



Constitutional Reform Act 2005

2005 CHAPTER 4

PART 3

THE SUPREME COURT

Appointment of judges

[^{F1}27A Regulations about selection process

- (1) The Lord Chancellor must by regulations made with the agreement of the senior judge of the Supreme Court—
 - (a) make further provision about membership of selection commissions convened under section 26,
 - (b) make further provision about the process that is to be applied in any case where a selection commission is required to be convened under section 26, and
 - (c) secure that, in every such case, there will come a point in the process when a selection has to be accepted, either unconditionally or subject only to matters such as the selected person's willingness and availability, by or on behalf of the Lord Chancellor.
- (2) The regulations may in particular—
 - (a) provide for process additional to the selection process applied by a selection commission under section 27(1), including post-acceptance process;
 - (b) make provision as to things that are, or as to things that are not, to be done by a selection commission—
 - (i) as part of the selection process applied by it under section 27(1), or
 - (ii) in determining what that process is to be;
 - (c) provide for the Lord Chancellor to be entitled to require a selection commission to reconsider a selection under section 27(1) or any subsequent selection;
 - (d) provide for the Lord Chancellor to be entitled to reject a selection under section 27(1) or any subsequent selection;

Status: Point in time view as at 01/10/2013.

Changes to legislation: Constitutional Reform Act 2005, Section 27A is up to date with all changes known to be in force on or before 12 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)

- (e) give other functions to the Lord Chancellor;
 - (f) provide for particular action to be taken by a selection commission after it has complied with section 27;
 - (g) provide for the dissolution of a selection commission;
 - (h) provide for section 16(2)(a) or (b) not to apply in relation to functions of the Lord Chief Justice—
 - (i) as a member of a selection commission (including functions of chairing a selection commission), or
 - (ii) in relation to the nomination or appointment of members of a selection commission;
 - (i) provide for a person to cease to be a member of a selection commission where a requirement about the commission's members ceases to be met by the person's membership of the commission;
 - (j) provide for a person to become a member of a selection commission already convened where another person ceases to be a member of the commission or where a requirement about the commission's members ceases to be met by another person's membership of the commission;
 - (k) provide for payment to a member of a selection commission of amounts by way of allowances or expenses;
 - (l) make provision as to what amounts to practice or employment as a lawyer for the purposes of section 27(11)(b).
- (3) Before making regulations under this section the Lord Chancellor must consult—
- (a) the First Minister in Scotland,
 - (b) the Northern Ireland Judicial Appointments Commission,
 - (c) the First Minister for Wales,
 - (d) the Lord President of the Court of Session,
 - (e) the Lord Chief Justice of Northern Ireland, and
 - (f) the Lord Chief Justice of England and Wales.
- (4) Regulations under this section—
- (a) may make different provision for different purposes;
 - (b) may make transitory, transitional or saving provision.
- (5) In this section “the senior judge”, in relation to the Court, has the meaning given by section 26(5B).]

Textual Amendments

F1 S. 27A inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 5](#); [S.I. 2013/2200](#), art. 3(d) (with savings in [S.I. 2013/2193](#), reg. 23)

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