

**2005 No. 2505 (C.106)**

**SUPREME COURT OF ENGLAND AND WALES**

**JUDICIAL APPOINTMENTS AND DISCIPLINE**

**Constitutional Reform Act 2005 (Commencement No. 3) Order  
2005**

Made - - - -

*2nd September 2005*

The Lord Chancellor, in exercise of the powers conferred upon him by section 148(1) of the Constitutional Reform Act 2005(a) (“the Act”) hereby makes the following Order:

**Citation and interpretation**

1. This Order may be cited as the Constitutional Reform Act 2005 (Commencement No. 3) Order 2005.

**Commencement**

2. The following provisions of the Act come into force on 1st October 2005:

- (a) sections 65(1) to (3), 66 and 85(3);
- (b) for the purpose of making regulations or rules, sections 115 to 118 and paragraph 26 of Schedule 12;
- (c) in Schedule 4, paragraphs 115(2)(c) and (5)(b), 117(2)(b) and (4)(b), 118(3), 120(3)(b), 122(2)(a) and (4), 123(4), 125, 142, 212(3), 216, 229, 280(2), 309, 345 and 351.

2nd September 2005

*Falconer of Thoroton, C.*

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st October 2005 certain provisions of the Constitutional Reform Act 2005 (c. 4) (“the Act”).

Sections 65(1) to (3) and 66 are powers of the Lord Chancellor to issue guidance about judicial appointments procedures. Section 85(3) is a power for the Lord Chancellor by order to amend Schedule 14 to the Act, which determines the offices to which the appointment provisions in sections 86 to 93 of the Act will apply. Sections 115 to 118 are powers of the Lord Chancellor to make regulations (which may include a power to make rules) in connection with judicial appointments and discipline. Paragraph 26 of Schedule 12 allows the Lord Chancellor to make regulations concerning the employment of persons by the Judicial Appointments Commission. In Schedule 4, paragraphs 115(2)(c) and (5)(b), 117(2)(b) and (4)(b), 118(3), 120(3)(b), 122(2)(a) and (4), 123(4) and 125 amend the Supreme Court Act 1981 (c. 54) to establish the distinct office of President of the Queen’s Bench Division of the High Court of England and Wales (previously held by the Lord Chief Justice), and to rename the office of Vice Chancellor as Chancellor of the High Court. Paragraphs 142, 212(3), 216, 229, 280(2), 309, 345 and 351 of Schedule 4 make amendments to other legislation consequent upon these changes.

The Constitutional Reform Act 2005 (Transitional and Consequential Provisions) Order 2005 (S.I. 2005/ 2506), made under section 143 of the Act makes certain transitional and consequential provisions in relation to the provisions brought into force by this Order.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s123 (partially) and s132	15.6.2005	2005/1431
s15(2) (partially) and paragraphs 122(4), 126(4) and 130 of Schedule 5	24.8.2005	2005/

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