
Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Paragraph 46. (See end of Document for details)

SCHEDULES

SCHEDULE 13

JUDICIAL APPOINTMENTS

PART 4

JUDICIAL APPOINTMENTS: SELECTION, AND TRANSFER OF POWERS OF LORD CHANCELLOR

Senior President of Tribunals to make certain appointments to First-tier and Upper Tribunals

46 (1) Schedule 3 (judges and other members of the Upper Tribunal) is amended as follows.

(2) In paragraph 2(1) (Lord Chancellor's power to appoint other members of the Upper Tribunal) for “Lord Chancellor” substitute “Senior President of Tribunals”.

(3) In paragraph 3(1) (removal from office) before the “or” at the end of paragraph (b) insert—

“(ba) a person who is a deputy judge of the Upper Tribunal (whether by appointment under paragraph 7(1) or as a result of provision under section 31(2)),”.

(4) In paragraph 4 (terms of appointment) after sub-paragraph (2) (salaried appointee may be removed from office only by Lord Chancellor and only on ground of inability or misbehaviour) insert—

“(2A) If the terms of the person's appointment provide that the person is appointed on a fee-paid basis, the person may be removed from office—

(a) only by the Lord Chancellor (and in accordance with paragraph 3),
and

(b) only on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment.

(2B) If the period (or extended period) for which the person is appointed ends before—

(a) the day on which the person attains the age of 70, or

(b) if different, the day that for the purposes of section 26 of the Judicial Pensions and Retirement Act 1993 is the compulsory retirement date for the office concerned in the person's case,

then, subject to sub-paragraph (2C), the Lord Chancellor must extend the period of the person's appointment (including a period already extended under this sub-paragraph) before it ends.

(2C) Extension under sub-paragraph (2B)—

(a) requires the person's agreement,

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- (b) is to be for such period as the Lord Chancellor considers appropriate, and
 - (c) may be refused on—
 - (i) the ground of inability or misbehaviour, or
 - (ii) a ground specified in the person's terms of appointment, but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.”
- (5) In paragraph 4(3) (subject to sub-paragraph (2), person to hold and vacate office in accordance with terms of appointment)—
- (a) for “sub-paragraph (2) (and” substitute “ the preceding provisions of this paragraph (but subject in the first place ”, and
 - (b) after “appointment” insert “ , which are to be such as the Lord Chancellor may determine ”.
- (6) In paragraph 7(1) (Lord Chancellor may appoint deputy judge of the Upper Tribunal for such period as the Lord Chancellor considers appropriate) for “Lord Chancellor”, in the first place, substitute “ Senior President of Tribunals ”.
- (7) In paragraph 7(3) (persons to whom paragraph 7(4) and (5) apply) for “Sub-paragraphs (4) and (5)” substitute “ The following provisions of this paragraph ”.
- (8) For paragraph 7(4) (person to hold and vacate office in accordance with terms of appointment) substitute—
- “(3A) The person may be removed from office—
- (a) only by the Lord Chancellor (and in accordance with paragraph 3), and
 - (b) only on—
 - (i) the ground of inability or misbehaviour, or
 - (ii) a ground specified in the person's terms of appointment.
- (3B) If the period (or extended period) for which the person is appointed ends before—
- (a) the day on which the person attains the age of 70, or
 - (b) if different, the day that for the purposes of section 26 of the Judicial Pensions and Retirement Act 1993 is the compulsory retirement date for the office concerned in the person's case,
- then, subject to sub-paragraph (3C), the Lord Chancellor must extend the period of the person's appointment (including a period already extended under this sub-paragraph) before it ends.
- (3C) Extension under sub-paragraph (3B)—
- (a) requires the person's agreement,
 - (b) is to be for such period as the Lord Chancellor considers appropriate, and
 - (c) may be refused on—
 - (i) the ground of inability or misbehaviour, or
 - (ii) a ground specified in the person's terms of appointment, but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.

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- (4) Subject to the previous provisions of this paragraph (but subject in the first place to the Judicial Pensions and Retirement Act 1993), a person is to hold and vacate office as a deputy judge of the Upper Tribunal in accordance with the person's terms of appointment, which are to be such as the Lord Chancellor may determine.”

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Commencement Information

- II** Sch. 13 para. 46 in force at 1.10.2013 by [S.I. 2013/2200](#), **art. 3(e)** (with savings in [S.I. 2013/2192](#), regs. 48, 49)

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