

Abolishing the Office of Lord Chancellor

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This article argues for the abolition of the office of Lord Chancellor and the transfer of all his judicial responsibilities to the LCJ, with other responsibilities being transferred to ministers or to the Archbishop of Canterbury, in the case of matters relating to the Church of England.

1. INTRODUCTION

The office of Lord Chancellor ('LC') is an old and venerable one. Probably, it existed before the Norman Conquest (1066). The LC was the closest government official to the sovereign himself and his most trustworthy confidant. In particular, it is likely that the LC was in ultimate control of financial and legal matters. In the case of the latter (probably) he held the Great Seal of England by which the sovereign executed legal state documents as such (i.e. *qua* sovereign).¹

Moving down the centuries - by the 20th century - the role of the LC may be described as a politico-legal one. He sat in cabinet and, thus, his role was a political one. He also sat as speaker of the House of Lords - being the '*link*' between the sovereign and that house ('*hus*', legislative chamber).² As importantly, the LC was head of the judiciary. Yet, retaining these distinct roles became increasingly strained. Not least, because *Parliament* is quite distinct from government. It is the supreme legislative assembly to which government is accountable; it is not part of government. Also, the *judiciary* are quite distinct from government. They uphold the rule of law and comprise a separate pillar of the constitution. They are not - and should never be - subject to government. Given this anomalous situation, it was appropriate that the government, in 2005, considered the office of LC and whether it was still needed. However, the way things were handled was very poor. *What should have happened?*

- The office of LC should have been abolished and any *ecclesiastical functions* relating to the Church of England (the 'CoE') should have passed to the Archbishop of Canterbury (or designate);
- All other functions of the LC should have been analysed. All *functions of a judicial nature* - such as the ability of the LC to appoint judges and members of legal tribunals - should have passed to the Lord Chief Justice ('LCJ') or designate. *Why?* Because these comprise judicial functions in respect of which it is essential that the holder be a lawyer. And, that they be wholly impartial;
- *Other functions* - such as the LC being involved in judicial *pension schemes* or *making rules* - should have been reviewed since, in many cases, it was more appropriate for the person to be a minister (including the Justice Minister). In other words, these did not have such a judicial content that it was essential for the LCJ to be involved;
- Consideration should have been given to the abolition of the *UK Great Seal*. It is an anachronism³ since the sovereign is a formal (i.e. a non-executive) head of State. Further, there is little (or no) accountability to Parliament for the use of the UK Great Seal - unlike Statutory Instruments ('SI's')⁴ which must pass before Parliament. Even if retained, responsibility for sealing should have passed to the Justice Minister⁵ (or other ministers) since the documents required to be sealed are *government* (political) acts.

¹ Likely, even then, the sovereign had a former of privy (privy) seal or signet, used for personal correspondence.

² That is, the LC was appointed by the sovereign in early times.

³ The seal was required because sovereigns were, often, illiterate and could not even sign their own name. Recent sovereigns - since Henry VIII (1509-47), at least - have such an ability.

⁴ SI's took over from *proclamations* which constituted quasi-legislation issued by the sovereign alone to which the Great Seal was attached. However - by the early 17th century - they became (effectively) defunct since it was held by caselaw (the *Case of Proclamations (1611)*), that the sovereign could not change the law. After 1717 - when George I (1714-27) no longer sat in Cabinet - proclamations were, effectively, issued by the government. Today, they are of no real legal worth and it would be better if they were called '*Royal Notices*', since - these days - they merely record factual events (royal marriages, births, deaths *etc*).

⁵ I use this as a short form to refer to the Secretary of State for Justice.

As it is, what happened in 2005 was a half-way house and it has proved unsatisfactory because it is unclear. In 2005, the intention of the government was to abolish the office of the LC and simply retain that of the Justice Minister. However, the judiciary were (understandably) concerned⁶ that - what had been a juridico-legal office in the past - would, then, become a wholly political one, with the result that judges were, effectively, employees of the state. Thus, the office was retained - but in an unsatisfactory way. The relevant legislation - the Constitutional Reform Act 2005 (the '2005 Act'), Sch 7 - listed various *protected functions* of the LC. That is, ones which could only be removed by means of the means of amending legislation. However, there was no list of the other functions of the LC's office, such as to enable a review of its ambit. If there had been, it would have disclosed that all the main functions of the LC had, actually, been listed - save in respect of the CoE.

We are now in the year 2022 (some 17 years on from 2005) and it is asserted that it is time to abolish the office of LC and to properly allocate to the LCJ all functions which - due to this his being head of the judiciary (and, now, tribunals) - are appropriate to be held by him (or a designate).⁷ As to the allocation of functions, it is suggested that this is, actually, quite simple since it involves analysing the Acts cited in the 2005 Act, Sch 7.

2. UK GREAT SEAL

The law on this has been analysed in a prior article.⁸ The use of the Great Seal is governed by the *common law* and by *legislation*.

(1) Common Law - Obligation to Use the Great Seal

- In the case of the *common law*, it (probably) now only applies to the execution of Crown grants relating to:
 - (a) freehold interests in Crown Estate land;
 - (b) chattels real (being restricted to certain Crown leases these days);
 - (c) the grant of honours (e.g. hereditary peerages *etc*);⁹
 - (d) *the grant of franchises (also, called liberties) (obs)*.
- That said - in practice - both (a) and (b) are subject to a number of exceptions, such that the Great Seal is not needed in most instances. More importantly, since 1760, the sovereign has not been in charge of the Crown Estate. Thus, the purpose behind the requirement to use the Great Seal has gone¹⁰ since the sovereign cannot interfere with the same (i.e. disposal of Crown land);¹¹
- As for (c), hereditary peerages are no longer granted by the sovereign save in respect of members of the royal family. And, it does not apply to life peerages which are governed by legislation;
- As for (d), all *franchising* of Crown prerogatives ('CP's'), *post-1702*, are rare (if at all).¹² Thus, it is obsolete.

Further, there is no reason why all of the above - if still required - cannot be granted by means of a *SI* (since there is, then, much more accountability to Parliament) or under the *sign manual* (i.e. the royal signature).

(2) Statutory Obligation to Use the Great Seal

As for *legislation*, the Union with Scotland Act 1706, art 24 (and its Scots counterpart, the Union with Scotland Act 1707), provides for the UK Great Seal to be used for:

- (a) sealing writs to elect (and summon) the Parliament of Great Britain;
- (b) *sealing treaties with foreign princes and states*;
- (c) all public acts, instruments and orders of state which concern the whole of the UK;
- (d) all other matters relating to England in which the Great Seal was used prior to 1706 (see above).

As to these, today, in the case of:

⁶ Their concern seems well founded.

⁷ It is suggested that - in most cases - powers of appointment can be allocated to another senior judge since the office of LCJ is an onerous one already, with so many responsibilities. Also, most judges are now, effectively, appointed by commissions, with the LCJ's role simply being a formal one to confirm this. That said, the formal appointment of judges (i.e. signing letters of appointment - as well as those relating to incapacity and dismissal for misconduct) should be undertaken under the personal signature of the LCJ. Also, it may be noted, the LCJ should be recognised as a corporation sole, the *holder of office* being the appointer of other judges *etc* - and not the *individual* in person.

⁸ See GS McBain, *Modernising the Monarchy - In Legal Terms: Part 5* (2014) 25 King's Law Journal, pp 440-466.

⁹ In practice, these are only granted to the members of the royal family these days; and no new types of hereditary peerages are granted, see GS McBain, *Modernising the Constitution - A Crown Act* (2021) Int. Law Research, vol 10, p 30. *Ibid*, *Modernising the Constitution - A Constitution Act* (2022) LR, vol 11, p 278.

¹⁰ It was required to stop sovereigns *pre-1702* (Crown Lands Act 1702) disposing of the Crown Estate secretly (or granting long leases). As it is, even with such a requirement, sovereigns (often) did the same and the courts did not stop them because of the sovereign's power.

¹¹ In the case of private land held by the sovereign pursuant to the Crown Private Estate Act 1800, the Great Seal is not required.

¹² After 1688, the sovereign was financed by way of a civil list. Thus, there was no need for the same to franchise Crown prerogatives in order to raise money. In any case, many of the Crown prerogatives were obsolete (*strays, waifs etc*) or of no financial interest to franchisees (*royal fish, swans etc*). The author is not aware of franchises, *post 1702* (Crown Lands Act 1702).

- (a), it is better that such matters be undertaken by the speakers of the House of Lords and the House of Commons - given that the role of the sovereign is that of a formal (i.e. non-executive) head of state only;¹³
- (b), it is now covered by legislation (the 2005 Act) and - thus - not relevant;
- (c) in the case of (a), it related only to Great Britain prior to 1707¹⁴ (i.e. prior to Ireland joining in 1800) and it must be seen in that context. In other words, this provision is out of date, especially since SI's and legislation now, generally, govern such matters;
- (d), this has been discussed *vis-à-vis* the common law above.

Suffice to say that all this uncertain - and complex - law governing the legal requirements as to when the UK Great Seal should be used, can be dispensed with by the abolition of the Great Seal and, instead, the means of execution employed for any of the above being by means of a *SI* or the *sign manual*. In the case of the LC, the Constitutional Reform Act 2005, sch 7 states that a *protected function* includes:

1. Any function of the [LC] that relates to the custody or use of the Great Seal of the [UK].

If the UK Great Seal is abolished this s 1 can be repealed. So too, if the functions of the LC under the Great Seal are re-allocated to a person other than the LC.

In conclusion, the office of LC should be abolished vis-à-vis the UK Great Seal since the same should be abolished.

3. FUNCTIONS UNDER 2005 ACT & CRIME AND COURTS ACT 2013

The Constitutional Reform Act 2005, sch 7 states that a *protected function* includes:

2. Any function of the [LC] under this Act, including any function under provisions inserted into the Act by: (a) the Crime and Courts Act 2013 or; (b) any earlier or later enactment.
3. Any function of the [LC] under another enactment, if the function is conferred and modified by an amendment made by this Act.
- 3A. Any function of the [LC] under the Legal Services Act 2007.

Most of these functions of the LC under this legislation - i.e. the 2005 Act, Crime and Courts 2013 and the Legal Services Act 2007 - should be transferred to the Justice Minister, since there is *no* indication that there have been any problems with the same performing them to date, *qua* LC.

- For example, there are copious references to the LC¹⁵ in the Legal Services Act 2007 which are performed - in practice - by the Justice Minister, without problem. In a few cases (possibly) reference might be changed to refer to the LCJ (or, better, to any judge designated by the same).

In conclusion, the office of LC should be abolished vis-à-vis the above legislation referred to. And, in most cases, reference to the Justice Minister (or other relevant minister) is appropriate instead of to the LC. Further, it seems to have produced no problems, to date.

4. OTHER STATUTORY FUNCTIONS OF THE LC

The 2005 Act also contains a list of c. 94 general and c. 17 Northern Ireland ('NI') specific Acts which make reference made to the LC in legislation (over the years the original list has been considerably reduced).¹⁶ These are listed in *Appendix A* (general) and *Appendix B* (NI). These references fall - in the most part - into the following categories:

1. Power of the LC to appoint judges, members of tribunals, arbitrators *etc*;
2. Power of the LC to appoint to lesser posts;
3. Power of the LC in respect of pension schemes for judges *etc*;
4. Obligations to consult the LC on various matters;
5. Power of the LC to make regulations in respect of various matters.

A SI should amend the references in all this legislation, from the LC to another person. In the case of 2-5, this should be the Justice Minister (or other relevant minister) since these are not *judicial powers*. Only in the case of 1 - in most instances - should the LCJ himself (or a designate) be required to appoint in replacement of the LC. Thus, for example, in writing, the LCJ should appoint all judges and members of tribunals, this by means of a standard form of words.¹⁷ In all other cases, in this listed legislation, reference to the LC should be repealed and the Justice Minister and other ministers handle the same.

¹³ See n 9, (2nd article), p 266.

¹⁴ Although the Union with Scotland Act 1976 was enacted in 1706, its Scots counterpart, the Union with Scotland Act 1707, which completed matters, was not enacted until 1707. Thus, it is (probably) better to refer to 1707 since that was when art 24 achieved full effect, the union of the crowns.

¹⁵ e.g. ss 6, 8, 15, 23-6, 42-8, 59-62, 66, 69, 75-80, 118, 130, 139, 152, 165, 168-9, 172-3, 183, 194C.

¹⁶ The government website (www.legislation.gov.uk) has failed to pick up various repeals.

¹⁷ As noted in a previous article, the sovereign appointing by means of a sealed document is no longer appropriate since her role is a *formal one* only now. And, the Justice Secretary (or LC) appointing is inappropriate since their role is a *political* one. See *GSMcBain, Modernising the Constitution - Some Final Crown Prerogatives* (2022), vol 15, no 3, pp 5-9.

In conclusion, the office of LC should be abolished vis-à-vis the above legislation referred to. And, in most cases, reference to the Justice Minister (or other relevant minister) is appropriate instead of to the LC. Further, this seems to have produced no problems, to date. In the case of judicial functions, these should pass to the LCJ (or, in many instances, to his designate).

5. ECCLESIASTICAL FUNCTIONS

As noted in a prior article,¹⁸ the LC still exercises various powers - and has various rights (such as in respect of patronage and visitation) - *vis-à-vis* the CoE. This was problematic when the same was a catholic.¹⁹ Today, there is absolutely no reason why such powers and rights should not pass to the Archbishop of Canterbury (or his designate). That is, there is no reason why the LC should be involved in religious issues.

In conclusion, the office of LC should be abolished and CoE rights passed to the Archbishop of Canterbury (or his designate).

6. CONCLUSION

Even a most casual review of the above matters indicates a compelling case to abolish the office of LC and to ‘*divvy out*’ his legal rights and obligations to others. Thus, those which relate to *judicial functions* should be allocated to the LCJ (although many can go to another designated judge, to prevent the same being overloaded). And, the others should pass to ministers (mainly, the Justice Minister). All this could be done by means of a SI (which can also deal with any other functions of the LC not mentioned in a SI).

The abolition of the office of LC is important in that it can rectify the error made by the 2005 Act, in that there should be a clear demarcation between the *political* role of the Justice Secretary and the *judicial* role of the LCJ, who should take over the judicial functions of the LC (appointment of judges, judicial members). At the moment, things are very unclear as to the separation of the judicial and political spheres, which is not good for democracy. As for abolition of the office of LC, legislative provision would not be difficult:

1. The:

- (a) office of Lord Chancellor (‘LC’) is abolished.
- (b) legal rights and obligations of the LC shall be transferred to other persons according to a SI.

Is there need for any long report or discussions on the abolition of the office of the LC? The short answer is ‘*no*’. This article and Halsbury, *Laws of England* (5th ed) provide sufficient data.

¹⁸ See McBain, n 9 (article 1), p 50.

¹⁹ See *GSMcBain, Modernising the Constitution - Some Further Crown Prerogatives* (2021) ILR, vol 10, no 1, p 221 and the Lord Chancellor (Tenure and Discharge of Legal Functions) Act 1974, s 1.

APPENDIX A - UK LEGISLATION

This refers to the legislation listed in the 2005 Act, Sch 7, pt 4, which lists references to the LC in general legislation.

Legislation

*Sheriffs Act 1887*²⁰

War Pensions (Administrative Provs) Act 1919²¹

Compensation (Defence) Act 1939²²

London Building Acts (Amendment) Act 1939²³

Pensions Appeal Tribunal Act 1943²⁴

Coal Industry Nationalisation Act 1946²⁵

Agriculture Act 1947²⁶

Commonwealth Telegraphs Act 1949²⁷

National Health Service (Amendment) Act 1949²⁸

National Parks and Access to the Countryside Act 1949²⁹

Registered Designs Act 1949³⁰

*Foreign Compensation Act 1950*³¹

Courts-Martial (Appeals) Act 1951³²

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951³³

Landlord and Tenants Act 1954³⁴

Land Powers (Defence) Act 1958³⁵

Transport Act 1962³⁶

Betting, Gaming and Lotteries Act 1963³⁷

Superannuation Act 1965³⁸

Courts-Martial (Appeals) Act 1968³⁹

Countryside Act 1968⁴⁰

Transport Act 1968⁴¹

Administration of Justice Act 1970⁴²

Role of LC

Sheriff etc may take fees & poundage fixed by the LC (obs)

Constitution of Pension Appeals Tribunals as LC may determine with Minister of Pensions.

LC to appoint Shipping Claims Tribunal members.

Ibid, Pension Appeals Tribunals members.

Ibid, arbitrators under Act.

Ibid, Agricultural Land Tribunal members.

Ibid, board of referees *re* pension rights disputes.

Ibid, arbitration committee members.

Ibid.

Ibid, persons to hear appeals.

Constitution of Foreign Compensation Commission [obs]

LC to appoint Judge Advocate & JA General.

Rules by LC to appoint courts and procedure.

LC to fix remuneration of assessor.

LC, to appoint inquiry holder.

Ibid, arbitrator.

Ibid, Betting Levy Tribunal members.

LC to make rules *re* superannuation benefits with the Minister for Civil Service's consent.

LC to appoint Judges of the Court Martial Appeal Court.

LC to appoint arbitrator.

Ibid.

Ibid, temporary additional judges.

²⁰ S 20.

²¹ Sch, paras 1,2,3,8,9.

²² S 8.

²³ S 109(2).

²⁴ Sch, paras 2(1), 2A, 2B, 3C & 5.

²⁵ S 61(1) & 64 (10).

²⁶ Sch 9.

²⁷ S 6(4).

²⁸ S 7(6), 9(4)(a).

²⁹ S 18(3).

³⁰ Ss 27A & B.

³¹ S 1(1), (4).

³² Ss 28,30, 31 (4), 32, 33.

³³ S 5.

³⁴ s 63(6)(c).

³⁵ Sch 2, paras 4(3), (4).

³⁶ Sch 6, para 3(4).

³⁷ S 29.

³⁸ S 39(A)

³⁹ Ss 2, 5, 7(2), 30.

⁴⁰ S 15A (3).

⁴¹ Sch 4, para 13(3).

⁴² S 10(3).

Courts Act 1971 ⁴³	Ibid, circuit judges. And, to recommend recorders.
Misuse of Drugs Act 1971 ⁴⁴	Ibid, Tribunal members.
Immigration Act 1971 ⁴⁵	LC to determine rules of procedure.
Administration of Justice Act 1973 ⁴⁶	LC to fix judicial salaries.
Juries Act 1974 ⁴⁷	LC to summon juries, panels <i>etc.</i>
Solicitors Act 1974 ⁴⁸	LC to make rules <i>re</i> remuneration.
Industry Act 1975 ⁴⁹	To appoint members to a tribunal. And, rules made by LC.
Domestic Proceedings & Magistrates' Courts Act 1978 ⁵⁰	Ibid, appoint a referee.
Customs & Excise Management Act 1979 ⁵¹	Ibid, referee.
Magistrates' Courts Act 1980 ⁵²	LC may make/require rules.
Judicial Pensions Act 1981 ⁵³	Scheme approved by LC <i>etc.</i>
Supreme Courts Act 1981 ⁵⁴	LC to fix remuneration and allowances.
Wildlife and Countryside Act 1981 ⁵⁵	LC to appoint arbitrator.
Transport Act 1982 ⁵⁶	Ibid.
Administration of Justice 1982 ⁵⁷	Regs made with concurrence of LC.
Mental Health Act 1983 ⁵⁸	LC to appoint members of Tribunal.
Car Tax Act 1983 ⁵⁹	LC to appoint referee.
County Courts Act 1984 ⁶⁰	Concurrence to appoint CC judge. LC to make keeper of records by SI. LC to fix fees & fines.
Matrimonial and Family Proceedings Act 1984 ⁶¹	Concurrence of LC.
Administration of Justice Act 1985 ⁶²	LC may order, by SI, the recognition of judicial bodies <i>etc.</i>
Transport Act 1985 ⁶³	LC may appoint to Transport Tribunal.
Landlord and Tenant Act 1985 ⁶⁴	Ibid, rent assessment committee members.
Insolvency Act 1986 ⁶⁵	Consult with Insolvency Rules C-ee, fees <i>etc.</i>
Criminal Justice Act 1988 ⁶⁶	Power to assess compensation <i>re</i> assessor.
Education Reform Act 1988 ⁶⁷	LC to appoint arbitrator.

⁴³ S 16(1), 18, 21, 24, Sch 2, paras 4(3) & 9 (2).

⁴⁴ Sch 3, paras 1(1), 3 & 4 and in the Table in para 21, the entry for para 1.

⁴⁵ S 22.

⁴⁶ Ss 9 & 12.

⁴⁷ Ss 2, 3(1), 5(1), 8, 19, 21, 23(2).

⁴⁸ S 56.

⁴⁹ Sch 3, para 4(1)(a) & 17.

⁵⁰ S 2(3).

⁵¹ Sch 3, para 17(4).

⁵² S 137, 144(2) & (3).

⁵³ Ss 3,5,7, 10,11, 13, 13A, 14A, 23, 29B, 32A, 33ZA, 33A, Sch 1, para 3(3), Sch 1A, paras 2 & 11, Sch 2, para 2(2).

⁵⁴ S 9(8), 11(7) & (8),12, 54(3), 57(4)(a), 71(4)(a), 74, 75, 91, 92(1) & (3A), 98, 102, 126, 133, 140(4)

⁵⁵ S 28N (3)

⁵⁶ S 66(4)(a)

⁵⁷ S 25(3)(a)

⁵⁸ Ss 78, 143(1), Sch 2, paras 1-3

⁵⁹ S 3(5)

⁶⁰ S 8, 12(1), 128, 130.

⁶¹ S 37

⁶² S 9(7), 69(2), Sch 3.

⁶³ Sch 4, paras 2(1)(a), 3(4) & (5), 6, 7, 15 & 16.

⁶⁴ S 29(4).

⁶⁵ S 117, 413-5, 420(1), 421 (), Sch 7, para 1(1)(a).

⁶⁶ Sch 12.

⁶⁷ Sch 10, para 9(4).

Local Government Finance Act 1988 ⁶⁸	Ibid, tribunal members.
Copyright, Designs and Patents Act 1988 ⁶⁹	Ibid.
Electricity Act 1989 ⁷⁰	Ibid.
Children Act 1989 ⁷¹	LC power to make regs.
Broadcasting Act 1990 ⁷²	LC to appoint arbitrator.
Courts and Legal Services Act 1990 ⁷³	LC to allocate court business.
Child Support Act 1991 ⁷⁴	LC has power <i>re</i> child maintenance orders.
Ports Act 1991 ⁷⁵	LC to appoint arbitrator.
Land Drainage Act 1991 ⁷⁶	Ibid, to appoint panel.
Tribunals and Inquiries Act 1992 ⁷⁷	LC to appoint chairman.
Judicial Pensions and Retirement Act 1993 ⁷⁸	Deals with judicial pensions, <i>inc</i> LC.
Coal Industry Act 1994 ⁷⁹	LC to appoint arbitrator.
Trade Marks Act 1994 ⁸⁰	Ibid, members to hear appeals.
Employment Tribunals Act 1996 ⁸¹	LC power to confer jurisdiction to employment Tribunals.
Reserve Forces Act 1996 ⁸²	LC to appoint chairman and members of Tribunal.
Police Act 1996 ⁸³	LC to nominate to Police Appeals Tribunal.
Arbitration Act 1996 ⁸⁴	LC to allocate proceedings to HC & CC.
Defamation 1996 ⁸⁵	LC to prescribe amount of damages.
Broadcasting Act 1996 ⁸⁶	LC to appoint arbitrator.
Civil Procedure Act 1997 ⁸⁷	LC may establish Civil Justice Council.
Finance Act (No 2) Act 1997 ⁸⁸	LC has power to modify regs.
Plant Varieties Act 1997 ⁸⁹	LC power to appoint to Tribunal.
Special Immigration Appeals Commission Act 1997 ⁹⁰	LC has power to make rules.
Social Security Act 1998 ⁹¹	Power to appoint president and panel.
Crime and Disorder Act 1998 ⁹²	Concurrence of LC.

⁶⁸ Sch 11, para A7.

⁶⁹ S 145(2), 146(6), 150, 291(5), 292.

⁷⁰ Sch 10, para 9(2)(a).

⁷¹ S 104(1).

⁷² Sch 9, para 5(5)(a).

⁷³ Ss 1, 53, 60, 72, 89, 125(4), Sch 19, para 17.

⁷⁴ S 8, 52 (1), Sch 4, para 2(1) & (2).

⁷⁵ Sch 2, para 11(5).

⁷⁶ S 31(1).

⁷⁷ S 6(2), (8) & (9), s 9, 13, 15, 16(2), Sch 5, para 7(4).

⁷⁸ Ss 1,2, 3, 9, 9A, 10, 11, 12, 13, 19, 20, 21, 26(9), 31. Sch 2. Paras 2,11, 12 & 13, Sch 2A, paras 1 & 2, Sch 5, as it applies in relation to the office of chairman or other member of Rent Assessment Committees, Sch 7, para 2.

⁷⁹ Sch 2, para 8(6)(a).

⁸⁰ S 77.

⁸¹ S 3, 22(1)(c) & (2), 27, 30.

⁸² S 90 & 91.

⁸³ Sch 6, para 1(a).

⁸⁴ S 105.

⁸⁵ S 9(1)(c).

⁸⁶ Sch 5, para 8(6)(a).

⁸⁷ Ss 3,6.

⁸⁸ Sch 2, para 11 (2).

⁸⁹ Sch 1 3, paras 2(1), 13 & 16.

⁹⁰ S 5, 8, Sch 1, paras 1-4.

⁹¹ S 5(1), 6(1)-(4), 79, Sch 4 paras 1(2), 2,3,6 & 8.

⁹² S 51, 51D, 81.

Human Rights Act 1998 ⁹³	LC can fix ECHR judge's pension.
Social Security Contributions (Transfer of Functions <i>etc</i>) Act 1999 ⁹⁴	Regs made with concurrence of LC.
Welfare Reform and Pensions Act 1999 ⁹⁵	LC appropriate minister for pension scheme.
Immigration and Asylum Act 1999 ⁹⁶	Regs under Act require LC approval.
Terrorism Act 2000 ⁹⁷	LC to appoint to Proscribed Organisations Appeal Com.
International Criminal Court 2001 ⁹⁸	LC to make pension provision for ICC judge.
Anti-Terrorism, Crime and Security Act 2001 ⁹⁹	LC to appoint to Pathogens Access Appeal Commission
Land Registration Act 2002 ¹⁰⁰	LC may require registrar to make payment
Commonhold and Leasehold Reform Act 2002 ¹⁰¹	LC to appoint to Leasehold Valuation panels
Tax Credits Act 2002 ¹⁰²	Regs made with LC's consent
Enterprise Act 2002 ¹⁰³	LC power to appoint to Competition Appeal Tribunal
Nationality, Immigration & Asylum Act 2002 ¹⁰⁴	LC to appoint members of Tribunal
<i>Finance Act 2003</i> ¹⁰⁵ (<i>rep</i>)	
Communications Act 2003 ¹⁰⁶	Transfer schemes. Appointment of arbitrator.
Courts Act 2003 ¹⁰⁷	Appointment of district judges (pay, removal <i>etc</i>).
	Indemnification of JP's. Appointment of fines officers <i>etc</i> .
<i>Income Tax Act 2007</i> ¹⁰⁸ (<i>rep</i>)	
Tribunals, Courts & Enforcement Act 2007 ¹⁰⁹	LC may provide for a qualification to be a recognised qualification
	Annual report to be submitted to LC. LC to be consulted <i>re</i> sentencing guidelines. Council to consult with LC <i>re</i> guidelines.
Coroners and Justice Act 2009 ¹¹⁰	LC power to allow for marriage of same sex couples in the Church in Wales.
	LC may make pension scheme regs for judiciary.
Marriage (Same Sex Couples) Act 2013 ¹¹¹	LC to appoint President of Education Tribunal.
Public Service Pensions 2013 ¹¹²	
Additional Learning Needs & Education Tribunal (Wales) Act 2008 ¹¹³	LC power to amend by regs
Sentencing Act 2020 ¹¹⁴	LC power to add new judicial offices
Public Service Pensions and Judicial Offices Act 2022 ¹¹⁵	

⁹³ Sch 4.

⁹⁴ S 13.

⁹⁵ S 43.

⁹⁶ S 53(6), Sch 7, paras 1 & 2, Sch 10.

⁹⁷ Sch 3, paras 1-3 & 5.

⁹⁸ Sch 1, para 7.

⁹⁹ Sch 6, paras 1,2,3 & 5.

¹⁰⁰ S 108(5).

¹⁰¹ Sch 12, para 5(3).

¹⁰² S 65.

¹⁰³ S 12(2)(a) & (b), 16. Sch 2, paras 1 & 3.

¹⁰⁴ S 16, 81, 106, Sch 4 paras 1,2,6 & 7, Sch 5, paras 1-5, 9-11.

¹⁰⁵ Sch 17, paras 6-10.

¹⁰⁶ Sch 2, para 4(7)(a).

¹⁰⁷ S 1, 22(1), 24, 27, 35-7, 51, 61, 70(2)(a), Sch 1, paras 2 & 6, Sch 5, para 43, Sch 6, para 1, Sch 7, paras 2 & 12.

¹⁰⁸ S 704 (1).

¹⁰⁹ Pt 1, s 51, Pt 3, ss 95-102.

¹¹⁰ S 119 (1) & (2), 120(6), 122(4), 124(1), 131(2), 132(1), (4) & (6), s 133, Sch 15.

¹¹¹ S 8.

¹¹² Sch 1, para 2(1), Sch 2, para 2.

¹¹³ S 91(3) & (4).

¹¹⁴ Sch 23, para 19.

¹¹⁵ S 124(3) & (4), 127.

APPENDIX B: NI

Judicial Pensions Act (NI) Act 1951 ¹¹⁶	LC may make regs with Treasury consent. Recommendation by LC of pension for Social Service C-er.
County Courts Act (NI) Act 1959 ¹¹⁷	Services and allowances for judges determined by LC with Treasury consent.
Resident Magistrates Pensions Act (NI) 1960 ¹¹⁸	Electing not be a member of the pension scheme, notice served on LC.
Magistrates' Courts Act (NI) 1964 ¹¹⁹	LC may make regs with Treasury consent. Appointment of deputy district magistrates, subject to conditions that the LC may direct.
Lands Tribunal and Compensation Act (NI) 1964 ¹²⁰	LC may determine salaries with Treasury consent. LC may appoint members of Tribunal.
<i>Social Security (NI) Act 1975</i> ¹²¹	<i>LC recommendation re C-er's pension (obs?)</i> .
Judicature (NI) Act 1978 ¹²²	LC may determine remuneration of HC & CA judges. Involvement in address to removing LCJ. Pensions of statutory officers.
Statutory Rules (NI) Order 1979 ¹²³	LC is rulemaking authority.
Child Support (NI) Order 1991 ¹²⁴	LC may pay travelling allowances to persons attending proceedings before the Child Support C-er.
Judicial Pensions (NI) Order 1991 ¹²⁵	LC to determine Registered Homes Tribunals.
Social Security Administration (NI) Act 1992 ¹²⁶	LC may make regs as to reviews and appeals.
Registered Homes (NI) Order 1992 ¹²⁷	
NI Act 1998 ¹²⁸	Rules for appeal to the Tribunal pursuant to s 91 of the Act.
Welfare Reform and Pensions Order 1999 ¹²⁹	Power of LC to make regs.
Justice (NI) Act 2002 ¹³⁰	LCJ represents judiciary views to the LC. Also, LC appoints listed judicial officers.
Ecclesiastical Jurisdiction & Care of Churches Measure 2018 ¹³¹	Must consult LC before approving chancellor of a diocese. LC makes nominations for rules committee.

¹¹⁶ S 11A, 16, Sch 4, para 3.

¹¹⁷ S 106(1) & (3), 107(7), 116(1), 116A(3)(b), 4(a) & (b) & (6), s 127A(1), 132, 132A(1), (2) & (4), 134. Sch 2A, paras 2(1)(a), 11(1), 12(1) & 13(a).

¹¹⁸ S 2(1), 2A(3)(b), 4(a) & (b), (5) & (6), 8A, 9A(1), 16(1), (3) & (4), 21A(1), (2) & (4), Sch 2, para 3(3)(a), Sch 3, paras 2(a), 11(1), 12(1) & 13.

¹¹⁹ S 10(1) & 12 (1).

¹²⁰ S 2A(3)(b), 4(a) & (b), (5) & (6).

¹²¹ S 10, para 6(1), 7(2), (3) & (4), 7A(3)(b), 4(a) & (b), (5) & (6).

¹²² S 7(4), 12(b) & 12(C), 71(4), 72(3), 74(5), 117A, 123(2) & (3).

¹²³ Sch 1, Pt 1.

¹²⁴ Sch 4, para 4.

¹²⁵ Art 1(2).

¹²⁶ S 56(6).

¹²⁷ Art 30(1)(a), 31(2).

¹²⁸ S 91(6), Sch 11, para 2(1) & (3), 2A, 3(1) & (4) & 4.

¹²⁹ Art 40, 73 (10) & (11).

¹³⁰ S 12(13).

¹³¹ S 2(6), 81(3).

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