

TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007

EXPLANATORY NOTES

PART 2: JUDICIAL APPOINTMENTS

Commentary on Sections: Part 2

Section 50: Judicial appointments: “judicial-appointment eligibility condition”

289. This section sets out the new basis of eligibility for judicial appointment. In order to satisfy the “judicial-appointment eligibility condition”, an individual has to hold a “relevant qualification” (i.e. as a barrister, a solicitor or a holder of another specified legal qualification) for a specified minimum number of years (generally five or seven, in place of the seven or ten specified in existing legislation), and has to have gained experience in law for the specified minimum number of years, while holding a relevant qualification. Activities which count as gaining experience in law are set out in section 52.
290. The section removes the anomaly identified under current legislation whereby an individual who qualifies as a barrister or a solicitor becomes eligible for judicial appointment simply through the passage of time, without necessarily ever having engaged in legal practice following qualification.