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**Changes to legislation:** Wales Act 2017, Part 1 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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# SCHEDULES

## SCHEDULE 5

### PRESIDENT OF WELSH TRIBUNALS

#### PART 1

##### APPOINTMENT

###### *Duty to fill vacancies*

- 1 (1) If there is a vacancy in the office of President of Welsh Tribunals, the Lord Chief Justice must appoint a person to that office.
- (2) Sub-paragraph (1) does not apply to a vacancy while the Lord Chief Justice, the Lord Chancellor and the Welsh Ministers all agree that it may remain unfilled.
- (3) In this Schedule “the Lord Chief Justice” means the Lord Chief Justice of England and Wales.

#### **Commencement Information**

- II** Sch. 5 para. 1 in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by S.I. 2017/351, reg. 2

###### *The two routes to appointment: agreement under this paragraph or selection under Part 2*

- 2 (1) The Lord Chief Justice, before he or she may appoint a person to the office of President of Welsh Tribunals, must consult—
- (a) the Lord Chancellor, and
  - (b) the Welsh Ministers.
- (2) Sub-paragraphs (3) and (4) apply if—
- (a) the outcome of consultation under sub-paragraph (1) is agreement between the Lord Chief Justice, the Lord Chancellor and the Welsh Ministers as to the person to be appointed, and
  - (b) the person holds or has held office as—
    - (i) an ordinary judge of the Court of Appeal in England and Wales, or
    - (ii) a puisne judge of the High Court.
- (3) The Lord Chief Justice must appoint the person to the office of President of Welsh Tribunals, subject to sub-paragraph (4).
- (4) Where the person—

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- (a) declines to be appointed, or does not agree within a time specified to him or her for that purpose, or
  - (b) is otherwise not available within a reasonable time to be appointed,
- the Lord Chief Justice must, instead of appointing the person, consult afresh under sub-paragraph (1).
- (5) If the Lord Chief Justice has consulted under sub-paragraph (1) but sub-paragraphs (3) and (4) do not apply following that consultation, he or she must make a request to the Judicial Appointments Commission (“the Commission”) for a person to be selected for appointment to the office of President of Welsh Tribunals.

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**Commencement Information**

- I2** [Sch. 5 para. 2](#) in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by [S.I. 2017/351](#), [reg. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) transitional and savings provisions for commencing S.I. 2017/1179 by [S.I. 2018/278](#) [reg. 2](#)[Sch.](#)