

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Paragraph 4 is up to date with all changes known to be in force on or before 24 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)*

## SCHEDULES

### SCHEDULE 3

#### JUDGES AND OTHER MEMBERS OF THE UPPER TRIBUNAL

##### *Terms of appointment*

- 4 (1) This paragraph applies—
- (a) to a person appointed under paragraph 1(1) or 2(1),
  - (b) to a transferred-in judge of the Upper Tribunal, and
  - (c) to a transferred-in other member of the Upper Tribunal.
- (2) If the terms of the person's appointment provide that he is appointed on a salaried (as opposed to fee-paid) basis, the person may be removed from office—
- (a) only by the Lord Chancellor (and in accordance with paragraph 3), and
  - (b) only on the ground of inability or misbehaviour.
- [<sup>F1</sup>(2A) If the terms of the person's appointment provide that the person is appointed on a fee-paid basis, the person may be removed from office—
- (a) only by the Lord Chancellor (and in accordance with paragraph 3), and
  - (b) only on—
    - (i) the ground of inability or misbehaviour, or
    - (ii) a ground specified in the person's terms of appointment.
- (2B) If the period (or extended period) for which the person is appointed ends before—
- (a) the day on which the person attains the age of [<sup>F2</sup>75]
  - <sup>F3</sup>(b) .....
- then, subject to sub-paragraph (2C), the Lord Chancellor must extend the period of the person's appointment (including a period already extended under this sub-paragraph) before it ends.
- (2C) Extension under sub-paragraph (2B)—
- (a) requires the person's agreement,
  - (b) is to be for such period as the Lord Chancellor considers appropriate, and
  - (c) may be refused on—
    - (i) the ground of inability or misbehaviour, or
    - (ii) a ground specified in the person's terms of appointment,but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.]
- (3) Subject to [<sup>F4</sup>the preceding provisions of this paragraph (but subject in the first place] to the Judicial Pensions and Retirement Act 1993 (c. 8)), the person is to hold and vacate office as a judge, or other member, of the Upper Tribunal in accordance with the terms of his appointment[<sup>F5</sup>, which are to be such as the Lord Chancellor may determine].

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#### **Textual Amendments**

- F1** Sch. 3 para. 4(2A)-(2C) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 13 para. 46(4)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F2** Word in Sch. 3 para. 4(2B)(a) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), **Sch. 1 para. 36(3)(a)** (with Sch. 1 para. 43)
- F3** Sch. 3 para. 4(2B)(b) omitted (10.3.2022) by virtue of [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), **Sch. 1 para. 36(3)(b)** (with Sch. 1 para. 43)
- F4** Words in Sch. 3 para. 4(3) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 13 para. 46(5)(a)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F5** Words in Sch. 3 para. 4(3) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 13 para. 46(5)(b)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

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