

Status: Point in time view as at 01/09/2018.

Changes to legislation: Constitutional Reform Act 2005, Cross Heading: The Commissioners is up to date with all changes known to be in force on or before 18 September 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 12

THE JUDICIAL APPOINTMENTS COMMISSION

PART 1

THE COMMISSIONERS

The Commissioners

- 1 The Commission consists of—
- (a) a chairman, and
 - [^{F1}(b) such number of other Commissioners as the Lord Chancellor may specify by regulations made with the agreement of the Lord Chief Justice,]
- appointed by Her Majesty on the recommendation of the Lord Chancellor.

Textual Amendments

- F1** Sch. 12 para. 1(b) substituted (4.9.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 17](#); S.I. 2013/2200, art. 2(c)

- 2 (1) The chairman must be a lay member.

^{F2}(2)

^{F2}(2A)

^{F2}(3)

^{F2}(4)

^{F2}(5)

Textual Amendments

- F2** Sch. 12 para. 2(2)-(5) omitted (4.9.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 18](#); S.I. 2013/2200, art. 2(c)

- 3 A person must not be appointed as a Commissioner if he is employed in the civil service of the State.

- [^{F3}3A The number of Commissioners who are holders of judicial office must be less than the number of Commissioners (including the chairman) who are not holders of judicial office.

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Textual Amendments

F3 Sch. 12 paras. 3A-3C inserted (4.9.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 19](#); S.I. 2013/2200, art. 2(c)

- 3B (1) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision about the composition of the Commission.
- (2) The power to make regulations under this paragraph is to be exercised so as to ensure that the Commission's members include—
 - (a) holders of judicial office,
 - (b) persons practising or employed as lawyers, and
 - (c) lay members.
- (3) Regulations under this paragraph may (in particular)—
 - (a) make provision about the number, maximum number or minimum number of Commissioners of a particular description;
 - (b) make provision about eligibility for appointment as a Commissioner, eligibility for appointment as the chairman or eligibility for appointment as a Commissioner of a particular description.

Textual Amendments

F3 Sch. 12 paras. 3A-3C inserted (4.9.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 19](#); S.I. 2013/2200, art. 2(c)

- 3C The Lord Chancellor may by regulations made with the agreement of the Lord Chief Justice—
 - (a) define “lay member”, in relation to the Commission, for the purposes of this Part of this Act;
 - (b) define “holder of judicial office” for the purposes of paragraphs 3A, 3B(2)(a), 11 and 20(5).]

Textual Amendments

F3 Sch. 12 paras. 3A-3C inserted (4.9.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 19](#); S.I. 2013/2200, art. 2(c)

F4

Textual Amendments

F4 Sch. 12 paras. 4-6 omitted (4.9.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 18](#); S.I. 2013/2200, art. 2(c)

F5

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Textual Amendments

F4 Sch. 12 paras. 4-6 omitted (4.9.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 18](#); S.I. 2013/2200, art. 2(c)

F4⁶

Textual Amendments

F4 Sch. 12 paras. 4-6 omitted (4.9.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 18](#); S.I. 2013/2200, art. 2(c)

[**F5**^{6A} (1) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision for or in connection with the selection or nomination of persons to be recommended for appointment under paragraph 1.

- (2) Regulations under this paragraph may (in particular)—
- (a) provide for selection or nomination to be by a person, or body, specified in or appointed under the regulations;
 - (b) make provision about selection procedure, including—
 - (i) provision for a selector to determine the selector's own procedure or for selection procedure to be otherwise determined under the regulations;
 - (ii) provision as to matters to which a selector is to, or may or may not, have regard;
 - (iii) provision requiring that selection is carried out with a view to ensuring that there is a Commissioner with special knowledge of a particular geographical area or of a particular matter;
 - (c) make provision for the payment to selectors of remuneration, fees or expenses.

Textual Amendments

F5 Sch. 12 paras. 6A, 6B substituted for Sch. 12 paras. 7-10 (4.9.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 20](#); S.I. 2013/2200, art. 2(c)

6B The powers to make regulations under this Part of this Schedule are to be exercised with a view to ensuring, so far as may be practicable, that the Commissioners who are lay members include at any time at least one person who appears to have special knowledge of Wales.]

Textual Amendments

F5 Sch. 12 paras. 6A, 6B substituted for Sch. 12 paras. 7-10 (4.9.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 20](#); S.I. 2013/2200, art. 2(c)

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