

SCHEDULE 5
APPOINTMENT TO UPPER TRIBUNAL

PART 2

LEGAL MEMBERS

Eligibility under regulations

- 6 (1) Regulations under paragraph 5(2) may specify a description of a person by reference to the matters mentioned in sub-paragraph (2), (3) or (4).
- (2) That is—
- (a) current practice as a solicitor or barrister in England and Wales or Northern Ireland, and
 - (b) engagement in practice as such for a period of not less than 7 years.
- (3) That is—
- (a) previous engagement in practice for a period of not less than 7 years, as—
 - (i) a solicitor or advocate in Scotland, or
 - (ii) a solicitor or barrister in England and Wales or Northern Ireland, and
 - (b) subsequent engagement in any of the activities listed in sub-paragraph (5).
- (4) That is, suitability attributable to experience in law through current or previous engagement in—
- (a) any of the activities listed in sub-paragraph (5),
 - (b) an activity that is of a broadly similar nature to any of the activities listed in that sub-paragraph.
- (5) The activities are—
- (a) exercising judicial functions in any court or tribunal,
 - (b) practice or employment as a lawyer of any kind,
 - (c) whether or not in the course of practice or employment as a lawyer—
 - (i) advising on the application of the law,
 - (ii) drafting documents intended to affect rights or obligations under the law,
 - (iii) assisting persons involved in a legal or other process for the resolution of disputes as to the law,
 - (iv) acting as a mediator or arbitrator for the purpose of resolving disputes that are (or could be) the matter of legal proceedings,
 - (d) teaching or researching law at or for an educational institution.