>National Health Service (Amendment) Act 1949 (c. 93)</i> Section 7(6) Section 9(4)(a)	

<i>National Parks and Access to the Countryside Act 1949 (c. 97)</i> Section 18(3)	
<i>Foreign Compensation Act 1950 (c. 12)</i> Section 1(1) Section 4	5
<i>Courts-Martial (Appeals) Act 1951 (c. 46)</i> Section 28 Section 30 Section 31(4) Section 32 Section 33	10
<i>Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)</i> Section 5	
<i>Agriculture (Miscellaneous Provisions) Act 1954 (c. 39)</i> Section 6(6)	15
<i>Landlord and Tenant Act 1954 (c. 56)</i> Section 63(6)(c)	
<i>Land Powers (Defence) Act 1958 (c. 30)</i> Schedule 2, paragraphs 4(3) and (4)	
<i>Land Compensation Act 1961 (c. 33)</i> Section 3	20
<i>Transport Act 1962 (c. 46)</i> Schedule 6, paragraph 3(4)	
<i>Betting, Gaming and Lotteries Act 1963 (c. 2)</i> Section 29	25
<i>Ecclesiastical Jurisdiction Measure 1963 (1963 No. 1)</i> Section 2(1A) Section 3	
<i>Industrial and Provident Societies Act 1965 (c. 12)</i> Section 69	30
<i>Commons Registration Act 1965 (c. 64)</i> Section 17(1) and (3)	
<i>Superannuation Act 1965 (c. 74)</i> Section 39A	
<i>Courts-Martial (Appeals) Act 1968 (c. 20)</i> Section 2 Section 5 Section 7(2) Section 30	35
<i>Countryside Act 1968 (c. 41)</i> Section 15A(3)	40

<i>Hearing Aid Council Act 1968 (c. 50)</i>	
Section 5(3)	
Section 6(4)	
Section 10(6)	
Section 13	5
<i>Transport Act 1968 (c. 73)</i>	
Schedule 4, paragraph 13(3)	
<i>Taxes Management Act 1970 (c. 9)</i>	
Section 2	
Section 2A	10
Section 3	
Section 3A	
Section 4(1), (3) and (6)	
Section 4A(1) and (6)	
Section 28ZC	15
Section 46A	
Section 56B	
<i>Administration of Justice Act 1970 (c. 31)</i>	
Section 10(3)	
<i>Courts Act 1971 (c. 23)</i>	20
Section 16(1)	
Section 18	
Section 21(2), (4) and (7)	
Section 24	
Schedule 2, paragraphs 4(3) and 9(2)	25
<i>Misuse of Drugs Act 1971 (c. 38)</i>	
Schedule 3, paragraphs 1(1), 3 and 4 and, in the table in paragraph 21, the entry for paragraph 1	
<i>Immigration Act 1971 (c. 77)</i>	
Section 22	30
<i>Administration of Justice Act 1973 (c. 15)</i>	
Sections 9 and 12	
<i>Juries Act 1974 (c. 23)</i>	
Section 2	
Section 3(1)	35
Section 5(1)	
Section 8	
Section 19	
Section 21	
Section 23(2)	40
<i>Industry Act 1975 (c. 68)</i>	
Schedule 3, paragraphs 4(1)(a) and 17	
<i>Armed Forces Act 1976 (c. 52)</i>	
Section 6(3), (4), (8) and (11)	

<i>Wildlife and Countryside Act 1981 (c. 69)</i> Section 28N(3)	
<i>Transport Act 1982 (c. 49)</i> Section 66(4)(a)	
<i>Administration of Justice Act 1982 (c. 53)</i> Section 25(3)(a)	5
<i>Mental Health Act 1983 (c. 20)</i> Section 78 Section 143(1) Schedule 2, paragraphs 1, 2 and 3	10
<i>Car Tax Act 1983 (c. 53)</i> Section 3(5)	
<i>County Courts Act 1984 (c. 28)</i> Section 8(1) and (3) Section 12(1) Section 128 Section 130	15
<i>Matrimonial and Family Proceedings Act 1984 (c. 42)</i> Section 37	
<i>Ordnance Factories and Military Services Act 1984 (c. 59)</i> Schedule 1, paragraph 2(5)	20
<i>Reserve Forces (Safeguard of Employment) Act 1985 (c. 17)</i> Schedule 2, paragraph 2(1)(a)	
<i>Transport Act 1985 (c. 67)</i> Schedule 4, paragraphs 2(1)(a), 3(4) and (5), 6, 7, 15 and 16	25
<i>Landlord and Tenant Act 1985 (c. 70)</i> Section 29(4)	
<i>Agricultural Holdings Act 1986 (c. 5)</i> Schedule 11, paragraph 1(5)	
<i>Insolvency Act 1986 (c. 45)</i> Section 117 Section 413 Section 414(5) Section 415 Section 420(1) Section 421(1) Schedule 7, paragraph 1(1)(a)	30
<i>Ecclesiastical Fees Measure 1986 (1986 No. 2)</i> Section 4(1)(a)	
<i>Income and Corporation Taxes Act 1988 (c. 1)</i> Section 706(1)	40
<i>Coroners Act 1988 (c. 13)</i> Section 17A	

<i>Criminal Justice Act 1988 (c. 33)</i> Schedule 12	
<i>Education Reform Act 1988 (c. 40)</i> Schedule 10, paragraph 9(4)	
<i>Copyright, Designs and Patents Act 1988 (c. 48)</i> Section 145(2) Section 146(6) Section 150 Section 291(5) Section 292	5 10
<i>Electricity Act 1989 (c. 29)</i> Schedule 10, paragraph 9(2)(a)	
<i>Children Act 1989 (c. 41)</i> Section 104(1)	
<i>Broadcasting Act 1990 (c. 42)</i> Schedule 9, paragraph 5(5)(a)	15
<i>Town and Country Planning Act 1990 (c. 8)</i> Section 20(5)	
<i>Courts and Legal Services Act 1990 (c. 41)</i> Section 1 Section 72	20
<i>Child Support Act 1991 (c. 48)</i> Section 8 Section 22 Section 24 Section 25 Section 52(1) Schedule 4, paragraphs 1(3), 2(1) and (2), 2A(1), 4(1), 4A(1) and 7	25
<i>Ports Act 1991 (c. 52)</i> Schedule 2, paragraph 11(5)	30
<i>Land Drainage Act 1991 (c. 59)</i> Section 31(1)	
<i>Armed Forces Act 1991 (c. 62)</i> Schedule 1	
<i>Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 1)</i> Section 25(2)(a)	35

<i>Social Security Administration Act 1992 (c. 5)</i>	
Section 24	
Section 41(4)(c)	
Section 43(5)(c)	
Section 50(4)(c)	5
Section 51(1)	
Section 52(2)	
Section 58	
Schedule 2, paragraph 6	
<i>Further and Higher Education Act 1992 (c. 13)</i>	10
Schedule 5, paragraph 7(4)	
<i>Finance (No. 2) Act 1992 (c. 48)</i>	
Section 75	
<i>Tribunals and Inquiries Act 1992 (c. 53)</i>	
Sections 6(2), (8) and (9)	15
Section 9	
Section 13	
Section 15	
Section 16(2)	
Schedule 5, paragraph 7(4)	20
<i>Judicial Pensions and Retirement Act 1993 (c. 8)</i>	
Section 1	
Section 2	
Section 3	
Section 9	25
Section 10	
Section 11	
Section 12	
Section 13	
Section 19	30
Section 20	
Section 21	
Section 26(5), (6) and (9)	
Section 31	
Schedule 2, paragraphs 2, 11, 12 and 13	35
Schedule 2A, paragraphs 1 and 2	
Schedule 5, as it applies in relation to the office of chairman or other member of Rent Assessment Committees	
Schedule 7, paragraph 2	
<i>Coal Industry Act 1994 (c. 21)</i>	40
Schedule 2, paragraph 8(6)(a)	
<i>Value Added Tax Act 1994 (c. 23)</i>	
Schedule 12, paragraphs 2(2) and (3), 3(2), (4), (5), (6) and (8), 4(2), 7(8) and (10), and 9	
<i>Trade Marks Act 1994 (c. 26)</i>	45
Section 77	
<i>Merchant Shipping Act 1995 (c. 21)</i>	
Section 297(1)	

<i>Atomic Energy Authority Act 1995 (c. 37)</i> Schedule 1, paragraph 10(6)(a)	
<i>Employment Tribunals Act 1996 (c. 17)</i> Section 3	
Section 22(1)(c) and (2)	5
Section 27	
Section 30	
<i>Reserve Forces Act 1996 (c. 14)</i> Section 90	
Section 91	10
<i>Police Act 1996 (c. 16)</i> Schedule 6, paragraph 1(a)	
<i>Arbitration Act 1996 (c. 23)</i> Section 105	
<i>Defamation Act 1996 (c. 31)</i> Sections 9(1)(c)	15
<i>Housing Act 1996 (c. 52)</i> Section 119(3)	
<i>Broadcasting Act 1996 (c. 55)</i> Schedule 5, paragraph 8(6)(a)	20
<i>Education Act 1996 (c. 56)</i> Section 333(3)	
<i>School Inspections Act 1996 (c. 57)</i> Schedule 2, paragraph 1(1)(a)	
<i>Civil Procedure Act 1997 (c. 12)</i> Section 3	25
Section 6	
<i>Justices of the Peace Act 1997 (c. 25)</i> Section 10	
Section 10A(1)	30
Section 10B(1)	
Section 27B	
Section 29	
Section 30	
Section 30B	35
Section 30C	
Section 31	
Section 32A	
Section 34	
<i>Finance (No. 2) Act 1997 (c. 58)</i> Schedule 2, paragraph 11(2)	40
<i>Plant Varieties Act 1997 (c. 66)</i> Schedule 3, paragraphs 2(1), 13 and 16	

<i>Special Immigration Appeals Commission Act 1997 (c. 68)</i>	
Section 5	
Section 8	
Schedule 1, paragraphs 1, 2, 3 and 4	
<i>Social Security Act 1998 (c. 14)</i>	5
Section 5(1)	
Section 6(1) to (4)	
Section 79	
Schedule 4, paragraphs 1(2), 2, 3, 6 and 8	
<i>Data Protection Act 1998 (c. 29)</i>	10
Section 6(4)	
<i>Crime and Disorder Act 1998 (c. 37)</i>	
Section 51	
Section 51D	
Section 81	15
<i>Human Rights Act 1998 (c. 42)</i>	
Schedule 4	
<i>Social Security Contributions (Transfer of Functions, Etc.) Act 1999 (c. 2)</i>	
Section 13	
<i>Protection of Children Act 1999 (c. 14)</i>	20
The Schedule, paragraphs 2(1) and (3), and 3	
<i>Finance Act 1999 (c. 16)</i>	
Schedule 17, paragraph 11	
<i>Greater London Authority Act 1999 (c. 29)</i>	
Section 189(6)	25
<i>Welfare Reform and Pensions Act 1999 (c. 30)</i>	
Section 43	
<i>Immigration and Asylum Act 1999 (c. 33)</i>	
Section 53(6)	
Schedule 7, paragraphs 1 and 2	30
<i>Financial Services and Markets Act 2000 (c. 8)</i>	
Schedule 13, paragraphs 2, 3(1) and (4), 4, 5, 6 and 9	
<i>Terrorism Act 2000 (c. 11)</i>	
Schedule 3, paragraphs 1, 2, 3 and 5	
<i>Child Support, Pensions and Social Security Act 2000 (c. 19)</i>	35
Schedule 7, paragraph 20	
<i>Local Government Act 2000 (c. 22)</i>	
Section 75	
Section 76(11)	
<i>International Criminal Court Act 2001 (c. 17)</i>	40
Schedule 1, paragraph 7	

SCHEDULE 7

Section 23

SUPREME COURT SELECTION COMMISSIONS

PART 1

SELECTION COMMISSIONS

- | | |
|--|----|
| <i>Selection commission</i> | 5 |
| 1 (1) A selection commission consists of the following members – | |
| (a) the President of the Supreme Court; | |
| (b) the Deputy President of the Supreme Court; | |
| (c) one member of each of the following bodies – | |
| (i) the Judicial Appointments Commission; | 10 |
| (ii) the Judicial Appointments Board for Scotland; | |
| (iii) the Northern Ireland Judicial Appointments Commission. | |
| (2) Sub-paragraph (1)(a) does not apply if – | |
| (a) the office of President is vacant, or | |
| (b) the President is disqualified under paragraph 5. | 15 |
| (3) References in this Part of this Schedule to the President’s place on a selection commission being unfilled are references to a case falling within paragraph (a) or (b) of sub-paragraph (2). | |
| (4) Sub-paragraph (1)(b) does not apply if – | |
| (a) the office of Deputy President is vacant, or | 20 |
| (b) the Deputy President is disqualified under paragraph 5. | |
| (5) References in this Part of this Schedule to the Deputy President’s place on a selection commission being unfilled are references to a case falling within paragraph (a) or (b) of sub-paragraph (4). | |
| <i>Special rules where President’s or Deputy President’s place unfilled</i> | 25 |
| 2 (1) This paragraph applies if one (but not both) of the following conditions is met – | |
| (a) the President’s place on a selection commission is unfilled; | |
| (b) the Deputy President’s place on a selection commission is unfilled. | |
| (2) The unfilled place on the selection commission is to be taken by the most senior ordinary judge of the Supreme Court. | |
| (3) If the unfilled place on the selection commission is not taken in accordance with sub-paragraph (2), the following are to be members of the commission instead – | |
| (a) the most senior judge of the courts of England and Wales, unless that jurisdiction is already represented; | 35 |
| (b) the most senior judge of the courts of Scotland, unless that jurisdiction is already represented; | |
| (c) the most senior judge of the courts of Northern Ireland, unless that jurisdiction is already represented. | 40 |
| (4) For the purposes of this paragraph a jurisdiction is already represented if – | |

-
- (a) in a case where the President’s place on the commission is unfilled, that jurisdiction is the home jurisdiction of the Deputy President;
- (b) in a case where the Deputy President’s place on the commission is unfilled, that jurisdiction is the home jurisdiction of the President.
- (5) Any person disqualified under paragraph 5 is to be disregarded in determining the most senior judge for the purposes of any provision of this paragraph. 5
- 3 (1) This paragraph applies if both of the following conditions are met –
- (a) the President’s place on a selection commission is unfilled;
- (b) the Deputy President’s place on a selection commission is unfilled. 10
- (2) The unfilled places on the commission are to be taken by the following persons –
- (a) the most senior ordinary judge of the Supreme Court;
- (b) the second most senior ordinary judge.
- (3) If neither of the unfilled places on the selection commission is taken in accordance with sub-paragraph (2), the following are to be members of the commission instead – 15
- (a) the most senior judge of the courts of England and Wales;
- (b) the most senior judge of the courts of Scotland;
- (c) the most senior judge of the courts of Northern Ireland. 20
- (4) If only one of the unfilled places on the selection commission is taken in accordance with sub-paragraph (2), the following are also to be members of the commission –
- (a) the most senior judge of the courts of England and Wales, unless that jurisdiction is already represented; 25
- (b) the most senior judge of the courts of Scotland, unless that jurisdiction is already represented;
- (c) the most senior judge of the courts of Northern Ireland, unless that jurisdiction is already represented.
- (5) For the purposes of sub-paragraph (4) a jurisdiction is already represented if it is the home jurisdiction of the judge who has taken a place on the selection commission in accordance with sub-paragraph (2). 30
- (6) Any person disqualified under paragraph 5 is to be disregarded in determining the most senior or second most senior judge for the purposes of any provision of this paragraph. 35
- 4 (1) The home jurisdiction of a judge of the Supreme Court is determined for the purposes of paragraphs 2 and 3 in accordance with this paragraph.
- (2) If the judge became, or first became, a member of the Supreme Court by virtue of section 21, his home jurisdiction is –
- (a) the jurisdiction in which he held (or last held) any high judicial office by which he was qualified for appointment as a Lord of Appeal in Ordinary; 40
- (b) if he was qualified for that appointment only by a qualification listed in section 6(a) to (c) of the Appellate Jurisdiction Act 1876 (c. 59), the jurisdiction in which he held that qualification; 45

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- (c) if he held such a qualification in more than one jurisdiction, the jurisdiction with which he was, as the holder of such a qualification, most closely associated.
- (3) Sub-paragraph (4) applies if the following conditions are met –
- (a) the judge became, or first became, a member of the Supreme Court by virtue of sections 22 to 28; 5
- (b) he qualified for appointment, or first appointment, to the Supreme Court by virtue –
- (i) only of section 22(1)(a), or
- (ii) of section 22(1)(a) and (b). 10
- (4) In such a case the judge’s home jurisdiction is –
- (a) if he was qualified for appointment, or first appointment, by virtue of holding high judicial office in one jurisdiction, that jurisdiction;
- (b) if he was so qualified by virtue of holding high judicial office in more than one jurisdiction, the jurisdiction in which he was appointed to high judicial office most recently. 15
- (5) Sub-paragraph (6) applies if the following conditions are met –
- (a) the judge became, or first became, a member of the Supreme Court by virtue of sections 22 to 28;
- (b) he qualified for appointment, or first appointment, to the Supreme Court by virtue only of section 22(1)(b). 20
- (6) In such a case the judge’s home jurisdiction is –
- (a) if he was qualified for appointment, or first appointment, by virtue of being a qualifying practitioner in one jurisdiction, that jurisdiction; 25
- (b) if he was so qualified by virtue of being a qualifying practitioner in more than one jurisdiction, the jurisdiction with which he was, as a qualifying practitioner, most closely associated.

Disqualification

- 5 (1) The President, the Deputy President, an ordinary judge of the Court or a territorial judge is disqualified for the purposes of membership of a selection commission if it appears to the Minister that that person is for the time being incapacitated from serving as a member of that commission. 30
- (2) The Deputy President is disqualified for the purposes of membership of a selection commission for the office of President unless he gives the Minister notice that he is not willing to be appointed to the current vacancy. 35
- (3) An ordinary judge of the Court is disqualified for the purposes of membership of a selection commission for the office of President or Deputy President unless he gives the Minister notice that he is not willing to be appointed to the current vacancy. 40
- (4) A territorial judge is disqualified for the purposes of membership of any selection commission unless he gives the Minister notice that he is not willing to be appointed to the current vacancy.

Non-judicial members of the selection commissions

- 6 (1) This paragraph applies in relation to those persons who are to be members of a selection commission by virtue of paragraph 1(1)(c).
- (2) The Minister must nominate one member of each Commission or Board referred to in that provision to be a member of the selection commission. 5
- (3) At least one of the persons nominated under sub-paragraph (2) to be a member of the selection commission must be non-legally qualified.
- (4) The Minister may nominate a person under sub-paragraph (2) only on the recommendation of the Commission or Board of which the person is a member. 10
- (5) The Minister may, out of money provided by Parliament, pay to any person nominated under sub-paragraph (2) such allowances as the Minister may determine.
- (6) For the purposes of this paragraph a person is non-legally qualified if – 15
- (a) he does not hold, and has never held, any of the offices listed in Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (judicial offices disqualifying for membership of the House of Commons), and
- (b) he is not, and has never been, a practising lawyer.
- (7) In sub-paragraph (6) “practising lawyer” has the same meaning as in paragraph 6 of Schedule 10 to this Act. 20

Chairing of a selection commission

- 7 A selection commission is to be chaired –
- (a) by the President of the Supreme Court, or
- (b) by the Deputy President of the Supreme Court, if the President is not a member of the commission, or 25
- (c) by the senior judge of the Supreme Court who is a member of the commission, if neither the President nor the Deputy President is a member, or
- (d) by the most senior of the territorial judges who are members of the commission, if no judges of the Supreme Court are members. 30

Interpretation

- 8 In this Schedule –
- (a) “selection commission for the office of President” means a selection commission convened in the case of a vacancy in the office of President; 35
- (b) “selection commission for the office of Deputy President” means a selection commission convened in the case of a vacancy in the office of Deputy President;
- (c) “selection commission for the office of judge” means a selection commission convened in the case of a vacancy among the ordinary judges; 40
- (d) “current vacancy”, in relation to a selection commission, means the vacancy in relation to which that commission has been convened.

- 9 (1) In this Part of this Schedule –
- “Judicial Appointments Board for Scotland” means the body of persons known collectively by that name (being persons appointed by the Scottish Ministers to carry out in Scotland functions corresponding to those of the Judicial Appointments Commission); 5
- “territorial judge”, in relation to a selection commission, means a judge of the courts of England and Wales, of Scotland or of Northern Ireland who is, or would be, a member of the commission by virtue of paragraph 2(3), 3(3) or 3(4).
- (2) For the purposes of this Part of this Schedule – 10
- (a) the seniority of the judges of the Supreme Court is to be determined according to length of service as a judge of the Court (including for this purpose service over one or more periods);
- (b) in relation to a selection commission, the seniority of the territorial judges is to be determined according to length of service in the office by virtue of which each is, or would be, a member of the commission (including for this purpose service over one or more periods). 15
- (3) Service as a Lord of Appeal in Ordinary counts as service as a judge of the Court for the purposes of sub-paragraph (2).

PART 2 20

DISSOLUTION

- 10 A selection commission is dissolved if the Minister notifies a selection made by the commission.
- 11 (1) A selection commission is dissolved if – 25
- (a) a member of the commission dies,
- (b) a person nominated in accordance with paragraph 6 resigns his membership of the commission, or
- (c) the Minister gives the commission notice that it appears to him that a member of the commission is incapacitated from continuing to serve as a member. 30
- (2) Where sub-paragraph (1) applies, the Minister must convene a new selection commission as soon as practicable after dissolution.
- 12 (1) A selection commission is dissolved if – 35
- (a) a person who is a member of that commission by virtue of holding judicial office ceases to hold that office,
- (b) a person nominated in accordance with paragraph 6 ceases to be a member of a Commission or Board referred to in paragraph 1(1)(c), or
- (c) every person nominated in accordance with paragraph 6 who was non-legally qualified at the time of his nomination ceases to be non-legally qualified. 40
- (2) Where sub-paragraph (1) applies, the Minister must convene a new selection commission as soon as practicable after dissolution.

PART 3

DUTY TO CONVENE COMMISSION: SPECIAL RULES

Selection commission for the office of Deputy President

- 13 (1) Any duty imposed on the Minister under this Act to convene a selection commission for the office of Deputy President does not apply if any of the following conditions are met at the time when the Minister should convene that commission— 5
- (a) a selection commission for the office of President has been convened and not dissolved;
 - (b) the Minister is under a duty to convene such a selection commission. 10
- (2) Where sub-paragraph (1) applies, the Minister must convene a selection commission for the office of Deputy President as soon as practicable after the Minister notifies a selection made by a selection commission in respect of the vacancy in the office of President.
- (3) Sub-paragraph (1) applies to the duty under sub-paragraph (2) to convene a commission as it applies to all other such duties. 15

Selection commission for the office of judge

- 14 (1) Any duty imposed on the Minister under this Act to convene a selection commission for the office of judge does not apply if any of the following conditions are met at the time when the Minister should convene that commission— 20
- (a) a selection commission for the office of President has been convened and not dissolved;
 - (b) the Minister is under a duty to convene such a selection commission;
 - (c) a selection commission for the office of Deputy President has been convened and not dissolved; 25
 - (d) the Minister is under a duty to convene such a selection commission.
- (2) Where sub-paragraph (1) applies, the Minister must convene a selection commission for the office of judge as soon as practicable after the Minister notifies a selection made by a selection commission in respect of the vacancy in the office of President or Deputy President. 30
- (3) Sub-paragraph (1) applies to the duty under sub-paragraph (2) to convene a commission as it applies to all other such duties.

SCHEDULE 8

Section 37

AMENDMENTS RELATING TO JURISDICTION OF THE SUPREME COURT

PART 1

JURISDICTION TRANSFERRED FROM THE HOUSE OF LORDS

<i>British Law Ascertainment Act 1859 (c. 63)</i>	5
<p>1 In the British Law Ascertainment Act 1859 –</p> <p style="margin-left: 2em;">(a) in the sidenote to section 4 (Her Majesty in Council or House of Lords on appeal may adopt or reject opinion) for “House of Lords” substitute “Supreme Court”;</p> <p style="margin-left: 2em;">(b) in that section, for “the House of Lords” and “that House” in each place substitute “the Supreme Court”.</p>	10
<i>Nautical Assessors (Scotland) Act 1894 (c. 40)</i>	
<p>2 In section 6 of the Nautical Assessors (Scotland) Act 1894 (calling in nautical assessors to assist) –</p> <p style="margin-left: 2em;">(a) in the sidenote, for “House of Lords” substitute “Supreme Court”;</p> <p style="margin-left: 2em;">(b) for “House of Lords” in the first place substitute “Supreme Court”; and</p> <p style="margin-left: 2em;">(c) for “Orders made by the House of Lords” substitute “Supreme Court Rules”.</p>	15
<i>Administration of Justice (Appeals) Act 1934 (c. 40)</i>	20
<p>3 In the Administration of Justice (Appeals) Act 1934, omit section 1 (restrictions on appeal from Court of Appeal).</p>	
<i>National Health Service (Amendment) Act 1949 (c. 93)</i>	
<p>4 In the National Health Service (Amendment) Act 1949, in section 9 (application of Part 1 to Scotland) in the substituted section 7(9) of the Act, as inserted by subsection (4), for “House of Lords” in each place substitute “Supreme Court”.</p>	25
<i>Miners’ Welfare Act 1952 (c. 23)</i>	
<p>5 In the Miners’ Welfare Act 1952, in section 17 (application to Scotland) in subsection (3) for “House of Lords” substitute “Supreme Court”.</p>	30
<i>Army Act 1955 (c. 18)</i>	
<p>6 In the Army Act 1955, in section 113C (review of sentences by Courts-Martial Appeal Court) –</p> <p style="margin-left: 2em;">(a) in subsection (4) –</p> <p style="margin-left: 4em;">(i) for “House of Lords for their opinion” substitute “Supreme Court for its opinion”;</p> <p style="margin-left: 4em;">(ii) for “the House shall consider the point and give their opinion” substitute “the Supreme Court shall consider the point and give its opinion”;</p>	35

- (iii) for the words from “deal with it themselves” to the end of the subsection substitute “itself deal with the case.”;
- (b) in subsection (5) for “the House of Lords” in each place and “that House” substitute “the Supreme Court”;
- (c) in subsections (6) and (7) for “House of Lords” in each place substitute “Supreme Court”. 5

Air Force Act 1955 (c. 19)

- 7 In the Air Force Act 1955, in section 113C (review of sentences by Courts-Martial Appeal Court) –
- (a) in subsection (4) – 10
 - (i) for “House of Lords for their opinion” substitute “Supreme Court for its opinion”;
 - (ii) for “the House shall consider the point and give their opinion” substitute “the Supreme Court shall consider the point and give its opinion”; 15
 - (iii) for the words from “deal with it themselves” to the end of the subsection substitute “itself deal with the case.”;
 - (b) in subsection (5) for “the House of Lords” in each place and “that House” substitute “the Supreme Court”;
 - (c) in subsections (6) and (7) for “House of Lords” in each place substitute “Supreme Court”. 20

Administration of Justice Act 1956 (c. 46)

- 8 In the Administration of Justice Act 1956, in Schedule 1 (provisions applicable to Northern Ireland) in paragraph 4A for “House of Lords” substitute “Supreme Court”. 25

Geneva Conventions Act 1957 (c. 52)

- 9 In the Geneva Conventions Act 1957, in section 4 (appeals by protected persons) in subsection (1A) for “House of Lords” substitute “Supreme Court”.

Naval Discipline Act 1957 (c. 53) 30

- 10 In the Naval Discipline Act 1957, in section 71AC ((review of sentences by Courts-Martial Appeal Court) –
- (a) in subsection (4) –
 - (i) for “House of Lords for their opinion” substitute “Supreme Court for its opinion”; 35
 - (ii) for “the House shall consider the point and give their opinion” substitute “the Supreme Court shall consider the point and give its opinion”;
 - (iii) for the words from “deal with it themselves” to the end of the subsection substitute “itself deal with the case.”; 40
 - (b) in subsection (5) for “the House of Lords” in each place and “that House” substitute “the Supreme Court”;
 - (c) in subsections (6) and (7) for “House of Lords” in each place substitute “Supreme Court”.

Agricultural Marketing Act 1958 (c. 47)

- 11 In the Agricultural Marketing Act 1958, in section 12(2) (enforcement of decision of disciplinary committee and power to state case: Scotland), in paragraph (a) for “House of Lords” in each place substitute “Supreme Court”.

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Caravan Sites and Control of Development Act 1960 (c. 62)

- 12 In the Caravan Sites and Control of Development Act 1960, in section 32 (application of Part 1 to Scotland) in subsection (2) for “House of Lords” in each place substitute “Supreme Court”.

Administration of Justice Act 1960 (c. 65)

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- 13 (1) The Administration of Justice Act 1960 is amended as follows.
- (2) In section 1 (right of appeal to House of Lords in criminal cases) –
- (a) in subsection (1) for “House of Lords” substitute “Supreme Court”;
 - (b) in subsection (2) for “the House of Lords” and “that House” in each place substitute “the Supreme Court”;
 - (c) omit subsection (3);
 - (d) in subsections (4) and (5) for “House of Lords” substitute “Supreme Court”.
- (3) In section 2 (application for leave to appeal) –
- (a) for “House of Lords” in each place substitute “Supreme Court”;
 - (b) for “that House or that court” substitute “the Supreme Court or the court below”.
- (4) In section 4 (admission of appellant to bail) in subsection (2) for “the House of Lords” and “that House” substitute “the Supreme Court”.
- (5) In sections 5(5) and 6(3) (power to order detention or admission to bail of defendant, and computation of sentence where bail granted) for “House of Lords” substitute “Supreme Court”.
- (6) In section 9 (procedure) in subsection (3) for “the House of Lords” and “that House” substitute “the Supreme Court”.
- (7) In section 13 (appeal in cases of contempt of court) –
- (a) in subsection (2)(c) for “House of Lords” substitute “Supreme Court”;
 - (b) in subsection (4) for “the House of Lords” and “that House” substitute “the Supreme Court”.

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Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)

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- 14 In section 2A of the Backing of Warrants (Republic of Ireland) Act 1965 (statement of case by court) for “House of Lords” in each place substitute “Supreme Court”.

Commonwealth Secretariat Act 1966 (c. 10)

- 15 In the Commonwealth Secretariat Act 1966, in section 1 (the Commonwealth Secretariat, its privileges and immunities) in subsection (4)(a) for “House of Lords” in each place substitute “Supreme Court”.

Criminal Appeal Act 1968 (c. 19)

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- 16 (1) The Criminal Appeal Act 1968 is amended as follows.
- (2) In section 30 (restitution of property) in subsection (3) for “House of Lords” substitute “Supreme Court”.
- (3) In section 33 (right of appeal to House of Lords) –
- (a) in the sidenote and subsection (1) for “House of Lords” substitute “Supreme Court”; 10
- (b) in subsection (2) for “the House of Lords” and “that House” substitute in each place “the Supreme Court”.
- (4) In section 34 (application for leave to appeal) –
- (a) for “House of Lords” in each place substitute “Supreme Court”; 15
- (b) in subsection (1) for “decision of the Court” substitute “decision of the Court of Appeal”;
- (c) in subsection (2) for “that House or the Court” substitute “the Supreme Court or the Court of Appeal”.
- (5) In section 35 (hearing and disposal of appeal) – 20
- (a) omit subsections (1) and (2);
- (b) in subsection (3) for “House of Lords” substitute “Supreme Court”.
- (6) In sections 36 and 37 (bail on appeal by defendant, and detention of defendant on appeal by the Crown) for “House of Lords” in each place substitute “Supreme Court”. 25
- (7) In section 38 (presence of defendant at hearing) for “House of Lords” and “House” in each place substitute “Supreme Court”.
- (8) In section 43 (effect of appeal on sentence) for “the House of Lords” and “that House” substitute “the Supreme Court”.
- (9) In Schedule 4 (procedural and other modifications for capital cases) – 30
- (a) in the italic heading preceding paragraph 3 for “House of Lords” substitute “Supreme Court”;
- (b) in paragraphs 3 and 4 for “the House of Lords” and “the House” in each place substitute “the Supreme Court”.

Courts-Martial (Appeals) Act 1968 (c. 20)

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- 17 (1) The Courts-Martial (Appeals) Act 1968 is amended as follows.
- (2) In section 5 (constitution of court for particular sittings) in subsection (3)(b) for “House of Lords” substitute “Supreme Court”.
- (3) In sections 39 and 40 (right of appeal, and application for leave to appeal) –
- (a) for “the House of Lords” and “that House” in each place substitute “the Supreme Court”; 40
- (b) for “the Court” in each place substitute “the Appeal Court”.

- (c) omit subsection (4).
 - (5) Omit section 14 (appeal where leave granted).
 - (6) In section 15 (cases excluded from s 12) in subsection (2)(b) for “House of Lords” substitute “Supreme Court”.
- Taxes Management Act 1970 (c. 9)* 5
- 21 (1) The Taxes Management Act 1970 is amended as follows.
- (2) In section 56 (statement of case for the opinion of the High Court) –
 - (a) in subsection (8) for “House of Lords” in the first place substitute “Supreme Court”;
 - (b) for subsection (8)(a) substitute – 10
 - “(a) an appeal to the Supreme Court under this subsection lies only with the permission of the Court of Appeal or the Supreme Court, and”;
 - (c) in subsection (8)(b) and in subsection (10) for “House of Lords” in each place substitute “Supreme Court”. 15
 - (3) In section 56A (appeals from the Special Commissioners) –
 - (a) in subsections (5) and (6) for “House of Lords” in each place substitute “Supreme Court”;
 - (b) for subsection (7) substitute – 20
 - “(7) An appeal to the Supreme Court under subsection (6) lies only with the permission of the Court of Appeal or the Supreme Court.”;
 - (c) in subsection (10) for “House of Lords” substitute “Supreme Court”.
 - (4) In section 58 (proceedings in tax cases in Northern Ireland) in subsection (2C) for “House of Lords” substitute “Supreme Court”. 25
- Administration of Justice Act 1970 (c. 31)*
- 22 In the Administration of Justice Act 1970, in Schedule 9 (enforcement of orders for costs, compensation, etc) in paragraphs 6(c) and 16A for “House of Lords” in each place substitute “Supreme Court”.
- Criminal Justice Act 1972 (c. 71)* 30
- 23 In the Criminal Justice Act 1972, in section 36 (reference to Court of Appeal of point of law following acquittal on indictment) –
- (a) in subsection (3) for “the House of Lords” and “that House” in each place substitute “Supreme Court”, and for “court that” substitute “Court of Appeal that”; 35
 - (b) in subsection (4) –
 - (i) for “the House of Lords” substitute “Supreme Court”
 - (ii) for the words from “the House shall consider the point” to the end of the subsection, substitute “the Supreme Court shall consider the point and give its opinion on it accordingly.” 40
 - (c) in subsection (5) for “House of Lords” substitute “Supreme Court”, and for “the court or the House” substitute “the Court of Appeal or the Supreme Court”.

Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1))

- 24 In the Prosecution of Offences (Northern Ireland) Order 1972, in Article 5 (functions of the Director), in paragraph (1)(f) for “House of Lords” substitute “Supreme Court”.

Administration of Justice Act 1973 (c. 15)

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- 25 In the Administration of Justice Act 1973, in section 18 (payment of interpreters in criminal cases) in subsection (2) for “the House of Lords” and “that House” in each place substitute “the Supreme Court”, and for “the court” substitute “the High Court”.

Litigants in Person (Costs and Expenses) Act 1975 (c. 47)

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- 26 In the Litigants in Person (Costs and Expenses) Act 1975, in section 1 (costs or expenses recoverable) in subsection (1)(a) and in subsection (2)(a) for “House of Lords” substitute “Supreme Court”.

Industry Act 1975 (c. 68)

- 27 In the Industry Act 1975, in Schedule 3 (arbitration) in paragraph 23(2) for “House of Lords” in each place substitute “Supreme Court”.

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Race Relations Act 1976 (c. 74)

- 28 In the Race Relations Act 1976, in section 57A (claims under section 19B in immigration cases) in subsection (5) at the definition of “immigration appellate body” for “House of Lords” substitute “Supreme Court”.

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Aircraft and Shipbuilding Industries Act 1977 (c. 3)

- 29 In the Aircraft and Shipbuilding Industries Act 1977, in Schedule 7 (procedure etc of arbitration tribunal) in paragraph 9(2) for “House of Lords” in each place substitute “Supreme Court”.

Judicature (Northern Ireland) Act 1978 (c. 23)

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- 30 (1) The Judicature (Northern Ireland) Act 1978 is amended as follows.
- (2) Part 3 is renamed “The Court of Appeal and the Supreme Court”.
- (3) In section 35 (appeals to Court of Appeal from High Court) in subsection (5) for “House of Lords” substitute “Supreme Court”.
- (4) In section 41 (appeals to the House of Lords in other criminal matters)—
- (a) in the sidenote and in subsection (1) for “House of Lords” substitute “Supreme Court”;
- (b) in subsection (2) for “the House of Lords” in each place and “that House” substitute “the Supreme Court”;
- (c) omit subsection (3);
- (d) in subsections (4) and (6) for “House of Lords” substitute “Supreme Court”.

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- (5) In section 42 (appeals to the House of Lords in civil cases)—

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- (a) in the sidenote and in subsections (1) and (2) for “House of Lords” substitute “Supreme Court”;
- (b) omit subsections (3), (4) and (5).
- (6) In section 43 (appeals to House of Lords from High Court) and in the sidenote for that section, for “House of Lords” in each place substitute “Supreme Court”. 5
- (7) In section 44 (appeal in cases of contempt of court) –
- (a) in subsection (2)(b) for “House of Lords” substitute “Supreme Court”;
- (b) in subsection (4) for “the House of Lords” and for “that House” substitute “the Supreme Court”. 10
- (8) In Schedule 1 (appeals to House of Lords in certain criminal matters) –
- (a) in the title to the Schedule, for “House of Lords” substitute “Supreme Court”;
- (b) in paragraphs 1 and 3 to 5 for “the House of Lords” and “that House” in each place substitute “the Supreme Court”, and in paragraph 1(2) for “that court” substitute “the court below”; 15
- (c) in paragraph 6 –
- (i) for “an order of the House of Lords” substitute “Supreme Court Rules”; 20
- (ii) for “that House” substitute “the Supreme Court”.
- Estate Agents Act 1979 (c. 38)*
- 31 In the Estate Agents Act 1979, in section 7 (appeals) in subsection (6) for “House of Lords” in each place substitute “Supreme Court”.
- Solicitors (Scotland) Act 1980 (c. 46)* 25
- 32 (1) The Solicitors (Scotland) Act 1980 is amended as follows.
- (2) In section 20(2)(a) (duty of Council of Law Society of Scotland to supply lists of solicitors holding practising certificates), for sub-paragraph (ii) substitute –
- “(ii) the Supreme Court;”. 30
- (3) In section 25A (rights of audience) –
- (a) in the sidenote and in each of subsections (1)(a) and (4), for “House of Lords” substitute “Supreme Court”; and
- (b) in subsection (4) omit the words “and the Judicial Committee of the Privy Council” where they last occur. 35
- Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*
- 33 (1) The Criminal Appeal (Northern Ireland) Act 1980 is amended as follows.
- (2) In section 31 (right of appeal to House of Lords) –
- (a) in subsection (1) for “House of Lords” substitute “Supreme Court”;
- (b) in subsection (2) for “the House of Lords” and “that House” substitute “the Supreme Court”. 40

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- (3) In section 32 (application for leave to appeal) for “the House of Lords” and “that House” in each place substitute “the Supreme Court”.
- (4) In section 33 (hearing and disposal of appeal) –
- (a) omit subsections (1) and (2);
 - (b) in subsection (3) for “House of Lords” substitute “Supreme Court”. 5
- (5) In section 34 (further reference to House of Lords) –
- (a) in the sidenote, for “House of Lords” substitute “Supreme Court”;
 - (b) in subsection (1) for “the House of Lords” and “that House” substitute “the Supreme Court”;
 - (c) in subsection (2) – 10
 - (i) for “the House of Lords” and “the House” in each place substitute “the Supreme Court”;
 - (ii) for “the House’s” substitute “the Supreme Court’s”;
 - (d) in subsection (3) – 15
 - (i) for “the House of Lords” in the first place and “the House” substitute “the Supreme Court”;
 - (ii) for the words from “by such officer” to “House of Lords” substitute “under Supreme Court Rules”.
- (6) In section 36 (detention of defendant pending appeal by Crown) for “House of Lords” in each place substitute “Supreme Court”. 20
- (7) In section 37 (legal aid), in subsection (3) for the words from “by the House of Lords” to “order of that House” substitute “under Supreme Court Rules”.
- (8) In section 38 (presence of defendant at hearing) –
- (a) for “an order of the House of Lords” substitute “Supreme Court Rules”; 25
 - (b) for “that House” substitute “the Supreme Court”.
- (9) In section 39 (computation of sentence) in subsection (2) for “House of Lords” substitute “Supreme Court”.
- (10) In section 40 (restitution of property) for “the House of Lords” and “that House” in each place substitute “the Supreme Court”. 30
- (11) In section 41 (costs) for “the House of Lords” and “the House” in each place substitute “the Supreme Court”.
- (12) In section 42 (taxation of costs) –
- (a) in subsection (2) – 35
 - (i) for “the House of Lords” in the first place substitute “the Supreme Court”;
 - (ii) for the words from “by such officer” to “House of Lords” substitute “under Supreme Court Rules”;
 - (b) in subsection (3) for “the House of Lords” substitute “the Supreme Court”. 40
- (13) In Schedule 3 (procedural and other modifications for capital cases) in paragraph 3 and in the italic heading preceding that paragraph for “House of Lords” substitute “Supreme Court”.

Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)

- 34 In Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, in Group A of Part 1, for paragraph (a) substitute –
 “(a) Justices of the Supreme Court or the President or Deputy President of that Court;”.

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Contempt of Court Act 1981 (c. 49)

- 35 (1) The Contempt of Court Act 1981 is amended as follows.
- (2) In section 16 (enforcement of fines imposed by certain superior courts) in subsection (4) for “House of Lords” substitute “Supreme Court”.
- (3) In section 19 (interpretation) in the definition of “Scottish proceedings” for “House of Lords” substitute “Supreme Court”, and in the definition of “superior court” after “means”, insert “the Supreme Court”, and omit the words from “and includes” to the end.

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Supreme Court Act 1981 (c. 54)

- 36 (1) The Supreme Court Act 1981 is amended as follows.
- (2) In section 9 (assistance for transaction of judicial business) in subsection (6A) for “House of Lords” substitute “Supreme Court”.
- (3) In section 16 (appeals from High Court) in subsection (1) for “House of Lords” substitute “Supreme Court”.
- (4) In section 28A (proceedings on case stated) in subsection (4) for “House of Lords” substitute “Supreme Court”.
- (5) In sections 54(5) and 55(4)(b) (court of civil and court of criminal division) for “House of Lords” substitute “Supreme Court”.
- (6) In section 58 (calling into question of incidental decisions), in subsection (2) for “House of Lords” substitute “Supreme Court”.

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Wildlife and Countryside Act 1981 (c. 69)

- 37 In the Wildlife and Countryside Act 1981, in section 31 (restoration) in subsection (2) for “the House of Lords”, “that House” and “the House” in each case substitute “the Supreme Court”.

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))

- 38 In the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, in paragraph 1(a) of Part I of Schedule 1 (proceedings for which legal aid may be given) for “House of Lords” substitute “Supreme Court”.

Civil Jurisdiction and Judgments Act 1982 (c. 27)

- 39 In the Civil Jurisdiction and Judgments Act 1982, in section 6 (appeals under the Lugano Convention) –
 (a) in subsection (1)(a) for “House of Lords” in each place substitute “Supreme Court”;

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- (b) in subsection (2) for “the House of Lords” and “that House” substitute “the Supreme Court”.

Mental Health (Scotland) Act 1984 (c. 36)

- 40 In section 66A(4) of the Mental Health (Scotland) Act 1984 (appeal to Court of Session against certain decisions of sheriff), for “House of Lords” in each place substitute “Supreme Court”. 5

Prosecution of Offences Act 1985 (c. 23)

- 41 (1) The Prosecution of Offences Act 1985 is amended as follows.
- (2) In section 3 (functions of the Director), in subsection (2)(f)(ii) for “House of Lords” substitute “Supreme Court”. 10
- (3) In sections 16(5), 17(1)(b), and 18(2)(b) (payment of prosecution costs, defendant’s costs orders, and award of costs on dismissal of appeal or application) for “House of Lords” in each place substitute “Supreme Court”.
- (4) In section 20 (regulations) at subsection (8)(b) for “House of Lords” substitute “Supreme Court”. 15

Transport Act 1985 (c. 67)

- 42 (1) The Transport Act 1985 is amended as follows.
- (2) In section 9 (appeals against traffic regulation conditions) in subsection (9) for “House of Lords” in each place substitute “Supreme Court”.
- (3) In Schedule 4 (consultation, powers and proceedings of the Transport Tribunal), in paragraph 14(7) for “House of Lords” substitute “Supreme Court”, and for “that Court” substitute “the Court of Appeal or Court of Session (as the case may be)”. 20

Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)

- 43 In section 22(1) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (re-employment of retired judges) – 25
- (a) after paragraph (a) insert –
- “(aa) has held office as a Justice of the Supreme Court or as President or Deputy President of that Court and who, at the time of being appointed to the office in question, was eligible for appointment as a judge in the Court of Session;” and 30
- (b) omit the words “, in either case,”.

Insolvency Act 1986 (c. 45)

- 44 In the Insolvency Act 1986, in section 277(3)(b) (petition based on criminal bankruptcy order) – 35
- (a) for “House of Lords” substitute “Supreme Court”;
- (b) for the words from “section 40(5)” to the end of the section substitute

“subsection (4).

- (4) For the purposes of subsection (3)(b) an appeal to the Supreme Court shall be treated as pending until any application for leave to appeal is disposed of and, if leave to appeal is granted, until the appeal is disposed of; and for the purposes of this subsection an application for leave to appeal shall be treated as disposed of at the expiration of the time within which it may be made, if it is not made within that time.” 5

Legal Aid (Scotland) Act 1986 (c. 47) 10

- 45 In the Legal Aid (Scotland) Act 1986, in Part 1 of Schedule 2 (courts in which civil legal aid is available), for “House of Lords” substitute “Supreme Court”.

Criminal Justice Act 1987 (c. 38)

- 46 In the Criminal Justice Act 1987, in section 11 (restrictions on reporting) –
(a) in subsection (5)(c) for “House of Lords” substitute “Supreme Court”; 15
(b) in subsection (6) –
(i) for “The House of Lords” substitute “The Supreme Court”;
(ii) for “that House” substitute “the Supreme Court”;
(c) in subsections (7) and (8) for “House of Lords” in each place substitute “Supreme Court”. 20

Income and Corporation Taxes Act 1988 (c. 1)

- 47 (1) The Income and Corporation Taxes Act 1988 is amended as follows.
(2) In section 705A (statement of case by tribunal) –
(a) in subsection (8) for “House of Lords” in each place substitute “Supreme Court”; 25
(b) in subsection (9) –
(i) for “House of Lords” substitute “Supreme Court”;
(ii) for the words from “unless leave has been given” to the end of the subsection substitute “except with the leave of the Court of Appeal or of the Supreme Court.”; 30
(c) in subsection (12) for “House of Lords” substitute “Supreme Court”.
(3) In section 705B (proceedings in Northern Ireland), in subsection (2) for “House of Lords” substitute “Supreme Court”.

Criminal Justice Act 1988 (c. 33) 35

- 48 (1) The Criminal Justice Act 1988 is amended as follows.
(2) In section 36 (reviews of sentencing) –
(a) in subsection (5) –
(i) for “the House of Lords for their opinion” substitute “the Supreme Court for its opinion”; 40

- (ii) for “the House shall consider the point and give their opinion” substitute “the Supreme Court shall consider the point and give its opinion”;
 - (iii) for the words from “deal with it themselves” to the end of the subsection substitute “deal itself with the case.”; 5
 - (b) in subsection (6) for “the House of Lords” and “that House” in each place substitute “the Supreme Court”;
 - (c) in subsection (7) for “House of Lords” substitute “Supreme Court”.
- (3) In Schedule 3 (reviews of sentencing - supplementary) –
- (a) in paragraphs 4 and 5 for the words “House of Lords” in each place substitute “Supreme Court”; 10
 - (b) in paragraph 9 for “the House of Lords” and “the House” in each place substitute “the Supreme Court”;
 - (c) in paragraph 10 for “House of Lords” substitute “Supreme Court”;
 - (d) in paragraph 11 – 15
 - (i) for “the House of Lords” in the first place substitute “the Supreme Court”;
 - (ii) for “the Court or the House” substitute “the Court of Appeal or the Supreme Court”;
 - (iii) for “such officer as may be prescribed by order of the House of Lords” substitute “under Supreme Court Rules”. 20

Court of Session Act 1988 (c. 36)

- 49 (1) The Court of Session Act 1988 is amended as follows.
- (2) In section 24 (appeals in exchequer cases), in the sidenote and in subsection (1), for “House of Lords” substitute “Supreme Court”. 25
 - (3) In section 27(5) (special cases), for “House of Lords” substitute “Supreme Court”.
 - (4) In section 32(5) (appeals from sheriff on matters of law only), for “House of Lords” substitute “Supreme Court”.
 - (5) In the heading before section 40, for “House of Lords” substitute “Supreme Court”. 30
 - (6) In section 40 (appealable interlocutors) –
 - (a) in subsection (1), for “House of Lords” in each place substitute “Supreme Court”;
 - (b) in subsection (2) – 35
 - (i) for “the Court” in each place substitute “the Inner House”; and
 - (ii) for “House of Lords” in each place substitute “Supreme Court”; and
 - (c) in each of subsections (3) and (4), for “House of Lords” substitute “Supreme Court”. 40
 - (7) In section 41 (interim possession, execution and expenses), in subsections (1) and (2), for “House of Lords” in each place substitute “Supreme Court”.
 - (8) In section 42 (order on payment of interest) and in its sidenote, for “House of Lords” substitute “Supreme Court”. 45

- (9) In section 43 (interest and expenses where appeal dismissed for want of prosecution), for “House of Lords” substitute “Supreme Court”.
- (10) In section 52(3) (appeals relating to estate duty), for “House of Lords” substitute “Supreme Court”.
- Road Traffic Offenders Act 1988 (c. 53)* 5
- 50 In the Road Traffic Offenders Act 1988, in section 40 (power of appellate courts in England and Wales to suspend disqualification) in subsection (3) for “House of Lords” substitute “Supreme Court”.
- Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I. 1988/1846 (N.I. 16))*
- 51 In the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988, in Article 10 (restrictions on reporting) – 10
- (a) in paragraph (5)(c), for “House of Lords” substitute “Supreme Court”;
- (b) in paragraph (6), for “the House of Lords” and “that House” in each place substitute “the Supreme Court”; 15
- (c) in paragraphs (7) and (8), for “House of Lords” in each place substitute “Supreme Court”.
- Extradition Act 1989 (c. 33)*
- 52 In section 10 of the Extradition Act 1989 (statement of case by court) for “House of Lords” in each place substitute “Supreme Court”. 20
- New Roads and Street Works Act 1991 (c. 22)*
- 53 In the New Roads and Street Works Act 1991, in section 158 (arbitration) in subsections (2) and (3) for “House of Lords” in each place substitute “Supreme Court”.
- Child Support Act 1991 (c. 48)* 25
- 54 In the Child Support Act 1991, in section 28ZC (restrictions on liability in certain cases of error) in subsection (6) in the definition of “the court”, for “House of Lords” substitute “Supreme Court”.
- Water Resources Act 1991 (c. 57)*
- 55 In the Water Resources Act 1991, in Schedule 14 (orders transferring main river functions) in paragraph 5(3), and in Schedule 16 (schemes imposing special drainage charges) in paragraph 8(3), for “House of Lords” in each place substitute “Supreme Court”. 30
- Land Drainage Act 1991 (c. 59)*
- 56 In the Land Drainage Act 1991, in Schedule 3 (procedure with respect to certain orders), in paragraph 7(3) for “House of Lords” substitute “Supreme Court”. 35

Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23))

- 57 In the Child Support (Northern Ireland) Order 1991, in Article 28ZC (restrictions on liability in certain cases of error) in paragraph (6) in the definition of “the court”, for “House of Lords” substitute “Supreme Court”.

Social Security Administration (Northern Ireland) Act 1992 (c. 8)

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- 58 In the Social Security Administration (Northern Ireland) Act 1992, in section 66 (restrictions on entitlement to benefit in certain cases of error) in subsection (4) in the definition of “the court” for “House of Lords” substitute “Supreme Court”.

Tribunals and Inquiries Act 1992 (c. 53)

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- 59 In the Tribunals and Inquiries Act 1992, in section 11 (appeals from certain tribunals) in subsection (7)(d) for “House of Lords” in each place substitute “Supreme Court”.

Arbitration Act 1996 (c. 23)

- 60 In the Arbitration Act 1996, in Schedule 2 (modifications of Part 1 in relation to judge-arbitrators) in paragraph 2(2) for “House of Lords” substitute “Supreme Court”.

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Criminal Procedure and Investigations Act 1996 (c. 25)

- 61 (1) The Criminal Procedure and Investigations Act 1996 is amended as follows.
- (2) In section 36 (appeals to the House of Lords), in sidenote for “House of Lords” substitute “Supreme Court”.
- (3) In section 37 (restrictions on reporting) –
- (a) in subsection (4)(c), for “House of Lords” substitute “Supreme Court”;
- (b) in subsection (5), for “the House of Lords” and “that House” in each place substitute “the Supreme Court”;
- (c) in subsections (6) and (7), for “House of Lords” substitute “Supreme Court”.

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Proceeds of Crime (Northern Ireland) Order 1996 (S.I. 1996/1299 (N.I. 9))

- 62 In the Proceeds of Crime (Northern Ireland) Order 1996, in paragraph (6)(b) of Article 13 (application of procedure for enforcing fines) for “House of Lords” substitute “Supreme Court”.

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Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10))

- 63 In the Road Traffic Offenders (Northern Ireland) Order 1996, in Article 45 (power of appellate courts in Northern Ireland to suspend disqualification) in paragraph (3) for “House of Lords” substitute “Supreme Court”.

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Social Security Act 1998 (c. 14)

- 64 In the Social Security Act 1998, in section 27 (restrictions on entitlement to benefit in certain cases of error), in subsection (7) in the definition of “the court” for “House of Lords” substitute “Supreme Court”.

Competition Act 1998 (c. 41)

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- 65 (1) The Competition Act 1998 is amended as follows.
- (2) In section 38 (the appropriate level of a penalty) for subsection (10)(d) substitute –
- “(d) the Supreme Court.”
- (3) In section 47A (monetary claims before Tribunal) in subsection (7)(d) for “House of Lords” substitute “Supreme Court”. 10
- (4) In section 58A (findings of infringements) in subsection (4)(c) for “House of Lords” substitute “Supreme Court”.
- (5) In Schedule 13 (transitional provisions and savings) in paragraph 10 for subparagraph (6)(e) substitute – 15
- “(e) the Supreme Court.”

Human Rights Act 1998 (c. 42)

- 66 (1) The Human Rights Act 1998 is amended as follows.
- (2) In section 4 (declaration of incompatibility) in subsection (5) for paragraph (a) substitute – 20
- “(a) the Supreme Court;”.
- (3) In section 5 (right of Crown to intervene) in subsections (4) and (5) for “House of Lords” in each case substitute “Supreme Court”.
- (4) In section 6 (acts of public authorities) omit subsection (4).

Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

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- 67 In the Social Security (Northern Ireland) Order 1998, in Article 27 (restriction of entitlement to benefit in certain cases of error), in paragraph (7) in the definition of “the court” for “House of Lords” substitute “Supreme Court”.

Access to Justice Act 1999 (c. 22)

- 68 (1) The Access to Justice Act 1999 is amended as follows. 30
- (2) In section 57 (assignment of appeals to Court of Appeal) in subsection (1) for “House of Lords” substitute “Supreme Court”.
- (3) In Schedule 2 (community legal service: excluded services) for paragraph 2(1)(a) substitute –
- “(a) the Supreme Court;”.

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Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 69 In the Powers of Criminal Courts (Sentencing) Act 2000, in sections 132(4) and 139(9), and in subsections (4) and (5) of section 140 (compensation order on restoration of conviction, powers and duties of Crown Court in relation to fines, and enforcement of fines imposed), for “House of Lords” in each case substitute “Supreme Court”. 5

Financial Services and Markets Act 2000 (c. 8)

- 70 In the Financial Services and Markets Act 2000 in section 137 (appeal on a point of law) – 10
- (a) in subsection (4) for paragraph (b) substitute – “(b) the Supreme Court.”;
 - (b) in subsection (5) for “House of Lords” in each place substitute “Supreme Court”.

Terrorism Act 2000 (c. 11)

- 71 In the Terrorism Act 2000, in section 6 (further appeal) in subsection (3) for “House of Lords” substitute “Supreme Court”. 15

Child Support, Pensions and Social Security Act 2000 (c. 19)

- 72 In the Child Support, Pensions and Social Security Act 2000, in Schedule 7 (housing benefit and council tax benefit: revisions and appeals), for paragraph 18(6)(d) substitute – 20
- “(d) the Supreme Court; or”.

Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11)

- 73 In section 2(2) of the Regulation of Investigatory Powers (Scotland) Act 2000 (persons appointed to be Surveillance Commissioners), for “Appellate Jurisdiction Act 1876” substitute “Constitutional Reform Act 2005”. 25

Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

- 74 In the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, in Schedule 7 (housing benefit: revisions and appeals), for paragraph 18(6)(c) substitute – 30
- “(c) the Supreme Court; or”.

International Criminal Court Act 2001 (c. 17)

- 75 In the International Criminal Court Act 2001, in section 9 (appeal against refusal of delivery order: England and Wales) for “House of Lords” in each place substitute “Supreme Court”.

Armed Forces Act 2001 (c. 19)

- 76 In the Armed Forces Act 2001, in section 30 (conditional release from custody) in subsection (2)(b) for “House of Lords” substitute “Supreme Court”. 35

Proceeds of Crime Act 2002 (c. 29)

- 77 (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In section 33 (appeal to House of Lords) in the sidenote and in subsections (1) and (3) to (5) for “House of Lords” in each place substitute “Supreme Court”. 5
- (3) In each of sections 44 and 66 (appeal to House of Lords) in the sidenote and subsections (1) and (3) for “House of Lords” in each place substitute “Supreme Court”.
- (4) In section 85 (proceedings) in subsection (6) for “House of Lords” in each place substitute “Supreme Court”. 10
- (5) In section 90 (procedure on appeal to the House of Lords) in sidenote and in subsections (1) and (2) for “House of Lords” in each place substitute “Supreme Court”.
- (6) In section 183 (appeal to House of Lords) in sidenote and in subsections (1) and (3) to (5) for “House of Lords” in each place substitute “Supreme Court”. 15
- (7) In each of sections 193 and 214 (appeal to House of Lords), in the sidenote and in subsections (1) and (3) for “House of Lords” in each place substitute “Supreme Court”.
- (8) In section 233 (proceedings) in subsection (6) for “House of Lords” in each place substitute “Supreme Court”. 20
- (9) In section 238 (procedure on appeal to the House of Lords) and in the sidenote for that section, for “House of Lords” in each place substitute “Supreme Court”.

Licensing Act 2003 (c. 17)

- 78 In the Licensing Act 2003, in section 130 (powers of appellate court to suspend order under section 129), in subsection (4) for “House of Lords” substitute “Supreme Court”. 25

Crime (International Co-operation) Act 2003 (c. 32)

- 79 In the Crime (International Co-operation) Act 2003, in sections 60(4) and 62(4) (suspension of disqualification) for “House of Lords” substitute “Supreme Court”. 30

Courts Act 2003 (c. 39)

- 80 (1) The Courts Act 2003 is amended as follows.
- (2) In section 88 (extension of time for criminal appeals)—
- (a) in the sidenote and in subsections (1) and (4) for “House of Lords” substitute “Supreme Court”; 35
- (b) in subsection (5)(b) for “Court” substitute “Court of Appeal”;
- (c) in subsection (6) in the inserted section 34(1A)(b) of the Criminal Appeal Act 1968 for “Court” substitute “Court of Appeal”.
- (3) In section 91 (extension of time for appeals from Courts-Martial Appeals Court)— 40

- (a) in subsection (1) for “House of Lords” substitute “Supreme Court”;
- (b) in subsection (2)(b) for “Court” substitute “Appeal Court”;
- (c) in subsection (3) in the inserted section 40(1A)(b) of the Courts-Martial (Appeals) Act 1968 for “Court” substitute “Appeal Court”.

Extradition Act 2003 (c. 41)

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- 81 (1) The Extradition Act 2003 is amended as follows.
- (2) In section 32 (appeal to House of Lords) in the sidenote and subsections (1), (3), (4)(b), (6) and (8)(b) for “House of Lords” substitute “Supreme Court”.
- (3) In section 114 (appeal to House of Lords) in the sidenote and in subsections (1), (3), (4)(b), (6), and (8)(b) for “House of Lords” substitute “Supreme Court”. 10
- (4) In each of the following provisions for “House of Lords” in each place substitute “Supreme Court” –
- (a) section 30 (detention pending conclusion of appeal under section 28);
 - (b) section 33 (powers on an appeal) and the sidenote to that section; 15
 - (c) section 36 (extradition following appeal);
 - (d) section 43 (withdrawal of warrant while appeal pending) and the sidenote to that section;
 - (e) section 60 (costs);
 - (f) section 61 (costs where discharge ordered); 20
 - (g) section 107 (detention pending conclusion of appeal under section 105);
 - (h) section 112 (detention pending conclusion of appeal under section 110);
 - (i) section 115 (powers on appeal under section 114) and the sidenote to that section; 25
 - (j) section 118 (extradition following appeal);
 - (k) section 125 (withdrawal of request while appeal pending) and the sidenote to that section;
 - (l) section 133 (costs where extradition ordered); 30
 - (m) section 134 (costs where discharge ordered);
 - (n) section 184 (grant of free legal aid: Northern Ireland);
 - (o) section 208 (national security);
 - (p) section 213 (disposal of Part 1 warrant and extradition request);
 - (q) section 214 (disposal of charge). 35
- (5) In section 185 (free legal aid: supplementary) –
- (a) in subsection (4) for “House of Lords” substitute “Supreme Court”;
 - (b) in subsection (5) for the words from “allowed by” to the end substitute “by the Supreme Court or under Supreme Court Rules.”

Criminal Justice Act 2003 (c. 44)

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- 82 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 50 (application of Part 7 to Northern Ireland) –
- (a) in subsection (8) in the substituted section 47(6) for “House of Lords” substitute “Supreme Court”;

- (b) in subsection (14), in the new subsection (3B) of section 41 of the Criminal Procedure and Investigations Act 1996 as inserted by subsection (4) of section 48A (reporting restrictions) for “House of Lords” substitute “Supreme Court” and for “that House” in each place substitute “the Supreme Court”; 5
- (c) in subsection (14), in subsections (5) and (6) of section 48A for “House of Lords” substitute “Supreme Court”.
- (3) In section 71 (restrictions on reporting) –
- (a) in subsection (3) for “House of Lords” substitute “Supreme Court”;
- (b) in subsection (4) for “House of Lords” substitute “Supreme Court” and for “that House” in each place substitute “the Supreme Court”; 10
- (c) in subsections (5) and (6) for “House of Lords are” substitute “Supreme Court is”.
- (4) In section 81 (appeals), in subsection (2) in the inserted section 33(1B) of the Criminal Appeal Act 1968 and the words before it, for “House of Lords” substitute “Supreme Court”. 15
- (5) In section 274 (further provision about transferred life prisoners) for “House of Lords” in each place substitute “Supreme Court”.
- (6) In Schedule 22 (mandatory life sentences) in paragraph 14(2), (4) and (5) for “House of Lords” substitute “Supreme Court”. 20
- Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)*
- 83 In section 323(2)(a) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (suspension of decision of Mental Health Tribunal for Scotland until expiry of time allowed to appeal), for “House of Lords” in each place substitute “Supreme Court”. 25
- Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))*
- 84 In the Access to Justice (Northern Ireland) Order 2003, in Schedule 2 (civil legal services: excluded services) in paragraph 2(a)(i) for “House of Lords” substitute “Supreme Court”.
- PART 2 30
- DEVOLUTION JURISDICTION
- Legal Aid (Scotland) Act 1986 (c. 47)*
- 85 (1) The Legal Aid (Scotland) Act 1986 is amended as follows.
- (2) In section 21(1)(c) (scope and nature of criminal legal aid), for “Judicial Committee of the Privy Council” substitute “Supreme Court”. 35
- (3) In section 25AB (legal aid in references, appeals or applications for special leave to appeal), in the sidenote and in subsection (1), for “Judicial Committee of the Privy Council” substitute “Supreme Court”.
- (4) In Part 1 of Schedule 2 (courts in which civil legal aid is available), in paragraph 1 for “Judicial Committee of the Privy Council” substitute “Supreme Court”. 40

Criminal Procedure (Scotland) Act 1995 (c. 46)

- 86 In section 288B of the Criminal Procedure (Scotland) Act 1995 (appeal against a determination of a devolution issue) –
- (a) in the sidenote and in subsection (1), for “Judicial Committee of the Privy Council” substitute “Supreme Court”; and 5
 - (b) in subsection (3), for “Judicial Committee” substitute “Supreme Court”.

Government of Wales Act 1998 (c. 38)

- 87 The Government of Wales Act 1998 is amended as follows.
- 88 In Part 1 of Schedule 8 (devolution issues: preliminary) omit paragraph 1(2)(a) (definition of “the Judicial Committee”). 10
- 89 (1) Part 2 of Schedule 8 (proceedings in England and Wales on devolution issues) is amended as follows.
- (2) In paragraph 7 (reference in civil proceedings), in sub-paragraph (2)(a) for “House of Lords” substitute “Supreme Court”. 15
 - (3) In paragraph 9 (reference in criminal proceedings) for “House of Lords” substitute “Supreme Court”.
 - (4) In the heading before paragraph 10 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
 - (5) In paragraph 10 for “Judicial Committee” substitute “Supreme Court”. 20
 - (6) In the heading before paragraph 11 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
 - (7) In paragraph 11 –
 - (a) for “Judicial Committee” in each place substitute “Supreme Court”;
 - (b) for “leave” in the first two places substitute “permission”;
 - (c) for “concerned” substitute “from which the appeal lies”;
 - (d) for “special leave” substitute “permission”. 25
- 90 (1) Part 3 of Schedule 8 (proceedings in Scotland on devolution issues) is amended as follows.
- (2) In paragraph 15 (references to Inner House of Court of Session) for “House of Lords” substitute “Supreme Court”. 30
 - (3) In the heading before paragraph 18 (references from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
 - (4) In paragraph 18 (references from Court of Session) for “Judicial Committee” substitute “Supreme Court”. 35
 - (5) In paragraph 19 (references from High Court of Justiciary) for “Judicial Committee” substitute “Supreme Court”.
 - (6) In the heading before paragraph 20 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
 - (7) In paragraph 20 (appeal from Inner House of Court of Session) for “Judicial Committee” substitute “Supreme Court”. 40

- (8) In paragraph 21 (other appeals from superior courts) –
- (a) for “House of Lords” substitute “Supreme Court apart from this paragraph”;
 - (b) for “Judicial Committee” in each place substitute “Supreme Court”;
 - (c) for “leave” in the first two places substitute “permission”; 5
 - (d) for “concerned” substitute “from which the appeal lies”;
 - (e) for “special leave” substitute “permission”.
- 91 (1) Part 4 of Schedule 8 (proceedings in Northern Ireland on devolution issues) is amended as follows.
- (2) In paragraph 25 (reference to Court of Appeal) for “House of Lords” substitute “Supreme Court”. 10
 - (3) In the heading before paragraph 27 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
 - (4) In paragraph 27 for “Judicial Committee” substitute “Supreme Court”.
 - (5) In the heading before paragraph 28 (appeals from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”. 15
 - (6) In paragraph 28 –
 - (a) for “Judicial Committee” in each place substitute “Supreme Court”;
 - (b) for “leave” in the first two places substitute “permission”;
 - (c) for “special leave” substitute “permission”. 20
- 92 (1) Part 5 of Schedule 8 (devolution issues: general) is amended as follows.
- (2) Omit paragraph 29 (proceedings in the House of Lords) and the heading before it.
 - (3) In the heading before paragraph 30 (direct references to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”. 25
 - (4) In paragraph 30 (law officer requiring court or Assembly to refer devolution issue), in sub-paragraph (1) for “Judicial Committee” substitute “Supreme Court”.
 - (5) In paragraph 31 (Attorney General or Assembly referring devolution issue), in sub-paragraph (1) for “Judicial Committee” substitute “Supreme Court”. 30
 - (6) Omit paragraphs 32 to 34 (proceedings before the Judicial Committee) and the heading before paragraph 32.

Scotland Act 1998 (c. 46)

- 93 The Scotland Act 1998 is amended as follows.
- 94 In section 15 (disqualification from membership of the Parliament) in subsection (1) omit paragraph (c). 35
- 95 In section 32 (submission of Bills for Royal Assent) –
- (a) in subsection (2)(b) for “Judicial Committee” substitute “Supreme Court”;
 - (b) in subsection (3)(a) for “Judicial Committee have” substitute “Supreme Court has”; 40
 - (c) in subsection (4) omit the definition of “Judicial Committee”.

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| 96 | <p>(1) In the sidenote to section 33 (scrutiny of Bills by the Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.</p> <p>(2) In subsection (1) of that section for “Judicial Committee” substitute “Supreme Court”.</p> | |
| 97 | In section 34 (ECJ references), in subsection (1)(b) for “Judicial Committee” substitute “Supreme Court”. | 5 |
| 98 | In section 35 (power of Secretary of State to intervene in certain cases), in subsection (3)(c) for “Judicial Committee” substitute “Supreme Court”. | |
| 99 | In section 36 (stages of Bills), in subsection (4) for “Judicial Committee decide” substitute “Supreme Court decides”. | 10 |
| 100 | <p>In section 95 (appointment and removal of judges) –</p> <p style="padding-left: 20px;">(a) for subsection (9)(b) substitute –</p> <p style="padding-left: 40px;">“(b) for the appointment to chair the tribunal of a member of the Judicial Committee of the Privy Council who holds or has held high judicial office,”;</p> <p style="padding-left: 20px;">(b) in subsection (11), before the definition of “provision” insert –</p> <p style="padding-left: 40px;">““high judicial office” has the meaning given by section 54 of the Constitutional Reform Act 2005,”.</p> | 15 |
| 101 | Omit section 103 (proceedings before the Judicial Committee). | |
| 102 | In section 127 (index of defined expressions) omit the entry for “Judicial Committee”. | 20 |
| 103 | <p>(1) Part 2 of Schedule 6 (proceedings in Scotland on devolution issues) is amended as follows.</p> <p>(2) In paragraph 7 (references to Inner House of Court of Session) for “House of Lords” substitute “Supreme Court”.</p> <p>(3) In the heading before paragraph 10 (references from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.</p> <p>(4) In paragraph 10 (references from Court of Session) for “Judicial Committee” substitute “Supreme Court”.</p> <p>(5) In paragraph 11 (references from High Court of Justiciary) for “Judicial Committee” substitute “Supreme Court”.</p> <p>(6) In the heading before paragraph 12 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.</p> <p>(7) In paragraph 12 (appeal from Inner House of Court of Session) for “Judicial Committee” substitute “Supreme Court”.</p> <p>(8) In paragraph 13 (other appeals from superior courts) –</p> <p style="padding-left: 20px;">(a) for “House of Lords” substitute “Supreme Court apart from this paragraph”;</p> <p style="padding-left: 20px;">(b) for “Judicial Committee” in each place substitute “Supreme Court”;</p> <p style="padding-left: 20px;">(c) for “leave” in the first two places substitute “permission”;</p> <p style="padding-left: 20px;">(d) for “concerned” substitute “from which the appeal lies”;</p> <p style="padding-left: 20px;">(e) for “special leave” substitute “permission”.</p> | 25
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- 104 (1) Part 3 of Schedule 6 (proceedings in England and Wales on devolution issues) is amended as follows.
- (2) In paragraph 19 (reference in civil proceedings), in sub-paragraph (2)(a) for “House of Lords” substitute “Supreme Court”.
 - (3) In paragraph 21 (reference in criminal proceedings), for “House of Lords” substitute “Supreme Court”. 5
 - (4) In the heading before paragraph 22 (references from Court of Appeal to Judicial Committee), for “Judicial Committee” substitute “Supreme Court”.
 - (5) In paragraph 22, for “Judicial Committee” substitute “Supreme Court”.
 - (6) In the heading before paragraph 23 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”. 10
 - (7) In paragraph 23 –
 - (a) for “Judicial Committee” in each place substitute “Supreme Court”;
 - (b) for “leave” in the first two places substitute “permission”;
 - (c) for “special leave” substitute “permission”. 15
- 105 (1) Part 4 of Schedule 6 (proceedings in Northern Ireland on devolution issues) is amended as follows.
- (2) In paragraph 28 (reference to Court of Appeal) for “House of Lords” substitute “Supreme Court”.
 - (3) In the heading before paragraph 30 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”. 20
 - (4) In paragraph 30 for “Judicial Committee” substitute “Supreme Court”.
 - (5) In the heading before paragraph 31 (appeals from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
 - (6) In paragraph 31 – 25
 - (a) for “Judicial Committee” in each place substitute “Supreme Court”;
 - (b) for “leave” in the first two places substitute “permission”;
 - (c) for “special leave” substitute “permission”.
- 106 (1) Part 5 of Schedule 6 (devolution issues: general) is amended as follows.
- (2) Omit paragraph 32 (proceedings in the House of Lords) and the heading before it. 30
 - (3) In the heading before paragraph 33 (direct references to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
 - (4) In paragraph 33 (law officer requiring court to refer devolution issue) for “Judicial Committee” substitute “Supreme Court”. 35
 - (5) In paragraph 34 (law officer referring devolution issues) for “Judicial Committee” substitute “Supreme Court”.
- 107 In Schedule 7 (procedure for subordinate legislation), in the table under paragraph 1(2) omit the entry relating to section 103(3)(a) and (b).

Northern Ireland Act 1998 (c. 47)

- 108 The Northern Ireland Act 1998 is amended as follows.
- 109 (1) In the sidenote to section 11 (scrutiny of Bills by the Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (2) In subsection (1) of that section for “Judicial Committee” substitute “Supreme Court”. 5
- (3) In subsection (4) of that section –
- (a) for “Judicial Committee decide” substitute “Supreme Court decides”;
- (b) for “their decision” substitute “its decision”. 10
- 110 In section 12 (reconsideration where reference made to ECJ), in subsection (1)(b) for “Judicial Committee” substitute “Supreme Court”.
- 111 In section 13 (stages of Bills), in subsection (5)(a) for “Judicial Committee decide” substitute “Supreme Court decides”.
- 112 In section 14 (submission by Secretary of State of Bills for Royal Assent) – 15
- (a) in subsection (2)(b) for “Judicial Committee” substitute “Supreme Court”;
- (b) in subsection (3)(a) for “Judicial Committee have” substitute “Supreme Court has”.
- 113 Omit section 82 (proceedings before the Judicial Committee). 20
- 114 In section 98 (interpretation), in subsection (1) omit the entry for “Judicial Committee”.
- 115 (1) Part 2 of Schedule 10 (proceedings in Northern Ireland on devolution issues) is amended as follows.
- (2) In paragraph 7 (reference to Court of Appeal) for “House of Lords” substitute “Supreme Court”. 25
- (3) In the heading before paragraph 9 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (4) In paragraph 9 for “Judicial Committee” substitute “Supreme Court”.
- (5) In the heading before paragraph 10 (appeals from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”. 30
- (6) In paragraph 10 –
- (a) for “Judicial Committee” in each place substitute “Supreme Court”;
- (b) for “leave” in the first two places substitute “permission”;
- (c) for “special leave” substitute “permission”. 35
- 116 (1) Part 3 of Schedule 10 (proceedings in England and Wales on devolution issues) is amended as follows.
- (2) In paragraph 16 (reference in civil proceedings), in sub-paragraph (2)(a) for “House of Lords” substitute “Supreme Court”.
- (3) In paragraph 18 (reference in criminal proceedings) for “House of Lords” substitute “Supreme Court”. 40

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- (4) In the heading before paragraph 19 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (5) In paragraph 19 for “Judicial Committee” substitute “Supreme Court”.
- (6) In the heading before paragraph 20 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”. 5
- (7) In paragraph 20 –
- (a) for “Judicial Committee” in each place substitute “Supreme Court”;
 - (b) for “leave” in the first two places substitute “permission”;
 - (c) for “special leave” substitute “permission”.
- 117 (1) Part 4 of Schedule 10 (proceedings in Scotland on devolution issues) is amended as follows. 10
- (2) In paragraph 25 (references to Inner House of Court of Session) for “House of Lords” substitute “Supreme Court”.
- (3) In the heading before paragraph 28 (references from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”. 15
- (4) In paragraph 28 (references from Court of Session) for “Judicial Committee” substitute “Supreme Court”.
- (5) In paragraph 29 (references from High Court of Justiciary) for “Judicial Committee” substitute “Supreme Court”.
- (6) In the heading before paragraph 30 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”. 20
- (7) In paragraph 30 (appeal from Inner House of Court of Session) for “Judicial Committee” substitute “Supreme Court”.
- (8) In paragraph 31 (appeal from other superior courts) –
- (a) for “House of Lords” substitute “Supreme Court apart from this paragraph”;
 - (b) for “Judicial Committee” in each place substitute “Supreme Court”;
 - (c) for “leave” in the first two places substitute “permission”;
 - (d) for “special leave” substitute “permission”.
- 118 (1) Part 5 of Schedule 10 (devolution issues: general) is amended as follows. 30
- (2) Omit paragraph 32 (proceedings in the House of Lords) and the heading before it.
- (3) In the heading before paragraph 33 (direct references to the Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (4) In paragraph 33 (law officers etc requiring court to refer devolution issue) for “Judicial Committee” substitute “Supreme Court”. 35
- (5) In paragraph 34 (law officers etc referring devolution issue) for “Judicial Committee” substitute “Supreme Court”.
- (6) In paragraph 39 (bail and legal aid in criminal proceedings), in subparagraphs (2) to (4) –
- (a) for “Court” in each place substitute “Court of Appeal”;
- 40

- (b) for “Judicial Committee” and “Committee” substitute “Supreme Court”.
- 119 In paragraph 40 (application of paragraph 39 in particular circumstances), in sub-paragraphs (a) and (b) –
- (a) for “Judicial Committee” and “Committee” in each place substitute “Supreme Court”; 5
- (b) for “Court” substitute “Court of Appeal”.

SCHEDULE 9

Section 53

PROCEEDINGS UNDER JURISDICTION TRANSFERRED TO SUPREME COURT

- Interpretation* 10
- 1 (1) In this Schedule “transferred jurisdiction” means any jurisdiction of –
- (a) the House of Lords, or
- (b) the Judicial Committee of the Privy Council,
- that is transferred to the Supreme Court by virtue of this Act.
- (2) In relation to transferred jurisdiction – 15
- “original court” means (as appropriate) –
- (a) the House of Lords, or
- (b) the Judicial Committee of the Privy Council;
- “transfer day” means the day when the jurisdiction is transferred to the Supreme Court. 20
- 2 In this Schedule “transferred proceedings” means proceedings which were begun before the transfer day in the original court under transferred jurisdiction.
- Proceedings*
- 3 (1) As from the transfer day, transferred proceedings may be continued in the Supreme Court as if they had been begun in that court. 25
- (2) This paragraph is subject to Supreme Court Rules (whether made before or after the transfer date).
- 4 (1) Anything done in accordance with the rules of the original court in relation to transferred proceedings is, after the transfer day, to be treated as if it had been done in accordance with any Supreme Court Rules applicable to corresponding proceedings in the Supreme Court. 30
- (2) This paragraph is subject to Supreme Court Rules (whether made before or after the transfer date).
- 5 (1) Any act, judgment or order of the original court in the transferred proceedings is to have the same effect after the transfer day as if it had been an act, judgment or order of the Supreme Court in corresponding proceedings in that Court. 35
- (2) Accordingly, after the transfer day, further proceedings may be taken in the Supreme Court in respect of such an act, judgment or order. 40

Fees

- 6 (1) This paragraph applies to any fee due under the rules of the original court in relation to transferred proceedings which was unpaid on the transfer day.
- (2) As from the transfer day, the fee is payable as if it were due under the corresponding Supreme Court Rules. 5

Funds

- 7 (1) This paragraph applies to the investments and money which constitute the funds in court of –
- (a) the House of Lords, or
- (b) the Judicial Committee of the Privy Council, 10
- that are held in relation to transferred proceedings.
- (2) On the transfer day the investments and money are, by virtue of this paragraph and without any transfer or assignment, vested in the accounting officer as funds in the Supreme Court.
- (3) In dealing with any investments and money vested in him by virtue of this paragraph, the accounting officer must comply with any directions which the Minister may give with a view to securing the transition of the administration of the funds in court referred to in sub-paragraph (1). 15
- 8 (1) The transfer of any investments and money under paragraph 7 does not affect the right of any person in or to any thing so transferred. 20
- (2) Any such right may be enforced from the transfer day as if it had always been a right in respect of funds in the Supreme Court.
- 9 (1) This paragraph applies to a liability of the House of Lords or the Judicial Committee of the Privy Council if the following conditions are met –
- (a) the liability is in respect of sums which at one time formed part of funds in court held in relation to proceedings under transferred jurisdiction but which ceased to do so before the transfer day; 25
- (b) the liability is outstanding immediately before the transfer day.
- (2) On the transfer day the liability is, by virtue of this paragraph and without any transfer or assignment, vested in the accounting officer. 30
- (3) Any amounts required to meet any such liability are to be paid out of the Consolidated Fund to the accounting officer.
- 10 In paragraphs 7 and 9 “accounting officer” means the person who, in the view of the President of the Supreme Court, carries out duties in relation to that court that correspond as nearly as possible to the duties carried out in relation to the Supreme Court of England and Wales by the Accountant-General of that court. 35

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- (3) A lay member is a person resident in England or Wales who has never held a listed judicial office or been a practising lawyer.
- (4) A lay justice member is a justice of the peace who –
- (a) holds no other listed judicial office, or no other except that of General Commissioner, 5
 - (b) is not a practising barrister in England and Wales, and
 - (c) is not a practising solicitor of the Supreme Court of England and Wales.
- 5 (1) The Minister may by order amend any of the following provisions by substituting a number for the number for the time being specified there – 10
- (a) paragraph 1(b);
 - (b) any paragraph of paragraph 2(2);
 - (c) any paragraph of paragraph 2(3);
 - (d) any paragraph of paragraph 2(4).
- (2) That is subject to the following – 15
- (a) the total of the numbers in paragraph 2(2) must be the number in paragraph 1(b);
 - (b) the total of the numbers in paragraph 2(3) must be the number in paragraph 2(2)(a);
 - (c) the total of the numbers in paragraph 2(4) must be the number in paragraph 2(2)(b); 20
 - (d) the number substituted in any provision must not be less than the number specified in that provision as originally enacted.
- (3) The Minister may not make an order under this paragraph without the agreement of the Lord Chief Justice. 25
- 6 (1) In this Schedule –
- “judicial member” has the meaning given by paragraph 4(1);
 - “lay member” has the meaning given by paragraph 4(3);
 - “listed judicial office” means an office listed in Schedule 12;
 - “practising” is to be read in accordance with sub-paragraphs (2) and (3); 30
 - “practising lawyer” means –
 - (a) a practising barrister in England and Wales;
 - (b) a practising solicitor of the Supreme Court of England and Wales;
 - (c) a practising advocate in Scotland; 35
 - (d) a practising solicitor in Scotland;
 - (e) a practising member of the Bar of Northern Ireland;
 - (f) a practising solicitor of the Supreme Court of Judicature of Northern Ireland;
- “professional member” has the meaning given by paragraph 4(2); 40
- “senior Head of Division” means –
- (a) the Master of the Rolls;
 - (b) if that office is vacant, the President of the Queen’s Bench Division;
 - (c) if both of those offices are vacant, the President of the Family Division; 45

- (d) if all of those offices are vacant, the Chancellor of the High Court.
- (2) A barrister in England and Wales, an advocate in Scotland or a member of the Bar of Northern Ireland is practising if he is –
- (a) practising as such, 5
 - (b) employed to give legal advice, or
 - (c) providing legal advice under a contract for services.
- (3) A solicitor of the Supreme Court of England and Wales, a solicitor in Scotland or a solicitor of the Supreme Court of Judicature of Northern Ireland is practising if he is – 10
- (a) acting as such,
 - (b) employed to give legal advice, or
 - (c) providing legal advice under a contract for services.

Selection of commissioners

- 7 (1) The Minister may recommend a person for appointment as a Commissioner for the purposes of paragraph (a), (b) or (c) of paragraph 2(3) only if – 15
- (a) he has requested the Judges’ Council to select a person to be appointed for the purposes of that paragraph;
 - (b) the person has been selected by the Judges’ Council in accordance with that request, and 20
 - (c) the requirements of sub-paragraph (7) have been complied with.
- (2) The Minister may recommend a person for appointment as a Commissioner for the purposes of paragraph 1(a), any other paragraph of paragraph 2(3), any paragraph of paragraph 2(4) or any of paragraphs (c) to (e) of paragraph 2(2) only if – 25
- (a) he has requested a panel appointed by him to select a person or (as the panel may determine) more than one person for the purposes of such a recommendation, and
 - (b) the person he recommends is the person or one of the persons selected. 30
- (3) Subject to sub-paragraph (1), the Minister must recommend for appointment any person selected by the Judges’ Council.
- (4) A request under this paragraph must specify the provision for the purposes of which the appointment is to be made.
- (5) A request may specify the time within which a person is to be selected. 35
- (6) The Minister may appoint different panels for the purposes of different requests.
- (7) A selection by the Judges’ Council must be notified to the Minister in a report which gives reasons for the selection.
- (8) In this paragraph references to the Judges’ Council are to be read as references to a body designated for the purposes of this Schedule by the Lord Chief Justice. 40

Panels

- 8 (1) A panel appointed under paragraph 7(2) must have four members (subject to sub-paragraph (7)).
- (2) The first member must be a person selected by the Minister with the agreement of the Lord Chief Justice (or, if the office of Lord Chief Justice is vacant, with the agreement of the senior Head of Division). 5
- (3) That member is to be chairman of the panel.
- (4) The second member must be the Lord Chief Justice or his nominee, unless the office of Lord Chief Justice is vacant.
- (5) If that office is vacant, the second member must be the senior Head of Division or his nominee. 10
- (6) The third member must be a person nominated by the first member.
- (7) The chairman of the Commission must also be a member of the panel unless his office is vacant or is the office for which a recommendation is to be made.
- (8) A person must not be a member of the panel if he is employed in the civil service of the State. 15
- (9) A person must not be the first member if he is one of the following –
- (a) a Commissioner;
 - (b) a member of the staff of the Commission;
 - (c) a practising lawyer; 20
 - (d) the holder of a listed judicial office;
 - (e) a member of the House of Commons.
- (10) A person must not be the third member if he is a member of the House of Commons.
- (11) The Minister before selecting a person to be appointed as the first member, and the Lord Chief Justice or Head of Division before agreeing to the selection, must consider these questions – 25
- (a) whether the person has exercised functions that appear to him to be of a judicial nature and such as to make the person inappropriate for the appointment; 30
 - (b) whether any past service in a capacity listed in sub-paragraph (8) or (9) appears to him to make the person inappropriate for the appointment;
 - (c) whether the extent of any present or past party political activity or affiliations appears to him to make the person inappropriate for the appointment. 35
- (12) The first member must consider the same questions before nominating a person to be appointed as the third member.
- 9 The Minister may pay to a member of a panel appointed under paragraph 7(2) such remuneration, fees or expenses as he may determine. 40

Selection by a panel

- 10 (1) This paragraph applies to selection by a panel appointed under paragraph 7(2).

- (2) Before selecting a person the panel must consider –
- (a) in the case of a selection for the purposes of paragraph 2(4)(a), any views expressed by the General Council of the Bar;
 - (b) in the case of a selection for the purposes of paragraph 2(4)(b), any views expressed by the Law Society. 5
- (3) Before selecting a person for appointment as the chairman or one of the other lay members, the panel must consider –
- (a) whether the person has exercised functions that appear to the panel to be of a judicial nature and such as to make the person inappropriate for the appointment; 10
 - (b) whether any past service in a capacity listed in paragraph 8(9) or as a person employed in the civil service of the state appears to the panel to make the person inappropriate for the appointment;
 - (c) whether the extent of any present or past party political activity or affiliations appears to the panel to make the person inappropriate for the appointment. 15
- (4) The panel must select persons for appointment as lay members (including the chairman) with a view to securing, so far as practicable, that the persons so appointed include at any time at least one who appears to the panel to have special knowledge of Wales. 20

Vice-chairman

- 11 (1) The Commissioner who is the most senior of the persons appointed as judicial members is vice-chairman of the Commission.
- (2) For the purposes of sub-paragraph (1) –
- (a) seniority is by office held at the time (first Lord Justice of Appeal, then puisne judge, then circuit judge, then the offices mentioned in paragraph 2(3)(e)); 25
 - (b) between two holders of one of those offices, the person who has served longest in the office (over one or more periods) is the senior.
- (3) In the absence of the chairman, the vice-chairman may exercise the chairman’s functions other than under the following provisions – 30
- (a) paragraph 8(7);
 - (b) section 62;
 - (c) section 69.

Term of office etc. of Commissioners 35

- 12 (1) A Commissioner must be appointed for a fixed period.
- (2) But an appointment is subject to paragraphs 13 to 15.
- 13 A person –
- (a) may not be appointed as a Commissioner for more than 5 years at a time, and 40
 - (b) may not hold office as a Commissioner for periods (whether or not consecutive) totalling more than 10 years.
- 14 (1) The chairman ceases to be a Commissioner if he ceases to be chairman or ceases to be a lay member.

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- (2) Any other Commissioner ceases to be a Commissioner –
- (a) in the case of a judicial or professional member, on the earlier of ceasing to be such a member, and ceasing to fall within the paragraph of paragraph 2(3) or 2(4) for the purposes of which he was appointed; 5
 - (b) in any other case, on ceasing to fall within the paragraph of paragraph 2(2) for the purposes of which he was appointed.
- (3) But if (before or after such an event) the Minister directs in a particular case that sub-paragraph (2) is to be disregarded for a period specified in the direction, the person continues to be a Commissioner until the end of that period, subject to the terms of his appointment and the other provisions of this Schedule. 10
- (4) A Commissioner ceases to be a Commissioner if he becomes employed in the civil service of the State.
- 15 (1) A Commissioner may at any time – 15
- (a) resign his office by notice in writing addressed to Her Majesty;
 - (b) be removed from office by Her Majesty on the recommendation of the Minister.
- (2) The Minister may not under sub-paragraph (1) recommend that a Commissioner be removed from office unless he is satisfied that the Commissioner – 20
- (a) has failed without reasonable excuse to discharge the functions of his office for a continuous period of at least six months,
 - (b) has been convicted of an offence,
 - (c) is an undischarged bankrupt, or 25
 - (d) is otherwise unfit to hold his office or unable to discharge its functions.
- (3) A recommendation on the ground mentioned in sub-paragraph (2)(a) may not be made more than 3 months after the end of the period mentioned there.
- Term of office etc. of chairman* 30
- 16 If the chairman ceases to be a Commissioner, he ceases to be chairman.
- Salary, allowances and expenses*
- 17 (1) The Commission may –
- (a) pay to each Commissioner such remuneration, fees or expenses as the Minister may determine; 35
 - (b) pay, or make provision for the payment of, such pension, allowance or gratuity as the Minister may determine to or in respect of a person who is or has been a Commissioner.
- (2) If –
- (a) a person ceases to hold office as a Commissioner other than on the expiry of his term of appointment, and 40
 - (b) it appears to the Minister that there are special circumstances that would warrant the payment of compensation to him,
- the Minister may direct the Commission to make to or in respect of that person a payment of such amount as the Minister may determine. 45

Code of Conduct

- 18 The Minister may issue and from time to time revise a code of conduct to be observed by the Commissioners.

PART 2

THE COMMISSION

5

Status of the Commission and its property

- 19 (1) The Commission is not to be regarded –
 (a) as the servant or agent of the Crown, or
 (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The property of the Commission is not to be regarded as property of, or property held on behalf of, the Crown. 10

Powers

- 20 (1) The Commission may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of its functions.
- (2) But the Commission may not borrow money except with the agreement of the Minister. 15
- (3) Nothing in this Schedule is to be read as limiting the generality of subparagraph (1).

Committees

- 21 (1) The Commission may establish committees. 20
- (2) A committee of the Commission may establish sub-committees.
- (3) A person may not be a member of a committee or sub-committee unless he is a Commissioner.
- (4) The Commission may delegate functions to a committee, and a committee may delegate functions (including functions delegated to them) to a sub-committee. 25
- (5) The function of making a selection under this Part of this Act may be delegated only to a committee or sub-committee whose members include at least one judicial member and one lay member.
- (6) In sub-paragraphs (2) to (5) references to a committee do not include references to a selection panel appointed under section 61 or 68. 30

Procedure and proceedings

- 22 (1) The Commission may regulate its own procedure, and the procedure of its committees and sub-committees, including quorum.
- (2) But the quorum of a committee or sub-committee to which the Commission's function of making a selection under this Part of this Act has been delegated must not be less than 3. 35

- (3) The validity of proceedings of the Commission or a committee or sub-committee is not affected by –
- (a) a vacancy among the members, or
 - (b) a defect in the appointment of a member.

Staff 5

- 23 (1) The Commission –
- (a) must appoint a chief executive, and
 - (b) may appoint such other staff as it considers necessary to assist in the performance of its functions.
- (2) The Commission must not appoint a person as chief executive unless the Minister approves the appointment. 10
- (3) Staff are to be –
- (a) appointed on terms and conditions determined by the Commission, and approved by the Minister, and
 - (b) paid by the Commission in accordance with provision made by or under the terms of appointment. 15
- (4) In determining the terms and conditions the Commission must have regard to the desirability of keeping remuneration and the other terms and conditions broadly in line with those applying to employment in the civil service of the State. 20
- (5) In Schedule 1 to the Superannuation Act 1972 (c. 11) (kinds of employment to which a scheme under section 1 of the Act may apply), at the end of the list of “Royal Commissions and other Commissions” insert –
“Judicial Appointments Commission.”
- (6) The Commission must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (5) in the sums payable out of money provided by Parliament under the Superannuation Act 1972. 25
- (7) Staff of the Commission are not to be regarded as –
- (a) servants or agents of the Crown, or
 - (b) enjoying any status, immunity or privilege of the Crown. 30

Arrangements for assistance

- 24 (1) The Commission may make arrangements with such persons as it considers appropriate for assistance to be provided to it.
- (2) Arrangements may include the paying of fees to such persons. 35
- (3) No arrangements may be made under this paragraph unless approved by the Minister.

Appointments and arrangements by the Minister

- 25 (1) The Minister may appoint a person to serve as chief executive until the first appointment under paragraph 23(1)(a) takes effect. 40
- (2) A chief executive serving under sub-paragraph (1) may incur expenditure and do other things (including appointing staff and making arrangements

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- for assistance under paragraph 24) in the name and on behalf of the Commission –
- (a) before the membership of the Commission is first constituted in accordance with paragraph 1, and
 - (b) thereafter, until the Commission determines otherwise. 5
- (3) A chief executive’s powers under sub-paragraph (2) are exercisable subject to any directions given to him by the Minister.
- 26 (1) The Minister may –
- (a) appoint persons to serve as members of the Commission’s staff;
 - (b) make arrangements in the name and on behalf of the Commission for other assistance to be provided to the Commission. 10
- (2) The Minister may not exercise his powers under sub-paragraph (1) later than –
- (a) the end of 3 years after the day on which the Commission is first constituted in accordance with paragraph 1, or 15
 - (b) such earlier time as the Commission may determine.
- (3) If there is a chief executive of the Commission the Minister may not exercise his powers under sub-paragraph (1) without the agreement of the chief executive.
- Power to transfer staff to employment of the Commission* 20
- 27 (1) The Minister may by regulations provide for the employment of any relevant person to be transferred to the Commission.
- (2) A relevant person is any person who, immediately before the date prescribed in regulations under sub-paragraph (1), is –
- (a) employed in the civil service of the State, and 25
 - (b) providing assistance to the Commission in pursuance of arrangements made under paragraph 24 or 26.
- (3) But a person is not a relevant person if –
- (a) his employment in the civil service ends on the day immediately before the date referred to in sub-paragraph (2), or 30
 - (b) he is withdrawn from work with the Commission with effect from that date.
- (4) Before making any regulations under this paragraph the Minister must consult such organisations as appear to him to represent the interests of persons likely to be affected by the regulations. 35
- (5) The Minister may only exercise his power under sub-paragraph (1) –
- (a) before the membership of the Commission is first constituted in accordance with paragraph 1, and
 - (b) with the agreement of the Commission, during the period of 3 years beginning with the day on which the Commission is first constituted in accordance with that paragraph. 40

Delegation

- 28 (1) The Commission may delegate functions to –
- (a) any of its staff,

- (b) any person with whom arrangements are made under paragraph 24 or 26, or
 - (c) any person providing assistance to the Commission in pursuance of such arrangements.
- (2) A committee, a sub-committee or the chief executive may delegate functions (including functions delegated to them or him) to any of the persons listed at sub-paragraph (1). 5
- (3) Sub-paragraphs (1) and (2) do not apply to the functions of the Commission, or of a selection panel appointed under section 61 or 68, of making a selection under this Part of this Act. 10

Delegation and contracting out of superannuation functions

- 29 (1) Section 1(2) of the Superannuation Act 1972 (c. 11) (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another officer of the Crown etc.) has effect as if the reference to an officer of the Crown other than a Minister included a reference to the Commission’s chief executive. 15
- (2) Any administration function conferred on the chief executive under section 1(2) of that Act (in accordance with sub-paragraph (1)) may be exercised by, or by employees of, any person authorised by the chief executive.
- (3) “Administration function” means a function of administering schemes – 20
- (a) made under section 1 of that Act, and
 - (b) from time to time in force.
- (4) The chief executive may, under sub-paragraph (2), authorise a person to exercise administrative functions – 25
- (a) to their full extent or to a specified extent;
 - (b) in all cases or in specified cases;
 - (c) unconditionally or subject to specified conditions.
- (5) An authorisation under sub-paragraph (2) – 30
- (a) is to be treated for all purposes as given by virtue of an order under section 69 of the Deregulation and Contracting Out Act 1994 (c. 40) (contracting out of functions of Ministers and office-holders);
 - (b) may be revoked at any time by the Commission or the chief executive.

Inspection of documents

- 30 (1) The Commission must permit any person authorised by the Minister to inspect or make copies of accounts or other documents which in the opinion of the Minister relate to costs and expenditure of the Commission. 35
- (2) The Commission must provide such explanation of accounts or documents inspected or copied by any person under this paragraph as that person or the Minister may require. 40

Financial provisions and directions

- 31 (1) The Minister must pay to the Commission such sums as he may determine are appropriate for, or in connection with, the exercise by it of its functions.

- (2) The Minister may by direction require the Commission—
- (a) not to incur costs and expenditure in excess of a specified amount without his consent;
 - (b) to follow specified procedures in relation to its costs and expenditure. 5
- (3) A direction under sub-paragraph (2) may relate to all of the Commission’s costs and expenditure, or to costs and expenditure of a specified description.

Accounts and audit

- 32 (1) The Commission must keep proper accounts and proper records in relation to them. 10
- (2) The Commission must prepare a statement of accounts in respect of each financial year.
- (3) The statement must give a true and fair view of the state of the Commission’s affairs at the end of the financial year, and of its income and expenditure and cash flows in the financial year. 15
- (4) The statement must be in compliance with any directions given by the Minister with the Treasury’s consent as to the information to be contained in the statement, the manner in which the information is to be presented or the methods and principles according to which the statement is to be prepared.
- (5) The Commission must send the statement to the Minister at such time as he may direct. 20
- (6) The Minister must, on or before 31 August in any year, send to the Comptroller and Auditor General the statement prepared by the Commission for the financial year last ended.
- (7) The Comptroller and Auditor General must examine, certify and report on the statement sent to him under sub-paragraph (6) and must lay copies of it and of his report before each House of Parliament. 25

Reports

- 33 (1) The Commission must, as soon as practicable after the end of each financial year, provide to the Minister a report about the performance of its functions during that year. 30
- (2) After consulting the Lord Chief Justice, the Minister may by direction require the Commission to deal, in reports or a particular report under sub-paragraph (1), with matters specified in the direction.
- (3) The Commission must, as soon as practicable after a direction by the Minister under this sub-paragraph, provide to the Minister a report about any matter or matters specified in the direction. 35
- (4) The Minister must lay before each House of Parliament a copy of any report provided to him under sub-paragraph (1).
- (5) The Commission must publish any report once copies of it have been laid under sub-paragraph (4). 40

Documentary evidence

- 34 The application of the seal of the Commission is to be authenticated by the signature of any Commissioner or member of staff of the Commission who has been authorised (whether generally or specifically) for the purpose.
- 35 Any contract or instrument which, if entered into or executed by an individual, would not need to be under seal, may be entered into or executed on behalf of the Commission by any person who has been authorised (whether generally or specifically) for the purpose. 5
- 36 A document purporting to be –
(a) duly executed under the seal of the Commission, or
(b) signed on behalf of the Commission,
is to be received in evidence and, unless the contrary is proved, taken to be executed or signed in that way. 10

General

- 37 (1) “Financial year” in this Schedule, means – 15
(a) the period beginning with the date on which section 55 comes into force and ending with the following 31 March, and
(b) each successive period of twelve months.
- (2) In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified) at the appropriate place insert – 20
“The Judicial Appointments Commission.”.
- (3) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (other public bodies and offices which are public authorities) at the appropriate place insert – 25
“The Judicial Appointments Commission.”

SCHEDULE 11

Section 56

THE JUDICIAL APPOINTMENTS AND CONDUCT OMBUDSMAN

The Ombudsman

- 1 (1) The Ombudsman is appointed by Her Majesty on the recommendation of the Minister. 30
- (2) A person may be appointed as the Ombudsman only if he has never been any of these –
(a) a practising barrister in England and Wales;
(b) a practising solicitor of the Supreme Court of England and Wales; 35
(c) a practising advocate in Scotland;
(d) a practising solicitor in Scotland;
(e) a practising member of the Bar of Northern Ireland;
(f) a practising solicitor of the Supreme Court of Judicature of Northern Ireland; 40

- (g) the holder of an office listed in Schedule 12.
- 2 (1) In this Schedule “practising” is to be read in accordance with subparagraphs (2) and (3).
- (2) A barrister in England and Wales, an advocate in Scotland or a member of the Bar of Northern Ireland is practising if he is – 5
- (a) practising as such,
- (b) employed to give legal advice, or
- (c) providing legal advice under a contract for services.
- (3) A solicitor of the Supreme Court, a solicitor in Scotland or a solicitor of the Supreme Court of Judicature of Northern Ireland is practising if he is – 10
- (a) acting as such,
- (b) employed to give legal advice, or
- (c) providing legal advice under a contract for services.

Term of office etc. of Ombudsman

- 3 (1) The Ombudsman must be appointed for a fixed period. 15
- (2) But an appointment is subject to paragraphs 4 and 5.
- 4 (1) A person –
- (a) may not be appointed as the Ombudsman for more than 5 years at a time, and
- (b) may not hold office as the Ombudsman for periods (whether or not consecutive) totalling more than 10 years. 20
- 5 (1) The Ombudsman may at any time –
- (a) resign his office by notice in writing addressed to Her Majesty;
- (b) be removed from office by the Minister.
- (2) The Minister may not remove the Ombudsman from office unless he is satisfied that the Ombudsman – 25
- (a) has, within the preceding nine months, failed to discharge the functions of his office for a continuous period of at least six months,
- (b) has been convicted of an offence,
- (c) is an undischarged bankrupt, or 30
- (d) is otherwise unfit to hold his office or unable to discharge its functions.

Salary, allowances and expenses

- 6 (1) The Minister may –
- (a) pay to the Ombudsman such remuneration, fees or expenses as the Minister may determine; 35
- (b) pay, or make provision for the payment of, such pension, allowance or gratuity as the Minister may determine to or in respect of a person who is or has been the Ombudsman.
- (2) If – 40
- (a) the Ombudsman ceases to hold office other than on the expiry of his term of appointment, and

(b) it appears to the Minister that there are special circumstances that would warrant the payment of compensation to him, the Minister may make to or in respect of him a payment of such amount as the Minister may determine.

Acting Ombudsman 5

- 7 (1) The Minister may appoint a person to exercise the functions of the Ombudsman if –
- (a) the Ombudsman’s office becomes vacant,
 - (b) the Minister determines that the Ombudsman is incapable of exercising his functions, or 10
 - (c) the Ombudsman notifies the Minister that it would be inappropriate for him to exercise any of his functions in connection with a particular matter because of a possible conflict of interests or for any other reason.
- (2) But a person may be appointed under this paragraph only if he is eligible under paragraph 1(2) to be appointed as Ombudsman. 15
- (3) The Minister may –
- (a) pay to a person appointed under this paragraph such remuneration, fees or expenses as the Minister may determine;
 - (b) pay, or make provision for the payment of, such pension, allowance or gratuity as the Minister may determine to or in respect of a person who is or has been a person appointed under this paragraph. 20
- (4) A person appointed under this paragraph is to exercise the functions of the Ombudsman in accordance with the terms of his appointment.
- (5) The Minister may end an appointment under this paragraph at any time. 25
- (6) Otherwise any appointment of a person under this paragraph ends on the earliest of –
- (a) that person’s ceasing to be eligible to be appointed as Ombudsman;
 - (b) the expiry of the appointment in accordance with its terms and conditions; 30
 - (c) the date on which with the agreement of the Minister the Ombudsman resumes the exercise of his functions;
 - (d) the appointment of a new Ombudsman;
 - (e) the end of twelve months beginning with the relevant date.
- (7) The relevant date is – 35
- (a) if the appointment was under sub-paragraph (1)(a), the date when the vacancy arose;
 - (b) if the appointment was under sub-paragraph (1)(b), the date of the Minister’s determination;
 - (c) if the appointment was under sub-paragraph (1)(c), the date of the notification. 40

Status of the Ombudsman

- 8 The person for the time being holding the office of the Ombudsman is by the name of that office a corporation sole.

Powers of the Ombudsman

- 9 (1) The Ombudsman does not have power to do any of the following—
- (a) to borrow money;
 - (b) to hold real property;
 - (c) to appoint staff (except by way of arrangements under paragraph 10). 5
- (2) Subject to sub-paragraph (1), the Ombudsman may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of his functions.
- (3) Nothing in this Schedule is to be read as limiting the generality of sub-paragraph (1). 10

Arrangements for assistance

- 10 (1) The Ombudsman may make arrangements with such persons as he considers appropriate for assistance to be provided to him.
- (2) Arrangements may include the paying of fees to such persons. 15
- (3) No arrangements may be made under this paragraph unless approved by the Minister.

Arrangements by the Minister

- 11 Unless the Ombudsman has made arrangements under paragraph 10, the Minister may make arrangements for assistance to be provided to the Ombudsman. 20

Delegation of functions

- 12 (1) The Ombudsman may delegate any functions to—
- (a) any person with whom arrangements are made under paragraph 10 or 11, or 25
 - (b) any person providing assistance to the Ombudsman in pursuance of such arrangements.
- (2) But all recommendations and reports prepared by or on behalf of the Ombudsman must be signed by him.

Financial provisions and directions 30

- 13 (1) Expenditure incurred by the Ombudsman in the discharge of his functions is to be met by the Minister.
- (2) The Minister may by direction require the Ombudsman—
- (a) not to incur costs and expenditure in excess of a specified amount without his consent; 35
 - (b) to follow specified procedures in relation to his costs and expenditure.
- (3) A direction under sub-paragraph (2) may relate to all of the Ombudsman's costs and expenditure, or to costs and expenditure of a specified description.

Reports

- 14 (1) The Ombudsman must, as soon as practicable after the end of each financial year, provide to the Minister a report about the performance of his functions during that year.
- (2) The Minister may by direction require the Ombudsman to deal, in reports or a particular report under sub-paragraph (1), with matters specified in the direction. 5
- (3) The Ombudsman must, as soon as practicable after a direction by the Minister under this sub-paragraph, provide to the Minister a report about any matter or matters specified in the direction. 10
- (4) The Minister must lay before each House of Parliament a copy of any report provided to him under sub-paragraph (1).
- (5) The Ombudsman must publish any report once copies of it have been laid under sub-paragraph (4).

Documentary evidence 15

- 15 A document purporting to be an instrument issued by the Ombudsman and to be signed by or on behalf of the Ombudsman is to be received in evidence and, unless the contrary is proved, taken to be such an instrument and signed in that way.

General 20

- 16 (1) “Financial year” in this Schedule, means –
- (a) the period beginning with the date on which section 56 comes into force and ending with the following 31 March, and
- (b) each successive period of twelve months.
- (2) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (other disqualifying offices) at the appropriate place insert –
- “The Judicial Appointments and Conduct Ombudsman.” 25
- (3) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (other public bodies and offices which are public authorities) at the appropriate place insert –
- “The Judicial Appointments and Conduct Ombudsman.” 30

SCHEDULE 12

Section 74

THE JUDICIAL APPOINTMENTS COMMISSION: RELEVANT OFFICES AND ENACTMENTS

PART 1

APPOINTMENTS BY HER MAJESTY

<i>Office</i>	<i>Enactment</i>	
Judge Advocate of Her Majesty's Fleet	Section 28(1) of the Courts-Martial (Appeals) Act 1951 (c. 46)	5
Judge Advocate General	Section 29 of the Courts-Martial (Appeals) Act 1951	
Common Serjeant	Section 12(1) of the City of London (Courts) Act 1964 (c. iv)	10
Circuit judge	Section 16(1) of the Courts Act 1971 (c. 23)	
Recorder	Section 21(1) of the Courts Act 1971	
Non-judicial member of the Restrictive Practices Court	Section 3(1) of the Restrictive Practices Court Act 1976 (c. 33)	15
Master, Queen's Bench Division Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals Admiralty Registrar Master, Chancery Division	Section 89(1) of the Supreme Court Act 1981	20
Registrar in Bankruptcy of the High Court Taxing Master of the Supreme Court District judge of the principal registry of the Family Division Master of the Court of Protection		25
Senior Master of the Queen's Bench Division Chief Chancery Master Chief Taxing Master Chief Bankruptcy Registrar	Section 89(3) of the Supreme Court Act 1981 (c. 54) (c. 54)	30
Senior District Judge of the Family Division		35

<i>Office</i>	<i>Enactment</i>	
District judge	Section 6(1) of the County Courts Act 1984 (c. 28)	
Chief Child Support Commissioner Child Support Commissioner	Section 22(1) of the Child Support Act 1991 (c. 48)	5
Member of the Employment Appeal Tribunal	Section 22(1)(c) of the Employment Tribunals Act 1996 (c. 17)	
District Judge (Magistrates' Courts)	Section 10A(1) of the Justices of the Peace Act 1997 (c. 25)	10
Senior District Judge (Chief Magistrate) Deputy Senior District Judge (Chief Magistrate)	Section 10A(2) of the Justices of the Peace Act 1997	
Chief Social Security Commissioner Social Security Commissioner	Paragraph 1(1) of Schedule 4 to the Social Security Act 1998 (c. 14)	15
District Judge (Magistrates' Courts)	Section 22(1) of the Courts Act 2003 (c. 39)	
Senior District Judge (Chief Magistrate) Deputy Senior District Judge (Chief Magistrate)	Section 23 of the Courts Act 2003 (c. 39)	20

PART 2

APPOINTMENTS BY THE MINISTER: OFFICES TO WHICH PARAGRAPH 2(2)(D) OF SCHEDULE 10 DOES NOT APPLY 25

<i>Office</i>	<i>Enactment</i>	
Vice Judge Advocate General Assistant Judge Advocate General	Section 30(1) of the Courts-Martial (Appeals) Act 1951 (c. 46)	30
Person appointed temporarily to assist the Judge Advocate General	Section 30(2) of the Courts-Martial (Appeals) Act 1951	
Judge of the Courts-Martial Appeal Court	Section 2(2) of the Courts-Martial (Appeals) Act 1968 (c. 20)	
General Commissioner	Section 2 of the Taxes Management Act 1970 (c. 9)	35
Assistant recorder	Section 24(1) of the Courts Act 1971 (c. 23)	

Schedule 12 – The Judicial Appointments Commission: Relevant Offices and Enactments
 Part 3 – Appointments by the Minister: offices to which paragraph 2(2)(d) of Schedule 10 applies

<i>Office</i>	<i>Enactment</i>	
Deputy district judge in a district registry of the High Court	Section 102(1) of the Supreme Court Act 1981 (c. 54)	
Deputy district judge for a county court district	Section 8(1) of the County Courts Act 1984 (c. 28)	5
Justice of the peace	Section 5 of the Justices of the Peace Act 1997 (c. 25)	
Deputy District Judge (Magistrates' Courts)	Section 10B(1) of the Justices of the Peace Act 1997 (c. 25)	
Justice of the peace who is not a District Judge (Magistrates' Courts)	Section 10(1) of the Courts Act 2003 (c. 39)	10
Deputy District Judge (Magistrates' Courts)	Section 24(1) of the Courts Act 2003	

PART 3

APPOINTMENTS BY THE MINISTER: OFFICES TO WHICH PARAGRAPH 2(2)(D) OF SCHEDULE 10 APPLIES 15

<i>Office</i>	<i>Enactment</i>	
Member of pensions appeal tribunal	Paragraphs 2 and 3 of the Schedule to the War Pensions (Administrative Provisions) Act 1919 (c. 53)	20
Member of the Shipping Claims Tribunal President of the Shipping Claims Tribunal	Section 8(1) of the Compensation (Defence) Act 1939 (c. 75)	
Member of panel	Section 109(1)(a) of the London Building Acts (Amendment) Act 1939 (c. xcvi)	25
Deputy member of panel	Section 109(1)(h) of the London Building Acts (Amendment) Act 1939	
Member of a Pensions Appeal Tribunal	Paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 (c. 39)	30
President of Pensions Appeal Tribunals Deputy President of Pensions Appeal Tribunals	Paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943 (c. 39)	35

<i>Office</i>	<i>Enactment</i>	
Member of panel of persons to act as arbitrators Chairman of panel of persons to act as arbitrators Deputy chairman of panel of persons to act as arbitrators	Section 61(1) of the Coal Industry Nationalisation Act 1946 (c. 59)	5
Chairman of an Agricultural Land Tribunal	Paragraph 13(1) of Schedule 9 to the Agriculture Act 1947 (c. 48)	
Member of panel of deputy-chairmen of Agricultural Land Tribunal	Paragraph 14(1) of Schedule 9 to the Agriculture Act 1947	10
Member of panel	Paragraph 15(1) of Schedule 9 to the Agriculture Act 1947	
President of the Lands Tribunal Member of the Lands Tribunal	Section 2(1) of the Lands Tribunal Act 1949 (c. 42)	15
First of the three arbitration committee members	Section 7(6) of the National Health Service (Amendment) Act 1949 (c. 93)	
Arbitrator	Section 18(3) of the National Parks and Access to the Countryside Act 1949 (c. 97)	20
Chairman of the Foreign Compensation Commission	Section 1(1) of the Foreign Compensation Act 1950 (c. 12)	
Arbitrator	Paragraph 3(4) of Schedule 6 to the Transport Act 1962 (c. 46)	25
Chairman of a Levy Appeal Tribunal	Section 29(2)(a) of the Betting, Gaming and Lotteries Act 1963 (c. 2)	
Commons Commissioner Chief Commons Commissioner	Section 17(1) of the Commons Registration Act 1965 (c. 64)	30
Substitute Chief Commons Commissioner	Section 17(3) of the Commons Registration Act 1965	
Arbitrator	Section 15A(3) of the Countryside Act 1968 (c. 41)	
Arbitrator	Paragraph 13(3) of Schedule 4 to the Transport Act 1968 (c. 73)	35
Special Commissioner Presiding Special Commissioner	Section 4(1) of the Taxes Management Act 1970 (c. 9)	
Deputy Special Commissioner	Section 4A(1) of the Taxes Management Act 1970	40

Schedule 12 – The Judicial Appointments Commission: Relevant Offices and Enactments
 Part 3 – Appointments by the Minister: offices to which paragraph 2(2)(d) of Schedule 10 applies

<i>Office</i>	<i>Enactment</i>	
Chairman of a tribunal	Paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 (c. 38)	
President of tribunal established by the Secretary of State	Paragraph 4(a) of Schedule 3 to the Industry Act 1975 (c. 68)	5
President of the Aircraft and Shipbuilding Industries Arbitration Tribunal	Section 42(3)(a) of the Aircraft and Shipbuilding Industries Act 1977 (c. 3)	
Member of panel	Paragraph 2(a) of Schedule 10 to the Rent Act 1977 (c. 42)	10
President of the Family Health Services Appeal Authority Deputy President of the Family Health Services Appeal Authority Member of the Family Health Services Appeal Authority	Paragraph 1 of Schedule 9A to the National Health Service Act 1977 (c. 49)	15
Arbitrator	Paragraph 12(3) of Schedule 2 to the British Telecommunications Act 1981 (c. 38)	
Arbitrator	Section 28N(3) of the Wildlife and Countryside Act 1981 (c. 69)	20
Arbitrator	Section 66(4)(a) of the Transport Act 1982 (c. 49)	
Member of the Mental Health Review Tribunal	Paragraph 1 of Schedule 2 to the Mental Health Act 1983 (c. 20)	25
Chairman of the Mental Health Review Tribunal	Paragraph 3 of Schedule 2 to the Mental Health Act 1983	
Arbitrator	Paragraph 2(5) of Schedule 1 to the Ordnance Factories and Military Services Act 1984 (c. 59)	30
Member of panel	Paragraph 2(1)(a) of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985 (c. 17)	
President of the Transport Tribunal Chairman of the Transport Tribunal	Paragraph 2(1)(a) of Schedule 4 to the Transport Act 1985 (c. 67)	35
Member of Insolvency Practitioners Tribunal panel	Paragraph 1(1)(a) of Schedule 7 to the Insolvency Act 1986 (c. 45)	
Member of panel constituted for the purposes of Schedule 11	Paragraph 1(5) of Schedule 11 to the Agricultural Holdings Act 1986 (c. 5)	40

<i>Office</i>	<i>Enactment</i>	
Chairman of section 706 tribunal Member of section 706 tribunal	Section 706(1) of the Income and Corporation Taxes Act 1988 (c. 1)	
Arbitrator	Paragraph 9(4) of Schedule 10 to the Education Reform Act 1988 (c. 40)	5
Chairman of the Copyright Tribunal Deputy chairman of the Copyright Tribunal	Section 145(2) of the Copyright, Designs and Patents Act 1988 (c. 48)	10
Arbitrator	Paragraph 9(2)(a) of Schedule 10 to the Electricity Act 1989 (c. 29)	
Arbitrator	Schedule 9, paragraph 5(5)(a), of the Broadcasting Act 1990 (c. 42)	
Deputy Child Support Commissioner	Paragraph 4(1) of Schedule 4 to the Child Support Act 1991 (c. 48)	15
Arbitrator	Paragraph 11(5) of Schedule 2 to the Ports Act 1991 (c. 52)	
Member of panel	Section 31(1) of the Land Drainage Act 1991 (c. 59)	20
President of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals Chairman of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals	Section 51(1) of the Social Security Administration Act 1992 (c. 5)	25
Arbitrator	Paragraph 7(4) of Schedule 5 to the Further and Higher Education Act 1992 (c. 13)	
Member of panel	Section 6(1) of the Tribunals and Inquiries Act 1992 (c. 53)	30
Member of tribunal for the purposes of section 150 of the Mines and Quarries Act 1954 (c. 70) Chairman of tribunal for the purposes of section 150 of the Mines and Quarries Act 1954	Section 6(5) of the Tribunals and Inquiries Act 1992	35
Arbitrator	Paragraph 8(6)(a) of Schedule 2 to the Coal Industry Act 1994 (c. 21)	
President of VAT tribunals	Paragraph 2(2) of Schedule 12 to the Value Added Tax Act 1994 (c. 23)	40

Schedule 12 – The Judicial Appointments Commission: Relevant Offices and Enactments
Part 3 – Appointments by the Minister: offices to which paragraph 2(2)(d) of Schedule 10 applies

<i>Office</i>	<i>Enactment</i>	
Member of panel of chairmen	Paragraph 7(3)(a) of Schedule 12 to the Value Added Tax Act 1994 (c. 23)	
Persons appointed to hear and determine appeals	Section 77(1) of the Trade Marks Act 1994 (c. 26)	5
Wreck commissioner	Section 297(1) of the Merchant Shipping Act 1995 (c. 21)	
Arbitrator	Paragraph 10(6)(a) of Schedule 1 to the Atomic Energy Authority Act 1995 (c. 37)	10
Person nominated for the purpose of Schedule 6 to the Police Act 1996	Paragraph 1(1)(a) of Schedule 6 to the Police Act 1996 (c. 16)	
Arbitrator	Paragraph 8(6)(a) of Schedule 5 to the Broadcasting Act 1996 (c. 55)	
Chairman of a tribunal	Schedule 2, paragraph 1(1)(a), to the School Inspections Act 1996 (c. 57)	15
President of the Special Educational Needs and Disability Tribunal	Section 333 of the Education Act 1996 (c. 56)	
Member of the chairmen's panel of the Special Educational Needs and Disability Tribunal		20
Member of panel of chairmen for England and Wales	Paragraph 6(2)(a) of the Schedule to the Deregulation (Model Appeal Provisions) Order 1996 (S.I. 1996/1678)	
Chairman of the Plant Varieties and Seeds Tribunal	Paragraph 2(1) of Schedule 3 to the Plant Varieties Act 1997 (c. 66)	25
Member of Special Immigration Appeals Commission	Paragraph 1(1) of Schedule 1 to the Special Immigration Appeals Commission Act 1997 (c. 68)	
Chairman of Special Immigration Appeals Commission	Paragraph 2 of Schedule 1 to the Special Immigration Appeals Commission Act 1997	30
President of appeal tribunals	Section 5(1) of the Social Security Act 1998 (c. 14)	
Member of panel of persons to act as members of appeal tribunals	Section 6(2) of the Social Security Act 1998	35
Social Security Commissioner (deputy)	Paragraph 1(2) of Schedule 4 to the Social Security Act 1998	

<i>Office</i>	<i>Enactment</i>	
Chairman of the Information Tribunal Deputy chairman of the Information Tribunal	Section 6(4) of the Data Protection Act 1998 (c. 29)	5
President of the Tribunal Member of the chairman's panel of the Tribunal	Paragraph 2(1) of the Schedule to the Protection of Children Act 1999 (c. 14)	
Member of the lay panel of the Tribunal	Paragraph 2(3) of the Schedule to the Protection of Children Act 1999	10
Member of appeal panel	Section 189(6) of the Greater London Authority Act 1999 (c. 29)	
Member of the Immigration Services Tribunal	Paragraph 1(2) of Schedule 7 to the Immigration and Asylum Act 1999 (c. 33)	15
President of the Immigration Services Tribunal	Paragraph 2 of Schedule 7 to the Immigration and Asylum Act 1999	
President of the Financial Services and Markets Tribunal	Paragraph 2(1) of Schedule 13 to the Financial Services and Markets Act 2000 (c. 8)	20
Deputy President of the Financial Services and Markets Tribunal	Paragraph 2(3) of Schedule 13 to the Financial Services and Markets Act 2000	
Member of panel of chairmen of the Financial Services and Markets Tribunal	Paragraph 3(1) of Schedule 13 to the Financial Services and Markets Act 2000	25
Member of lay panel of the Financial Services and Markets Tribunal	Paragraph 3(4) of Schedule 13 to the Financial Services and Markets Act 2000	
Member of the Proscribed Organisations Appeal Commission	Paragraph 1(1) of Schedule 3 to the Terrorism Act 2000 (c. 11)	30
Chairman of the Proscribed Organisations Appeal Commission	Paragraph 1(2) of Schedule 3 to the Terrorism Act 2000	
Member of the Adjudication Panel for England	Section 75(3) of the Local Government Act 2000 (c. 22)	
President of the Adjudication Panel for England Deputy President of the Adjudication Panel for England	Section 75(4) of the Local Government Act 2000	35
Member of the Pathogens Access Appeal Commission	Paragraph 1(1) of Schedule 6 to the Anti-terrorism, Crime and Security Act 2001 (c. 24)	40

Schedule 12 – The Judicial Appointments Commission: Relevant Offices and Enactments
Part 3 – Appointments by the Minister: offices to which paragraph 2(2)(d) of Schedule 10 applies

<i>Office</i>	<i>Enactment</i>	
Chairman of the Pathogens Access Appeal Commission	Paragraph 1(2) of Schedule 6 to the Anti-terrorism, Crime and Security Act 2001	
President of the Employment Tribunals (England and Wales)	Regulation 3(1) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001 (S.I. 2001/1171)	5
Member of panel	Regulation 5(1)(a) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001	10
Regional Chairman	Regulation 8(1) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001	
Road user charging adjudicator	Regulation 3(1) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (S.I. 2001/2313)	15
Adjudicator to Her Majesty's Land Registry	Section 107(1) of the Land Registration Act 2002 (c. 9)	
President of the Competition Appeal Tribunal	Section 12(2)(a) of the Enterprise Act 2002 (c. 40)	20
Member of panel of chairmen of the Competition Appeal Tribunal	Section 12(2)(b) of the Enterprise Act 2002	
Acting President of Competition Appeal Tribunal	Paragraph 3 of Schedule 2 to the Enterprise Act 2002	25
Member of panel of assessors to assist Special Commissioners	Section 320(3)(b) of the Proceeds of Crime Act 2002 (c. 29)	
Adjudicator	Section 81(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41)	30
Chief Adjudicator Deputy Chief Adjudicator Regional Adjudicator Deputy Regional Adjudicator	Section 81(3) of the Nationality, Immigration and Asylum Act 2002	35
Member of the Immigration Appeal Tribunal	Paragraph 1 of Schedule 5 to the Nationality, Immigration and Asylum Act 2002	
Deputy President of the Immigration Appeal Tribunal	Paragraph 4(1) of Schedule 5 to the Nationality, Immigration and Asylum Act 2002	40

<i>Office</i>	<i>Enactment</i>
Arbitrator	Paragraph 4(7)(a) of Schedule 2 to the Communications Act 2003 (c. 21)

SCHEDULE 13

Section 110

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

5

Judicial Committee Act 1833 (c. 41)

1 The Judicial Committee Act 1833 is amended as follows.

2 For section 1 substitute –

“1 The Judicial Committee of the Privy Council

(1) There shall be a committee of the Privy Council styled “The Judicial Committee of the Privy Council”. 10

(2) A person is a member of the committee if –

(a) he is a member of the Privy Council who holds, or has held, high judicial office, or

(b) another enactment provides for him to be a member of the committee. 15

(3) Subsection (2)(a) does not apply to a person after the day on which he attains the age of 75 years.

(4) In this section “high judicial office” has the same meaning as in Part 3 of the Constitutional Reform Act 2005.” 20

3 For section 18 substitute –

“18 Appointment of registrar

(1) Her Majesty may, under her sign manual, appoint any person to be the registrar of the said privy council, as regards the purposes of this Act, and direct what duties shall be performed by the registrar. 25

(2) A recommendation to Her Majesty to exercise any power under subsection (1) may be made only after consultation with the President of the Supreme Court of the United Kingdom.”

4 In section 19 (attendance of witnesses etc) for “the president for the time being of the said privy council” substitute “the Judicial Committee of the Privy Council”. 30

Court of Chancery Act 1851 (c. 83)

5 In section 16 of the Court of Chancery Act 1851 (quorum of Judicial Committee) omit the words from “, exclusive of” to the end.

Privy Council Registrar Act 1853 (c. 85)

- 6 In section 2 of the Privy Council Registrar Act 1853 (appointment by President of the Council of person to act for registrar) after “Privy Council” insert “, after consulting the President of the Supreme Court of the United Kingdom,”. 5

Oxford University Act 1862 (c. 26)

- 7 In section 7 of the Oxford University Act 1862 (approbation of statutes by Her Majesty in Council etc) omit “, not including the Lord President,”.

Public Schools Act 1868 (c. 118)

- 8 In section 9 of the Public Schools Act 1868 (statutes to be laid before Privy Council) omit “, not including the Lord President,”. 10

Judicial Committee Act 1881 (c. 3)

- 9 The Judicial Committee Act 1881 ceases to have effect.

Judicial Committee Act 1915 (c. 92)

- 10 In section 1 of the Judicial Committee Act 1915 (power of Judicial Committee to sit in more than one division) omit “and the Lord President of the Council”. 15

SCHEDULE 14

Section 117

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1 20

THE LORD CHANCELLOR

Fines Act 1833 (c. 99)

- 1 The Fines Act 1833 ceases to have effect.

Promissory Oaths Act 1868 (c.72)

- 2 In the Schedule to the Promissory Oaths Act 1868 (persons to take oaths) in Part 2 omit “The Lord Chancellor of Great Britain”. 25

Universities of Oxford and Cambridge Act 1877 (c.48)

- 3 In the Universities of Oxford and Cambridge Act 1877, in section 44 (constitution of Universities Committee of Privy Council) omit— 30
(a) “the Lord Chancellor,” in the first place;
(b) “the Lord Chancellor or”.

Sheriffs Act 1887 (c.55)

- 4 In the Sheriffs Act 1887, in section 6 (nomination and appointment of sheriffs) in subsection (1) omit “the Lord Chancellor,”.

Administration of Justice Act 1964 (c. 42)

- 5 In section 37 of the Administration of Justice Act 1964 (financial provisions) omit subsection (2). 5

PART 2

AMENDMENTS RELATING TO PART 3

Appellate Jurisdiction Act 1876 (c. 59)

- 6 The Appellate Jurisdiction Act 1876 ceases to have effect. 10

Jurisdiction in Rating Act 1877 (c. 11)

- 7 In the Jurisdiction in Rating Act 1877, in section 3 (interpretation) in the definition of “Judge” for the words from “any Lord of Appeal” to the end of the definition substitute “any judge of the Supreme Court and any person acting as a judge of that court under section 35 of the Constitutional Reform Act 2005.”. 15

Appellate Jurisdiction Act 1887 (c. 70)

- 8 The Appellate Jurisdiction Act 1887 ceases to have effect.

Supreme Court of Judicature Act 1891 (c. 53)

- 9 The Supreme Court of Judicature Act 1891 ceases to have effect. 20

Appellate Jurisdiction Act 1947 (c. 11)

- 10 The Appellate Jurisdiction Act 1947 ceases to have effect.

Life Peerages Act 1958 (c. 21)

- 11 In the Life Peerages Act 1958, in section 1 (power to create life peerages), in subsection (1) omit the words “Without prejudice to Her Majesty’s powers as to the appointment of Lords of Appeal in Ordinary,”. 25

Ecclesiastical Jurisdiction Measure 1963 (1963 No. 1)

- 12 (1) The Ecclesiastical Jurisdiction Measure 1963 is amended as follows.
(2) In section 11 (review of commissions of convocation or Court of Ecclesiastical Causes Reserved) for “Lords of Appeal (within the meaning of the Appellate Jurisdiction Act 1876)” substitute “judges of the Supreme Court, or members of the supplementary panel under section 36 of the Constitutional Reform Act 2005,”. 30
(3) In section 66(1) (interpretation) for the definition of “high judicial office”

substitute –	““high judicial office” means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council;”.	
<i>Law Commissions Act 1965 (c. 22)</i>		5
13	In section 6 of the Law Commissions Act 1965 (supplemental) for the words from “has the same meaning” to “1887;” substitute “means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council;”.	
<i>Administration of Justice Act 1968 (c. 5)</i>		10
14	The Administration of Justice Act 1968 ceases to have effect.	
<i>Administration of Justice Act 1973 (c. 15)</i>		
15	(1) The Administration of Justice Act 1973 is amended as follows. (2) In section 9 (judicial salaries) omit subsection (1)(a). (3) In section 12 (retirement of higher judiciary in event of incapacity) –	15
	(a) in subsection (1) – (i) omit “as Lord of Appeal in Ordinary, or”; (ii) for “subsections (2) to (4)” substitute “subsection (4)”; (b) omit subsection (2).	
<i>Juries Act 1974 (c. 23)</i>		20
16	In the Juries Act 1974, in Group A in Part 1 of Schedule 1 (persons ineligible: the judiciary) – (a) in the entry relating to holders of high judicial office, for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005”, and (b) after that entry insert the following entry – “Members of the Judicial Committee of the Privy Council (if not holders of high judicial office within the meaning of that Part).”	25
<i>Judicature (Northern Ireland) Act 1978 (c. 23)</i>		30
17	(1) The Judicature (Northern Ireland) Act 1978 is amended as follows. (2) In section 7 (further assistance for transaction of judicial business) in subsections (1)(a) and (4) for “Lord of Appeal in Ordinary” substitute “judge of the Supreme Court”. (3) In section 9 (qualifications of judges), in subsection (3)(b) for “Lord of Appeal in Ordinary” substitute “judge of the Supreme Court”.	35
<i>Supreme Court Act 1981 (c. 54)</i>		
18	(1) The Supreme Court Act 1981 is amended as follows.	

(2)	In section 2 (the Court of Appeal), in subsection (2)(c) for “Lord of Appeal in Ordinary” substitute “judge of the Supreme Court”.	
(3)	In section 9 (assistance for transaction of judicial business), in subsection (8) for paragraph (a)(i) substitute – “(i) a judge of the Supreme Court; or”.	5
(4)	In section 11 (tenure of offices), in subsection (4) for “Lord Chancellor or a Lord of Appeal in Ordinary” substitute “a judge of the Supreme Court”.	
(5)	In section 13 (precedence), in subsection (1)(b) for the words “Lords of Appeal in Ordinary” in each place substitute “judges of the Supreme Court”.	
	<i>Civil Jurisdiction and Judgments Act 1982 (c. 27)</i>	10
19	In the Civil Jurisdiction and Judgments Act 1982, in section 50 (interpretation) in the definition of “court of law” for paragraph (a) substitute – “(a) the Supreme Court;”.	
	<i>Courts and Legal Services Act 1990 (c. 41)</i>	15
20	In the Courts and Legal Services Act 1990, in Schedule 11 (judges etc barred from legal practice) for the words “Lord of Appeal in Ordinary” substitute “Judge of the Supreme Court”.	
	<i>Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 3)</i>	
21	In the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, in section 31(1) (interpretation) for the definition of “high judicial office” substitute – ““high judicial office” means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council;”.	20 25
	<i>Justices of the Peace Act 1997 (c. 25)</i>	
22	In section 7(2) of the Justices of the Peace Act 1997 (the supplemental list) – (a) in paragraph (a) omit “within the meaning of the Appellate Jurisdiction Act 1876”, and (b) after paragraph (b) insert “; and in this subsection “high judicial office” means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council.”.	30
	<i>Police Act 1997 (c. 50)</i>	35
23	In section 91(2) of the Police Act 1997 (Commissioners for the authorisation of action in respect of property) for “the Appellate Jurisdiction Act 1876 (c. 59).” substitute “Part 3 of the Constitutional Reform Act 2005 or are or have been members of the Judicial Committee of the Privy Council.”	

Special Immigration Appeals Commission Act 1997 (c. 68)

- 24 In paragraph 5 of Schedule 1 to the Special Immigration Appeals Commission Act 1997 (the Commission) for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council”. 5

Terrorism Act 2000 (c. 11)

- 25 In paragraph 4(3)(b) of Schedule 3 to the Terrorism Act 2000 (the Proscribed Organisations Appeal Commission) for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council”. 10

Regulation of Investigatory Powers Act 2000 (c. 23)

- 26 (1) The Regulation of Investigatory Powers Act 2000 is amended as follows.
- (2) In each of—
- (a) section 57(5) (Interception of Communications Commissioner),
 - (b) section 59(5) (Intelligence Services Commissioner), and
 - (c) paragraphs 1(1)(a) and 2(2) of Schedule 3 (the Tribunal),
- for “the Appellate Jurisdiction Act 1876)” substitute “Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council”. 15
- (3) In section 61(8)(a) (Investigatory Powers Commissioner for Northern Ireland) for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005”. 20

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 27 In Schedule 6 to the Anti-terrorism, Crime and Security Act 2001 (the Pathogens Access Appeal Commission), in paragraph 4(3)(b) for “the Appellate Jurisdiction Act 1876 (c. 59));” substitute “Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council;”. 25

European Parliamentary Elections Act 2002 (c. 24)

- 28 In the European Parliamentary Elections Act 2002, in section 10 (disqualification) in subsection (1) omit paragraph (b) and the “or” immediately preceding it. 30

Justice (Northern Ireland) Act 2002 (c. 26)

- 29 (1) The Justice (Northern Ireland) Act 2002 is amended as follows.
- (2) In each of—
- (a) section 8(4)(a),
 - (b) section 24(4)(a), and
 - (c) section 43(5)(a),
- (tribunals for considering removal from certain offices) for the words from “holds the office” to “Appellate Jurisdiction Act 1887 (c. 70))” substitute 40

“holds high judicial office, within the meaning of Part 3 of the Constitutional Reform Act 2005”.

- (3) Omit section 18(1) (amendment of section 6 of the Appellate Jurisdiction Act 1876).

Nationality, Immigration and Asylum Act 2002 (c. 41) 5

- 30 In paragraph 3 of Schedule 5 to the Nationality, Immigration and Asylum Act 2002 (President of the Immigration Appeal Tribunal) for “the Appellate Jurisdiction Act 1876 (c. 59).” substitute “Part 3 of the Constitutional Reform Act 2005 or is or has been a member of the Judicial Committee of the Privy Council.” 10

Clergy Discipline Measure 2003 (2003 No. 3)

- 31 In the Clergy Discipline Measure 2003, in section 43(1) (interpretation) for the definition of “high judicial office” substitute –
 ““high judicial office” means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council;”.
- 15

PART 3

NORTHERN IRELAND

Justice (Northern Ireland) Act 2002 (c. 26)

- 1 The Justice (Northern Ireland) Act 2002 is amended as follows. 20
 2 In section 6, for the words from the beginning to “insert –” substitute “For section 12B of the Judicature (Northern Ireland) Act 1978 substitute –”.
 3 In Schedule 13 (repeals and revocations) insert in the appropriate place –

“Constitutional Reform Act 2002	Sections 105 to 107.”	25
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SCHEDULE 15

Section 118

REPEALS AND REVOCATIONS

PART 1

POWERS TO MAKE RULES

<i>Reference</i>	<i>Extent of repeal or revocation</i>	30
Courts-Martial (Appeals) Act 1968 (c. 20)	Section 49(3) and (4).	
Supreme Court Act 1981 (c. 54)	Section 127(3). Section 136(3).	

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Mental Health Act 1983 (c. 20)	In section 65(3) “by the Lord Chancellor”.	
County Courts Act 1984 (c. 28)	Section 38(4)(c).	
Matrimonial and Family Proceedings Act 1984 (c. 42)	In the second paragraph of section 40(2) – (a) in paragraph (a) “by the Lord Chancellor”; (b) in paragraph (b) “by the President of the Family Division with the concurrence of the Lord Chancellor”.	5
Coroners Act 1988 (c. 13)	Section 32(4).	10

PART 2

JUDICIARY-RELATED FUNCTIONS AND ORGANISATION OF THE COURTS

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Habeas Corpus Act 1679 (c. 2)	In section 1 “the lord chauncelior or lord keeper of the great seale of England for the time being or”. In section 2 – (a) “the lord chauncellour or lord keeper or” in each place; (b) “lord chauncellor lord keeper”; (c) “the said lord chauncellor or lord keeper or” in the first and second places; (d) “lord chauncellor or lord keeper or” in the last place. In section 9 “the said lord chauncellor or lord keeper or”.	15
British Law Ascertainment Act 1859 (c. 63)	In section 5 “the Lord Chancellor,”.	
Compensation (Defence) Act 1939 (c. 75)	Section 9(1)(a).	20
Agriculture Act 1947 (c. 48)	In section 108(1) “by the Minister” in the second place.	
Lands Tribunal Act 1949 (c. 42)	In section 2(9)(a) “to the Lord President of the Court of Session or, in subsections (5) to (7),”.	
Mental Health Act 1959 (c. 72)	In section 145 “or the Lord Chancellor”.	35
Administration of Justice Act 1960 (c. 65)	In section 14(2) “; and no such application shall in any case be made to the Lord Chancellor”.	
Courts Act 1971 (c. 23)	In Schedule 10, paragraphs 3 and 4.	
Land Charges Act 1972 (c. 61)	In section 16(2) “of the Lord Chancellor, with the concurrence of the Secretary of State,”.	40
Hearing Aid Council Act 1968 (c. 50)	In section 13 “on the Lord Chancellor”.	
Rent (Agriculture) Act 1976 (c. 80)	Section 26(5).	

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Rent Act 1977 (c. 42)	Section 142.	
Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)	In section 2(3), the second paragraph.	5
Housing Act 1980 (c. 51)	Section 86(4) to (6).	
Judicial Pensions Act 1981 (c. 20)	In section 1 in the entry beginning "Judge of the Supreme Court" in the first column of the table " , other than the Lord Chancellor".	
Supreme Court Act 1981 (c. 54)	Section 1(2). In section 2 – (a) subsection (2)(a); (b) in subsection (6) "Lord Chancellor,". In section 4 – (a) subsection (1)(a); (b) in subsection (6) "Lord Chancellor,". In section 7 "the Lord Chancellor,". In section 9(2) the words after the definition of "relevant court". In section 12(1) " , other than the Lord Chancellor,". In section 44(2), "the Lord Chancellor,". Section 84(8). In section 91(1)(a) "or III".	10
Mental Health Act 1983 (c. 20)	In section 65(3) "by the Lord Chancellor". In section 94(1) "by the Lord Chancellor or". In section 96(3) "the Lord Chancellor or". In section 104(3) "the Lord Chancellor or" in both places. In section 105(2) "from any decision of the Lord Chancellor or". In section 111 – (a) in subsection (1) "by the Lord Chancellor or"; (b) in subsection (2) "the Lord Chancellor or"; (c) in subsection (4)(a) "the Lord Chancellor or"; (d) in subsection (4)(b) "the Lord Chancellor,".	25
	In section 143(1) "or the Lord Chancellor". In Schedule 2, in paragraphs 4 and 6 "by the Lord Chancellor".	30
County Courts Act 1984 (c. 28)	Section 74A.	
Matrimonial and Family Proceedings Act 1984 (c. 42)	Section 40(5).	35
Housing Act 1985 (c. 68)	Section 111. Section 181(4) and (5). Section 572(4) to (6).	40
Coroners Act 1988 (c. 13)	In section 33(2)(a) "the Lord Chancellor or".	45
		50

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Courts and Legal Services Act 1990 (c. 41)	Section 11(10).	
Child Support Act 1991 (c. 48)	In section 52(1) “the Lord Chancellor;”.	
Tribunals and Inquiries Act 1992 (c. 53)	In section 7(1) “, other than the Lord Chancellor;”.	5
Judicial Pensions and Retirement Act 1993 (c. 8)	In section 26(7) – (a) in paragraph (a) “, unless he is the Lord Chancellor;”; (b) in paragraph (b) “, unless he is the Lord Chancellor”.	10
Employment Tribunals Act 1996 (c. 17)	In section 22(1)(a) “(other than the Lord Chancellor)”.	15
Housing Act 1996 (c. 52)	Section 138(4) to (6). Section 143N(5) to (7).	
Civil Procedure Act 1997 (c. 12)	In section 3(6) “Subject to subsection (7),”. Section 3(7).	
Justices of the Peace Act 1997 (c. 25)	In section 24(5) “by the Lord Chancellor”.	20
Social Security Act 1998 (c. 14)	Section 80(3).	
Criminal Justice and Court Services Act 2000 (c. 43)	In section 76(1) “the Lord Chancellor or”. In section 77(1) “The Lord Chancellor or”.	
Nationality, Immigration and Asylum Act 2002 (c. 41)	In section 16(3)(a) “of the Lord Chancellor”.	25
Criminal Justice Act 2003 (c. 44)	In section 330(1)(b) “on the Lord Chancellor”.	
Courts Act 2003 (c. 39)	In section 64 – (a) in subsection (2) “Vice-Chancellor;”; (b) subsection (4)(a). In section 72(6), “Subject to subsection (7),”. Section 72(7). Section 77(4). In section 79(6), “Subject to subsection (7),”. Section 79(7). Section 83(3). Section 107(6), “by the Lord Chancellor”. Section 168(2).	30 35

PART 3

THE LORD CHANCELLOR: MINOR AND CONSEQUENTIAL

40

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Fines Act 1833 (c. 99)	The whole Act.
Promissory Oaths Act 1868 (c. 72)	In the Schedule in Part 2 “The Lord Chancellor of Great Britain”.

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Universities of Oxford and Cambridge Act 1877 (c. 48)	In section 44 – (a) “the Lord Chancellor,” in the first place; (b) “the Lord Chancellor or”.	
Sheriffs Act 1887 (c. 55)	In section 6(1) “the Lord Chancellor,”.	5
Administration of Justice Act 1964 (c. 42)	Section 37(2).	
Courts Act 1971 (c. 23)	In section 24(1) – (a) “, he may”; (b) in paragraph (a), “or” in the last place where it occurs.	10

PART 4

SUPREME COURT

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Appellate Jurisdiction Act 1876 (c. 59)	The whole Act.	15
Appellate Jurisdiction Act 1887 (c. 70)	The whole Act.	
Supreme Court of Judicature Act 1891 (c. 53)	The whole Act.	20
Administration of Justice (Appeals) Act 1934 (c. 40)	Section 1.	
Appellate Jurisdiction Act 1947 (c. 11)	The whole Act.	
Life Peerages Act 1958 (c. 21)	In section 1(1), “Without prejudice to Her Majesty’s powers as to the appointment of Lords of Appeal in Ordinary,”.	25
Administration of Justice Act 1960 (c. 65)	Section 1(3).	
Administration of Justice Act 1968 (c. 5)	The whole Act.	30
Criminal Appeal Act 1968 (c. 19)	Section 35(1) and (2).	
Courts-Martial (Appeals) Act 1968 (c. 20)	Section 41(1) and (2).	35
Administration of Justice Act 1969 (c. 58)	Section 13(4) Section 14.	
Taxes Management Act 1970 (c. 9)	Section 56(8)(a). Section 56A(7).	
Administration of Justice Act 1973 (c. 15)	Section 9(1)(a). In section 12, in subsection (1) “as Lord of Appeal in Ordinary, or” and subsection (2).	40

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Judicature (Northern Ireland) Act 1978 (c. 23)	Section 41(3). Section 42(3) to (5). In Schedule 5, in Part 2 the entry relating to the Appellate Jurisdiction Act 1876.	5
Criminal Appeal (Northern Ireland) Act 1980 (c. 47)	Section 33(1) and (2).	
Contempt of Court Act 1981 (c. 49)	In section 19, in the definition of “superior court”, the words from “and includes” to the end.	10
Justices of the Peace Act 1997 (c. 25)	In section 7(2)(a) “within the meaning of the Appellate Jurisdiction Act 1876”.	
Government of Wales Act 1998 (c. 38)	In Schedule 8— (a) paragraph 1(2)(a); (b) paragraph 29 and the heading before it; (c) paragraphs 32 to 34 and the heading before paragraph 32.	15
Human Rights Act 1998 (c. 42)	Section 6(4).	
Scotland Act 1998 (c. 46)	Section 15(1)(c). In section 32(4), the definition of “Judicial Committee”. Section 103. In section 127, the entry for “Judicial Committee”. In Schedule 6, paragraph 32 and the heading before it. In Schedule 7, in the table under paragraph 1(2), the entry relating to section 103(3)(a) and (b).	20
Northern Ireland Act 1998 (c. 47)	In section 36(6)(a) “(other than a Lord of Appeal in Ordinary)”. Section 82. In section 98(1), the entry for “Judicial Committee”. In Schedule 10, paragraph 32 and the heading before it.	30
Access to Justice Act 1999 (c. 22)	In Schedule 2, paragraph 2(1)(b).	
European Parliamentary Elections Act 2002 (c. 24)	In section 10(1), paragraph (b) and the “or” immediately preceding it.	
Justice (Northern Ireland) Act 2002 (c. 26)	Section 18(1).	40
Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))	In Schedule 2, paragraph 2(a)(ii).	

PART 5

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Court of Chancery Act 1851 (c. 83)	In section 16, the words from “, exclusive of” to the end.	5
Oxford University Act 1862 (c. 26)	In section 7, “, not including the Lord President,”.	
Public Schools Act 1868 (c. 118)	In section 9, “, not including the Lord President,”.	
Judicial Committee Act 1881 (c. 3)	The whole Act.	10
Judicial Committee Act 1915 (c. 92)	In section 1, “and the Lord President of the Council”.	

Constitutional Reform Bill [HL]

A

B I L L

To make provision for modifying the office of Lord Chancellor, and to make provision relating to the functions of that office; to establish a Supreme Court of the United Kingdom, and to abolish the appellate jurisdiction of the House of Lords; to make provision about the jurisdiction of the Judicial Committee of the Privy Council and the judicial functions of the President of the Council; to make other provision about the judiciary, their appointment and discipline; and for connected purposes.

Brought from the Lords 21st December 2004.

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