
STATUTORY INSTRUMENTS

2013 No. 2191

The Judicial Appointments Commission Regulations 2013

Panels

13.—(1) A panel appointed under regulation 9(2) must have four members (subject to paragraph (9)).

(2) Where the selection is for a person within regulation 4(2)(f), the first member must be a person selected by the Lord Chancellor with the agreement of the Senior President of Tribunals.

(3) Where the selection is for a non-legally qualified judicial member, the first member must be a person selected by the Lord Chancellor with the agreement of the Lord Chief Justice (or, if the office of Lord Chief Justice is vacant, with the agreement of the senior Head of Division) and the Senior President of Tribunals.

(4) Where the selection is for any other Commissioner, the first member must be a person selected by the Lord Chancellor with the agreement of the Lord Chief Justice (or, if the office of Lord Chief Justice is vacant, with the agreement of the senior Head of Division).

(5) The first member is to be chairman of the panel.

(6) The second member must be the Lord Chief Justice or a nominee of the Lord Chief Justice, unless the office of Lord Chief Justice is vacant.

(7) If that office is vacant, the second member must be the senior Head of Division or a nominee of the Senior Head of Division.

(8) The third member must be a person nominated by the first member.

(9) The chairman of the Commission is the fourth member of the panel unless his or her office is vacant or it is the office for which a recommendation is to be made.

(10) A person must not be a member of the panel if that person is employed in the civil service of the State.

(11) A person must not be the first member if he or she is one of the following—

- (a) a Commissioner;
- (b) a member of the staff of the Commission;
- (c) a practising or employed—
 - (i) barrister in England and Wales;
 - (ii) solicitor of the Senior Courts of England and Wales;
 - (iii) fellow of the Chartered Institute of Legal Executives;
 - (iv) advocate in Scotland;
 - (v) solicitor in Scotland;
 - (vi) member of the Bar of Northern Ireland;
 - (vii) solicitor of the Court of Judicature of Northern Ireland;
- (d) the holder of an office listed in Schedule 14 to the 2005 Act;
- (e) a member of the House of Commons.

- (12) A person must not be the third member if that person is a member of the House of Commons.
- (13) The Lord Chancellor, before selecting a person to be appointed as the first member, and the Lord Chief Justice or the Senior President of Tribunals, before agreeing to the selection, must consider these questions—
- (a) whether the person has exercised functions that appear to be of a judicial nature and such as to make the person inappropriate for the appointment;
 - (b) whether any past service in a capacity listed in paragraph (10) or (11) appears to make the person inappropriate for the appointment;
 - (c) whether the extent of any present or past party political activity or affiliations appears to make the person inappropriate for the appointment.
- (14) The first member must consider the same questions before nominating a person to be appointed as the third member.
- (15) In this regulation “senior Head of Division” means—
- (a) the Master of the Rolls,
 - (b) if that office is vacant, the President of the Queen’s Bench Division;
 - (c) if both those offices are vacant, the President of the Family Division;
 - (d) if all of those offices are vacant, the Chancellor of the High Court.