

Tribunals, Courts and Enforcement Act continued

Relevant qualification

You have a relevant qualification if you are a **solicitor** or **barrister**. You will be considered eligible as a solicitor when your name is first entered on the Roll kept under section 6 of the Solicitors Act 1974. You will be considered eligible as a barrister:

- a) when you have completed pupillage in connection with becoming a barrister or
- b) if you are not required to undertake pupillage in connection with becoming a barrister, when you are called to the Bar of England and Wales. When applying for a judicial appointment under (b) you will need to provide details in the application form of why you are not required to undertake pupillage.

Legal experience

In order to be eligible for judicial appointment, you must not only be in possession of the relevant qualification, but must also have been engaged in 'law related activity' whilst holding that qualification.

Meaning of law related activity

An activity is considered to be a law related activity whether or not it is undertaken for remuneration, and whether or not it is undertaken on a full or part-time basis.

Each of the following is a relevant 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
- i) any activity that in the relevant decision makers' opinion is of a broadly similar nature to an activity within paragraphs a) to h).

The Ministry of Justice has provided the following guidance

Category b) is intended to cover arbitration where legal disputes are resolved on a reasonably formal, structured basis. For example, it would cover arbitration governed by the Arbitration Act 1996, and carried out by a person who is accredited by a body such as the Centre for Effective Dispute Resolution (CEDR).

Categories d) – g) are also intended to cover activities which are carried out on a reasonably formal, structured basis, for example volunteers who give legal advice in a law centre, or citizens advice bureau. However, it is not intended to cover, for example, a person who gives informal advice to friends and neighbours.

Category e) is intended to cover legal assistance, rather than other kinds of support.

Category g) is intended to cover drafting which involves legal judgment and skill, such as drafting contracts and leases. It is not intended to cover drafting which may affect rights or obligations, but are essentially administrative tasks, for example, filling in enforcement orders, or penalty notices.

The purpose of i) is to cover the possibility of some kinds of law related activity that might not quite fit within a) – h).

Your engagement in law related activities during a period will be disregarded if the engagement is 'negligible in terms of the amount of time engaged'.