



## Requirements for Appointment

You should carefully consider whether you are likely to be eligible before applying. Eligibility requirements will be considered at the post application stage.

### Statutory eligibility

Statutory eligibility for this exercise requires candidates to satisfy the judicial appointment eligibility condition\* on a 7 year basis, or to be a Circuit Judge who has held office for at least 2 years.

\*The Tribunals, Courts and Enforcement Act (TCE) 2007 introduced the '*judicial-appointment eligibility condition*'. You will have to show that:

- you have possessed a relevant legal qualification;
- for the requisite period; and
- that whilst holding that qualification you have been gaining legal experience.

### Relevant legal qualification

You have a relevant legal qualification if you are a solicitor or barrister.

You will be considered eligible as a solicitor when your name was 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 completed pupillage in connection with becoming a barrister or b) if you were not required to undertake pupillage in connection with becoming a barrister, when you were called to the Bar of England and Wales.

If you were not required to undertake pupillage, you will need to provide details in the application form of why you were not. This will most likely be because you were called to the Bar prior to 1 January 2002. If you were called to the Bar after this date, you will only be eligible if you have completed or have been exempted from pupillage by the Bar Standards Board. If you have been exempted from pupillage, you will be required to provide evidence of this by the time applications close, otherwise you will not be eligible to proceed.

### Requisite period

The JAC will measure the requisite period from the start date of the relevant legal qualification up to the end of March 2017. The requisite period is that required to satisfying the judicial-appointment eligibility condition.

### Legal experience

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

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:

1. the carrying out of judicial functions of any court or tribunal;
2. acting as an arbitrator;
3. practice or employment as a lawyer;
4. advising (whether or not in the course of practice or employment as a lawyer) on the application of the law;
5. assisting (whether or not in the course of such practice) persons involved in proceedings for the resolution of issues arising under the law;
6. 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;
7. drafting (whether or not in the course of such practice) documents intended to affect persons' rights or obligations;
8. teaching or researching law; or
9. any activity that in the relevant decision makers' opinion (this means the Appropriate Authority or his delegated official) is of a broadly similar nature to an activity within paragraphs a) to h).

You may wish to note that the Lord Chancellor does not consider service as a Magistrate to be demonstrative of gaining experience in the law or as equivalent to previous judicial experience.

### **Age**

There is no upper or lower age limit for candidates apart from the statutory retirement age of 70.

Successful candidates will be expected to give serious consideration to applying for a salaried post within the period of their appointment as Deputy High Court Judge.

Candidates subsequently applying to be a High Court Judge will be expected to have sufficient relevant judicial experience over a two year period, or at least 30 sitting days. If successful, they will then be expected to provide a reasonable length of service of five years.

For this reason, candidates applying for this exercise are expected to have a reasonable length of service of at least **eight years** to enable the required sittings to be undertaken prior to application to the High Court, and to allow for the subsequent five years' reasonable length of service.

Candidates who already hold judicial appointment and were first appointed prior to March 1995, may have a preserved retirement age of 72. This will be the case for candidates first appointed to a judicial office listed in Schedule 7 to the Judicial Pensions and Retirement Act 1993. Such candidates are asked to inform the team running this exercise, via email, of their retirement age.

### **Nationality**

You must complete a declaration of your nationality in the application form. In order to qualify for this post you must be a citizen of:

- the United Kingdom; or
- another Commonwealth country; or
- the Republic of Ireland.

Other European Union Citizens are not eligible to apply.

You must satisfy the nationality requirements by the time applications close for the exercise.

**Disqualification**

You should note that the House of Commons Disqualification Act 1975 applies to this office. For further details please refer to the outline terms and conditions.