

**Changes to legislation:** Constitutional Reform Act 2005, Cross Heading: Term of office etc. of Commissioners is up to date with all changes known to be in force on or before 19 March 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

#### THE JUDICIAL APPOINTMENTS COMMISSION

##### PART 1

##### THE COMMISSIONERS

##### *Term of office etc. of Commissioners*

- 12 (1) A Commissioner must be appointed for a fixed period.
- (2) But an appointment is subject to paragraphs 13 to 15.
- [<sup>F1</sup>13 (1) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision about the periods for which a Commissioner may be appointed or hold office.
- (2) Regulations under this paragraph may (in particular) make provision about—
- (a) the number of times a person may be appointed as a Commissioner;
  - (b) the length of any particular appointment;
  - (c) the total length of a person's appointments or the total period for which a person may hold office as a Commissioner.]

##### Textual Amendments

- F1** Sch. 12 para. 13 substituted (4.9.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 22](#); S.I. 2013/2200, art. 2(c)

- 14 [<sup>F2</sup>(1) The Lord Chancellor may by regulations made with the agreement of the Lord Chief Justice—
- (a) provide for a Commissioner to cease to be a Commissioner on ceasing, or on ceasing for a particular reason, to be eligible for appointment as a Commissioner;
  - (b) provide for a Commissioner other than the chairman to cease to be a Commissioner on ceasing, or on ceasing for a particular reason, to be eligible for appointment as a Commissioner of a particular description;
  - (c) provide for the chairman—
    - (i) to cease to be the chairman without ceasing to be a Commissioner, or
    - (ii) to cease to be the chairman and cease to be a Commissioner,on ceasing, or on ceasing for a particular reason, to be eligible for appointment as the chairman;
  - (d) confer power to disapply or suspend the operation of provision under paragraph (a), (b) or (c) in individual cases.]

---

**Changes to legislation:** Constitutional Reform Act 2005, Cross Heading: Term of office etc. of Commissioners  
 is up to date with all changes known to be in force on or before 19 March 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

---

- (4) A Commissioner ceases to be a Commissioner if he becomes employed in the civil service of the State.

#### Textual Amendments

**F2** Sch. 12 para. 14(1) substituted for Sch. 12 para. 14(1)(2) (4.9.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 13 para. 23; S.I. 2013/2200, art. 2(c)

- 15 (1) A Commissioner may at any time—
- (a) resign his office by notice in writing addressed to Her Majesty;
  - (b) be removed from office by Her Majesty on the recommendation of the Lord Chancellor.
- (2) The Lord Chancellor may not under sub-paragraph (1) recommend that a Commissioner be removed from office unless he is satisfied that the Commissioner—
- (a) has failed without reasonable excuse to discharge the functions of his office for a continuous period of at least six months,
  - (b) has been convicted of an offence,
  - (c) is an undischarged bankrupt <sup>F3</sup> or a person in relation to whom a moratorium period under a debt relief order applies (under Part 7A of the Insolvency Act 1986)], or
  - (d) is otherwise unfit to hold his office or unable to discharge its functions.
- (3) A recommendation on the ground mentioned in sub-paragraph (2)(a) may not be made more than 3 months after the end of the period mentioned there.

#### Textual Amendments

**F3** Words in Sch. 12 para. 15(2)(c) 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. 52(2) (with art. 5)

**Changes to legislation:**

Constitutional Reform Act 2005, Cross Heading: Term of office etc. of Commissioners is up to date with all changes known to be in force on or before 19 March 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.

[View outstanding changes](#)

**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\(10\)\(b\)](#)