

2005 No. 2506

SUPREME COURT OF ENGLAND AND WALES

Constitutional Reform Act 2005 (Transitional and Consequential Provisions) Order 2005

<i>Made</i> - - - -	<i>2nd September 2005</i>
<i>Laid before Parliament</i>	<i>8th September 2005</i>
<i>Coming into force</i> - -	<i>1st October 2005</i>

The Lord Chancellor, in exercise of the powers conferred upon him by section 143 of the Constitutional Reform Act 2005(a) (“the Act”) hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Constitutional Reform Act 2005 (Transitional and Consequential Provisions) Order 2005.

(2) In this Order, “the 1981 Act” means the Supreme Court Act 1981(b).

Transitional provisions

2.—(1) Until paragraph 13 of Schedule 1 to the Act comes into force the reference to the Vice-Chancellor in section 136 of the 1981 Act is to be read as a reference to the Chancellor of the High Court.

(2) Until paragraph 118(2) of Schedule 4 to the Act comes into force the reference to the Vice-Chancellor in section 5(1)(a) of the 1981 Act is to be read as a reference to the Chancellor of the High Court.

(3) Until paragraph 118(5) of Schedule 4 to the Act comes into force the reference to the Vice-Chancellor in section 5(3) of the 1981 Act is to be read as a reference to the Chancellor of the High Court.

(4) Until paragraph 146 of Schedule 4 to the Act comes into force the reference to the Vice-Chancellor in the definition of “senior judge” in section 151(1) of the 1981 Act is to be read as a reference to the Chancellor of the High Court.

(5) Until paragraph 330 of Schedule 4 to the Act comes into force, the reference to the Vice-Chancellor in section 62(2)(b) of the Courts Act 2003 is to be read as a reference to the Chancellor of the High Court.

(6) Until paragraph 331 of Schedule 4 to the Act comes into force, the references to the Vice-Chancellor in section 64(2) and (4) of the Courts Act 2003 are to be read as references to the Chancellor of the High Court.

(a) 2005 c. 4.
(b) 1981 c. 54.

Consequential provisions

3. In Schedule 2 to the Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995(a) and Schedule 4 to the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995(b), for “Vice-Chancellor” substitute “Chancellor of the High Court”.

Falconer of Thoroton, C.

2nd September 2005

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional and consequential provisions arising from the commencement of certain paragraphs of Schedule 4 to the Constitutional Reform Act 2005 (c. 5) (“the Act”).

Paragraphs 115(2)(c) and (5)(b), 117(2)(b) and (4)(b), 118(3), 120(3)(b), 122(2)(a) and (4), 123(4), 125, 142, 212(3), 216, 229, 280(2), 309, 345 and 351 of Schedule 4 to the Act amend the Supreme Court Act 1981 (c. 54) to establish the distinct office of President of the Queen’s Bench Division of the High Court of England and Wales (previously held by the Lord Chief Justice), and to rename the office of Vice Chancellor as Chancellor of the High Court. Paragraphs 142, 212(3), 216, 229, 280(2), 309, 345 and 351 of Schedule 4 make amendments to other legislation consequent upon these changes. Those amendments have been commenced by the Constitutional Reform Act 2005 (Commencement No. 3) Order 2005 (S.I. 2005/2505 (C.106)) (“the Commencement Order”).

The purpose of the transitional provisions made by article 2 of this Order is to ensure that references to the Vice-Chancellor in other legislation, which will be amended by provisions of the Act to be brought into force at a later date, do not conflict with the new references to the Chancellor of the High Court brought into force by the Commencement Order. The consequential provisions in article 3 are to ensure that references to the Vice-Chancellor in certain secondary legislation are amended to refer to the Chancellor of the High Court.

(a) S.I. 1995/636, to which there are amendments not relevant to this Order.

(b) S.I. 1995/639, to which there are amendments not relevant to this Order.

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