

Status: Point in time view as at 04/04/2005.

Changes to legislation: Courts and Legal Services Act 1990, SCHEDULE 10 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 10

Section 71(2).

JUDICIAL AND OTHER APPOINTMENTS

Appellate Jurisdiction Act 1876 (c. 59)

Lord of Appeal in Ordinary

1 In section 6 of the Appellate Jurisdiction Act 1876 (appointment of Lords of Appeal in Ordinary) for the words “a practising barrister in England or Ireland, or a practising advocate in Scotland” there shall be substituted—

- “(a) a person who has a Supreme Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) an advocate in Scotland, or a solicitor entitled to appear in the Court of Session and the High Court of Justiciary; or
- (c) a practising member of the Bar of Northern Ireland.”

War Pensions (Administrative Provisions) Act 1919 (c. 53)

Pensions Appeal Tribunal

2 (1) In paragraph 2 of the Schedule to the War Pensions (Administrative Provisions) Act 1919 (members of tribunal) in sub-paragraph (i) the words from “being a barrister” to “standing” shall be omitted.

(2) After that paragraph there shall be inserted—

- “2A For the purposes of paragraph 2(i) the legal representative shall be—
- (a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate or solicitor in Scotland of at least 7 years’ standing; or
 - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing.”

Land Registration Act 1925 (c. 21)

District Registrar

3

F1

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Textual Amendments

- F1** Sch. 10 para. 3 repealed (13.10.2003) by 2002 c. 9, ss. 135, 136(2), Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2

London Building Acts (Amendment) Act 1939 (c. xcvii)

- 4 In section 109(1) of the London Building Acts (Amendment) Act 1939 (constitution of appeal tribunal) in paragraph (b) for the words “barrister or a solicitor” there shall be substituted “ a person who has a general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990” ”.

Pensions Appeal Tribunals Act 1943 (c. 39)

^{F25}

Textual Amendments

- F2** Sch. 10 para. 5 repealed (9.4.2001) by 2000 c. 19, s. 85, Sch. 9 Pt. IV (with s. 83(6)); S.I. 2000/2994, art. 2(6)

Agriculture Act 1947 (c. 48)

Agricultural Land Tribunal

- 6 (1) In paragraph 13(1) of Schedule 9 to the Agriculture Act 1947 (chairman of agricultural land tribunal) for the words from “barrister” to the end there shall be substituted “ person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.” ”
- (2) In paragraph 14 of that Schedule (deputies) for the words from “barristers” to the end there shall be substituted the words “ persons eligible for appointment under paragraph 13(1).” ”

Lands Tribunal Act 1949 (c. 42)

Lands Tribunal

- 7 In section 2(2) of the Lands Tribunal Act 1949 (President and members of Lands Tribunal)—
- (a) after the words “person who” there shall be inserted “ (a) ”;
 - (b) for the words “or a barrister-at-law of at least seven years’ standing” there shall be substituted

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- “(b) has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or
(c) is a member of the Bar of Northern Ireland of at least 7 years’ standing.”; and
(c) for the words “barristers-at-law or solicitors of the like standing” there shall be substituted “ persons falling within paragraph (b) or (c) or solicitors of the Supreme Court of Northern Ireland of at least 7 years’ standing” ”.

Wireless Telegraphy Act 1949 (c. 54)

8

[^{F3}In section 9(3)(a) of the Wireless Telegraphy Act 1949 (president of appeal tribunal) for the words “barrister of not less than seven years’ standing or a solicitor of not less than seven years’ standing” there shall be substituted “ person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,” ”.]

Textual Amendments

F3 Sch. 10 para. 8 repealed (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406, 408, 411, Sch. 19(1) (with Sch. 18, Sch. 19 Note 1); S.I. 2003/1900, arts. 1(2), 2(1), 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, {art. 3(2)} (with art. 11)

National Health Service (Amendment) Act 1949 (c. 93)

Arbitration committee

9

In section 7(6) of the National Health Service (Amendment) Act 1949 (member of arbitration committee) for the words “a practising barrister, advocate or solicitor” there shall be substituted “ a person who has a 7 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990) or an advocate or solicitor in Scotland” ”.

Courts-Martial Appeals Act 1951 (c. 46)

Judge Advocate of the Fleet

10

In section 28(2) of the Courts-Martial (Appeals) Act 1951 (appointment of Judge Advocate of the Fleet) for the words “unless he is” to the end there shall be substituted “unless he is—

- (a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
(b) an advocate in Scotland of at least 10 years’ standing, or a solicitor who has been entitled to appear in the Court of Session and the High Court of Justiciary for at least 10 years; or
(c) a member of the Bar of Northern Ireland of at least 10 years’ standing.”

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Judge Advocate General etc

- 11 (1) In section 31(1) of that Act (appointment of Judge Advocate General) for the words “unless he is” to the end there shall be substituted “unless he is—
- (a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate in Scotland of at least 10 years’ standing, or a solicitor who has been entitled to appear in the Court of Session and the High Court of Justiciary for at least 10 years;
 - (c) a member of the Bar of Northern Ireland of at least 10 years’ standing;
 - (d) the Vice Judge Advocate General; or
 - (e) an Assistant Judge Advocate General.”
- (2) In subsection (2) of that section (Vice or Assistant Judge Advocate General) for the words “unless he is” to the end there shall be substituted “unless he is—
- (a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate in Scotland of at least 7 years’ standing, or a solicitor who has been entitled to appear in the Court of Session and the High Court of Justiciary for at least 7 years;
 - (c) a member of the Bar of Northern Ireland of at least 7 years’ standing; or
 - (d) a Deputy Judge Advocate General.”
- (3) In subsection (3) of that section (Deputy Judge Advocate General) for the words “unless he is” to the end there shall be substituted “unless he is—
- (a) a person who has a 5 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate in Scotland of at least 5 years’ standing, or a solicitor who has been entitled to appear in the Court of Session and the High Court of Justiciary for at least 5 years; or
 - (c) a member of the Bar of Northern Ireland of at least 5 years’ standing.”

Agricultural Marketing Act 1958 (c. 47)

Chairman of disciplinary committee

- 12 In section 9(1) of the Agricultural Marketing Act 1958 (constitution of disciplinary committee) for the words “who is a barrister” to the end there shall be substituted “who—
- (a) has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) is an advocate or solicitor in Scotland of at least 7 years’ standing; or
 - (c) is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing,
- and is approved by the Minister. ”

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County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

County Court Judge

- 13 In section 103 of the County Courts Act (Northern Ireland) 1959 (qualifications for appointment as county court judge in Northern Ireland) after paragraph (a) of subsection (1) there shall be inserted—

“(aa) he is a solicitor who has practised for not less than ten years as a solicitor in Northern Ireland; or”.

Charities Act 1960 (c. 58)

Charity Commissioner

F4 14

Textual Amendments

F4 Sch. 10 para. 14 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99, Sch.7.

Professions Supplementary to Medicine Act 1960 (c. 66)

Assessor to disciplinary committee

- 15 In paragraph 4(1) of the Second Schedule to the Professions Supplementary to Medicine Act 1960 (assessor to disciplinary committee) for the words “a barrister” to the end there shall be substituted—

- “(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) an advocate or solicitor in Scotland of at least 10 years’ standing; or
- (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years’ standing.”

Betting Gaming and Lotteries Act 1963 (c. 2)

Levy Appeal Tribunal

- 16 In section 29(2)(a) of the Betting, Gaming and Lotteries Act 1963 (chairman of levy appeal tribunal) for the words “a barrister, advocate or solicitor of not less than seven years’ standing” there shall be substituted—

- “(i) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or
- (ii) an advocate or solicitor in Scotland of at least 7 years’ standing.”

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Ecclesiastical Jurisdiction Measure 1963 (No. 1)

Judge of Consistory Court

- 17 In section 2(2) of the Ecclesiastical Jurisdiction Measure 1963 (judge of consistory court) for the words “barrister at law of at least seven years’ standing” there shall be substituted “ person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990," ”.

Dean of the Arches and Auditor

- 18 (1) In section 3(3) of that Measure (Dean of the Arches and Auditor) for the words “barrister at law of at least ten years’ standing” there shall be substituted “ person who has a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990," ”.
- (2) In section 42(3) of that Measure (deputy appointed by Dean of the Arches to sit on inquiry into complaint against bishop by committee of convocation) for the words “barrister at law of at least ten years’ standing” there shall be substituted “ person who has a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990," ”.

Assessor for episcopal committee inquiry

- 19 In section 33(4) of that Measure (barrister to assist episcopal committee in inquiry into complaint) for the words “barrister at law of not less than ten years’ standing” there shall be substituted “ person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990," ”.

Examiner

- 20 In paragraph 1(1) of the Second Schedule to that Measure (members of panel of examiners) for the words “who shall be either barristers at law or solicitors” there shall be substituted “ having a 7 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990) and" ”.

Plant Varieties and Seeds Act 1964 (c. 14)

Plant Variety Rights Tribunal

F⁵21

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| <p>Textual Amendments</p> <p>F5 Sch. 10 para. 21 repealed (8.5.1998) by 1997 c. 66, s. 52, Sch. 4; S.I. 1998/1028, art. 2</p> |
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Police Act 1964 (c. 48)

F⁶22

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Textual Amendments

F6 Sch. 10 para. 22 repealed (1.4.1999) by 1996 c. 16, s. 103, Sch. 9 Pt. II; S.I. 1999/533, art. 2

Hairdressers (Registration) Act 1964 (c. 89)

Assessor to disciplinary committee

23 In paragraph 3(1) of Schedule 2 to the Hairdressers (Registration) Act 1964 (assessor to disciplinary committee) for the words “a barrister” to the end there shall be substituted—

- “(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or
- (b) an advocate or solicitor in Scotland of at least 10 years’ standing.”

City of London Courts Act 1964 (c. iv)

The Common Serjeant

24 In section 12(2) of the City of London (Courts) Act 1964 (appointment of Common Serjeant) for the words “he is a barrister of not less than ten years’ standing” there shall be substituted “ he has a 10 year Crown Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.” ”

Law Commissions Act 1965 (c. 22)

Law Commissioner

25 In section 1(2) of the Law Commissions Act 1965 (Law Commissioners) for the words “barrister or solicitor” there shall be substituted “ person having a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)” ”.

Commons Registration Act 1965 (c. 64)

Commons Commissioner

26 In section 17(1) of the Commons Registration Act 1965 (Commons Commissioners) for the words “barristers or solicitors of not less than seven years’ standing” there shall be substituted “ persons who have a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,” ”.

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[^{F7}Employment Tribunal] (England and Wales) Regulations 1965

Textual Amendments

- F7** Words in cross-heading to Sch. 9 para. 27 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

[^{F8}Employment tribunal] (S.I. 1965/1101.)

Textual Amendments

- F8** Words in cross-heading to Sch. 9 para. 27 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

- 27 (1) In regulation 3(1) of the [^{F9}Employment Tribunal] (England and Wales) Regulations 1965 (President of [^{F9}Employment Tribunal]) for the words “barrister or solicitor of not less than seven years’ standing” there shall be substituted “ person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.” ”
- (2) In regulation 5(2) of those regulations (chairman of tribunal) for the words “being barristers or solicitors of not less than seven years’ standing” there shall be substituted “ who have a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,” ”.
- (3) The amendments by sub-paragraphs (1) and (2) of provisions contained in regulations shall not be taken to have prejudiced any power to make further regulations amending or revoking those provisions.

Textual Amendments

- F9** Words in Sch. 9 para. 27 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

Veterinary Surgeons Act 1966 (c. 36)

Assessor to disciplinary committee

- 28 In paragraph 6(1) of Schedule 2 to the Veterinary Surgeons Act 1966 (assessor to disciplinary committee) for the words from “a barrister” to the end there shall be substituted—
- “(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate or solicitor in Scotland of at least 10 years’ standing; or
 - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years’ standing.”

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Hearing Aid Council Act 1968 (c. 50)

Assessor to Disciplinary Committee

- 29 In section 11(1) of the Hearing Aid Council Act 1968 (assessor to Disciplinary Committee) for the words “a barrister” to the end there shall be substituted—
- “(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate or solicitor in Scotland of at least 10 years’ standing; or
 - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years’ standing.”

Taxes Management Act 1970 (c. 9)

Special Commissioner

- 30 In section 4(2) of the Taxes Management Act 1970 (Special Commissioner for income tax) for the words “unless he is” to the end there shall be substituted “unless—
- (a) he has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) he is an advocate or solicitor in Scotland of at least 10 years’ standing; or
 - (c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years’ standing.”

Courts Act 1971 (c. 23)

Circuit Judge

- 31 (1) In section 16(3) of the Courts Act 1971 (appointment of Circuit judges) for the words from “unless he is a barrister” to the end there shall be substituted “unless—
- (a) he has a 10 year Crown Court or 10 year county court qualification within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) he is a Recorder; or
 - (c) he has held as a full-time appointment for at least 3 years one of the offices listed in Part IA of Schedule 2.”
- (2) After Part I of Schedule 2 to that Act (certain office-holders to be circuit judges) there shall be inserted the following—

“PART IA

CERTAIN OFFICE-HOLDERS ELIGIBLE FOR APPOINTMENT AS CIRCUIT JUDGES

Social Security Commissioner appointed under section 97 of the Social Security Act 1975.

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President of Social Security Appeal Tribunals and Medical Appeal Tribunals or chairman of such a tribunal appointed under Schedule 10 to that Act.

President of [^{F10}Employment Tribunals] or chairman of such a tribunal appointed under the [^{F10}Employment Tribunals] (England and Wales) Regulations 1965.

President or member of the Immigration Appeal Tribunal appointed under Schedule 5 to the Immigration Act 1971.

Member (excluding the President) of the Lands Tribunal appointed under section 2 of the Lands Tribunal Act 1949.

President of Pensions Appeal Tribunals appointed under the Schedule to the Pensions Appeal Tribunals Act 1943.

President of Value Added Tax Tribunals or chairman of such a tribunal appointed under Schedule 8 to the Value Added Tax Act 1983.

Special Commissioner appointed under section 4 of the Taxes Management Act 1970.

Coroner appointed under section 2 of the Coroners Act 1988.

Master of the Queen’s Bench Division.

Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals.

Admiralty Registrar.

Master of the Chancery Division.

Registrar in Bankruptcy of the High Court.

Taxing Master of the Supreme Court.

District judge of the principal registry of the Family Division.

Registrar of Civil Appeals.

Master of the Court of Protection.

District judge.

Stipendiary magistrate.”

Textual Amendments

F10 Words in Sch. 9 para. 31 substituted (1.8.1998) by 1998 c. 8, s. 1(2) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

Recorder and Assistant Recorder

- 32 (1) In section 21(2) of that Act (appointment of Recorders) for the words “he is a barrister or solicitor of at least 10 years’ standing” there shall be substituted “he has a 10 year

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Crown Court or 10 year county court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." ”

- (2) In section 24(1)(b) of that Act (appointment of assistant Recorders) for the words “any barrister or solicitor of at least 10 years’ standing” there shall be substituted “any person who has a 10 year Crown Court or 10 year county court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." ”

Misuse of Drugs Act 1971 (c. 38)

- 33 In paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 (chairman of tribunal) for the words “a barrister, advocate or solicitor of not less than seven years’ standing” there shall be substituted—

- “(i) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (ii) an advocate or solicitor in Scotland of at least 7 years’ standing; or
- (iii) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing.”.

Immigration Act 1971 (c. 77)

Immigration Appeal Tribunal

^{F11}34

Textual Amendments

F11 Sch. 10 para. 34 repealed (14.2.2000) by 1999 c. 33, s. 169(1)(3), Sch. 14 para. 91(2), **Sch. 16**; S.I. 2000/168, art. 2, **Sch.** (with art. 3)

Friendly Societies Act 1974 (c. 46)

Assistant registrar of friendly societies

- 35 In section 2(2) of the Friendly Societies Act 1974 (at least one assistant registrar to be barrister or solicitor) for the words “barrister” to the end there shall be substituted “ person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." ”

Social Security Act 1975 (c. 14)

Social Security Commissioner

^{F12}36

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Textual Amendments

- F12** Sch. 10 para. 36 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6, SIF 113:1\)](#), ss. 3, 7(2), [Sch.1](#) (with [Sch. 3](#)) (subject as mentioned (6.3.1992) in [Local Government Finance Act 1992 \(c. 14\)](#), [s.118](#))

Social security appeal tribunal and medical appeal tribunal

F13³⁷

Textual Amendments

- F13** Sch. 10 para. 37 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6, SIF 113:1\)](#), ss. 3, 7(2), [Sch. 1](#) (with [Sch. 3](#)) (subject as mentioned (6.3.1992) in [Local Government Finance Act 1992 \(c. 14\)](#), [s.118](#))

Farriers Registration Act 1975 (c. 35)

Assessor to Disciplinary Committee

- 38 In paragraph 5(1) of Schedule 3 to the Farriers (Registration) Act 1975 (assessor to Disciplinary Committee) for the words “a barrister” to the end there shall be substituted—
- “(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or
 - (b) an advocate or solicitor in Scotland of at least 10 years’ standing.”

Industry Act 1975 (c. 68)

Arbitration Tribunal

- 39 In paragraph 4(a) of Schedule 3 to the Industry Act 1975 (president of an arbitration tribunal) for the words “a barrister or solicitor of at least seven years’ standing” there shall be substituted—
- “(i) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or
 - (ii) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing.”

Aircraft and Shipbuilding Industries Act 1977 (c. 3)

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Aircraft and Shipbuilding Industries Arbitration Tribunal

40 In section 42(3)(a) of the Aircraft and Shipbuilding Industries Act 1977 (president of the arbitration tribunal) for the words “a barrister or solicitor of not less than seven years’ standing” there shall be substituted—

“(i) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(ii) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing.”

Insurance Brokers (Registration) Act 1977 (c. 46)

Assessor to Disciplinary Committee

41 In section 20(1) of the Insurance Brokers (Registration) Act 1977 (assessor to Disciplinary Committee) for the words “a barrister” to the end there shall be substituted—

“(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 10 years’ standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years’ standing.”

National Health Service Act 1977 (c. 49)

42 In paragraph 2 of Schedule 9 to the National Health Service Act 1977 (chairman of the tribunal) for the words “a practising barrister or solicitor of not less than ten years’ standing” there shall be substituted “ a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990, ” ”.

Nurses, Midwives and Health Visitors Act 1979 (c. 36)

Assessors to the Central Council

F14 43

Textual Amendments

F14 Sch. 10 para. 43 repealed (19.6.1997) by 1997 c. 24, ss. 23(3), 24(2), Sch. 6

Justices of the Peace Act 1979 (c. 55)

Stipendiary Magistrate

F15 44

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Textual Amendments

F15 Sch. 10 para. 44 repealed (19.6.1997) by 1997 c. 25, ss. 73(1), 74(1), Sch. 6 Pt. I (with Sch. 4 para. 27)

Justices' Clerk

^{F16}45

Textual Amendments

F16 Sch. 10 para. 45 repealed (19.6.1997) by 1997 c. 25, ss. 73(1), 74(1), Sch. 6 Pt. I (with Sch. 4 para. 27)

Social Security Act 1980 (c. 30)

Deputy Social Security Commissioner

^{F17}46

Textual Amendments

F17 Sch. 10 para. 46 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6, SIF 113:1), ss. 3, 7(2), Sch.1 (with Sch. 3) (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s.118)

Supreme Court Act 1981 (c. 54)

Judge's legal secretary

47 In section 98(4) of the Supreme Court Act 1981 (appointment by certain senior judges of a legally qualified secretary) for the words "barrister or solicitor" there shall be substituted " person who has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)" "

Conveyancing counsel

48 In section 131(1) of that Act (conveyancing counsel of the Supreme Court) for the words "conveyancing counsel in actual practice" to the end there shall be substituted " persons who have a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990." "

Master, Registrar etc

49 For Schedule 2 to that Act (which sets out the persons eligible for appointment to certain offices in the Supreme Court) there shall be substituted—

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“SCHEDULE 2

LIST OF OFFICES IN SUPREME COURT FOR PURPOSES OF PART IV

References in this Schedule to a person having a general qualification shall be construed in accordance with section 71 of the Courts and Legal Services Act 1990.

Part I

1. Office

1. Permanent Secretary to the Lord Chancellor and Clerk of the Crown in Chancery.

2. Official Solicitor.

2. Persons qualified

1.—(1) A person who has a 10 year general qualification.(2) A civil servant who has served at least 5 years in the Lord Chancellor’s Department.

2. A person who has a 10 year general qualification.

Part II

1. Office

3. Master, Queen’s Bench Division.

4. Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals.

5. Admiralty Registrar.

6. Master, Chancery Division.

7. Registrar in Bankruptcy of the High Court.

8. Taxing Master of the Supreme Court.

9. District judge of the principal registry of the Family Division.

10. Registrar of Civil Appeals.

2. Persons qualified

3. A person who has a 7 year general qualification.

4. A person who has a 10 year general qualification.

5. A person who has a 7 year general qualification.

6. A person who has a 7 year general qualification.

7. A person who has a 7 year general qualification.

8. A person who has a 7 year general qualification.

9.—(1) A person who has a 7 year general qualification.(2) A district probate registrar who either— (a) is of at least 5 years’ standing; or (b) has, during so much of the 10 years immediately preceding his appointment as he has not been a district probate registrar, served as a civil servant in the principal registry or a district probate registry.(3) A civil servant who has served at least 10 years in the principal registry or a district probate registry.

10. A person who has a 10 year general qualification.

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| | |
|--|--|
| 11. Master of the Court of Protection. | 11. A person who has a 7 year general qualification. |
|--|--|

Part III

1. Office

12. District probate registrar.

2. Persons qualified

12.—(1) A person who has a 5 year general qualification.(2) A civil servant who has served at least 5 years in the principal registry of the Family Division or a district probate registry.”

Representation of the People Act 1983 (c. 2)

Election Court Commissioner

- 50 (1) In section 130 of the Representation of the People Act 1983 (barristers qualified to constitute election court) in subsection (1) for the word “barrister” there shall be substituted “ person” ”.
- (2) In subsection (2) of that section—
- (a) for the word “barrister” there shall be substituted “ person” ”;
 - (b) for paragraph (a) there shall be substituted—
 - “(a) unless he has a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or”;
 - and
 - (c) for paragraph (b)(ii) there shall be substituted—
 - “(ii) in which he practises.”
- (3) In subsection (3)(a) for the word “barristers” there shall be substituted “ qualified persons” ”.

Mental Health Act 1983 (c. 20)

Lord Chancellor’s Legal Visitor

51 In section 102(3)(b) of the Mental Health Act 1983 (panel of Legal Visitors of patients) for the words “he is a barrister” to the end there shall be substituted “ he has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.” ”

Value Added Tax Act 1983 (c. 55)

VAT Tribunal

Status: Point in time view as at 04/04/2005.

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Textual Amendments

F18 Sch. 10 para. 52 repealed (1.9.1994) by 1994 c. 23, ss. 100(2), 101(1), Sch. 15

Medical Act 1983 (c. 54)

Legal Assessor to Committees

53 In paragraph 7(1) of Schedule 4 to the Medical Act 1983 (General Council to appoint legal assessors to advise Professional Conduct Committee, Health Committee and Preliminary Proceedings Committee) for the words “a barrister” to the end there shall be substituted—

- “(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) an advocate or solicitor in Scotland of at least 10 years’ standing; or
- (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years’ standing.”

Pastoral Measure 1983 (No. 1)

Appeal Tribunal

54 In Schedule 4 to the Pastoral Measure 1983 (compensation of clergy) in paragraph 15(1)(c) (constitution of Appeal Tribunal) for the words “are barristers at law or solicitors in England and Wales” there shall be substituted “ have a 7 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990) ”.

Merchant Shipping Act 1984 (c. 5)

Arbitrator

^{F19}55

Textual Amendments

F19 Sch. 10 para. 55 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 (with s. 312(1), Sch. 14 para. 1)

Dentists Act 1984 (c. 24)

Status: Point in time view as at 04/04/2005.

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Assessor to committees

- 56 In paragraph 5(1) of Schedule 3 to the Dentists Act 1984 (General Dental Council to appoint legal assessors to Professional Conduct Committee and Health Committee) for the words “a barrister” to the end there shall be substituted—
- “(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate or solicitor in Scotland of at least 10 years’ standing; or
 - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years’ standing.”

County Courts Act 1984 (c. 28)

District judges

- 57 In section 9 of the County Courts Act 1984 (appointment of district judges, assistants and deputies) for the words “he is a solicitor of at least 7 years’ standing” there shall be substituted “ he has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.” ”

Data Protection Act 1984 (c. 35)

F20 58

Textual Amendments

F20 Sch. 10 para. 58 repealed (1.3.2000) by 1998 c. 29, s. 74(2), Sch. 16 Pt. I; S.I. 2000/183, art. 2

Reserve Forces (Safeguard of Employment) Act 1985 (c. 17)

Umpire hearing appeals from Reinstatement Committee

- 59 In paragraph 5 of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985 (persons appointed to hear appeals from Reinstatement Committee) for the words “unless he is a barrister” to the end there shall be substituted “unless—
- (a) he has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) he is an advocate or solicitor in Scotland of at least 10 years’ standing; or
 - (c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years’ standing.”

Prosecution of Offences Act 1985 (c. 23)

Status: Point in time view as at 04/04/2005.

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Director of Public Prosecutions

- 60 In section 2(2) of the Prosecution of Offences Act 1985 (the Director of Public Prosecutions) for the words “barrister” to the end there shall be substituted “ person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.” ”

Crown Prosecutors

- 61 (1) In section 1(3) of that Act (Crown Prosecutors) for the words “who is a barrister or solicitor” there shall be substituted “ who has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)” ”.
- (2) In section 5(1) of that Act (conduct of prosecutions by barristers or solicitors) for the words from “who is” to “authority” there shall be substituted “ who has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)” ”.

Interception of Communications Act 1985 (c. 56)

F21 62

Textual Amendments

F21 Sch. 10 para. 62 repealed (2.10.2000) by 2000 c. 23, s. 82, Sch. 5 (with ss. 82(3)-(6)); S.I. 2000/2543, art. 3 (with arts. 5, 6)

Administration of Justice Act 1985 (c. 61)

Questions of construction

- 63 In section 48(1) of the Administration of Justice Act 1985 (action taken in reliance on counsel’s opinion on matter of construction) for the words “barrister of at least ten years’ standing” there shall be substituted “ person who has a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,” ”.

Assessor to Discipline and Appeals Committee of the Council of Licensed Conveyancers

- 64 In paragraph 3(1) of Schedule 4 to that Act (barrister to advise Discipline and Appeals Committee) for the words “barrister” to the end there shall be substituted “ person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.” ”

Transport Act 1985 (c. 67)

Status: Point in time view as at 04/04/2005.

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Transport Tribunal

65 For paragraph 2(2) of Schedule 4 to the Transport Act 1985 (president and chairman of Transport Tribunal) there shall be substituted—

- “(2) The president of the tribunal shall be—
- (a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or
 - (b) an advocate or solicitor in Scotland of at least 10 years’ standing.
- (2A) Each chairman shall be—
- (a) a person who has a 7 year general qualification, within the meaning of that section; or
 - (b) an advocate or solicitor in Scotland of at least 7 years’ standing.”

Animals (Scientific Procedures) Act 1986 (c. 14)

66 In section 12(5) of the Animals (Scientific Procedures) Act 1986 (person appointed to receive representations) for the words “a barrister, solicitor or advocate of at least 7 years’ standing” there shall be substituted—

- “(a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) an advocate or solicitor in Scotland of at least 7 years’ standing; or
 - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing.”

Insolvency Act 1986 (c. 45)

Insolvency Practitioners Tribunal

67 In paragraph 1(1)(a) of Schedule 7 to the Insolvency Act 1986 (members of the tribunal) for the words “are barristers, advocates or solicitors, in each case of at least 7 years’ standing” there shall be substituted—

- “(i) have a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (ii) are advocates or solicitors in Scotland of at least 7 years’ standing.”

Building Societies Act 1986 (c. 53)

68 In section 47(3) of the Building Societies Act 1986 (chairman of appeal tribunal) for the words “a barrister, solicitor or advocate of at least seven years’ standing” there shall be substituted—

- “(a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) an advocate or solicitor in Scotland of at least 7 years’ standing; or
 - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing.”

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Banking Act 1987 (c. 22)

- 69 In section 28(3) of the Banking Act 1987 (chairman of appeal tribunal) for the words “a barrister, solicitor or advocate of at least seven years’ standing” there shall be substituted—
- “(a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate or solicitor in Scotland of at least 7 years’ standing; or
 - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing”.

Coroners Act 1988 (c. 13)

Coroner

- 70 In section 2(1) of the Coroners Act 1988 (appointment as coroner) for the words “unless he is a barrister, solicitor or” there shall be substituted “unless—
- (a) he has a 5 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or
 - (b) he is a”.

Criminal Justice Act 1988 (c. 33)

Criminal Injuries Compensation Board

- 71 (1) In paragraph 2(2) of Schedule 6 to the Criminal Justice Act 1988 (members of the Criminal Injuries Compensation Board) for the words from “if he is” to the end there shall be substituted “if—
- (a) he has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) he is an advocate or solicitor in Scotland; or
 - (c) he holds or has held judicial office in England and Wales;
 - (d) he holds or has held judicial office in Scotland.”
- (2) For paragraphs 2(8)(a) and (b) of that Schedule (requirement to obtain consent before removal from office) there shall be substituted—
- “(a) in the case of a member who qualifies for appointment under subparagraph (2)(a) or (c), with the consent of the Lord Chancellor; and
 - (b) in the case of a member who qualifies for appointment under subparagraph (2)(b) or (d), with the consent of the Lord President of the Court of Session.”

Assessor of compensation for miscarriages of justice

- 72 (1) In Schedule 12 to that Act (appointment as assessor of compensation for miscarriages of justice) for paragraph 1(a) to (c) there shall be substituted—
- “(a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate or solicitor in Scotland;

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- (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing;”.
- (2) For paragraph 6(a) and (b) of that Schedule (requirement to obtain consent before removal from office) there shall be substituted—
- “(a) in the case of a person who qualifies for appointment under paragraph 1(a) or (c), or paragraph 1(d) by virtue of holding or having held judicial office in England and Wales or Northern Ireland, with the consent of the Lord Chancellor; and
- (b) in the case of a person who qualifies for appointment under paragraph 1(b), or paragraph 1(d) by virtue of holding or having held judicial office in Scotland, with the consent of the Lord President of the Court of Session.”

Copyright, Designs and Patents Act 1988 (c. 48)

Copyright Tribunal

- 73 In section 145(3) of the Copyright, Designs and Patents Act 1988 (chairman of Copyright Tribunal) for the words from “unless he is a barrister” to the end there shall be substituted “unless—
- (a) he has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) he is an advocate or solicitor in Scotland of at least 7 years' standing;
- (c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing; or
- (d) he has held judicial office.”

Security Service Act 1989 (c. 5)

F22-74

Textual Amendments

F22 Sch. 10 para. 74 repealed (2.10.2000) by 2000 c. 23, s. 82, Sch. 5 (with s. 82(3)); S.I. 2000/2543, art. 3 (with arts. 5, 6)

Opticians Act 1989 (c. 44)

Assessor to Disciplinary Committee

- 75 In section 22(1) of the Opticians Act 1989 (assessor to Disciplinary Committee of the General Optical Council) for the words “a barrister” to the end there shall be substituted—
- “(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) an advocate or solicitor in Scotland of at least 10 years' standing; or

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- (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing.”

Status:

Point in time view as at 04/04/2005.

Changes to legislation:

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