

Changes to legislation: Criminal Justice Act 1988, SCHEDULE 12 is up to date with all changes known to be in force on or before 09 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

SCHEDULES

SCHEDULE 12

Section 133.

ASSESSORS OF COMPENSATION FOR MISCARRIAGES OF JUSTICE

- 1 A person may only be appointed to be an assessor for the purposes of section 133 above if he is—
- [^{F1}(a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate or solicitor in Scotland;
 - (c) a member of the Bar of Northern Ireland or [^{F2}solicitor of the Court of Judicature of Northern Ireland] of at least 7 years' standing;][^{F3}or]
 - (d) a person who holds or has held judicial office in any part of the United Kingdom; or
 - (e) [^{F4}a member (whether the chairman or not) of the Criminal Injuries Compensation Board.]

Textual Amendments

- F1** Sch. 12 para. 1(a)–(c) substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), Sch. 10, para. 72(1)
- F2** Words in Sch. 12 para. 2 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, Sch. 11 para. 5; S.I. 2009/1604, art. 2(d)
- F3** Word in Sch. 12 para. 1 inserted (S.) (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 113(2)(a), 206(1); S.S.I. 2010/413, art. 2, Sch. (with art. 7)
- F4** Sch. 12 para. 1(e) repealed (S.) (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 113(2)(b), 206(1); S.S.I. 2010/413, art. 2, Sch. (with art. 7)

- 2 A person shall hold and vacate office as an assessor in accordance with the terms of his appointment.
- 3 A person shall vacate office as an assessor—
- (a) if he ceases to be qualified for appointment as an assessor; or
 - (b) on attaining the age of 72;
- unless the Secretary of State considers that it is in the interests of the efficient operation of section 133 above that he should continue to hold office.
- 4 A person may at any time resign his office as an assessor by giving the Secretary of State notice in writing to that effect.
- 5 Subject to paragraph 6 below, the Secretary of State may at any time remove a person from office as an assessor if satisfied that—
- (a) he has been convicted of a criminal offence;
 - (b) he has become bankrupt or has had his estate sequestrated or has made an arrangement with, or granted a trust deed for, his creditors;

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- [^{F5}(ba) a debt relief order (under Part 7A of the Insolvency Act 1986) has been made in respect of him;]
- [^{F6}(bb) he has become the subject of a bankruptcy restrictions order under Schedule 2A to the Insolvency (Northern Ireland) Order 1989]
- [^{F7}(bc) debt relief order (under Part 7A of the Insolvency (Northern Ireland) Order 1989) has been made in respect of him;
- (bd) he has become the subject of a debt relief restrictions order (under Part 7A of the Insolvency (Northern Ireland) Order 1989);]
- (c) he is incapacitated by physical or mental illness; or
- (d) he is otherwise unable or unfit to perform his duties.

Textual Amendments

- F5** Sch. 12 para. 5(ba) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 24(3)** (with art. 5)
- F6** Sch. 12 para. 5(bb) inserted (N.I.) (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. Pt para. 9(3)**
- F7** Sch. 12 para. 5(bc)(bd) inserted (N.I.) (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 12(3)**

- [^{F8}6 (1) The exercise of the power conferred by paragraph 5 is subject to the following provisions of this paragraph.
- (2) In the case of a person who qualifies for appointment under—
 - (a) paragraph (1)(a), or
 - (b) paragraph (1)(d) by virtue of holding or having held judicial office in England and Wales,
 that power shall only be exercisable with the consent of the Lord Chancellor, which may only be given with the concurrence of the Lord Chief Justice of England and Wales.
- (3) In the case of a person who qualifies for appointment under—
 - (a) paragraph (1)(b), or
 - (b) paragraph (1)(d) by virtue of holding or having held judicial office in Scotland,
 that power shall only be exercisable with the consent of the Lord President of the Court of Session.
- (4) In the case of a person who qualifies for appointment under—
 - (a) paragraph (1)(c), or
 - (b) paragraph (1)(d) by virtue of holding or having held judicial office in Northern Ireland,
 that power shall only be exercisable with the consent of the ^{F9}... Lord Chief Justice of Northern Ireland.]

Textual Amendments

- F8** Sch. 12 para. 6 substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148(1), **Sch. 4 para. 196**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 11(r)

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F9 Words in Sch. 12 para. 6(4) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 6 para. 4(2)** (with arts. 28-31)

7 An assessor shall be paid such remuneration and allowances as the Secretary of State may, with the approval of the Treasury, determine.

[^{F10}8. In relation to an assessor appointed by the Department of Justice in Northern Ireland, in this Schedule—

- (a) references to the Secretary of State are to be read as references to the Department of Justice;
- (b) references to the Treasury are to be read as references to the Department of Finance and Personnel in Northern Ireland.]

Textual Amendments

F10 Sch. 12 para. 8 inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 6 para. 4(3)** (with arts. 28-31)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 36(2)(b)(v) and word inserted by [2019 c. 17 s. 13\(3\)\(b\)](#)
- s. 36(3A)(3B) substituted for s. 36(3A) by [2008 c. 4 s. 46\(2\)](#)
- s. 41(4A) inserted by [2004 c. 28 Sch. 10 para. 28](#)
- s. 139AZA(1)(a)(iii) and word inserted by [2019 c. 17 s. 13\(4\)\(b\)](#)