

Ordinance 03 of 2019

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**COURTS (CONSTITUTION AND JURISDICTION)
(AMENDMENT) ORDINANCE 2019**

An Ordinance to amend the Courts (Constitution and Jurisdiction) Ordinance 2007.

J. Illingworth
ADMINISTRATOR

26 February 2019

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short title

1. This Ordinance may be cited as the Courts (Constitution and Jurisdiction) (Amendment) Ordinance 2019.

Commencement

2. This Ordinance comes into force on 28 February 2019.

Amendment of the Courts (Constitution and Jurisdiction) Ordinance 2007

3. The Courts (Constitution and Jurisdiction) Ordinance 2007(a) is amended as follows.

Substitution of section 11

4. For section 11 (qualification) substitute—

“Qualification

11.— (1) A person (P) is qualified for appointment as a Senior Judge if P is a salaried judicial office holder in England and Wales.

(2) A person (P) is qualified for appointment as the Resident Judge if P is—

- (a) a salaried judicial office holder in the United Kingdom, and
- (b) under the age of 70.

(3) A person (P) is qualified for appointment as an Associate Judge if P—

- (a) has been qualified for 7 years or more to practise as a barrister, solicitor or in another equivalent capacity in the United Kingdom, the Republic of Cyprus, the Republic of Ireland or in any other part of Her Majesty’s Dominions, and
- (b) is under the age of 70.

(4) A person (P) is qualified for appointment as an Acting Judge if P—

- (a) for appointment as a member of the Resident Judge’s Court, meets qualification requirements in subsection (2), or
- (b) for appointment as a member of the Senior Judges’ Court, meets qualification requirements in subsection (1).

(5) A Senior Judge or an Acting Judge who is a member of the Senior Judges’ Court must vacate office on ceasing to hold a salaried judicial office in England and Wales.

(6) The Resident Judge, an Associate Judge or an Acting Judge who is a member of the Resident Judge’s Court must vacate office on reaching the age of 70.”

(a) Ordinance 5/2007, as amended by Ordinances 8/2012, 2/2014, 6/2016, 2/2017, 2/2018 and 3/2018.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Courts (Constitution and Jurisdiction) (Amendment) Ordinance 2019 (“the Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

2. The Ordinance amends the Courts (Constitution and Jurisdiction) Ordinance 2007 (“the principal Ordinance”).

3. Section 11 (qualification) of the principal Ordinance is substituted for a new section 11. The new section clarifies the eligibility criteria for appointments of Senior Judges and Acting Judges as members of the Senior Judges’ Court. Previously, such appointments were open to full-time judges in England and Wales. The new provisions clarify that all salaried judges in England and Wales are eligible for such appointments. The rest of the provisions of section 11 have been redrafted in order to modernise the language and the structure of the section. The effect of those provisions remains unchanged.

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