

TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007

EXPLANATORY NOTES

PART 2: JUDICIAL APPOINTMENTS

Commentary on Sections: Part 2

Section 52: Meaning of “gain experience in law” in Section 50

295. This section defines various ways in which an individual may gain post-qualification experience in law so as to satisfy the “qualifying period” element of the judicial-appointment eligibility condition in section 50. Consistent with the aim of encouraging applications from a wide range of suitably qualified people, these include not only those activities traditionally regarded as part of a lawyer’s practice (e.g. legal advice and assistance) but also exercising judicial functions in a court or tribunal, arbitration and teaching or researching law. Broadly similar activities are also included. Such work need not be performed full-time or for remuneration.
296. It should be noted that at the same time as gaining experience by undertaking these activities, an individual must also possess a “relevant qualification” – i.e. as a barrister, a solicitor or as a holder of a qualification awarded by one of the bodies to be specified by order under section 51.