



# Constitutional Reform Act 2005

## 2005 CHAPTER 4

### PART 4

#### JUDICIAL APPOINTMENTS AND DISCIPLINE

### CHAPTER 2

#### APPOINTMENTS

##### *Supplementary provisions about selection*

#### **96 Effect of acceptance of selection**

- (1) This section applies where the Lord Chancellor accepts a selection under this Chapter.
- (2) Subject to the following provisions of this section, the Lord Chancellor—
  - (a) must make the appointment, or recommendation, for which the selection has been made, and
  - (b) must appoint, or recommend, the person selected.
- (3) Before making the appointment or recommendation the Lord Chancellor may direct the Commission to make arrangements in accordance with the direction—
  - (a) for any assessment of the health of the person selected that the Lord Chancellor considers appropriate, and
  - (b) for a report of the assessment to be made to the Lord Chancellor.
- (4) Subsection (5) applies in any of the following circumstances—
  - (a) the Lord Chancellor notifies the Commission that he is not satisfied on the basis of a report under subsection (3)(b), having consulted the Lord Chief Justice, that the health of the person selected is satisfactory for the purposes of the appointment or recommendation;
  - (b) the person selected declines to be appointed or recommended, or does not agree within a time specified to him for that purpose;

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*Status: Point in time view as at 03/04/2006. This version of this provision has been superseded.*

*Changes to legislation: Constitutional Reform Act 2005, Section 96 is up to date with all changes known to be in force on or before 27 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)*

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- (c) the person selected is otherwise not available within a reasonable time to be appointed or recommended.
- (5) Where this subsection applies—
- (a) the selection accepted and any previous selection for the same appointment or recommendation are to be disregarded;
  - (b) the request pursuant to which the selection was made continues to have effect;
  - (c) any subsequent selection pursuant to that request may be made in accordance with the same or a different selection process.

**Status:**

Point in time view as at 03/04/2006. This version of this provision has been superseded.

**Changes to legislation:**

Constitutional Reform Act 2005, Section 96 is up to date with all changes known to be in force on or before 27 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.