

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

- 47 (1) Schedule 4 (chambers, and chamber presidents, for the First-tier Tribunal or the Upper Tribunal) is amended as follows.
- (2) In the italic headings before each of paragraphs 1 and 2 for “by Lord Chancellor” substitute “under section 7(7)”.
- (3) In paragraph 2(1) (duty to consult before appointing senior court judge as chamber president) for “Lord Chancellor must consult the Senior President of Tribunals before the Lord Chancellor” substitute “Senior President of Tribunals must consult the Lord Chancellor before the Senior President of Tribunals”.
- (4) In paragraph 2(2) to (4) (which relate to the power under section 7(7)) for “Lord Chancellor”, in each place, substitute “Senior President of Tribunals”.
- (5) In paragraph 2 after sub-paragraph (4) insert—
- “(4A) The Senior President of Tribunals may make a request under sub-paragraph (2), (3) or (4) only with the Lord Chancellor’s concurrence.”
- (6) In paragraph 2(5) (judge nominated must be appointed as Chamber President) for “Lord Chancellor” substitute “Senior President of Tribunals”.
- (7) In paragraph 3(1) (Chamber President to hold and vacate office in accordance with terms of appointment)—
- (a) for “(subject” substitute “but subject to paragraph 5A (and subject in the first place”, and
- (b) at the end insert “, and those terms are to be such as the Lord Chancellor may determine.”
- (8) In paragraph 5(1) (Lord Chancellor’s power to appoint Deputy Chamber Presidents for the First-tier or Upper Tribunal) for “Lord Chancellor” substitute “Senior President of Tribunals”.
- (9) In paragraph 5(3) and (5) to (7) (which relate to the power under paragraph 5(1)) for “Lord Chancellor”, in each place, substitute “Senior President of Tribunals”.
- (10) In paragraph 5(3)(a) (duty to consult Senior President of Tribunals) for “Senior President of Tribunals” substitute “Lord Chancellor”.

Status: This is the original version (as it was originally enacted).

(11) In paragraph 5 after sub-paragraph (7) insert—

“(7A) The Senior President of Tribunals may make a request under sub-paragraph (5), (6) or (7) only with the Lord Chancellor’s concurrence.”

(12) In paragraph 5(8) (judge nominated must be appointed as Deputy Chamber President) for “Lord Chancellor” substitute “Senior President of Tribunals”.

(13) In paragraph 5(9) (Deputy Chamber President to hold and vacate office in accordance with terms of appointment)—

- (a) for “(subject)” substitute “but subject to paragraph 5A (and subject in the first place”, and
- (b) at the end insert “, and those terms are to be such as the Lord Chancellor may determine.”

(14) After paragraph 5 insert—

“Chamber Presidents and Deputies: removal from office and extension of appointment

5A (1) This paragraph applies to a person—

- (a) appointed under section 7(6) or (7) as a Chamber President, or
- (b) appointed under paragraph 5(1) or (2) as a Deputy Chamber President of a chamber.

(2) If the terms of the person’s appointment provide that the person is appointed otherwise than on a fee-paid basis, the person may be removed from office—

- (a) only by the Lord Chancellor with the concurrence of the Senior President of Tribunals, and
- (b) only on the ground of inability or misbehaviour.

(3) 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 with the concurrence of the Senior President of Tribunals, and
- (b) only on—
 - (i) the ground of inability or misbehaviour, or
 - (ii) a ground specified in the person’s terms of appointment.

(4) 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 (5), the Lord Chancellor must extend the period of the person’s appointment (including a period already extended under this sub-paragraph) before it ends.

(5) Extension under sub-paragraph (4)—

- (a) requires the person’s agreement,

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- (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.”