



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART III

#### JUDICIAL AND OTHER OFFICES AND JUDICIAL PENSIONS

##### *Judicial appointments*

#### **71 Qualification for judicial and certain other appointments**

(1) In section 10(3) of the Supreme Court Act 1981—

- (a) in paragraph (b) (qualification for appointment as Lord Justice of Appeal) for the words “unless he is a barrister of at least fifteen years' standing or a judge of the High Court” there shall be substituted—

“unless—

(i) he has a 10 year High Court qualification within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(ii) he is a judge of the High Court;”;

- (b) in paragraph (c) (qualification for appointment as puisne judge of the High Court) for the words “unless he is a barrister of at least ten years' standing” there shall be substituted—

“unless—

(i) he has a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(ii) he is a Circuit judge who has held that office for at least 2 years.”

(2) Schedule 10 shall have effect for the purpose of making amendments to other enactments, measures and statutory instruments which relate to qualification for judicial and certain other appointments.

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*Status: This is the original version (as it was originally enacted).*

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- (3) For the purposes of this section, a person has—
- (a) a “Supreme Court qualification” if he has a right of audience in relation to all proceedings in the Supreme Court;
  - (b) a “High Court qualification” if he has a right of audience in relation to all proceedings in the High Court;
  - (c) a “general qualification” if he has a right of audience in relation to any class of proceedings in any part of the Supreme Court, or all proceedings in county courts or magistrates' courts;
  - (d) a “Crown Court qualification” if he has a right of audience in relation to all proceedings in the Crown Court;
  - (e) a “county court qualification” if he has a right of audience in relation to all proceedings in county courts;
  - (f) a “magistrates' court qualification” if he has a right of audience in relation to all proceedings in magistrates' courts.
- (4) References in subsection (3) to a right of audience are references to a right of audience granted by an authorised body.
- (5) Any reference in any enactment, measure or statutory instrument to a person having such a qualification of a particular number of years' length shall be construed as a reference to a person who—
- (a) for the time being has that qualification, and
  - (b) has had it for a period (which need not be continuous) of at least that number of years.
- (6) Any period during which a person had a right of audience but was not entitled to exercise it shall count towards the period mentioned in subsection (5)(b) unless he was prevented by the authorised body concerned from exercising that right of audience as a result of disciplinary proceedings.
- (7) For the purposes of subsection (5)(a), a solicitor who does not have a right of audience, by reason only of not having a practising certificate in force, shall be deemed to have such a right, unless his not having a practising certificate in force is the result of disciplinary proceedings.
- (8) For the purposes of subsection (5)(b), any period during which a solicitor did not have a right of audience, by reason only of not having a practising certificate in force, shall be deemed to be a period during which he had such a right, unless his not having a practising certificate in force was the result of disciplinary proceedings.