



Constitutional Reform Act 2005

2005 CHAPTER 4

PART 3

THE SUPREME COURT

Terms of appointment

36 Medical retirement

- (1) This section applies if the Lord Chancellor is satisfied by means of a medical certificate that a person holding office as a judge of the Supreme Court—
 - (a) is disabled by permanent infirmity from the performance of the duties of his office, and
 - (b) is for the time being incapacitated from resigning his office.
- (2) The Lord Chancellor may by instrument under his hand declare the person's office to have been vacated.
- (3) A declaration by instrument under subsection (2) has the same effect for all purposes as if the person had, on the date of the instrument, resigned his office.
- (4) But such a declaration has no effect unless it is made—
 - (a) in the case of an ordinary judge, with the agreement of the President and Deputy President of the Court;
 - (b) in the case of the President, with the agreement of the Deputy President and the senior ordinary judge;
 - (c) in the case of the Deputy President, with the agreement of the President and the senior ordinary judge.