

CONSTITUTIONAL REFORM ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 Dissolution

Any Selection commission

93. [Part 2](#) of this Schedule sets out the circumstances in which a selection commission is dissolved.
94. In the normal course of events the commission would be dissolved when the Lord Chancellor notifies a selection made by the commission. That is to say, when a selection of a person by the commission is accepted by the Lord Chancellor and the Lord Chancellor notifies the Prime Minister for recommendation of that person for appointment, the commission is dissolved, being *functus officio* (paragraph 10).
95. [Paragraphs 11 – 12](#) provide that the commission will also be dissolved in various circumstances in which it ceases to be properly constituted. These are: if a member of the commission dies or becomes incapacitated; if a person nominated from a territorial commission either resigns his membership of the selection commission or ceases to be a member of the territorial commission from which he has been appointed; if someone who is a member of the commission by virtue of holding high judicial office ceases to hold that office; or if the non-legally qualified member (or members) of the commission ceases (or all cease) to be non-legally qualified.
96. [Paragraphs 11\(2\) and 12\(2\)](#) provide that in such cases, rather than the commission continuing with fewer members, or a changed balance of backgrounds, or a different balance of representation, a new selection commission has to be convened by the Lord Chancellor as soon as practicable after dissolution.