



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 2

JUDICIAL APPOINTMENTS

53 Transfer from salaried to fee-paid judicial office

(1) The Constitutional Reform Act 2005 (c. 4) is amended as follows.

^{F1}(2)

(3) After section 85(2) (restriction on recommendations and appointments) insert—

“(2A) This section is subject to—

- (a) section 30(4) of the Courts-Martial (Appeals) Act 1951,
- (b) sections 91(1ZB) and 102(1C) of the Supreme Court Act 1981,
- (c) section 8(1ZC) of the County Courts Act 1984, and
- (d) sections 94A and 94B below.”

(4) After section 85(3) (power to amend Schedule 14) add—

“(4) The Lord Chancellor may by order amend section 94A or 94B if he thinks that the amendment is consequential on an amendment made to Schedule 14 by an order under subsection (3).”

(5) Section 97 (Scotland and Northern Ireland) is amended as follows.

(6) In subsection (1)—

- (a) for “This section applies” substitute “ Subsections (2) and (3) apply ”, and
- ^{F2}(b)

(7) After subsection (3) add—

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Section 53 is up to date with all changes known to be in force on or before 17 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

- “(4) Subsections (2) and (3) apply to the reference in section 94A(1) 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.
- (5) The Lord President of the Court of Session may nominate any of the following to exercise his function under section 94A(1)(b)—
- (a) a judge who is a member of the First or Second Division of the Inner House of the Court of Session;
 - (b) the Senior President of Tribunals.
- (6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his function under section 94A(1)(b)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act);
 - (c) the Senior President of Tribunals.”

Textual Amendments

- F1** S. 53(2) 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. 14\(2\)](#); S.I. 2022/1014, reg. 2(d) (with reg. 3)
- F2** S. 53(6)(b) 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. 14\(2\)](#); S.I. 2022/1014, reg. 2(d) (with reg. 3)

Changes to legislation:

Tribunals, Courts and Enforcement Act 2007, Section 53 is up to date with all changes known to be in force on or before 17 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. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)