

SCHEDULES

SCHEDULE 13

JUDICIAL APPOINTMENTS

PART 4

JUDICIAL APPOINTMENTS: SELECTION, AND TRANSFER OF POWERS OF LORD CHANCELLOR

Senior President of Tribunals to make certain appointments to First-tier and Upper Tribunals

- 45 (1) Schedule 2 (judges and other members of the First-tier Tribunal) is amended as follows.
- (2) In paragraphs 1(1) and 2(1) (Lord Chancellor’s power to appoint) for “Lord Chancellor” substitute “Senior President of Tribunals”.
- (3) In paragraph 1(2)(d) (eligibility for appointment as judge based on experience gained in law) for “Lord Chancellor’s opinion” substitute “opinion of the Senior President of Tribunals”.
- (4) In paragraph 1(3) (meaning of “gain experience in law”) for “Lord Chancellor” substitute “Senior President of Tribunals”.
- (5) In paragraph 4 (terms of appointment) after sub-paragraph (2) (salaried appointee may be removed from office only by Lord Chancellor and only on ground of inability or misbehaviour) insert—
- “(2A) If the terms of the person’s appointment provide that the person is appointed on a fee-paid basis, the person may be removed from office—
- (a) only by the Lord Chancellor (and in accordance with paragraph 3), and
- (b) only on—
- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person’s terms of appointment.
- (2B) If the period (or extended period) for which the person is appointed ends before—
- (a) the day on which the person attains the age of 70, or
- (b) if different, the day that for the purposes of section 26 of the Judicial Pensions and Retirement Act 1993 is the compulsory retirement date for the office concerned in the person’s case,
- then, subject to sub-paragraph (2C), the Lord Chancellor must extend the period of the person’s appointment (including a period already extended under this sub-paragraph) before it ends.
- (2C) Extension under sub-paragraph (2B)—

Status: This is the original version (as it was originally enacted).

- (a) requires the person’s agreement,
 - (b) is to be for such period as the Lord Chancellor considers appropriate, and
 - (c) may be refused on—
 - (i) the ground of inability or misbehaviour, or
 - (ii) a ground specified in the person’s terms of appointment, but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.”
- (6) In paragraph 4(3) (subject to sub-paragraph (2), person to hold and vacate office in accordance with terms of appointment)—
- (a) for “sub-paragraph (2) (and” substitute “the preceding provisions of this paragraph (but subject in the first place”, and
 - (b) after “appointment” insert “, which are to be such as the Lord Chancellor may determine”.