



Constitutional Reform Act 2005

2005 CHAPTER 4

PART 3

THE SUPREME COURT

Appointment of judges

27 Selection process

- (1) The commission must—
- determine the selection process to be applied [^{F1}by it],
 - apply the selection process, and
 - make a selection accordingly.

[^{F2}(1A) The commission must have an odd number of members not less than five.

- (1B) The members of the commission must include—
- at least one who is non-legally-qualified,
 - at least one judge of the Court,
 - at least one member of the Judicial Appointments Commission,
 - at least one member of the Judicial Appointments Board for Scotland, and
 - at least one member of the Northern Ireland Judicial Appointments Commission,

and more than one of the requirements may be met by the same person's membership of the commission.

- (1C) If the commission is convened for the selection of a person to be recommended for appointment as President of the Court—
- its members may not include the President of the Court, and
 - it is to be chaired by one of its non-legally-qualified members.

Changes to legislation: Constitutional Reform Act 2005, Section 27 is up to date with all changes known to be in force on or before 20 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

(1D) If the commission is convened for the selection of a person to be recommended for appointment as Deputy President of the Court, its members may not include the Deputy President of the Court.]

^{F3}(2)

^{F3}(3)

(4) Subsections (5) to (10) apply to any selection under this section or [^{F4}regulations under section 27A].

(5) Selection must be on merit.

[^{F5}(5A) Where two persons are of equal merit—

(a) section 159 of the Equality Act 2010 (positive action: recruitment etc) does not apply in relation to choosing between them, but

(b) Part 5 of that Act (public appointments etc) does not prevent the commission from preferring one of them over the other for the purpose of increasing diversity within the group of persons who are the judges of the Court.]

(6) A person may be selected only if he meets the requirements of section 25.

(7) A person may not be selected if he is a member of the commission.

(8) In making selections for the appointment of judges of the Court the commission must ensure that between them the judges will have knowledge of, and experience of practice in, the law of each part of the United Kingdom.

(9) The commission must have regard to any guidance given by the Lord Chancellor as to matters to be taken into account (subject to any other provision of this Act) in making a selection.

(10) Any selection must be of one person only.

[^{F6}(11) For the purposes of this section a person is non-legally-qualified if the person—

(a) does not hold, and has never held, any of the offices listed in Schedule 1 to the House of Commons Disqualification Act 1975 (judicial offices disqualifying for membership of the House of Commons), and

(b) is not practising or employed as a lawyer, and never has practised or been employed as a lawyer.]

Textual Amendments

F1 Words in s. 27(1)(a) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 7\(6\)](#); S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F2 S. 27(1A)-(1D) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 4\(1\)](#); S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F3 S. 27(2)(3) omitted (1.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 7\(1\)\(a\)](#); S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23);

F4 Words in s. 27(4) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 7\(7\)](#); S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

F5 S. 27(5A) inserted (15.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 9](#); S.I. 2013/1725, art. 2(g)

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F6 S. 27(11) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 4\(2\)](#); [S.I. 2013/2200](#), art. 3(d) (with savings in [S.I. 2013/2193](#), reg. 23)

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