



# Constitutional Reform Act 2005

## 2005 CHAPTER 4

### PART 4

#### JUDICIAL APPOINTMENTS AND DISCIPLINE

### CHAPTER 2

#### APPOINTMENTS

#### *Supplementary provisions about selection*

#### 97 Scotland and Northern Ireland

- (1) [<sup>F1</sup>Subsections (2) and (3) apply] to consultation that a person is required to undertake under any of these provisions—
- (a) section 87(2);
  - <sup>F2</sup>(b) .....
  - <sup>F2</sup>(c) .....
  - <sup>F3</sup>(ca) .....
  - (d) section [<sup>F4</sup>95(2)(b)] or (c),
  - <sup>F5</sup>(e) .....
- (2) If the consultation appears to that person to relate to the appointment (or a recommendation for the appointment) of a person to exercise functions wholly or mainly in Scotland, any reference in the provision to the Lord Chief Justice is to be read as a reference to the Lord President of the Court of Session.
- (3) If the consultation appears to that person to relate to the appointment (or a recommendation for the appointment) of a person to exercise functions wholly or mainly in Northern Ireland, any reference in the provision to the Lord Chief Justice is to be read as a reference to the Lord Chief Justice of Northern Ireland.

**Changes to legislation:** *Constitutional Reform Act 2005, Section 97 is up to date with all changes known to be in force on or before 22 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*

[<sup>F6</sup>(4) Subsections (2) and (3) apply to the reference in section <sup>F7</sup>... [<sup>F8</sup>95(2)(a)] to the Lord Chancellor obtaining the concurrence of the Lord Chief Justice as they apply to a reference in a provision specified in subsection (1) to the Lord Chancellor consulting the Lord Chief Justice.]

<sup>F9</sup>(5) .....

<sup>F9</sup>(6) .....

#### Textual Amendments

- F1** Words in s. 97(1) substituted (19.7.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 53\(6\)\(a\)](#)
- F2** S. 97(1)(b)(c) omitted (1.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 13 para. 70\(2\)\(a\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F3** S. 97(1)(ca) omitted (10.3.2022 for specified purposes, 1.10.2022 in so far as not already in force) by virtue of [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\), s. 131\(1\)\(4\)\(c\), Sch. 4 para. 11\(5\)\(a\)](#); S.I. 2022/1014, reg. 2(d) (with reg. 3)
- F4** Word in s. 97(1)(d) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 13 para. 70\(2\)\(b\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F5** S. 97(1)(e) omitted (1.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 13 para. 70\(2\)\(a\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F6** S. 97(4)-(6) added (19.7.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 53\(7\)](#)
- F7** Words in s. 97(4) omitted (10.3.2022 for specified purposes, 1.10.2022 in so far as not already in force) by virtue of [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\), s. 131\(1\)\(4\)\(c\), Sch. 4 para. 11\(5\)\(b\)](#); S.I. 2022/1014, reg. 2(d) (with reg. 3)
- F8** Words in s. 97(4) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 13 para. 70\(3\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F9** S. 97(5)(6) omitted (10.3.2022 for specified purposes, 1.10.2022 in so far as not already in force) by virtue of [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\), s. 131\(1\)\(4\)\(c\), Sch. 4 para. 11\(5\)\(c\)](#); S.I. 2022/1014, reg. 2(d) (with reg. 3)

**Changes to legislation:**

Constitutional Reform Act 2005, Section 97 is up to date with all changes known to be in force on or before 22 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.

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