



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 2

JUDICIAL APPOINTMENTS

51 “Relevant qualification” in section 50: further provision

- (1) The Lord Chancellor may by order provide for a qualification specified in the order to be a relevant qualification for the purposes of section 50(2) and (3) in relation to an office or other position specified in the order.
- (2) A qualification may be specified under subsection (1) only if it is one awarded—
 - (a) by the Institute of Legal Executives, or
 - (b) by a body other than the Institute of Legal Executives that, when the qualification is specified, is designated by Order in Council as an authorised body for the purposes of section 27 or 28 of the Courts and Legal Services Act 1990 (bodies authorised to confer rights of audience or rights to conduct litigation).
- (3) An order under subsection (1) may, in relation to a qualification specified in the order, include provision as to when a person who holds the qualification is, for the purposes of section 50, to be taken first to have held it.
- (4) Where—
 - (a) a qualification is specified under subsection (1),
 - (b) the qualification is one awarded by a body such as is mentioned in subsection (2)(b), and
 - (c) after the qualification is specified under subsection (1), it becomes the case that the body —
 - (i) is not designated for the purposes of section 27 of the Courts and Legal Services Act 1990, and

Status: This is the original version (as it was originally enacted).

- (ii) is not designated for the purposes of section 28 of that Act, the provision under subsection (1) specifying the qualification ceases to have effect, subject to any provision made under paragraph 33(1) of Schedule 4 to that Act (transitional and incidental provision in connection with revocation of authorised body's designation).
- (5) For the purposes of section 50 and this section, a person shall be taken first to become a solicitor when the person's name is entered on the roll kept under section 6 of the Solicitors Act 1974 (c. 47) (Law Society to keep list of all solicitors) for the first time after the person's admission as a solicitor.
- (6) For the purposes of section 50 and this section, a person shall be taken first to become a barrister—
- (a) when the person completes pupillage in connection with becoming a barrister, or
 - (b) in the case of a person not required to undertake pupillage in connection with becoming a barrister, when the person is called to the Bar of England and Wales.
- (7) For the purposes of section 50—
- (a) a barrister,
 - (b) a solicitor, or
 - (c) a person who holds a qualification specified under subsection (1),
- shall be taken not to have a relevant qualification at times when, as a result of disciplinary proceedings, he is prevented from practising as a barrister or (as the case may be) as a solicitor or as a holder of the specified qualification.
- (8) The Lord Chancellor may by order make provision supplementing or amending subsections (5) to (7).
- (9) Before making an order under subsection (1) or (8), the Lord Chancellor must consult—
- (a) the Lord Chief Justice of England and Wales, and
 - (b) the Judicial Appointments Commission.
- (10) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) to exercise his function under subsection (9)(a).
- (11) In this section—
- “barrister” means barrister in England and Wales;
 - “solicitor” means solicitor of the Senior Courts of England and Wales.
- (12) Power to make an order under this section is exercisable by statutory instrument.
- (13) An order under this section may make different provision for different purposes.
- (14) No order may be made under this section unless a draft of the statutory instrument containing it (whether alone or with other provision) has been laid before, and approved by a resolution of, each House of Parliament.
- (15) At any time before the coming into force of section 59(1) of the Constitutional Reform Act 2005 (renaming of Supreme Court), the reference to the Senior Courts in subsection (11) is to be read as a reference to the Supreme Court.