

SCHEDULES

SCHEDULE 17

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS RELATING TO PART 3

Appellate Jurisdiction Act 1876 (c. 59)

9 The Appellate Jurisdiction Act 1876 ceases to have effect.

Jurisdiction in Rating Act 1877 (c. 11)

10 In the Jurisdiction in Rating Act 1877, in section 3 (interpretation) in the definition of “Judge” for the words from “any Lord of Appeal” to the end of the definition substitute “any judge of the Supreme Court and any person acting as a judge of that court under section 38 of the Constitutional Reform Act 2005.”

Appellate Jurisdiction Act 1887 (c. 70)

11 The Appellate Jurisdiction Act 1887 ceases to have effect.

Railway and Canal Traffic Act 1888 (c. 25)

12 Section 17(5) of the Railway and Canal Traffic Act 1888 ceases to have effect.

Supreme Court of Judicature Act 1891 (c. 53)

13 The Supreme Court of Judicature Act 1891 ceases to have effect.

Appellate Jurisdiction Act 1947 (c. 11)

14 The Appellate Jurisdiction Act 1947 ceases to have effect.

Life Peerages Act 1958 (c. 21)

15 In the Life Peerages Act 1958, in section 1 (power to create life peerages), in subsection (1) omit the words “Without prejudice to Her Majesty’s powers as to the appointment of Lords of Appeal in Ordinary,”.

Ecclesiastical Jurisdiction Measure 1963 (1963 No. 1)

16 (1) The Ecclesiastical Jurisdiction Measure 1963 is amended as follows.

Status: This is the original version (as it was originally enacted).

(2) In section 11 (review of commissions of convocation or Court of Ecclesiastical Causes Reserved) for “Lords of Appeal (within the meaning of the Appellate Jurisdiction Act 1876)” substitute “judges of the Supreme Court, or members of the supplementary panel under section 39 of the Constitutional Reform Act 2005,”.

(3) In section 66(1) (interpretation) for the definition of “high judicial office” substitute—

““high judicial office” means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council;”.

Law Commissions Act 1965 (c. 22)

17 In section 6 of the Law Commissions Act 1965 (supplemental) for the words from “has the same meaning” to “1887;” substitute “means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council;”.

Administration of Justice Act 1968 (c. 5)

18 The Administration of Justice Act 1968 ceases to have effect.

Administration of Justice Act 1973 (c. 15)

19 (1) The Administration of Justice Act 1973 is amended as follows.

(2) In section 9 (judicial salaries) omit subsection (1)(a).

(3) In section 12 (retirement of higher judiciary in event of incapacity)—

(a) in subsection (1)—

(i) omit “as Lord of Appeal in Ordinary, or”;

(ii) for “subsections (2) to (4)” substitute “subsection (4)”;

(b) omit subsection (2).

Juries Act 1974 (c. 23)

20 In the Juries Act 1974, in Group A in Part 1 of Schedule 1 (persons ineligible: the judiciary)—

(a) in the entry relating to holders of high judicial office, for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005”, and

(b) after that entry insert the following entry—

“Members of the Judicial Committee of the Privy Council (if not holders of high judicial office within the meaning of that Part).”

Judicature (Northern Ireland) Act 1978 (c. 23)

21 (1) The Judicature (Northern Ireland) Act 1978 is amended as follows.

(2) In section 7 (further assistance for transaction of judicial business) in subsections (1)

(a) and (4) for “Lord of Appeal in Ordinary” substitute “judge of the Supreme Court”.

Status: This is the original version (as it was originally enacted).

- (3) In section 9 (qualifications of judges), in subsection (3)(b) for “Lord of Appeal in Ordinary” substitute “judge of the Supreme Court”.

Supreme Court Act 1981 (c. 54)

- 22 (1) The Supreme Court Act 1981 is amended as follows.
- (2) In section 2 (the Court of Appeal), in subsection (2)(c) for “Lord of Appeal in Ordinary” substitute “judge of the Supreme Court”.
- (3) In section 9 (assistance for transaction of judicial business), in subsection (8) for paragraph (a)(i) substitute—
“(i) a judge of the Supreme Court; or”.
- (4) In section 11 (tenure of offices), in subsection (4) for “Lord Chancellor or a Lord of Appeal in Ordinary” substitute “a judge of the Supreme Court”.
- (5) In section 13 (precedence), in subsection (1)(b) for the words “Lords of Appeal in Ordinary” in each place substitute “judges of the Supreme Court”.

Civil Jurisdiction and Judgments Act 1982 (c. 27)

- 23 In the Civil Jurisdiction and Judgments Act 1982, in section 50 (interpretation) in the definition of “court of law” for paragraph (a) substitute—
“(a) the Supreme Court.”.

Courts and Legal Services Act 1990 (c. 41)

- 24 In the Courts and Legal Services Act 1990, in Schedule 11 (judges etc barred from legal practice) for the words “Lord of Appeal in Ordinary” substitute “Judge of the Supreme Court”.

Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 3)

- 25 In the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, in section 31(1) (interpretation) for the definition of “high judicial office” substitute—
““high judicial office” means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council.”.

Justices of the Peace Act 1997 (c. 25)

- 26 In section 7(2) of the Justices of the Peace Act 1997 (the supplemental list)—
(a) in paragraph (a) omit “within the meaning of the Appellate Jurisdiction Act 1876”, and
(b) after paragraph (b) insert “;
and in this subsection “high judicial office” means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council.”.

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Police Act 1997 (c. 50)

- 27 In section 91(2) of the Police Act 1997 (Commissioners for the authorisation of action in respect of property) for “the Appellate Jurisdiction Act 1876 (c. 59).” substitute “Part 3 of the Constitutional Reform Act 2005 or are or have been members of the Judicial Committee of the Privy Council.”

Special Immigration Appeals Commission Act 1997 (c. 68)

- 28 In paragraph 5 of Schedule 1 to the Special Immigration Appeals Commission Act 1997 (the Commission) for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council”.

Terrorism Act 2000 (c. 11)

- 29 In paragraph 4(3)(b) of Schedule 3 to the Terrorism Act 2000 (the Proscribed Organisations Appeal Commission) for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council”.

Regulation of Investigatory Powers Act 2000 (c. 23)

- 30 (1) The Regulation of Investigatory Powers Act 2000 is amended as follows.
- (2) In each of—
- (a) section 57(5) (Interception of Communications Commissioner),
 - (b) section 59(5) (Intelligence Services Commissioner), and
 - (c) paragraphs 1(1)(a) and 2(2) of Schedule 3 (the Tribunal),
- for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council”.
- (3) In section 61(8)(a) (Investigatory Powers Commissioner for Northern Ireland) for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005”.

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 31 In Schedule 6 to the Anti-terrorism, Crime and Security Act 2001 (the Pathogens Access Appeal Commission), in paragraph 4(3)(b) for “the Appellate Jurisdiction Act 1876 (c. 59);” substitute “Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council;”.

European Parliamentary Elections Act 2002 (c. 24)

- 32 In the European Parliamentary Elections Act 2002, in section 10 (disqualification) in subsection (1) omit paragraph (b) and the “or” immediately preceding it.

Justice (Northern Ireland) Act 2002 (c. 26)

- 33 (1) The Justice (Northern Ireland) Act 2002 is amended as follows.
- (2) In each of—

Status: This is the original version (as it was originally enacted).

- (a) section 8(4)(a),
- (b) section 24(4)(a), and
- (c) section 43(5)(a),

(tribunals for considering removal from certain offices) for the words from “holds the office” to “Appellate Jurisdiction Act 1887 (c. 70)” substitute “holds high judicial office, within the meaning of Part 3 of the Constitutional Reform Act 2005”.

- (3) Omit section 18(1) (amendment of section 6 of the Appellate Jurisdiction Act 1876).

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 34 In Schedule 4 to the Nationality, Immigration and Asylum Act 2002 (the Asylum and Immigration Tribunal) (as inserted by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004), in paragraph 5(1)(a) (President of the Asylum and Immigration Tribunal) for “the Appellate Jurisdiction Act 1859 (c. 59)” substitute “Part 3 of Constitutional Reform Act 2005 or who is or has been a member of the Judicial Committee of the Privy Council”.

Clergy Discipline Measure 2003 (2003 No. 3)

- 35 In the Clergy Discipline Measure 2003, in section 43(1) (interpretation) for the definition of “high judicial office” substitute—

““high judicial office” means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council;”.