



Constitutional Reform Act 2005

2005 CHAPTER 4

PART 3

THE SUPREME COURT

Appointment of judges

27 Selection process

- (1) The commission must—
 - (a) determine the selection process to be applied,
 - (b) apply the selection process, and
 - (c) make a selection accordingly.
 - (2) As part of the selection process the commission must consult each of the following—
 - (a) such of the senior judges as are not members of the commission and are not willing to be considered for selection;
 - (b) the Lord Chancellor;
 - (c) the First Minister in Scotland;
 - (d) [^{F1}the First Minister for Wales];
 - (e) the [^{F2}Northern Ireland Judicial Appointments Commission].
 - (3) If for any part of the United Kingdom no judge of the courts of that part is to be consulted under subsection (2)(a), the commission must consult as part of the selection process the most senior judge of the courts of that part who is not a member of the commission and is not willing to be considered for selection.
 - (4) Subsections (5) to (10) apply to any selection under this section or section 31.
 - (5) Selection must be on merit.
- [^{F3}(5A) Where two persons are of equal merit—
- (a) section 159 of the Equality Act 2010 (positive action: recruitment etc) does not apply in relation to choosing between them, but

Status: Point in time view as at 15/07/2013. This version of this provision has been superseded.

Changes to legislation: Constitutional Reform Act 2005, Section 27 is up to date with all changes known to be in force on or before 03 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)

- (b) Part 5 of that Act (public appointments etc) does not prevent the commission from preferring one of them over the other for the purpose of increasing diversity within the group of persons who are the judges of the Court.]
- (6) A person may be selected only if he meets the requirements of section 25.
- (7) A person may not be selected if he is a member of the commission.
- (8) In making selections for the appointment of judges of the Court the commission must ensure that between them the judges will have knowledge of, and experience of practice in, the law of each part of the United Kingdom.
- (9) The commission must have regard to any guidance given by the Lord Chancellor as to matters to be taken into account (subject to any other provision of this Act) in making a selection.
- (10) Any selection must be of one person only.

Textual Amendments

- F1** Words in s. 27(2)(d) substituted (2.5.2007) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 110(a)**
- F2** Words in s. 27(2)(e) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 89(2)** (with arts. 28-31)
- F3** S. 27(5A) inserted (15.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 13 para. 9**; S.I. 2013/1725, art. 2(g)

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