



Constitutional Reform Act 2005

2005 CHAPTER 4

PART 4

JUDICIAL APPOINTMENTS AND DISCIPLINE

CHAPTER 2

APPOINTMENTS

Supplementary provisions about selection

95 Withdrawal and modification of requests

- (1) This section applies to a request under section 69, 78 or 87 [^{F1}or paragraph 2(5) of Schedule 1 to the Tribunals, Courts and Enforcement Act 2007] .
- (2) The Lord Chancellor may withdraw or modify a request only as follows—
 - (a) so far as a request relates to any recommendation or appointment to fill a vacancy, he may withdraw or modify it with the agreement of the Lord Chief Justice;
 - (b) so far as a request relates to any recommendation or appointment otherwise than to fill a vacancy, he may withdraw or modify it after consulting the Lord Chief Justice;
 - (c) he may withdraw a request as respects all recommendations or appointments to which it relates if, after consulting the Lord Chief Justice, he considers the selection process determined by the Commission or selection panel is not satisfactory, or has not been applied satisfactorily.
- (3) If a request is withdrawn in part or modified, the Commission or selection panel may, if it thinks it appropriate because of the withdrawal or modification, change any selection already made pursuant to the request, except a selection already accepted.

Status: Point in time view as at 19/09/2007. This version of this provision has been superseded.

Changes to legislation: Constitutional Reform Act 2005, Section 95 is up to date with all changes known to be in force on or before 26 June 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)

- (4) The Lord Chancellor may not withdraw a request under subsection (2)(c) if he has exercised any of his powers under section 73(2), [F²75E(2),] 82(2) or 90(2) in relation to a selection made pursuant to the request.
- (5) Any withdrawal or modification of a request must be by notice in writing to the Commission.
- (6) The notice must state whether the withdrawal or modification is under subsection (2) (a), (b) or (c).
- (7) In the case of a withdrawal under subsection (2)(c), the notice must state why the Lord Chancellor considers the selection process determined by the Commission or selection panel is not satisfactory, or has not been applied satisfactorily.
- (8) If or to the extent that a request is withdrawn—
 - (a) the preceding provisions of this Part cease to apply in relation to it, and
 - (b) any selection made on it is to be disregarded.
- (9) Withdrawal of a request to any extent does not affect the power of the Lord Chancellor to make another request in the same or different terms.

Textual Amendments

- F1** Words in s. 95(1) inserted (19.9.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 2, 148, **Sch. 1 para. 5(2)**; S.I. 2007/2709, **art. 2(g)**
- F2** Words in s. 95(4) inserted (19.9.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 2, 148, **Sch. 1 para. 5(3)**; S.I. 2007/2709, **art. 2(g)**

Status:

Point in time view as at 19/09/2007. This version of this provision has been superseded.

Changes to legislation:

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