



Constitutional Reform Act 2005

2005 CHAPTER 4

PART 4

JUDICIAL APPOINTMENTS AND DISCIPLINE

CHAPTER 3

DISCIPLINE

Disciplinary powers

109 Disciplinary powers: interpretation

- (1) This section has effect for the purposes of section 108.
- (2) A person is subject to criminal proceedings if in any part of the United Kingdom proceedings against him for an offence have been begun and have not come to an end, and the times when proceedings are begun and come to an end for the purposes of this subsection are such as may be prescribed.
- (3) A person is subject to proceedings for an Address from the time when notice of a motion is given in each House of Parliament for an Address for the removal of the person from office, until the earliest of the following events—
 - (a) either notice is withdrawn;
 - (b) either motion is amended so that it is no longer a motion for an address for removal of the person from office;
 - (c) either motion is withdrawn, lapses or is disagreed to;
 - (d) where an Address is presented by each House, a message is brought to each House from Her Majesty in answer to the Address.
- (4) “Judicial office” means—
 - (a) office as a senior judge, or
 - (b) an office listed in Schedule 14;

Status: Point in time view as at 12/04/2015. This version of this provision has been superseded.

Changes to legislation: Constitutional Reform Act 2005, Section 109 is up to date with all changes known to be in force on or before 05 August 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)

and “judicial office holder” means the holder of a judicial office.

- (5) “Senior judge” means any of these—
- (a) Master of the Rolls;
 - (b) President of the Queen's Bench Division;
 - (c) President of the Family Division;
 - (d) Chancellor of the High Court;
 - [^{F1}(da) Senior President of Tribunals;]
 - (e) Lord Justice of Appeal;
 - (f) puisne judge of the High Court.
- (6) “Sentence” includes any sentence other than a fine (and “serving” is to be read accordingly).
- (7) The times when a person becomes and ceases to be subject to prescribed procedures for the purposes of section 108(4) or (7) are such as may be prescribed.
- (8) “Under investigation for an offence” has such meaning as may be prescribed.

Textual Amendments

- F1** S. 109(5)(da) inserted (19.9.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 48(1), 148, [Sch. 8 para. 63](#); S.I. 2007/2709, [art. 2\(c\)](#)

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