
**COURTS (CONSTITUTION AND JURISDICTION)
(AMENDMENT) (NO. 2) ORDINANCE 2023**

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

PJM Squires OBE
ADMINISTRATOR

20 December 2023

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

Short title and commencement

1.—(1) This Ordinance may be cited as the Courts (Constitution and Jurisdiction) (Amendment) (No. 2) Ordinance 2023.

(2) This Ordinance comes into force on 31 December 2023.

Amendment of the Courts (Constitution and Jurisdiction) Ordinance 2007

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

Amendment of section 2 (interpretation)

3. In section 2, in the definition of “Senior Judge” for “in accordance with section 6(1)” substitute “in accordance with section 6”.

(a) Ordinance 5/2007 as amended by Ordinances 2/2014, 6/2016, 2/2017, 2/2018, 3/2018, 3/2019, 7/2020 and 2/2023.

Amendment of section 6 (appointment of a Senior Judge)

4.—(1) After section 6(1) insert—

“(1A) The Administrator may reappoint a Senior Judge to that office without the need for any instructions (as referred to in subsection (1)) provided that—

- (a) the reappointment is for a consecutive term following an initial appointment or reappointment, and
- (b) the Administrator has consulted the Presiding Judge (including where the person being reappointed as a Senior Judge is, for the time being, the Presiding Judge).”.

(2) At the beginning of section 6(2), insert “Subject to section 11(5),”.

Amendment of section 8 (appointment of an Associate Judge)

5. In section 8(2) for “Subject to section 11(6)” substitute “Subject to section 11(7)”.

Amendment of section 9 (appointment of an Acting Judge)

6. In section 9(2) for “Subject to section 11(6)” substitute “Subject to section 11(5) or (6) (as applicable)”.

Amendment of section 11 (qualifications)

7. In section 11—

(a) for subsection (1) substitute—

“(1) A person (P) is qualified for appointment as a Senior Judge if—

- (a) P is a salaried judicial office holder in the United Kingdom, or
- (b) P holds a judicial sitting in retirement office in the United Kingdom, and has previously held a salaried judicial office.”;

(b) in subsection (2) omit “and” and omit paragraph (b);

(c) in subsection (3) omit “and” and omit paragraph (b);

(d) in subsection (5) for “salaried judicial office in England and Wales” substitute “judicial office specified in subsection (1)”;

(e) for subsection (6) substitute—

“(6) The Resident Judge or an Acting Judge who is a member of the Resident Judge’s Court must vacate office on ceasing to hold a salaried judicial office in the United Kingdom.

(7) An Associate Judge must vacate office on reaching the age of 75.”.

Amendment of section 12 (oaths)

8. After section 12(2) insert—

“(3) Subsection (1) does not apply to a person when reappointed for a consecutive term.”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This Explanatory Note relates to the Courts (Constitution and Jurisdiction) (Amendment) (No. 2) Ordinance 2023 (the “Ordinance”). It is not part of the Ordinance but has been prepared by the Office of the Attorney General and Legal Adviser to assist the reader of the Ordinance.

2. The Ordinance amends the Courts (Constitution and Jurisdiction) Ordinance 2007 to make four main changes: first, to simplify the process for the reappointment of a Senior Judge; secondly, to make former salaried judges in the United Kingdom who are now sitting in retirement eligible for appointment as Senior Judges; thirdly, to increase judicial retirement age in the Sovereign Base Areas to 75, in line with the United Kingdom; and finally, to remove the need for a Judge being appointed for a consecutive term to re-take the oaths required by section 12(1).

SBA/AG/2/CT/135
