

*Draft Order laid before Parliament under section 51(14) of the Tribunals, Courts and Enforcement Act 2007 and section 80(4) of the Social Security Act 1998 for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2008 No.**

**TRIBUNALS AND INQUIRIES**

**JUDICIAL APPOINTMENTS AND DISCIPLINE**

**The Judicial Appointments Order 2008**

*Made* - - - - *\*\*\**  
*Coming into force* - - *in accordance with article 1(2)*

This Order is made in exercise of the powers conferred by section 51 of the Tribunals, Courts and Enforcement Act 2007(a) and section 7(6A) and (6B) of the Social Security Act 1998(b).

The Lord Chancellor has consulted the Lord Chief Justice of England and Wales and the Judicial Appointments Commission in accordance with section 51(9) of the Tribunals, Courts and Enforcement Act 2007, and in accordance with that subsection as it applies by virtue of section 7(6B) of the Social Security Act 1998.

A draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 51(14) of the Tribunals, Courts and Enforcement Act 2007 and in accordance with section 80(4) of the Social Security Act 1998.

The Lord Chancellor makes the following Order:

**Citation and commencement**

- 1.—(1) This Order may be cited as the Judicial Appointments Order 2008.
- (2) This Order shall come into force—
  - (a) for the purposes of article 7(b), on 30th November 2010; and
  - (b) for all other purposes five days after the day on which it is made.

**Interpretation**

2. In this Order—

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(a) 2007 c. 15; section 51 was amended by the Legal Services Act 2007 (c. 29), Schedule 21, paragraph 162 from a date to be appointed.  
(b) 1998 c. 14; section 7 was amended by the Tribunals, Courts and Enforcement Act 2007 (c. 15), Schedule 10, paragraph 29(1), (3) and (4).

“the 1998 Act” means the Social Security Act 1998;

“the 2007 Act” means the Tribunals, Courts and Enforcement Act 2007;

“registered patent agent” has the meaning assigned to it by the Register of Patent Agents Rules 1990(a);

“registered trade mark agent” has the meaning assigned to it by the Register of Trade Mark Agents Rules 1990(b).

### **Specified qualifications under the 1998 Act**

3. For the purposes of section 7(2)(a) of the 1998 Act—

- (a) the specified qualification is that the person is a Fellow of the Institute of Legal Executives; and
- (b) a person shall be taken first to become a Fellow of the Institute of Legal Executives when the person is admitted or enrolled as a Fellow of the Institute of Legal Executives.

### **Specified and relevant qualifications under the 2007 Act**

4. Articles 5 and 6 are subject to articles 7 and 8.

5. For the purposes of section 50(2) and (3) of the 2007 Act, a person holds a relevant qualification if the person is—

- (a) a Fellow of the Institute of Legal Executives;
- (b) a registered patent agent; or
- (c) a registered trade mark agent.

6. For the purposes of section 50 of the 2007 Act, a person shall be taken first to become—

- (a) a Fellow of the Institute of Legal Executives when the person is admitted or enrolled as a Fellow of the Institute of Legal Executives;
- (b) a registered patent agent when the person’s name is entered on the register of patent agents in accordance with the Register of Patent Agents Rules 1990; or
- (c) a registered trade mark agent when the person’s name is entered on the register of trade mark agents in accordance with the Register of Trade Mark Agents Rules 1990.

### **Specified offices under the 2007 Act**

7. A person who is a Fellow of the Institute of Legal Executives holds a relevant qualification for the purposes of section 50(2) and (3) of the 2007 Act in relation to the offices specified in—

- (a) Part 1 of Schedule 1 to this Order; and
- (b) Part 2 of Schedule 1 to this Order.

8. A person who is a registered patent agent or a registered trade mark agent holds a relevant qualification for the purposes of section 50(2) and (3) of the 2007 Act in relation to the offices specified in Schedule 2 to this Order.

Lord Chancellor

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(a) S.I. 1990/1457.

(b) S.I. 1990/1458, amended by S.I. 1999/983.

## SCHEDULE 1

Article 7

### Offices for which a Fellow of the Institute of Legal Executives holds a relevant qualification

#### PART 1

Deputy district judge appointed under section 8(1) of the County Courts Act 1984(a),

Deputy District Judge (Magistrates' Courts) appointed under section 24(1) of the Courts Act 2003(b),

Adjudicator appointed under regulation 3(1) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001(c),

Legally qualified member of the Asylum and Immigration Tribunal appointed under paragraphs 2(1)(a) to (d) of Schedule 4 to the Nationality, Immigration and Asylum Act 2002(d),

Member of panel of chairmen appointed under regulation 8(3)(a) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004(e),

Judge of the First-tier Tribunal appointed under paragraph 1(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007,

Adjudicators appointed under regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007(f).

#### PART 2

District Judge appointed under section 6(1) of the County Courts Act 1984(g),

District Judge (Magistrates' Courts) appointed under section 22(1) of the Courts Act 2003(h).

## SCHEDULE 2

Article 8

### Offices for which a registered patent agent or a registered trade mark agent holds a relevant qualification

Chairman or Deputy Chairman of the Copyright Tribunal appointed under section 145(2) of the Copyright, Designs and Patents Act 1988(i),

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- (a) 1984 c. 28; section 8(1) was amended by the Tribunals, Courts and Enforcement Act 2007 (c. 15), Schedule 11, paragraphs 5, 7(1), (2).
- (b) 2003 c. 39; section 24(1) was amended by the Tribunals, Courts and Enforcement Act 2007, Schedule 10, paragraph 38(1), (3).
- (c) S.I. 2001/2313, amended by S.I. 2008/1956.
- (d) 2002 c. 40; paragraph 2 of Schedule 4 was amended by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), Schedule 1; by the Constitutional Reform Act 2005 (c. 4), Schedule 11, paragraph 5 to be appointed; and by the Tribunals, Courts and Enforcement Act 2007, Schedule 10, paragraph 37(1), (2) and (3).
- (e) S.I. 2004/1861; regulation 8 was amended by the Constitutional Reform Act 2005, Schedule 11, Part 3 to be appointed; and by S.I.[to be inserted]. Section 3A of the Employment Tribunals Act 1996 (c. 17) provides that such a member may be referred to as an Employment Judge.
- (f) S.I. 2007/3483.
- (g) 1984 c. 28; section 6(1) was amended by the Constitutional Reform Act 2005, Schedule 3, paragraph 1(1).
- (h) 2003 c.39; section 22(1) was amended by the Tribunals, Courts and Enforcement Act 2007, Schedule 10, paragraph 38(1) and (2).
- (i) 1988 c. 48; sub-section (2) was amended by S.I. 1999/678.

Appointed person within the meaning of section 77(1) of the Trade Marks Act 1994(a).

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order provides that Fellows of ILEX (Institute of Legal Executives) are eligible to be members of an appeal tribunal for the purposes of section 7 of the Social Security Act 1998.

This Order provides that Fellows of ILEX, registered patent agents and registered trade mark agents each hold a relevant qualification in relation to the judicial-appointment eligibility condition for the purposes of section 50 of the Tribunals, Courts and Enforcement Act 2007 (c15) and in relation to the offices specified in Schedule 1 (Fellows of ILEX) and Schedule 2 (registered patent agents and registered trade mark agents).

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(a) 1994 c. 26.

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