

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.

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—
 - (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).

Status: This is the original version (as it was originally enacted).

- (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.