EXPLANATORY MEMORANDUM TO

THE MAXIMUM NUMBER OF JUDGES ORDER 2015

2015 No. [XXXX]

1. This explanatory memorandum has been prepared by The Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The instrument increases the number of Court of Appeal Judges by one; from 38 to 39

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The number of Court of Appeal Judges is set out in section 2(1)(b) of the Senior Courts Act 1981. Previously, the Maximum Number of Judges Order 1999 and the Maximum Number of Judges Order 2003 have amended the number of High Court Judges, under this same power.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales

6. European Convention on Human Rights

6.1 The Lord Chancellor has made the following statement regarding Human Rights:

In my view the provisions of 'The Maximum Number of Judges Order 2015' is compatible with the Convention rights

7. Policy background

7.1 The number of Court of Appeal Judges is being increased by one to ensure that the total number of Court of Appeal judges available for deployment remains as in the statutory maximum. This follows the appointment of a Court of Appeal judge to conduct a public inquiry and thus not available for deployment.

8. Consultation outcome

8.1 There was no consultation for this, there is no wide effect.

9. Guidance

9.1 There will be no guidance issued. The increase in judicial numbers does not have an effect which requires guidance.

10. Impact

10.1 The impact on business, charities or voluntary bodies is: none.

10.2 The impact on the public sector is: none

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 None, The total number of judges is set in statute and the increase implemented by this instrument will be considered as part of ongoing planning in respect of judicial numbers and deployment.

13. Contact

Samuel Allan at the Ministry of Justice, tel: 02033345505 or email: Samuel.Allan@justice.gsi.gov.uk, can answer any queries regarding this Order.