

*These notes refer to the Constitutional Reform Act 2005
(c.4) which received Royal Assent on 24 March 2005*

CONSTITUTIONAL REFORM ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Judicial Appointments and Discipline

Summary

214. **Chapter 1** of Part 4 creates a Judicial Appointments Commission (which is subject to more detailed provisions in Schedule 12), and a Judicial Appointments and Conduct Ombudsman (which is subject to more detailed provisions in Schedule 13). **Chapter 2** sets out the process to be followed by the Commission and by the Lord Chancellor in appointing the Lord Chief Justice and other Heads of Division, the Lords Justices of Appeal, and puisne High Court judges and other judicial office holders. **Chapter 2** also provides for complaints about the appointments process to be made to the Judicial Appointments and Conduct Ombudsman. **Chapter 3** makes provision for a disciplinary procedure in relation to the judiciary, applicable when the Lord Chancellor is considering whether to exercise his statutory powers to remove a judicial office-holder, with the concurrence of the Lord Chief Justice; and when the Lord Chief Justice is considering whether to impose any lesser disciplinary sanction on such an office-holder, with the concurrence of the Lord Chancellor. There are new powers enabling the Lord Chief Justice to advise, warn or formally reprimand judicial office holders as a result of the disciplinary process, to suspend them in certain circumstances, subject to the agreement of the Lord Chancellor, and to make regulations and rules about the process, with the agreement of the Lord Chancellor. **Chapter 3** also allows complaints to be made to the Judicial Appointments and Conduct Ombudsman about judicial disciplinary cases. **Chapter 4** makes provision about interpretation.