

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under paragraphs 1B, 3B, 3C, 6A, 11, 13, 14 and 17A of Schedule 12 to the Constitutional Reform Act 2005 (c.4). They contain provisions providing for the composition of the Judicial Appointments Commission, the selection of Commissioners (including the vice-chairman) and the tenure of Commissioners. Section 20 of, and Schedule 13 to, the Crime and Courts Act 2013 (c.22) make a number of amendments to Schedule 12 to the 2005 Act. In particular, provisions relating to the composition of the Judicial Appointments Commission, the selection of Commissioners and the tenure of Commissioners are no longer wholly set out in Schedule 12 to the 2005 Act and are replaced by regulation making powers.

Regulations 3 and 4 provide for the number of Commissioners and composition of the Judicial Appointments Commission.

Regulations 5 to 8 define what is meant by senior tribunal office-holder, non-legally qualified judicial member, holder of judicial office and lay member for the purposes of the Regulations.

Regulations 9 to 16 provide provisions concerning the selection process of Commissioners and determination of seniority of judicial office for the purposes of selecting the vice-chairman of the Commission under paragraph 11(1) of Schedule 12 to the Constitutional Reform Act 2005.

Regulation 17 provides provision concerning the length of term and number of terms to which Commissioners may be appointed. Regulation 18 sets out the circumstances in which a person ceases to be a Commissioner.

Regulation 19 provides for transitional provision. All Commissioners in office at the time these Regulations are commenced continue in office until their term of appointment comes to an end or they cease to be a Commissioner for any other reason. When those Commissioners cease to be a Commissioner for any reason provision is made for their replacement.