

SCHEDULES

SCHEDULE 14

DEPLOYMENT OF THE JUDICIARY

PART 3

DEPLOYMENT OF JUDGES TO THE COURT OF PROTECTION

- 5 (1) Section 46 of the Mental Capacity Act 2005 (judges of the Court of Protection) is amended as follows.
- (2) In subsection (2) (persons who may be nominated as court’s judges) omit the “or” at the end of paragraph (d) and, after paragraph (e), insert “,
- (f) a District Judge (Magistrates’ Courts),
 - (g) a judge of the First-tier Tribunal, or of the Upper Tribunal, by virtue of appointment under paragraph 1(1) of Schedule 2 or 3 to the Tribunals, Courts and Enforcement Act 2007,
 - (h) a transferred-in judge of the First-tier Tribunal or of the Upper Tribunal (see section 31(2) of that Act),
 - (i) a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act),
 - (j) the Chamber President, or Deputy Chamber President, of a chamber of the First-tier Tribunal or of a chamber of the Upper Tribunal,
 - (k) the Judge Advocate General,
 - (l) a Recorder,
 - (m) the holder of an office listed in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc),
 - (n) a holder of an office listed in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc),
 - (o) a deputy district judge appointed under section 102 of that Act or under section 8 of the County Courts Act 1984,
 - (p) a member of a panel of Employment Judges established for England and Wales or for Scotland,
 - (q) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General),
 - (r) a deputy judge of the High Court,
 - (s) the Senior President of Tribunals,
 - (t) an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court),
 - (u) the President of the Queen’s Bench Division,
 - (v) the Master of the Rolls, or

Status: This is the original version (as it was originally enacted).

(w) the Lord Chief Justice.”

- (3) In subsection (2)(b) for “Vice-Chancellor” substitute “Chancellor of the High Court”.
- (4) In subsection (4) (a judge nominated under subsection (2)(d) or (e) must be appointed senior judge of the court) for “or (e)” substitute “to (q)”.
- (5) In section 4(5)(f) of the Human Rights Act 1998 (things done by certain judges in Court of Protection) for “Vice-Chancellor” substitute “Chancellor of the High Court”.