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**Changes to legislation:** There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Selection of persons to be recommended for appointment to the Court. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 13

#### JUDICIAL APPOINTMENTS

##### PART 1

##### JUDGES OF THE SUPREME COURT: NUMBER AND SELECTION

##### *Selection of persons to be recommended for appointment to the Court*

- 4 (1) In section 27 (selection process) after subsection (1) insert—
- “(1A) The commission must have an odd number of members not less than five.
- (1B) The members of the commission must include—
- (a) at least one who is non-legally-qualified,
  - (b) at least one judge of the Court,
  - (c) at least one member of the Judicial Appointments Commission,
  - (d) at least one member of the Judicial Appointments Board for Scotland, and
  - (e) at least one member of the Northern Ireland Judicial Appointments Commission,
- and more than one of the requirements may be met by the same person's membership of the commission.
- (1C) If the commission is convened for the selection of a person to be recommended for appointment as President of the Court—
- (a) its members may not include the President of the Court, and
  - (b) it is to be chaired by one of its non-legally-qualified members.
- (1D) If the commission is convened for the selection of a person to be recommended for appointment as Deputy President of the Court, its members may not include the Deputy President of the Court.”
- (2) At the end of that section insert—
- “(11) For the purposes of this section a person is non-legally-qualified if the person—
- (a) does not hold, and has never held, any of the offices listed in Schedule 1 to the House of Commons Disqualification Act 1975 (judicial offices disqualifying for membership of the House of Commons), and
  - (b) is not practising or employed as a lawyer, and never has practised or been employed as a lawyer.”

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### Commencement Information

**II** Sch. 13 para. 4 in force at 1.10.2013 by S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

5 After section 27 insert—

#### “27A Regulations about selection process

- (1) The Lord Chancellor must by regulations made with the agreement of the senior judge of the Supreme Court—
  - (a) make further provision about membership of selection commissions convened under section 26,
  - (b) make further provision about the process that is to be applied in any case where a selection commission is required to be convened under section 26, and
  - (c) secure that, in every such case, there will come a point in the process when a selection has to be accepted, either unconditionally or subject only to matters such as the selected person's willingness and availability, by or on behalf of the Lord Chancellor.
- (2) The regulations may in particular—
  - (a) provide for process additional to the selection process applied by a selection commission under section 27(1), including post-acceptance process;
  - (b) make provision as to things that are, or as to things that are not, to be done by a selection commission—
    - (i) as part of the selection process applied by it under section 27(1), or
    - (ii) in determining what that process is to be;
  - (c) provide for the Lord Chancellor to be entitled to require a selection commission to reconsider a selection under section 27(1) or any subsequent selection;
  - (d) provide for the Lord Chancellor to be entitled to reject a selection under section 27(1) or any subsequent selection;
  - (e) give other functions to the Lord Chancellor;
  - (f) provide for particular action to be taken by a selection commission after it has complied with section 27;
  - (g) provide for the dissolution of a selection commission;
  - (h) provide for section 16(2)(a) or (b) not to apply in relation to functions of the Lord Chief Justice—
    - (i) as a member of a selection commission (including functions of chairing a selection commission), or
    - (ii) in relation to the nomination or appointment of members of a selection commission;
  - (i) provide for a person to cease to be a member of a selection commission where a requirement about the commission's members ceases to be met by the person's membership of the commission;
  - (j) provide for a person to become a member of a selection commission already convened where another person ceases to be a member of the commission or where a requirement about the commission's

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- members ceases to be met by another person's membership of the commission;
- (k) provide for payment to a member of a selection commission of amounts by way of allowances or expenses;
  - (l) make provision as to what amounts to practice or employment as a lawyer for the purposes of section 27(11)(b).
- (3) Before making regulations under this section the Lord Chancellor must consult—
- (a) the First Minister in Scotland,
  - (b) the Northern Ireland Judicial Appointments Commission,
  - (c) the First Minister for Wales,
  - (d) the Lord President of the Court of Session,
  - (e) the Lord Chief Justice of Northern Ireland, and
  - (f) the Lord Chief Justice of England and Wales.
- (4) Regulations under this section—
- (a) may make different provision for different purposes;
  - (b) may make transitory, transitional or saving provision.
- (5) In this section “the senior judge”, in relation to the Court, has the meaning given by section 26(5B).”

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**Commencement Information**

**I2** Sch. 13 para. 5 in force at 1.10.2013 by [S.I. 2013/2200](#), [art. 3\(d\)](#) (with savings in [S.I. 2013/2193](#), reg. 23)

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