

Constitutional Reform Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Constitutional Affairs, are published separately as HL Bill 30 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

The Lord Falconer of Thoroton 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]

CONTENTS

PART 1

ARRANGEMENTS TO REPLACE OFFICE OF LORD CHANCELLOR

The judiciary and courts

- 1 Guarantee of continued judicial independence
- 2 President of the Courts of England and Wales
- 3 Functions of the Lord Chancellor and organisation of the courts
- 4 Head and Deputy Head of Criminal Justice
- 5 Head and Deputy Head of Family Justice
- 6 Powers to make rules
- 7 Powers to give directions

Appointments

- 8 Transfer of appointment functions

The Great Seal

- 9 The Great Seal
- 10 Commissioners of the Great Seal

Speakership of the House of Lords

- 11 Speakership of the House of Lords

Abolition of the office of Lord Chancellor

- 12 Abolition of office of Lord Chancellor
- 13 Salary and pension

Supplementary

- 14 Property, rights and liabilities
- 15 Transfers: supplementary
- 16 Part 1: interpretation

PART 2

THE SUPREME COURT

The Supreme Court

- 17 The Supreme Court
- 18 First members of the Court

Appointment of judges

- 19 Qualification for appointment
- 20 Commission
- 21 Selection of candidate
- 22 Recommendation to Her Majesty

Terms of appointment

- 23 Oath of allegiance and judicial oath
- 24 Tenure
- 25 Salaries and allowances
- 26 Resignation and retirement
- 27 Medical retirement
- 28 Pensions

Acting judges

- 29 Acting judges
- 30 Supplementary panel

Jurisdiction

- 31 Jurisdiction

Composition for proceedings

- 32 Composition
- 33 Changes in composition

Practice and procedure

- 34 Specially qualified advisers
- 35 Making of rules
- 36 Procedure after rules made
- 37 Photography etc

Resources

- 38 Minister's duty
- 39 Officers and staff: appointment by Minister
- 40 Staff: provision by third parties
- 41 Services: provision by third parties
- 42 Accommodation
- 43 Annual report

Fees

- 44 Fees
- 45 Fees: supplementary

Supplementary

- 46 Records of the Supreme Court
- 47 Proceedings under jurisdiction transferred to Supreme Court
- 48 Interpretation of Part 2

PART 3

JUDICIAL APPOINTMENTS AND DISCIPLINE

CHAPTER 1

COMMISSION AND OMBUDSMAN

- 49 The Judicial Appointments Commission
- 50 Judicial Appointments and Conduct Ombudsman

CHAPTER 2

APPOINTMENTS

General provisions

- 51 Merit and good character
- 52 Guidance by the Minister

Lord Chief Justice and Heads of Division

- 53 Selection of Lord Chief Justice and Heads of Division
- 54 Selection process
- 55 Selection panel
- 56 Report
- 57 The Minister's options
- 58 Selection following rejection or requirement to reconsider

Lords Justices of Appeal

- 59 Selection of Lords Justices of Appeal
- 60 Selection process
- 61 Selection panel
- 62 Report
- 63 The Minister's options
- 64 Selection following rejection or requirement to reconsider

Puisne judges and other office holders

- 65 Selection of puisne judges and other office holders
- 66 Request
- 67 Selection process
- 68 Report

- 69 The Minister's options
- 70 Selection following rejection or requirement to reconsider
- 71 Reconsideration of decision not to select
- 72 Withdrawal of request

Complaints and references

- 73 Qualifying complaints
- 74 Complaints to the Commission or the Minister
- 75 Complaints to the Ombudsman
- 76 Report and recommendations
- 77 Report procedure
- 78 References by the Minister
- 79 Information

Miscellaneous

- 80 Consultation on appointment of lay justices
- 81 Confidentiality
- 82 Disclosure of information to Commission

CHAPTER 3

DISCIPLINE

Procedures

- 83 Disciplinary powers
- 84 Disciplinary powers: interpretation
- 85 Regulations about procedures
- 86 Contents of regulations
- 87 Procedural rules

Complaints and references

- 88 Investigations by the Ombudsman relating to conduct
- 89 References to the Ombudsman relating to conduct
- 90 Report and recommendations
- 91 Report procedure

CHAPTER 4

GENERAL

- 92 Confidentiality
- 93 Interpretation of Part 3

PART 4

OTHER PROVISIONS RELATING TO THE JUDICIARY

- 94 Parliamentary disqualification
- 95 Judicial functions of the Lord President of the Council

PART 5

GENERAL

- 96 Functions of the Minister not to be transferred by order
- 97 Interpretation: the Minister
- 98 Supplementary provision etc
- 99 Orders and regulations
- 100 Minor and consequential amendments
- 101 Repeals and revocations
- 102 Extent
- 103 Commencement
- 104 Short title

-
- Schedule 1 – Functions of the Lord Chancellor and organisation of the courts
 - Part 1 – Amendments
 - Part 2 – Amendment of enactments repealed or amended otherwise than by this Act
 - Schedule 2 – Powers to make rules
 - Part 1 – The process
 - Part 2 – Rule-making powers subject to the process in Part 1
 - Schedule 3 – Powers to give directions
 - Part 1 – The process
 - Part 2 – Powers of direction subject to the process in Part 1
 - Schedule 4 – Appointment functions
 - Part 1 – Appointments to be made by the Queen
 - Part 2 – Appointments to be made by the Minister
 - Schedule 5 – Amendments relating to the Great Seal
 - Schedule 6 – Speakership of the House of Lords
 - Schedule 7 – Salary and pension of the Lord Chancellor
 - Part 1 – Salary and pension: consequential provision
 - Part 2 – Pension arrangements of last Lord Chancellor: special provision
 - Schedule 8 – Amendments relating to jurisdiction of the Supreme Court
 - Part 1 – Jurisdiction transferred from the House of Lords
 - Part 2 – Devolution jurisdiction
 - Schedule 9 – Proceedings under jurisdiction transferred to Supreme Court
 - Schedule 10 – The Judicial Appointments Commission
 - Part 1 – The Commissioners
 - Part 2 – The Commission
 - Schedule 11 – The Judicial Appointments and Conduct Ombudsman
 - Schedule 12 – The Judicial Appointments Commission: Relevant Functions and Offices
 - Part 1 – Appointments by Her Majesty: judicial and other offices
 - Part 2 – Appointments by the Minister: judicial offices
 - Part 3 – Appointments by the Minister: other offices
 - Schedule 13 – Judicial functions of the Lord President of the Council
 - Schedule 14 – Minor and consequential amendments
 - Part 1 – The Lord Chancellor
 - Part 2 – Amendments relating to Part 2

- Schedule 15 – Repeals and revocations
 - Part 1 – The Lord Chancellor
 - Part 2 – Functions of The Lord Chancellor and organisation of the courts
 - Part 3 – The Great Seal
 - Part 4 – Lord Chancellor’s salary and pension
 - Part 5 – Power to make rules
 - Part 6 – Powers to give directions
 - Part 7 – Supreme Court

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Make provision for replacing the office of Lord Chancellor, and to abolish 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

ARRANGEMENTS TO REPLACE OFFICE OF LORD CHANCELLOR

The judiciary and courts

1 Guarantee of continued judicial independence

- (1) 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. 5
- (2) The following particular duties are imposed for the purpose of upholding that independence.
- (3) Ministers of the Crown must not seek to influence particular judicial decisions through any special access to the judiciary. 10
- (4) The Secretary of State for Constitutional Affairs (“the Minister”) must have regard to—
 - (a) the need to defend that independence;
 - (b) the need for the judiciary to have the support necessary to enable them to exercise their functions; 15

- (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.

2 President of the Courts of England and Wales

- (1) The Lord Chief Justice holds the office of President of the Courts of England and Wales. 5
- (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;
 - (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; 10
 - (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
 - the High Court
 - the Crown Court
 - the county courts
 - the magistrates' courts. 20
- (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

3 Functions of the Lord Chancellor and organisation of the courts

- Schedule 1 contains amendments which relate to—
- (a) certain functions of the Lord Chancellor, or
 - (b) the organisation of the courts. 30

4 Head and Deputy Head of Criminal Justice

- (1) There is to be a Head of Criminal Justice.
- (2) The Head of Criminal Justice is—
- (a) the Lord Chief Justice, or
 - (b) if the Lord Chief Justice appoints another person, that person. 35
- (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—
- (a) the Lord Chief Justice has consulted the Minister;
 - (b) the person to be appointed is an ordinary judge of the Court of Appeal. 40

- (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.

5 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. 5
- (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. 10
- (4) A person appointed as Deputy Head of Family Justice holds that office in accordance with the terms of his appointment.

6 Powers to make rules

- (1) Part 1 of Schedule 2 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. 15
- (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. 20

7 Powers to give directions

- (1) Part 1 of Schedule 3 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. 25
- (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.

Appointments 30

8 Transfer of appointment functions

- (1) Part 1 of Schedule 4 –
- (a) provides for Her Majesty instead of the Lord Chancellor to make appointments to certain offices, and
 - (b) makes other modifications to enactments relating to those offices. 35
- (2) Part 2 of Schedule 4 –
- (a) provides for the Minister instead of the Lord Chancellor to make appointments to certain offices, and

- (b) makes other modifications to enactments relating to those offices.

The Great Seal

9 The Great Seal

- (1) The functions of the Lord Chancellor relating to the Great Seal are transferred to the Minister. 5
- (2) Schedule 5 makes consequential amendments and other amendments relating to the keeper and commissioners of the Great Seal.

10 Commissioners of the Great Seal

- (1) The Great Seal Act 1688 ceases to have effect.
- (2) Subsection (1) does not affect the power of Her Majesty to appoint Commissioners of the Great Seal by letters patent under that seal. 10
- (3) But the functions of Commissioners of the Great Seal are only those functions conferred on the Minister by section 9 or Schedule 5 (subject to any limitation in the Commission).
- (4) Commissioners of the Great Seal who are not peers rank next after peers and the Speaker of the House of Commons. 15

Speakership of the House of Lords

11 Speakership of the House of Lords

- Schedule 6 contains amendments relating to the Speakership of the House of Lords. 20

Abolition of the office of Lord Chancellor

12 Abolition of office of Lord Chancellor

The office of Lord High Chancellor of Great Britain is abolished (together with the office of Lord Keeper of the Great Seal).

13 Salary and pension

- (1) Schedule 7 is about the Lord Chancellor's salary and pension. 25
- (2) Part 1 contains amendments about salary and pension that are consequential on the abolition of the office of Lord Chancellor.
- (3) Part 2 contains special provision about the pension arrangements of the person holding the office of Lord Chancellor at the time of its abolition. 30

Supplementary

14 Property, rights and liabilities

- (1) Subsection (2) applies to any provision of this Act, other than section 12, by which a function of the Lord Chancellor ceases to be exercisable by him, whether or not that function becomes exercisable by another person. 5
- (2) On the commencement of the provision, any property, rights or liabilities to which the Lord Chancellor is entitled immediately before that commencement in connection with the function are transferred to the Minister.
- (3) On the commencement of section 12 any property, rights or liabilities to which the Lord Chancellor is entitled immediately before that commencement are transferred to the Minister. 10

15 Transfers: supplementary

- (1) This section applies to any provision of this Act by which a function of the Lord Chancellor is transferred to another person (“the transferee”).
- (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. 15
- (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 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 this Act, as if— 20
 - (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; 25
 - (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 provision, as if done by or in relation to the transferee. 30
- (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 provision may be continued by or in relation to the transferee.
- (7) Legal proceedings to which the Lord Chancellor is party in relation to the function at the commencement of the provision may be continued by or against the transferee. 35
- (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. 40
- (9) For the purposes of the use of any such documents after the commencement of the provision, those references are to be read as references to the transferee, his department or an officer of his.

16 Part 1: interpretation

In this Part “the Great Seal” means the Great Seal of the United Kingdom.

PART 2

THE SUPREME COURT

The Supreme Court

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17 The Supreme Court

- (1) There is to be a Supreme Court of the United Kingdom.
- (2) The Court consists of judges appointed by Her Majesty by letters patent.
- (3) The maximum number of judges is 12.
- (4) Her Majesty may from time to time by Order in Council amend subsection (3) by substituting any number as the maximum number of judges. 10
- (5) No recommendation may be made to Her Majesty in Council to make an Order under subsection (4) unless a draft of the Order has been laid before and approved by resolution of each House of Parliament.
- (6) Her Majesty may by letters patent appoint one of the judges to be President and one to be Deputy President of the Court. 15
- (7) The judges other than the President and Deputy President are to be styled “Justices of the Supreme Court”.
- (8) The Court is to be taken to be duly constituted despite any vacancy in the office of President or Deputy President. 20

18 First members of the Court

On the commencement of section 17 –

- (a) the persons who immediately before that commencement are Lords of Appeal in Ordinary become judges of the Supreme Court,
- (b) the person who immediately before that commencement is the senior Lord of Appeal in Ordinary becomes the President of the Court, and 25
- (c) the person who immediately before that commencement is the second senior Lord of Appeal in Ordinary becomes the Deputy President of the Court.

Appointment of judges

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19 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
 - (b) been a qualifying practitioner for a period of at least 15 years. 35
- (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),
- (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. 5

20 Commission

- (1) This section applies if it appears to the Minister that there is, or will soon be, a vacancy among the judges of the Supreme Court.
- (2) The Minister must appoint a commission consisting of the following members – 10
 - (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; 15
 - (ii) the body of persons known collectively as the Judicial Appointments Board for Scotland (being persons appointed by the Scottish Ministers to carry out in Scotland functions corresponding to those of the Judicial Appointments Commission); 20
 - (iii) the Northern Ireland Judicial Appointments Commission; appointed to the commission by the Minister.
- (3) The commission is properly constituted only if all five members mentioned in subsection (2) are appointed to it.
- (4) The commission is to be chaired by the President of the Supreme Court. 25
- (5) The Minister may appoint a person under subsection (2)(c) only on the recommendation of the Commission or Board of which the person is a member.
- (6) The Minister may, out of money provided by Parliament, pay to any person appointed under subsection (2)(c) such allowances as he may determine. 30

21 Selection of candidate

- (1) The commission constituted under section 20 must –
 - (a) prepare a list of candidates for the vacancy, and
 - (b) submit that list to the Minister with any comments they think appropriate. 35
- (2) In preparing a list of candidates the commission must –
 - (a) consider according to prescribed criteria all persons whom they think appropriate to consider, and
 - (b) consult the senior judges.
- (3) A list prepared by the commission – 40
 - (a) must consist of at least 2 and at most 5 candidates;
 - (b) must consist only of candidates who meet the requirements of section 19;

- (c) must not include a member of the commission as a candidate.
- (4) When a list of candidates is submitted to the Minister, he must consult –
- (a) the senior judges,
 - (b) the First Minister in Scotland,
 - (c) the National Assembly for Wales, and
 - (d) the First Minister and deputy First Minister in Northern Ireland.
- (5) The Minister must –
- (a) decide which of the candidates on the list is most suitable for appointment, and
 - (b) notify the Prime Minister of the name of that candidate.
- (6) In making a decision under subsection (5) the Minister must take account of –
- (a) any comments submitted under subsection (1)(b), and
 - (b) the consultation under subsection (4).
- (7) In this section –
- “prescribed” means prescribed by regulations made by the Minister;
 - “the senior judges” means –
 - (a) the judges of the Supreme Court (except, in relation to a particular list of candidates, those judges who are members of the commission responsible for preparing the list);
 - (b) the Lord Chief Justice of England and Wales;
 - (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 President of the Family Division;
 - (g) the Chancellor of the High Court;
 - (h) the President of the Queen’s Bench Division.

22 Recommendation to Her Majesty

- (1) The Prime Minister must recommend to Her Majesty the appointment of the candidates whose name has been notified to him under section 21(5)(b).
- (2) An appointment as judge of the Supreme Court may not be made except on a recommendation under subsection (1).

Terms of appointment

23 Oath of allegiance and judicial oath

A person appointed as a judge of the Supreme Court must, as soon as may be after accepting office, take the oath of allegiance and the judicial oath, as set out in the Promissory Oaths Act 1868, in the presence of the President of the Court.

24 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.

25 Salaries and allowances

- (1) A judge of the Supreme Court is entitled to a salary.
- (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 17. 5
- (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. 10
- (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.

26 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. 15
- (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.
- (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”. 20

27 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. 25
- (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. 30
- (4) But such a declaration has no effect unless it is made –
 - (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; 35
 - (c) in the case of the Deputy President, with the agreement of the President and the senior ordinary judge.
- (5) For the purposes of this section, 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 always as an ordinary judge). 40

- (6) Service as a Lord of Appeal in Ordinary counts as service as a judge of the Court for the purposes of subsection (5).
- (7) In this section “ordinary judge” means a judge of the Court who is neither President nor Deputy President.

28 Pensions

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- (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” –
- (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”.
- (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.

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*Acting judges***29 Acting judges**

- (1) At the request of the President of the Supreme Court –
- (a) a person who holds high judicial office, or
 - (b) a member of the Privy Council who is a member of the supplementary panel under section 30,
- may act as a judge of the Court.
- (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 –
- “(b) act as a judge of the Supreme Court under section 29 of the Constitutional Reform Act 2004;”.
- (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).
- (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 –
- (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.

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- (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.

30 Supplementary panel

- (1) A person becomes a member of the supplementary panel on ceasing to hold high judicial office, but only if, while he holds such office – 5
- (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. 10
- (2) Subsection (1) does not apply to a person who ceases to hold high judicial office when he ceases to be President of the Court.
- (3) 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, 15
 - (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
 - (c) his office is declared vacant under section 27.
- (4) A member of the supplementary panel may resign by notice in writing to the President of the Court. 20
- (5) 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 –
- (a) at the end of 5 years after the last day on which he holds high judicial office, or 25
 - (b) if earlier, at the end of the day on which he attains the age of 75.

Jurisdiction

31 Jurisdiction

- (1) The Supreme Court is a superior court of record. 30
- (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. 35
- (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. 40

- (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 this Act or any other 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. 5

Composition for proceedings

32 Composition

- (1) The Supreme Court is duly constituted in any proceedings only if all of the following conditions are met – 10
- (a) the Court consists of an uneven number of judges;
 - (b) the Court consists of at least three judges;
 - (c) at least one of those judges is a permanent judge.
- (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. 15
- (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 33. 20
- (5) In this section and section 33 –
- (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 29. 25

33 Changes in composition

- (1) This section applies if –
- (a) the Court has been duly constituted in proceedings in accordance with section 32, and 30
 - (b) before the proceedings are concluded one or more of the members of the Court are unable to continue.
- (2) The Court is still duly constituted as long as it consists of at least three judges, even if –
- (a) it consists of an even number of judges, or 35
 - (b) none of the judges is a permanent judge.
- (3) Subsection (2) is subject to directions.
- (4) If the Court consists of 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 32. 40

Practice and procedure

34 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. 5
- (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.

35 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. 10
- (2) The power to make Supreme Court Rules includes power to make different provision for different cases, including different provision – 15
 - (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 – 20
 - (a) the Court is accessible, fair and efficient, and
 - (b) the rules are both simple and simply expressed.

36 Procedure after rules made

- (1) Supreme Court Rules made by the President of the Supreme Court must be submitted by him to the Minister.
- (2) The Minister may allow, or disallow, Supreme Court Rules submitted to him.
- (3) Supreme Court Rules allowed by the Minister – 25
 - (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.
- (4) A statutory instrument containing Supreme Court Rules is subject to annulment in pursuance of a resolution of either House of Parliament. 30

37 Photography etc

- (1) In section 41 of the Criminal Justice Act 1925 (c. 86) (prohibition on taking photographs etc in court), for subsection (2)(a) substitute – 35
 - “(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;”.

Resources

- 38 Minister’s duty** 5
- (1) The Minister must –
- (a) ensure that there is an efficient and effective system to support the carrying on of the business of the Supreme Court, and
 - (b) ensure that appropriate services are provided for the Supreme Court.
- (2) In this Part references to the Minister’s general duty in relation to the Supreme Court are references to his duty under subsection (1). 10
- 39 Officers and staff: appointment by Minister**
- The Minister may appoint such officers and staff as he thinks appropriate for the purpose of discharging his general duty in relation to the Supreme Court.
- 40 Staff: provision by third parties** 15
- (1) The Minister may make such staffing arrangements with other persons as he thinks appropriate for the purpose of discharging his general duty in relation to the Supreme Court.
- (2) In this section “staffing arrangements” means arrangements for the provision of staff by any person (including a sub-contractor). 20
- (3) The Minister may not make staffing arrangements unless he is authorised to do so by an order made by him under this subsection.
- (4) An order under subsection (3) authorising the Minister to make staffing arrangements may so authorise him – 25
- (a) wholly or to the extent specified in the order,
 - (b) generally or in cases specified in the order, and
 - (c) unconditionally or subject to the fulfilment of conditions specified in the order.
- (5) Before making an order under subsection (3) the Minister must consult all of the following about the effect (if any) that the order might have on the proper and efficient administration of justice – 30
- (a) the President 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;
 - (e) the Lord Chief Justice of Northern Ireland;
 - (f) the President of the Family Division;
 - (g) the Chancellor of the High Court;
 - (h) the President of the Queen’s Bench Division. 35

41 Services: provision by third parties

- (1) The Minister may make such service arrangements with other persons as he thinks appropriate for the purpose of discharging his general duty in relation to the Supreme Court.
- (2) In this section “service arrangements” means arrangements for the provision of services by any person (including a sub-contractor). 5

42 Accommodation

- (1) The Minister may provide, equip, maintain and manage such court-houses, offices and other accommodation as he thinks appropriate for the purpose of discharging his general duty in relation to the Supreme Court. 10
- (2) The Minister may make such accommodation arrangements with other persons as he thinks appropriate for the purpose of discharging his general duty in relation to the Supreme Court.
- (3) In this section “accommodation arrangements” means arrangements for the provision, equipping, maintenance or management of court-houses, offices or other accommodation by any person (including a sub-contractor). 15
- (4) 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),are to be treated as including power to acquire land for the purpose of its provision under arrangements under this section. 20
- (5) In this section “court-house” means any place where the Supreme Court sits, including the precincts of any building in which it sits. 25

43 Annual report

- (1) The Minister must prepare an annual report on the way in which he has discharged his general duty in relation to the Supreme Court.
- (2) The Minister must lay a copy of every annual report before each House of Parliament. 30

Fees

44 Fees

- (1) The Minister may by order prescribe fees payable in respect of anything dealt with by the Supreme Court.
- (2) An order under this section may, in particular, contain provision about – 35
 - (a) scales or rates of fees;
 - (b) exemptions from fees;
 - (c) reductions in fees;
 - (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 –
- (a) the President of the Supreme Court; 5
 - (b) the Lord Chief Justice of England and Wales;
 - (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 President of the Family Division; 10
 - (g) the Chancellor of the High Court;
 - (h) the President of the Queen’s Bench Division.
- 45 Fees: supplementary**
- (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. 15
- (3) In this section “Supreme Court fees” means fees prescribed in an order under section 44.
- Supplementary* 20
- 46 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 – 25
- “(za) records of the Supreme Court of the United Kingdom;”.
- 47 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. 30
- 48 Interpretation of Part 2**
- (1) In this Part –
- “high judicial office” means office as a judge of –
- (a) the Supreme Court,
 - (b) the Court of Appeal, 35
 - (c) the High Court, or
 - (d) the Court of Session;
- “the Supreme Court” means the Supreme Court of the United Kingdom.

- (2) In relation to any time before the commencement of section 17, “high judicial office” in this Part includes office as a Lord of Appeal in Ordinary.

PART 3

JUDICIAL APPOINTMENTS AND DISCIPLINE

CHAPTER 1

5

COMMISSION AND OMBUDSMAN

49 The Judicial Appointments Commission

- (1) There is to be a body corporate called the Judicial Appointments Commission.
(2) Schedule 10 is about the Commission.

50 Judicial Appointments and Conduct Ombudsman

10

- (1) There is to be a Judicial Appointments and Conduct Ombudsman.
(2) Schedule 11 is about the Ombudsman.

CHAPTER 2

APPOINTMENTS

General provisions

15

51 Merit and good character

- (1) Subsections (2) and (3) apply to any selection under this Part by the Commission or a selection panel (“the selecting body”).
(2) A person must not be selected unless the selecting body is satisfied that he is of good character. 20
(3) Selection must be on merit.
(4) After consulting the Lord Chief Justice, the Minister may by order specify considerations that are to be taken into account in assessing merit for the purposes of this section.
(5) It is for the selecting body to determine in any particular case – 25
(a) the relative weight of such considerations;
(b) what other considerations it should take into account.

52 Guidance by the Minister

In exercising its functions under this Part the Commission and any selection panel must have regard to any guidance issued by the Minister.

30

Lord Chief Justice and Heads of Division

53 Selection of Lord Chief Justice and Heads of Division

- (1) Only a person selected by the Commission may be recommended for appointment as one of the following –
 - (a) Lord Chief Justice; 5
 - (b) Master of the Rolls;
 - (c) President of the Family Division;
 - (d) Chancellor of the High Court;
 - (e) President of the Queen’s Bench Division.
- (2) The Minister may request the Commission to select a person for the purposes of subsection (1). 10
- (3) Before making a request under this section the Minister must consult the Lord Chief Justice.
- (4) Subsection (3) does not apply if the office of Lord Chief Justice is vacant and that is the office for which a selection is to be made. 15
- (5) Sections 54 to 58 apply where the Minister makes a request under this section.

54 Selection process

- (1) On receiving a request the Commission must appoint a selection panel.
- (2) The panel must –
 - (a) determine the selection process to be applied, 20
 - (b) apply the selection process, and
 - (c) make a selection accordingly.
- (3) 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.
- (4) A selection panel is a committee of the Commission. 25

55 Selection panel

- (1) The selection panel must consist of the following –
 - (a) the most senior England and Wales Supreme Court judge or his nominee;
 - (b) the participating judge; 30
 - (c) the Chairman of the Commission or his nominee;
 - (d) one other lay member of the Commission designated by the Chairman of the Commission.
- (2) Unless subsection (4) applies, the participating judge is the Lord Chief Justice or his nominee 35
- (3) Subsection (4) applies if –
 - (a) the Lord Chief Justice is disqualified, or
 - (b) there is no Lord Chief Justice.

-
- (4) In those cases the most senior England and Wales Supreme Court judge must designate a person (but not a person who is disqualified) as the participating judge.
- (5) Only the following may be a nominee under this section or designated under subsection (4) – 5
- (a) an England and Wales Supreme Court judge,
 - (b) a Head of Division, or
 - (c) a Lord Justice of Appeal.
- (6) The following also apply to nominees under this section – 10
- (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.
- (7) The most senior England and Wales Supreme Court judge or his nominee is the chairman of the panel. 15
- (8) On any vote by the panel the chairman of the panel has an additional, casting vote in the event of a tie.
- (9) A person is disqualified for the purposes of this section if – 20
- (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.
- (10) 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. 25
- 56 Report**
- (1) After complying with section 54(2) the selection panel must submit a report to the Minister.
- (2) The report must – 30
- (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.
- 57 The Minister’s options** 35
- (1) For each person selected under section 54 the Minister must do one of the following –
- (a) make the recommendation for which the person was selected;
 - (b) reject the selection;
 - (c) require the selection panel to reconsider the selection. 40
- (2) Where a person is selected following a rejection or reconsideration under subsection (1) the Minister must do one of the following –

-
- (a) make the recommendation for which the person was selected;
 - (b) reject the selection, but only if it was made following a reconsideration under subsection (1);
 - (c) require the selection panel to reconsider the selection, but only if it was made following a rejection under subsection (1). 5
- (3) Where a person is selected following a rejection or reconsideration under subsection (2) the Minister must make the recommendation for which the person was selected.
- (4) If a selection is rejected or required to be reconsidered, the selection panel must select a person in accordance with section 58. 10
- (5) The Minister must give the selection panel reasons in writing for rejecting or requiring reconsideration of any selection.
- 58 Selection following rejection or requirement to reconsider**
- (1) If the Minister rejects a selection, the selection panel – 15
- (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.
- (2) If the Minister requires a selection to be reconsidered, the selection panel – 20
- (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.
- (3) The selection panel must inform the Minister of the person selected following a rejection or a requirement to reconsider.
- (4) Subsections (1) and (2) do not prevent a person being selected on a subsequent request under section 53. 25
- Lords Justices of Appeal*
- 59 Selection of Lords Justices of Appeal**
- (1) Only a person selected by the Commission may be recommended for appointment as a Lord Justice of Appeal.
- (2) The Minister may request the Commission to select a person or persons for the purposes of subsection (1). 30
- (3) Before making a request the Minister must consult the Lord Chief Justice.
- (4) Sections 60 to 64 apply where the Minister makes a request under this section.
- 60 Selection process**
- (1) On receiving a request the Commission must – 35
- (a) appoint a selection panel;
 - (b) determine the selection process to be applied.
- (2) The panel must –
- (a) apply the selection process, and

- (b) make a selection accordingly.
- (3) A selection panel is a committee of the Commission.

61 Selection panel

- (1) The selection panel must consist of the following –
 - (a) the Lord Chief Justice or his nominee; 5
 - (b) a Head of Division or Lord Justice of Appeal designated by the Lord Chief Justice;
 - (c) the Chairman of the Commission or his nominee;
 - (d) one other lay member of the Commission designated by the Chairman of the Commission. 10
- (2) A nominee of the Lord Chief Justice must be a Head of Division or a Lord Justice of Appeal.
- (3) A person may not be appointed to the panel 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
- (4) A person may not be appointed to the panel as the nominee of more than one person.
- (5) A person appointed to the panel otherwise than as a nominee may not be a nominee. 20
- (6) The Lord Chief Justice or his nominee is the chairman of the panel.
- (7) On any vote by the panel the chairman of the panel has an additional, casting vote in the event of a tie.

62 Report

- (1) After complying with section 60(2) the selection panel must submit a report to the Minister. 25
- (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. 30
- (4) After submitting the report the panel must provide any further information the Minister may require.

63 The Minister's options

- (1) For each person selected under section 60 the Minister must do one of the following – 35
 - (a) make the recommendation for which the person was selected;
 - (b) reject the selection;
 - (c) require the selection panel to reconsider the selection.

-
- (2) Where a person is selected following a rejection or reconsideration under subsection (1) the Minister must do one of the following –
- (a) make the recommendation for which the person was selected;
 - (b) reject the selection, but only if it was made following a reconsideration under subsection (1); 5
 - (c) require the selection panel to reconsider the selection, but only if it was made following a rejection under subsection (1).
- (3) Where a person is selected following a rejection or reconsideration under subsection (2) the Minister must make the recommendation for which the person was selected. 10
- (4) If a selection is rejected or required to be reconsidered, the selection panel must select a person in accordance with section 64.
- (5) The Minister must give the selection panel reasons in writing for rejecting or requiring reconsideration of any selection.
- 64 Selection following rejection or requirement to reconsider** 15
- (1) 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.
- (2) If the Minister requires a selection to be reconsidered, the selection panel – 20
- (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.
- (3) The selection panel must inform the Minister of the person selected following a rejection or a requirement to reconsider. 25
- (4) Subsections (1) and (2) do not prevent a person being selected on a subsequent request under section 59.
- Puisne judges and other office holders*
- 65 Selection of puisne judges and other office holders**
- (1) Only a person selected by the Commission may be recommended for appointment to an office listed in Part 1 of Schedule 12 in exercise of the corresponding function. 30
- (2) Only a person selected by the Commission may be appointed to an office listed in Part 2 or 3 of Schedule 12 in exercise of the corresponding function.
- (3) The Minister may by order make any of the following amendments to Schedule 12 – 35
- (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; 40
 - (c) an amendment which removes or amends a reference to an office, or to an office and an enactment under which appointments are made to that

office, and is consequential on the abolition or change of name of the office.

- (4) In this section –
“corresponding function” in relation to an office has the meaning given in Schedule 12; 5
“enactment” includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

66 Request

- (1) The Minister may request the Commission to select a person or persons for the purposes of section 65. 10
(2) Before making a request under this section the Minister must consult the Lord Chief Justice.
(3) Sections 67 to 71 apply where the Minister makes a request under this section.
(4) Those sections are subject to section 72 (withdrawal of request).

67 Selection process 15

- (1) On receiving a request the Commission must –
(a) determine the selection process to be applied;
(b) apply the selection process;
(c) make a selection accordingly.
(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 71 applies and subsection (1)(c) does not apply. 20
(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 25
(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.

68 Report

- (1) After complying with section 67 the Commission must submit a report to the Minister. 30
(2) The report must –
(a) describe the selection process;
(b) state any selection made;
(c) state any decision under section 67(2);
(d) state any recommendation of the Lord Chief Justice in consultation under section 67(3); 35
(e) give reasons in any case where the Commission has not followed such a recommendation;
(f) contain any other information required by the Minister.
(3) The report must be in a form approved by the Minister. 40

- (4) After submitting the report the Commission must provide any further information the Minister may require.

69 The Minister's options

- (1) For each person selected under section 67 the Minister must do one of the following— 5
- (a) make the recommendation or appointment for which the person was selected;
 - (b) reject the selection;
 - (c) require the Commission to reconsider the selection.
- (2) Where a person is selected following a rejection or reconsideration under subsection (1) the Minister must do one of the following— 10
- (a) make the recommendation or appointment for which the person was selected;
 - (b) reject the selection, but only if it was made following a reconsideration under subsection (1); 15
 - (c) require the Commission to reconsider the selection, but only if it was made following a rejection under subsection (1).
- (3) Where a person is selected following a rejection or reconsideration under subsection (2) the Minister must make the recommendation or appointment for which the person was selected. 20
- (4) If a selection is rejected or required to be reconsidered, the Commission must make a selection in accordance with section 70.
- (5) But if the Commission decides that the selection process has not identified candidates of sufficient merit for it to comply with subsection (4), section 71 applies and subsection (4) does not apply. 25
- (6) The Minister must give the Commission reasons in writing for rejecting or requiring reconsideration of any selection.

70 Selection following rejection or requirement to reconsider

- (1) If the Minister rejects a selection, the Commission— 30
- (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.
- (2) If the Minister requires a selection to be reconsidered, the Commission— 35
- (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.
- (3) The Commission must inform the Minister of any person selected following a rejection or a requirement to reconsider.
- (4) Subsections (1) and (2) do not prevent a person being selected on a subsequent request under section 66. 40

71 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.
- (2) The Commission must inform the Minister of any person selected on reconsideration under this section. 5
- (3) Sections 69 and 70 apply to such a person as if the Commission had selected him instead of making the decision reconsidered.

72 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. 10
- (2) At any other time he may withdraw a request by notice in writing to the Commission.
- (3) The notice must state the Minister’s reasons for withdrawing the request.
- (4) If a request is withdrawn – 15
 - (a) sections 67 to 71 cease to apply in relation to it, and
 - (b) any selection made on it is to be disregarded.
- (5) Withdrawal of a request does not affect the power of the Minister to make another request in the same or different terms.
- (6) In this section “request” means a request under section 66. 20

Complaints and references

73 Qualifying complaints

- (1) This section applies for the purposes of this Part.
- (2) A complaint is a qualifying complaint if it is – 25
 - (a) a Commission complaint, or
 - (b) a departmental complaint.
- (3) It is a Commission complaint if it is a complaint that the complainant has suffered injustice because of maladministration by the Commission or a committee of the Commission.
- (4) It is a departmental complaint if it is a complaint that the complainant has suffered injustice because of maladministration by the Minister or his department in connection with any of the following – 30
 - (a) selection under this Part;
 - (b) recommendation for or appointment to an office listed in Schedule 12;
 - (c) appointment as a justice of the peace other than a District Judge (Magistrates’ Courts); 35
 - (d) appointment as a General Commissioner of Income Tax.

74 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. 5
- (3) Arrangements under this section need not apply to a complaint made more than 28 days after the matter complained of.

75 Complaints to the Ombudsman

- (1) The Ombudsman must investigate any complaint which the complainant –
 - (a) has made to the Commission or the Minister in accordance with arrangements under section 74, and 10
 - (b) makes to the Ombudsman not more than 28 days later.
- (2) The Ombudsman may investigate a complaint which the complainant –
 - (a) has made to the Commission or the Minister in accordance with arrangements under section 74, and 15
 - (b) makes to the Ombudsman at any later time.
- (3) 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.
- (4) 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. 20
- (5) 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 the Commission had declined to investigate or on which they had concluded their investigation. 25
- (6) Any complaint to the Ombudsman under this section must be in a form approved by him.

76 Report and recommendations 30

- (1) The Ombudsman must prepare a report on any complaint he has investigated under section 75.
- (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; 35
 - (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.
- (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 40

not as a result of any failure to be appointed to an office to which the complaint related.

77 Report procedure

- (1) This section applies to a report under section 76.
- (2) The Ombudsman must submit a draft of the report – 5
 - (a) to the Minister, and
 - (b) if the complaint was a Commission complaint, to the Commission.
- (3) In finalising the report the Ombudsman – 10
 - (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.
- (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. 15
- (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 confidential information within the meaning of section 92 which relates to an individual other than the complainant.

78 References by the Minister 20

- (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. 25
- (4) The report must state – 30
 - (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.

79 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 75 or 78. 35

Miscellaneous

80 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 Secretary of State for Constitutional Affairs 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.”

81 Confidentiality

- (1) A person who is or has been a Commissioner, a member of the Commission’s staff or an agent of the Commission must not disclose confidential information except with lawful authority.
- (2) Information is confidential if each of the following applies –
 - (a) it has been obtained by or provided to the Commission under or for the purposes of this Part;
 - (b) it relates to an identified or identifiable individual;
 - (c) it is not, and has never been, available to the public from other sources.
- (3) 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 the individual;
 - (b) the information was provided in order to be made available to the public (in whatever way) under any provision of this Part;
 - (c) the disclosure is for (and is necessary for) the discharge of functions of the Commission under this Part;
 - (d) the disclosure is for (and is necessary for) the purposes of proceedings (whether civil or criminal and whether or not arising under this Part);
 - (e) having regard to the rights and freedoms or legitimate interests of any person, the disclosure is necessary in the public interest.
- (4) 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) But it is actionable only at the suit of the individual to whom the information relates.

82 Disclosure of information to Commission

- (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.
- (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).
- (4) This section does not affect a power to disclose which exists apart from this section. 5
- (5) The following are permitted persons –
- (a) a chief officer of police of a police force in England and Wales;
 - (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; 10
 - (e) the Director General of the National Crime Squad;
 - (f) the Commissioners of Inland Revenue;
 - (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). 15
- (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. 20
- (8) The power to authorise a disclosure under subsection (7) may be delegated (either generally or for a specific purpose) –
- (a) in the case of the Commissioners of Inland Revenue, to an officer of the Board of Inland Revenue, 25
 - (b) in the case of the Commissioners of Customs and Excise, to a customs officer.
- (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). 30

CHAPTER 3

DISCIPLINE

Procedures

83 Disciplinary powers

- (1) Any power of the Minister to remove from office the holder of an office listed in Schedule 12 is exercisable only after the Minister has complied with prescribed procedures. 35
- (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. 40
- (3) The Lord Chief Justice may give a judicial office holder any of the following for disciplinary purposes –

-
- (a) advice;
 - (b) a warning;
 - (c) a formal reprimand.
- (4) He may suspend a judicial office holder for any period during which any of the following applies – 5
- (a) the office holder is subject to criminal proceedings;
 - (b) the office holder is serving a sentence imposed in criminal proceedings;
 - (c) the office holder has been convicted of an offence and is subject to disciplinary procedures to determine whether he should be removed from office. 10
- (5) He may suspend a judicial office holder for any period if – 15
- (a) the office holder has been convicted of a criminal offence,
 - (b) it has been determined under prescribed procedures that the office holder 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. 15
- (6) He may suspend a senior judge for any period during which the judge 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 office holder – 20
- (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. 25

84 Disciplinary powers: interpretation

- (1) This section has effect for the purposes of section 83.
- (2) A judicial office holder is subject to criminal proceedings from the time when he is committed for trial on indictment for an offence to the time when the proceedings against him for the offence, including any appeal by him or by the prosecution, are concluded. 30
- (3) A senior judge 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 judge from office, until the earliest of the following events – 35
- (a) either notice is withdrawn;
 - (b) either motion is withdrawn or lapses;
 - (c) either motion is amended or 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.
- (4) “Judicial office holder” means – 40
- (a) a senior judge, or
 - (b) the holder of an office listed in Schedule 12, other than a puisne judge of the High Court.
- (5) “Senior judge” means any of these –

- (a) puisne judge of the High Court;
 - (b) Lord Justice of Appeal;
 - (c) Master of the Rolls;
 - (d) President of the Family Division;
 - (e) Chancellor of the High Court; 5
 - (f) President of the Queen’s Bench Division.
- (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. 10

85 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 by the Lord Chief Justice or the Minister of alleged misconduct by judicial office holders. 15
- (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. 20

86 Contents of regulations

- (1) Regulations under section 85 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); 25
 - (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; 30
 - (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; 35
 - (g) requirements as to records of investigations;
 - (h) requirements as confidentiality of communications or proceedings;
 - (i) requirements as to the publication of information or its provision to any person.
- (2) The regulations – 40
- (a) may require a decision by the Lord Chief Justice or the Minister as to the exercise of functions under section 83, 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.
 - (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 85.

87 Procedural rules

- (1) Regulations under section 85 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. 15
- (2) But the provision that may be made by rules does not include –
 - (a) provision within section 86(2);
 - (b) provision made for the purposes of section 86(4). 20
- (3) The rules are to be published in such manner as the Lord Chief Justice may determine with the agreement of the Minister.

Complaints and references

88 Investigations by the Ombudsman relating to conduct

- (1) The Ombudsman must investigate any complaint that a complainant within subsection (2) has suffered injustice because 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. 30
- (2) The persons who may make a complaint under this section are these –
 - (a) the judicial office holder the subject of the investigation or determination concerned;
 - (b) a complainant under regulations under section 85.
- (3) 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 –
 - (a) the matter complained of;
 - (b) the conclusion or other termination of an investigation to which the complaint relates;
 - (c) the making of a determination to which the complaint relates. 40

- (4) A complaint under this section must be in a form approved by the Ombudsman.

89 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. 5
- (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 Minister on any investigation under this section. 10
- (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. 15

90 Report and recommendations

- (1) The Ombudsman must prepare a report on any complaint he has investigated under section 88.
- (2) The report must state –
- (a) what findings the Ombudsman has made; 20
 - (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.
- (3) The recommendations that may be made under subsection (2)(c) include recommendations for the payment of compensation. 25

91 Report procedure

- (1) This section applies to a report under section 90.
- (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 – 30
- (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. 35
- (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 confidential information within the meaning of section 92 which relates to an individual other than the complainant. 40

CHAPTER 4

GENERAL

92 Confidentiality

- (1) A person who is or has been the Ombudsman, a member of the Ombudsman’s staff or an agent of the Ombudsman must not disclose confidential information except with lawful authority. 5
- (2) Information is confidential if each of the following applies –
- (a) it has been obtained by or provided to the Ombudsman under or for the purposes of this Part;
 - (b) it relates to an identified or identifiable individual; 10
 - (c) it is not, and has never been, available to the public from other sources.
- (3) 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 the individual;
 - (b) the information was provided in order to comply with any provision of this Part; 15
 - (c) the disclosure is for (and is necessary for) the discharge of functions of the Ombudsman under this Part;
 - (d) the disclosure is for (and is necessary for) the purposes of proceedings (whether civil or criminal and whether or not arising under this Part). 20
- (4) 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) But it is actionable only at the suit of the individual to whom the information relates. 25

93 Interpretation of Part 3

In this Part –

the “Commission” means the Judicial Appointments Commission;

“Head of Division” means any of these –

- (a) the Master of the Rolls; 30
- (b) the President of the Family Division;
- (c) the Chancellor of the High Court;
- (d) the President of the Queen’s Bench Division;

“high judicial office” has the meaning given by section 48;

“lay member” of the Commission has the meaning given by paragraph 3 of Schedule 10; 35

the “Ombudsman” means the Judicial Appointments and Conduct Ombudsman;

“prescribed” means prescribed by regulations under section 85 or by rules under section 87. 40

PART 4

OTHER PROVISIONS RELATING TO THE JUDICIARY

94 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 – 5
“Judge of the Supreme Court.
Member of the supplementary panel under section 30 of the Constitutional Reform Act 2004.”
- (2) A member of the House of Lords is, while he holds any of the judicial offices specified in Part 1 of Schedule 1 to the House of Commons Disqualification Act 1975, disqualified for sitting or voting in – 10
(a) the House of Lords,
(b) a committee of that House, or
(c) a joint committee of both Houses.
- (3) A member of the House of Lords who is disqualified under subsection (2) 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. 15

95 Judicial functions of the Lord President of the Council

- (1) Schedule 13 contains amendments relating to the judicial functions of the Lord President of the Council. 20
- (2) The amendment made by paragraph 2 of that Schedule also relates to the keeper and commissioners of the great seal.

PART 5

GENERAL

96 Functions of the Minister not to be transferred by order 25

Section 1 of the Ministers of the Crown Act 1975 (c. 26) (powers to transfer functions between Ministers of the Crown) does not apply to functions conferred on the Minister by any provision of this Act (including any amendment made by this Act to another enactment).

97 Interpretation: the Minister 30

In this Act “the Minister” means the Secretary of State for Constitutional Affairs.

98 Supplementary provision etc

- (1) The Minister may by order make – 35
(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 –	
(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;	5
(b) amend or repeal any of the following –	
(i) an enactment other than one contained in an Act passed in a Session after that in which this Act is passed;	10
(ii) subordinate legislation other than subordinate legislation made under an Act passed in a Session after that in which this Act is passed;	
(iii) any other instrument or document, including a prerogative instrument.	15
(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.	
(4) In this section –	
“enactment” has the same meaning as in the Interpretation Act 1978 (c. 30) and also includes a local, personal or private Act;	20
“prerogative instrument” means an Order in Council, warrant, charter or other instrument made under the prerogative;	
“subordinate legislation” has the same meaning as in the Interpretation Act 1978.	
99 Orders and regulations	25
(1) Any power of the Minister to make an order or regulations under this Act is exercisable by statutory instrument.	
(2) A statutory instrument containing such an order or regulations is subject to annulment in pursuance of a resolution of either House of Parliament; but that is subject to the following subsections.	30
(3) A statutory instrument containing an order or regulations under any of the following provisions 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) Those provisions are –	
(a) section 21;	35
(b) section 51;	
(c) paragraph 7 of Schedule 10.	
(5) A statutory instrument containing an order under section 65(3)(a) or (b) which amends Part 1 of Schedule 12 may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.	40
(6) Subsection (2) does not apply to an order under section 103.	
100 Minor and consequential amendments	
Schedule 14 (minor and consequential amendments) has effect.	

101 Repeals and revocations

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

102 Extent

- (1) The following provisions of Part 1 extend to England and Wales only – 5
 - (a) sections 1 and 2;
 - (b) sections 4 and 5.
- (2) Part 3 extends to England and Wales only.
- (3) Section 98 does not extend to Northern Ireland.
- (4) Any amendment, repeal or revocation made by this Act has the same extent as the provision to which it relates. 10
- (5) Subject to subsections (1) to (4), this Act extends to Northern Ireland.

103 Commencement

- (1) This Act, except this section and sections 102 and 104, comes into force in accordance with provision to be made by the Minister by order made by statutory instrument. 15
- (2) An order under this section may make different provision for different purposes.

104 Short title

This Act may be cited as the Constitutional Reform Act 2004. 20

SCHEDULES

SCHEDULE 1

Section 3

FUNCTIONS OF THE LORD CHANCELLOR AND
ORGANISATION OF THE COURTS

PART 1

5

AMENDMENTS

Habeas Corpus Act 1679 (c. 2)

- 1 (1) Any reference to the Lord Chancellor or the Lord Keeper in sections 2 and 9 of the Habeas Corpus Act 1679 is to be construed as a reference to the Lord Chief Justice. 10
- (2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under sections 2 and 9 of that Act.

Cestui que vie Act 1707 (c. 72)

- 2 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 the a judge of the Chancery Division of the High Court. 15

British Law Ascertainment Act 1859 (c. 63)

- 3 In section 5 of the British Law Ascertainment Act 1859 (interpretation) omit “the Lord Chancellor,”. 20

Promissory Oaths Act 1871 (c. 48)

- 4 (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. 25
- (2) In the paragraph beginning “In England and Wales” for “Lord Chancellor” substitute “Lord Chief Justice”.
- (3) After that paragraph insert –
- “The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under the preceding paragraph.” 30

Sheriffs Act 1887 (c. 55)

- 5 In section 20 of the Sheriffs Act 1887 (fees and poundage), in subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Appellate Jurisdiction Act 1887 (c. 70)

5

- 6 In section 3 of the Appellate Jurisdiction Act 1887 (membership of Judicial Committee of Privy Council), omit the words from “unless” until the end.

Law of Distress Amendment Act 1888 (c. 21)

- 7 In section 8 of the Law of Distress Amendment Act 1888 (power to make rules), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

10

Stamp Act 1891 (c. 39)

- 8 In section 13A (appeal to the Special Commissioners), in subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

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

15

- 9 (1) Section 1 of the Stannaries Court (Abolition) Act 1896 (abolition of Vice-Warden’s Court) is amended as follows.

(2) In subsection (1) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.

(3) After subsection (2) insert –

20

“(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”

Judicial Committee Act 1915 (c. 92)

- 10 (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.

25

(2) In subsection (1) for “Lord Chancellor” substitute “President of the Supreme Court of the United Kingdom”.

War Pensions (Administrative Provisions) Act 1919 (c. 53)

30

- 11 (1) The Schedule to the War Pensions (Administrative Provisions) Act 1919 (constitution, jurisdiction and procedure of pensions appeal tribunals) is amended as follows.

(2) In paragraph 1 (constitution of tribunals), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

35

(3) In paragraph 8 (procedure), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

(4) In paragraph 9 (interpretation), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Administration of Justice Act 1925 (c. 28)

- 12 (1) Section 22 of the Administration of Justice Act 1925 (registration of deeds of arrangement) is amended as follows.
- (2) In subsection (4) (fees) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 5
- (3) In subsection (5) for “by the Lord Chancellor with the concurrence of the President of the Board of Trade” substitute “by the Lord Chief Justice with the concurrence of the Secretary of State for Constitutional Affairs”.
- (4) After subsection (5) insert –
- “(5A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under sub-paragraph (5).” 10

Children and Young Persons Act 1933 (c. 12)

- 13 (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. 15
- (2) In subsection (3) for “Lord Chancellor or a person acting on his behalf” substitute “Lord Chief Justice, after the Lord Chief Justice has consulted the Secretary of State for Constitutional Affairs,”.
- (3) In subsections (4) for “Lord Chancellor may” substitute “Lord Chief Justice may, after consulting the Secretary of State for Constitutional Affairs,”. 20
- (4) In subsection (5) for “on the Lord Chancellor” substitute “exercisable by the Lord Chief Justice after consultation with the Secretary of State for Constitutional Affairs”.
- (5) After subsection (8) insert –
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (3) or (4) or his powers under rules under subsection (4).” 25

Compensation (Defence) Act 1939 (c. 75)

- 14 In section 8 of the Compensation (Defence) Act 1939, in subsection (5) for for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 30

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

- 15 (1) Section 109 of the London Building Acts (Amendment) Act 1939 (constitution etc of tribunal appeal) is amended as follows. 35
- (2) In subsection (1)(i) for “The Lord Chancellor may if he thinks fit” substitute “The Secretary of State for Constitutional Affairs may, if he thinks fit and the if the Lord Chief Justice agrees,”.
- (3) In subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 40

(4) After subsection (2) insert –

“(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”

Pensions Appeal Tribunals Act 1943 (c. 39)

5

16 The Pension Appeal Tribunals Act 1943 is amended as follows.

17 (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, after consulting the Secretary of State for Constitutional Affairs,”. 10

(3) After subsection (4) insert –

“(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (2).”

18 (1) Section 13 (application to Scotland) is amended as follows. 15

(2) In paragraph (a) omit “by the Lord Chancellor”.

(3) In paragraph (b) for “the Lord Chancellor” substitute “the Secretary of State for Constitutional Affairs or the Lord Chief Justice”.

19 (1) The Schedule (constitution, jurisdiction and procedure of Tribunals) is amended as follows. 20

(2) In paragraph 1 (constitution of Tribunals) –

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

(b) in that sub-paragraph –

(i) for “Lord Chancellor may from time to time determine” substitute “Secretary of State for Constitutional Affairs may from time to time determine after consulting the Lord Chief Justice”; 25

(ii) for “he may from time to time determine” substitute “the Secretary of State for Constitutional Affairs may from time to time determine after consulting the Lord Chief Justice”; 30

(c) after that sub-paragraph insert –

“(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this paragraph.”

(3) In paragraph 2 (membership) – 35

(a) in sub-paragraph (3) for “Lord Chancellor may, if he thinks fit,” substitute “Secretary of State for Constitutional Affairs may, if he thinks fit and if the Lord Chief Justice agrees,”;

(b) after sub-paragraph (4) insert –

“(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this paragraph.” 40

(4) In paragraph 3C (power to give directions), in sub-paragraph (2)(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

(5) In paragraph 5 (rules) – 45

- (a) in sub-paragraph (1) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”;
- (b) in sub-paragraph (4)(b) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Agriculture Act 1947 (c. 48)

5

20 The Agriculture Act 1947 is amended, or has effect, as follows.

21 (1) Section 73 (establishment, constitution and procedure of Agricultural Land Tribunals) is amended as follows.

(2) In subsection (1) for “Lord Chancellor shall” substitute “Secretary of State for Constitutional Affairs shall, after consulting the Chairman of the Agricultural Land Tribunals,”.

10

(3) In subsection (3) (procedure) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

22 (1) The functions of the Minister under section 75 (provisions as to land lying partly in one area and partly in another) are exercisable by the Secretary of State for Constitutional Affairs after consultation with the Lord Chief Justice.

15

(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under sub-paragraph (1).

20

(3) Sub-paragraph (1) does not apply as respects a reference to an Agricultural Land Tribunal under section 85 or 86 of the Agriculture Act 1947.

23 In section 108 (regulations and orders), in subsection (1) omit “by the Minister” in the second place.

24 (1) Schedule 9 (constitution of Agricultural Land Tribunals) is amended as follows.

25

(2) In paragraph 13 (chairman of each Tribunal) –

(a) in sub-paragraph (3) (resignation) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;

(b) in sub-paragraph (4) –

30

(i) for “Lord Chancellor is” substitute “Secretary of State for Constitutional Affairs and Lord Chief Justice are both”;

(ii) for “Lord Chancellor may” in the second place substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”;

35

(c) after sub-paragraph (4) insert –

“(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”

(3) In paragraph 16A (discharge of chairman’s duties) –

40

(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 Secretary of State for Constitutional Affairs”;

(c) after that sub-paragraph insert –

“(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under sub-paragraph (1).”

Commonwealth Telegraphs Act 1949 (c. 39) 5

25 In section 6 of the Commonwealth Telegraphs Act 1949 (pensions), in paragraph (a) of the second paragraph of subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Lands Tribunal Act 1949 (c. 42)

26 The Lands Tribunal Act 1949 is amended as follows. 10

27 (1) Section 2 (members, officers and expenses of Lands Tribunal) is amended as follows.

(2) In subsection (3) for “Lord Chancellor may” substitute “Lord Chief Justice may, after consulting the Secretary of State for Constitutional Affairs,”.

(3) In subsection (4) for “in the opinion of the Lord Chancellor” substitute “in the opinion of the Secretary of State for Constitutional Affairs and the Lord Chief Justice”. 15

(4) In subsections (5) and (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

(5) In subsection (9)(a) for “the Lord Chancellor” substitute “the Secretary of State for Constitutional Affairs and the Lord Chief Justice”. 20

(6) After subsection (10) insert –

“(11) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 25

28 In section 3 (procedure, appeals, costs and fees), in subsection (11)(b) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Registered Designs Act 1949 (c. 88)

29 The Registered Designs Act 1949 is amended as follows.

30 (1) Section 27 (meaning of the court) is amended as follows. 30

(2) In subsection (2) for “Lord Chancellor may select” substitute “Lord Chief Justice may, after consulting the Secretary of State for Constitutional Affairs, select”.

(3) After subsection (2) insert –

“(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (2).” 35

31 (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 after consulting the Secretary of State for Constitutional Affairs”. 40

(3)	After subsection (10) insert— “(11) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (2)(a).”	
<i>Foreign Compensation Act 1950 (c. 12)</i>		5
32	The Foreign Compensation Act 1950 is amended as follows.	
33	In section 4 (procedure of Foreign Compensation Commission), in subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
34	In section 8 (Orders in Council and rules), in subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	10
<i>Maintenance Orders Act 1950 (c. 37)</i>		
35	In section 25(1) of the Maintenance Orders Act 1950 (power to make rules about procedure under section 144 of the Magistrates’ Courts Act), for “Lord Chancellor” substitute “Lord Chief Justice”.	15
<i>Courts-Martial (Appeals) Act 1951 (c. 46)</i>		
36	The Courts-Martial (Appeals) Act 1951 is amended as follows.	
37	(1) Section 28 (provisions with respect to office of Judge Advocate of fleet) is amended as follows. (2) In subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	20
	(3) After subsection (3) insert— “(3A) The Secretary of State for Constitutional Affairs may make a recommendation under subsection (3) 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.”	25
	(4) In subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	30
38	(1) Section 32 (tenure of office of Judge Advocate General and assistants) is amended as follows. (2) In subsection (1) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.	
	(3) After subsection (1) insert— “(3A) The Secretary of State for Constitutional Affairs may make a recommendation, or remove a person from office, under subsection (1) 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.”	35 40

- 39 In section 33 (salaries of Judge Advocate General and assistants), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

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

- 40 (1) Section 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (appropriate courts and procedure) is amended as follows. 5
- (2) In subsection (1) for “made by the Lord Chancellor under this section” substitute “made under this section by the Secretary of State for Constitutional Affairs 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 10

Agriculture (Miscellaneous Provisions) Act 1954 (c. 39)

- 41 The Agriculture (Miscellaneous Provisions) Act 1954 is amended as follows.
- 42 In section 9 (power of Agricultural Land Tribunal to refer questions of law to High Court), in subsection (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 15

Pharmacy Act 1954 (c. 61)

- 43 (1) In Schedule 1C to the Pharmacy Act 1954 (appeal tribunals), paragraph 3 (appointments) is amended as follows. 20
- (2) In sub-paragraph (4) for “by the Lord Chancellor and” substitute “by the Secretary of State for Constitutional Affairs after consulting the Lord Chief Justice and by the”.
- (3) After sub-paragraph (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this paragraph.” 25

Land Powers (Defence) Act 1958 (c. 30)

- 44 (1) Schedule 2 to the Land Powers (Defence) Act 1958 (provisions with respect to making certain orders under the Act) is amended as follows. 30
- (2) In paragraph 4 (inquiries into objections) –
- (a) in sub-paragraph (1) for “by the Lord Chancellor” substitute “by the Lord Chief Justice, after consulting the Secretary of State for Constitutional Affairs,”;
- (b) in sub-paragraphs (3) and (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”; 35
- (c) after sub-paragraph (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under sub-paragraph (1).” 40
- (3) In paragraph 10 (application of Schedule to land in Scotland) –

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- (a) in paragraph (a) for “in sub-paragraphs (1) and (4) of paragraph 4 thereof, for references to the Lord Chancellor” substitute “for the reference to the Lord Chief Justice in paragraph 4(1) and the reference to the Secretary of State for Constitutional Affairs in paragraph 4(4)”;
- (b) in paragraph (b) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Agriculture Act 1958 (c. 71)

- 45 The Agriculture Act 1958 is amended as follows.
- 46 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”.
- 47 In Schedule 1 (minor and consequential amendments), omit paragraph 4.

Mental Health Act 1959 (c. 72)

- 48 In section 145 (general provisions as to regulations, orders and rules) omit “or the Lord Chancellor”.

Administration of Justice Act 1960 (c. 65)

- 49 (1) Section 14 of the Administration of Justice Act 1960 (procedure on application for habeas corpus) is amended as follows.
- (2) In subsection (2) omit “; and no such application shall in any case be made to the Lord Chancellor”.

Land Compensation Act 1961 (c. 33)

- 50 In section 3 of the Land Compensation Act 1961 (consolidation of proceedings on claims in respect of several interests in the same land), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Betting, Gaming and Lotteries Act 1963 (c. 2)

- 51 In section 29 of the Betting, Gaming and Lotteries Act 1963 (Levy Appeal Tribunals), in subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

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

- 52 (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—
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (1).”

Industrial and Provident Societies Act 1965 (c. 12)

- 53 In section 69 of the Industrial and Provident Societies Act 1965 (remuneration of county court registrars), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Commons Registration Act 1965 (c. 64)

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- 54 (1) Section 17 of the Commons Registration Act 1965 (Commons Commissioners and assessors) is amended as follows.
(2) In subsection (1A) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Superannuation Act 1965 (c. 74)

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- 55 In section 39A of the Superannuation Act 1965 (superannuation benefits in respect of certain judicial offices), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

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

- 56 The Courts-Martial (Appeals) Act 1968 is amended as follows. 15

- 57 (1) Section 5 (constitution of court for particular proceedings) is amended as follows.

- (2) In subsection (4) –
(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”; 20
(b) after “expedient to do so” 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 25

- 58 (1) Section 7 (Court staff, salaries and pensions) is amended as follows.

- (2) In subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

- 59 In section 30 (other powers for facilitating disposal of appeal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 30

Hearing Aid Council Act 1968 (c. 50)

- 60 The Hearing Aid Council Act 1968 is amended as follows.

- 61 In section 5 (preliminary investigation of disciplinary cases), in subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 35

- 62 In section 6 (the Disciplinary Committee), in subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

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| 63 | In section 10 (procedure of Disciplinary Committee), in subsection (6) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. | |
| 64 | In section 13 (exercise of power to make or approve certain rules) omit “on the Lord Chancellor”. | 5 |

Taxes Management Act 1970 (c. 9)

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| 65 | The Taxes Management Act 1970 is amended as follows. | |
| 66 | (1) Section 2 (General Commissioners) is amended as follows. | |
| | (2) For “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. | 10 |
| | (3) After subsection (6) insert – | |
| | “(6A) The Secretary of State for Constitutional Affairs must consult the Lord Chief Justice before exercising any function conferred on him by subsection (1) or (6). | |
| | (6B) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” | 15 |
| 67 | In section 2A (General Commissioners: costs and expenses in legal proceedings), in subsection (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. | 20 |
| 68 | (1) Section 3 (clerk to General Commissioners) is amended as follows. | |
| | (2) In subsections (3) and (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. | |
| 69 | In section 3A (General Commissioners and clerks: indemnity), in subsection (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. | 25 |
| 70 | (1) Section 4 (Special Commissioners) is amended as follows. | |
| | (2) In subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. | |
| | (3) After subsection (4) insert – | 30 |
| | “(4A) The Secretary of State for Constitutional Affairs may remove a person from office under subsection (4) only with the concurrence of all of the following – | |
| | (a) the Lord Chief Justice; | |
| | (b) the Lord President of the Court of Session; | 35 |
| | (c) the Lord Chief Justice of Northern Ireland.” | |
| | (4) In subsection (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. | |
| 71 | (1) Section 4A (deputy Special Commissioners) is amended as follows. | |
| | (2) In subsection (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. | 40 |
| 72 | (1) Section 28ZC (regulations with respect to referrals) is amended as follows. | |

- (2) In subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In subsection (3)(b) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (4) In subsection (5)(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 5
- 73 In section 46A (regulations about jurisdiction), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- 74 In section 56B (regulations about practice and procedure), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 10

Administration of Justice Act 1970 (c. 31)

- 75 (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 – 15
- “(1) This section applies if both of the following conditions are met –
- (a) the Secretary of State 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); 20
- (b) the Secretary of State requests the Lord Chief Justice to make such an appointment.
- (1A) The Lord Chief Justice may, after consulting the Secretary of State, appoint one of the following persons as mentioned in subsection (1)(a) – 25
- (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; 30
- (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 Secretary of State.” 35
- (3) In subsection (3) for “Lord Chancellor” substitute “Secretary of State”.
- (4) After subsection (4) insert –
- “(4A) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs. 40
- (4B) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”

Courts Act 1971 (c. 23)

- 76 The Courts Act 1971 is amended as follows.
- 77 (1) Section 17 (retirement, removal and disqualification of Circuit judges) is amended as follows.
- (2) In subsection (4) for “Lord Chancellor may, if he thinks fit,” substitute “Secretary of State for Constitutional Affairs may, if he thinks fit and if the Lord Chief Justice agrees,”. 5
- (3) After subsection (4) insert –
- “(4A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 10
- 78 In section 18 (salaries and allowances of Circuit judges), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- 79 (1) Section 21 (appointment of Recorders) is amended as follows. 15
- (2) In subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In subsection (5) for “Lord Chancellor’s power” substitute “power of Secretary of State for Constitutional Affairs”.
- (4) In subsection (6) for “Lord Chancellor may if he thinks fit” substitute “Secretary of State for Constitutional Affairs may, if he thinks fit and if the Lord Chief Justice agrees,”. 20
- (5) In subsection (7) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (6) After subsection (7) insert – 25
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 80 (1) Section 22 (oaths to be taken by Circuit judges and Recorders) is amended as follows. 30
- (2) In subsection (2) for “Lord Chancellor” substitute “Lord Chief Justice”.
- (3) After subsection (3) insert –
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (2).” 35
- 81 (1) Section 24 (deputy Circuit judges and assistant Recorders) is amended as follows.
- (2) In subsection (1A) for “Lord Chancellor’s power” substitute “power of Secretary of State for Constitutional Affairs”.
- (3) In subsection (5) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 40
- 82 (1) Schedule 2 (holders of certain existing judicial offices) is amended as follows.

	(2) In paragraph 4(3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
	(3) In paragraph 8 for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
	(4) In paragraph 9(2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	5
83	(1) Schedule 10 (transitional provisions), paragraph 1 is amended as follows.	
	(2) In sub-paragraph (3) for “given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor” substitute “given, after consulting the Lord Chief Justice, by or on behalf of the Secretary of State for Constitutional Affairs”.	10
	(3) After sub-paragraph insert—	
	“(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under sub-paragraph (3).”	15
<i>Misuse of Drugs Act 1971 (c. 38)</i>		
84	In Schedule 3 to the Misuse of Drugs Act 1971 (tribunals, advisory bodies and professional panels), in paragraph 4 (rules of procedure in tribunals) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
<i>Land Charges Act 1972 (c. 61)</i>		
85	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,”.	20
<i>Administration of Justice Act 1973 (c. 15)</i>		
86	The Administration of Justice Act 1973 is amended as follows.	25
87	In section 9 (judicial salaries), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
88	In section 12 (retirement of higher judiciary in event of incapacity), in subsection (1) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.	30
<i>Matrimonial Causes Act 1973 (c. 18)</i>		
89	(1) Section 10A of the Matrimonial Causes Act 1973 (proceedings after decree nisi: religious marriage) is amended as follows.	
	(2) In subsection (6) for “made by the Lord Chancellor” substitute “made by the Secretary of State for Constitutional Affairs 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”	40

Industry Act 1975 (c. 68)

- 90 The Industry Act 1975 is amended as follows.
- 91 (1) Schedule 3 (tribunals to arbitrate disputes relating to vesting and compensation orders).
- (2) In paragraph 4 (constitution and sittings) – 5
- (a) that paragraph becomes sub-paragraph (1) of paragraph 4;
- (b) in that sub-paragraph for “Lord Chancellor may direct” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice, direct”;
- (c) after that sub-paragraph insert – 10
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this paragraph.”
- (3) In paragraph 7 (procedure) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 15

Armed Forces Act 1976 (c. 52)

- 92 (1) Section 6 of the Armed Forces Act 1976 (establishment of Standing Civilian Courts) is amended as follows.
- (2) In subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 20
- (3) After subsection (3) insert –
- “(3A) The Secretary of State for Constitutional Affairs may give approval to an order under subsection (3) only after consulting all of the following –
- (a) the Lord Chief Justice; 25
- (b) the Lord President of the Court of Session;
- (c) the Lord Chief Justice of Northern Ireland.”
- (4) In subsection (11) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (5) After subsection (11) insert – 30
- “(11A) The Secretary of State for Constitutional Affairs may give approval to the removal of a member under subsection (11) only with the concurrence of all of the following –
- (a) the Lord Chief Justice;
- (b) the Lord President of the Court of Session; 35
- (c) the Lord Chief Justice of Northern Ireland.”

Race Relations Act 1976 (c. 74)

- 93 (1) Section 67 of the Race Relations Act 1976 (sheriff courts and designated county courts) is amended as follows.
- (2) In subsection (1) for “by the Lord Chancellor” substitute “by the Secretary of State for Constitutional Affairs with the concurrence of the Lord Chief Justice”. 40

(3) After subsection (5) insert –

“(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”

Rent (Agriculture) Act 1976 (c. 80)

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94 In section 26 of the Rent (Agriculture) Act 1976 (jurisdiction and procedure), in subsection (5) omit the second paragraph.

Aircraft and Shipbuilding Industries Act 1977 (c. 3)

95 The Aircraft and Shipbuilding Industries Act 1977 is amended as follows.

96 (1) Section 42 (the arbitration tribunal) is amended as follows. 10

(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 Secretary of State for Constitutional Affairs may direct after consulting all of the following –

(a) the Lord Chief Justice; 15

(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”. 20

(4) After subsection (8) insert –

“(8A) Where the appointor is the Secretary of State for Constitutional Affairs, the power conferred by subsection (5)(b) or (6) may be exercised only with the concurrence of the Lord Chief Justice.”

97 In Schedule 7 (procedure of arbitration tribunal), in paragraph 5(1) (rules) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 25

Patents Act 1977 (c. 37)

98 The Patents Act 1977 is amended as follows.

99 (1) Section 97 (appeals from the Comptroller) is amended as follows. 30

(2) In subsection (2) for “or on behalf of the Lord Chancellor” substitute “the Lord Chief Justice after consulting the Secretary of State for Constitutional Affairs”.

(3) After subsection (3) insert –

“(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (2).” 35

Administration of Justice Act 1977 (c. 38)

100 (1) Section 23 of the Administration of Justice Act 1977 (jurisdiction of ancient courts) is amended as follows. 40

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- (2) In subsection (2) for “appear to the Lord Chancellor” substitute “appear to the Secretary of State for Constitutional Affairs, after consulting the Lord Chief Justice,”.
- (3) In subsection (4) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice”. 5
- (4) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- National Health Service Act 1977 (c. 49)* 10
- 101 (1) In Schedule 9A to the National Health Service Act 1977 (Family Health Services Appeal Authority) paragraph 5A is amended as follows.
- (2) That paragraph becomes sub-paragraph (1) of paragraph 5.
- (3) In that sub-paragraph for “by the Lord Chancellor” substitute “by the Secretary of State for Constitutional Affairs, with the concurrence of the Lord Chief Justice,”. 15
- (4) After that sub-paragraph insert –
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this paragraph.” 20
- Magistrates’ Courts Act 1980 (c. 43)*
- 102 The Magistrates’ Courts Act 1980 is amended as follows.
- 103 (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 Secretary of State for Constitutional Affairs,”. 25
- (3) After subsection (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (3).” 30
- 104 (1) Section 67 (Family Proceedings Courts) (as substituted by section 49(1) 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”.
- (3) In subsection (4) for “Lord Chancellor may by rules” substitute “Lord Chief Justice may, after consulting the Secretary of State for Constitutional Affairs, by rules”. 35
- (4) In subsection (5) for “Lord Chancellor” substitute “Lord Chief Justice”.
- (5) After subsection (8) insert –
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (3) or (4) or the powers conferred on him by rules under subsection (4).” 40

- 105 (1) Section 144 (rule committee and rules of procedure) is amended as follows.
- (2) Before subsection (1) insert –
- “(A1) The Secretary of State may appoint a rule committee for magistrates’ courts.”
- (3) In subsection (1) – 5
- (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 Secretary of State,”.
- (4) After subsection (1) insert – 10
- “(1A) If the Secretary of State does not agree rules made by the Lord Chief Justice, the Secretary of State must give the Lord Chief Justice and the rules committee written reasons for doing so.”
- (5) In subsection (2) – 15
- (a) for “Lord Chancellor” substitute “Secretary of State”;
- (b) for “he may determine” substitute “he may, after consulting the Lord Chief Justice, determine”.
- (6) In subsection (3) for “Lord Chancellor” substitute “Secretary of State in accordance with subsection (2)”.
- (7) After subsection (4) insert – 20
- “(4A) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.”
- 106 After section 144 insert –
- “144A Rules to be made if required by Secretary of State**
- (1) This section applies if the Secretary of State for Constitutional Affairs 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. 25
- (2) The Lord Chief Justice must make such rules as he considers necessary to achieve the specified purpose. 30
- (3) Those rules must be –
- (a) made within a reasonable period after the Secretary of State gives notice to the Lord Chief Justice;
- (b) made in accordance with section 144.”
- Judicial Pensions Act 1981 (c. 20)* 35
- 107 The Judicial Pensions Act 1981 is amended as follows.
- 108 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”.
- 109 In section 3 (former holder of office other than high judicial office), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 40

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- 110 (1) Section 5 (Circuit Judge in England and Wales) is amended as follows.
- (2) In subsection (1) –
- (a) for “A Circuit judge may on the recommendation of the Lord Chancellor” substitute “Where the Secretary of State for Constitutional Affairs so recommends, after consulting the Lord Chief Justice, a Circuit judge may”; 5
- (b) in paragraph (c) for “Lord Chancellor is satisfied” substitute “Secretary of State for Constitutional Affairs is, after consulting the Lord Chief Justice, satisfied”.
- (3) After subsection (6) insert – 10
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 111 (1) Section 7 (stipendiary magistrates in England and Wales) is amended as follows. 15
- (2) In subsection (1) –
- (a) for “A stipendiary magistrate in England or Wales may on the recommendation of the Lord Chancellor” substitute “Where the Secretary of State for Constitutional Affairs so recommends, after consulting the Lord Chief Justice, a stipendiary magistrate in England or Wales may”; 20
- (b) in paragraph (b) for “Lord Chancellor is satisfied” substitute “Secretary of State for Constitutional Affairs is, after consulting the Lord Chief Justice, satisfied”.
- (3) After subsection (6) insert – 25
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 112 In section 10 (president or other member of either Lands Tribunal), in subsection (2)(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 30
- 113 In section 11 (president of pensions appeals tribunals), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- 114 (1) Section 13 (Social Security Commissioners) is amended as follows.
- (2) In subsection (1) – 35
- (a) for “A Social Security Commissioner may on the recommendation of the Lord Chancellor” substitute “Where the Secretary of State for Constitutional Affairs so recommends, after consulting the Lord Chief Justice, a Social Security Commissioner may”; 40
- (b) in paragraph (c) for “Lord Chancellor is satisfied” substitute “Secretary of State for Constitutional Affairs is, after consulting the Lord Chief Justice, satisfied”.
- (3) After subsection (6) –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 45

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- 115 In section 13A (Registrar of Criminal Appeals) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 116 In section 14A (modifications of preceding provisions), in the definition of “the Minister” in subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 5
- 117 In section 23 (contribution towards cost of widow’s and children’s pension), in subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 118 In section 29B (pension credits: restrictions on payments), in subsection (2)(b) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 10
- 119 In section 32A (appeals), in paragraph (b) of the definition of “the appropriate Minister” in subsection (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 120 In section 33A (voluntary contributions), in subsection (6)(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 15
- 121 In Schedule 1 (pension benefits of certain Supreme Court officers etc), in paragraph 3(3) (election by person with previous service in principal civil service pension scheme) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 20
- 122 (1) Schedule 1A (transfer of accrued benefits) is amended as follows.
- (2) In paragraph 2 (regulations), in sub-paragraph (a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In paragraph 11 (application to accept payment into scheme), in the definition of “the appropriate Minister” in sub-paragraph (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 25
- (4) In Schedule 2 (transitory provisions), in paragraph 2(2) (Circuit judges) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Supreme Court Act 1981 (c. 54)

- 123 The Supreme Court Act 1981 is amended as follows. 30
- 124 (1) Section 2 (membership of the Court of Appeal) is amended as follows.
- (2) In subsection (2) –
- (a) for paragraphs (f) and (g) substitute –
- “(f) the President of the Family Division;
- (g) the Chancellor of the High Court; 35
- (h) the President of the Queen’s Bench Division;”;
- (b) for “Lord Chancellor’s request” substitute “request of the Lord Chief Justice”.
- (3) After subsection (2) insert –
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his function under subsection (2) of making requests to persons within paragraphs (b) and (c) of that subsection.” 40
- (4) In subsection (6) –

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- (a) omit “Lord Chancellor,”;
- (b) for “or Vice-Chancellor” substitute “, Chancellor of the High Court or President of the Queen’s Bench Division.”
- 125 (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 Secretary of State for Constitutional Affairs”.
- (3) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (3).”
- 126 (1) Section 4 (membership of the High Court) is amended as follows.
- (2) In subsection (1), for paragraph (d) substitute –
- “(cc) the Chancellor of the High Court;
 (ccc) the President of the Queen’s Bench Division;”.
- (3) In subsection (6) –
- (a) omit “Lord Chancellor,”;
- (b) for “Vice-Chancellor” substitute “, Chancellor of the High Court, President of the Queen’s Bench Division”.
- 127 (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”.
- (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 Secretary of State for Constitutional Affairs”.
- (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;
- (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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (2).”
- 128 (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 Secretary of State for Constitutional Affairs,”.

- (3) After subsection (2) insert –
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (2).”
- 129 (1) Section 7 (power to alter Divisions etc) is amended as follows. 5
- (2) In subsection (1) after “recommendation of” insert “the Secretary of State for Constitutional Affairs and”.
- (3) In subsection (2) –
- (a) omit “the Lord Chancellor,”;
- (b) for “and the Vice-Chancellor” substitute “, the Chancellor of the High Court and the President of the Queen’s Bench Division”. 10
- 130 (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 – 15
- “the appropriate authority” means –
- (a) the Lord Chief Justice or a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) nominated by him to exercise his functions under this section, or 20
- (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 or Lord Chief Justice, the Master of the Rolls;” 25
- (b) omit the paragraph after the definition of “relevant court”.
- (3) After subsection (2) insert –
- “(2A) The power of the relevant authority to make a request under subsection (1) is subject – 30
- (a) to subsections (2B) to (2D); or
- (b) where subsection (2E) applies, to subsections (2D) and (2E).
- (2B) The relevant authority may make a request to a judge only after consulting the Secretary of State for Constitutional Affairs.
- (2C) The relevant authority may make a request to an ex-judge only with the concurrence of the Secretary of State for Constitutional Affairs. 35
- (2D) The relevant authority may make a request to a Circuit judge or an ex-Circuit judge or a Recorder or an ex-Recorder to act as a judge of the High Court only with the concurrence of the Judicial Appointments Commission.
- (2E) The relevant authority may make a request to a Circuit judge or an ex-Circuit judge to act as a judge of a court in the criminal division of the Court of Appeal only if he is approved for the time being by the Secretary of State for Constitutional Affairs for the purpose of acting as a judge of that division.” 40
- (4) In subsection (4) – 45

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- (a) for “appears to the Lord Chancellor” substitute “appears to the Lord Chief Justice, after consulting the Secretary of State for Constitutional Affairs,”;
- (b) for “Lord Chancellor thinks fit” substitute “Lord Chief Justice may, after consulting the Secretary of State for Constitutional Affairs, think fit”. 5
- (5) In subsection (4A) for “Lord Chancellor’s power” substitute “power of the Secretary of State for Constitutional Affairs”.
- (6) In subsection (8) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 10
- (7) After subsection (8) insert –
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (4).”
- 131 (1) Section 10 (appointment of judges of Supreme Court) is amended as follows. 15
- (2) In subsection (1) for “or Vice-Chancellor” substitute “, Chancellor of the High Court or President of the Queen’s Bench Division”.
- (3) In subsection (3)(a) for “or Vice-Chancellor” substitute “, Chancellor of the High Court or President of the Queen’s Bench Division”.
- (4) In subsection (4) omit “, in the presence of the Lord Chancellor”. 20
- (5) After subsection (4) insert –
- “(5) Those oaths are to be taken –
- (a) in the presence of the Lord Chief Justice or a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) nominated by him for this purpose; or 25
- (b) if being taken by the Lord Chief Justice, in the presence of the Master of the Rolls.”
- 132 (1) Section 11 (tenure of office) is amended as follows.
- (2) In subsections (7) and (8) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 30
- (3) In subsection (9)(a) for “and the Vice-Chancellor” substitute “, the Chancellor of the High Court and the President of the Queen’s Bench Division”.
- 133 In section 12 (salaries etc of judges of Supreme Court) –
- (a) in subsection (1) omit “, other than the Lord Chancellor,”; 35
- (b) for “Lord Chancellor” in every other place substitute “Secretary of State for Constitutional Affairs”.
- 134 (1) Section 13 (precedence of judges of Supreme Court) is amended as follows.
- (2) In subsection (3) for “Vice-Chancellor” substitute “Chancellor of the High Court”. 40
- (3) After subsection (3) insert –
- “(3A) The President of the Queen’s Bench division shall rank next after the Chancellor of the High Court.”
- (4) In subsection (4) for “Vice-Chancellor” substitute “President of the Queen’s Bench division”. 45

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| 135 | In section 16 (appeals from High Court), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. | |
| 136 | In section 44 (extraordinary functions of judges of High Court), in subsection (2) omit “the Lord Chancellor,”. | |
| 137 | In section 54 (court of civil division), in subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. | 5 |
| 138 | In section 56B (allocation of cases in criminal division), in subsection (2) for “with the concurrence of the Lord Chancellor” substitute “after consulting the Secretary of State for Constitutional Affairs”. | |
| 139 | (1) Section 57 (Court of Appeal: sittings and vacations) is amended as follows. | 10 |
| | (2) In subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs after consulting the Lord Chief Justice”. | |
| | (3) In subsection (4)(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. | |
| | (4) After subsection (4) insert – | 15 |
| | “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” | |
| 140 | (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, after consulting the Secretary of State for Constitutional Affairs,”; | |
| | (b) in paragraph (b) for “appears to him” substitute “appears to the Lord Chief Justice and the Secretary of State for Constitutional Affairs”. | 25 |
| | (3) After subsection (8) insert – | |
| | “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (3).” | |
| 141 | (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 Secretary of State for Constitutional Affairs”. | |
| | (3) In subsection (2) – | |
| | (a) for “appears to the Lord Chancellor desirable” substitute “appears to the Lord Chief Justice and the Secretary of State for Constitutional Affairs desirable”; | 35 |
| | (b) for “he may” substitute “the Lord Chief Justice may, with the concurrence of the Secretary of State for Constitutional Affairs,”. | |
| | (4) After subsection (3) insert – | 40 |
| | “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (1) or (2).” | |
| 142 | (1) Section 68 (exercise of jurisdiction of High Court otherwise than by judges of that court) is amended as follows. | 45 |

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- (2) In subsection (1)(a) for “Lord Chancellor may” substitute “Lord Chief Justice may, after consulting the Secretary of State for Constitutional Affairs,”.
- (3) In subsection (6) for “by the Lord Chancellor” substitute “by the Lord Chief Justice after consulting the Secretary of State for Constitutional Affairs”.
- (4) After subsection (7) insert – 5
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsections (1)(a) and (6).”
- 143 (1) Section 71 (High Court: sittings and vacations) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs after consulting the Lord Chief Justice”. 10
- (3) In subsection (4)(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (4) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 15
- 144 (1) Section 74 (appeals and committals for sentence) is amended as follows.
- (2) In subsection (4) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 20
- (3) After subsection (5) insert –
- “(5A) Before exercising any functions under subsection (5), the Secretary of State for Constitutional Affairs must consult the Lord Chief Justice.”
- (4) After subsection (7) insert –
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 25
- 145 In section 75 (allocation of cases according to composition of court, etc), in subsections (1) and (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 30
- 146 In section 78 (Crown Court: sittings), in subsection (3) for “by the Lord Chancellor” substitute “by the Secretary of State for Constitutional Affairs after consulting the Lord Chief Justice”.
- 147 Omit section 84(8) (rules of court for Crown Court etc to be made by statutory instrument). 35
- 148 (1) Section 86 (the Crown Court Rule Committee) is amended as follows.
- (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 –”. 40
- (3) For subsections (2) to (4) substitute –
- “(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).

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- (3) The Lord Chief Justice must appoint the persons referred to in paragraphs (b), (c) and (e) of subsection (1), after consulting the Secretary of State.
- (4) The Secretary of State must appoint the persons referred to in paragraphs (f) and (g) of subsection (1), after consulting the following – 5
- (a) the Lord Chief Justice;
 - (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 Secretary of State determines after consulting the Lord Chief Justice. 10
- (6) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.”
- 149 After section 86 insert – 15
- “86A Process for making rules of court under section 84**
- (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 Secretary of State. 20
- (2) The Secretary of State may allow or disallow rules so made.
- (3) If the Secretary of State disallows rules, he must give the Committee written reasons for doing so.
- (4) Rules so made and allowed by the Secretary of State – 25
- (a) come into force on such day as the Secretary of State 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.
- (5) A statutory instrument containing Crown Court rules is subject to annulment in pursuance of a resolution of either House of Parliament. 30
- (6) In this section and section 86B –
- “Crown Court rules” means rules of court made under section 84; 35
 - “Secretary of State” means the Secretary of State for Constitutional Affairs.
- 86B Rules to be made if required by Secretary of State**
- (1) This section applies if the Secretary of State 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. 40
- (2) The Committee must make such Crown Court rules as it considers necessary to achieve the specified purpose.

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- (3) Those rules must be –
- (a) made within a reasonable period after the Secretary of State gives notice to the Committee;
 - (b) made in accordance with section 86A.”
- 150 (1) Section 91 (deputies and temporary appointments) is amended as follows. 5
- (2) In subsection (1) –
- (a) for “Lord Chancellor” in the first place substitute “Lord Chief Justice, after consulting the Secretary of State for Constitutional Affairs,”;
 - (b) in paragraph (a) omit “or III”;
 - (c) for “Lord Chancellor thinks fit” in the second place substitute “Lord Chief Justice may, after consulting the Secretary of State for Constitutional Affairs, think fit”. 10
- (3) After subsection (1) insert –
- “(1A) If it appears to the Secretary of State for Constitutional Affairs that it is expedient to do so in order to facilitate the disposal of business in the Supreme Court, he may appoint a person – 15
- (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, during such period or on such occasions as the Secretary of State for Constitutional Affairs may think fit.” 20
- (4) In subsection (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 151 (1) Section 92 (tenure of office) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor’s power” substitute “power of Secretary of State for Constitutional Affairs”. 25
 - (3) In subsection (5) for “by the Lord Chancellor” substitute “by the Secretary of State for Constitutional Affairs with the concurrence of the Lord Chief Justice”.
 - (4) In subsection (6) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”. 30
 - (5) After subsection (7) insert –
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 35
- 152 (1) Section 98 (judges’ clerks and secretaries) is amended as follows.
- (2) In subsection (1) for “and the Vice-Chancellor” substitute “, the Chancellor of the High Court and the President of the Queen’s Bench Division”.
 - (3) In subsections (4), (5) and (6) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 40
- 153 (1) Section 99 (district registries) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.

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- (3) After subsection (2) insert –
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 154 (1) Section 104 (district probate registries) is amended as follows. 5
- (2) In subsection (1) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 10
- 155 In section 133 (enrolment and engrossment of documents), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 156 In section 140 (enforcement of fines and forfeited recognizances), in subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 15
- 157 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;”.
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- Administration of Justice Act 1982 (c. 53)*
- 158 The Administration of Justice Act 1982 is amended as follows.
- 159 (1) Section 25 (regulations as to deposit and registration of wills) is amended as follows. 25
- (2) In subsection (3)(a) (making of regulations) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs after consulting the Lord Chief Justice”.
- (4) After subsection (8) insert – 30
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (4).”
- Representation of the People Act 1983 (c. 2)*
- 160 In section 161 of the Representation of the People Act 1983 (justices of the peace guilty of corrupt practice), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 35
- Mental Health Act 1983 (c. 20)*
- 161 The Mental Health Act 1983 is amended as follows.
- 162 In section 65 (Mental Health Review Tribunals), in subsection (3) omit “by the Lord Chancellor”. 40

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- 163 In section 78 (procedure of tribunals), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 164 (1) Section 93 (judicial authorities and Court of Protection) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor shall” substitute “Lord Chief Justice shall, after consulting the Secretary of State for Constitutional Affairs,”. 5
- (3) In subsection (3) for “Lord Chancellor” substitute “Lord Chief Justice”.
- (4) In subsection (4) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”.
- (5) After subsection (4) insert— 10
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (1) or (3).”
- 165 In section 94 (exercise of the judge’s functions: the patient), in subsection (1) omit “by the Lord Chancellor or”. 15
- 166 In section 96 (powers of the judge as to the patient’s property and affairs), in subsection (3) omit “the Lord Chancellor or”.
- 167 (1) Section 103 (functions of Visitors) is amended as follows.
- (2) In subsection (1) for “concurrence of the Lord Chancellor” substitute “concurrence of the Secretary of State for Constitutional Affairs”. 20
- 168 In section 104 (general powers of the judge with respect to proceedings), in subsection (3) omit “the Lord Chancellor or” in both places.
- 169 In section 105 (appeals), in subsection (2) omit “the Lord Chancellor or”.
- 170 (1) Section 108 (general provisions as to rules under Part 7) is amended as follows. 25
- (2) For subsection (1) substitute—
- “(1) Rules under section 106(5) are to be made by the Secretary of State for Constitutional Affairs 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 30
- (4) Paragraph 26 of Schedule 2 also amends section 108.
- 171 (1) Section 111 (construction of references in other Acts) is amended as follows.
- (2) In subsection (1) omit “by the Lord Chancellor or”. 35
- (3) In subsection (2) omit “the Lord Chancellor,”.
- (4) In subsection (4)—
- (a) in paragraph (a) omit “the Lord Chancellor or”;
- (b) in paragraph (b) omit “the Lord Chancellor,”.
- 172 In section 143 (general provisions as to orders, regulations and rules), in subsection (1) omit “or the Lord Chancellor”. 40
- 173 (1) Schedule 2 (Mental Health Review Tribunals) is amended as follows.

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- (2) In paragraph 2 (holding of office of members of Tribunals) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In paragraph 4 (members of Tribunal) omit “by the Lord Chancellor”.
- (4) In paragraph 6 (President of Tribunal) omit “by the Lord Chancellor”.
- County Courts Act 1984 (c. 28)* 5
- 174 The County Courts Act 1984 is amended as follows.
- 175 (1) Section 2 (county court districts etc) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.
- (3) In subsection (3) after “given” insert “, after consulting the Lord Chief Justice,”. 10
- (4) After subsection (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (1) or (3).” 15
- 176 (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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (1).” 20
- 177 (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 Secretary of State for Constitutional Affairs,”. 25
- (3) In subsection (2) for “or on behalf of the Lord Chancellor” substitute “the Lord Chief Justice after consulting the Secretary of State for Constitutional Affairs”.
- (4) In subsection (3) for “Lord Chancellor considers desirable” substitute “Lord Chief Justice considers desirable after consulting the Secretary of State for Constitutional Affairs”. 30
- (5) In subsection (4)(a) for “Lord Chancellor may direct” substitute “Lord Chief Justice may, after consulting the Secretary of State for Constitutional Affairs, direct”.
- (6) After subsection (4) insert – 35
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 178 (1) Section 8 (deputy registrars) is amended as follows.
- (2) In subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 40
- 179 (1) Section 11 (tenure of office) is amended as follows.

(2)	In subsection (2) for “Lord Chancellor’s power” substitute “power of Secretary of State for Constitutional Affairs”.	
(3)	In subsection (5) for “by the Lord Chancellor” substitute “by the Secretary of State for Constitutional Affairs, but only with the concurrence of the Lord Chief Justice”.	5
(4)	In subsection (6) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”.	
(5)	After subsection (6) insert –	
	“(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”	10
180	In section 77 (appeals: general provisions), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
181	(1) Section 84 (districts for Admiralty purposes) is amended as follows.	
	(2) In subsection (1) –	15
	(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs and Lord Chief Justice”;	
	(b) for “for him, by order” substitute “for the Lord Chief Justice, by order made with the concurrence of the Secretary of State for Constitutional Affairs”.	20
	(3) After subsection (4) insert –	
	“(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (1).”	
182	In section 128 (fees), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	25
183	In section 130 (payment and application of fees, fines etc) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.	
	<i>Matrimonial and Family Proceedings Act 1984 (c. 42)</i>	30
184	The Matrimonial and Family Proceedings Act 1984 is amended as follows.	
185	(1) Section 33 (jurisdiction of county courts in matrimonial cases) is amended as follows.	
	(2) In subsections (1) and (4) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”.	35
	(3) After subsection (5) insert –	
	“(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”	40
186	In section 36 (assignment of Circuit judges to family proceedings) for “Lord Chancellor may direct” substitute “Lord Chief Justice may, after consulting the Secretary of State for Constitutional Affairs, direct.”	

- 187 In section 37 (directions as to distribution and transfer of family business and proceedings) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 188 (1) Section 40 (family proceedings rules) is amended as follows.
- (2) In subsection (1) – 5
- (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 – 10
“(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). 15
- (3ZA) The Lord Chief Justice must appoint the persons referred to in paragraphs (b), (c) (d) and (e) of subsection (1), after consulting the Secretary of State.
- (3ZB) The Secretary of State must appoint the persons referred to in paragraphs (f) and (g) of subsection (1), after consulting the following – 20
- (a) the Lord Chief Justice;
- (b) any authorised body with members who are eligible for appointment under the relevant paragraph.
- (3ZC) A person is to be appointed under subsection (3) or (4) for such period as the Secretary of State determines after consulting the Lord Chief Justice.” 25
- (4) After subsection (4) insert –
- “(4A) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.” 30
- (5) Omit subsection (5).
- 189 After section 40 insert –
- “40A Process for making rules of court under section 40**
- (1) Family proceedings rules must be – 35
- (a) signed by a majority of the members of the Family Proceedings Rule Committee, and
- (b) submitted to the Secretary of State.
- (2) The Secretary of State may allow or disallow rules so made.
- (3) If the Secretary of State disallows rules, he must give the Committee written reasons for doing so. 40
- (4) Rules so made and allowed by the Secretary of State –
- (a) come into force on such day as the Secretary of State 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.
- (5) A statutory instrument containing Family Proceedings rules is subject to annulment in pursuance of a resolution of either House of Parliament. 5
- (6) In this section and section 40B –
 “Family Proceedings rules” means rules of court made under section 40;
 “Secretary of State” means the Secretary of State for Constitutional Affairs. 10
- 40B Rules to be made if required by Secretary of State**
- (1) This section applies if the Secretary of State 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. 15
- (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 Secretary of State gives notice to the Committee; 20
 (b) made in accordance with section 40A.”
- 190 In section 41 (fees in family proceedings) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 191 (1) Section 42 (county court proceedings in principal registry of Family Division) is amended as follows. 25
- (2) In subsection (2)(a) for “Lord Chancellor may direct” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice, direct”.
- (3) After subsection (6) insert – 30
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- Transport Act 1985 (c. 67)*
- 192 (1) Schedule 4 to the Transport Act 1985 (constitution, powers and proceedings of the Transport Tribunal) is amended as follows. 35
- (2) In paragraph 3 (tenure of office) –
 (a) in sub-paragraph (3) for “Lord Chancellor may, if he thinks fit,” substitute “Secretary of State for Constitutional Affairs may, if he thinks fit and if the Lord Chief Justice agrees,”; 40
 (b) in sub-paragraphs (4) and (5) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;

- (c) after sub-paragraph (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this paragraph.”
- (3) In paragraph 6 (remuneration) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 5
- (4) In paragraph 7 (expenses) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (5) 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 Secretary of State for Constitutional Affairs, direct”; 10
- (b) after sub-paragraph (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under sub-paragraph (1).” 15
- (6) In paragraph 11 (rules about procedure and practice), in sub-paragraph (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (7) In paragraph 15 (exercise of powers), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 20
- (8) In paragraph 16 (annual report), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Insolvency Act 1986 (c. 45)

- 193 The Insolvency Act 1986 is amended as follows. 25
- 194 (1) Section 13 (Insolvency Rules committee) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor” substitute “Secretary of State”.
- (3) In subsection (3) for “by the Lord Chancellor” substitute “in accordance with subsection (3A) or (3B)”.
- (4) After subsection (3) insert – 30
- “(3A) The Lord Chief Justice, or a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) nominated by him, must appoint the persons referred to in paragraphs (a) to (d) of subsection (1), after consulting the Secretary of State.
- (3B) The Secretary of State must appoint the persons referred to in paragraphs (e) to (g) of subsection (1), after consulting the Lord Chief Justice.” 35
- (5) In subsection (4) for “Lord Chancellor” substitute “Secretary of State”.
- (6) After subsection (4) insert –
- “(5) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.” 40
- 195 (1) Section 117 (High Court and county court jurisdiction) is amended as follows.

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- (2) In subsection (4) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.
- (3) After subsection (7) insert –
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 5
- 196 (1) Section 374 (insolvency districts) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor may” substitute “Secretary of State may, with the concurrence of the Lord Chief Justice,”.
- (3) In subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs and the Lord Chief Justice”. 10
- (4) After subsection (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 15
- 197 (1) Section 411 (company insolvency rules) is amended as follows.
- (2) For subsection (1) substitute –
- “(1) The Secretary of State may make rules for the purpose of giving effect to Parts 1 to 7 of this Act.
- (1A) The Secretary of State may make different rules under subsection (1) in relation to – 20
- (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.” 25
- (3) In subsection (2)(b) for the words from “may appear” to the end substitute “may appear necessary or expedient to the Secretary of State”.
- (4) After subsection (6) insert –
- “(7) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.” 30
- 198 (1) Section 412 (individual insolvency rules (England and Wales)) is amended as follows.
- (2) For subsection (1) substitute –
- “(1) The Secretary of State may make rules for the purpose of giving effect to Parts 8 to 11 of this Act. 35
- (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.”
- (3) In subsection (2)(b) for the words from “may appear” to the end substitute “may appear necessary or expedient to the Secretary of State”. 40

- (4) After subsection (5) insert –
- “(6) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.”
- 199 In section 414 (fees orders (company insolvency proceedings)), in subsections (4) and (5) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 5
- 200 In section 415 (fees orders (individual insolvency proceedings in England and Wales), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- 201 (1) Section 420 (insolvent partnerships) is amended as follows. 10
- (2) In subsection (1) –
- (a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;
- (b) after “Secretary of State” insert “and the Lord Chief Justice”.
- (3) In subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs and the Lord Chief Justice”. 15
- (4) After subsection (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 20
- 202 (1) Section 421 (insolvent estates of deceased persons) is amended as follows.
- (2) In subsection (1) –
- (a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;
- (b) after “Secretary of State” insert “and the Lord Chief Justice”. 25
- (3) In subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 30

Coroners Act 1988 (c. 13)

- 203 The Coroners Act 1988 is amended as follows.
- 204 (1) Section 3 (terms on which coroners hold office) is amended as follows.
- (2) In subsection (4) – 35
- (a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;
- (b) after “if he thinks fit” insert “and if the Lord Chief Justice agrees”.
- (3) After subsection (6) insert –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 40

205	In section 17A (adjournment of inquest in event of judicial inquiry) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.	
206	In section 33 (savings), in subsection (2)(a) omit “the Lord Chancellor or”.	
<i>Criminal Justice Act 1988 (c. 33)</i>		5
207	(1) Schedule 12 to the Criminal Justice Act 1988 (assessors of compensation for miscarriages of justice) is amended as follows.	
	(2) In paragraph 6 (power of removal) –	
	(a) that paragraph becomes sub-paragraph (1) of paragraph 6;	
	(b) in that sub-paragraph, in sub-paragraph (a) for “Lord Chancellor substitute “Secretary of State for Constitutional Affairs”;	10
	(c) after that paragraph insert –	
	“(2) The Secretary of State for Constitutional Affairs may give consent under sub-paragraph (1)(a) only with the concurrence of all of the following –	15
	(a) the Lord Chief Justice;	
	(b) the Lord Chief Justice of Northern Ireland.”	
<i>Copyright, Designs and Patents Act 1988 (c. 48)</i>		
208	The Copyright, Designs and Patents Act 1988 is amended as follows.	
209	(1) Section 146 (membership of the Copyright Tribunal) is amended as follows.	20
	(2) In subsection (2) omit the words from “or” in the first place to the end.	
	(3) In subsection (3) –	
	(a) omit “or, in the case of the chairman or a deputy chairman, the Lord Chancellor”;	
	(b) omit “or, as the case may be, the Lord Chancellor”.	25
	(4) In subsection (4) for “a person may be appointed to discharge his duties” substitute “the Secretary of State may appoint a person to discharge the member’s”.	
	(5) After subsection (4) insert –	
	“(4A) A person appointed under subsection (4) to discharge the duties of the chairman or a deputy chairman must be a person who would be eligible for appointment to that office.”	30
	(6) In subsection (5) for the words from the beginning to “person so appointed” substitute “A person appointed under subsection (4)”.	
	(7) After subsection (5) insert –	35
	“(5A) In the application of subsections (2), (3) and (5) in relation to the chairman or a deputy chairman, references to the Secretary of State are references to the Secretary of State for Constitutional Affairs.”	
	(8) In subsection (6) –	
	(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;	40
	(b) for “his powers under this section” substitute “any powers under this section in relation to the chairman or a deputy chairman”.	

- (9) After subsection (6) insert –
- “(7) The Secretary of State for Constitutional Affairs may exercise his powers under subsection (3) in relation to the chairman or a deputy chairman only with the concurrence of all of the following –
- (a) the Lord Chief Justice; 5
 - (b) the Lord President of the Court of Session;
 - (c) the Lord Chief Justice of Northern Ireland.”
- 210 In section 150 (general power to make rules), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 211 (1) Section 287 (patents county courts: special jurisdiction) is amended as follows. 10
- (2) In subsection (1) for “Lord Chancellor” may substitute “Secretary of State for Constitutional Affairs may, 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 15
- 212 (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 Secretary of State for Constitutional Affairs,”. 20
- (3) In subsection (5) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (4) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (1).” 25
- 213 (1) Section 292 (rights and duties of registered patent agents in relation to proceedings in patents courts) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 30
- (3) After subsection (2) insert –
- “(2A) The Secretary of State for Constitutional Affairs may make regulations under subsection (2) only with the concurrence of the Lord Chief Justice.”
- (4) After subsection (6) insert – 35
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”

Children Act 1989 (c. 41)

- 214 The Children Act 1989 is amended as follows. 40
- 215 In section 7 (welfare reports) –

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- (a) in subsection (2) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”;
- (b) after subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (2).” 5
- 216 (1) Section 92 (jurisdiction of the courts) is amended as follows.
- (2) In subsection (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 10
- (3) In subsection (9) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.
- (4) In subsection (10) for “Lord Chancellor thinks expedient” substitute “Secretary of State for Constitutional Affairs thinks expedient, after consulting the Lord Chief Justice,”. 15
- (5) After subsection (10) insert –
- “(10A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (9) or (10).”
- 217 In section 94 (appeals) – 20
- (a) in subsection (10) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”;
- (b) after subsection (11) insert –
- “(12) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (10).” 25
- 218 (1) In section 97 (privacy for children involved in certain proceedings).
- (2) In subsection (4) for “Lord Chancellor” substitute “Lord Chief Justice”.
- (3) After subsection (8) insert – 30
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (4).”
- 219 In section 104 (regulations and orders), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 35
- 220 (1) Schedule 11 (jurisdiction) is amended as follows.
- (2) In paragraph 1 (commencement of proceedings) for “Lord Chancellor may” in each place substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.
- (3) In paragraph 2 (transfer of proceedings) – 40
- (a) in sub-paragraph (1) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”;
- (b) in sub-paragraph (5) for “Lord Chancellor thinks appropriate” substitute “Secretary of State for Constitutional Affairs thinks appropriate, after consulting the Lord Chief Justice,”. 45

- (4) In paragraph 3 (hearings by a single justice), in sub-paragraph (1) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.
- (5) In paragraph 4 (general) –
- (a) in sub-paragraph (5)(a) for “Lord Chancellor considers expedient” substitute “Secretary of State for Constitutional Affairs considers expedient, after consulting the Lord Chief Justice,”; 5
 - (b) after sub-paragraph (5) insert –
 - “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this Part of this Schedule.” 10

Town and Country Planning Act 1990 (c. 8)

- 221 The Town and Country Planning Act 1990 is amended as follows.
- 222 In section 20 (local inquiry, public examination and consultation by Secretary of State), in subsection (5) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 15
- 223 In section 35B (examination in public), in subsection (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Courts and Legal Services Act 1990 (c. 41) 20

- 224 The Courts and Legal Services Act 1990 is amended as follows.
- 225 (1) Section 1 (allocation of business between High Court and county courts) is amended as follows.
- (2) For “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 25
 - (3) In subsection (9) for “the Vice-Chancellor” substitute “the Chancellor of the High Court, the President of the Queen’s Bench Division”.
- 226 (1) Section 9 (allocation of family proceedings which are within the jurisdiction of the county courts) is amended as follows.
- (2) In subsection (1) for the words from the beginning to “Family Division,” substitute “The President of the Family Division may, after consulting the Secretary of State for Constitutional Affairs,”. 30
- 227 In section 72 (presiding judges), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- 228 (1) Section 73 (delegation of certain administrative functions of Master of the Rolls) is amended as follows. 35
- (2) In subsection (3) –
 - (a) for “Lord Chancellor may” substitute “Lord Chief Justice may, with the concurrence of the Secretary of State for Constitutional Affairs,”; 40
 - (b) for “Lord Chancellor considers” substitute “Lord Chief Justice and Secretary of State for Constitutional Affairs consider”.

(3)	After subsection (5) insert –	
	“(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (3).”	
229	In section 119 (interpretation), in subsection (1) in the definition of “designated judge” for “or the Vice-Chancellor” substitute “, the Chancellor of the High Court or the President of the Queen’s Bench Division”.	5
<i>Armed Forces Act 1991 (c. 62)</i>		
230	(1) Schedule 1 to the Armed Forces Act 1991 (assessors of compensation for miscarriages of justice) is amended as follows.	10
	(2) In paragraph 6 (power of removal) –	
	(a) that paragraph becomes sub-paragraph (1) of paragraph 6;	
	(b) in that sub-paragraph, in sub-paragraph (c) for “Lord Chancellor substitute “Secretary of State for Constitutional Affairs”;	
	(c) after that paragraph insert –	15
	“(2) The Secretary of State for Constitutional Affairs may give consent under sub-paragraph (1)(c) only with the concurrence of all of the following –	
	(a) the Lord Chief Justice;	
	(b) the Lord Chief Justice of Northern Ireland.”	20
<i>Child Support Act 1991 (c. 48)</i>		
231	The Child Support Act 1991 is amended as follows.	
232	(1) Section 8 (role of the courts with respect to maintenance of children) is amended as follows.	
	(2) In subsection (5) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	25
	(3) After subsection (5) insert –	
	“(5A) The Secretary of State for Constitutional Affairs may make an order under subsection (5) only with the concurrence of the Lord Chief Justice.”	30
	(4) After subsection (11) insert –	
	“(12) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”	
233	In section 22 (Child Support Commissioners), in subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	35
234	In section 24 (Appeal to Child Support Commissioner) in subsections (6)(a), (7) and (9) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
235	In section 25 (appeal from Child Support Commissioner on question of law) in subsections (2)(a), (3)(c), (5) and (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	40

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- 236 In section 52 (regulations and orders), in subsection (1) omit “the Lord Chancellor.”
- 237 (1) Schedule 4 (Child Support Commissioners) is amended as follows.
- (2) In paragraph 1 (tenure of office) –
- (a) in sub-paragraph (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”; 5
- (b) after sub-paragraph (3) insert –
- “(3) The Secretary of State for Constitutional Affairs may remove a Child Support Commissioner under sub-paragraph (3) only with the concurrence of all of the following – 10
- (a) the Lord Chief Justice;
- (b) the Lord President of the Court of Session;
- (c) the Lord Chief Justice of Northern Ireland.”
- (3) In paragraph 2 (remuneration and pensions), in sub-paragraphs (1) and (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 15
- (4) In paragraph 2A (expenses of other persons), in sub-paragraph (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (5) In paragraph 4A (determination of questions by other officers), in sub-paragraph (1) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 20
- (6) In paragraph 7 (consultation with the Secretary of State) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- Land Drainage Act 1991 (c. 59)* 25
- 238 (1) Section 31 of the Land Drainage Act 1991 (composition and incidental powers of the Agricultural Land Tribunal) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) After subsection (1) insert – 30
- “(1A) Before drawing up, or revising, a panel under subsection (1), the Secretary of State for Constitutional Affairs must consult the Lord Chief Justice.”
- (4) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 35
- Finance (No. 2) Act 1992 (c. 48)*
- 239 In section 75 of the Finance (No. 2) Act 1992 (change of name of General or Special Commissioners), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 40

Tribunals and Inquiries Act 1992 (c. 53)

- 240 The Tribunals and Inquiries Act 1992 is amended as follows.
- 241 (1) Section 6 (appointment of chairmen of certain tribunals) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In subsection (8) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (4) In subsection (9) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 242 In section 7 (concurrence required for removal of members of certain tribunals), in subsection (1) –
- (a) omit “, other than the Lord Chancellor,”;
- (b) in paragraph (a) for “Lord Chancellor,” substitute “Secretary of State for Constitutional Affairs (unless he is the Minister terminating the person’s membership), the Lord Chief Justice,”;
- (c) in paragraphs (b) and (c) for “Lord Chancellor and” substitute “Secretary of State for Constitutional Affairs (unless he is the Minister terminating the person’s membership), the Lord Chief Justice and”;
- (d) in paragraph (d) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs (unless he is the Minister terminating the person’s membership) and the Lord Chief Justice”.
- 243 In section 9 (procedure in connection with statutory inquiries), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- 244 In section 10 (reasons to be given for decisions of tribunals and Ministers), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- 245 (1) Section 13 (power to apply Act to additional tribunals and to repeal or amend certain provisions) is amended as follows.
- (2) In subsection (2) –
- (a) for “Lord Chancellor” in the first place substitute “Secretary of State for Constitutional Affairs”;
- (b) for “Lord Chancellor” in the second place substitute “Lord Chief Justice”.
- (3) After subsection (7) insert –
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (2).”
- 246 In section 15 (rules and orders) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Judicial Pensions and Retirement Act 1993 (c. 8)

- 247 The Judicial Pensions and Retirement Act 1993 is amended as follows.

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- 248 (1) Section 2 (the judicial officer’s entitlement to a pension) is amended as follows.
- (2) In subsection (3)(b) after “by means of a medical certificate” insert “(and, where the appropriate Minister is the Secretary of State for Constitutional Affairs, after consulting the Lord Chief Justice)”.
- (3) After subsection (8) insert –
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 249 (1) Section 26 (retirement date for holders of certain judicial offices) is amended as follows.
- (2) After subsection (6) insert –
- “(6A) Where the appropriate Minister is the Secretary of State for Constitutional Affairs, he must consult the Lord Chief Justice before exercising any functions under subsection (5) or (6).”
- (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) After subsection (12) insert –
- “(13) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 250 In section 30 (interpretation), in paragraph (b) of the definition of “the appropriate Minister” in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 251 In Schedule 1 (offices which may be qualifying judicial offices) in Part 1 (judges) –
- (a) for “Vice-Chancellor” substitute “Chancellor of the High Court”;
- (b) after that entry insert –
- “President of the Queen’s Bench Division”.
- 252 In Schedule 2 (transfer of accrued benefits), in paragraph 2 (regulations) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 253 In Schedule 5 (retirement provisions: the relevant offices), in the second entry omit “, other than the Lord Chancellor”.
- Bail (Amendment) Act 1993 (c. 26)*
- 254 The Bail (Amendment) Act 1993 is amended as follows.
- 255 (1) Section 1 (prosecution right of appeal) is amended as follows.
- (2) In subsection (12) for “Lord Chancellor” substitute “Lord Chief Justice”.
- Local Government (Wales) Act 1994 (c. 19)*
- 256 (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)	for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”;	
(b)	for “he thinks necessary or expedient” substitute “the Secretary of State for Constitutional Affairs thinks necessary or expedient, after consulting the Lord Chief Justice,”.	5
(3)	In subsection (3) –	
(a)	for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”;	
(b)	for “appears to him expedient” substitute “appears to the Secretary of State for Constitutional Affairs to be expedient, after consulting the Lord Chief Justice,”.	10
257	After subsection (5) insert –	
	“(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”	15
	<i>Value Added Tax Act 1994 (c. 23)</i>	
258	(1) Schedule 12 (constitution and procedure of VAT tribunals) to the Value Added Tax Act 1994 is amended as follows.	
(2)	In paragraph 3 (tenure of office of President) –	
(a)	in sub-paragraphs (4) and (5) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;	20
(b)	after sub-paragraph (5) insert –	
	“(5A) The Secretary of State for Constitutional Affairs 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 –	25
	(a) the Lord Chief Justice;	
	(b) the Lord President of the Court of Session;	
	(c) the Lord Chief Justice of Northern Ireland.”;	
(c)	in sub-paragraphs (6) and (8) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	30
(3)	In paragraph 4 –	
(a)	that paragraph becomes sub-paragraph (1) of paragraph 4;	
(b)	in that sub-paragraph for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”;	35
(c)	after that paragraph insert –	
	“(2) The powers of the Secretary of State for Constitutional Affairs under sub-paragraph (1) may be exercised –	
	(a) in relation to England and Wales only after consulting the Lord Chief Justice;	40
	(b) in relation to Northern Ireland only after consulting the Lord Chief Justice of Northern Ireland.”	
(4)	In paragraph 7 (membership of panels), in sub-paragraphs (8) and (10) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
(5)	In paragraph 9 (rules of procedure) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	45

Trade Marks Act 1994 (c. 26)

- 259 (1) Section 77 of the Trade Marks Act 1994 (persons appointed to hear and determine appeals) is amended as follows.
- (2) In subsections (3)(c) and (4) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 5
- (3) After subsection (4) insert –
- “(5) The Secretary of State for Constitutional Affairs may remove a person from office under subsection (3)(c) only with the concurrence of all of the following –
- (a) the Lord Chief Justice; 10
- (b) the Lord President of the Court of Session;
- (c) the Lord Chief Justice of Northern Ireland.”

Reserve Forces Act 1996 (c. 14)

- 260 The Reserve Forces Act 1996 is amended as follows.
- 261 (1) Section 92 (membership of tribunals etc) is amended as follows. 15
- (2) In subsection (1) for “by the Lord Chancellor” substitute “by the Lord Chancellor, after consulting the Secretary of State for Constitutional Affairs,”.
- (3) After subsection (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (1).” 20

Employment Tribunals Act 1996 (c. 17)

- 262 The Employment Tribunals Act 1996 is amended as follows.
- 263 In section 3 (power to confer further jurisdiction on employment tribunals), in the definition of “appropriate Minister” in subsection (5) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 25
- 264 (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 Secretary of State for Constitutional Affairs,”; 30
- (b) omit “(other than the Lord Chancellor)”.
- (3) In subsection (2) for “the Lord Chancellor and the Secretary of State” substitute “the person or persons appointing them”.
- (4) In subsection (3) – 35
- (a) for “Lord Chancellor” substitute “Lord Chief Justice”;
- (b) after “consultation with” substitute “the Secretary of State for Constitutional Affairs and”.
- 265 (1) Section 23 (temporary membership) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor” substitute “Lord Chief Justice”. 40
- (3) In subsection (2)(a) for “Lord Chancellor” substitute “Lord Chief Justice”.

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- (4) In subsection (3) for “Lord Chancellor” substitute “Lord Chief Justice”.
- (5) After subsection (5) insert –
- “(6) The functions conferred on the Lord Chief Justice under this section may be exercised only after consulting the Secretary of State for Constitutional Affairs. 5
- (7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 266 (1) Section 24 (temporary additional judicial membership) is amended as follows. 10
- (2) For subsection (1) substitute –
- “(1) This section applies if both of the following conditions are met –
- (a) the Secretary of State 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; 15
- (b) the Secretary of State requests the Lord Chief Justice to make such an appointment.
- (1A) The Lord Chief Justice may, after consulting the Secretary of State, 20
- appoint a qualified person as mentioned in subsection (1)(a).
- (1B) An appointment under this section is –
- (a) for such period, or
- (b) on such occasions,
- as the Lord Chief Justice determines, after consulting the Secretary of 25
- State.”
- (3) In subsection (2) for “subsection (1)” substitute “this section”.
- (4) After subsection (2) insert –
- “(2A) In this section “Secretary of State” means the Secretary of State for 30
- Constitutional Affairs.
- (2B) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- (5) After subsection (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as 35
- defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 267 (1) Section 25 (tenure of appointed members) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 40
- (3) In subsection (4) –
- (a) for “Lord Chancellor” in the first place substitute “Secretary of State for Constitutional Affairs”;

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- (b) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”;
- (c) for “Lord Chancellor” in the last two places substitute “Secretary of State for Constitutional Affairs”. 5
- (4) After subsection (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 268 In section 27 (remuneration, pensions and allowances), in subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 10
- 269 In section 30 (Appeal Tribunal procedure rules), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- Criminal Procedure and Investigations Act 1996 (c. 25)*
- 270 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”. 15
- Family Law Act 1996 (c. 27)*
- 271 The Family Law Act 1996 is amended as follows.
- 272 (1) Section 57 (jurisdiction of the courts) is amended as follows. 20
- (2) In subsections (3), (4) and (5) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.
- (3) In subsection (7) for “Lord Chancellor thinks appropriate” substitute “Secretary of State for Constitutional Affairs thinks appropriate, after consulting the Lord Chief Justice,”. 25
- (4) In subsection (9) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.
- (5) In subsection (10) for “Lord Chancellor thinks expedient” substitute “Secretary of State for Constitutional Affairs thinks expedient, after consulting the Lord Chief Justice,”. 30
- (6) After subsection (11) insert –
- “(12) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 35
- 273 (1) Section 61 (appeals) is amended as follows.
- (2) In subsection (5) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 40

Education Act 1996 (c. 56)

- 274 The Education Act 1996 is amended as follows.
- 275 (1) Section 334 (Special Educational Needs Tribunal: President and members) is amended as follows.
- (2) In subsection (3) – 5
- (a) for “Lord Chancellor” in the first place substitute “Secretary of State for Constitutional Affairs and of the Lord Chief Justice”;
- (b) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”. 10
- (3) In subsection (5)(a) for “the Lord Chancellor or (as the case may be) the Secretary of State” substitute “the person who appointed him”.
- (4) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 15
- 276 In section 476 (constitution and proceedings of Independent Schools Tribunals), in subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 277 In Schedule 34 (Independent Schools Tribunals), in paragraph 2(1) (qualifications for appointment) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 20

Civil Procedure Act 1997 (c. 12)

- 278 The Civil Procedure Act 1997 is amended as follows.
- 279 (1) Section 2 (Civil Procedure Rule Committee) (as amended by section 85 of the Courts Act 2003 (c. 39)) is amended as follows. 25
- (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 – 30
- (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). 35
- (1B) The Secretary of State 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”. 40
- (4) For subsection (3) substitute –
- “(3) Before appointing a person in accordance with subsection (1A), the Lord Chief Justice must consult the Secretary of State.”

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- (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 Secretary of State must consult the Lord Chief Justice and, if the person falls within paragraph (e) or (f) of subsection (2), must also consult”.
- (6) In subsection (5) for “Lord Chancellor” substitute “Secretary of State”. 5
- (7) After subsection (5) insert –
- “(5A) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.”
- 280 (1) Section 2A (power to change certain requirements relating to Committee) is amended as follows. 10
- (2) In subsection (1) –
- (a) for “Lord Chancellor” in the first place substitute “Secretary of State;
- (b) for paragraph (a) substitute –
- “(a) amend section 2(2) or (4A), and”.
- (3) For subsection (2) substitute – 15
- “(2) The Secretary of State 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 Secretary of State must consult the following persons –
- (a) the Head of Civil Justice; 20
- (b) the Deputy Head of Civil Justice (if there is one).”
- (4) After subsection (2) insert –
- “(2A) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.”
- 281 (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. 25
- (2) In subsection (2)(b) for “Lord Chancellor” substitute “Secretary of State”.
- (3) For subsections (3) and (4) substitute –
- “(3) The Secretary of State may allow or disallow Rules so made.
- (4) If the Secretary of State disallows Rules, he must give the Committee written reasons for doing so.” 30
- (4) In subsection (5) –
- (a) for “, as allowed by the Lord Chancellor” substitute “and allowed by the Secretary of State”;
- (b) in paragraph (a) for “Lord Chancellor” substitute “Secretary of State”. 35
- (5) In subsection (6) omit “Subject to subsection (7),”.
- (6) After subsection (6) insert –
- “(6A) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.” 40
- (7) Omit subsection (7).

282	After section 3 insert—	
	“3A Rules to be made if required by Secretary of State	
	(1) This section applies if the Secretary of State for Constitutional Affairs 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.	5
	(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 Secretary of State gives notice to the Committee;	10
	(b) made in accordance with section 3.”	
283	(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) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.	15
	(3) After subsection (5) insert—	
	“(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (1) or (2).”	20
284	In section 6 (Civil Justice Council), in subsections (1), (3)(c) (in each place) and (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
	<i>Finance (No. 2) Act 1997 (c. 58)</i>	25
285	(1) Schedule 2 to the Finance (No. 2) Act 1997 (administration and collection of windfall tax) is amended as follows.	
	(2) In paragraph 11 (procedures on appeal) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
	<i>Plant Varieties Act 1997 (c. 66)</i>	30
286	(1) Schedule 3 to the Plant Varieties Act 1997 (Plant Varieties and Seeds Tribunal) is amended as follows.	
	(2) In paragraph 13 (rules), in sub-paragraph (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
	<i>Special Immigration Appeals Commission Act 1997 (c. 68)</i>	35
287	The Special Immigration Appeals Commission Act 1997 is amended as follows.	
288	In section 5 (procedure), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.	

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- 289 In section 8 (procedure on applications to the Commission for leave to appeal), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 290 (1) Schedule 1 (the Commission) is amended as follows.
- (2) In paragraph 1 (members), in sub-paragraph (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 5
- (3) In paragraph 3 (payments to members), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- (4) In paragraph 4 (sittings) –
- (a) that paragraph becomes sub-paragraph (1) of paragraph 4; 10
- (b) in that sub-paragraph for “Lord Chancellor may direct” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice, direct”;
- (c) after that sub-paragraph insert –
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this paragraph.” 15

Social Security Act 1998 (c. 14)

- 291 The Social Security Act 1998 is amended as follows.
- 292 In section 79 (regulations and orders) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 20
- 293 In section 80 (Parliamentary control of regulations) omit subsection (3).
- 294 (1) Schedule 1 (Appeal Tribunals: supplementary provisions) is amended as follows.
- (2) In paragraph 1 (tenure of office) – 25
- (a) in sub-paragraph (3) for “by the Lord Chancellor” substitute “by the Secretary of State for Constitutional Affairs, with the concurrence of the Lord Chief Justice,”;
- (b) in sub-paragraph (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”; 30
- (c) after sub-paragraph (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 295 (1) Schedule 4 (Social Security Commissioners) is amended as follows. 35
- (2) In paragraph 2 (remuneration) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In paragraph 3 (travelling allowances etc), in sub-paragraph (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (4) In paragraph 5 (removal) – 40
- (a) in sub-paragraph (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;

(b)	after sub-paragraph (1) insert –	
	“(1A) The Secretary of State for Constitutional Affairs may remove a person under sub-paragraph (1) only with the concurrence of all of the following –	
	(a) the Lord Chief Justice;	5
	(b) the Lord President of the Court of Session;	
	(c) the Lord Chief Justice of Northern Ireland.”	
(5)	In paragraph 6 (delegation of functions) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.	
(6)	In paragraph 8 (consultation with Secretary of State) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	10
<i>Data Protection Act 1998 (c. 29)</i>		
296	(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.	15
(2)	In paragraph 2 (designation of persons to hear appeals in national security cases) –	
	(a) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”;	
	(b) after sub-paragraph (2) insert –	20
	“(3) The Secretary of State for Constitutional Affairs may make, or revoke, a designation under this paragraph only with the concurrence of all of the following –	
	(a) the Lord Chief Justice;	25
	(b) the Lord President of the Court of Session;	
	(c) the Lord Chief Justice of Northern Ireland.”	
(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;	30
	(b) in that sub-paragraph for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;	
	(c) after that sub-paragraph insert –	
	“(2) The Secretary of State for Constitutional Affairs may designate a person to preside under this paragraph only with the concurrence of all of the following –	
	(a) the Lord Chief Justice;	35
	(b) the Lord President of the Court of Session;	
	(c) the Lord Chief Justice of Northern Ireland.”	
<i>Crime and Disorder Act 1998 (c. 37)</i>		
297	The Crime and Disorder Act 1998 is amended as follows.	40
298	In section 49 (powers of magistrates’ courts exercisable by single justice etc), in subsection (4) for “Lord Chancellor” substitute “Lord Chief Justice”.	

- 299 In section 51 (No committal proceedings for indictable-only offences), in subsection (10)(c) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 300 In section 51D (notice of offence and place of trial), in subsection (4)(c) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 5
- 301 (1) Section 81 (the Sentencing Advisory Panel) is amended as follows.
(2) In subsections (4) and (5) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Human Rights Act 1998 (c. 42)

- 302 The Human Rights Act 1998 is amended as follows. 10
- 303 (1) Section 18 (appointment to ECHR) is amended as follows.
(2) In subsection (7) –
(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;
(b) after “considers appropriate” insert “(in the case of the Secretary of State for Constitutional Affairs, after consulting the Lord Chief Justice)”. 15
- (3) After subsection (7) insert –
“(7A) Before making an order under subsection (7) the Secretary of State must consult the Lord Chief Justice. 20
(7B) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 304 In Schedule 4 (pensions of ECHR judges), in paragraph (b) of the definition of “appropriate Minister” in paragraph 4 for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 25

Social Security Contributions (Transfer of Functions, Etc.) Act 1999 (c. 2)

- 305 (1) Section 13 of the Social Security (Transfer of Functions, etc) Act 1999 (regulations with respect to appeals) is amended as follows.
(2) In subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 30

Protection of Children Act 1999 (c. 14)

- 306 (1) The Schedule to the Protection of Children Act 1999 (Tribunal to hear appeals against inclusion on list of those unsuitable to work with children) is amended as follows. 35
(2) In paragraph 3 (tenure of office) in sub-paragraph (2)(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Finance Act 1999 (c. 16)

- 307 (1) Schedule 17 to the Finance Act 1999 (stamp duty: penalties other than on late stamping is amended as follows). 40

- (2) In paragraph 11 (appeals), in sub-paragraph (5) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Access to Justice Act 1999 (c. 22)

308 The Access to Justice Act 1999 is amended as follows.

309 (1) Section 56 (power to prescribe alternative destination of appeals) is amended as follows. 5

(2) For “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

(3) In subsection (4) for paragraphs (c) and (d) substitute – 10
 “(c) the President of the Family Division,
 (d) the Chancellor of the High Court, and
 (e) the President of the Queen’s Bench Division.”

(4) After subsection (7) insert –

“(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 15

310 (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 – 20

“(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 Secretary of State for Constitutional Affairs, or 25
 (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.” 30

(3) In subsection (5) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

(4) After subsection (7) insert –

“(8) The Secretary of State for Constitutional Affairs may exercise functions conferred on him by this section only after consulting the Lord Chief Justice. 35

(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (8).”

311 (1) Section 69 (Vice-President of Queen’s Bench division) is amended as follows. 40

(2) In subsection (1) for “Lord Chancellor may” substitute “Lord Chief Justice may, after consulting the Secretary of State for Constitutional Affairs,”.

- (3) After subsection (1) insert –
- “(1A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (1).”
- Welfare Reform and Pensions Act 1999 (c. 30)* 5
- 312 In section 43 of the Welfare Reform and Pensions Act 1999 (power to extend judicial pension schemes), in subsection (3)(b) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- Immigration and Asylum Act 1999 (c. 33)*
- 313 The Immigration and Asylum Act 1999 (Immigration Services Tribunal) is amended as follows. 10
- 314 (1) Section 53 (applications for bail in immigration cases) is amended as follows.
- (2) In subsection (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) After subsection (6) insert – 15
- “(6A) Before giving his approval under subsection (6) the Secretary of State for Constitutional Affairs must consult the Lord Chief Justice.”
- (4) 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 Secretary of State for Constitutional Affairs must obtain the consent of the Scottish Ministers before giving his approval under subsection (6).” 20
- (5) After subsection (7) insert –
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 25
- 315 (1) Schedule 7 is amended as follows.
- (2) In paragraph 3 (terms and conditions of appointment of members) –
- (a) in sub-paragraph (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”; 30
- (b) in sub-paragraph (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;
- (c) after sub-paragraph (4) insert –
- “(5) The Secretary of State for Constitutional Affairs may dismiss a person under sub-paragraph (4) only with the concurrence of all of the following – 35
- (a) the Lord Chief Justice;
- (b) the Lord President of the Court of Session;
- (c) the Lord Chief Justice of Northern Ireland.” 40
- (3) In paragraph 4 (remuneration and expenses) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (4) In paragraph 5 (proceedings) –

(a)	paragraph 5 becomes sub-paragraph (1) of paragraph 5;	
(b)	in that sub-paragraph for “Lord Chancellor may direct” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice, direct”;	
(c)	after that sub-paragraph insert –	5
	“(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this paragraph.”	
(5)	In paragraph 7 (rules of procedure), in sub-paragraph (1) and (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	10
 <i>Financial Services and Markets Act 2000 (c. 8)</i>		
316	The Financial Services and Markets Act 2000 is amended as follows.	
317	In section 132 (Financial Services and Markets Tribunal) –	
(a)	in subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;	15
(b)	in subsection (4) for “Lord Chancellor’s powers” substitute “powers of the Secretary of State for Constitutional Affairs”.	
318	In section 428 (regulations and orders), in subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
319	(1) Schedule 13 (Financial Services and Markets Tribunal) is amended as follows.	20
(2)	In paragraph 1 (interpretation), in the definition of “rules”, for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
(3)	In paragraph 2 (president of the tribunal) –	
(a)	in sub-paragraph (7)(b) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;	25
(b)	after sub-paragraph (7) insert –	
	“(8) The Secretary of State for Constitutional Affairs may appoint a person under sub-paragraph (7)(b) only with the concurrence of all of the following –	30
	(a) the Lord Chief Justice;	
	(b) the Lord President of the Court of Session;	
	(c) the Lord Chief Justice of Northern Ireland.”	
(4)	In paragraph 4 (terms of office) –	
(a)	in sub-paragraph (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;	35
(b)	after sub-paragraph (2) insert –	
	“(2A) The Secretary of State for Constitutional Affairs may remove a person under sub-paragraph (2) only with the concurrence of all of the following –	40
	(a) the Lord Chief Justice;	
	(b) the Lord President of the Court of Session;	
	(c) the Lord Chief Justice of Northern Ireland.”;	
(c)	in sub-paragraph (3)(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	45

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- (5) In paragraph 5 (remuneration and expenses), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (6) In paragraph 6 (staff), in sub-paragraph (3) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- (7) In paragraph 8 (sittings) for “Lord Chancellor may direct” substitute “Secretary of State for Constitutional Affairs may, after consulting the President of the Financial Services and Markets Tribunal, direct”.
- (8) In paragraph 9 (rules) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- Terrorism Act 2000 (c. 11)*
- 320 The Terrorism Act 2000 is amended as follows.
- 321 (1) Schedule 3 (Proscribed Organisations Appeal Commission) is amended as follows.
- (2) In paragraph 1 (membership), in sub-paragraph (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In paragraph 3 (remuneration), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- (4) In paragraph 4 (sittings) –
- (a) in sub-paragraph (1) for “Lord Chancellor may direct” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice, direct”;
- (b) after sub-paragraph (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- (5) In paragraph 5 (rules), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- 322 (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 after consulting the Secretary of State for Constitutional Affairs”;
- (b) after sub-paragraph (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under sub-paragraph (4)(a).”
- Child Support, Pensions and Social Security Act 2000 (c. 19)*
- 323 (1) Schedule 7 to the Child Support, Pensions and Social Security Act 2000 (housing benefit and council tax benefit: revisions and appeals) is amended as follows.
- (2) In paragraph 20 (regulations), in sub-paragraph (1) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

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

- 324 The Criminal Justice and Court Services Act 2000 is amended as follows.
- 325 In section 76 (subordinate legislation), in subsection (1) omit “the Lord Chancellor or”.
- 326 In section 77 (supplementary and consequential provision etc), in subsection (1) omit “The Lord Chancellor or”. 5
- 327 (1) Schedule 1 (local probation boards) is amended as follows.
- (2) In paragraph 2 (membership) –
- (a) in sub-paragraph (2) for “Lord Chancellor” substitute “Lord Chief Justice, after consulting the Secretary of State for Constitutional Affairs”; 10
- (b) after sub-paragraph (7) insert –
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under sub-paragraph (2).” 15
- (3) In paragraph 3 (tenure of members) –
- (a) in sub-paragraph (2) for “the Secretary of State or, as the case may be, the Lord Chancellor” substitute “the person who appointed him”;
- (b) in sub-paragraph (3), for “The Secretary of State or, as the case may be, the Lord Chancellor, may remove a member” substitute “The person who appointed a member may remove him”; 20
- (c) after sub-paragraph (3) insert –
- “(3A) The power conferred by sub-paragraph (3) may be exercised by the Secretary of State for Constitutional Affairs to remove a person appointed by him by virtue of paragraph 2(2) only with the concurrence of the Lord Chief Justice.”; 25
- (d) after sub-paragraph (6) insert –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 30

International Criminal Court Act 2001 (c. 17)

- 328 The International Criminal Court Act 2001 is amended as follows.
- 329 (1) In section 26 (definitions).
- (2) That section becomes subsection (1) of section 26.
- (3) In that subsection for “by the Lord Chancellor” substitute “by the Lord Chief Justice after consulting the Secretary of State for Constitutional Affairs”. 35
- (4) After that subsection insert –
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 40
- 330 (1) Schedule 1 (supplementary provisions relating to the ICC) is amended as follows.

- (2) In paragraph (b) of the definition of “the appropriate Minister” in paragraph 7 (pension provision for UK judges of ICC) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

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

- 331 The Anti-terrorism, Crime and Security Act 2001 is amended as follows. 5
- 332 (1) Schedule 6 (Pathogens Access Appeal Commission) is amended as follows.
- (2) In paragraph 1 (membership), in sub-paragraph (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In paragraph 3 (payment of remuneration etc) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 10
- (4) In paragraph 4 (procedure) –
- (a) in sub-paragraph (1) for “Lord Chancellor may direct” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice, direct”;
- (b) after sub-paragraph (1) insert – 15
- “(1A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under sub-paragraph (1).”
- (5) In paragraph 5 (rules), in sub-paragraphs (1) and (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 20

Land Registration Act 2002 (c. 9)

- 333 The Land Registration Act 2002 is amended as follows.
- 334 In section 102 (fee orders) for “Lord Chancellor” substitute “Secretary of State”.
- 335 In section 114 (power to make rules) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 25
- 336 (1) Section 127 (exercise of powers) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor” substitute “Secretary of State”.
- (3) In subsection (2)(a) for “Lord Chancellor” substitute “Lord Chief Justice, or a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) nominated by him, after consulting the Secretary of State”. 30
- (4) In subsection (2)(h) after “consumer affairs” insert “nominated by the Secretary of State”.
- (5) In subsection (3) for “Lord Chancellor” substitute “Secretary of State”.
- 337 In section 128 (rules, regulations and orders) for “Lord Chancellor” in each place substitute “Secretary of State”. 35
- 338 (1) Schedule 9 (the Adjudicator) is amended as follows.
- (2) In paragraph 1 (holding of office) –
- (a) in sub-paragraph (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”; 40

(b)	after sub-paragraph (4) insert –	
	“(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this paragraph.”	
(3)	In paragraph 2 (remuneration) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.	5
(4)	In paragraph 5 (regulations for conduct of business during vacancy) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
(5)	In paragraph 6 (reimbursement of expenditure) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	10
(6)	In paragraph 7 (payments by registrar towards expenses) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.	
339	(1) Schedule 9A (the Adjudicator) is amended as follows.	
	(2) In paragraph 1 (holding of office), in sub-paragraph (2) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”.	15
 <i>Tax Credits Act 2002 (c. 21)</i>		
340	In section 65 of the Tax Credits Act 2002 (regulations, orders and schemes), in subsection (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	20
 <i>Enterprise Act 2002 (c. 40)</i>		
341	The Enterprise Act 2002 is amended as follows.	
342	In section 16 (transfers of certain proceedings to and from Competition Appeal Tribunal), in subsection (1) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.	25
343	(1) Section 268 (disqualification from office: general) is amended as follows.	
	(2) In subsection (7) for “Lord Chancellor” substitute “Lord Chief Justice”.	
	(3) In subsection (15) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	30
	(4) After subsection (15) insert –	
	“(16) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (7).”	
344	(1) Schedule 2 (Competition Appeal Tribunal) is amended as follows.	35
	(2) In paragraph 2 (tenure of office of members) –	
	(a) in sub-paragraph (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;	
	(b) in sub-paragraph (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;	40

(c)	after sub-paragraph (4) insert –	
	“(5) The Secretary of State for Constitutional Affairs may remove a person from office under sub-paragraph (4) only with the concurrence of all of the following –	
	(a) the Lord Chief Justice;	5
	(b) the Lord President of the Court of Session;	
	(c) the Lord Chief Justice of Northern Ireland.”	
(3)	In paragraph 3 (appointment of acting chairman) –	
	(a) that paragraph becomes sub-paragraph (1) of paragraph 3;	
	(b) in that sub-paragraph for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;	10
	(c) after that sub-paragraph insert –	
	“(2) The Secretary of State for Constitutional Affairs may appoint a person under sub-paragraph (1) only with the concurrence of all of the following –	15
	(a) the Lord Chief Justice;	
	(b) the Lord President of the Court of Session;	
	(c) the Lord Chief Justice of Northern Ireland.”	
<i>Nationality, Immigration and Asylum Act 2002 (c. 41)</i>		
345	The Nationality, Immigration and Asylum Act 2002 is amended as follows.	20
346	In section 16 (establishment of accommodation centres), in subsection (3)(a) omit “of the Lord Chancellor”.	
347	In section 106 (rules about right of appeal), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
348	(1) Schedule 4 (immigration and asylum appeals: adjudicators) is amended as follows.	25
	(2) In paragraph 1 (term of office) in sub-paragraph (1)(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
	(3) In paragraph 2 (sittings) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	30
	(4) In paragraph 6 (remuneration and expenses) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
	(5) In paragraph 7 (compensation on loss of office) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.	
349	(1) Schedule 5 (Immigration Appeal Tribunal) is amended as follows.	35
	(2) In paragraph 2 (holding of office), in sub-paragraph (1)(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
	(3) In paragraph 5 (times and places of sittings) –	
	(a) that paragraph becomes sub-paragraph (1) of paragraph 5;	
	(b) in that sub-paragraph for “by the Lord Chancellor” substitute “by the Secretary of State for Constitutional Affairs after consulting the Lord Chief Justice”;	40

- (c) after that sub-paragraph insert –
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this paragraph.”
- (4) In paragraph 9 (remuneration and expenses) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 5
- (5) In paragraph 10 (compensation on loss of office) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

Finance Act 2003 (c. 14)

- 350 (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) –
- (a) in sub-paragraph (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”; 15
- (b) after sub-paragraph (1) insert –
- “(1A) The Secretary of State for Constitutional Affairs may make regulations under this paragraph only after consulting all of the following –
- (a) the Lord Chief Justice; 20
- (b) the Lord President of the Court of Session;
- (c) the Lord Chief Justice of Northern Ireland.”
- (3) In paragraph 3 (regulations about jurisdiction of General or Special Commissioners) –
- (a) in sub-paragraphs (1), (2) and (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”; 25
- (b) after sub-paragraph (3) insert –
- “(4) The Secretary of State for Constitutional Affairs may make regulations under this paragraph only after consulting all of the following – 30
- (a) the Lord Chief Justice;
- (b) the Lord President of the Court of Session;
- (c) the Lord Chief Justice of Northern Ireland.”
- (4) In paragraph 5 (regulations about quorum) –
- (a) that paragraph becomes sub-paragraph (1) of paragraph 5; 35
- (b) in that sub-paragraph for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;
- (c) after that sub-paragraph insert –
- “(2) The Secretary of State for Constitutional Affairs may make regulations under this paragraph only after consulting all of the following – 40
- (a) the Lord Chief Justice;
- (b) the Lord President of the Court of Session;
- (c) the Lord Chief Justice of Northern Ireland.”

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- (5) In paragraph 6 (regulations about practice and procedure), in sub-paragraph (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (6) In paragraph 7 (consequences of determination by Commissioners) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 5
- (7) In paragraph 8 (costs) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (8) In paragraph 9 (finality of decisions of Commissioners), in sub-paragraph (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 10
- (9) In paragraph 10 (publication of reports of decisions), in sub-paragraph (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (10) In paragraph 11 (regulations)– 15
- (a) for sub-paragraph (1) substitute–
- “(2) Any power to make regulations under this Schedule is exercisable–
- (a) only with the consent of the Scottish Ministers;
- (b) subject to any other provision of this Schedule.”;
- (b) in sub-paragraph (3)(c) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 20

Extradition Act 2003 (c. 41)

- 351 The Extradition Act 2003 is amended as follows.
- 352 (1) Section 67 (the appropriate judge) is amended as follows. 25
- (2) In subsection (1)(a) for “by the Lord Chancellor” substitute “by the Secretary of State for Constitutional Affairs 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (1)(a).” 30
- 353 (1) Section 139 (the appropriate judge) is amended as follows.
- (2) In subsection (1)(a) for “by the Lord Chancellor” substitute “by the Secretary of State for Constitutional Affairs 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (1)(a).” 35

Criminal Justice Act 2003 (c. 44)

- 354 The Criminal Justice Act 2003 is amended as follows.
- 355 (1) Section 167 (Sentencing Guidelines Council) is amended as follows. 40
- (2) In subsection (1)(b) and (c) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

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- 356 (1) Section 168 (Sentencing Guidelines Council: supplementary) is amended as follows.
- (2) In subsection (1)–
- (a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”; 5
- (b) for paragraph (b) substitute–
- “(b) enabling the Secretary of State for Constitutional Affairs to remove a judicial member from office, with the concurrence of the Lord Chief Justice, on the grounds of incapacity or misbehaviour, 10
- (c) enabling the Secretary of State to remove a non-judicial member from office on the grounds of incapacity or misbehaviour, and”.
- (3) After subsection (1) insert–
- “(1A) The following provisions apply to an order under subsection (1)– 15
- (a) if the order includes provision falling within subsection (1)(a), the Secretary of State for Constitutional Affairs must consult the Lord Chief Justice about that provision before making the order;
- (b) if the order includes provision falling within subsection (1)(b), the Lord Chief Justice must agree to the inclusion of that provision before the order may be made.” 20
- (4) Omit subsection (2).
- (5) In subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 25
- (6) After subsection (5) insert–
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 357 In section 169 (Sentencing Advisory Panel) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 30
- 358 In section 170 (guidelines relating to sentencing and allocation), in subsection (8)(b)(iii) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 359 In section 171 (functions of Sentencing Advisory Panel in relation to guidelines), in subsection (3)(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 35
- 360 In section 173 (annual report by Sentencing Guidelines Council), in the definition of “the Ministers” in subsection (5) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 40
- 361 (1) Section 330 (orders and rules) is amended as follows.
- (2) In subsection (1)(b) omit “on the Lord Chancellor”.

Courts Act 2003 (c. 39)

- 362 The Courts Act 2003 is amended as follows.
- 363 (1) Section 1 (general duty to maintain the court system) is amended as follows. 45

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- (2) In subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In subsection (3) for “Lord Chancellor’s general duty” substitute “Secretary of State for Constitutional Affairs’ general duty”.
- (4) In subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 364 (1) Section 2 (Court officers, staff and services) is amended as follows.
- (2) For “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- (3) In subsection (7) for paragraphs (c) and (d) substitute –
- “(c) the President of the Family Division,
(d) the Chancellor of the High Court, and
(e) the President of the Queen’s Bench Division.”
- 365 (1) Section 4 (establishment of courts boards) is amended as follows.
- (2) In subsections (2) and (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) After subsection (5) insert –
- “(5A) Before making any order under subsection (2) or (4), the Secretary of State must consult the Lord Chief Justice.”
- (4) In subsections (6) and (7) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (5) After subsection (7) insert –
- “(7A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 366 (1) Section 5 (functions of courts boards) is amended as follows.
- (2) In subsections (1), (2) and (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In subsection (5) for “Lord Chancellor must” substitute “Secretary of State for Constitutional Affairs must, after consulting the Lord Chief Justice,”.
- (4) In subsection (7) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.
- (5) After subsection (8) insert –
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 367 (1) Section 8 (local justice areas) is amended as follows.
- (2) In subsections (2) and (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) After subsection (5) insert –
- “(5A) Before making any order under subsection (2) or (4), the Secretary of State must consult the Lord Chief Justice.”
- (4) In subsection (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

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- (5) After subsection (7) insert –
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 368 (1) Section 10 (appointment of lay justices etc) is amended as follows. 5
- (2) In subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In subsection (2) for “Lord Chancellor” substitute “Lord Chief Justice”.
- (4) In subsection (3) for “or on behalf of the Lord Chancellor” substitute “Lord Chief Justice”. 10
- (5) After subsection (5) insert –
- “(6) The functions conferred on the Lord Chief Justice under this subsections (2) and (3) may be exercised only after consulting the Secretary of State for Constitutional Affairs.
- (7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (2) or (3).” 15
- 369 (1) Section 11 (resignation and removal of lay justices) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”. 20
- (3) After subsection (2) insert –
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 370 (1) Section 13 (entry of names in the supplemental list) is amended as follows. 25
- (2) In subsection (3) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.
- (3) In subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (4) In subsection (5) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”. 30
- (5) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 35
- 371 (1) Section 14 (removal of names from the supplemental list) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor directs” substitute “Secretary of State for Constitutional Affairs, with the concurrence of the Lord Chief Justice, directs”. 40
- (3) After subsection (2) insert –
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”

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- 372 (1) Section 15 (lay justices’ allowances) is amended as follows.
- (2) In subsection (7) for “Lord Chancellor” substitute “Lord Chief Justice”.
 - (3) In subsection (8) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
 - (4) After subsection (8) insert – 5
 - “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (7).”
- 373 (1) Section 17 (chairman and deputy chairmen) is amended as follows.
- (2) In subsection (3) – 10
 - (a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;
 - (b) after “may” 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 374 (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, or any judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) nominated by him to exercise the relevant functions,”. 20
 - (3) In subsection (3) – 25
 - (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 Secretary of State for Constitutional Affairs, to be appropriate”.
- 375 (1) Section 20 (rules) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor” substitute “Lord Chief Justice”. 30
 - (3) In subsection (2) before paragraph (a) insert –
“(za) the Lord Chief Justice,”.
 - (4) After subsection (2) insert – 35
 - “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions of making the rules referred to in this section.”
- 376 In section 21 (duty to consult lay justices on matters affecting them etc), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs and the Lord Chief Justice”.
- 377 (1) Section 22 (appointment of District Judges (Magistrates’ Courts)) is amended as follows. 40
- (2) In subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
 - (3) In subsection (5) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”. 45

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- (4) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 378 (1) Section 24 (Deputy District Judges (Magistrates’ Courts)) is amended as follows. 5
- (2) In subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In subsection (4) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”. 10
- (4) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 379 In section 25 (District Judges (Magistrates’ Courts) as justices of the peace), in subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 15
- 380 In section 27 (Justices’ clerks and assistant clerks), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- 381 (1) Section 28 (functions) is amended as follows. 20
- (2) In subsection (8) “by the Lord Chancellor” substitute “by the Secretary of State for Constitutional Affairs with the concurrence of the Lord Chief Justice”.
- (3) In subsection (9) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 25
- (4) After subsection (9) insert –
- “(10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 382 (1) Section 30 (places, dates and times of sittings) is amended as follows. 30
- (2) In subsection (1) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.
- (3) In subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (4) In subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 35
- (5) In subsection (7) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.
- (6) After subsection (8) insert –
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 40
- 383 (1) Section 34 (costs in legal proceedings) is amended as follows.

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- (2) In subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In subsection (5) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 384 In section 35 (indemnity of justices of the peace etc), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 10
- 385 In section 36 (fines officers), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- 386 In section 37 (designated officers and magistrates’ courts), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 15
- 387 (1) Section 51 (court security officers) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 388 In section 61 (rights of entry and inspection) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 20
- 389 For section 62 substitute –
- “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. 25
- (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 Secretary of State for Constitutional Affairs;
- (b) the person to be appointed is one of the following – 30
- (i) the Chancellor of the High Court;
- (ii) an ordinary judge of the Court of Appeal.
- (4) A person appointed as Deputy Head of Civil Justice holds that office in accordance with the terms of his appointment.”
- 390 (1) Section 64 (power to alter judicial titles) is amended as follows. 35
- (2) For “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- (3) In subsection (2) –
- (a) omit “Vice-Chancellor”;
- (b) insert at the appropriate place – 40
- (i) “Chancellor of the High Court”;
- (ii) “President of the Queen’s Bench Division”.

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- (4) After subsection (3) insert –
- “(3A) The Secretary of State for Constitutional Affairs may make an order under this section only with the concurrence of the Lord Chief Justice.”
- (5) In subsection (4) omit paragraph (a). 5
- (6) After subsection (6) insert –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 391 (1) Section 70 (Criminal Procedure Rule Committee) is amended as follows. 10
- (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). 15
- (1B) The Secretary of State 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”. 20
- (5) For subsection (3) substitute –
- “(3) Before appointing a person in accordance with subsection (1A), the Lord Chief Justice must consult the Secretary of State.
- (3A) Before appointing a person in accordance with subsection (1B), the Secretary of State must consult the Lord Chief Justice.” 25
- (6) In subsection (5) for “Lord Chancellor” substitute “Secretary of State”.
- (7) For subsection (6) substitute –
- “(6) In this section –
- “the 1990 Act” means the Courts and Legal Services Act 1990;
- “Secretary of State” means the Secretary of State for Constitutional Affairs.” 30
- 392 (1) Section 71 (power to change certain requirements relating to Committee) is amended as follows.
- (2) In subsection (1) –
- (a) for “Lord Chancellor” in the first place substitute “Secretary of State”; 35
- (b) for paragraph (a) substitute –
- “(a) amend section 70(2) or (3A), and”.
- (3) For subsection (2) substitute –
- “(2) The Secretary of State may make an order under this section only with the concurrence of the Lord Chief Justice. 40
- (3) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.”

- 393 (1) Section 72 (process for making Criminal Procedure Rules) is amended as follows.
- (2) In subsection (2)(b) for “Lord Chancellor” substitute “Secretary of State”.
- (3) For subsections (3) and (4) substitute –
- “(3) The Secretary of State may allow or disallow rules so made. 5
- (4) If the Secretary of State disallows rules, he must give the Committee written reasons for doing so.”
- (4) In subsection (5) –
- (a) for “, as allowed or altered by the Lord Chancellor” substitute “and allowed by the Secretary of State”; 10
- (b) in paragraph (a) for “Lord Chancellor” substitute “Secretary of State”.
- (5) After subsection (5) insert –
- “(5A) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.” 15
- (6) In subsection (6) omit “Subject to subsection (7),”.
- (7) Omit subsection (7).
- 394 After section 72 insert –
- “72A Rules to be made if required by Secretary of State**
- (1) This section applies if the Secretary of State for Constitutional Affairs 20 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.
- (2) The Committee must make such rules as it considers necessary to achieve the specified purpose. 25
- (3) Those rules must be –
- (a) made within a reasonable period after the Secretary of State gives notice to the Committee;
- (b) made in accordance with section 72.”
- 395 (1) Section 73 (power to amend legislation in connection with rules) is amended 30 as follows.
- (2) That section becomes subsection (1) of section 73.
- (3) In that subsection –
- (a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”; 35
- (b) 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 40
- 396 (1) Section 77 (Family Procedure Rule Committee) is amended as follows.

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- (2) In subsection (1) for paragraph (b) substitute –
“(b) those 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). 5
(1B) The Secretary of State must appoint the persons falling within paragraphs (f) to (o) 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”. 10
- (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 Secretary of State and”.
- (6) Omit subsection (4).
- (7) In subsection (5) for “subsection (2)(h) to (m), the Lord Chancellor must consult” substitute “in accordance with subsection (1B), the Secretary of State must consult the Lord Chief Justice and, if the person falls within any of paragraphs (h) to (m) of subsection (2), must also consult”. 15
- (8) In subsection (6) for “Lord Chancellor” substitute “Secretary of State”.
- (9) After section (6) insert – 20
“(7) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.”
- 397 (1) Section 78 (power to amend certain requirements relating to Committee) is amended as follows.
- (2) In subsection (1) – 25
(a) for “Lord Chancellor” in the first place substitute “Secretary of State”;
(b) for paragraph (a) substitute –
“(a) amend section 77(2) or (4), and”.
- (3) After subsection (1) insert –
“(1A) The Secretary of State may make an order under this section only with the concurrence of the Lord Chief Justice.” 30
- (4) After subsection (2) insert –
“(3) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.”
- 398 (1) Section 79 (process for making Family Procedure Rules) is amended as follows. 35
- (2) In subsection (2)(b) for “Lord Chancellor” substitute “Secretary of State”.
- (3) For subsections (3) and (4) substitute –
“(3) The Secretary of State may allow or disallow rules so made.
(4) If the Secretary of State disallows rules, he must give the Committee written reasons for doing so.” 40
- (4) In subsection (5) –

- (a) for “, as allowed or altered by the Lord Chancellor” substitute “and allowed by the Secretary of State”;
- (b) in paragraph (a) for “Lord Chancellor” substitute “Secretary of State”.
- (5) After subsection (5) insert – 5
“(5A) In this section “Secretary of State” means the Secretary of State for Constitutional Affairs.”
- (6) In subsection (6) omit “Subject to subsection (7),”.
- (7) Omit subsection (7).
- 399 After section 79 insert – 10
“79A Rules to be made if required by Secretary of State
- (1) This section applies if the Secretary of State for Constitutional Affairs 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. 15
- (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 Secretary of State gives notice to the Committee; 20
(b) made in accordance with section 79.”
- 400 (1) Section 80 (power to amend legislation in connection with the rules) is amended as follows.
(2) That section becomes subsection (1) of section 80.
(3) In that subsection for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”. 25
(4) After that subsection –
“(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 30
- 401 In section 83 (Civil Procedure Rule Committee), omit subsection (3).
- 402 (1) Section 92 (fees) is amended as follows.
(2) For “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
(3) In section 92 (fees), in subsection (5) – 35
(a) in paragraph (d) for “Vice-Chancellor” substitute “Chancellor of the High Court”;
(b) after paragraph (d) insert –
“(dd) the President of the Queen’s Bench Division;”.
- 403 In section 107 (interpretation), in subsection (6) omit “by the Lord Chancellor”. 40

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- 404 In section 108 (rules, regulations and orders), in subsections (1) and (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs or Lord Chief Justice”.
- 405 (1) Section 109 (minor and consequential amendments etc) is amended as follows. 5
- (2) In subsection (4) –
- (a) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”;
- (b) after “considers” insert “, after consulting the Lord Chief Justice,”.
- (3) After subsection (6) insert – 10
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 406 (1) Schedule 1 (constitution and procedure of courts boards) is amended as follows. 15
- (2) For paragraph 1 substitute –
- “1 (1) The members of each courts board are to be appointed by the Secretary of State for Constitutional Affairs.
- (2) Before appointing a member of a description mentioned in paragraph 2(a), the Secretary of State for Constitutional Affairs must consult the Lord Chief Justice”.
- 20
- (3) In paragraph 2 (members) after “considers appropriate” insert “(in the case of a member of a description mentioned in sub-paragraph (a), after consulting the Lord Chief Justice)”.
- (4) In paragraph 6 (payments in respect of expenses etc) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 25
- (5) In paragraph 8 (meaning of regulations) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs after consulting the Lord Chief Justice”.
- (6) After paragraph 8 insert – 30
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 407 (1) Schedule 5 (collection of fines) is amended as follows.
- (2) In paragraph 43 (fines collection regulations) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 35
- 408 (1) Schedule 6 (discharge of fines by unpaid work is amended as follows).
- (2) In paragraph 1, in the definition of “regulations” in sub-paragraph (2), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 409 (1) Schedule 7 (High Court writs of execution) is amended as follows. 40
- (2) In paragraph 2 (enforcement officers: authorisation and assignment to districts), for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- (3) In paragraph 12 (regulations) –
- (a) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”; 45

- (b) in sub-paragraph (4), for paragraph (d) substitute –
 “(d) the Chancellor of the High Court,
 (dd) the President of the Queen’s Bench Division, and”.

PART 2

AMENDMENT OF ENACTMENTS REPEALED OR AMENDED
OTHERWISE THAN BY THIS ACT 5

Introduction

- 410 (1) This Part of this Schedule amends various enactments (“the relevant enactments”).
(2) Each relevant enactment has, before the passing of this Act, been amended or repealed by a provision of another Act (“the original amending provision”). 10
(3) An amendment made by this Part of this Schedule to a relevant enactment has effect only until the original amending enactment comes fully into force in relation to that enactment. 15

Promissory Oaths Act 1871 (c. 48)

- 411 (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”. 20
(3) After that paragraph insert –
 “The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under the preceding paragraph.”
(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). 25

Children and Young Persons Act 1933 (c. 12)

- 412 (1) Schedule 2 to the Children and Young Persons Act 1933 (constitution of youth courts) is amended as follows. 30
(2) In paragraph 4 and 5 for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
(3) In paragraph 6 –
 (a) in paragraph (a) –
 (i) for “Lord Chancellor, he may” substitute “Secretary of State for Constitutional Affairs, he may after consulting the Lord Chief Justice,”; 35
 (ii) after “thinks fit” insert “after consulting the Lord Chief Justice”;
 (b) in paragraph (b) – 40
 (i) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”;

- (ii) after “may” insert “, after consulting the Lord Chief Justice,”;
- (iii) after “thinks fit” insert “, after consulting the Lord Chief Justice,”.
- (4) In paragraphs 11 and 12 for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 5
- (5) In paragraph 14 for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice,”.
- (6) In paragraph 15 –
- (a) paragraph 15 becomes sub-paragraph (1) of paragraph 15;
- (b) in that sub-paragraph, in sub-paragraph (b) – 10
- (i) for “by the Lord Chancellor” substitute “by the Lord Chief Justice after consulting the Secretary of State for Constitutional Affairs”;
- (ii) for “order of the Lord Chancellor” substitute “order made by the Lord Chancellor after consulting the Secretary of State for Constitutional Affairs”; 15
- (c) after that sub-paragraph insert –
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under sub-paragraph (1).” 20
- (7) In paragraph 16 –
- (a) paragraph 16 becomes sub-paragraph (1) of paragraph 16;
- (b) in that sub-paragraph for “consent of the Lord Chancellor,” substitute “consent of the Lord Chief Justice, given after consulting the Secretary of State for Constitutional Affairs,”; 25
- (c) after that sub-paragraph insert –
- “(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under sub-paragraph (1).”
- (8) In paragraph 18 – 30
- (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 Secretary of State for Constitutional Affairs”. 35
- (9) In paragraph 20 (orders), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (10) After paragraph 21 insert –
- “22 The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this Schedule.” 40
- (11) In relation to the enactments referred to in this paragraph, the original amending provision is Schedule 10 to the Courts Act 2003 (c. 39).
- Courts Act 1971 (c. 23)*
- 413 (1) In section 27 of the Courts Act 1971, in the definition of “the senior judges” in subsection (9) – 45

- (a) for “Vice-Chancellor” substitute “Chancellor of the High Court”; and
 (b) for “and the President of the Family Division” substitute “, the President of the Family Division and the President of the Queen’s Bench Division”.
- (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. 5
- Immigration Act 1971 (c. 77)*
- 414 (1) In section 22 of the Immigration Act 1971 (procedure for rights of appeal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 10
- (2) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 49 of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33).
- Restrictive Practices Court Act 1976 (c. 33)* 15
- 415 The Restrictive Practices Act 1976 is amended as follows.
- 416 (1) In section 1 (the Court) –
- (a) in subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;
- (b) after subsection (3) insert – 20
- “(3A) The Secretary of State for Constitutional Affairs may select a person under subsection (3) only with the concurrence of all of the following –
- (a) the Lord Chief Justice;
- (b) the Lord President of the Court of Session; 25
- (c) the Lord Chief Justice of Northern Ireland.”
- (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).
- 417 (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” 30
- (3) After subsection (4) insert –
- “(5) The functions conferred on the Lord Chief Justice under this section may be exercised only after consulting the Secretary of State for Constitutional Affairs. 35
- (6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) 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. 40
- 418 (1) Section 4 (provision for additional judges or members) is amended as follows.
- (2) In subsection (1) –

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- (a) in paragraph (a) after “consultation with” insert “the Lord Chief Justice,”;
- (b) in paragraph (b) before “with the approval” insert “after consultation with the Lord Chief Justice and”.
- (3) After subsection (2) insert – 5
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) 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. 10
- 419 (1) In section 5 (pay and pensions of non-judicial members) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- (2) In relation to the enactment referred to in this paragraph, the original amending provision is section 1 of the Competition Act 1998. 15
- 420 (1) Section 6 (administration) is amended as follows.
- (2) In subsection (5) for “Lord Chancellor may appoint” substitute “Secretary of State for Constitutional Affairs may, after consulting the Lord Chief Justice, appoint”.
- (3) After subsection (6) insert – 20
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) 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. 25
- 421 (1) In section 9 (procedure), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs after consulting the Lord Chief Justice”.
- (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). 30
- Magistrates’ Courts Act 1980 (c. 43)*
- 422 The Magistrates’ Courts Act 1980 is amended as follows.
- 423 (1) Section 67 (family proceedings courts and panels) (as substituted by section 49(1) of the Courts Act 2003 (c. 39)) is amended as follows.
- (2) In subsection (2)(a) for “by the Lord Chancellor” substitute “by the Lord Chief Justice, after consulting the Secretary of State for Constitutional Affairs,”. 35
- (3) In subsection (5) for “on the Lord Chancellor” substitute “, exercisable by the Secretary of State for Constitutional Affairs with the concurrence of the Lord Chief Justice,”. 40
- (4) After subsection (8) insert –
- “(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”

- (5) In relation to the enactment referred to in this paragraph, the original amending provision is section 49(1) of the Courts Act 2003.
- 424 (1) Section 68 (combined family panels) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 5
- (3) In subsection (2) –
- (a) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”;
- (b) after “thinks fit” insert “after consulting the Lord Chief Justice”.
- (4) In subsections (3), (4) and (5) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 10
- (5) After subsection (6) insert –
- “(6A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 15
- (6) In relation to the enactment referred to in this paragraph, the original amending provision is section 49(2) of the Courts Act 2003.
- 425 (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”. 20
- (2) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) 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 (c. 39). 25

Supreme Court Act 1981 (c. 54)

- 426 The Supreme Court Act 1981 is amended as follows.
- 427 (1) In section 126 (depositories for wills of living persons), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 30
- (2) In relation to the enactment referred to in this paragraph, the original amending provision is Part 1 of Schedule 9 to the Administration of Justice Act 1982 (c. 53).
- 428 (1) In section 130 (fees to be taken in Supreme Court), in subsection (2)(a) for “and the Vice-Chancellor” substitute “, the Chancellor of the High Court and the President of the Queen’s Bench Division”. 35
- (2) 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.

Social Security Administration Act 1992 (c. 5)

- 429 The Social Security Administration Act 1992 is amended as follows. 40
- 430 (1) In section 24 (appeal from Social Security Commissioners on point of law), in subsection (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

	(2) In relation to the enactment referred to in this paragraph, the original amending provision is section 39(3) of the Social Security Act 1998 (c. 14).	
431	(1) In section 58 (regulations) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.	
	(2) In relation to the enactment referred to in this paragraph, the original amending provision is section 39(3) of the Social Security Act 1998.	5
432	(1) In section 189 (regulations and orders – general), in subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
	(2) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 109(b) of Schedule 7 of the Social Security Act 1998.	10
433	(1) In section 190 (Parliamentary control of orders and regulations), in subsection (4)(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
	(2) In relation to the enactment referred to in this paragraph, the original amending provision is paragraph 110(2) of Schedule 7 of the Social Security Act 1998.	15
434	(1) In Schedule 2 (Commissioners, Tribunals etc – supplementary provisions)–	
	(a) in paragraph (1) (tenure of office)–	20
	(i) in sub-paragraphs (4) and (5) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”;	
	(ii) after sub-paragraph (5) insert–	
	“(5A) The Secretary of State for Constitutional Affairs may exercise a power conferred on him by sub-paragraph (4) above only with the concurrence of all of the following–	25
	(a) the Lord Chief Justice;	
	(b) the Lord President of the Court of Session;	
	(c) the Lord Chief Justice of Northern Ireland.”	30
	(b) in paragraph 6 (remuneration) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
	(2) In relation to the enactment referred to in this paragraph, the original amending provision is section 39(3) of the Social Security Act 1998 (c. 14).	
	<i>Civil Procedure Act 1997 (c. 12)</i>	35
435	The Civil Procedure Act 1997 is amended as follows.	
436	(1) Section 2 (Civil Procedure Rule Committee) is amended as follows.	
	(2) In subsection (8) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.	
	(3) After subsection (8) insert–	40
	“(9) If the Secretary of State for Constitutional Affairs disallows rules under subsection (8), he must give the Civil Procedure Rule Committee written reasons for doing so.”	
	(4) 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).	45

- 437 (1) In section 3 (provision supplementary to section 2), in subsection (1)(a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (2) In relation to the enactment referred to in this paragraph, the original amending provision is section 85(2) of the Courts Act 2003.

Justices of the Peace Act 1997 (c. 25)

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- 438 (1) The Justices of the Peace Act 1997 is amended as follows.
- (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.
- 439 (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 Secretary of State for Constitutional Affairs, after consulting the Lord Chief Justice, by statutory instrument” 10
- (3) After subsection (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 15
- 440 (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 Secretary of State for Constitutional Affairs, after consulting the Lord Chief Justice, by statutory instrument” 20
- (3) After subsection (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 25
- 441 (1) Section 5 (appointment and removal of justices of the peace) is amended as follows.
- (2) In subsection (1) –
- (a) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”; 30
- (b) for “in like manner” substitute “by the Secretary of State for Constitutional Affairs with the concurrence of the Lord Chief Justice”.
- (3) After subsection (2) insert – 35
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 442 (1) Section 6 (residence qualification) is amended as follows.
- (2) In subsection (3) for “Lord Chancellor is” substitute “Secretary of State for Constitutional Affairs and the Lord Chief Justice are both”. 40

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- (3) After subsection (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 443 (1) Section 7 (supplemental list for England and Wales) is amended as follows. 5
- (2) In subsection (4) –
- (a) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”;
- (b) for “Lord Chancellor is” substitute “Secretary of State for Constitutional Affairs and the Lord Chief Justice are both”. 10
- (3) After subsection (7) insert –
- “(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 15
- 444 (1) Section 8 (removal of name from supplemental list) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor so directs” substitute “Secretary of State, with the concurrence of the Lord Chief Justice, so directs”.
- (3) After subsection (2) insert –
- “(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 20
- 445 (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”. 25
- (3) After subsection (4) insert –
- “(5) The Lord Chief Justice may not give an authorisation under subsection (3) unless the Secretary of State for Constitutional Affairs concurs.
- (6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (3).” 30
- 446 In section 10 (travelling, subsistence and financial loss allowances), in subsections (5) and (6) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 35
- 447 (1) Section 10A (appointment and tenure) is amended as follows.
- (2) In subsection (3) for “by the Lord Chancellor” substitute “by the Secretary of State for Constitutional Affairs, with the concurrence of the Lord Chief Justice,”.
- (3) In subsection (4) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 40
- (4) After subsection (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 45

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- 448 (1) Section 10B (deputies) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”.
- (3) In subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 5
- (4) After subsection (4) insert –
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 449 In section 10C (status), 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 Secretary of State for Constitutional Affairs”. 10
- 450 (1) Section 24 (rules as to chairmanship and size of bench) is amended as follows.
- (2) In subsection (5) omit “by the Lord Chancellor”. 15
- (3) After subsection (5) insert –
- “(6) Rules under this section that relate to the matters referred to in subsection (2)(c) are to be made by the Lord Chief Justice after consulting the Secretary of State for Constitutional Affairs.
- (7) Any other rules under this section are to be made by the Secretary of State for Constitutional Affairs after consulting the Lord Chief Justice. 20
- (8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 25
- 451 (1) Section 26 (Greater Manchester, Merseyside and Lancashire) is amended as follows.
- (2) In subsection (2) –
- (a) in paragraph (a) for “the Lord Chancellor” substitute “the Secretary of State for Constitutional Affairs or the Lord Chief Justice”; 30
- (b) in paragraph (b) –
- (i) for “the Lord Chancellor” in the first place substitute “the Secretary of State for Constitutional Affairs or the Lord Chief Justice”;
- (ii) for “the Lord Chancellor” in the second place substitute “that person, or those persons,”. 35
- (3) In subsection (3) –
- (a) in paragraph (a) for “the Lord Chancellor” substitute “the Secretary of State for Constitutional Affairs or the Lord Chief Justice”;
- (b) in paragraph (b) – 40
- (i) for “the Lord Chancellor” in the first place substitute “the Secretary of State for Constitutional Affairs or the Lord Chief Justice”;
- (ii) for “the Lord Chancellor” in the second place substitute “that person, or those persons,”. 45
- 452 (1) Section 27A (magistrates’ courts committees) 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 Secretary of State for Constitutional Affairs, 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 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 453 (1) Section 27B (alteration of committee areas) is amended as follows.
- (2) For “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 10
- (3) In subsection (4) before paragraph (a) insert –
- “(za) the Lord Chief Justice;”.
- (4) After subsection (10) insert –
- “(11) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.” 15
- 454 In section 29 (regulations about committees), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 455 In section 30 (supplementary provisions about committees), in subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 20
- 456 In section 30B (regulations about Greater London Magistrates’ Courts Authority), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 25
- 457 In section 30C (procedure of Authority), in subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- 458 In section 31 (general powers and duties of magistrates’ courts committees) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 30
- 459 In section 32A (alteration of commission areas) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- 460 (1) Section 33 (alteration of petty sessions areas) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 35
- (3) In subsection (2) –
- (a) for “Lord Chancellor” in the first place substitute “Secretary of State for Constitutional Affairs after he has consulted the Lord Chief Justice”;
- (b) for Lord Chancellor in the second place substitute “Secretary of State for Constitutional Affairs”. 40
- (4) In subsection (3) –
- (a) for “where” substitute “if he has consulted the Lord Chief Justice and”;

- (b) in paragraph (a) for “Lord Chancellor thinks fit” substitute “Secretary of State for Constitutional Affairs thinks fit after consulting the Lord Chief Justice”;
- (c) for paragraph (b) substitute –
- “(b) a magistrates’ court committee fail to comply within six months with a direction under subsection (2);
- (bb) the Secretary of State for Constitutional Affairs is, after consulting the Lord Chief Justice, dissatisfied with the draft order or report submitted in pursuance of such a direction; or”.
- (5) In subsection (4) for “appear to the Lord Chancellor” substitute “appear to the Secretary of State for Constitutional Affairs, after consulting the Lord Chief Justice,”.
- (6) After subsection (5) insert –
- “(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 461 In section 34 (procedure relating to section 33) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.
- 462 (1) Section 53A (costs in legal proceedings) is amended as follows.
- (2) In subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In subsection (4) for “Lord Chancellor may” substitute “Secretary of State for Constitutional Affairs may, with the concurrence of the Lord Chief Justice,”.
- (4) After subsection (6) insert –
- “(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under this section.”
- 463 (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 Secretary of State for Constitutional Affairs”.
- (3) In subsection (7) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (4) After subsection (9) insert –
- “(10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (6).”
- 464 (1) Section 64 (training courses) is amended as follows.
- (2) In subsection (1) for “by the Lord Chancellor” substitute “by the Lord Chief Justice after consulting the Secretary of State for Constitutional Affairs”.
- (3) After subsection (3) insert –
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 84(4) of the Constitutional Reform Act 2004) to exercise his functions under subsection (1).”

Data Protection Act 1998 (c. 29)

- 465 (1) In paragraph 3 of Schedule 6 to the Data Protection Act 1998 (constitution of Tribunal in national security cases) –
- (a) that paragraph becomes sub-paragraph (1) of paragraph 3;
 - (b) in that sub-paragraph for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”; 5
 - (c) after that sub-paragraph insert –
 - “(2) The Secretary of State for Constitutional Affairs may designate a person to preside under this paragraph only with the concurrence of all of the following – 10
 - (a) the Lord Chief Justice;
 - (b) the Lord President of the Court of Session;
 - (c) the Lord Chief Justice of Northern Ireland.”
- (2) In relation to the enactment referred to in this paragraph, the original amending enactment is paragraph 2 of Schedule 4 to the Freedom of Information Act 2000 (c. 36). 15

SCHEDULE 2

Section 6

POWERS TO MAKE RULES

PART 1

THE PROCESS 20

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;
 - “Secretary of State” means the Secretary of State for Constitutional Affairs. 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 Secretary of State, to make designated rules. 30
- (2) The Lord Chief Justice may nominate a judicial office holder in accordance with sub-paragraph (1) –
- (a) to make designated rules generally, or
 - (b) to make designated rules under a particular enactment.
- (3) In this Part – 35
- (a) “judicial office holder” has the same meaning as in section 84(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.

-
- 3 (1) The Lord Chief Justice, or his nominee, may make designated rules only with the agreement of the Secretary of State.
- (2) If the Secretary of State does not agree designated rules made by the Lord Chief Justice, or by his nominee, the Secretary of State must give that person written reasons why he does not agree the rules. 5
- 4 (1) Designated rules made by the Lord Chief Justice, or by his nominee, and agreed by the Secretary of State –
- (a) come into force on such day as the Secretary of State 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. 10
- (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 Secretary of State 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. 15
- (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 – 20
- (a) made within a reasonable period after the Secretary of State gives notice under sub-paragraph (1);
- (b) made in accordance with the provisions of this Part.

PART 2

RULE-MAKING POWERS SUBJECT TO THE PROCESS IN PART 1 25

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 –
- “(2A) Rules may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004 with respect to the exercise of the jurisdiction referred to in subsection (2).” 30

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

- 7 In section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedure for indictment of offenders), in subsection (6) for “The Lord Chancellor may make rules” substitute “Rules may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004”. 35

Compensation (Defence) Act 1939 (c. 75)

- 8 The Compensation (Defence) Act 1939 is amended as follows.
- 9 (1) For the title to section 9 substitute “Incidental powers of tribunals and rules of procedure”. 40
- (2) Omit section 9(1)(a) (incidental powers of tribunals to make rules of procedure).

-
- (3) 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.
- (1B) Such rules are to be made as follows – 5
- (a) if the rules relate to proceedings in England and Wales, they are to be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004;
- (b) if the rules relate to proceedings in Scotland, they are to be made by the Lord President of the Court of Session; 10
- (c) if the rules relate to proceedings in Northern Ireland, they are to be made by the Lord Chief Justice of Northern Ireland.”
- (4) In subsection (2) for the words from the beginning to “subsection” substitute “Such rules”.
- Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)* 15
- 10 (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 (1) omit “by the Lord Chancellor”.
- (3) In subsection (2) for “The Lord Chancellor may also make rules” substitute “Rules may also be made under this section” 20
- (4) For subsection (6) substitute –
- “(6) Rules under this section are to be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004.”
- Courts-Martial (Appeals) Act 1968 (c. 20)* 25
- 11 (1) Section 49 of the Courts-Martial (Appeals) Act 1968 (rules of court) is amended as follows.
- (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 2 to the Constitutional Reform Act 2004”. 30
- (3) In subsection (2) for “Lord Chief Justice” substitute “person making the rules”.
- (4) Omit subsections (3) and (4).
- Adoption Act 1976 (c. 36)*
- 12 Section 66 of the Adoption Act 1976 (rules of procedure) has effect as if in subsection (1)(a) the reference to rules being made by the Lord Chancellor were a reference to rules being made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004. 35
- Rent (Agriculture) Act 1976 (c. 80)*
- 13 In section 26 of the Rent (Agriculture) Act 1976 (jurisdiction and procedure), 40

for subsection (5) substitute –

“(5) Rules may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004 for the purpose of giving effect to Part 1 or 2 of this Act, or this Part.

(5A) Such rules may include provision for the remission of fees.” 5

Rent Act 1977 (c. 42)

14 (1) Section 142 of the Rent Act 1977 (rules as to procedure) is amended as follows.

(2) For subsections (1) and (2) substitute –

“(1) Rules may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004 for the purpose of giving effect to the provisions of this Act. 10

(2) Such rules may include provision for any of the following –

- (a) the conduct so far as desirable in private of any proceedings for the purposes of those provisions; 15
- (b) the remission of fees.”

(3) Omit subsection (4).

National Health Service Act 1977 (c. 49)

15 The National Health Service Act 1977 is amended as follows.

16 In section 126 (orders, regulations, and directions), after paragraph (b) insert – 20

“(c) does not apply to rules made under Schedule 9A to this Act”.

17 (1) Schedule 9A (Family Health Services Appeal Authority) is amended as follows.

(2) In paragraph 15 for “The Lord Chancellor may make rules” substitute “Rules may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004”. 25

(3) In paragraph 16 for “The Lord Chancellor shall make rules” substitute “Rules must be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004”. 30

(4) In paragraph 21 for the definition of “prescribed” substitute –

““prescribed” means prescribed in rules made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004.”

Housing Act 1980 (c. 51) 35

18 (1) Section 86 of the Housing Act 1980 (jurisdiction of county court and rules of procedure) is amended as follows.

(2) For subsection (4) substitute –

“(4) Rules may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004 for the purpose of giving effect to this Act.” 40

(3) Omit subsection (6).

Supreme Court Act 1981 (c. 54)

- 19 The Supreme Court Act 1981 is amended as follows.
- 20 In section 76 (further provision about scope of Family Procedure Rules) omit
 “by the President of the Family Division, with the concurrence of the Lord
 Chancellor,”. 5
- 21 (1) Section 127 (probate rules) is amended as follows.
- (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 2 to the Constitutional Reform
 Act 2004 for regulating”. 10
- (3) Omit subsection (3).
- 22 (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 2 to the
 Constitutional Reform Act 2004”. 15
- (3) In subsection (2)(b) for “Lord Chancellor” substitute “person making the
 rules”.
- (4) Omit subsection (3). 20

Mental Health Act 1983 (c. 20)

- 23 The Mental Health Act 1983 is amended as follows.
- 24 In section 65 (Mental Health Review Tribunals), in subsection (3) omit “by
 the Lord Chancellor”.
- 25 In section 108 (general provisions as to rules under Part 7), after subsection
 (1) (as substituted by paragraph 170(2) of Schedule 1) insert – 25
- “(1A) Rules under any other provision of this Part of this Act are to be
 made in accordance with Part 1 of Schedule 2 to the Constitutional
 Reform Act 2004”.
- 26 In section 143 (general provisions as to regulations, orders and rules), after
 subsection (3) insert – 30
- “(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 2 to
 the Constitutional Reform Act 2004.”

County Courts Act 1984 (c. 28) 35

- 27 (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 –
- “(4A) If regulations are made under subsection (3), rules may be made in
 accordance with Part 1 of Schedule 2 to the Constitutional Reform 40

Act 2004 about procedure relevant to the matters prescribed in the regulations.”

Matrimonial and Family Proceedings Act 1984 (c. 42)

- 28 In section 40 of the Matrimonial and Family Proceedings Act 1984 (family proceedings rules), in the second paragraph of subsection (2) – 5
- (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”.

Housing Act 1985 (c. 68)

- 29 The Housing Act 1985 is amended as follows. 10
- 30 (1) Section 111 (secure tenancies: county court rules and directions) is amended as follows.
- (2) In subsection (1) for “The Lord Chancellor may make such rules and give such directions as he thinks fit” substitute “Rules may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004”. 15
 - (3) Omit subsection (3).
- 31 (1) Section 181 (right to buy: jurisdiction of county court) is amended as follows.
- (2) In subsection (4) –
 - (a) for the words from the beginning to “thinks fit” substitute “Rules may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004”; 20
 - (b) omit “or directions”.
 - (3) Omit subsection (5).
- 32 (1) Section 572 (assistance for owners of defective housing: jurisdiction of county court) is amended as follows. 25
- (2) For subsection (4) substitute –
 - “(4) Rules for the purpose of giving effect to this section may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004.”
 - (3) Omit subsection (6). 30

Coroners Act 1988 (c. 13)

- 33 The Coroners Act 1988 is amended as follows.
- 34 In section 11 (proceedings at inquest), for subsection (5)(c) substitute – 35
- “(c) shall be in such form as may be prescribed in rules made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004.”
- 35 (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 2 to the Constitutional Reform Act 2004”. 40
 - (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).

Housing Act 1996 (c. 52)

36 The Housing Act 1996 is amended as follows.

37 (1) Section 138 (introductory tenancies: jurisdiction of county court) is amended as follows. 5

(2) For subsection (4) substitute –

“(4) Rules for the purposes of giving effect to this section may be made under Part 1 of Schedule 2 to the Constitutional Reform Act 2004.”

(3) Omit subsection (6)

38 (1) Section 143N (demoted tenancies: jurisdiction of county court) is amended as follows. 10

(2) For subsection (5) substitute –

“(5) Rules for the purposes of giving effect to this section may be made under Part 1 of Schedule 2 to the Constitutional Reform Act 2004.”

(3) Omit subsection (7). 15

Family Law Act 1996 (c. 27)

39 The Family Law Act 1996 is amended as follows.

40 (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 2 to the Constitutional Reform Act 2004”. 20

(3) In subsection (2) for “The Lord Chancellor may make rules” substitute “Rules may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004”.

41 In section 65 (rules, regulations and orders), in subsection (5) after “does not apply” insert “to rules made under section 12 or”. 25

Justices of the Peace Act 1997 (c. 25)

42 In section 54 of the Justices of the Peace Act 1997 (indemnification of justices and justices’ clerks), for subsection (8) substitute –

“(8) Rules prescribing the procedure to be followed in any appeal under subsection (6) above may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2004.” 30

Adoption and Children Act 2002 (c. 38)

43 The Adoption and Children Act 2002 is amended as follows.

44 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 2 to the Constitutional Reform Act 2004”. 35

- 45 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”.

SCHEDULE 3

Section 7

POWERS TO GIVE DIRECTIONS

5

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; 10

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. 15
- (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.
- (3) In this part – 20
- (a) “judicial office holder” has the same meaning as in section 84(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. 25
- 3 (1) The Lord Chief Justice, or his nominee, may make or give designated directions only with the agreement of the Minister.
- (2) Sub-paragraph (1) does not apply to designated directions that contain guidance about any of the following – 30
- (a) the application or interpretation of the law;
- (b) the making of judicial decisions.
- (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

35

POWERS OF DIRECTION SUBJECT TO THE PROCESS IN PART 1

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 3 to the Constitutional Reform Act 2004”.
- (3) In subsection (2) for “If the Lord Chief Justice so directs” substitute “If such directions so provide”. 5
- (4) In subsection (3) for “the Lord Chief Justice shall direct” substitute “such directions may provide”.
- Rent (Agriculture) Act 1976 (c. 80)*
- 5 In section 26 of the Rent (Agriculture) Act 1976 (jurisdiction and procedure), after subsection (5A) (as inserted by paragraph 14 of Schedule 2) insert – 10
- “(5B) Directions may be given in accordance with Part 1 of Schedule 3 to the Constitutional Reform Act 2004 for the purpose of giving effect to Part 1 or 2 of this Act, or this Part.
- (5C) Such directions may include provision for the remission of fees.”
- Rent Act 1977 (c. 42)* 15
- 6 In section 142 of the Rent Act 1977 (rules as to procedure), after subsection (2) (as substituted by paragraph 14 of Schedule 2) insert –
- “(2A) Directions may be given in accordance with Part 1 of Schedule 3 to the Constitutional Reform Act 2004 for the purpose of giving effect to the provisions of this Act. 20
- (2B) Such directions may include provision for any of the matters referred to in subsection (2).”
- Housing Act 1980 (c. 51)*
- 7 In section 86 of the Housing Act 1980 (jurisdiction of county court and rules of procedure) after subsection (4) (as substituted by paragraph 18 of Schedule 2) insert –
- “(4A) Directions may be given in accordance with Part 1 of Schedule 3 to the Constitutional Reform Act 2004 for the purpose of giving effect to this Act.”
- Supreme Court Act 1981 (c. 54)* 30
- 8 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 3 to the Constitutional Reform Act 2004”.
- County Courts Act 1984 (c. 28)* 35
- 9 (1) Section 74A of the County Courts Act 1984 (practice directions) is amended as follows.
- (2) In subsection (1) for “by the Lord Chancellor” substitute “in accordance with Part 1 of Schedule 3 to the Constitutional Reform Act 2004”.

- (3) In subsection (2) for “may not be made by any other person without the approval of the Lord Chancellor” substitute “made otherwise than in accordance with that Part of that Schedule may not be made without the approval of the Lord Chief Justice and the Minister for Constitutional Affairs”. 5
- (4) In subsection (3) omit “of the Lord Chancellor”.
- (5) Omit subsection (4).

Housing Act 1985 (c. 68)

- 10 The Housing Act 1985 is amended as follows.
- 11 In section 111 (secure tenancies: county court rules and directions), after subsection (1) (as amended by paragraph 30 of Schedule 2) insert – 10
- “(1A) Directions may be given in accordance with Part 1 of Schedule 3 to the Constitutional Reform Act 2004 for the purpose of giving effect to the provisions referred to in subsection (1).”
- 12 In section 181 (right to buy: jurisdiction of county court), after subsection (4) (as amended by paragraph 31 of Schedule 2) insert – 15
- “(4A) Directions may be given in accordance with Part 1 of Schedule 3 to the Constitutional Reform Act 2004 for the purpose of giving effect to this section; and such directions may provide for any of the matters referred to in paragraphs (a) and (b) of subsection (4).” 20
- 13 In section 572 (assistance for owners of defective housing: jurisdiction of county court), after subsection (4) (as amended by paragraph 32 of Schedule 2) insert –
- “(4A) Directions for the purpose of giving effect to this section may be given in accordance with Part 1 of Schedule 3 to the Constitutional Reform Act 2004.” 25

Housing Act 1996 (c. 52)

- 14 The Housing Act 1996 is amended as follows.
- 15 In section 138 (introductory tenancies: jurisdiction of county court), after subsection (4) (as substituted by paragraph 37 of Schedule 2) insert – 30
- “(4A) Directions for the purposes of giving effect to this section may be given under Part 1 of Schedule 2 to the Constitutional Reform Act 2004.”
- 16 In section 143N (demoted tenancies: jurisdiction of county court), after subsection (5) (as substituted by paragraph 38 of Schedule 2) insert – 35
- “(5A) Directions for the purposes of giving effect to this section may be given under Part 1 of Schedule 2 to the Constitutional Reform Act 2004.”

Courts Act 2003 (c. 39)

- 17 The Courts Act 2003 is amended as follows. 40

-
- 18 (1) Section 30 (magistrates’ courts: places, dates and times of sittings) is amended as follows.
- (2) In subsection (1) for “The Lord Chancellor may give” substitute “Directions may be given in accordance with Part 1 of Schedule 3 to the Constitutional Reform Act 2004”. 5
- (3) In subsection (2) for “In exercising his powers under subsection (1), the Lord Chancellor” substitute “The person exercising the powers under subsection (1)”. 5
- (4) In subsection (3) for “The Lord Chancellor may, with the concurrence of the Lord Chief Justice, give directions” substitute “Directions may be given in accordance with Part 1 of Schedule 3 to the Constitutional Reform Act 2004”. 10
- (5) In subsection (7) for “The Lord Chancellor may give directions” substitute “Directions may be given in accordance with Part 1 of Schedule 3 to the Constitutional Reform Act 2004”.
- 19 (1) Section 74 (practice directions as to practice and procedure of criminal courts) is amended as follows. 15
- (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 3 to the Constitutional Reform Act 2004”.
- (3) In subsection (2) for the words from “may not be given” to the end substitute “given otherwise than in accordance with Part 1 of Schedule 3 to the Constitutional Reform Act 2004 may not be given without the approval of the Lord Chief Justice and the Secretary of State for Constitutional Affairs.” 20
- (4) For subsection (3)(a) substitute – 25
- “(a) to vary or revoke directions given by any person as to the practice and procedure of the criminal courts (or any of them),”.
- (5) Omit subsection (4).
- 20 (1) Section 81 (practice directions relating to family proceedings) is amended as follows. 30
- (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 3 to the Constitutional Reform Act 2004”.
- (3) In subsection (2) for the words from “may not be given” to the end substitute “given otherwise than in accordance with Part 1 of Schedule 3 to the Constitutional Reform Act 2004 may not be given without the approval of the Lord Chief Justice and the Secretary of State for Constitutional Affairs”. 35
- (4) For subsection (3)(a) substitute – 40
- “(a) to vary or revoke directions given by person as to the practice and procedure of magistrates’ courts and county courts (or any of them (in family proceedings),”.

Criminal Justice Act 2003 (c. 44)

- 21 The Criminal Justice Act 2003 is amended as follows.
- 22 (1) Section 168 (Sentencing Guidelines Council: supplementary provisions) is amended as follows. 45

- (2) Omit subsection (1)(c).
- (3) After subsection (2) insert –
 - “(2A) Directions as to the proceedings of the Council may be made in accordance with Part 1 of Schedule 3 to the Constitutional Reform Act 2004.”

5

SCHEDULE 4

Section 8

APPOINTMENT FUNCTIONS

PART 1

APPOINTMENTS TO BE MADE BY THE QUEEN

District Judges 10

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

“6 District judges

- (1) Her Majesty may appoint district judges.
- (2) The Lord Chief Justice, after consulting the Secretary of State for Constitutional Affairs – 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. 20
- (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 Secretary of State for Constitutional Affairs with the concurrence of the Treasury.”

- (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. 30

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

“100 District judges

- (1) The Lord Chief Justice, after consulting the Secretary of State for Constitutional Affairs – 35
 - (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) 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.” 5
- (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. 10
- (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.” 15

High Court Masters and Registrars

- 3 (1) Section 89 of the Supreme Court Act 1981 (c. 54) (masters and registrars) is amended as follows.
- (2) In subsection (1), for the words from “Lord Chancellor” to the end substitute “Her Majesty”. 20
- (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 Secretary of State for Constitutional Affairs with the concurrence of the Treasury. 25
- (1B) A person appointed under subsection (1) is to be paid such salary as may be determined by the Secretary of State for Constitutional Affairs with the concurrence of the Treasury.”
- (4) In subsection (3) —
- (a) for “The Lord Chancellor” substitute “Her Majesty”; 30
- (b) for the words from “as the Lord Chancellor” to the end substitute “as may be determined by the Secretary of State for Constitutional Affairs with the concurrence of the Treasury.”
- 4 In section 93(2) of the Mental Health Act 1983 (c. 20) (Court of Protection) for “the Lord Chancellor” substitute “Her Majesty”. 35

Senior District Judge (Chief Magistrate)

- 5 In section 23 of the Courts Act 2003 (c. 39) (Senior District Judge (Chief Magistrate))—
- (a) for “The Lord Chancellor” substitute “Her Majesty”; 40
- (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”.

PART 2

APPOINTMENTS TO BE MADE BY THE MINISTER

War Pensions (Administrative Provisions) Act 1919 (c. 53)

- 7 In the War Pensions (Administrative Provisions) Act 1919, in the Schedule, in paragraphs 2 and 3 (of pensions appeal tribunal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 5

Compensation (Defence) Act 1939 (c. 75)

- 8 In the Compensation (Defence) Act 1939, in section 8(1) and (2) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 10

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

- 9 In the London Building Acts (Amendment) Act 1939, in section 109(1) (a), (b), (d) and (f) (panel) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Pensions Appeal Tribunals Act 1943 (c. 39) 15

- 10 In the Pensions Appeal Tribunals Act 1943, in the Schedule, in paragraphs 2(1), 2A and 2B (Pensions Appeal Tribunals) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

Coal Industry Nationalisation Act 1946 (c. 59)

- 11 In the Coal Industry Nationalisation Act 1946, in sections 61(1) and 64(10) (panel of arbitrators) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 20

Agriculture Act 1947 (c. 48)

- 12 In the Agriculture Act 1947, in Schedule 9 (Agricultural Land Tribunals) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 25

National Health Service (Amendment) Act 1949 (c. 39)

- 13 In the National Health Service (Amendment) Act 1949, in sections 7(6) and 9(4)(a) (arbitration committee), for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 30

Lands Tribunal Act 1949 (c. 42)

- 14 In the Lands Tribunal Act 1949, in section 2(1), (2) and (8) (Lands Tribunal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

National Parks and Access to the Countryside Act 1949 (c. 97)

- 15 In the National Parks and Access to the Countryside Act 1949, in section 18(3) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Foreign Compensation Act 1950 (c. 12)

5

- 16 In the Foreign Compensation Act 1950, in section 1(1) (Foreign Compensation Commission) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

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

- 17 In the Courts-Martial (Appeals) Act 1951, in sections 28(1), 29, 30 and 31(4) (Judge Advocate of Her majesty’s Fleet, Judge Advocate General etc.) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 10

Transport Act 1962 (c. 46)

- 18 In the Transport Act 1962, in Schedule 6, paragraph 3(4) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 15

Betting, Gaming and Lotteries Act 1963 (c. 2)

- 19 In the Betting, Gaming and Lotteries Act 1963, in section 29(2)(a) (Levy Appeal Tribunal) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 20

Commons Registration Act 1965 (c. 64)

- 20 In the Commons Registration Act 1965, in section 17(1) and (3) (Commons Commissioners) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

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

25

- 21 In the Courts-Martial (Appeals) Act 1968, in section 2(2) (Courts-Martial Appeal Court) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Countryside Act 1968 (c. 41)

- 22 In the Countryside Act 1968, in section 15A(3) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 30

Transport Act 1968 (c. 73)

- 23 In the Transport Act 1968, in Schedule 4, paragraph 13(3) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Taxes Management Act 1970 (c. 9)

- 24 In the Taxes Management Act 1970, in sections 4(1) and (3) and 4A(1) (Special Commissioners) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

Courts Act 1971 (c. 23)

5

- 25 In the Courts Act 1971 in , sections 16(1), 21(2) and 24(1) (Circuit Judges, Recorders etc.) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

Misuse of Drugs Act 1971 (c. 38)

- 26 In the Misuse of Drugs Act 1971, in Schedule 3, in paragraphs 1(1) and (3) and the entry for paragraph 1 in the table in paragraph 21 (tribunals) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 10

Industry Act 1975 (c. 68)

- 27 In the Industry Act 1975, in Schedule 3, in paragraphs 4(a) and 8 (tribunals) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 15

Aircraft and Shipbuilding Industries Act 1977 (c. 3)

- 28 In the Aircraft and Shipbuilding Industries Act 1977, in section 42 (Aircraft and Shipbuilding Industries Arbitration Tribunal) for “Lord Chancellor” in each place, except in the first place in subsection (3), substitute “Secretary of State for Constitutional Affairs”. 20

Rent Act 1977 (c. 42)

- 29 In the Rent Act 1977, in Schedule 10 (panel) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 25

National Health Service Act 1977 (c. 49)

- 30 In the National Health Service Act 1977, in Schedule 9A, in paragraphs 1, 2, 4 and 6 (Family Health Services Appeal Tribunal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

Tobacco Products Duty Act 1979 (c. 7)

30

- 31 In the Tobacco Products Duty Act 1979, in section 5(4) (ombudsman) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

British Telecommunications Act 1981 (c. 38)

- 32 In the British Telecommunications Act 1981, in Schedule 2, in paragraph 12(3) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 35

Supreme Court Act 1981 (c. 54)

- 33 In the Supreme Court Act 1981, in section 102(1) (deputy district judge) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Wildlife and Countryside Act 1981 (c. 69)

- 34 In the Wildlife and Countryside Act 1981, in section 28N(3) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 5

Transport Act 1982 (c. 49)

- 35 In the Transport Act 1982, in section 66(4)(a) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Mental Health Act 1983(c. 20) 10

- 36 In the Mental Health Act 1983, Schedule 2, in paragraphs 1, 2 and 3 (Mental Health Review Tribunal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

Car Tax Act 1983 (c. 53)

- 37 In the Car Tax Act 1983, in section 3(5) (ombudsman) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 15

County Courts Act 1984 (c. 28)

- 38 In the County Courts Act 1984, in section 8(1) (deputy district judge) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Ordnance Factories and Military Services Act 1984 (c. 59) 20

- 39 In the Ordnance Factories and Military Services Act 1984, in Schedule 1, in paragraph 2(5) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Transport Act 1985 (c. 67)

- 40 In the Transport Act 1985, in Schedule 4, in paragraphs 2(1)(a) and 3(5) (Transport Tribunal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 25

Landlord and Tenant Act 1985 (c. 70)

- 41 In the Landlord and Tenant Act 1985, in section 29(4) (local rent assessment committee panel) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 30

Agricultural Holdings Act 1986 (c. 5)

- 42 In the Agricultural Holdings Act 1986, in paragraph 1(5) of Schedule 11 (panel) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 35

Insolvency Act 1986 (c. 45)

- 43 In the Insolvency Act 1986, in Schedule 7, in paragraph 1(1)(a) (Insolvency Practitioners Tribunal panel) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Income and Corporation Taxes Act 1988 (c. 1)

5

- 44 In the Income and Corporation Taxes Act 1988, in section 706(1) (tribunal) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Education Reform Act 1988 (c. 40)

- 45 In the Education Reform Act 1988, in Schedule 10, in paragraph 9(4) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

10

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

- 46 In the Copyright, Designs and Patents Act 1988, in sections 145(2) and 146 (Copyright Tribunal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

15

Electricity Act 1989 (c. 29)

- 47 In the Electricity Act 1989, in Schedule 10, in paragraph 9(2)(a) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

20

Broadcasting Act 1990 (c. 42)

- 48 In the Broadcasting Act 1990, Schedule 9, in paragraph 5(5)(a) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Child Support Act 1991 (c. 48)

- 49 In the Child Support Act 1991, in Schedule 4, in paragraphs 4(1) and 7 (Deputy Child Support Commissioner) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

25

Ports Act 1991 (c. 52)

- 50 In the Ports Act 1991, in Schedule 2, in paragraph 11(5) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

30

Social Security Administration Act 1992 (c. 5)

- 51 In the Social Security Administration Act 1992, in sections 41(4)(c), 43(5)(c), 50(4)(c), 51(1) and 52(2) and (3) (tribunals and Commissioners) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

35

Further and Higher Education Act 1992 (c. 13)

- 52 In the Further and Higher Education Act 1992, in Schedule 5, in paragraph 7(4) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Tribunals and Inquiries Act 1992 (c. 53)

5

- 53 In the Tribunals and Inquiries Act 1992, in section 6 (tribunal panels) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

Judicial Pensions and Retirement Act 1993 (c. 8)

- 54 In the Judicial Pensions and Retirement Act 1993, in Schedule 5, in the entry for the office of chairman or other member of Rent Assessment Committees, for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

10

Coal Industry Act 1994 (c. 21)

- 55 In the Coal Industry Act 1994, in Schedule 2, in paragraph 8(6)(a) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

15

Value Added Tax Act 1994 (c. 23)

- 56 In the Value Added Tax Act 1994, in Schedule 12, in paragraph 7(3)(a) (panel of chairmen) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

20

Trade Marks Act 1994 (c. 26)

- 57 In the Trade Marks Act 1994, in section 77(1) (persons appointed to hear and determine appeals) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

25

Merchant Shipping Act 1995 (c. 21)

- 58 In the Merchant Shipping Act 1995, in section 297(1) (wreck commissioners) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Atomic Energy Authority Act 1995 (c. 37)

30

- 59 In the Atomic Energy Authority Act 1995, in paragraph 10(6)(a) of Schedule 1 (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Reserve Forces Act 1996 (c. 14)

- 60 In the Reserve Forces Act 1996, in sections 90 and 91 and in paragraph 2(1)(a) of Schedule 2 (reserve forces appeal tribunals) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

35

Police Act 1996 (c. 16)

- 61 In the Police Act 1996, in Schedule 6, in paragraph 1(a) (Police Appeals Tribunals list) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Employment Tribunals Act 1996 (c. 17)

5

- 62 In the Employment Tribunals Act 1996, in section 22(1)(c) and (2) (Employment Appeal Tribunals) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Housing Act 1996 (c. 52)

- 63 In the Housing Act 1996, in section 119(3) (leasehold review tribunal: pre-trial review) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

10

Broadcasting Act 1996 (c. 55)

- 64 In the Broadcasting Act 1996, in Schedule 5, in paragraph 8(6)(a) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

15

Education Act 1996 (c. 56)

- 65 In the Education Act 1996, in section 333(3) of and Schedule 34, in paragraph 1(2) (Independent Schools Tribunals legal panel) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

20

School Inspections Act 1996 (c. 57)

- 66 In the School Inspections Act 1996, in Schedule 2, in paragraph 1(1)(a) (chairman of tribunal) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Justices of the Peace Act 1997 (c. 25)

25

- 67 In the Justices of the Peace Act 1997, in sections 10A(1) and 10B(1) (Senior District Judge (Chief Magistrate) and District Judge (Magistrates’ Court)) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

Plant Varieties Act 1997 (c. 66)

30

- 68 In the In the Plant Varieties Act, in Schedule 3, in paragraphs 2(1) and 16 (Plant Varieties and Seeds Tribunal Chairman) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

Special Immigration Appeals Commission Act 1997 (c. 68)

- 69 In the Special Immigration Appeals Commission Act 1997, in Schedule 1, in paragraphs 1(1) and 2 (Special Immigration Appeals Commission) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

35

Social Security Act 1998 (c. 14)

- 70 In the Social Security Act 1998, in sections 5(1) and 6(1) and (2), and in paragraph 1(2) of Schedule 4 (appeal tribunals and commissioners) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 5

Data Protection Act 1998 (c. 29)

- 71 In the Data Protection Act 1998 in section 6(4) (Information Tribunal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

Protection of Children Act 1999 (c. 14) 10

- 72 In the Protection of Children Act 1999, in Schedule, in paragraph 2(1) and (3) (tribunal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

Greater London Authority Act 1999 (c. 29)

- 73 In the Greater London Authority Act 1999, in section 189(6) (appeal panel) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”. 15

Immigration and Asylum Act 1999 (c. 33)

- 74 In the Immigration and Asylum Act 1999, in Schedule 7, in paragraphs 1 and 2 (Immigration Services Tribunal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 20

Financial Services and Markets Act 2000 (c. 8)

- 75 In the Financial Services and Markets Act 2000, in Schedule 13, in paragraphs 2(1), (3) and (5), 3(1) and (4) (Financial Services and Markets Tribunal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 25

Terrorism Act 2000 (c. 11)

- 76 In the Terrorism Act 2000, in Schedule 3, in paragraph 1(1) and (2) (Proscribed Organisations Appeal Commission) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”. 30

Local Government Act 2000 (c. 22)

- 77 Local Government Act 2000, in section 75 (Adjudication Panel for England) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

Anti-terrorism, Crime and Security Act 2001 (c. 24) 35

- 78 In the Anti-terrorism, Crime and Security Act 2001, in paragraph 10(6)(a) of Schedule 1 (Pathogens Access Appeal Commission) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Land Registration Act 2002 (c. 9)

- 79 In the Land Registration Act 2002, in section 107(1) (Adjudicator, Land Registry) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Commonhold and Leasehold Reform Act 2002 (c. 15)

5

- 80 In the Commonhold and Leasehold Reform Act 2002, in Schedule 12, in paragraph 5(3) (leasehold valuation tribunal: pre-trial review) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

Proceeds of Crime Act 2002 (c. 29)

- 81 In the Proceeds of Crime Act 2002, in section 320(3)(b) (panel of assessors to assist Special Commissioners) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

10

Enterprise Act 2002 (c. 40)

- 82 In the Enterprise Act 2002, in section 12(2)(a) and (b) and in paragraph 3 of Schedule 2 (Competition Appeal Tribunal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

15

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

- 83 In the Nationality, Immigration and Asylum Act 2002, in Schedule 5, in paragraphs 1, 3, 4 and 11 (Immigration Appeal Tribunal) for “Lord Chancellor” in each place substitute “Secretary of State for Constitutional Affairs”.

20

Communications Act 2003 (c. 21)

- 84 In the Communications Act 2003, in Schedule 2, in paragraph 4(7)(a) (arbitrator) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

25

Courts Act 2003 (c. 39)

- 85 In the Courts Act 2003, in section 24(1) (Deputy District Judge (Magistrates’ Court)) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

SCHEDULE 5

Section 9

30

AMENDMENTS RELATING TO THE GREAT SEAL

Ecclesiastical Licences Act 1533 (c. 21)

- 1 In the Ecclesiastical Licences Act 1531, any reference to the Lord Chancellor or keeper of the Great Seal (however expressed) is to be read as a reference to the Minister.

35

Judicial Committee Act 1833 (c. 41)

- 2 In section 1 of the Judicial Committee Act 1833 (members of the Committee) omit –
- (a) the words from “and such” to “Britain”, and
 - (b) the words from “or shall” to “mentioned”. 5

Great Seal (Offices) Act 1874 (c. 81)

- 3 (1) The Great Seal (Offices) Act 1874 is amended as follows.
- (2) For the words in section 3 (definition of “Lord Chancellor”) substitute –
- “In this Act “the Minister” means –
- (a) the Secretary of State for Constitutional Affairs, or 10
 - (b) the Commissioners of the Great Seal of the United Kingdom.”
- (3) In the following provisions, for “Lord Chancellor” in each place substitute “Minister” –
- (a) section 4 (messenger of the Great Seal);
 - (b) section 5 (cursitors and clerk of the petty bag); 15
 - (c) section 6 (clerk of the patents).
- (4) In section 9 (fees in office of Clerk of the Crown etc) –
- (a) for “Lord Chancellor” in the first place substitute “Minister”;
 - (b) omit “or purse-bearer to the Lord Chancellor,”.

Crown Office Act 1877 (c. 4) 20

- 4 In section 4 of the Crown Office Act 1877 (wafer seals) –
- (a) for “Lord Chancellor of Great Britain” substitute “Secretary of State for Constitutional Affairs”;
 - (b) after “one” insert “other”.

Great Seal Act 1884 (c. 30) 25

- 5 (1) The Great Seal Act 1884 is amended as follow.
- (2) In section 2 (authority for passing instrument under the Great Seal) –
- (a) in subsection (1) for “Lord Chancellor, or by one” substitute “Secretary of State for Constitutional Affairs, or by another”;
 - (b) in the proviso to that subsection omit the words from “by the fiat” to “or otherwise”; 30
 - (c) in subsection (2) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.
- (3) In section 4 (definitions) in the definition of “Lord Chancellor” for the words from the beginning to “for the Lord Chancellor” substitute “Any reference to the Secretary of State for Constitutional Affairs includes a reference to Lords Commissioners of the Great Seal of the United Kingdom”. 35

Crown Office Act 1890 (c. 2)

- 6 In section 1 of the Crown Office Act 1890 (abolition and transfer of duties of Secretary of Presentations) – 40

- (a) in subsection (2) for “Lord Chancellor’s officers” substitute “officers of the Secretary of State for Constitutional Affairs”;
- (b) in subsection (3) for “Lord Chancellor” substitute “Secretary of State for Constitutional Affairs”.

SCHEDULE 6

Section 11

5

SPEAKERSHIP OF THE HOUSE OF LORDS

Clerk of the Parliaments Act 1824 (c. 82)

- 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”. 10

Parliamentary Papers Act 1840 (c. 9)

- 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”. 15

Church of England Assembly (Powers) Act 1919 (c. 76)

- 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”. 20

Statutory Instruments Act 1946 (c. 36)

- 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”. 25
- (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”. 30

Laying of Documents Before Parliament (Interpretation) Act 1948 (c. 59)

- 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”. 35
- (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”.

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. 5
- (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”. 10
- (3) In subsection (4) –
- (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”. 15
- (4) In subsection (5) for “the Lord Chancellor nor the Speaker” substitute “the Speaker of the House of the Commons nor the Speaker of the House of Lords”. 20
- (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”. 20

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 – 25
- “(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 30
- (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, that the Comptroller is unable to do so himself; and”.

Ministerial and other Salaries Act 1975 (c. 27) 35

- 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”.

SCHEDULE 7

Section 13

SALARY AND PENSION OF THE LORD CHANCELLOR

PART 1

SALARY AND PENSION: CONSEQUENTIAL PROVISION

- Lord Chancellor’s Pension Act 1832 (c. 111)* 5
- 1 The Lord Chancellor’s Pension Act 1832 ceases to have effect.
- Parliamentary and other Pensions Act 1972 (c. 48)*
- 2 (1) The Parliamentary and other Pensions Act 1972 is amended as follows.
(2) For the title to Part 2 substitute “Prime Minister and Speaker of House of Commons”. 10
(3) Section 28 (pension of Lord Chancellor) ceases to have effect.
- Ministerial and other Salaries Act 1975 (c. 27)*
- 3 (1) The Ministerial and other Salaries Act 1975 is amended as follows.
(2) Section 1(2) ceases to have effect.
(3) In Schedule 1 (ministerial salaries), Part 5 is amended as follows – 15
(a) in paragraph (2)(a) (maximum number of salaries that may be paid to Secretaries of State) for “21” substitute “22”;
(b) in paragraph (2)(b) (maximum number of salaries that may be paid to Secretaries of State and Ministers of State) for “50” substitute “51”;
(c) in paragraph (2)(c) (maximum number of salaries that may be paid to Secretaries of State, Ministers of State and Parliamentary Secretaries) for “83” substitute “84”. 20
- Judicial Pensions Act 1981 (c. 20)*
- 4 (1) The Judicial Pensions Act 1981 is amended as follows.
(2) In section 4 (provision against double pension) omit “, or under this Chapter and the Lord Chancellor’s Pension Act 1832”. 25
(3) In section 16 (application of Part 2 and interpretation), omit the entry in the Table relating to the Lord Chancellor.
(4) Section 26 (resignation of office of Lord Chancellor) ceases to have effect.
- Parliamentary and other Pensions Act 1987 (c. 45)* 30
- 5 In section 2 of the Parliamentary and other Pensions Act 1987 (power to provide pensions), in subsection (3) omit the words from the beginning to “as Lord Chancellor; and”.
- Ministerial and Other Pensions and Salaries Act 1991 (c. 5)*
- 6 (1) The Ministerial and Other Pensions and Salaries Act 1991 is amended as follows. 35

- (2) For the title to section 1 substitute “Pensions of Prime Minister and Speaker of House of Commons”.
- (3) In section 1(4) for “, Speaker of the House of Commons or Lord Chancellor” substitute “or Speaker of the House of Commons”.

Judicial Pensions and Retirement Act 1993 (c. 8) 5

- 7 Section 14 of the Judicial Pensions and Retirement Act 1993 (application of Part 1 of Act to Lord Chancellor) ceases to have effect.

Parliamentary Pensions (Consolidation and Amendment) Regulations 1993 (S.I. 1993/3253)

- 8 Regulation N4 of the Parliamentary Pensions (Consolidation and Amendment) Regulations 1993 ceases to have effect. 10

PART 2

PENSION ARRANGEMENTS OF LAST LORD CHANCELLOR: SPECIAL PROVISION

Interpretation

- 9 In this Part—
- “abolition day” means the day when section 12 comes into force in relation to the office of Lord Chancellor; 15
 - “last Lord Chancellor” means the person holding the office of Lord Chancellor at its abolition;
 - “Parliamentary Contributory Pension Fund” means the fund with that name referred to in section 1 of the Parliamentary and other Pensions Act 1987 (c. 45); 20
 - “Parliamentary pension regulations” means regulations under section 2 of the Parliamentary and other Pensions Act 1987;
 - “Parliamentary pension rights” means rights to a pension payable from the Parliamentary Contributory Pension Fund. 25

Extinguishment of pension rights accrued as Lord Chancellor

- 10 (1) Any pension rights that have accrued to the last Lord Chancellor under enactments relating to the pension arrangements of the person holding the office of Lord Chancellor are extinguished.
- (2) Regulation N4(3) of the Parliamentary Pensions (Consolidation and Amendment) Regulations 1993 (S.I. 1993/3254) does not apply in relation to the last Lord Chancellor when he ceases to hold the office of Lord Chancellor at its abolition. 30

Replacement by new Parliamentary pension rights

- 11 (1) The Government Actuary must determine the Parliamentary pension rights that would have accrued to a member of the House of Lords (“the notional Secretary of State”) who— 35
- (a) was appointed to the office of Secretary of State on the day when the last Lord Chancellor was appointed to the office of Lord Chancellor, and 40
 - (b) ceased to hold the office of Secretary of State on the abolition day.

- (2) In making a determination under sub-paragraph (1) the Government Actuary is to assume that the notional Secretary of State –
- (a) was at any particular time paid the full salary to which a Secretary of State in the House of Lords was entitled at that time; and
 - (b) made the full amount of contributions required under Parliamentary pension regulations relating to the accrual of Parliamentary pension rights. 5
- (3) The Government Actuary must then also determine the following –
- (a) the value on the abolition day of the rights determined under sub-paragraph (1); 10
 - (b) the amount that, on the abolition day, represents the contributions that the notional Secretary of State would have been required to make under the appropriate Parliamentary pension regulations in order to accrue those rights;
 - (c) the amount that, on the abolition day, represents the contributions (if any) made by the last Lord Chancellor under section 23 of the Judicial Pensions Act 1981 (c. 20) in respect of the period when he held the office of Lord Chancellor. 15
- (4) Sub-paragraph (8) applies if both the following conditions are met.
- (5) The first condition is that the amount produced by the following calculation is paid from the Consolidated Fund to the Parliamentary Contributory Pension Fund –
- $$(a - b) + c$$
- (6) The second condition is that the amount produced +by the following calculation is paid by the last Lord Chancellor to the Parliamentary Contributory Pension Fund –
- $$b - c$$
- (7) For the purposes of the calculations in sub-paragraphs (5) and (6) –
- “a” is an amount equal to the value determined under sub-paragraph (3)(a); 30
 - “b” is the amount determined under sub-paragraph (3)(b);
 - “c” is the amount (if any) determined under sub-paragraph (3)(c).
- (8) As from the abolition day Parliamentary pension rights equivalent to those determined under sub-paragraph (1) are to accrue to the last Lord Chancellor. 35

Revival of any extinguished Parliamentary pension rights

- 12 (1) This paragraph applies if –
- (a) any Parliamentary pension rights had accrued to the last Lord Chancellor by the time of his appointment as Lord Chancellor, and
 - (b) in consequence of his appointment as Lord Chancellor, some or all of those rights were extinguished. 40
- (2) The Government Actuary must determine the value on the abolition day of rights equivalent to the extinguished Parliamentary pension rights.
- (3) Sub-paragraph (4) applies if an amount equal to the value determined under sub-paragraph (2) is paid from the Consolidated Fund to the Parliamentary Contributory Pension Fund. 45

- (4) As from the abolition day the extinguished Parliamentary pension rights are to be treated as if they had not been extinguished (and accordingly those rights are to accrue to the last Lord Chancellor).

SCHEDULE 8

Section 31

AMENDMENTS RELATING TO JURISDICTION OF THE SUPREME COURT 5

PART 1

JURISDICTION TRANSFERRED FROM THE HOUSE OF LORDS

British Law Ascertainment Act 1859 (c. 63)

- 1 In the British Law Ascertainment Act 1859 – 10
- (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”;
 - (b) in that section, for “the House of Lords” and “that House” in each place substitute “the Supreme Court”.

Nautical Assessors (Scotland) Act 1894 (c. 40) 15

- 2 In section 6 of the Nautical Assessors (Scotland) Act 1894 (calling in nautical assessors to assist) – 20
- (a) in the sidenote, for “House of Lords” substitute “Supreme Court”;
 - (b) for “House of Lords” in the first place substitute “Supreme Court”; and
 - (c) for “Orders made by the House of Lords” substitute “Supreme Court Rules”.

Administration of Justice (Appeals) Act 1934 (c. 40)

- 3 In the Administration of Justice (Appeals) Act 1934, omit section 1 (restrictions on appeal from Court of Appeal). 25

National Health Service (Amendment) Act 1949 (c. 93)

- 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”. 30

Miners’ Welfare Act 1952 (c. 23)

- 5 In the Miners’ Welfare Act 1972, in section 17 (application to Scotland) in subsection (3) for “House of Lords” substitute “Supreme Court”.

Army Act 1955 (c. 18)

- 6 In the Army Act 1955, in section 113C (review of sentences by Courts-Martial Appeal Court) – 35

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- (a) in subsection (4) –
 - (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”; 5
 - (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”; 10
 - (c) in subsections (6) and (7) for “House of Lords” in each place substitute “Supreme Court”.

Air Force Act 1955 (c. 19)

- 7 In the Air Force Act 1955, in section 113C (review of sentences by Courts-Martial Appeal Court) – 15
 - (a) in subsection (4) –
 - (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”; 20
 - (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”; 25
 - (c) in subsections (6) and (7) for “House of Lords” in each place substitute “Supreme Court”.

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”. 30

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”. 35

Naval Discipline Act 1957 (c. 53)

- 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”; 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 “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

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”. 10

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”. 15

Administration of Justice Act 1960 (c. 65)

- 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”. 20
- (3) In section 2 (application for leave to appeal) – 25
- (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”. 30
- (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”. 35
- (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”. 40

Commonwealth Secretariat Act 1966 (c. 10)

- 14 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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- 15 (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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- 16 (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”.
- (4) In section 41 (hearing and disposal of appeal) –

<ul style="list-style-type: none"> (a) omit subsections (1) and (2); (b) in subsection (3) for “House of Lords” substitute “Supreme Court”. 	
(5) In sections 42 and 43 (bail, and detention of accused) for “House of Lords” in each place substitute “Supreme Court”, and in section 42 for “the Court” substitute “the Appeal Court”.	5
(6) In section 44 (presence of accused at hearing) –	
<ul style="list-style-type: none"> (a) for “the House of Lords” in the first place substitute “the Supreme Court”; (b) for “an order of the House of Lords authorises” substitute “Supreme Court Rules authorise”; (c) for “that House” substitute “the Supreme Court”. 	10
(7) In section 45 (effect of repeal on sentence) in subsection (1) for “House of Lords” in each place substitute “Supreme Court”.	
(8) In section 46 (restitution of property) for “the House of Lords” and “the House” in each place substitute “the Supreme Court”.	15
(9) In section 47 (costs) for “the House of Lords” and “that House” in each place substitute “the Supreme Court”, and for “the Court or the House” substitute “the Appeal Court or the Supreme Court”.	
(10) In sections 50 and 57 (duties of registrar with respect to appeals etc, and interpretation) for “House of Lords” substitute “Supreme Court”.	20
<i>Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)</i>	
17 In the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968, in section 4 (provisions relating to Northern Ireland), in subsection (2) for “House of Lords” substitute “Supreme Court”.	
<i>Foreign Compensation Act 1969 (c. 20)</i>	
18 In the Foreign Compensation Act 1969 in section 3 (determinations of the Foreign Compensation Commission and appeals against such determinations) for subsection (8) substitute –	
<ul style="list-style-type: none"> “(8) No appeal shall lie to the Supreme Court from a decision of the Court of Appeal on an appeal under this section.” 	30
<i>Administration of Justice Act 1969 (c. 58)</i>	
19 (1) The Administration of Justice Act 1969 is amended as follows.	
(2) In section 12 (grant of certificate by trial judge) for “House of Lords” in each place substitute “Supreme Court”.	
(3) In section 13 (leave to appeal to House of Lords) –	35
<ul style="list-style-type: none"> (a) in the sidenote and subsection (1) for “House of Lords” in each place substitute “Supreme Court”. (b) In subsection (2) for “House of Lords” and “House” in each place substitute “Supreme Court”; (c) omit subsection (4). 	40
(4) Omit section 14 (appeal where leave granted).	
(5) 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)

- 20 (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”; 5
 - (b) for subsection (8)(a) substitute –
 - “(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”. 10
- (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 – 15
 - “(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 (2) for “House of Lords” substitute “Supreme Court”. 20

Administration of Justice Act 1970 (c. 31)

- 21 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”. 25

Criminal Justice Act 1972 (c. 71)

- 22 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”; 30
 - (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.” 35
 - (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)) 40

- 23 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)

- 24 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”. 5

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

- 25 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) 10

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

Race Relations Act 1976 (c. 74)

- 27 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”. 15

Aircraft and Shipbuilding Industries Act 1977 (c. 3)

- 28 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”. 20

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

- 29 (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”. 25
- (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”; 30
- (c) omit subsection (3);
- (d) in subsections (4) and (6) for “House of Lords” substitute “Supreme Court”.
- (5) In section 42 (appeals to the House of Lords in civil cases) –
- (a) in the sidenote and in subsections (1) and (2) for “House of Lords” substitute “Supreme Court”; 35
- (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”. 40
- (7) In section 44 (appeal in cases of contempt of court) –

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- (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”.
- (8) In Schedule 1 (appeals to House of Lords in certain criminal matters)– 5
- (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”; 10
- (c) in paragraph 6–
- (i) for “an order of the House of Lords” substitute “Supreme Court Rules”;
- (ii) for “that House” substitute “the Supreme Court”.
- Estate Agents Act 1979 (c. 38)* 15
- 30 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)*
- 31 (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 – 20
- “(ii) the Supreme Court;”.
- (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 25
- (b) in subsection (4) omit the words “and the Judicial Committee of the Privy Council” where they last occur.
- Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*
- 32 (1) The Criminal Appeal (Northern Ireland) Act 1980 is amended as follows. 30
- (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”.
- (3) In section 32 (application for leave to appeal) for “the House of Lords” and “that House” in each place substitute “the Supreme Court”. 35
- (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) In section 34 (further reference to House of Lords)– 40
- (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”;

<ul style="list-style-type: none"> (c) in subsection (2) – <ul style="list-style-type: none"> (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) – <ul style="list-style-type: none"> (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”. 	5
(6) In section 36 (detention of defendant pending appeal by Crown) for “House of Lords” in each place substitute “Supreme Court”.	10
(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) – <ul style="list-style-type: none"> (a) for “an order of the House of Lords” substitute “Supreme Court Rules”; (b) for “that House” substitute “the Supreme Court”. 	15
(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”.	20
(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) – <ul style="list-style-type: none"> (a) in subsection (2) – <ul style="list-style-type: none"> (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”. 	25 30
(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”.	
<i>Law Reform ((Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)</i>	
33 In Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, in Group A of Part 1, for paragraph (a) substitute – <ul style="list-style-type: none"> “(a) Justices of the Supreme Court or the President or Deputy President of that Court;”. 	35
<i>Contempt of Court Act 1981 (c. 49)</i>	
34 (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	45

“superior court” after “means”, insert “the Supreme Court”, and omit the words from “and includes” to the end.

Supreme Court Act 1981 (c. 54)

- 35 (1) The Supreme Court Act 1981 is amended as follows.
- (2) In section 9 (assistance for transaction of judicial business) at subsection (6A) for “House of Lords” substitute “Supreme Court”. 5
- (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”. 10
- (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”.

Wildlife and Countryside Act 1981 (c. 69) 15

- 36 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”.

Civil Jurisdiction and Judgments Act 1982 (c. 27)

- 37 In the Civil Jurisdiction and Judgments Act 1982, in section 6 (appeals under the Lugano Convention) – 20
- (a) in subsection (1)(a) for “House of Lords” in each place substitute “Supreme Court”;
- (b) in subsection (2) for “the House of Lords” and “that House” substitute “the Supreme Court”. 25

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

- 38 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”.

Prosecution of Offences Act 1985 (c. 23) 30

- 39 (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”.
- (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”. 35
- (4) In section 20 (regulations) at subsection (8)(b) for “House of Lords” substitute “Supreme Court”.

Transport Act 1985 (c. 67)

- 40 (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)”. 5

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

- 41 In section 22(1) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (re-employment of retired judges) – 10
- (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 15
- (b) omit the words “, in either case,”.

Insolvency Act 1986 (c. 45)

- 42 In the Insolvency Act 1986, in section 277(3)(b) (petition based on criminal bankruptcy order) – 20
- (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.” 25 30

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

- 43 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”. 35

Criminal Justice Act 1987 (c. 38)

- 44 In the Criminal Justice Act 1987, in section 11 (restrictions on reporting) –
- (a) in subsection (5)(c) for “House of Lords” substitute “Supreme Court”;
- (b) in subsection (6) – 40
- (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”.

Income and Corporation Taxes Act 1988 (c. 1)

- 45 (1) The Income and Corporation Taxes Act 1988 is amended as follows.
- (2) In section 705A (statement of case by tribunal) – 5
- (a) in subsection (8) for “House of Lords” in each place substitute “Supreme Court”;
- (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.”; 10
- (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”. 15

Criminal Justice Act 1988 (c. 33)

- 46 (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”; 20
- (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.”; 25
- (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) – 30
- (a) in paragraphs 4 and 5 for the words “House of Lords” in each place substitute “Supreme Court”;
- (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”; 35
- (d) in paragraph 11 –
- (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”; 40
- (iii) for “such officer as may be prescribed by order of the House of Lords” substitute “under Supreme Court Rules”.

Court of Session Act 1988 (c. 36)

- 47 (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”.	
(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
(5)	In the heading before section 40, for “House of Lords” substitute “Supreme Court”.	
(6)	In section 40 (appealable interlocutors)–	
(a)	in subsection (1), for “House of Lords” in each place substitute “Supreme Court”;	10
(b)	in subsection (2)–	
(i)	for “the Court” in each place substitute “the Inner House”; and	
(ii)	for “House of Lords” in each place substitute “Supreme Court”; and	15
(c)	in each of subsections (3) and (4), for “House of Lords” substitute “Supreme Court”.	
(7)	In section 41 (interim possession, execution and expenses), in subsections (1) and (2), for “House of Lords” in each place substitute “Supreme Court”.	20
(8)	In section 42 (order on payment of interest) and in its sidenote, for “House of Lords” substitute “Supreme Court”.	
(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”.	25
<i>Road Traffic Offenders Act 1988 (c. 53)</i>		
48	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”.	30
<i>Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I. 1988/1846 (N.I. 16))</i>		
49	In the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988, in Article 10 (restrictions on reporting)–	
(a)	in paragraph (5)(c), for “House of Lords” substitute “Supreme Court”;	35
(b)	in paragraph (6), for “the House of Lords” and “that House” in each place substitute “the Supreme Court”;	
(c)	in paragraphs (7) and (8), for “House of Lords” in each place substitute “Supreme Court”.	
<i>Finance Act 1989 (c. 26)</i>		
50	In the Finance Act 1989, in section 115 (double taxation: tax credits) in subsection (2)(b) for “House of Lords” substitute “Supreme Court”.	40

New Roads and Street Works Act 1991 (c. 22)

- 51 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)

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- 52 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)

- 53 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”. 10

Land Drainage Act 1991 (c. 59)

- 54 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”. 15

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

- 55 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”. 20

Social Security Administration Act 1992 (c. 5)

- 56 In the Social Security Administration Act 1992, in section 68 (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”. 25

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

- 57 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”. 30

Tribunals and Inquiries Act 1992 (c. 53)

- 58 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)

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- 59 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”.

Criminal Procedure and Investigations Act 1996 (c. 25)

- 60 (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) – 5
- (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”. 10

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

- 61 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”. 15

Social Security Act 1998 (c. 14)

- 62 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) 20

- 63 (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”. 25
- (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 – 30
- “(e) the Supreme Court.”

Human Rights Act 1998 (c. 42)

- 64 (1) The Human Rights Act 1998 is amended as follows.
- (2) In section 4 (declaration of incompatibility) in subsection (5) for paragraph (a) substitute – 35
- “(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))

- 65 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)

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- 66 (1) The Access to Justice Act 1999 is amended as follows.
(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,”.

10

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

- 67 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”.

15

Financial Services and Markets Act 2000 (c. 8)

- 68 In the Financial Services and Markets Act 2000 in section 137 (appeal on a point of law) –
(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”.

20

Terrorism Act 2000 (c. 11)

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

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

- 70 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 –
“ (d) the Supreme Court; or”.

30

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

- 71 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 2004”.

35

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

- 72 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 –
 “(c) the Supreme Court; or”.

International Criminal Court Act 2001 (c. 17)

73 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”. 5

Armed Forces Act 2001 (c. 19)

74 In the Armed Forces Act 2001, in section 30 (conditional release from custody) in subsection (2)(b) for “House of Lords” substitute “Supreme Court”. 10

Proceeds of Crime Act 2002 (c. 29)

75 (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”. 15
 (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”. 20
 (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”. 25
 (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”. 30
 (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) 35

76 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”.

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

77 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”. 40

Courts Act 2003 (c. 39)

- 78 (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”; 5
 - (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) – 10
- (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) 15

- 79 (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”. 20
- (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; 25
 - (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 107 (detention pending conclusion of appeal under section 105); 30
 - (g) section 112 (detention pending conclusion of appeal under section 110);
 - (h) section 115 (powers on appeal under section 114) and the sidenote to that section; 35
 - (i) section 118 (extradition following appeal);
 - (j) section 125 (withdrawal of request while appeal pending) and the sidenote to that section;
 - (k) section 133 (costs where extradition ordered);
 - (l) section 134 (costs where discharge ordered); 40
 - (m) section 184 (grant of free legal aid: Northern Ireland);
 - (n) section 208 (national security);
 - (o) section 213 (disposal of Part 1 warrant and extradition request);
 - (p) section 214 (disposal of charge).

- (5) In section 185 (free legal aid: supplementary) in subsection (5) for the words from “by” to the end substitute “by the Supreme Court or under Supreme Court Rules.”

Criminal Justice Act 2003 (c. 44)

- 80 (1) The Criminal Justice Act 2003 is amended as follows. 5
- (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”; 10
 - (c) in subsection (14), in subsections (5) and (6) of section 48A for “House of Lords” substitute “Supreme Court”. 15
- (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”;
 - (c) in subsections (5) and (6) for “House of Lords are” substitute “Supreme Court is”. 20
- (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”.
- (5) In section 274 (further provision about transferred life prisoners) for “House of Lords” in each place substitute “Supreme Court”. 25
- (6) In Schedule 22 (mandatory life sentences) in paragraph 14(2), (4) and (5) for “House of Lords” substitute “Supreme Court”.

Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)

- 81 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”. 30

Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))

- 82 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”. 35

PART 2

DEVOLUTION JURISDICTION

Legal Aid (Scotland) Act 1986 (c. 47) 40

- 83 (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”.
- (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”. 5
- (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”.

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

- 84 In section 288B of the Criminal Procedure (Scotland) Act 1995 (appeal against a determination of a devolution issue) – 10
- (a) in the sidenote and in subsection (1), for “Judicial Committee of the Privy Council” substitute “Supreme Court”; and
 - (b) in subsection (3), for “Judicial Committee” substitute “Supreme Court”. 15

Government of Wales Act 1998 (c. 38)

- 85 The Government of Wales Act 1998 is amended as follows.
- 86 In Part 1 of Schedule 8 (devolution issues: preliminary) omit paragraph 1(2)(a) (definition of “the Judicial Committee”).
- 87 (1) Part 2 of Schedule 8 (proceedings in England and Wales on devolution issues) is amended as follows. 20
- (2) In paragraph 7 (reference in civil proceedings), in sub-paragraph (2)(a) for “House of Lords” substitute “Supreme Court”.
 - (3) In paragraph 9 (reference in criminal proceedings) for “House of Lords” substitute “Supreme Court”. 25
 - (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”.
 - (6) In the heading before paragraph 11 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”. 30
 - (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”. 35
- 88 (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”.
 - (3) In the heading before paragraph 18 (references from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”. 40
 - (4) In paragraph 18 (references from Court of Session) for “Judicial Committee” substitute “Supreme Court”.

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- (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”. 5
- (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”; 10
 - (c) for “leave” in the first two places substitute “permission”;
 - (d) for “concerned” substitute “from which the appeal lies”;
 - (e) for “special leave” substitute “permission”.
- 89 (1) Part 4 of Schedule 8 (proceedings in Northern Ireland on devolution issues) is amended as follows. 15
- (2) In paragraph 25 (reference to Court of Appeal) for “House of Lords” substitute “Supreme Court”.
- (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”. 20
- (5) In the heading before paragraph 28 (appeals from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (6) In paragraph 28 –
- (a) for “Judicial Committee” in each place substitute “Supreme Court”;
 - (b) for “leave” in the first two places substitute “permission”; 25
 - (c) for “special leave” substitute “permission”.
- 90 (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”. 30
- (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”. 35
- (6) Omit paragraphs 32 to 34 (proceedings before the Judicial Committee) and the heading before paragraph 32.

Scotland Act 1998 (c. 46)

- 91 The Scotland Act 1998 is amended as follows. 40
- 92 In section 15 (disqualification from membership of the Parliament) in subsection (1) omit paragraph (c).
- 93 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”;
- (c) in subsection (4) omit the definition of “Judicial Committee”. 5
- 94 (1) In the sidenote to section 33 (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”.
- 95 In section 34 (ECJ references), in subsection (1)(b) for “Judicial Committee” substitute “Supreme Court”. 10
- 96 In section 35 (power of Secretary of State to intervene in certain cases), in subsection (3)(c) for “Judicial Committee” substitute “Supreme Court”.
- 97 In section 36 (stages of Bills), in subsection (4) for “Judicial Committee decide” substitute “Supreme Court decides”. 15
- 98 In section 95 (appointment and removal of judges) –
- (a) for subsection (9)(b) substitute –
- “(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;” 20
- (b) in subsection (11), before the definition of “provision” insert –
- ““high judicial office” has meaning given by section 48 of the Constitutional Reform Act 2004.”.
- 99 Omit section 103 (proceedings before the Judicial Committee).
- 100 In section 127 (index of defined expressions) omit the entry for “Judicial Committee”. 25
- 101 (1) Part 2 of Schedule 6 (proceedings in Scotland on devolution issues) is amended as follows.
- (2) In paragraph 7 (references to Inner House of Court of Session) for “House of Lords” substitute “Supreme Court”. 30
- (3) In the heading before paragraph 10 (references from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (4) In paragraph 10 (references from Court of Session) for “Judicial Committee” substitute “Supreme Court”.
- (5) In paragraph 11 (references from High Court of Justiciary) for “Judicial Committee” substitute “Supreme Court”. 35
- (6) In the heading before paragraph 12 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (7) In paragraph 12 (appeal from Inner House of Court of Session) for “Judicial Committee” substitute “Supreme Court”. 40
- (8) In paragraph 13 (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”; 45

-
- (d) for “concerned” substitute “from which the appeal lies”;
(e) for “special leave” substitute “permission”.
- 102 (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”. 5
- (3) In paragraph 21 (reference in criminal proceedings), for “House of Lords” substitute “Supreme Court”.
- (4) In the heading before paragraph 22 (references from Court of Appeal to Judicial Committee), for “Judicial Committee” substitute “Supreme Court”. 10
- (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”.
- (7) In paragraph 23 –
- (a) for “Judicial Committee” in each place substitute “Supreme Court”; 15
- (b) for “leave” in the first two places substitute “permission”;
- (c) for “special leave” substitute “permission”.
- 103 (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”. 20
- (3) In the heading before paragraph 30 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (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”. 25
- (6) In paragraph 31 –
- (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”. 30
- 104 (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.
- (3) In the heading before paragraph 33 (direct references to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”. 35
- (4) In paragraph 33 (law officer requiring court to refer devolution issue) for “Judicial Committee” substitute “Supreme Court”.
- (5) In paragraph 34 (law officer referring devolution issues) for “Judicial Committee” substitute “Supreme Court”.
- 105 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). 40

Northern Ireland Act 1998 (c. 47)

- 106 The Northern Ireland Act 1998 is amended as follows.

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- 107 (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”.
(3) In subsection (4) of that section – 5
(a) for “Judicial Committee decide” substitute “Supreme Court decides”;
(b) for “their decision” substitute “its decision”.
- 108 In section 12 (reconsideration where reference made to ECJ), in subsection (1)(b) for “Judicial Committee” substitute “Supreme Court”. 10
- 109 In section 13 (stages of Bills), in subsection (5)(a) for “Judicial Committee decide” substitute “Supreme Court decides”.
- 110 In section 14 (submission by Secretary of State of Bills for Royal Assent) –
(a) in subsection (2)(b) for “Judicial Committee” substitute “Supreme Court”; 15
(b) in subsection (3)(a) for “Judicial Committee have” substitute “Supreme Court has”.
- 111 Omit section 82 (proceedings before the Judicial Committee).
- 112 In section 98 (interpretation), in subsection (1) omit the entry for “Judicial Committee”. 20
- 113 (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”.
(3) In the heading before paragraph 9 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”. 25
(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”.
(6) In paragraph 10 – 30
(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”.
- 114 (1) Part 3 of Schedule 10 (proceedings in England and Wales on devolution issues) is amended as follows. 35
(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”.
(4) In the heading before paragraph 19 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”. 40
(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”.

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- (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”.
- 115 (1) Part 4 of Schedule 10 (proceedings in Scotland on devolution issues) is amended as follows. 5
- (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”. 10
 - (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”. 15
 - (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”.
- 116 (1) Part 5 of Schedule 10 (devolution issues: general) is amended as follows. 25
- (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”. 30
 - (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 sub-paragraphs (2) to (4)— 35
- (a) for “Court” in each place substitute “Court of Appeal”;
 - (b) for “Judicial Committee” and “Committee” substitute “Supreme Court”.
- 117 In paragraph 40 (application of paragraph 39 in particular circumstances), in sub-paragraphs (a) and (b)— 40
- (a) for “Judicial Committee” and “Committee” in each place substitute “Supreme Court”;
 - (b) for “Court” substitute “Court of Appeal”.

SCHEDULE 9

Section 47

PROCEEDINGS UNDER JURISDICTION TRANSFERRED TO SUPREME COURT

Interpretation

- 1 (1) In this Schedule “transferred jurisdiction” means any jurisdiction of –
 - (a) the House of Lords, or 5
 - (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 –
 - “original court” means (as appropriate) –
 - (a) the House of Lords, or 10
 - (b) the Judicial Committee of the Privy Council;
 - “transfer day” means the day when the jurisdiction is transferred to the Supreme Court.
- 2 In this Schedule “transferred proceedings” means proceedings which were begun before the transfer day in the original court under transferred jurisdiction. 15

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.
- (2) This paragraph is subject to Supreme Court Rules (whether made before or after the transfer date). 20
- 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. 25
- (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. 30
- (2) Accordingly, after the transfer day, further proceedings may be taken in the Supreme Court in respect of such an act, judgment or order.

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. 35
- (2) As from the transfer day, the fee is payable as if it were due under the corresponding Supreme Court Rules.

Funds

- 7 (1) This paragraph applies to the investments and money which constitute the funds in court of – 40

- (a) the House of Lords, or
(b) the Judicial Committee of the Privy Council,
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. 5
- (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 Secretary of State for Constitutional Affairs may give with a view to securing the transition of the administration of the funds in court referred to in sub-paragraph (1). 10
- 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.
- (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. 15
- 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; 20
- (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.
- (3) Any amounts required to meet any such liability are to be paid out of the Consolidated Fund to the accounting officer. 25
- 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. 30

SCHEDULE 10

Section 49

THE JUDICIAL APPOINTMENTS COMMISSION

PART 1

THE COMMISSIONERS

- The Commissioners* 35
- 1 The Commission consists of 15 Commissioners appointed by Her Majesty on the recommendation of the Minister.
- 2 Of the Commissioners—
- (a) 5 must be judicial members;
- (b) 2 must be professional members; 40
- (c) 6 must be lay members;
- (d) 1 must be the holder of an office listed at Part 3 of Schedule 12, and

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- (e) 1 must be a lay justice.
- 3 (1) A judicial member is a person who holds a qualifying office but who is not a practising lawyer.
- (2) A professional member is a person who is –
- (a) a practising barrister in England and Wales, or 5
 - (b) a practising solicitor of the Supreme Court of England and Wales.
- (3) A lay member is a person resident in the United Kingdom who has never held a listed judicial office or been a practising lawyer.
- 4 (1) Her Majesty may on the recommendation of the Minister appoint one of the Commissioners as chairman. 10
- (2) A person may be appointed chairman only if he is a lay member.
- 5 (1) Before making a recommendation to Her Majesty the Minister must consult the following –
- (a) in relation to any appointment under paragraph 1 or 4, an advisory panel appointed by him for the purposes of this paragraph; 15
 - (b) in relation to the appointment of a judicial member, the Judges' Council;
 - (c) in relation to the appointment of a professional member within paragraph 3(2)(a), the General Council of the Bar;
 - (d) in relation to the appointment of a professional member within paragraph 3(2)(b), the Law Society. 20
- (2) An advisory panel constituted for the purpose of this paragraph must consist of –
- (a) a qualifying first member;
 - (b) the Lord Chief Justice or his nominee; 25
 - (c) a qualifying second member.
- (3) The qualifying first member must be a person who is not and never has been any of the following –
- (a) a Commissioner;
 - (b) a member of the staff of the Commission; 30
 - (c) a member of either House of Parliament;
 - (d) a person employed in the civil service of the State;
 - (e) a practising lawyer;
 - (f) the holder of a qualifying judicial office.
- (4) Before appointing a person as the qualifying first member the Minister must consider 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. 35
- (5) The qualifying second member of an advisory panel must be the chairman of the Commission. 40
- (6) But if the office of chairman of the Commission is vacant or is the office for which a recommendation is to be made, the qualifying second member must be a person nominated by the qualifying first member.
- (7) The qualifying first member of an advisory panel is to be the chairman of the panel. 45

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- 6 (1) The Minister must make recommendations with a view to securing, so far as practicable, that the Commissioners who are lay members include one who appears to the Minister to have special knowledge of Wales.
- (2) The Minister must make recommendations with a view to securing that the Commissioners who are judicial members include the following – 5
- (a) a Lord Justice of Appeal;
- (b) a puisne judge of the High Court;
- (c) one other who is either a Lord Justice of Appeal or a puisne judge of the High Court;
- (d) a circuit judge; 10
- (e) a district judge.
- (3) The Minister must make recommendations with a view to securing that the Commissioners who are professional members include –
- (a) 1 who is a practising barrister in England and Wales;
- (b) 1 who is a practising solicitor of the Supreme Court of England and Wales. 15
- (4) Before recommending the appointment of a person as one of the lay members the Minister must consider 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 appointment as one of those members. 20
- 7 (1) The Minister may by order amend paragraph 1 by substituting for the number for the time being specified there any number not less than 15.
- (2) An order under sub-paragraph (1) must amend paragraph 2 by substituting for one or more of the numbers for the time being specified there such number or numbers as will secure that each member of the Commission must be a member of a kind listed there. 25
- (3) A number substituted by such an order in any sub-paragraph of paragraph 2 must not be less than the number specified in that sub-paragraph as originally enacted.
- (4) Before making an order under sub-paragraph (1) the Minister must consult the Lord Chief Justice. 30
- 8 (1) In this Schedule –
- “district judge” means –
- (a) a district judge of a county court,
- (b) a District Judge (Magistrates’ Courts), and 35
- (c) a person appointed to an office under section 89 of the Supreme Court Act 1981 (c. 54);
- “judicial member” has the meaning given by paragraph 3(1);
- “lay justice” means a justice of the peace who is not a District Judge (Magistrates’ Courts); 40
- “lay member” has the meaning given by paragraph 3(3);
- “listed judicial office” means an office listed in Schedule 12;
- “practising” is to be read in accordance with sub-paragraphs (2) and (3);
- “practising lawyer” means – 45
- (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;
 - (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; 5
- “professional member” has the meaning given by paragraph 3(2);
“qualifying office” means any of the offices listed in paragraph 6(2).
- (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 – 10
- (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 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 – 15
- (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 Commissioners

- 9 (1) A Commissioner must be appointed for a fixed period. 20
(2) But an appointment is subject to paragraphs 10 to 12.
- 10 A person –
- (a) may not be appointed as a Commissioner for more than 5 years at a time, and
 - (b) may not hold office as a Commissioner for periods (whether or not consecutive) totalling more than 10 years. 25
- 11 (1) A Commissioner ceases to hold that office –
- (a) in the case of a judicial or lay member, on ceasing to be such a member;
 - (b) in the case of a professional member within paragraph 6(3)(a), on ceasing to be a barrister; 30
 - (c) in the case of a professional member within paragraph 6(3)(b), on ceasing to be a solicitor;
 - (d) in the case of a person who holds an office listed at Part 3 of Schedule 12 or who is a lay justice, on ceasing to hold such office or to be a lay justice; 35
 - (e) in any case, on becoming a candidate for appointment to a listed judicial office.
- (2) But if (before or after such an event) the Minister directs in a particular case that sub-paragraph (1) 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. 40
- 12 (1) A Commissioner may at any time –
- (a) resign his office by notice in writing addressed to Her Majesty; 45
 - (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 –
- (a) in the case of a judicial member, has ceased to hold the office listed at paragraph 6(2) which he held at the date of his appointment, 5
 - (b) has failed without reasonable excuse to discharge the functions of his office for a continuous period of at least six months,
 - (c) has been convicted of an offence,
 - (d) is an undischarged bankrupt, or
 - (e) is otherwise unfit to hold his office or unable to discharge its functions. 10
- (3) A recommendation on the ground mentioned in sub-paragraph (2)(b) may not be made more than 3 months after the end of the period mentioned there.

Term of office etc. of chairman

- 13 (1) Subject as follows, a person must be appointed chairman for a fixed period. 15
- (2) A person may not be appointed chairman of the Commission more than twice.
- (3) The chairman may at any time resign his office by notice in writing addressed to Her Majesty.
- (4) If the chairman ceases to be a Commissioner, he ceases to be chairman. 20

Salary, allowances and expenses

- 14 (1) The Commission may pay, or make provision for paying, to or in respect of any person who is or has been a Commissioner –
- (a) such remuneration, fees or expenses, and
 - (b) such pension, allowance or gratuity 25
- as the Minister may determine.
- (2) If –
- (a) a person ceases to hold office as a Commissioner 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, 30
- 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.

Code of Conduct

- 15 The Minister may issue and from time to time revise a code of conduct to be observed by the Commissioners. 35

PART 2

THE COMMISSION

Status of the Commission and its property

- 16 (1) The Commission is not to be regarded – 40
- (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 be regarded as property of, or property held on behalf of, the Crown.

Powers

- 17 (1) The Commission may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of its functions. 5
- (2) But the Commission may not borrow money except with the agreement of the Minister.
- (3) Nothing in this Schedule is to be read as limiting the generality of subparagraph (1). 10

Committees

- 18 (1) The Commission may establish committees, and committees of the Commission may establish sub-committees.
- (2) A person may not be a member of a committee or sub-committee, other than a selection panel appointed under section 54 or 60, unless he is a Commissioner. 15
- (3) The Commission may delegate functions to a committee, and a committee may delegate functions (including functions delegated to them) to a sub-committee.

Procedure and proceedings

- 19 (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. 25
- (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

- 20 (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. 35
- (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. 40

-
- (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.
- (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.” 5
- (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. 10
- (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. 15

Arrangements for assistance

- 21 (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.
- (3) No arrangements may be made under this paragraph unless approved by the Minister. 20

Appointments and arrangements by the Minister

- 22 (1) The Minister may appoint a person to serve as chief executive until the first appointment under paragraph 20(1)(a) takes effect.
- (2) Unless he has made an appointment under sub-paragraph (1), the Minister may, until the Commission has appointed its own staff –
 (a) appoint persons to serve as members of the Commission’s staff, and
 (b) make arrangements in the name and on behalf of the Commission for other assistance to be provided to the Commission. 25
- (3) A chief executive serving under sub-paragraph (1) may incur expenditure and do other things (including appointing staff and making arrangements for assistance under paragraph 21) in the name and on behalf of the Commission –
 (a) before the membership of the Commission is constituted in accordance with paragraph 1(1), and
 (b) until the Commission determines otherwise. 30
 35
- (4) A chief executive’s powers under sub-paragraph (3) are exercisable subject to any directions given to him by the Minister.

Power to transfer staff to employment of the Commission

- 23 (1) Unless he has made an appointment under paragraph 22(1), the Minister may, until the Commission has appointed its own staff, by regulations provide for the employment of any relevant person to be transferred to the Commission. 40

- (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
 - (b) providing assistance to the Commission in pursuance of arrangements made under paragraph 21 or 22(2). 5
- (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
 - (b) he is withdrawn from work with the Commission with effect from that date. 10
- (4) Before making any regulations under this paragraph the Minister must consult –
- (a) the Commission, and
 - (b) such organisations as appear to him to represent the interests of persons likely to be affected by the regulations. 15
- (5) The Minister’s power under sub-paragraph (1) may not be exercised more than once.

Delegation to staff

- 24 (1) The Commission may delegate any functions, other than its function of making a selection under this Part of this Act, to –
- (a) any of its staff,
 - (b) any person with whom arrangements are made under paragraph 21 or 22(2), or
 - (c) any person providing assistance to the Commission in pursuance of such arrangements. 25
- (2) A committee, a sub-committee or the chief executive may delegate functions (including functions delegated to them or him, but excluding the Commission’s function of making a selection under this Part of this Act) to any of the persons listed at sub-paragraph (1).

Delegation and contracting out of superannuation functions 30

- 25 (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. 35
- (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 –
- (a) made under section 1 of that Act, and
 - (b) from time to time in force. 40
- (4) The chief executive may, under sub-paragraph (2), authorise a person to exercise administrative functions –
- (a) to their full extent or to a specified extent;
 - (b) in all cases or in specified cases; 45
 - (c) unconditionally or subject to specified conditions.

- (5) An authorisation under sub-paragraph (2) –
- (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. 5

Inspection of documents

- 26 (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. 10
- (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.

Financial provisions and directions

- 27 (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. 15
- (2) The Minister may by direction require the Commission to follow specified procedures in relation to its costs and expenditure.

Accounts and audit

- 28 (1) The Commission must keep proper accounts and proper records in relation to them. 20
- (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. 25
- (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. 30
- (5) The Commission must send the statement to the Minister at such time as he may direct.
- (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. 35
- (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.

Reports

- 29 (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. 40

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- (2) 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. 5
- (4) The Minister –
- (a) must lay before each House of Parliament a copy of any report provided to him under sub-paragraph (1), and
 - (b) may lay before each House of Parliament any other report provided to him by the Commission. 10
- (5) The Commission must publish any report once copies of it have been laid under sub-paragraph (4).

Documentary evidence

- 30 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. 15
- 31 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. 20
- 32 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. 25

General

- 33 (1) “Financial year” in this Schedule, means –
- (a) the period beginning with the date on which the Commission is established and ending with the following 31 March, and
 - (b) each successive period of twelve months. 30
- (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 –
- “The Judicial Appointments Commission.”. 35
- (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 Commission.”

SCHEDULE 11

Section 50

THE JUDICIAL APPOINTMENTS AND CONDUCT OMBUDSMAN

The Ombudsman

- 1 (1) The Ombudsman is appointed by Her Majesty on the recommendation of the Minister. 5
- (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;
 - (c) a practising advocate in Scotland; 10
 - (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;
 - (g) the holder of a judicial office. 15
- 2 (1) In this Schedule –
“judicial office” means an office listed in Schedule 12;
“practising” is to be read in accordance with sub-paragraphs (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 – 20
- (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 – 25
- (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 30

- 3 (1) The Ombudsman must be appointed for a fixed period.
(2) But an appointment is subject to paragraphs 4 and 5.
- 4 (1) A person – 35
- (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.
- 5 (1) The Ombudsman may at any time – 40
- (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 –

- (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
- (d) is otherwise unfit to hold his office or unable to discharge its functions. 5

Salary, allowances and expenses

- 6 (1) The Ombudsman is to be paid –
- (a) such remuneration, fees or expenses, and
 - (b) such pension, allowance or gratuity, 10
- as the Minister may determine.
- (2) If –
- (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 15
- 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

- 7 (1) The Minister may appoint a person to exercise the functions of the Ombudsman if – 20
- (a) the Ombudsman’s office becomes vacant,
 - (b) the Minister determines that the Ombudsman is incapable of exercising his functions, or
 - (c) the Ombudsman notifies the Minister that it would be inappropriate 25
- 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. 30
- (3) A person appointed under this paragraph is to exercise the functions of the Ombudsman in accordance with the terms of his appointment.
- (4) 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;
 - (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. 40
- (5) The relevant date is –
- (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; 45

(c) if the appointment was under sub-paragraph (1)(c), the date of the notification.

(6) The Minister may at any time relieve an acting Ombudsman of office.

Status of the Ombudsman

8 (1) The person for the time being holding the office of the Ombudsman is by the name of that office a corporation sole. 5

(2) The Ombudsman 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.

Powers of the Ombudsman 10

9 (1) The Ombudsman may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of his functions.

(2) But the Ombudsman may not except with the agreement of the Minister and the approval of the Treasury –
(a) borrow money, or 15
(b) acquire real property.

(3) Nothing in this Schedule is to be read as limiting the generality of sub-paragraph (1).

Arrangements for assistance

10 (1) The Ombudsman may make arrangements with such persons as he considers appropriate for assistance to be provided to him. 20

(2) Arrangements may include the paying of fees to such persons.

(3) No arrangements may be made under this paragraph unless approved by the Minister.

Arrangements by the Minister 25

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

Delegation of functions

12 (1) The Ombudsman may delegate any functions to – 30
(a) any person with whom arrangements are made under paragraph 10 or 11, or

(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. 35

Financial provisions and directions

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 to follow specified procedures in relation to his costs and expenditure.

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. 5
- (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.
- (3) The Ombudsman must, as soon as practicable after a direction by the Minister under this 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). 15

Documentary evidence

- 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. 20

General

- 16 (1) “Financial year” in this Schedule, means – 25
- (a) the period beginning with the date on which the Ombudsman is established 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.”
- (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 – 30
- “The Judicial Appointments and Conduct Ombudsman.”

SCHEDULE 12

Section 65

THE JUDICIAL APPOINTMENTS COMMISSION: RELEVANT FUNCTIONS AND OFFICES

PART 1

APPOINTMENTS BY HER MAJESTY: JUDICIAL AND OTHER OFFICES

Note: The corresponding function for an office listed in this Part is the function of Her Majesty under the enactment listed opposite that office. 5

<i>Office</i>	<i>Function</i>	
Judge Advocate of Her Majesty's Fleet	Section 28(1) of the Courts-Martial (Appeals) Act 1951 (c. 46)	
Judge Advocate General	Section 29 of the Courts-Martial (Appeals) Act 1951	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
Puisne judge of the High Court	Section 10(2) of the Supreme Court Act 1981 (c. 54)	
Senior Master of the Queen's Bench Division	Section 89(3) of the Supreme Court Act 1981	20
Chief Chancery Master of the Chancery Division		
Chief Taxing Master of the Supreme Court		
Chief Bankruptcy Registrar of the High Court		25
Senior District Judge of the Principal Registry of the Family Division		
District judge	Section 6(1) of the County Courts Act 1984 (c. 28)	30
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)	

<i>Office</i>	<i>Function</i>	
Senior District Judge (Magistrates' Courts) Deputy Senior District Judge (Magistrates' Courts)	Section 10A(2) of the Justices of the Peace Act 1997	5
District Judge (Magistrates' Courts)	Section 22(1) of the Courts Act 2003 (c. 39)	
Senior District Judge (Magistrate's Courts) Deputy Senior District Judge (Magistrates' Courts)	Section 23 of the Courts Act 2003	10

PART 2

APPOINTMENTS BY THE MINISTER: JUDICIAL OFFICES

Note: The corresponding function for an office listed in this Part is the function of the Minister under the enactment listed opposite that office. 15

<i>Office</i>	<i>Function</i>	
Vice Judge Advocate General Assistant Judge Advocate General	Section 30(1) of the Courts-Martial (Appeals) Act 1951 (c. 46)	
Person appointed temporarily to assist the Judge Advocate General	Section 30(2) of the Courts-Martial (Appeals) Act 1951	20
Judge of the Courts-Martial Appeal Court	Section 2(2) of the Courts-Martial (Appeals) Act 1968 (c. 20)	
Deputy Circuit judge Assistant Recorder	Section 24(1) of the Courts Act 1971 (c. 23)	25
Vice-president of the criminal division of the Court of Appeal Vice-president of the civil division of the Court of Appeal	Section 3(3) of the Supreme Court Act 1981 (c. 54)	30
Deputy judge of the High Court	Section 9(4) of the Supreme Court Act 1981 (c. 54)	
Deputy district judge in a district registry of the High Court	Section 102(1) of the Supreme Court Act 1981	
Deputy district judge for a county court district	Section 8(1) of the County Courts Act 1984 (c. 28)	35

<i>Office</i>	<i>Function</i>
Deputy District Judge (Magistrates' Courts)	Section 10B(1) of the Justices of the Peace Act 1997 (c. 25)
Deputy District Judge (Magistrates' Courts)	Section 24(1) of the Courts Act 2003 (c. 39)

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PART 3

APPOINTMENTS BY THE MINISTER: OTHER OFFICES

Note: The corresponding function for an office listed in this Part is the function of the Minister under the enactment listed opposite that office.

<i>Office</i>	<i>Function</i>
Chairman of an Agricultural Land Tribunal	Paragraph 13(1) of Schedule 9 to the Agriculture Act 1947 (c. 48)
Member of panel constituted for the purposes of Schedule 11	Paragraph 1(5) of Schedule 11 to the Agricultural Holdings Act 1986 (c. 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 the Pathogens Access Appeal Commission	Paragraph 1(1) of Schedule 6 to the Anti-terrorism, Crime and Security Act 2001 (c. 24)
Chairman of the Pathogens Access Appeal Commission	Paragraph 1(2) of Schedule 6 to the Anti-terrorism, Crime and Security Act 2001
Arbitrator	Paragraph 10(6)(a) of Schedule 1 to the Atomic Energy Authority Act 1995 (c. 37)
Chairman of a Levy Appeal Tribunal	Section 29(2)(a) of the Betting, Gaming and Lotteries Act 1963 (c. 2)
Arbitrator	Paragraph 12(3) of Schedule 2 of the British Telecommunications Act 1981 (c. 38)
Arbitrator	Schedule 9, paragraph 5(5)(a), of the Broadcasting Act 1990 (c. 42)
Arbitrator	Paragraph 8(6)(a) of Schedule 5 of the Broadcasting Act 1996 (c. 55)
Ombudsman	Section 3(5) of the Car Tax Act 1983 (c. 53)

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<i>Office</i>	<i>Function</i>	
Deputy Child Support Commissioner	Paragraph 4(1) of Schedule 4 to the Child Support Act 1991 (c. 48)	
Member of a Pensions Appeal Tribunal	Paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 (c. 39)	5
President of Pensions Appeal Tribunals Deputy President of Pensions Appeal Tribunals	Paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943	10
Arbitrator	Paragraph 8(6)(a) of Schedule 2 to the Coal Industry Act 1994 (c. 21)	
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)	15
Commons Commissioner Chief Commons Commissioner	Section 17(1) of the Commons Registration Act 1965 (c. 64)	20
Substitute Chief Commons Commissioner	Section 17(3) of the Commons Registration Act 1965	
Arbitrator	Paragraph 4(7)(a) of Schedule 2 to the Communications Act 2003 (c. 21)	25
Member of the Shipping Claims Tribunal President of the Shipping Claims Tribunal	Section 8(1) of the Compensation (Defence) Act 1939 (c. 75)	
Chairman of the Copyright Tribunal Deputy chairman of the Copyright Tribunal	Section 145(2) of the Copyright, Designs and Patents Act 1988 (c. 48)	30
Acting chairman of the Copyright Tribunal Acting deputy chairman of the Copyright Tribunal	Section 146(5)(a) of the Copyright, Designs and Patents Act 1988 (c. 48)	35
Arbitrator	Section 15A(3) of the Countryside Act 1968 (c. 41)	

<i>Office</i>	<i>Function</i>	
Ombudsman	Paragraph 17(4) of Schedule 3 to the Customs and Excise Management Act 1979 (c. 2)	
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 Special Educational Needs and Disability Tribunal Member of the chairmen's panel of the Special Educational Needs and Disability Tribunal	Section 333 of the Education Act 1996 (c. 56)	10
Member of the legal panel for the constitution of Independent Schools Tribunals	Paragraph 1(2) of Schedule 34 to the Education Act 1996	15
Arbitrator	Paragraph 9(4) of Schedule 10 to the Education Reform Act 1988 (c. 40)	
Arbitrator	Paragraph 9(2)(a) of Schedule 10 to the Electricity Act 1989 (c. 29)	20
President of the Employment Tribunals (England and Wales)	Paragraph 3(1) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001 (S.I. 2001/1171)	
Member of panel	Paragraph 5(1) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001 (S.I. 2001/1171)	25
Regional Chairman of the Employment Tribunals (England and Wales)	Paragraph 8(1) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001 (S.I. 2001/1171)	30
President of the Competition Appeal Tribunal	Section 12(2)(a) of the Enterprise Act 2002 (c. 40)	
Member of panel of chairmen of the Competition Appeal Tribunal	Section 12(2)(b) of the Enterprise Act 2002	35
Acting President of Competition Appeal Tribunal	Paragraph 3 of Schedule 2 to the Enterprise Act 2002 (c. 40)	
President of the Financial Services and Markets Tribunal	Paragraph 2(1) of Schedule 13 to the Financial Services and Markets Act 2000 (c. 8)	40
Deputy President of the Financial Services and Markets Tribunal	Paragraph 2(3) of Schedule 13 to the Financial Services and Markets Act 2000	

<i>Office</i>	<i>Function</i>	
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	
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	5
Chairman of the Foreign Compensation Commission Member of the Foreign Compensation Commission	Section 1(1) of the Foreign Compensation Act 1950 (c. 12)	10
Arbitrator	Paragraph 7(4) of Schedule 5 to the Further and Higher Education Act 1992 (c. 13)	
Member of appeal panel	Section 189(6) of the Greater London Authority Act 1999 (c. 29)	15
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)	20
Member of the Immigration Services Tribunal	Paragraph 1(2) of Schedule 7 to the Immigration and Asylum Act 1999 (c. 33)	
President of the Immigration Services Tribunal	Paragraph 2 of Schedule 7 to the Immigration and Asylum Act 1999	25
Chairman of tribunal Member of tribunal	Section 706(1) of the Income and Corporation Taxes Act 1988 (c. 1)	
President of tribunal established by the Secretary of State	Paragraph 4(a) of Schedule 3 to the Industry Act 1975 (c. 68)	30
Member of Insolvency Practitioners Tribunal panel	Paragraph 1(1)(a) of Schedule 7 to the Insolvency Act 1986 (c. 45)	
Adjudicator to Her Majesty's Land Registry	Section 107(1) of the Land Registration Act 2002 (c. 9)	35
President of the Lands Tribunal Member of the Lands Tribunal	Section 2(1) of the Lands Tribunal Act 1949 (c. 42)	
Member of the Adjudication Panel for England	Section 75(3) of the Local Government Act 2000 (c. 22)	40

<i>Office</i>	<i>Function</i>	
President of the Adjudication Panel for England Deputy President of the Adjudication Panel for England	Section 75(4) of the Local Government Act 2000	5
Member of panel	Section 109(1)(a) of the London Building Acts (Amendment) Act 1939 (c. xcvi)	
Deputy member of panel	Section 109(1)(h) of the London Building Acts (Amendment) Act 1939	
Member of the Mental Health Review Tribunal	Paragraph 1 of Schedule 2 to the Mental Health Act 1983 (c. 20)	10
Chairman of the Mental Health Review Tribunal	Paragraph 3 of Schedule 2 to the Mental Health Act 1983	
Wreck commissioner	Section 297(1) of the Merchant Shipping Act 1995 (c. 21)	15
Chairman of a tribunal	Paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 (c. 38)	
Member of arbitration committee	Section 7(6) of the National Health Service (Amendment) Act 1949 (c. 93)	
Adjudicator	Section 81(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41)	20
Chief Adjudicator Deputy Chief Adjudicator Regional Adjudicator Deputy Regional Adjudicator	Section 81(3) of the Nationality, Immigration and Asylum Act 2002	25
Member of the Immigration Appeal Tribunal	Paragraph 1 of Schedule 5 to the Nationality, Immigration and Asylum Act 2002	30
President of the Immigration Appeal Tribunal	Paragraph 3 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 (c. 41)	35
Arbitrator	Section 18(3) of the National Parks and Access to the Countryside Act 1949 (c. 97)	

<i>Office</i>	<i>Function</i>	
Arbitrator	Paragraph 2(5) of Schedule 1 to the Ordnance Factories and Military Services Act 1984 (c. 59)	
Member of a Pensions Appeal Tribunal	Paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 (c. 39)	5
President of Pensions Appeal Tribunals Deputy President of Pensions Appeal Tribunals	Paragraph 2B(2)(a) of the Schedule to the Pensions Appeal Tribunals Act 1943	10
Chairman of the Plant Varieties and Seeds Tribunal	Paragraph 2(1) of Schedule 3 to the Plant Varieties Act 1997 (c. 66)	
Arbitrator	Paragraph 11(5) of Schedule 2 to the Ports Act 1991 (c. 52)	15
Member of panel of assessors to assist Special Commissioners	Section 320(3)(b) of the Proceeds of Crime Act 2002 (c. 29)	
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)	20
Member of the lay panel of the Tribunal	Paragraph 2(3) of the Schedule to the Protection of Children Act 1999	
Member of panel	Paragraph 2 of Schedule 10 to the Rent Act 1977 (c. 42)	25
President of panel Vice-president of panel	Paragraph 3 of Schedule 10 to the Rent Act 1977	
Chairman of reserve forces appeal tribunals	Section 90(1) of the Reserve Forces Act 1996 (c. 14)	30
Ordinary member of reserve forces appeal tribunals	Section 91(1) of the Reserve Forces Act 1996	
Chairman of a tribunal	Schedule 2, paragraph 1(1)(a), to the School Inspections Act 1996 (c. 57)	
President of appeal tribunals	Section 5(1) of the Social Security Act 1998 (c. 14)	35
Member of panel of persons to act as members of appeal tribunals	Section 6(2) of the Social Security Act 1998 (c. 14)	
Social Security Commissioner	Paragraph 1(2) of Schedule 4 to the Social Security Act 1998	40

<i>Office</i>	<i>Function</i>	
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)	5
Social Security Commissioner	Section 52(2) of the Social Security Administration Act 1992	
Member of Special Immigration Appeals Commission	Paragraph 1(1) of Schedule 1 to the Special Immigration Appeals Commission Act 1997 (c. 68)	10
Chairman of Special Immigration Appeals Commission	Paragraph 2 of Schedule 1 to the Special Immigration Appeals Commission Act 1997	15
Road user charging adjudicator	Regulation 3(1) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (S.I. 2001/2313)	
Special Commissioner Presiding Special Commissioner	Section 4(1) of the Taxes Management Act 1970 (c. 9)	20
Deputy Presiding Special Commissioner	Section 4(3) of the Taxes Management Act 1970	
Deputy Special Commissioner	Section 4A(1) of the Taxes Management Act 1970	25
Member of the Proscribed Organisations Appeal Commission	Paragraph 1(1) of Schedule 3 to the Terrorism Act 2000 (c. 11)	
Chairman of the Proscribed Organisations Appeal Commission	Paragraph 1(2) of Schedule 3 to the Terrorism Act 2000	30
Ombudsman	Section 5(4) of the Tobacco Products Duty Act 1979 (c. 7)	
Persons appointed to hear and determine appeals	Section 77(1) of the Trade Marks Act 1994 (c. 26)	
Arbitrator	Paragraph 3(4) of Schedule 6 to the Transport Act 1962 (c. 46)	35
Arbitrator	Paragraph 13(3) of Schedule 4 to the Transport Act 1968 (c. 73)	
Arbitrator	Section 66(4)(a) of the Transport Act 1982 (c. 49)	40

<i>Office</i>	<i>Function</i>	
President of the Transport Tribunal Chairman of the Transport Tribunal	Paragraph 2(1)(a) of Schedule 4 to the Transport Act 1985 (c. 67)	
Member of panel of chairmen	Paragraph 7(3)(a) of Schedule 12 to the Value Added Tax Act 1994 (c. 23)	5
Member of pensions appeal tribunal	Paragraphs 2 and 3 of the Schedule to the War Pensions (Administrative Provisions) Act 1919 (c. 53)	
Arbitrator	Section 28N(3) of the Wildlife and Countryside Act 1981 (c. 69)	10
Member of appeal tribunal	Section 9(3)(a) of the Wireless Telegraphy Act 1949 (c. 54)	
Additional member of appeal tribunal appointed for proceedings in England and Wales	Section 9(5) of the Wireless Telegraphy Act 1949	15
Person appointed to discharge duties of member of tribunal	Paragraph 2 of Schedule 2 to the Wireless Telegraphy Act 1949	

SCHEDULE 13

Section 95

JUDICIAL FUNCTIONS OF THE LORD PRESIDENT OF THE COUNCIL

20

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”. 25

(2) The members of the committee shall be such as are provided for in any other enactment.

(3) Subsection (2) is subject to subsection (4).

(4) Her Majesty may by her sign manual appoint two members of the Privy Council to be members of the Judicial Committee. 30

3 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”.

Court of Chancery Act 1851 (c. 83)

- 4 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)

- 5 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)

- 6 In section 7 of the Oxford University Act 1862 (approbation of statutes by Her Majesty in Council etc) omit “, not including the Lord President,”. 10

Public Schools Act 1868 (c. 118)

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

Judicial Committee Act 1915 (c. 92)

- 8 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 100

MINOR AND CONSEQUENTIAL AMENDMENTS

20

PART 1

THE LORD CHANCELLOR

Judicial Pensions and Retirement Act 1993 (c. 8)

- 1 In section 26 of the Judicial Pensions and Retirement Act 1993 (retirement date for holders of certain judicial offices etc), in subsection (7)(a) omit “, unless he is the Lord Chancellor”. 25

PART 2

AMENDMENTS RELATING TO PART 2

Appellate Jurisdiction Act 1876 (c. 59)

- 2 The Appellate Jurisdiction Act 1876 ceases to have effect. 30

Jurisdiction in Rating Act 1877 (c. 11)

- 3 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 29 of the Constitutional Reform Act 2004.”. 5

Appellate Jurisdiction Act 1887 (c. 70)

- 4 (1) The Appellate Jurisdiction Act 1887 is amended as follows.
(2) Omit section 1.
(3) In section 3 (constitution of the Judicial Committee of the Privy Council) for the words from “any of the offices” to “high judicial offices” substitute “high judicial office, within the meaning of Part 2 of the Constitutional Reform Act 2004,”. 10
(4) Omit section 5.

Supreme Court of Judicature Act 1891 (c. 53) 15

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

Appellate Jurisdiction Act 1947 (c. 11)

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

Life Peerages Act 1958 (c. 21)

- 7 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,”. 20

Law Commissions Act 1965 (c. 22)

- 8 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 2 of the Constitutional Reform Act 2004 or membership of the Judicial Committee of the Privy Council;”. 25

Administration of Justice Act 1968 (c. 5)

- 9 The Administration of Justice Act 1968 ceases to have effect.

Administration of Justice Act 1973 (c. 15) 30

- 10 (1) The Administration of Justice Act 1973 is amended as follows.
(2) In section 9 (judicial salaries) omit subsection (1)(a).
(3) Omit section 12 (retirement of judiciary in event of incapacity).

Juries Act 1974 (c. 23)

- 11 In the Juries Act 1974, in Group A in Part 1 of Schedule 1 (persons ineligible: the judiciary) – 35

- (a) in the entry relating to holders of high judicial office, for “the Appellate Jurisdiction Act 1876” substitute “Part 2 of the Constitutional Reform Act 2004”, 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).”

5

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

- 12 (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”.

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Supreme Court Act 1981 (c. 54)

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- 13 (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”.
- (4) In section 11 (tenure of offices), in subsection (4) for the words “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”.

20

25

Civil Jurisdiction and Judgments Act 1982 (c. 27)

- 14 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”.

30

Courts and Legal Services Act 1990 (c. 41)

- 15 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”.

35

Justices of the Peace Act 1997 (c. 25)

- 16 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 2 of the Constitutional Reform Act
2004 or membership of the Judicial Committee of the Privy
Council.”.

5

Police Act 1997 (c. 50)

- 17 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 2 of the Constitutional Reform Act 2004 or are or have been members of the Judicial Committee of the Privy Council.”

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Special Immigration Appeals Commission Act 1997 (c. 68)

- 18 In paragraph 5 of Schedule 1 to the Special Immigration Appeals Commission Act 1997 (the Commission) for “the Appellate Jurisdiction Act 1876” substitute “Part 2 of the Constitutional Reform Act 2004) or is or has been a member of the Judicial Committee of the Privy Council”.

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Terrorism Act 2000 (c. 11)

- 19 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 2 of the Constitutional Reform Act 2004) or is or has been a member of the Judicial Committee of the Privy Council”.

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Regulation of Investigatory Powers Act 2000 (c. 23)

- 20 (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) paragraph 1(1)(a) of Schedule 3 (membership of the Tribunal),
for “the Appellate Jurisdiction Act 1876” substitute “Part 2 of the Constitutional Reform Act 2004) or is or has been a member of the Judicial Committee of the Privy Council”.
(3) In section 61(8)(a) (Investigatory Powers Commissioner for Northern Ireland) for “the Appellate Jurisdiction Act 1876” substitute “Part 2 of the Constitutional Reform Act 2004”.

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

- 21 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 2 of the Constitutional Reform Act 2004) or is or has been a member of the Judicial Committee of the Privy Council;”.

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European Parliamentary Elections Act 2002 (c. 24)

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

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

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- 23 (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 “holds high judicial office, within the meaning of Part 2 of the Constitutional Reform Act 2004”.
- (3) Omit section 18(1) (amendment of section 6 of the Appellate Jurisdiction Act 1876).

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

- 24 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 2 of the Constitutional Reform Act 2004 or is or has been a member of the Judicial Committee of the Privy Council.”

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SCHEDULE 15

Section 101

REPEALS AND REVOCATIONS

PART 1

25

THE LORD CHANCELLOR

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Supreme Court Act 1981 (c. 54)	Section 1(2).	
Judicial Pensions and Retirement Act 1993 (c. 8)	In section 26(7)(a) the words “, unless he is the Lord Chancellor”.	30

PART 2

FUNCTIONS OF THE LORD CHANCELLOR AND ORGANISATION OF THE COURTS

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
British Law Ascertainment Act 1859 (c. 63)	In section 5 omit “the Lord Chancellor,”.	35

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Appellate Jurisdiction Act 1887 (c. 70)	In section 3 the words from “unless” until the end.	
Pensions Appeal Tribunals Act 1943 (c. 39)	In section 13(a) “by the Lord Chancellor”.	5
Appellate Jurisdiction Act 1947 (c. 11)	Section 1(1).	
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),”.	10
Agriculture Act 1958 (c. 71)	In Schedule 1, paragraph 4.	
Mental Health Act 1959 (c. 72)	In section 145 “or the Lord Chancellor”.	
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”.	15
Courts Act 1971 (c. 23)	Section 57(6). 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,”.	
Hearing Aid Council Act 1968 (c. 50)	In section 13 “on the Lord Chancellor”.	20
Rent (Agriculture) Act 1976 (c. 80)	In section 26(5), the second paragraph.	
Rent Act 1977 (c. 42)	Section 142(2).	
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 omit “, other than the Lord Chancellor”.	25
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 paragraph after the definition of “relevant court”. In section 10(4) “, in the presence of the Lord Chancellor”. 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”.	30
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<i>Reference</i>	<i>Extent of repeal or revocation</i>	
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) “the Lord Chancellor or” in the first place. In section 111 –	5
	(a) in subsection (1) “by the Lord Chancellor or”;	10
	(b) in subsection (2) “the Lord Chancellor or”;	
	(c) in subsection (4)(a) “the Lord Chancellor or”;	15
	(d) in subsection (4)(b) “the Lord Chancellor”.	
	In section 143(1) “or the Lord Chancellor”. In Schedule 2, in paragraphs 4 and 6 “by the Lord Chancellor”.	20
Matrimonial and Family Proceedings Act 1984 (c. 42)	Section 40(5).	
Coroners Act 1988 (c. 13)	In section 33(2)(a) “the Lord Chancellor or”.	
Copyright, Designs and Patents Act 1988 (c. 48)	In section 146 –	
	(a) in subsection (2) from “or” to the end;	25
	(b) in subsection (3) –	
	(i) “or, in the case of the chairman or a deputy chairman, the Lord Chancellor”;	
	(ii) “or, as the case may be, the Lord Chancellor”.	30
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”.	
Judicial Pensions and Retirement Act 1993 (c. 8)	In section 26(7) –	
	(a) in paragraph (a) “, unless he is the Lord Chancellor”;	35
	(b) in paragraph (b) “, unless he is the Lord Chancellor”.	
	In Schedule 5, in the second entry omit “, other than the Lord Chancellor”.	40
Employment Tribunals Act 1996 (c. 17)	In section 22(1)(a) “(other than the Lord Chancellor)”.	
Civil Procedure Act 1997 (c. 12)	Section 2(1)(a). Section 2A(2)(c). Section 3(6) “Subject to subsection (7),”.	45
	Section 3(7).	
Justices of the Peace Act 1997 (c. 25)	In section 24(5) “by the Lord Chancellor”.	

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
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) omit “of the Lord Chancellor”.	5
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). Section 71(2). 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).	10 15

PART 3 20

THE GREAT SEAL

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
House of Lords Precedence Act 1539 (c. 10)	In section 4, the words “the lorde chauncellour,” in both places. In section 8, the words “lord chauncelor”.	25
Great Seal Act 1688 (c. 21)	The whole Act.	
Judicial Committee Act 1833 (c. 41)	In section 1, the words from “and such” to “Britain”; and from “or shall” to “mentioned”.	
Great Seal Act 1884 (c. 30)	In section 2, the words from “by the fiat” to “or otherwise”.	30

PART 4

LORD CHANCELLOR’S SALARY AND PENSION

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Lord Chancellor’s Pension Act 1832 (c. 111)	The whole Act.	35
Parliamentary and other Pensions Act 1972 (c. 48)	Section 28.	
Ministerial and other Salaries Act 1975 (c. 27)	Section 1(2).	

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Judicial Pensions Act 1981 (c. 20)	In section 4 the words “, or under this Chapter and the Lord Chancellor’s Pension Act 1832”. In section 16, the entry in the Table relating to the Lord Chancellor. Section 26.	5
Parliamentary and other Pensions Act 1987 (c. 45)	In section 2 the words from the beginning to “as Lord Chancellor; and”.	
Ministerial and Other Pensions and Salaries Act 1991 (c. 5)	Section 1(2).	10
Judicial Pensions and Retirement Act 1993 (c. 8)	Section 14.	
Parliamentary Pensions (Consolidation and Amendment) Regulations 1993 (S.I. 1993/3253)	Regulation N4.	15

PART 5

POWER TO MAKE RULES

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Compensation (Defence) Act 1939 (c. 75)	Section 9(1)(a).	20
Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)	In section 5(1) “by the Lord Chancellor”.	
Courts-Martial (Appeals) Act 1968 (c. 20)	Section 49(3) and (4).	25
Rent Act 1977 (c. 42)	Section 142(4).	
Housing Act 1980 (c. 51)	Section 86(6).	
Supreme Court Act 1981 (c. 54)	In section 76 “by the President of the Family Division, with the concurrence of the Lord Chancellor;”. Section 127(3). Section 136(3).	30
Mental Health Act 1983 (c. 20)	In section 65(3) “by the Lord Chancellor”.	
County Courts Act 1984 (c. 28)	Section 38(4)(c).	35
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”.	40
Housing Act 1985 (c. 68)	Section 111(3). In section 181 – (a) in subsection (4) “or directions”; (b) subsection (5). Section 572(6).	45

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Coroners Act 1988 (c. 13)	Section 32(4).
Housing Act 1996 (c. 52)	Section 138(6). Section 143N(7).

PART 6

5

POWERS TO GIVE DIRECTIONS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
County Courts Act 1984	In section 74A(3) “of the Lord Chancellor”. Section 74A(4).
Courts Act 2003 (c. 39)	Section 74(4).
Criminal Justice Act 2003 (c. 44)	Section 168(1)(c).

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PART 7

SUPREME COURT

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Appellate Jurisdiction Act 1876 (c. 59)	The whole Act.
Appellate Jurisdiction Act 1887 (c. 70)	Section 1. Section 5.
Supreme Court of Judicature Act 1891 (c. 53)	The whole Act.
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), the words “Without prejudice to Her Majesty’s powers as to the appointment of Lords of Appeal in Ordinary;”.
Administration of Justice Act 1960 (c. 65)	Section 1(3).
Administration of Justice Act 1968 (c. 5)	The whole Act.
Criminal Appeal Act 1968 (c. 19)	Section 35(1) and (2).
Courts-Martial (Appeals) Act 1968 (c. 20)	Section 41(1) and (2).
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).

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
Administration of Justice Act 1973 (c. 15)	Section 9(1)(a). Section 12.
Judicature (Northern Ireland) Act 1978 (c. 23)	Section 41(3). Section 42(3) to (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.
Justices of the Peace Act 1997 (c. 25)	In section 7(2)(a) the words “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.
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).
Northern Ireland Act 1998 (c. 47)	Section 82. In section 98(1), the entry for “Judicial Committee”. In Schedule 10, paragraph 32 and the heading before it.
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).

Constitutional Reform Bill [HL]

A

B I L L

To make provision for replacing the office of Lord Chancellor, and to abolish 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.

The Lord Falconer of Thoroton

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