



5 February 2008

Draft Statutory Instrument – Tribunals, Courts and Enforcement Act 2007

This is to consult on a draft Statutory Instrument, made under Section 51 of the Tribunals, Courts and Enforcement Act 2007 (relating to eligibility for judicial appointment).

The Tribunals, Courts and Enforcement Act 2007 revises the statutory eligibility requirements for judicial appointment. Amongst other eligibility changes, the Act contains order-making powers enabling the Lord Chancellor to specify 'relevant qualifications', so that persons other than barristers and solicitors may become eligible to apply for judicial office.

The draft Statutory Instrument sets out which categories of judicial office Fellows of the Institute of Legal Executives (ILEX), registered patent agents, or registered trade mark agents are to be eligible for. **We are interested in your views on these proposed changes set out in this statutory instrument.**

This consultation is being conducted in line with the Code of Practice on Consultation issued by the Cabinet Office and falls within the scope of the Code. More information on the Code of Practice can be found on the Cabinet Office website: www.cabinetoffice.gov.uk.

To help ensure that this consultation is as effective as possible it will be sent to a wide range of organisations and published on the Ministry of Justice website at: www.justice.gov.uk.

The Statutory Instrument has been drawn up with close involvement from a project board including officials from the Ministry of Justice, the Directorate of Judicial Offices, the Judicial Appointments Commission and the Tribunals Service. In addition my officials have been in contact with organisations such as the professional bodies representing those who will be affected by the changes (including the Law Society, Bar Council, Institute of Legal Executives (ILEX), Chartered Institute of Patent Attorneys (CIPA) and the Institute of Trade Mark Attorneys (ITMA), to keep them informed of progress prior to consultation.

An initial Impact Assessment has been completed and does not indicate that the proposals are likely to lead to additional costs or savings for businesses, charities or the voluntary sector, or the public sector. Consequently, this consultation does not include an Impact Assessment. If you disagree with this conclusion you are invited to send your reasons as part of your overall response to this paper.

Copies of the Statutory Instrument are being sent to:

The Lord Chief Justice
The Senior President of the Tribunals
The Chairman of the Judicial Appointments Commission
The Chairman of the Bar Council
The President of the Law Society
The President of ILEX
The President of CIPA
The President of ITMA

The Directorate of Judicial Offices (DJO),
The House of Commons Justice Committee;
Relevant legal diversity groups including the Society of Asian Lawyers, the Black Solicitors Network, the Association of Women Solicitors, Society of Visually Impaired Lawyers and the Lesbian and Gay Lawyers Association, as well as the Welsh Assembly and the Scottish Executive.

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this SI. I would welcome your response **by 29 April 2008**. Please send responses to caroline.old@justice.gsi.gov.uk

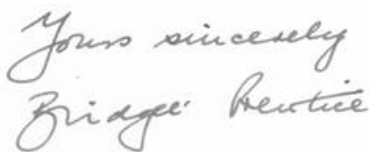
Caroline Old
Legal and Judicial Diversity Branch
Ministry of Justice
Selborne House
54-60 Victoria Street
London SW1A 6QW

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

A handwritten signature in cursive script that reads "Yours sincerely Bridget Prentice".

BRIDGET PRENTICE