

2008 No. 1653 (C. 73)

TRIBUNALS AND INQUIRIES

JUDICIAL APPOINTMENTS AND DISCIPLINE

**The Tribunals, Courts and Enforcement Act 2007
(Commencement No. 5 and Transitional Provisions) Order 2008**

<i>Made</i> - - - -	<i>23rd June 2008</i>
<i>Laid before Parliament</i>	<i>26th June 2008</i>
<i>Coming into force</i> - -	<i>21st July 2008</i>

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 145 and 148(5) and (6) of the Tribunals, Courts and Enforcement Act 2007(a).

Citation and commencement

1. This Order may be cited as the Tribunals, Courts and Enforcement Act 2007 (Commencement No. 5 and Transitional Provisions) Order 2008.

2. The following provisions of the Tribunals, Courts and Enforcement Act 2007 come into force on 21st July 2008—

- (a) section 48(1) partially and the repeal in paragraph 27 of Schedule 8 in so far as it applies to the powers of a Minister;
- (b) sections 50, 51 and 52 in so far as they are not already in force;
- (c) paragraph 24 of Schedule 7; and
- (d) Schedule 10.

Transitional provisions

3. Where a process to select a person for appointment to an office or other position—

- (a) would be affected by the commencement provisions in article 2; and
- (b) has been started but the appointment has not been made by 31 July 2008;

then the process may be completed and the appointment made as if the commencement provisions in article 2 were not yet effective.

4. A selection process has been started for the purpose of article 3 if the Lord Chancellor has—

- (a) made a request for selection under section 87 of the Constitutional Reform Act 2005(b) (the “2005 Act”);

(a) 2007 c. 15.
(b) 2005 c. 4.

- (b) given the Judicial Appointments Commission notice in accordance with section 94 of the 2005 Act of a request he expects to make under section 87 of that Act; or
- (c) requested assistance under section 98 of the 2005 Act in connection with an appointment.

Jack Straw
Lord Chancellor

23rd June 2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fifth commencement order under the Tribunals, Courts and Enforcement Act 2007 (“the Act”).

The Order brings into force on 21 July 2008 sections 50 (now fully), 51 (now fully) and 52 (now fully) of, and Schedule 10 to, the Act. These provisions relate to judicial appointments.

The Order also brings into force paragraph 24 of Schedule 7 and paragraph 27 of Schedule 8 to the Act only in so far as it applies to the powers of a Minister. These provisions relate to the consultation required in the making of tribunal rules. Paragraph 24 of Schedule 7 provides for the procedure required when a Minister exercises powers in relation to rules. Therefore, paragraph 27 of Schedule 8 only repeals section 8 of the Tribunals and Inquiries Act 1992(a) in relation to a Minister’s exercise of rule making powers, leaving the provision in place in relation to the requirement for consultation by other rule making bodies.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
ss 1, 2, 7(1) and (9), 9(3), 10(3), 11(5)(f) and (6) to (8), 13(6), (8)(f), (9), (10), (14) and (15), 18(10) and (11), 20(3), (6) and (7), 21(6), 22, 27(5) and (6), 30 to 42, 45(3), 46 (partially), 48 (partially), 49, 50(1) to (5) (partially) and (7) (partially), 51 (partially), 52 (partially), 54, 58, 59, 61, 144(1), (5) and (7) and 144(11) (partially), paras 1 to 11 of Sch 1, para 15 of Sch 4, Sch 5, Sch 6, paras 25(2) to (7) and 26 to 28 of Sch 7, paras 31(1) to (3), 62, 63, 65(1) and (2) and 65(3) (partially) of Sch 8 and paras 1, 2 and 12(2) of Sch 9	19.09.2007	2007/2709
ss 44, 45(1) and (2), 48(1) (partially) and 146, paras 1 to 6, 10(1)(a) and (b), (2)(a) and (b), (3)(a) and (b) and (4), 11 (partially), 12, 13, 14(1), (2), (3)(a) and (4), 15 to 18, 20, 21(1),	01.11.2007	2007/2709

(a) 1992 c.53.

(2), (4) and (5), 21(6) (partially), 22(1)(a) and (b) and (2), 22(3) (partially), 23 and 25(1) of Sch 7, paras 2, 3, 4 (partially), 5 (partially), 7 (partially), 8 to 12, 14, 15, 17, 18 (partially), 19 to 23, 30(a) to (c), 32, 33(1) and (2), 49 to 52, 53 (partially) and 56 to 61 of Sch 8 and Part 1 of Sch 23 (partially)		
s 48(1) (partially) and paras 35 to 39 of Sch 8	01.12.2007	2007/2709
ss 139 and 140 and Sch 22	01.04.2008	2007/2709
s 48(1) (partially), paras 7 to 9, 10(1)(c), (2)(c) and (3)(c), 11 (now fully), 14(3)(b), 19, 21(3) and (6) (now fully) and 22(1)(c) and (3) (now fully) of Sch 7, para 30(d) of Sch 8, paras 4 and 5 of Sch 8 (partially) and paras 7, 18 and 53 of Sch 8 (now fully)	01.06.2008	2007/2709
s 141	06.04.2008	2008/749
Part 6, in so far as it applies in relation to England	31.12.2007	2007/3613
Part 6, in so far as it extends to Scotland	21.04.2008	S.S.I.2008/150
Part 6, in so far as it applies to Wales and extends to Northern Ireland	22.04.2008	2008/1158

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