
STATUTORY INSTRUMENTS

2013 No. 2192

The Judicial Appointments Regulations 2013

PART 6

Selection of puisne judges and other office holders

The appropriate authority's options

32.—(1) Before exercising the powers under this regulation at any stage in relation to a selection for an appointment or recommendation the appropriate authority must—

- (a) consult any person whom the appropriate authority is required by any enactment to consult before the appointment or recommendation is made;
- (b) consult the Scottish Ministers if it appears to the appropriate authority to be an appointment or recommendation for the appointment, of a person to exercise functions wholly or mainly in Scotland.

(2) This regulation refers to the following stages—

- (a) Stage 1 – where a person has been selected under section 88(1).
- (b) Stage 2 – where a person has been selected following a rejection or reconsideration at stage 1.
- (c) Stage 3 – where a person has been selected following a rejection or reconsideration at stage 2.

(3) At stage 1 the appropriate authority must do one of the following—

- (a) accept the selection;
- (b) reject the selection; or
- (c) require the Commission to reconsider the selection.

(4) At stage 2 the appropriate authority must do one of the following—

- (a) accept the selection;
- (b) reject the selection, but only if it was made following a reconsideration at stage 1; or
- (c) require the Commission to reconsider the selection, but only if it was made following a rejection at stage 1.

(5) At stage 3 the appropriate authority must accept the selection unless paragraph (6) applies and the appropriate authority accepts a selection under it.

(6) If a person whose selection the appropriate authority required to be reconsidered at stage 1 or 2 was not selected again at the next stage, the appropriate authority may, at stage 3, accept the selection made at that earlier stage.