



Constitutional Reform Act 2005

2005 CHAPTER 4

PART 4

JUDICIAL APPOINTMENTS AND DISCIPLINE

CHAPTER 2

APPOINTMENTS

Puisne judges and other office holders

90 The Lord Chancellor's options

(1) This section refers to the following stages—

<i>Stage 1:</i>	where a person has been selected under section 88
<i>Stage 2:</i>	where a person has been selected following a rejection or reconsideration at stage 1
<i>Stage 3:</i>	where a person has been selected following a rejection or reconsideration at stage 2.

(2) At stage 1 the Lord Chancellor must do one of the following—

- (a) accept the selection;
- (b) reject the selection;
- (c) require the Commission to reconsider the selection.

(3) At stage 2 the Lord Chancellor must do one of the following—

- (a) accept the selection;

Status: Point in time view as at 15/07/2013. This version of this provision has been superseded.

Changes to legislation: Constitutional Reform Act 2005, Section 90 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) reject the selection, but only if it was made following a reconsideration at stage 1;
 - (c) require the Commission to reconsider the selection, but only if it was made following a rejection at stage 1.
- (4) At stage 3 the Lord Chancellor must accept the selection, unless subsection (5) applies and he accepts a selection under it.
- (5) If a person whose selection the Lord Chancellor required to be reconsidered at stage 1 or 2 was not selected again at the next stage, the Lord Chancellor may, at stage 3, accept the selection made at that earlier stage.
- (6) Before exercising his powers under this section at any stage in relation to a selection for an appointment or recommendation, the Lord Chancellor must—
- (a) consult any person whom he is required by any enactment to consult before making the appointment or recommendation, and
 - (b) consult the Scottish Ministers if it appears to him to be an appointment, or a recommendation for the appointment, of a person to exercise functions wholly or mainly in Scotland.

Status:

Point in time view as at 15/07/2013. This version of this provision has been superseded.

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