



Constitutional Reform Act 2005

2005 CHAPTER 4

PART 4

JUDICIAL APPOINTMENTS AND DISCIPLINE

CHAPTER 2

APPOINTMENTS

General provisions

63 Merit and good character

- (1) Subsections (2) [^{F1}to (4)] apply to any selection under this Part by the Commission or a selection panel (“the selecting body”).
- (2) Selection must be solely on merit.
- (3) A person must not be selected unless the selecting body is satisfied that he is of good character.
- [^{F2}(4) Neither “solely” in subsection (2), nor Part 5 of the Equality Act 2010 (public appointments etc), prevents the selecting body, where two persons are of equal merit, from preferring one of them over the other for the purpose of increasing diversity within—
 - (a) the group of persons who hold offices for which there is selection under this Part, or
 - (b) a sub-group of that group.]

Textual Amendments

- F1** Words in s. 63(1) substituted (15.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 10\(2\)](#); S.I. 2013/1725, art. 2(g)

Changes to legislation: Constitutional Reform Act 2005, Cross Heading: General provisions is up to date with all changes known to be in force on or before 19 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

F2 S. 63(4) inserted (15.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 10\(3\)](#); [S.I. 2013/1725](#), art. 2(g)

64 Encouragement of diversity

- (1) The Commission, in performing its functions under this Part, must have regard to the need to encourage diversity in the range of persons available for selection for appointments.
- (2) This section is subject to section 63.

65 Guidance about procedures

- (1) The Lord Chancellor may issue guidance about procedures for the performance by the Commission or a selection panel of its functions of—
 - (a) identifying persons willing to be considered for selection under this Part, and
 - (b) assessing such persons for the purposes of selection.
- (2) The guidance may, among other things, relate to consultation or other steps in determining such procedures.
- (3) The purposes for which guidance may be issued under this section include the encouragement of diversity in the range of persons available for selection.
- (4) The Commission and any selection panel must have regard to the guidance in matters to which it relates.

Commencement Information

II S. 65 wholly in force at 3.4.2006; s. 65 not in force at Royal Assent see. s. 148; s. 65(1)-(3) in force at 1.10.2005 by [S.I. 2005/2505](#), art. 2; s. 65(4) in force at 3.4.2006 by [S.I. 2006/1014](#), art. 2(a), [Sch. 1 para. 18](#)

66 Guidance: supplementary

- (1) Before issuing any guidance the Lord Chancellor must—
 - (a) [^{F3}obtain the agreement of] the Lord Chief Justice;
 - (b) after doing so, lay a draft of the proposed guidance before each House of Parliament.
- (2) If the draft is approved by a resolution of each House of Parliament within the 40-day period the Lord Chancellor must issue the guidance in the form of the draft.
- (3) In any other case the Lord Chancellor must take no further steps in relation to the proposed guidance.
- (4) Subsection (3) does not prevent a new draft of the proposed guidance from being laid before each House of Parliament after consultation with the Lord Chief Justice.
- (5) Guidance comes into force on such date as the Lord Chancellor may appoint by order.
- (6) The Lord Chancellor may—
 - (a) from time to time revise the whole or part of any guidance and re-issue it;

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(b) after consulting the Lord Chief Justice, by order revoke any guidance.

(7) In this section—

“40-day period” in relation to the draft of any proposed guidance means—

- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later day, and
- (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,

no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days;

“guidance” means guidance issued by the Lord Chancellor under section 65 and includes guidance which has been revised and re-issued.

Textual Amendments

F3 Words in s. 66(1)(a) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 55](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

Changes to legislation:

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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. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(2\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(3\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(4\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(6\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(8\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(9\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(10\)\(a\)](#)
- Sch. 7 para. 4Pt. A words substituted by [2007 c. 15 s. 144\(10\)\(b\)](#)