



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 2

JUDICIAL APPOINTMENTS

52 Meaning of “gain experience in law” in section 50

- (1) This section applies for the purposes of section 50.
- (2) A person gains experience in law during a period if the period is one during which the person is engaged in law-related activities.
- (3) For the purposes of subsection (2), a person's engagement in law-related activities during a period is to be disregarded if the engagement is negligible in terms of the amount of time engaged.
- (4) For the purposes of this section, each of the following is a “law-related activity”—
 - (a) the carrying-out of judicial functions of any court or tribunal;
 - (b) acting as an arbitrator;
 - (c) practice or employment as a lawyer;
 - (d) advising (whether or not in the course of practice or employment as a lawyer) on the application of the law;
 - (e) assisting (whether or not in the course of such practice) persons involved in proceedings for the resolution of issues arising under the law;
 - (f) acting (whether or not in the course of such practice) as mediator in connection with attempts to resolve issues that are, or if not resolved could be, the subject of proceedings;
 - (g) drafting (whether or not in the course of such practice) documents intended to affect persons' rights or obligations;
 - (h) teaching or researching law;

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Section 52 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (i) any activity that, in the relevant decision-maker's opinion, is of a broadly similar nature to an activity within any of paragraphs (a) to (h).
- (5) For the purposes of this section, an activity mentioned in subsection (4) is a “law-related activity” whether it—
- (a) is done on a full-time or part-time basis;
 - (b) is or is not done for remuneration;
 - (c) is done in the United Kingdom or elsewhere.
- (6) In subsection (4)(i) “the relevant decision-maker”, in relation to determining whether a person satisfies the judicial-appointment eligibility condition on an N-year basis in a particular case, means—
- (a) where the condition applies in respect of appointment by Her Majesty to an office or other position, the person whose function it is to recommend the exercise of Her Majesty's function of making appointments to that office or position;
 - (b) where the condition applies in respect of appointment, by any person other than Her Majesty, to an office or other position, that person.
- (7) In subsection (6) “appointment”, in relation to an office or position, includes any form of selection for that office or position (whether called appointment or selection, or not).

Commencement Information

- II** S. 52 wholly in force at 21.7.2008; s. 52 not in force at Royal Assent see s. 148; s. 52 in force for certain purposes at 19.9.2007 by S.I. 2007/2709, art. 2 and s. 52 in force at 21.7.2008 otherwise by S.I. 2008/1653, art. 2(b) (with arts. 3, 4)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)