
STATUTORY INSTRUMENTS

2013 No. 2192

The Judicial Appointments Regulations 2013

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Judicial Appointments Regulations 2013 and come into force—

- (a) on 1st October 2013; or
- (b) if made on or after that date, the day after the day on which they are made.

Interpretation

2.—(1) In these Regulations reference to a section, or Schedule, means unless the contrary is indicated, a section of, or Schedule to, the Constitutional Reform Act 2005.

(2) In these Regulations—

- (a) “Judicial Appointments Board for Scotland” means the body established by section 9 of the Judiciary and Courts (Scotland) Act 2008⁽¹⁾;
- (b) “Northern Ireland Judicial Appointments Commission” means the body established by section 3 of the Justice (Northern Ireland) Act 2002⁽²⁾.

(3) In these Regulations “England and Wales Supreme Court judge” means a judge of the Supreme Court of the United Kingdom who has held office as a judge of the Court of Appeal or the High Court in England and Wales before appointment to the Supreme Court.

(4) Seniority amongst the judges of the Supreme Court who are England and Wales Supreme Court judges is to be determined for the purposes of these Regulations as follows—

- (a) the President of the Supreme Court, if an England and Wales Supreme Court judge, is senior to other England and Wales Supreme Court judges;
- (b) the Deputy President of the Supreme Court, if an England and Wales Supreme Court judge, is senior to ordinary England and Wales Supreme Court judges;
- (c) one ordinary England and Wales Supreme Court judge is senior to another if that first judge has served longer as a judge of the Supreme Court (whether over one or more periods and whether or not including one or more previous periods as President or Deputy President of the Court).

(1) 2008 asp 6.

(2) 2002 c.26. Section 3 is amended by sections 1 and 2 of, and Schedule 1 to, the Justice (Northern Ireland) Act 2004 (c.4) but certain functions of the Lord Chancellor under section 3 have been transferred to the First Minister and deputy First Minister in Northern Ireland acting jointly by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976).

(5) In paragraph (4) “ordinary England and Wales Supreme Court judge” means an England and Wales Supreme Court judge who is neither the President of the Supreme Court nor the Deputy President of the Supreme Court.

(6) Service as a Lord of Appeal in Ordinary counts as service as a judge of the Supreme Court for the purposes of paragraph (4)(c).

(7) References in these Regulations to a person being incapacitated are to the person being incapacitated in the opinion of the Lord Chancellor.

(8) In these Regulations “appropriate authority” has the meaning given in section 94C(4)(3).

Section 16 (functions of the Lord Chief Justice during vacancy or incapacity)

3. Section 16(2)(a) or (b) does not apply to functions of the Lord Chief Justice or any requirement to consult the Lord Chief Justice under regulations 5, 6(1) and 11.

Non-legally qualified person

4. For the purposes of sections 70, 75B and 79(4) a person is non-legally qualified if that person has never—

- (a) held an office listed in Schedule 14;
- (b) been a member of a panel appointed under regulation 8(1) or 8(3)(b) or (c) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004(5); or
- (c) practised as, or been employed as, a lawyer.

(3) 2005 c.4. Section 94C is inserted by paragraph 53(3) of Schedule 13 to the Crime and Courts Act 2013.

(4) Sections 70, 75B and 79 are amended by paragraphs 58, 60 and 63 of Schedule 13 to the Crime and Courts Act 2013.

(5) S.I. 2004/1861. Regulation 8(3) has been amended by S.I. 2008/3240.