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SCHEDULES

SCHEDULE 10

AMENDMENTS RELATING TO JUDICIAL APPOINTMENTS

PART 1

AMENDMENTS

- 1 (1) Paragraph 2A of the Schedule to the War Pensions (Administrative Provisions) Act 1919 (c. 53) (legally qualified member of Pensions Appeal Tribunals) is amended as follows.
 - (2) For paragraph (a) substitute—
 - “(a) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis;”.
 - (3) In paragraphs (b) and (c), for “7” substitute “ 5 ”.
- 2 (1) Section 109 of the London Building Acts (Amendment) Act 1939 (c. xcvi) is amended as follows.
 - (2) For subsection (1)(b) (tribunal of appeal: Lord Chancellor's nominee) substitute—
 - “(b) A person is eligible to be nominated by the Lord Chancellor under paragraph (a) or (h) of this subsection only if the person—
 - (i) is a solicitor of the Senior Courts of England and Wales,
 - (ii) is a barrister in England and Wales, or
 - (iii) has a qualification that is specified under subsection (4) of this section;”.
 - (3) After subsection (3) insert—
 - “(4) The Lord Chancellor may by order specify a qualification for the purposes of paragraph (b) of subsection (1) of this section.
 - (5) Subsections (2) to (4), (9), (10) and (12) to (14) of section 51 of the Tribunals, Courts and Enforcement Act 2007 (contents of and procedure for orders under subsection (1) of that section, and cessation of effect of such orders) shall apply for the purposes of subsection (4) of this section as they apply for the purposes of subsection (1) of that section, but as if the reference in subsection (3) of that section to section 50 of that Act were a reference to this section.
 - (6) For the purposes of paragraph (b) of subsection (1) of 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

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(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 paragraph (b) of subsection (1) of this section, a person shall be taken not to be a solicitor or a barrister, or not to have a qualification specified under subsection (4) of this section, if as a result of disciplinary proceedings he is prevented from practising as a solicitor or (as the case may be) as a barrister or as a holder of the specified qualification.”

(4) At any time before the coming into force of section 59(1) of the Constitutional Reform Act 2005 (c. 4) (renaming of Supreme Court), the reference to the Senior Courts in the section 109(1)(b) substituted by sub-paragraph (2) is to be read as a reference to the Supreme Court.

3 (1) Paragraph 2A(2) of the Schedule to the Pensions Appeal Tribunals Act 1943 (c. 39) (legally qualified members of Pensions Appeal Tribunals) is amended as follows.

(2) For paragraph (a) substitute—
“(a) he satisfies the judicial-appointment eligibility condition on a 5-year basis;”.

(3) In paragraphs (b) and (c), for “seven” substitute “ five ”.

4 In paragraph 13(1) of Schedule 9 to the Agriculture Act 1947 (chairman of agricultural land tribunal), for the words from “person” to the end substitute “ person who satisfies the judicial-appointment eligibility condition on a 5-year basis. ”

5 F1

Textual Amendments
F1 Sch. 10 para. 5 repealed (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(5), [Sch. 4](#) (with Sch. 5)

6 (1) The Courts-Martial (Appeals) Act 1951 (c. 46) is amended as follows.

(2) In section 31(1) (Judge Advocate General)—
(a) for paragraph (a) substitute—
“(a) a person who satisfies the judicial-appointment eligibility condition on a 7-year basis;”, and
(b) in paragraphs (b) and (c), for “10” (in each place where it occurs) substitute “ 7 ”.

(3) In section 31(2) (Vice Judge Advocate General and assistants)—
(a) for paragraph (a) substitute—
“(a) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis;”, and
(b) in paragraphs (b) and (c), for “7” (in each place where it occurs) substitute “ 5 ”.

7 In section 12(2) of the City of London (Courts) Act 1964 (c. iv) (Common Serjeant), for the words from “he has a 10 year” to the end substitute “ he satisfies the judicial-appointment eligibility condition on a 7-year basis. ”

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- 8 (1) Section 4(2) of the Taxes Management Act 1970 (c. 9) (Special Commissioners) is amended as follows.
- (2) For paragraph (a) substitute—
- “(a) he satisfies the judicial-appointment eligibility condition on a 7-year basis;”.
- (3) In paragraphs (b) and (c), for “10” substitute “ 7 ”.
- 9 (1) The Courts Act 1971 (c. 23) is amended as follows.
- (2) In section 16(3) (Circuit judges), for paragraph (a) substitute—
- “(a) he satisfies the judicial-appointment eligibility condition on a 7-year basis;”.
- (3) In section 21(2) (recorders), for the words from “he has a 10 year” to the end substitute “ he satisfies the judicial-appointment eligibility condition on a 7-year basis. ”
- (4) In section 24(1)(b) (assistant recorders), for the words from “any person who has a 10 year” to the end substitute “ any person who satisfies the judicial-appointment eligibility condition on a 7-year basis. ”
- 10 (1) Paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 (c. 38) (tribunal chairmen) is amended as follows.
- (2) For sub-paragraph (i) substitute—
- “(i) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis;”.
- (3) In sub-paragraphs (ii) and (iii), for “7” substitute “ 5 ”.
- 11 (1) Paragraph 3(2) of Schedule A1 to the Consumer Credit Act 1974 (c. 39)(the panel of chairmen of the Consumer Credit Appeals Tribunal) is amended as follows.
- (2) For paragraph (a) substitute—
- “(a) satisfies the judicial-appointment eligibility condition on a 5-year basis;”.
- (3) In paragraphs (b) and (c), for “seven” substitute “ five ”.
- 12 (1) Paragraph 4(1)(a) of Schedule 3 to the Industry Act 1975 (c. 68) (presidents of arbitration tribunals) is amended as follows.
- (2) For sub-paragraph (i) substitute—
- “(i) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis; or”.
- (3) In sub-paragraph (ii), for “7” substitute “ 5 ”.
- 13 (1) The Supreme Court Act 1981 (c. 54) is amended as follows.
- (2) In section 10(3) (Lord Justice of Appeal and puisne judge of High Court), in paragraphs (b) and (c), for sub-paragraph (i) substitute—
- “(i) he satisfies the judicial-appointment eligibility condition on a 7-year basis; or”.

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(3) For Schedule 2 (eligibility for appointment to certain offices) substitute—

“SCHEDULE 2

Sections 88 to 95

LIST OF OFFICES IN SENIOR COURTS FOR PURPOSES OF PART 4

PART 1

<i>Office</i>	<i>Persons qualified</i>
Official Solicitor	A person who has a 10 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990).

PART 2

<i>Office</i>	<i>Persons qualified</i>
Master, Queen's Bench Division	A person who satisfies the judicial-appointment eligibility condition on a 5-year basis.
Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals	A person who satisfies the judicial-appointment eligibility condition on a 7-year basis.
Admiralty Registrar	A person who satisfies the judicial-appointment eligibility condition on a 5-year basis.
Master, Chancery Division	A person who satisfies the judicial-appointment eligibility condition on a 5-year basis.
Registrar in Bankruptcy of the High Court	A person who satisfies the judicial-appointment eligibility condition on a 5-year basis.
Taxing Master of the Senior Courts	A person who satisfies the judicial-appointment eligibility condition on a 5-year basis.
District judge of the principal registry of the Family Division	<ol style="list-style-type: none"> 1. A person who satisfies the judicial-appointment eligibility condition on a 5-year basis. 2. A district probate registrar who either— <ol style="list-style-type: none"> (a) is of at least 5 years' standing, or (b) has, during so much of the 5 years immediately preceding his appointment as he has not been a district probate registrar, served as a civil servant in the

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principal registry or a district probate registry.

3. A civil servant who has served at least 7 years in the principal registry or a district probate registry.

PART 3

Office

District probate registrar

Persons qualified

1. A person who satisfies the judicial-appointment eligibility condition on a 5-year basis.
2. A civil servant who has served at least 5 years in the principal registry of the Family Division or a district probate registry.”

(4) Part 2 of the Schedule substituted by sub-paragraph (3) of this paragraph shall have effect until the coming into force of section 45(6) of the Mental Capacity Act 2005 (c. 9) as if it also contained the following entry—

“Master of the Court of Protection

A person who satisfies the judicial-appointment eligibility condition on a 5-year basis.”

(5) At any time before the coming into force of section 59(1) of the Constitutional Reform Act 2005 (c. 4) (renaming of Supreme Court), the references to the Senior Courts in the Schedule substituted by sub-paragraph (3) of this paragraph are to be read as references to the Supreme Court.

14 In section 130(2) of the Representation of the People Act 1983 (c. 2) (election court), for paragraph (a) substitute—

“(a) unless he satisfies the judicial-appointment eligibility condition on a 7-year basis; or”.

15 In section 9 of the County Courts Act 1984 (c. 28) (district judges and deputy district judges), for the words from “he has” to the end substitute “ he satisfies the judicial-appointment eligibility condition on a 5-year basis. ”

16 (1) Paragraph 5 of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985 (c. 17) (umpires and deputy umpires) is amended as follows.

(2) For paragraph (a) substitute—

“(a) he satisfies the judicial-appointment eligibility condition on a 7-year basis;”.

(3) In paragraphs (b) and (c), for “10” substitute “ 7 ”.

17 (1) Paragraph 2 of Schedule 4 to the Transport Act 1985 (c. 67) is amended as follows.

(2) In sub-paragraph (2) (president of Transport Tribunal)—

(a) for paragraph (a) substitute—

“(a) a person who satisfies the judicial-appointment eligibility condition on a 7-year basis; or”, and

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- (b) in paragraph (b), for “10” substitute “ 7 ”.
- (3) In sub-paragraph (2A) (chairmen)—
- (a) for paragraph (a) substitute—
- “ (a) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis; or”, and
- (b) in paragraph (b), for “7” substitute “ 5 ”.
- 18 (1) Section 12(5) of the Animals (Scientific Procedures) Act 1986 (c. 14) (person appointed to receive representations) is amended as follows.
- (2) For paragraph (a) substitute—
- “ (a) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis;”.
- (3) In paragraphs (b) and (c), for “7” substitute “ 5 ”.
- 19 (1) Paragraph 1(1)(a) of Schedule 7 to the Insolvency Act 1986 (c. 45) (members of Insolvency Practitioners Tribunal) is amended as follows.
- (2) For sub-paragraph (i) substitute—
- “ (i) satisfy the judicial-appointment eligibility condition on a 5-year basis;”.
- (3) In sub-paragraph (ii), for “7” substitute “ 5 ”.
- 20 (1) Section 145(3) of the Copyright, Designs and Patents Act 1988 (c. 48) (chairman and deputy chairman of Copyright tribunal) is amended as follows.
- (2) For paragraph (a) substitute—
- “ (a) he satisfies the judicial-appointment eligibility condition on a 5-year basis;”.
- (3) In paragraphs (b) and (c), for “7” substitute “ 5 ”.
- 21 In section 41 of the Courts and Legal Services Act 1990 (c. 41) (Conveyancing Appeal Tribunals), for subsection (7) substitute—
- “ (7) A person is eligible for appointment as Chairman of a Tribunal only if he satisfies the judicial-appointment eligibility condition on a 5-year basis.”
- 22 (1) The Child Support Act 1991 (c. 48) is amended as follows.
- (2) ^{F2}
- (3) In section 23(2) (Child Support Commissioners for Northern Ireland), for “10” substitute “ 7 ”.
- (4) ^{F2}
- (5) ^{F2}

Textual Amendments

F2 Sch. 10 para. 22(2)(4)(5) repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), [Sch. 3 para. 228\(q\)](#)

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- 23 In Schedule 1B to the Charities Act 1993 (c. 10) (which is inserted by Schedule 3 to the Charities Act 2006 (c. 50)), in paragraph 1(3) (President or legal member of Charity Tribunal), for the words from “he has” to the end substitute “ he satisfies the judicial-appointment eligibility condition on a 5-year basis. ”
- 24 (1) Schedule 12 to the Value Added Tax Act 1994 (c. 23) is amended as follows.
- (2) In paragraph 2(2) (President of VAT and duties tribunals)—
- (a) for paragraph (a) substitute—
- “(a) a person who satisfies the judicial-appointment eligibility condition on a 7-year basis;”, and
- (b) in paragraphs (b) and (c), for “10” substitute “ 7 ”.
- (3) In paragraph 7(4) (panel of chairmen)—
- (a) for paragraph (a) substitute—
- “(a) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis; or”, and
- (b) in paragraph (b) and in the words after that paragraph, for “7” substitute “ 5 ”.
- 25 (1) Section 77(2) of the Trade Marks Act 1994 (c. 26) (persons appointed to decide appeals from registrar) is amended as follows.
- (2) For paragraph (a) substitute—
- “(a) he satisfies the judicial-appointment eligibility condition on a 5-year basis;”.
- (3) In paragraphs (b) and (c), for “7” substitute “ 5 ”.
- 26 (1) Sections 96(7) and 264(6) of the Merchant Shipping Act 1995 (c. 21) (arbitrators) are amended as follows.
- (2) For paragraph (a) substitute—
- “(a) he satisfies the judicial-appointment eligibility condition on a 7-year basis;”.
- (3) In paragraphs (b) and (c), for “10” substitute “ 7 ”.
- 27 In paragraph 1(1)(a) of Schedule 6 to the Police Act 1996 (c. 16) (legally qualified member of Police Appeals Tribunals), for the words from “have a seven” to “1990” substitute “ satisfy the judicial-appointment eligibility condition on a 5-year basis ”.
- 28 In section 334(1) of the Education Act 1996 (c. 56) (President and members of chairmen's panel of Special Educational Needs and Disability Tribunal), for the words from “has” to the end substitute “ satisfies the judicial-appointment eligibility condition on a 5-year basis. ”
- 29 F3

Textual Amendments

- F3** Sch. 10 para. 29 repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), [Sch. 3 para. 228\(r\)](#)

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- 30 (1) Section 6(5) of the Data Protection Act 1998 (c. 29) (chairman and deputy chairmen of Information Tribunal) is amended as follows.
- (2) For paragraph (a) substitute—
- “(a) persons who satisfy the judicial-appointment eligibility condition on a 5-year basis;”.
- (3) In paragraphs (b) and (c), for “7” substitute “ 5 ”.

31 ^{F4}

Textual Amendments

F4 Sch. 10 para. 31 repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), [Sch. 3 para. 228\(q\)](#)

- 32 (1) Paragraph 11 of Schedule 7 to the Immigration and Asylum Act 1999 (c. 33) (President and other members of Immigration Services Tribunal) is amended as follows.
- (2) For paragraph (a) substitute—
- “(a) he satisfies the judicial-appointment eligibility condition on a 5-year basis;”.
- (3) In paragraphs (b) and (c), for “7” substitute “ 5 ”.
- 33 (1) Paragraph 1(1) of Schedule 3 to the Regulation of Investigatory Powers Act 2000 (c. 23) (members of tribunal) is amended as follows.
- (2) For paragraph (b) substitute—
- “(b) a person who satisfies the judicial-appointment eligibility condition on a 7-year basis;”.
- (3) In paragraphs (c) and (d), for “ten” substitute “ seven ”.
- 34 (1) Schedule 13 to the Financial Services and Markets Act 2000 (c. 8) is amended as follows.
- (2) In paragraph 2(5) (President of Financial Services and Markets Tribunal)—
- (a) for paragraph (a) substitute—
- “(a) satisfies the judicial-appointment eligibility condition on a 7-year basis;”, and
- (b) in paragraphs (b) and (c)(i) and (ii), for “ten” substitute “ 7 ”.
- (3) In paragraph 3(2) (panel of chairmen)—
- (a) for paragraph (a) substitute—
- “(a) he satisfies the judicial-appointment eligibility condition on a 5-year basis;”, and
- (b) in paragraphs (b) and (c)(i) and (ii), for “seven” substitute “ 5 ”.
- 35 (1) The Land Registration Act 2002 (c. 9) is amended as follows.

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- (2) In section 107(2) (Adjudicator to Her Majesty's Land Registry), for the words from “have” to the end substitute “ satisfy the judicial-appointment eligibility condition on a 7-year basis. ”
- (3) In paragraph 4(2) of Schedule 9 (delegation by adjudicator of non-administrative functions to staff), for the words from “has” to the end substitute “ satisfies the judicial-appointment eligibility condition on a 7-year basis. ”
- 36 (1) Paragraph 1 of Schedule 2 to the Enterprise Act 2002 (c. 40) is amended as follows.
- (2) In sub-paragraph (1) (President of Competition Appeal Tribunal)—
- (a) for paragraph (a) substitute—
- “(a) he satisfies the judicial-appointment eligibility condition on a 7-year basis;”, and
- (b) in paragraphs (b) and (c), for “10” substitute “ 7 ”.
- (3) In sub-paragraph (2) (chairmen)—
- (a) for paragraph (a) substitute—
- “(a) he satisfies the judicial-appointment eligibility condition on a 5-year basis;”, and
- (b) in paragraphs (b) and (c), for “7” substitute “ 5 ”.
- 37 (1) Paragraph 2(1) of Schedule 4 to the Nationality, Immigration and Asylum Act 2002 (c. 41) (members of Asylum and Immigration Tribunal) is amended as follows.
- (2) For paragraph (a) substitute—
- “(a) satisfies the judicial-appointment eligibility condition on a 5-year basis;”.
- (3) In paragraphs (b) and (c), for “seven” substitute “ 5 ”.
- 38 (1) The Courts Act 2003 (c. 39) is amended as follows.
- (2) In section 22(1) (District Judges (Magistrates' Courts)), for “has a 7 year general qualification” substitute “ satisfies the judicial-appointment eligibility condition on a 5-year basis ”.
- (3) In section 24(1) (Deputy District Judges (Magistrates' Courts)), for “has a 7 year general qualification” substitute “ satisfies the judicial-appointment eligibility condition on a 5-year basis ”.
- 39 In section 81(2)(a) of the Traffic Management Act 2004 (c. 18) (adjudicators), for the words from “have” to the end substitute “ satisfy the judicial-appointment eligibility condition on a 5-year basis; ”.
- 40 (1) Schedule 4 to the Pensions Act 2004 (c. 35) is amended as follows.
- (2) In paragraph 1(2) (panel of chairmen of Pensions Regulator Tribunal)—
- (a) for paragraph (a) substitute—
- “(a) he satisfies the judicial-appointment eligibility condition on a 5-year basis;” and
- (b) in paragraphs (b), (c) and (d), for “7” substitute “ 5 ”.

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- (3) In paragraph 2(5) (President or Deputy President)—
- (a) for paragraph (a) substitute—
 - “(a) satisfies the judicial-appointment eligibility condition on a 7-year basis,” and
 - (b) in paragraphs (b), (c) and (d), for “10” substitute “ 7 ”.
- 41 (1) Section 25 of the Constitutional Reform Act 2005 (c. 4) (judges of the Supreme Court) is amended as follows.
- (2) In subsection (1), for paragraph (b) and the word “or” immediately preceding it substitute—
 - “(b) satisfied the judicial-appointment eligibility condition on a 15-year basis, or
 - (c) been a qualifying practitioner for a period of at least 15 years.”
 - (3) In subsection (2), omit paragraph (a).
- 42 In paragraph 1(2) of Schedule 3 to the Education Act 2005 (c. 18) (Chairman of tribunal hearing appeals under section 27 of that Act), for the words from “have a” to the end substitute “ satisfy the judicial-appointment eligibility condition on a 5-year basis. ”
- 43 (1) Paragraph 2 of Schedule 8 to the Gambling Act 2005 (c. 19) (President and members of Gambling Appeals Tribunal) is amended as follows.
- (2) For paragraph (a) substitute—
 - “(a) he satisfies the judicial-appointment eligibility condition on a 5-year basis,”.
 - (3) In paragraphs (b) and (c), for “seven” substitute “ 5 ”.
- 44 (1) Schedule 13 to the National Health Service Act 2006 (c. 41) is amended as follows.
- (2) For paragraph 3 (President and Deputy President of Family Health Services Appeal Authority) substitute—
 - “3 (1) A person is eligible to be appointed as the President only if he satisfies the judicial-appointment eligibility condition on a 7-year basis.
 - (2) A person is eligible to be appointed as a Deputy President only if he satisfies the judicial-appointment eligibility condition on a 5-year basis.”
 - (3) In paragraph 6(2)(a) (other members), for “with a 7 year general qualification (construed as in paragraph 3)” substitute “ who satisfy the judicial-appointment eligibility condition on a 5-year basis ”.
 - (4) In paragraph 9 (composition of panels), for the words from “must” to the end substitute “ must satisfy the judicial-appointment eligibility condition on a 5-year basis. ”

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