



Constitutional Reform Act 2005

2005 CHAPTER 4

PART 3

THE SUPREME COURT

Terms of appointment

32 Oath of allegiance and judicial oath

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

(b) the judicial oath,
as set out in the Promissory Oaths Act 1868 (c. 72).

33 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.

34 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 Lord Chancellor 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 23.
- (4) A determination under subsection (2) may increase but not reduce the amount.
- (5) Salaries payable under this section are to be charged on and paid out of the Consolidated Fund of the United Kingdom.
- (6) Any allowance determined by the Lord Chancellor with the agreement of the Treasury may be paid to a judge of the Court out of money provided by Parliament.

35 Resignation and retirement

- (1) A judge of the Supreme Court may at any time resign that office by giving the Lord Chancellor notice in writing to that effect.
- (2) The President or Deputy President of the Court may at any time resign that office (whether or not he resigns his office as a judge) by giving the Lord Chancellor 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”.

36 Medical retirement

- (1) This section applies if the Lord Chancellor 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.
- (2) The Lord Chancellor may by instrument under his hand declare the person’s office to have been vacated.
- (3) A declaration by instrument under subsection (2) has the same effect for all purposes as if the person had, on the date of the instrument, resigned his office.
- (4) But such a declaration has no effect unless it is made—

- (a) in the case of an ordinary judge, with the agreement of the President and Deputy President of the Court;
- (b) in the case of the President, with the agreement of the Deputy President and the senior ordinary judge;
- (c) in the case of the Deputy President, with the agreement of the President and the senior ordinary judge.

37 Pensions

- (1) In the tables in sections 1 and 16 of the Judicial Pensions Act 1981 (c. 20) (application and interpretation), for “Lord of Appeal in Ordinary”—
 - (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 (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.