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.

DRAFT STATUTORY INSTRUMENTS

2008 No.

TRIBUNALS AND INQUIRIES
JUDICIAL APPOINTMENTS AND DISCIPLINE

The Judicial Appointments Order 2008

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

This Order is made in exercise of the powers conferred by section 51 of the Tribunals, Courts and Enforcement Act 2007(**1**) and section 7(6A) and (6B) of the Social Security Act 1998(**2**).

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.

(**1**) 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.

(**2**) 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).

Interpretation

2. In this Order—

"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(**3**);

"registered trade mark agent" has the meaning assigned to it by the Register of Trade Mark Agents Rules 1990(**4**).

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.

(**3**) ()S.I. 1990/1457.
(**4**) ()S.I. 1990/1458, amended by S.I. 1999/983.