

SCHEDULES

SCHEDULE 15

Section 118

THE SENTENCING COUNCIL FOR ENGLAND AND WALES

Constitution of the Council

- 1 The Council is to consist of—
- (a) 8 members appointed by the Lord Chief Justice with the agreement of the Lord Chancellor (“judicial members”);
 - (b) 6 members appointed by the Lord Chancellor with the agreement of the Lord Chief Justice (“non-judicial members”).

Appointment of a person to chair the Council etc

- 2 The Lord Chief Justice must, with the agreement of the Lord Chancellor, appoint—
- (a) a judicial member to chair the Council (“the chairing member”), and
 - (b) another judicial member to chair the Council in the absence of the chairing member.

Appointment of judicial members

- 3 (1) A person is eligible for appointment as a judicial member if the person is—
- (a) a judge of the Court of Appeal,
 - (b) a puisne judge of the High Court,
 - (c) a Circuit judge,
 - (d) a District Judge (Magistrates’ Courts), or
 - (e) a lay justice.
- (2) The judicial members must include at least one Circuit judge, one District Judge (Magistrates’ Courts) and one lay justice.
- (3) When appointing judicial members, the Lord Chief Justice must have regard to the desirability of the judicial members including at least one person who appears to the Lord Chief Justice to have responsibilities relating to the training of judicial office-holders who exercise criminal jurisdiction in England and Wales.
- (4) “Judicial office-holder” has the meaning given by section 109(4) of the [Constitutional Reform Act 2005 \(c. 4\)](#).

Appointment of non-judicial members

- 4 (1) A person is eligible for appointment as a non-judicial member if the person appears to the Lord Chancellor to have experience in one or more of the following areas—
- (a) criminal defence;
 - (b) criminal prosecution;

Status: This is the original version (as it was originally enacted).

- (c) policing;
- (d) sentencing policy and the administration of justice;
- (e) the promotion of the welfare of victims of crime;
- (f) academic study or research relating to criminal law or criminology;
- (g) the use of statistics;
- (h) the rehabilitation of offenders.

- (2) The persons eligible for appointment as a non-judicial member by virtue of experience of criminal prosecution include the Director of Public Prosecutions.

President of the Council

- 5 (1) The Lord Chief Justice is to have the title of President of the Sentencing Council for England and Wales.
- (2) The President is not a member of the Council.

Lord Chancellor's representative

- 6 (1) The Lord Chancellor may appoint a person to attend and speak at any meeting of the Council.
- (2) The person appointed under sub-paragraph (1) must be a person appearing to the Lord Chancellor to have experience of sentencing policy.

Terms of appointment

- 7 (1) The Lord Chancellor may by order make provision—
- (a) as to the term of office, resignation and re-appointment of judicial members and non-judicial members;
 - (b) enabling the Lord Chancellor to remove a judicial member from office, with the agreement of the Lord Chief Justice, on the grounds of incapacity or misbehaviour;
 - (c) enabling the Lord Chancellor to remove a non-judicial member from office on the grounds of incapacity or misbehaviour.
- (2) The following provisions apply to an order under sub-paragraph (1)—
- (a) if the order includes provision falling within sub-paragraph (1)(a), the Lord Chancellor must consult the Lord Chief Justice about that provision before making the order;
 - (b) if the order includes provision falling within sub-paragraph (1)(b), the order may not be made unless the Lord Chief Justice agrees to the inclusion of that provision.

Vacancies etc

- 8 The validity of anything done by the Council is not affected by any vacancy among its members, by any defect in the appointment of a member or by any failure to comply with paragraph 2, 3 or 4.

Remuneration etc

- 9 (1) The Lord Chancellor may pay—
- (a) to any judicial member who is appointed by virtue of being a lay justice, such remuneration or expenses as the Lord Chancellor may determine, and
 - (b) to any other judicial member, such expenses as the Lord Chancellor may determine.
- (2) The Lord Chancellor may pay to any non-judicial member such remuneration or expenses as the Lord Chancellor may determine (except that, where the Director of Public Prosecutions is such a member, no remuneration may be paid to the Director).

Interpretation

- 10 In this Schedule “lay justice” means a justice of the peace who is not a District Judge (Magistrates’ Courts).