

*Status: Point in time view as at 01/02/1991.*

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## 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 In section 132(2) of the Land Registration Act 1925 (district registrar and assistant district registrar)—

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- (a) for the words “is a barrister” to “ten years’ standing” there shall be substituted “has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990”; and
- (b) for the words “is either a barrister” to the end there shall be substituted “has a 5 year general qualification, within the meaning of that section.”

*London Building Acts (Amendment) Act 1939 (c. xcvi)*

- 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)*

- 5 In paragraph 3(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 (appointment of members of Appeal Tribunals) for paragraph (a) there shall be substituted—

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

*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)*

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### *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
    - “(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 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,” .

### *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*

- 14 In paragraph 1(2) of the First Schedule to the Charities Act 1960 (charity commissioners) for the words “barristers or solicitors” 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.”

*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*

- 21 (1) In paragraph 1(1) of Schedule 4 to the Plant Varieties and Seeds Act 1964 (chairman of tribunal) for the words from “a barrister” to the end 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 (“a qualifying person”).”
- (2) In paragraph 2 of that Schedule (deputy chairman) for the words “a barrister or solicitor of not less than seven years’ standing” there shall be substituted “a qualifying person”.
- (3) In paragraph 3(a) of that Schedule (adaptations for Scotland)—

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- (a) for the word “barrister” there shall be substituted “qualifying person”; and
- (b) for the words “an advocate” there shall be substituted “an advocate or solicitor in Scotland of at least 7 years’ standing.”

(4) In paragraph 3A of that Schedule inserted by section 39(3)(b)(iv) of that Act (adaptations for Northern Ireland) in paragraph (a) after the word “Ireland” there shall be inserted “and as if for the references to a qualifying person there were substituted references to a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing.”

*Police Act 1964 (c. 48)*

- 22 In paragraph 3(3) of Schedule 5 to the Police Act 1964 (chairman of inquiry on an appeal) in paragraph (a) for the words “barrister or solicitor” 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”.

*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)” ”.

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*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, ” ”.

*Industrial Tribunal (England and Wales) Regulations 1965*

*Industrial tribunal (S.I. 1965/1101.)*

- 27 (1) In regulation 3(1) of the Industrial Tribunal (England and Wales) Regulations 1965 (President of Industrial 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.

*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.”

*Hearing Aid Council Act 1968 (c. 50)*



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*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 Industrial Tribunals or chairman of such a tribunal appointed under the Industrial 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.”

*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 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.” ”

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*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*

34 In paragraph 7 of Schedule 5 to the Immigration Act 1971 (president and members of Appeal Tribunal) for the words from “barristers” to the end there shall be substituted—

- “(a) persons who have a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) advocates or solicitors in Scotland of at least 7 years’ standing; or
- (c) members of the Bar of Northern Ireland or solicitors of the Supreme Court of Northern Ireland of at least 7 years’ standing.”

*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*

36 In section 97(3) of the Social Security Act 1975 (Social Security Commissioners) for the words “persons who are barristers, solicitors or advocates of not less than” there shall be substituted “persons who have a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990, or advocates or solicitors in Scotland of at least”.

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*Social security appeal tribunal and medical appeal tribunal*

- 37 (1) In section 97(2E) of that Act (chairman of social security appeal tribunal) for the words “he is a barrister, advocate or solicitor of not less than” there shall be substituted “he has a 5 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990, or he is an advocate or solicitor in Scotland of at least”.
- (2) In paragraph 1A(2) of Schedule 10 to that Act (President of social security and medical appeal tribunals) for the words “he is a barrister, advocate or solicitor of not less than” 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, or he is an advocate or solicitor in Scotland of at least”.
- (3) In paragraph 1A(3) of that Schedule (full-time chairman of such tribunals) for the words “he is a barrister, advocate or solicitor of not less than” there shall be substituted “he has a 5 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990, or he is an advocate or solicitor in Scotland of at least”.
- (4) In paragraph 2(5) of Schedule 12 to that Act (chairman of medical appeal tribunal) for the words “he is a barrister, advocate or solicitor of not less than” there shall be substituted “he has a 5 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990, or he is an advocate or solicitor in Scotland of at least”.

*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.”

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*Aircraft and Shipbuilding Industries Act 1977 (c. 3)*

*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*

43 In paragraph 3(2) of Schedule 3 to the Nurses, Midwives and Health Visitors Act 1979 (Central Council to appoint assessors) for the words “barristers” to the end there shall be substituted—

- “(a) persons who have a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) advocates or solicitors in Scotland of at least 10 years’ standing; or
- (c) members of the Bar of Northern Ireland or solicitors of the Supreme Court of Northern Ireland of at least 10 years’ standing.”

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*Justices of the Peace Act 1979 (c. 55)*

*Stipendiary Magistrate*

- 44 (1) In section 13(1) of the Justices of the Peace Act 1979 (appointment of stipendiary magistrates) 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 sections 31(2) and 34(1) of that Act (appointment of metropolitan stipendiary magistrates etc) for the words “is a barrister or solicitor of not less than seven years standing” there shall in each case be substituted “has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990”.

*Justices’ Clerk*

- 45 In section 26(1) of that Act (appointment of justices’ clerk) for the words “is a barrister or solicitor of not less than five years’ standing” there shall be substituted “has a 5 year magistrates’ court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,”.

*Social Security Act 1980 (c. 30)*

*Deputy Social Security Commissioner*

- 46 In section 13(5) of the Social Security Act 1980 (appointment of deputy Social Security Commissioner) for the words “barrister, advocate or solicitor of not less than” 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, or an advocate or solicitor in Scotland of at least 10 years standing, or a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least”.

*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)” ”.

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### *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—

#### “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.

##### **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

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10. Registrar of Civil Appeals.	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.
11. Master of the Court of Protection.	10. A person who has a 10 year general qualification. 11. A person who has a 7 year general qualification.

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**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.”

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*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)*



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*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*

- 52 (1) In paragraph 2(2) of Schedule 8 to the Value Added Tax Act 1983 (President of VAT Tribunals) for the words “a barrister, advocate or solicitor of not less than ten years’ standing” 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.”
- (2) In paragraph 7(3A) of that Schedule (chairman of a VAT tribunal) for the words “a barrister or solicitor of not less than 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; or
  - (b) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing”.

*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)*

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### *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*

- 55 (1) In section 4(5) of the Merchant Shipping Act 1984 (arbitrator) for paragraph (c) there shall be substituted—
- “(c) a person falling within subsection (5A); or”.
- (2) After that subsection there shall be inserted—
- “(5A) For the purposes of subsection (5)(c) a person falls within this subsection if—
- (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.”

### *Dentists Act 1984 (c. 24)*

#### *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”

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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)*

58 In section 3(4) of the Data Protection Act 1984 (members of tribunal) for the words from “barristers” to the end there shall be substituted—

- “(a) persons who have a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) advocates or solicitors in Scotland of at least 7 years’ standing; or
- (c) members of the Bar of Northern Ireland or solicitors of the Supreme Court of Northern Ireland of at least 7 years’ standing.”

*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)*

*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)” ”.

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*Interception of Communications Act 1985 (c. 56)*

62 In paragraph 1(1) of Schedule 1 to the Interception of Communications Act 1985 (members of tribunal) 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.”

*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)*

*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.”

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*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;”.

*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)*

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### *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;
  - (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.”

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*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)*

- 74 In paragraph 1(1) of Schedule 2 to the Security Service Act 1989 (members of tribunal) 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.”

*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
  - (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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**Changes to legislation:**

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