Draft Order laid before Parliament under section 51(14) of the Tribunals, Courts and Enforcement Act 2007 (c. 15), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No.

TRIBUNALS AND INQUIRIES

JUDICIAL APPOINTMENTS AND DISCIPLINE

The Judicial Appointments (Amendment) Order 2023

Made - - - -

Coming into force in accordance with article 1

The Lord Chancellor makes this Order in exercise of the powers conferred by section 51(1) of the Tribunals, Courts and Enforcement Act 2007(**a**).

The Lord Chancellor has consulted the Lord Chief Justice of England and Wales and the Judicial Appointments Commission in accordance with section 51(9) of the Tribunals, Courts and Enforcement Act 2007.

A draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 51(14) of the Tribunals, Courts and Enforcement Act 2007.

Citation and commencement

1. This Order may be cited as the Judicial Appointments (Amendment) Order 2023 and comes into force on the day after the day on which it is made.

Amendment of the Judicial Appointments Order 2008

2.—(1) The Judicial Appointments Order 2008(**b**) is amended as follows.

(2) In Part 1 of Schedule 1 (offices for which a fellow of the Institute of Legal Executives holds a relevant qualification)—

(a) omit the fourth entry;

(b) in the fifth entry, for "Member of panel of chairmen" substitute "Member of a panel of Employment Judges";

(**a**) 2007 c. 15; section 51 was amended by the Legal Services Act 2007 (c. 29), Schedule 21, paragraph 162.
(**b**) S.I. 2008/2995: relevant amending instruments are S.I. 2009/1307, 2013/1948, 2013/3022.

(c) for the final entry, substitute "Adjudicators appointed under regulation 16 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013"(**a**).

(3) In Part 2 of Schedule 1, after the final entry insert—

"Judge of the Upper Tribunal appointed under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007(**b**),

Deputy Judge of the Upper Tribunal appointed under paragraph 7(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007(**c**),

Recorder appointed under section 21(2) of the Courts Act 1971(**d**).".

Name
Lord Chancellor
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Judicial Appointments Order 2008 to extend eligibility for Fellows of the Chartered Institute of Legal Executives to be appointed as Deputy Judges of the Upper Tribunal, Judges of the Upper Tribunal and Recorders, provided that they meet the required qualification period (7 years as at the date of this Order). It also makes minor updating amendments to reflect current legislation.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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(**a**) S.I. 2013/362.
(**b**) Paragraph 1 of Schedule 3 was amended by the Crime and Courts Act 2013, Schedule 13, paragraph 30.
(**c**) Paragraph 7 of Schedule 3 was amended by the Crime and Courts Act 2013, Schedule 13, paragraph 46 and by the Public Service Pensions and Judicial Offices Act 2022 (c. 7), Schedule 1, paragraph 36.
(**d**) 1971 c. 23; section 21 was amended by the Judicial Pensions and Retirement Act 1993 (c. 8), Schedule 6, paragraph 9(1); by the Constitutional Reform Act 2005 (c. 4), Schedule 4, Part 1, paragraph 69; by the Tribunals Courts and Enforcement Act 2007, Schedule 10, Part 1, paragraph 9; by the Crime and Courts Act 2013, Schedule 13, Part 4, paragraph 32 and by the Public Service Pensions and Judicial Offices Act 2022 (c. 7), Schedule 1, Part 1, paragraph 11.

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