

Status: Point in time view as at 17/12/2009.

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Part 3 is up to date with all changes known to be in force on or before 24 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)

SCHEDULES

SCHEDULE 1

SENIOR PRESIDENT OF TRIBUNALS

PART 3

TERMS OF OFFICE

Tenure, removal, resignation etc.

- 6 (1) If—
- (a) a person appointed to the office of Senior President of Tribunals is appointed on terms that provide for him to retire from the office at a particular time specified in those terms (“the end of the fixed-term”), and
 - (b) the end of the fixed-term is earlier than the time at which the person is required by the 1993 Act to retire from the office,
- the person shall, if still holding the office at the end of the fixed-term, vacate the office at the end of the fixed-term.
- (2) Subject to sub-paragraph (1) (and to the 1993 Act), a person appointed to the office of Senior President of Tribunals shall hold that office during good behaviour, subject to a power of removal by Her Majesty on an address presented to Her by both Houses of Parliament.
- (3) It is for the Lord Chancellor to recommend to Her Majesty the exercise of the power of removal under sub-paragraph (2).
- (4) In this paragraph “the 1993 Act” means the Judicial Pensions and Retirement Act 1993 (c. 8).
- 7 (1) Sub-paragraph (2) applies to a person appointed to the office of Senior President of Tribunals on a recommendation made under paragraph 2(3).
- (2) The person ceases to be Senior President of Tribunals if he ceases to fall within paragraph 2(2)(b).
- 8 A person who holds the office of Senior President of Tribunals may at any time resign that office by giving the Lord Chancellor notice in writing to that effect.
- 9 (1) The Lord Chancellor, if satisfied by means of a medical certificate that a person holding the office of Senior President of Tribunals—
- (a) is disabled by permanent infirmity from the performance of the duties of the office, and
 - (b) is for the time being incapacitated from resigning the office,

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may, subject to sub-paragraph (2), by instrument under his hand declare the person to have vacated the office; and the instrument shall have the like effect for all purposes as if the person had on the date of the instrument resigned the office.

- (2) A declaration under sub-paragraph (1) with respect to a person shall be of no effect unless it is made with the concurrence of—
- (a) the Lord Chief Justice of England and Wales,
 - (b) the Lord President of the Court of Session, and
 - (c) the Lord Chief Justice of Northern Ireland.

Remuneration, allowances and expenses

- 10 The Lord Chancellor may pay to the Senior President of Tribunals such amounts (if any) as the Lord Chancellor may determine by way of—
- (a) remuneration;
 - (b) allowances;
 - (c) expenses.

Oaths

- 11 (1) A person appointed to the office of Senior President of Tribunals must take the required oaths in the presence of—
- (a) the Lord Chief Justice of England and Wales, or
 - (b) another holder of high judicial office (as defined in section 60(2) of the Constitutional Reform Act 2005 (c. 4)) who is nominated by the Lord Chief Justice of England and Wales for the purpose of taking the oaths from the person.
- (2) Sub-paragraph (1) applies whether or not the person has previously taken the required oaths after accepting another office.
- (3) In this paragraph “the required oaths” means—
- (a) the oath of allegiance, and
 - (b) the judicial oath,
- as set out in the Promissory Oaths Act 1868 (c. 72).

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