Draft Regulations laid before Parliament under section 144(4) and (5)(e) of the Constitutional Reform Act 2005 (c. 4), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No.

JUDICIAL APPOINTMENTS AND DISCIPLINE

The Judicial Appointments Commission (Amendment) Regulations 2025

Made - - - - ***

Coming into force in accordance with regulation 1

The Lord Chancellor makes these Regulations in exercise of the powers conferred by paragraphs 1(b), 3B and 3C of Schedule 12 to the Constitutional Reform Act 2005(**a**).

The Lady Chief Justice agrees to the making of these Regulations in accordance with paragraphs 1(b), 3B and 3C of Schedule 12 to the Constitutional Reform Act 2005.

A draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 144(4) and (5)(e) of the Constitutional Reform Act 2005(**b**).

Citation, commencement and extent

1. These Regulations—

(a) may be cited as the Judicial Appointments Commission (Amendment) Regulations 2025;

(b) come into force on the day after the day on which they are made;

(c) extend to England and Wales, Scotland and Northern Ireland.

Amendment of the Judicial Appointments Commission Regulations 2013

2.—(1) The Judicial Appointments Commission Regulations 2013(**c**) are amended as follows.

(2) In regulation 3, for the number "15" substitute "16".

(3) In regulation 4—

(a) in paragraph (1), for the number "14" substitute "15";

(b) in paragraph (1)(c), for the number "2" substitute "3";

(**a**) 2005 c. 4. Schedule 12 was amended by paragraphs 17, 19, 20 and 24 of Schedule 13 to the Crime and Courts Act 2013 (c. 22).

(**b**) Section 144 was amended by paragraphs 7(9) and (10), 27 and 78 of Schedule 13 to the Crime and Courts Act 2013 (c. 22).

(**c**) S.I. 2013/2191.

(c) in paragraph (4), for the number "2" substitute "3";

(d) for paragraph (4)(b) substitute—

"(b) but they must each hold a different qualification.".

(4) In regulation 5—

(a) after paragraph (c) insert—

"(ca) Deputy Chamber President of a chamber of the First-tier Tribunal, or of a chamber of the Upper Tribunal, by appointment under paragraph 5(1) of Schedule 4 to the Tribunals, Courts and Enforcement Act 2007, but not where appointed in accordance with paragraph 5(5) to (7) of Schedule 4 to that Act;

(cb) other member of the Upper Tribunal, who holds that position on a salaried basis, appointed under paragraph 2 of Schedule 3 to that Act(**a**), or transferred-in (see section 31(2) of that Act);";

(b) after paragraph (e), insert—

"(f) judge of the Employment Appeal Tribunal nominated under section 22(1)(a) of the Employment Tribunals Act 1996 who is a judge within section 22(2A)(c), (d), (i) or (j) of that Act.".

Name
Lord Chancellor
Ministry of Justice

I agree.

Name
Lady Chief Justice of England and Wales

(**a**) 2007 c. 15. Paragraph 2 of Schedule 3 was amended by paragraph 46(2) of Schedule 13 to the Crime and Courts Act 2013 (c. 22).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Judicial Appointments Commission Regulations 2013 ("the 2013 Regulations"). They change the composition of the Judicial Appointments Commission as provided for in the 2013 Regulations.

These Regulations amend regulation 4(1) and (4) of the 2013 Regulations to increase the total number of Commissioners from 15 to 16 and to provide that the additional Commissioner must be a person practising or employed as a lawyer, such that there will be three Commissioners who are persons practising or employed as lawyers, one of whom must be a barrister in England and Wales, one a solicitor of the Senior Courts of England and Wales, and one a fellow of the Chartered Institute of Legal Executives.

Regulation 4(1) of the 2013 Regulations provides that 7 Commissioners must be holders of judicial office and, under regulation 4(2), one of these must be a senior tribunal office-holder member. Regulation 5 of the 2013 Regulations provides that a senior tribunal office-holder member is a person who holds one of a specified list of offices. These Regulations add to that list of offices, so increasing the list of persons who are eligible to become the senior tribunal office-holder member Commissioner.

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

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