

2010 No. 600

CRIMINAL LAW, ENGLAND AND WALES

The Sentencing Council for England and Wales (Supplementary Provisions) Order 2010

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| <i>Made</i> - - - - | <i>3rd March 2010</i> |
| <i>Laid before Parliament</i> | <i>4th March 2010</i> |
| <i>Coming into force</i> - - | <i>15th March 2010</i> |

The Lord Chancellor, in exercise of the powers conferred by paragraph 7 of Schedule 15 to the Coroners and Justice Act 2009(a), makes the following Order.

The Lord Chancellor has consulted the Lord Chief Justice in accordance with paragraph 7(2)(a) of that Schedule regarding the provisions contained in article 2 insofar as they relate to judicial members, and the Lord Chief Justice has, in accordance with paragraph 7(2)(b) of that Schedule, agreed to the inclusion of the provision contained in article 3(2).

Citation, interpretation and commencement

- 1.—(1) This Order may be cited as the Sentencing Council for England and Wales (Supplementary Provisions) Order 2010 and shall come into force on 15 March 2010.
(2) In this Order, “the Council” means the Sentencing Council for England and Wales.

Term of office, resignation and re-appointment of Council members

- 2.—(1) In relation to the Council—
- (a) the term of office of any judicial member appointed in accordance with section 3(3) of the Senior Courts Act 1981(b) as vice-president of the criminal division of the Court of Appeal shall last for so long as that member holds that appointment;
 - (b) the term of office of any non-judicial member holding the office of Director of Public Prosecutions shall last for so long as that member holds that office;
 - (c) the initial term of office of any other judicial member or non-judicial member shall not exceed a period of 3 years.
- (2) A member may resign at any time from the Council by giving 4 weeks notice in writing—
- (a) in the case of a judicial member, to the Lord Chief Justice; and
 - (b) in the case of a non-judicial member, to the Lord Chancellor.

(a) 2009 c.25
(b) 1981 c.54. Section 3(3) was amended by the Constitutional Reform Act 2005 (c.4), Schedule 4, paragraph 116. The 2005 Act also renamed the 1981 Act as the Senior Courts Act 1981.

(3) A member to whom paragraph (1)(c) applies shall, on the expiry of the initial term of office, be eligible for re-appointment to the Council for one or more further terms.

(4) The initial term plus any further term or terms of office of any member to whom paragraph (1)(c) applies shall not exceed 10 years in total.

Removal of members

3.—(1) The Lord Chancellor may remove a non-judicial member from the Council if the Lord Chancellor is satisfied that that member is—

- (a) incapable of continuing to be a member of the Council; or
- (b) has misbehaved in such a way as to be unfit to be a member of the Council.

(2) The Lord Chancellor may, with the agreement of the Lord Chief Justice, remove a judicial member from the Council if the Lord Chancellor is satisfied that that member is—

- (a) incapable of continuing to be a member of the Council; or
- (b) has misbehaved in such a way as to be unfit to be a member of the Council.

Signed by the authority of the Lord Chancellor

Claire M Ward
Parliamentary Under Secretary of State
Ministry of Justice

3rd March 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the term of office, resignation, re-appointment and removal of members of the Sentencing Council for England and Wales. Schedule 15 of the Coroners and Justice Act 2009 (c.25) makes provision for the constitution of the Council and eligibility for membership.

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