



Constitutional Reform Act 2005

2005 CHAPTER 4

PART 4

JUDICIAL APPOINTMENTS AND DISCIPLINE

CHAPTER 2

APPOINTMENTS

Supplementary provisions about selection

95 Withdrawal and modification of requests

- (1) This section applies to a request under section 69, 78 or 87 [^{F1}or paragraph 2(5) of Schedule 1 to the Tribunals, Courts and Enforcement Act 2007].
- (2) The Lord Chancellor may withdraw or modify a request only as follows—
 - [^{F2}(za) the Lord Chancellor may withdraw or modify a request in consequence of a vacancy, or perceived need for an additional office-holder, having been filled or partly filled by change in the amount of time required to be devoted to the duties of office by an existing holder of the office concerned;]
 - (a) so far as a request relates to any recommendation or appointment to fill a vacancy, he may withdraw or modify it with the agreement of the Lord Chief Justice;
 - (b) so far as a request relates to any recommendation or appointment otherwise than to fill a vacancy, he may withdraw or modify it after consulting the Lord Chief Justice;
 - [^{F3}(ba) so far as a request relates to any pool membership, the Lord Chancellor may withdraw or modify it after consulting the Lord Chief Justice;]
 - (c) [^{F4}the Lord Chancellor] may withdraw a request as respects all recommendations [^{F5}, appointments or pool memberships] to which it relates if, after consulting the Lord Chief Justice, [^{F4}the Lord Chancellor] considers

Changes to legislation: Constitutional Reform Act 2005, Section 95 is up to date with all changes known to be in force on or before 25 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

the selection process determined by the Commission or selection panel is not satisfactory, or has not been applied satisfactorily.

- (3) If a request is withdrawn in part or modified, the Commission or selection panel may, if it thinks it appropriate because of the withdrawal or modification, change any selection already made pursuant to the request, except a selection already accepted [^{F6}unconditionally or subject only to matters such as the selected person's willingness and availability].
- (4) The Lord Chancellor may not withdraw a request under subsection (2)(c) if [^{F7}a selection made pursuant to the request—
 - (a) has been accepted unconditionally or subject only to matters such as the selected person's willingness and availability, or
 - (b) in exercise of power conferred by regulations under section 94C, has been rejected or required to be reconsidered.]
- (5) Any withdrawal or modification of a request must be by notice in writing to the Commission.
- (6) The notice must state whether the withdrawal or modification is under subsection (2) (a), (b) or (c).
- (7) In the case of a withdrawal under subsection (2)(c), the notice must state why the Lord Chancellor considers the selection process determined by the Commission or selection panel is not satisfactory, or has not been applied satisfactorily.
- (8) If or to the extent that a request is withdrawn—
 - (a) the preceding provisions of this Part cease to apply in relation to it, and
 - (b) any selection made on it is to be disregarded.
- (9) Withdrawal of a request to any extent does not affect the power of the Lord Chancellor to make another request in the same or different terms.

Textual Amendments

- F1** Words in s. 95(1) inserted (19.9.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 2, 148, [Sch. 1 para. 5\(2\)](#); S.I. 2007/2709, [art. 2\(g\)](#)
- F2** S. 95(2)(za) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 69\(2\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F3** S. 95(2)(ba) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 69\(3\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F4** Words in s. 95(2)(c) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 69\(4\)\(a\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F5** Words in s. 95(2)(c) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 69\(4\)\(b\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F6** Words in s. 95(3) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 69\(5\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F7** Words in s. 95(4) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 69\(6\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)

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