

SAMPLE JUDICIAL JOB DESCRIPTIONS¹

In order:

England and Wales

1. High Court Judge
2. Circuit Court Judge
3. District Judge
4. Upper Tribunal Judge
5. First-Tier Tribunal Judge
6. Welsh Tribunal Judge

Scotland

7. Senator
8. Sheriff

Northern Ireland

9. County Court Judge
10. District Judge

¹ As provided to the OME by the various Judicial Offices

1. England and Wales - High Court (Chancery Division)

Job Description

Purpose of Office

- The purpose of judicial office is to administer justice in accordance with the laws of England and Wales.
- High Court Judges swear the judicial oath (or affirm) that they "will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the Office of a Justice of Her Majesty's High Court ... and do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will".

General

- The structure and jurisdiction of the High Court are governed broadly by the provisions of the Senior Courts Act 1981. There are three High Court Divisions – the Queen's Bench Division, the Chancery Division and the Family Division. It should be noted, however, that the jurisdiction of the High Court is indivisible in law and belongs to all Divisions alike.
- Irrespective of the Division to which they are assigned, all Judges of the High Court possess equal power, authority and jurisdiction. Judges may be required to sit in a Division other than that to which they are assigned, as the business of the court demands. (The formal transfer of a Judge from one Division to another, however, requires the consent of that Judge and a direction made by the Lord Chief Justice with the consent of the Head of the High Court Division which the Judge concerned is leaving).
- The original jurisdiction of the High Court is usually exercised by a single Judge, sitting without a jury. Juries are occasionally summoned for certain classes of case, mainly defamation actions.
- The High Court sits at the Royal Courts of Justice and at a number of provincial centres.

Introduction

- The work of the Chancery Division of the High Court mainly involves contentious litigation relating to a broad range of commercial, financial and property matters. This includes trusts, cases involving claims against directors of companies, shareholder disputes, company and other commercial fraud, takeover bids, share and business sales, property development and other property contracts, professional negligence, confidential information, insolvency, directors disqualification and intellectual property (patents, copyright, trademarks, and passing off). The Judges preside over trials and hear the heavier interim applications, for example for injunctions. The Judges also hear applications to commit for contempt of court. The Division exercises an important jurisdiction in relation to various specialist areas of law. For example there have been assigned to the Chancery Division; competition cases whether arising under Articles 81 or 82 EU Treaty, the Competition Act 1998 or Enterprise Act 2002; appeals under the Insolvency Act 1986; a wide variety of matters under the Companies Acts including the sanction of schemes of arrangement; and the approval of insurance and banking business transfers under the Financial Services and Markets Act 2000.

- The Judges of the Chancery Division hear appeals from the county courts in most cases, and they hear all appeals from the Chancery Masters and all appeals in insolvency cases from the county courts and the High Court Registrars.
- Patent cases in the Chancery Division are heard by Judges of the Patents Court who are High Court Judges specifically nominated by the Lord Chancellor for this work. Other intellectual property cases may be heard by any Judge of the Chancery Division.
- Judges of the Chancery Division sit as Judges of the Upper Tribunal, to hear tax appeals and appeals in financial services and property matters. They also sit as chairmen of the Competition Appeals Tribunal.
- Appeals from the High Court: A right of appeal from the High Court lies, in general, to the Civil Division of the Court of Appeal. In rare cases, however, where a point of law of general importance is involved and certain other conditions are fulfilled, an appeal may lie from the High Court to the Supreme Court.

Main Activities

The main activities of a Judge of the Chancery Division are as follows:

Preparing for Trial and Case Management

- Reading and assimilating case papers before a hearing, or a trial, commences.
- The court is required to further the overriding objective of the case management procedures by actively managing cases. Active case management includes:
 - Encouraging the parties to co-operate with each other in the conduct of the proceedings
 - Identifying the issues at an early stage
 - Deciding promptly which issues need full investigation and trial and accordingly disposing summarily of the others
 - Deciding the order in which issues are to be resolved
 - Encouraging the parties to use an alternative dispute resolution procedure if the court considers that appropriate and facilitating the use of such procedure
 - Helping the parties to settle the whole or part of the case
 - Fixing timetables or otherwise controlling the progress of the case
 - Considering whether the likely benefits of taking any particular step justify the cost of taking it
 - Dealing with as many aspects of the case as possible on the same occasion
 - Making use of technology
 - Giving directions to ensure that the trial of a case proceeds quickly and efficiently.

Presiding over Court Proceedings

- Controlling (in accordance with the relevant law and practice) the manner in which cases are conducted
- Ensuring that parties are on an equal footing, and that, whether represented or not, they are enabled to have their cases presented, and have them considered, as fully and fairly as possible
- Promoting in each case the most expeditious dispatch of business which is compatible with the interests of justice
- Dealing with the case in ways which are proportionate:
 - to the amount of money involved;
 - to the importance of the case;
 - to the complexity of the issues; and

- to the financial position of each party, and allotting to it an appropriate share of the court's resources, while taking into account the need to allot resources to other cases.
- Maintaining the authority and dignity of the Court
- Taking an accurate note of the relevant parts of the evidence
- Deciding issues of law and procedure which may arise during a case

Judgment

In the High Court

- Deciding actions by finding facts, applying the relevant law to them and giving a reasoned judgment (which may be reserved, if necessary)
- Determining contested applications and other issues by consideration of the papers and evidence presented at any hearing and making findings of fact, applying the relevant law and, where appropriate, giving a reasoned judgment expeditiously.
- Assessing and awarding damages and costs, deciding the amount and manner of payment, making possession orders and punishing for contempt or breach of court orders
- Supervising the wording of the judgments and orders of the Court.

Appeals

- **In the High Court:**
 - Hearing some appeals from Circuit Judges and appeals from Masters and District Judges
 - Determining applications for permission to appeal.

Other Responsibilities

Keeping abreast of legal developments

- High Court Judges need to keep abreast of legal developments. This entails a substantial amount of reading not directly connected with the cases which they are trying.
- High Court Judges attend Judicial College seminars and similar events.

Other judicial and public duties

- At least two Judges of the Chancery Division serve as Chancery Supervising Judges, exercising administrative responsibility for Chancery work and hearing cases outside London.
- As the need arises, other Judges will sit to hear Chancery cases outside London.
- A Judge of the Chancery Division serves as the Presiding Judge of the Tax and Chancery Chamber of the Upper Tier Tribunal.
- Some High Court Judges sit from time to time in the Employment Appeal Tribunal (and one High Court Judge serves as President of the Tribunal).
- High Court Judges may, if so requested by the Master of the Rolls with the agreement of the Chancellor, sit in the Court of Appeal (Civil Division) as additional Judges of that Court.

- High Court Judges may and often do, if so authorised by the President of the Queen's Bench Division with the agreement of the Chancellor, sit in the Administrative Court.
- High Court Judges may from time to time serve on committees, inquiries and other bodies where the services of a senior member of the judiciary are required (eg. the Bankruptcy and Companies Court Users Committee, the Civil Procedure Rules Committee, etc).
- Judges may be requested to assist in particular aspects of the administration of the courts (eg IT, property, and library) or in responding to proposals for law reform and other matters (eg. the Chancery Modernisation Review Implementation Working Group).

November 2016

2. England and Wales - Circuit Judge Job Description

- The purpose of judicial office is to administer justice in accordance with the laws of England and Wales.
- Circuit Judges swear the judicial oath (or affirm) that they “will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second Her Heirs and Successors according to law” and “will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the Office of a Circuit Judge and [I] will do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will”.
- The main activities of a Circuit Judge are as follows:

PREPARING FOR TRIAL AND CASE MANAGEMENT

- Reading and assimilating case papers before a hearing, or trial, commences:

In the Crown Court:
 - Conducting preliminary hearings to identify whether any charge is contested and if so, to identify the issues in dispute and to set a detailed case progression timetable. In the event of a guilty plea to sentence or set a date for sentence with appropriate reports.
 - Undertaking case management from the arrival of a case in the Crown Court until its disposal

In the County Courts:²

- The Court is required to further the overriding objective of the new case management procedures by actively managing cases. Active case management includes:
 - Encouraging the parties to co-operate with each other in the conduct of proceedings.
 - Encouraging the parties to use an alternative dispute resolution procedure if the Court considers that appropriate, and facilitating the use of such procedure.
 - Helping the parties to settle the whole or part of the case.
 - Identifying the issues at an early stage, deciding promptly which issues need full investigation and trial and accordingly disposing summarily of the others.
 - Deciding the order in which issues are to be resolved.
 - Fixing timetables or otherwise controlling the progress of the case.
 - Considering whether the likely benefits of taking a particular step justify the cost of taking it.
 - Dealing with as many aspects of the case as possible on the same occasion.
 - Dealing with the case without the parties needing to attend at Court.
 - Making use of technology.
 - Giving directions to ensure that the trial of a case proceeds quickly and efficiently.

PRESIDING OVER COURT HEARINGS

- Controlling (in accordance with the relevant law and practice) the manner in which cases are conducted.

² Including, if the judge is so authorised, the Technology and Construction Court.

- Ensuring that parties are on an equal footing, and that, whether represented or not, they are enabled to have their cases presented, and have them considered, as fully and fairly as possible.
- Promoting in each case the most expeditious dispatch of business compatible with the interests of justice.
- Maintaining the authority and dignity of the Court
- Deciding issues of law and procedure which may arise during a case and giving reasons for any ruling.

In the Crown Court:

- Summing up to a jury.
- Sentencing convicted defendants (including persons sent for sentence from the Magistrates' Courts), including carrying out any Newton hearings, according to the law and the circumstances of the case.
- Managing and conducting Proceeds of Crime hearings.

In the County Courts³:

- Deciding actions by finding facts, applying the relevant law to them and giving a reasoned judgment. If the judgment is reserved delivering judgment expeditiously.
- Determining contested applications and other issues by consideration of the papers and evidence presented at any hearing and making findings of fact, applying the relevant law and, where appropriate, giving a reasoned judgment.
- Assessing and awarding damages and costs, deciding the amount and manner of payment, making possession orders and punishing for contempt or breach of Court orders.
- Making orders under the Children Act 1989 and/or Adoption of Children Act 2002 including orders for adoption, and the protection, care and supervision of children (Nominated Care Judges only in public law cases).
- Making orders relating to property and maintenance.
- Supervising the wording of the judgments and orders of the Court.

DECIDING APPEALS

In the Crown Court:

- Dealing with any necessary applications
- Hearing appeals from the Magistrates' Courts (with lay justices).
- Hearing appeals from District Judges.

In the County Courts:

- Dealing with any applications for permission to appeal
- Hearing appeals from Magistrates' Courts in Children Act proceedings.
- Hearing appeals from District Judges.

OTHER WORK

- Other duties include, for example:
 - Determining any necessary paper applications;
 - When your own Court schedule permits, assisting other Judges with hearings and paper applications.

³ Including, if the judge is so authorised, the Technology and Construction Court.

- Assessing costs and reviewing detailed assessments.
- **In the Crown Court:**
 - Dealing with special procedure applications, applications for warrants and witness summonses.
 - Dealing with applications for disclosure and claims in respect of public interest immunity.
 - Dealing with bench warrants.
 - Hearing bail applications.
- **In the County Courts:**
 - Granting certificates to certificated bailiffs in the absence of District Judges.

OTHER RESPONSIBILITIES

Keeping abreast of legal developments

- Circuit Judges need to keep abreast of legal developments. This entails a substantial amount of reading not directly connected with the cases which they are trying.
- Circuit Judges attend Judicial College refresher seminars, and circuit-based events such as sentencing conferences.

Other judicial and public duties

- One Circuit Judge acts as Resident Judge at each Crown Court Centre, overseeing the disposal of judicial business and listing at that Centre, offering support and guidance to the full-time and part-time judiciary at that Centre and providing links between them and (a) the Presiding Judges and (b) the administration.
- Some Circuit Judges may act as the Senior Circuit Judge for the County Courts in a certain area.
- Some Circuit Judges sit as judges of the High Court under s.9 of the Senior Courts Act 1981.
- Some Circuit Judges preside over mental health review tribunals, or act for a period as Presidents of other Tribunals.
- Designated Family Judges chair Family Court Business Committees and Family Court Forums and liaise with representatives of other agencies of the family justice system including justices' clerks.
- Designated Civil Judges have general oversight of, and responsibility for, the conduct of non-family civil business at the Courts within their Court group.
- Circuit Judges will from time to time be required to undertake a variety of other public duties, such duties may include:
 - serve on Probation Committees.
 - act as members or tutors of the Judicial College and to oversee Recorders in training.
 - liaise with and/or train Magistrates.
 - chair Court User Committees.
 - chair or attend Area Criminal Justice Liaison Committees.
 - sit as members of Rules Committees.
 - serve on various advisory committees and other bodies.

3. England and Wales - District Judge Job Description

The jurisdiction of District Judges, embracing virtually the whole spectrum of civil and family law, is unsurpassed in terms of the areas of law with which they have to deal, the issues they have to decide, the breadth of discretion they exercise and the sheer volume of the case load. Those appearing before District Judges range from Queen's Counsel to litigants in person unable to read or write. All this means that the work that District Judges do has a significant, vital and lasting impact on the lives of large numbers of people, many of them disadvantaged and vulnerable

This job description is intended to describe only the main activities and responsibilities of a District Judge.

BACKGROUND

Purpose of Office:

- To administer justice in accordance with the laws of England and Wales
- To "*well and truly serve our Sovereign Lady Queen Elizabeth the Second in the Office of a District Judge and do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will*" (the judicial oath (or affirmation) administered by a High Court Judge).

Organisation:

- The District Judge is the only judge the vast majority of litigants in England & Wales will see, whether in civil claims or family matters
- District Judges sit throughout England and Wales
- District Judges are assigned to a particular circuit (region) and may sit at any of the courts on that circuit
- Sitting arrangements, which are determined by the Regional Director in consultation with the Presiding Judges, may vary from time to time depending on the needs of the particular circuit.

Summary of Jurisdiction:

- Not all county courts and District Registries have identical jurisdictions
- All District Judges exercise a civil jurisdiction; virtually all also exercise a family jurisdiction
- 80% exercise a county court insolvency jurisdiction and about 90% have some High Court jurisdiction
- 25% exercise the full High Court Chancery jurisdiction
- 30% are authorised to hear public law Children Act work (i.e. care work where the State is one of the parties); almost all district judges exercise a private law Children Act jurisdiction dealing with disputes as between parents as to with whom the children should live and / or how much contact the children should have with the parent with whom they do not live
- Since 2005 some District Judges are authorised to act as Regional Costs Judges and others are nominated to sit as judges of the Court of Protection
- Since the coming into force of the Tribunals Courts and Enforcement Act 2007 District Judges may sit as judges of the first tier of tribunals.

The jurisdiction of a District Judge is further detailed in the jurisdiction note.

SUMMARY OF MAIN ACTIVITIES

Trials:

Preparing for and conducting trials and final hearings by;

- Reading and assimilating trial bundles before the hearing
- Deciding issues of law and procedure which may arise during a case
- Making findings of fact
- Applying the law to the facts
- Exercising a judicial discretion in appropriate cases
- Giving a reasoned decision and judgment
- Controlling the proceedings as to speed, conduct and relevance of issues/evidence
- Determining oral applications for permission to appeal (the parties having no right to seek a review by the District Judge of his own decision once it has been pronounced).

The great majority of judgments are delivered orally at the end of the hearing, although the increasing length and complexity of cases dealt with by District Judges means that more and more frequently judgments are reserved and prepared in writing.

Managing defended cases:

Whenever cases are before the court (and whether invited to by the parties or not), giving directions either on paper or at a hearing to prepare cases for trial;

- Seeking to ensure a trial of the relevant issues in the case as quickly and as cheaply as possible
- Identifying the issues between the parties
- Ensuring relevant documents are disclosed
- Considering, identifying and ensuring relevant lay witness evidence (of fact) is disclosed
- Taking note of the need for any expert evidence, considering the appropriate discipline(s), whether a single expert is appropriate, considering if questions should be raised and providing for meetings and joint statements where a single expert is inappropriate
- Holding dispute resolution hearings in both Children Act and matrimonial proceedings Financial Remedy claims and other claims with the agreement of the parties
- Making orders of the court's own initiative.

Applying in civil and Financial Remedy cases, the overriding objective of the Civil Procedure Rules 1998 and the Family Procedure Rules 2010, which enable the court to deal with cases justly.

Applications in the course of proceedings:

Hearing interim applications of a myriad nature, including;

- Determining case management issues between the parties including settling cost budgets

- To impose sanctions for failure to comply with directions ordered
- For emergency applications for injunctions and committal for breach
- In respect of the enforcement of judgments
- To assess the amount of costs claimed by parties and their legal representative
- For last-minute applications to vacate trials.

Determining applications on paper:

Applying the law to the facts of the case solely by consideration of the papers filed including;

- Consent orders both civil and family
- Requests for enforcement of judgments
- Contested issues relating to matrimonial petitions
- Provisional and Detailed assessment of costs
- Dealing with the allocation to track, and management of, defended cases
- Procedural applications
- Accelerated claims for possession.

Continuing Development:

Keeping abreast of legal developments by;

- Reading the considerable volume of new case law, statute law and secondary legislation not directly connected with the cases which District Judges are trying at that time
- Attending Judicial College refresher seminars and other circuit-based training events and seminars as appropriate.

Management and other Judicial and Public Duties:

- District Judges deal on a daily basis with a whole variety of queries as to law, procedure and practice referred to them by court staff
- District Judges will meet regularly with other judges and court staff to arrange listing patterns, manage listing on a day-to-day basis and decide before whom specific cases should be listed, including identifying when it is necessary to expend resources on the use of a deputy District Judge
- Some District Judges are appointed as Course Directors at the judicial College and others act as members or tutors preparing, overseeing and delivering the training of most levels of Judges including the induction of new judges
- Many District Judges act as mentors to Deputy District Judges and carry out appraisals of Deputies
- Some District Judges who are authorised to hear public law (i.e. care) work have tuition responsibilities for circuit-based Children Act training and provide Children Act training for magistrates
- Some District Judges attend meetings of local Family Justice Boards as observers
- Many District Judges who exercise a Children Act jurisdiction liaise with other judiciary, HMCTS, CAFCASS and Children's Services of local authorities
- Some District Judges serve on various advisory committees and other bodies
- Many District Judges are involved in the management of childrens' contact centres
- District Judges sit on, and in some cases chair, Court User and Focus group Committees

- Some District Judges sit as members of the Civil or Family Procedure Rules Committees or of the Civil Justice Council
- Some District Judges are appointed as Diversity and Community Relations Judges and others as Security Liaison Judges.
- Some District Judges as representatives of the Bench meet regularly with representatives of the Ministry of Justice, H.M. Courts Service, the Legal Services Commission and other such bodies and prepare detailed responses to government consultation papers.

OTHER RESPONSIBILITIES

Keeping abreast of legal developments

- District Judges need to keep abreast of legal developments. This entails a substantial amount of reading not directly connected with the cases which they are trying.
- District Judges must attend Judicial College refresher and continuation courses and seminars from time to time.

IT Skills

- District Judges are expected to be IT-literate and to make the fullest use possible of electronic means of research and communication including where possible and appropriate use of computers when at court.

4. England and Wales - Judge of the Upper Tribunal

Job Description

Judges of the Upper Tribunal swear the judicial oath (or affirm) that they “will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law” and “will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the Office of a Judge of the Upper Tribunal and [I] will do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will”.

Office and jurisdiction

The Upper Tribunal was created by the Tribunals, Courts and Enforcement Act 2007. Its jurisdiction is to hear applications and appeals on questions of law from the First-tier Tribunal also created by the Act and to determine immigration judicial review applications. The Act came into operation on 3 November 2009. Its judges are appointed under Schedule 3.

From early 2010 the first-instance work of the Immigration and Asylum Chamber was transferred to the First-tier Tribunal. In 2013 the majority of the judicial review applications in immigration cases were transferred from the Administrative Court to the Chamber. This competition is for judges of the Upper Tribunal to deal with work arising both from the right of appeal to the Upper Tribunal on asylum and immigration cases from the First-tier Tribunal and from the transfer of the immigration judicial reviews. The main activities of judges of the Upper Tribunal are set out below: however, it should be noted that the allocation of work to individual members or classes of member of the Tribunal is a matter for the Senior President and the Chamber President. Judges of the Upper Tribunal are judges of the First-tier Tribunal and may be deployed to undertake work there in suitable cases.

Candidates should be aware of a recent change of practice. Hitherto, First-tier Tribunal Resident Judges have been drawn from the pool of UTIAC Judges. However, this arrangement has been revised and no longer applies

Main Activities:

Determining applications and giving case management directions

- Reading and assimilating papers and identifying the legal issues that arise.
- Giving succinct reasons for decisions on applications for permission to appeal in both statutory appeals and applications for permission to bring judicial review proceedings..
- Giving guidance and directions for the efficient disposal of appeals and judicial review applications, bearing in mind the extent of representation available to the parties.
- Promoting the most expeditious dispatch of business compatible with the interests of justice and in accordance with the overriding objective in the Tribunal Procedure Rules.

Determining appeals and judicial review applications

- Researching (if necessary) and applying the relevant law.
- Determining questions of fact where necessary.
- Giving a reasoned oral or written judgment.
- Giving any directions necessary to give effect to the judgment.

Oral hearings

- Controlling (in accordance with the relevant law and practice) the manner in which hearings are conducted.

- Ensuring that parties who lack professional representation are enabled to present their cases and have them considered as fully and fairly as possible.
- Maintaining the authority and dignity of proceedings.
- Taking a full and accurate note of the submissions of the parties and any oral evidence.
- Deciding any issues of procedure that may arise during the hearing.
- Where required, sitting as a non-presiding member of a panel of the Upper Tribunal or First-tier Tribunal.

Keeping abreast of legal developments

- Participating in training events.
- Reading legal information and researching updates.

Other judicial duties

- Contributing to the development of a body of law by circulating decisions of interest.
- Commenting on decisions circulated by other judges.
- Developing working relationships with all judicial colleagues in order to promote consistency and excellence of decision-making throughout the Tribunal.
- Attending meetings of judges and serving on committees concerned with judicial administration.

A salaried judge is also expected to be IT-literate and to make the fullest use possible of electronic means of research and communication

September 2014

5. England and Wales - Resident Judge of the First-tier Tribunal, Immigration and Asylum Chamber Job Description

Purpose of Office

The purpose of judicial office is to administer justice according to law, without fear or favour, affection or ill will in the First Tier Immigration and Asylum Chamber (FtTIAC).

Jurisdiction

Resident Judges are appointed by the Senior President of Tribunals under **Schedule 2 paragraph 2 of the Tribunals, Courts and Enforcement (TCE) Act 2007 and further amended by** Schedule 13 of the Crime and Courts Act 2013. A Resident Judge is to have such functions as the President may assign to him. Immigration Judge, who in turn are assigned work by the Resident Judge, constitute a one-person statutory tribunal, hearing appeals at first instance against the decisions of the Home Secretary, Immigration Officers at ports of entry to the United Kingdom and Entry Clearance Officers at British diplomatic posts abroad about entry to, entitlement to stay in, and removal from, the United Kingdom.

The President will expect the Regional Judge to sit at least 50% of the time in the FtTIAC, normally at their hearing centre, either alone or in developmental panels hearing substantive and the more complex appeals. In addition if the Resident Judge also holds an appointment to sit in the UTIAC to do so at least 20 days per year.

Resident Judge are the principals at their assigned Regional Hearing Centre and work closely with any Designated Judge/Assistant Resident Judge in post in his/her region. The President is responsible for the efficient processing of appeals through the Resident Judge.

Main Activities

The post of Resident Judge exists at most major Immigration Regional Centre in the country. In addition to the requirement of sitting as a judge of FtTIAC, the Resident Judge exercises a delegated responsibility from the President for the allocation of cases to Immigration Judges in the Region: -

- reporting to the President on the accommodation and judicial needs of the Region;
- implementing the President's directions in the overall supervision of listing and judicial work of the Region to ensure judicial quality and efficiency;
- attending, as required, Resident Judge's Conferences when convened by the President;
- the management of judicial business in their centre and any satellite centres;
- maintaining and improving judicial standards in the Region, including meeting such judicial performance standards as may be set nationally which are consistent with good quality decision-making and the provision of a fair and speedy appeals service;
- acting on behalf of the President in investigating complaints against Immigration Judges outside of their region and preparing a preliminary report for the President;
- ensuring the efficient processing of appeals at the Centre and any satellite Hearing Centre in his or her charge;
- supervising the allocation and disposal of cases in which the appellant has requested that the appeal be determined without a hearing, or where no representative has been nominated in the United Kingdom;
- providing such further assistance to the President as he or she may from time to time request;
- attending on behalf of the President and representing the FtTIAC in meetings and conferences as required both nationally and regionally;

- mentoring and meetings with all the judges assigned to their hearing centre on a regular basis;
- ensuring the needs and welfare of all the judges of their centre, keeping records as to welfare and sickness issues and notifying the President or his office in accordance with the Welfare Policy for Judicial Office Holders.

Accountabilities and Key Tasks

Resident Judges in accordance with their job description exercise a delegated responsibility from the President. This job description sets out the general role for Resident Judge

Judicial Management

Overall the aim is to maintain and improve judicial standards in the region, including meeting such judicial performance targets as may be set nationally which are consistent with good quality decision making in the provision of a fair and speedy appeal service. This will be achieved by: -

- Being available to address and assist Immigration Judge with enquiries and problems.
- Liaising with and directing the work of any Designated or Assistant Resident Judge in post in the region.
- Monitoring weekly the timely return of determinations by full and part-time Immigration Judge
- Discussion of performance issues with individual Immigration Judge as required.
- Corresponding with and warning Immigration Judge of problems about delays highlighted by the outstanding determination list.
- Scrutinising daily the performance statistics within the region and in particular considering weekly the outstanding determination list.
- Maintaining records on full time Immigration Judge in relation to absence due to sickness, leave and training.
- Monitoring judicial sitting levels, adjournments and disposal rates and ensuring a fair allocation of work amongst the full time Immigration Judge.
- Reviewing and monitoring the quality of determinations from remits and distributing leave grants and refusals.
- Observing Immigration Judge periodically in the hearing rooms.
- Supporting and, where appropriate, managing the appraisal process.
- Supporting and, where appropriate, managing the mentoring process.
- Investigating complaints on behalf of the President and preparing a preliminary report in accordance with the Complaints Rules and Regulations.
- Reporting any serious disciplinary issues to the President
- Giving references or monitoring reports on Immigration Judge in the region as required.
- Organising and chairing meetings of Immigration Judge at least bi-monthly.
- Visiting managed hearing centres and satellites in the region at least every three months.

Case Management

Ensure the efficient disposal of cases by: -

- Overseeing list splits and float lists.
- Dealing with requests for adjournments or delegating them.
- Dealing with queries that cannot be answered at Leicester.
- Dealing with transfers under Rule 45 in accordance with the agreed guidance.
- Liaising closely with the administration on listing practices to comply with Best Practice Guidelines.

- Checking that bails are listed within target.
- Checking that detained cases are listed within target.
- Monitoring adjournment rates and disposal rates and liaising about or taking action to resolve delays or problems as appropriate
- Informing Immigration Judge of any points of principle that may be appropriate.
- Identifying training needs arising from cases or regional issues.

Liaison with Administration

- Liaise with the administrative staff on all aspects of case and general centre management.
- Advise and assist the administrative staff as needed on any judicial administrative issues.
- Meeting the Centre Manager, List Office Manager and Office Managers at least weekly, unless otherwise agreed.
- Liaise daily with the Listing Managers and List Office staff.
- Liaising on the control of resources, the availability of accommodation and the allocation of accommodation.
- Liaise on security issues.
- Liaise and decide on the cancellation of hearings if needed.

Liaison with Stakeholders

- Hold regular user meetings.
- Be involved in official visits to the hearing centre.
- Handle press or publicity issues in consultation, as required, with the LCD Press Office or the Chief or Deputy President.

General

- Subject to the business needs of the hearing centre to sit in the FtTIAC on a regular basis either alone or in panels for at least 50% of the time (and also in the UTIAC if they already hold appointment as a Deputy Upper Tribunal Judge),
- Delegate functions as needed.
- Is expected to be IT-literate and to make the fullest use possible of electronic means of communication.
- Identify IT needs in response to requests from full and part-time judiciary.
- Liaise with the Legal and Research Unit to ensure proper library resources are available at all relevant centres.
- Identifying and being involved in training needs as appropriate including attending training conferences, preparing training materials and acting as facilitators as required.
- Ensuring any training needs at the hearing centre are identified and reported to the training judge
- Liaise closely with the designated/assistant resident judge
- Report to the President on regional needs generally, for example accommodation, books, additional judiciary, and satellite courts.
- Provide an annual report on the work of the region to the President in April each year.
- Take part, as required, in the judicial recruitment and interview process.

20 November 2015

6. England and Wales - Fee-Paid Medical Member of The First-Tier Tribunal Health Education and Social Care Chamber, Mental Health and The Mental Health Review Tribunal for Wales

Job Description

Fee-paid Medical Members of the HESC Mental Health First-tier Tribunal swear the judicial oath (or affirm) that they “will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law” and “will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the Office of a Tribunal Member and [I] will do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will”.

Purpose of Office: The purpose of the office is to assist in the conduct of Mental Health Review Tribunal hearings by providing a medical view both during the hearing itself and in subsequent decision-making.

Jurisdiction:

The First-tier Tribunal (Health, Education & Social Care Chamber) (Mental Health) and the Mental Health Review Tribunal for Wales are independent judicial bodies responsible for deciding upon the necessity for the continued compulsory detention of mentally disordered patients in hospital or the continuation of a conditional discharge, guardianship, or a community treatment order. Its powers and duties are set out in the Mental Health Act 1983 as amended (the Act). Their procedures are defined respectively in The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 and The Mental Health Review Tribunal for Wales Rules 2008.

All patients liable to be detained under the provisions of the Mental Health Act 1983 as amended, or subject to a conditional discharge, guardianship or a community treatment order have the right to seek a review of their case by applying to the tribunal. Furthermore, if a patient has not made an application by the end of a period specified in the Act, the Secretary of State for Justice or the hospital managers (as the case may be) are obliged to refer the patient's case to the tribunal, thus ensuring that all cases are subject to regular review. Patients are also referred to the tribunal when recalled from Community Treatment Orders or from Conditional Discharge.

The powers of the tribunal are significant, with a responsibility to balance the liberty of the subject with potentially serious risk to the patient, their families and the public. There is heightened public interest in the outcome of restricted patient panel cases, there are occasions when the wishes and feelings of victims need to be considered. The tribunal has different powers and procedures in respect of restricted patients (i.e. those who have been accused or convicted of criminal offences and on whom the Crown Court or Ministry of Justice has imposed restrictions on discharge). These powers include, where appropriate, the making of a conditional discharge, a deferred conditional discharge pending arrangements being made or an absolute discharge. The criteria, which must be applied when considering whether to discharge a patient, are laid down in the Act. In respect of unrestricted patients, the tribunal may, where appropriate, order a patient's discharge immediately or on a future date, or it may recommend that the patient be considered for a community treatment order or (with a view to facilitating discharge) it may recommend leave of absence, transfer to another hospital, or transfer into guardianship. Tribunal hearings are usually held in private at the hospital where the patient is detained.

The First-tier Tribunal (Health, Education & Social Care Chamber) (Mental Health) covers the whole of England and the Mental Health Review Tribunal for Wales covers the whole of Wales. Under current arrangements, a tribunal will be composed of three members including

one legal member (known in England as a tribunal judge), one medical member and one specialist lay member. The jurisdiction in England is administered by Her Majesty's Courts and Tribunal Service.

Main Activities

The main activities of a Medical Member of the Tribunals are:

- **Examining the Patient Prior to the Hearing (pre-hearing examination/PHE) as and when required**
- To read the reports submitted by the Detaining Authority prior to such an examination
- To examine the patients relevant inpatient and community records ONLY if examining the patient
- To advise the Tribunal of any matters which require further direction e.g. if the patient says they are not represented at PHE, or if the patient is AWOL at the time of the PHE

At the Hearing

- To meet the other members of the tribunal panel immediately prior to the hearing
- To report to other members of the tribunal panel on the PHE (if done)
- To advise on and explain medical terminology and technicalities, as required
- To question the patient's doctor in relation to the patient's history, progress, treatment, prognosis and future care and other witnesses as agreed amongst the panel
- To participate fully in the decision making after the hearing has concluded, including contributing to the drafting of the decision

Other Responsibilities

- To be fully conversant with the Act and other relevant legislation. To be abreast of medical developments in the field of mental disorder
- To attend training courses and meetings of members of the tribunal as required from time to time to discuss current procedures and practice
- A Tribunal member is also expected to be IT-literate and to make the fullest use possible of electronic means of research and communication, including the ability to use secure email

18 December 2015

7. Scotland - Senator of the College Of Justice Job Description

The Judges of the Supreme Courts

- 1) The judges of the Supreme Courts are judges both of the Court of Session and the High Court. They have a jurisdiction which encompasses both civil and criminal cases, both at first instance and in an appellate capacity.⁴ There is presently a maximum of thirty four judges. It is proposed, subject to the agreement of the Scottish Parliament, that this should increase to 35 while one Judge undertakes a major inquiry. At their head is the Lord President of the Court of Session and Lord Justice-General. The Lord President presides over the First Division, and in a number of significant criminal appeals. The Lord President is head of the Judiciary in Scotland and the chairing member of the Scottish Courts and Tribunals Service. He is also the Head of the Scottish Tribunals created by the Tribunals (Scotland) Act 2014. The Lord Justice Clerk presides in the Second Division. Traditionally the Lord Justice Clerk has particular responsibility for criminal law and procedure. She chairs the appellate sittings of the High Court in most of the important cases. She also deputises for the Lord President in administrative matters as required.
- 2) There is a maximum of twelve judges in the Inner House. The remaining judges sit in the Outer House. Outer House judges are occasionally asked to sit in the Inner House.
- 3) An Outer House judge is paid £179,768 *per annum* and an Inner House judge £204,695. The details of the New Judicial Pensions Scheme are contained in a guide issued by the Ministry of Justice (which is responsible for administering all judicial pensions in the UK). A copy of the guide forms part of the application pack. Candidates should take independent financial advice on the tax and other financial implications of joining the scheme preferably in advance of making an application. A judge must retire on his or her seventieth birthday.

Qualifications and experience

- 4) Those formally eligible for appointment are:
 - a) Advocates of five years' standing;
 - b) Writers to the Signet of ten years' standing who have passed the examination in civil law two years before taking up their seat on the Bench;
 - c) Sheriffs Principal and Sheriffs who have exercised their respective functions continuously for a period of at least five years; and
 - d) Solicitors who have had rights of audience before either the Court of Session or the High Court of Justiciary or both continuously for a period of not less than five years.
- 5) Persons who are appointed have to demonstrate a degree of competence as a lawyer that marks them out from their peers. This ability needs to be demonstrated not just in the branch or branches of the law in which they have regularly practised. They must

⁴ In their civil capacity they are Senators of the College of Justice and in relation to criminal matters they are Lords Commissioners of Justiciary. The term judge is used throughout this document in place of either description

also demonstrate the ability to work effectively in any branch of the law that may arise in the course of their judicial duties, including new or emerging areas.

Judicial Duties

- 6) A newly appointed judge will begin work in the Outer House and the High Court. The precise division of work will depend upon circumstances and pressure of business. The workload of a judge is onerous. Those who seek appointment should be fully aware of this. They are required to work at home most evenings of the week and at weekends, as pressure of work demands. The decision of judges on controversial matters can attract substantial, and often critical, scrutiny in the media. Judges are expected to be sufficiently robust in character to withstand public criticism, even when it is ill-informed.

Criminal Proceedings

- 7) A judge of the High Court of Justiciary sitting at first instance must be able to preside over trials of people accused of the most serious offences. They must control the proceedings, rule on legal challenges, direct the jury on the law and, if there is a conviction, sentence the accused. Important issues of law can arise in High Court trials. Judges require to write reports for the Parole Board when they have imposed certain custodial sentences and, when required, appeal reports for the High Court sitting as in its appellate capacity. These reports require to be written within a tight time scale.
- 8) When sitting in the High Court, judges will deal with criminal appeal sifts (applications for leave to appeal). These are either single judge conviction and sentence sifts, or two and three judge sentence and conviction sifts to be carried out in conjunction with a judge sitting in the same building. A judge may also be asked to sit as part of a court to hear criminal appeals
- 9) The bulk of criminal trial work is carried out in Glasgow, where there are 8 courts. Edinburgh has 4 trial courts. There is a dedicated court in Aberdeen. The High Court also sits in satellite courts, such as Paisley, Livingston or Perth as business requires. Judges sitting out of Edinburgh are provided with a car and driver, although they may elect to stay overnight if they prefer. Their regular clerk will normally accompany them and they will also have a macer.
- 10) A small number of judges are appointed to manage criminal cases at Preliminary Hearings, to ensure that cases are not assigned to trial diets before they are ready to proceed. An Outer House judge is appointed as the First Instance Criminal Administrative judge, who supervises the operation of criminal trials under the general guidance of the Lord Justice Clerk. He or she will be a member of, and report to, the Supreme Courts Programming Board.

Civil Proceedings

- 11) Outer House judges are expected to decide cases on a wide range of civil matters. Normally they sit alone, but occasionally they may sit with a civil jury in personal injury cases. In recent years, first instance judges have had to deal with a large number of immigration cases. Cases of constitutional importance, including those challenging the actions of Government and Parliament, have become more frequent. An aptitude in the civil field, especially if accompanied by efficiency in producing civil work, may

result in appointment to the specialist commercial court, or as the judge with particular administrative responsibility for person injury or family litigation.

- 12) There are four designated judges for commercial and corporate cases. The Lord President appoints judges to work in those areas, usually for a maximum of three years, although this may be extended. Another judge is selected to sit on the Employment Appeal Tribunal. All Court of Session judges are *ex officio* entitled to sit in the Upper Tribunal of the reserved (UK) Tribunals (including the Finance and Tax Chamber) and the devolved Scottish Tribunals. The Lord President will designate specific judges accordingly.
- 13) As a generality, other than in cases involving complex issue of fact and law, Outer House judges are expected to be able to deliver *ex tempore* judgments at, or very soon after, the conclusion of a hearing. With complex cases, judges are expected to produce written opinions by working outwith court hours. After particularly complex or lengthy cases, they can obtain additional writing time during the court day if the judicial workload permits. Outer House judges deal with a wide range of written applications, including those to authorise the commencement of proceedings by party litigants.
- 14) An Outer House judge acts as Administrative Judge monitoring the key performance indicators for civil cases. He or she will, like the counterpart in criminal trials, sit on and report to the Supreme Courts Programming Board. Outer House judges may be given roles in a variety of different areas. These are listed below, but include part time work as President of the Scottish Tribunals, chairman of the Scottish Law Commission and membership of the Judicial Appointments Board, the Parole Board or the Sentencing Council. An Outer House judge, especially, but not exclusively, a senior one, can expect to be selected to sit on an appellate bench as business dictates. In certain cases a judge will be asked to do so because of particular experience in the field under review.

The Inner House and High Court (appellate)

- 15) Appointment to the Inner House is an ambition of most (but not all) Outer House judges. Although experience in the Outer House may be an important element, the selection of new Inner House judges is made on merit. The successful candidate will be expected to be able to produce sound opinions with reasonable despatch and to operate in the collegiate atmosphere of the Divisions. He or she will have had a good track record of presiding over High Court trials. Appointment is dependent upon the agreement of the Lord President and Lord Justice Clerk. At present appointments normally occur after between 7 and 10 years of Outer House work, although it could be earlier in exceptional cases.
- 16) Work in the appellate courts is markedly different from sitting at first instance. New Division judges will initially gain experience as the second or third judge in civil or criminal appeals. He or she will, however, be expected to participate fully in the cases and to be prepared to write the leading Opinion when requested to do so by the chair. He or she should be in a position to express his or her views in oral discussion. The normal method of working is towards a consensus, especially in criminal cases where certainty is particularly important. However, each judge must have the strength to dissent on reasoning and decision, where appropriate.
- 17) All cases of importance, as determined by the Inner House Administrative Judge, will be directed to a hearing before one of the “permanent” (ie First or Second) Divisions. The Keeper of the Rolls, in consultation with the Lord President, will determine the

precise composition of the bench. These will, if possible, be selected from members of one Division, but a judge with particular expertise in an area of civil law (possibly from the Outer House) may be chosen.

- 18) The Lord Justice Clerk will normally preside over criminal cases of notoriety, importance or interest. These are selected by the Criminal Appeals Administrative Judge. The Lord Justice General may also sit in these cases, sometimes with the Lord Justice Clerk.
- 19) Extra Divisions, or benches of the High Court without the Lord Justice General or Lord Justice Clerk, will hear more routine appeals. Relatively new Division judges can expect to chair some of these benches, especially in relation to sentencing. The arrangements for writing time in the Inner House are regarded as generally satisfactory.

Administrative Duties

- 20) In addition to their judicial work, judges will be given responsibility for administrative duties. The main administrative duties are:
 - a) Administrative Judge (four appellate civil and criminal; and first instance civil and criminal).
 - b) President of the Scottish Tribunals.
 - c) Supervising family or personal injury litigation.
 - d) Supervising the business of the commercial court.
 - e) Chairman and Vice Chairman of the Judicial Institute.
 - f) Chairman of the Scottish Law Commission (part-time).
 - g) Member of the Judicial Appointments Board.
 - h) Member of the Parole Board.
 - i) Member of the Scottish Civil Justice Council (two judges).
 - j) Member of the Criminal Courts' Rules Council.
 - k) Member of the Scottish Sentencing Council.
 - l) Deputy Chairman of the Boundaries Commission for Scotland.
 - m) Member of the International Hague Network of Judges and family liaison judge for the European Civil Judicial Network.
 - n) Six judges serve on the Judicial Council for Scotland and its Committees. One of these is the representative on the European Network of Councils for the Judiciary.

Other Activities

- 21) Judges assist public understanding of the law and the justice system by giving lectures and speeches on matters relating to the law in the universities or at professional conferences. They give lectures at judicial training conferences. They assist in international programmes for judicial exchanges. Judges represent Scotland and the United Kingdom at judicial exchanges and international meetings.

The first few months of appointment

- 22) The following will be provided for all newly appointed judges:

a) An induction course

The Judicial Institute gives all newly appointed judges induction training over five days,⁵ including presentations, problem exercises and facilitated discussions on the following topics:

- i) Judicial ethics and conduct;
- ii) Court management, including criminal jury management;
- iii) Procedural and evidential issues (civil and criminal);
- iv) Assessment of witnesses;
- v) Judgement writing and *ex tempore* decision making;
- vi) Sentencing;
- vii) Contempt of court;
- viii) Social context, equal treatment and diversity issues;
- ix) Unrepresented litigants;
- x) Vulnerable witnesses;
- xi) Use of information and communications technology.

If a newly appointed judge requests specific coaching in a particular area of practice, the Judicial Institute will provide it. However, the Institute does not normally provide training on the substantive law. That is a matter which all judges are expected to manage for themselves.

b) Sitting-in

Newly appointed judges must complete at least three sitting-in days with an experienced judge in order to familiarise themselves with the judicial environment on the bench, observe the work undertaken there, and have the opportunity to discuss with a serving judge on how best to approach and organise for the challenges ahead.

c) Mentoring

A new judge will be offered the assistance of a mentor, drawn from among the other judges, to whom he or she can turn on a confidential basis for support in the early period of his or her appointment. The scheme is voluntary. If a new judge opts for a mentor, the scheme envisages a mentoring relationship which lasts for one year. The relationship can last for a judicial career. This assistance will be in addition to the support that the judges as a whole will give to those newly appointed. A newly appointed judge can also seek assistance at any time from the Lord President or Lord Justice Clerk.

- 23) These measures are intended to provide reassurance to the new judge and accord with best international practice.

⁵ Lord President's Judicial Training Determination No 1 of 2011

8. Scotland - Sheriff Job Description

Introduction

- The essential requirement for the office of sheriff is to possess the intellectual and legal standing to perform the judicial functions of the office. This paper describes the range of responsibilities and functions which a sheriff must undertake.

Qualification

- To be eligible for appointment as a sheriff an individual must be a solicitor or advocate for a period of at least 10 years. A person is also eligible for appointment if they hold any other judicial office as specified below:
 - a. sheriff principal;
 - b. summary sheriff;
 - c. part-time sheriff; or
 - d. part-time summary sheriff
- Due to the nature of the office, those seeking appointment should be practitioners of standing, whether Queen's Counsel, advocates or solicitors with considerable court experience.

Appointment

- Sheriffs are appointed by Her Majesty The Queen on the recommendation of the First Minister. The First Minister must consult the Lord President of the Court of Session, Scotland's most senior Judge, before putting their recommendations forward.
- Once appointed a sheriff may remain in office until the compulsory retirement age which is 70.

Primary Functions

- The primary function of the sheriff is to act as judge of the first instance. However, sheriffs also exercise some appellate functions and a large number of administrative and *quasi*-judicial functions. Some sheriffs, with five or more years' service, are appointed as appeal sheriffs to sit in the Sheriff Appeal Court.
- Each sheriff has the same powers and responsibilities throughout Scotland. In the cities and larger towns a number of sheriffs may work in the same sheriff court building. In some courts there may be only one sheriff whereas in the more rural areas, particularly those in the islands, the sheriff may sit in more than one court during the course of a working week.
- Sheriffs normally commence the court sitting at, or sometimes before, 10:00 am. They sit until, or later than, 4:00 pm. Judicial business can extend beyond the normal court sitting times. A sheriff should be at the court well before he or she is due to sit.
- Before sitting in court a sheriff will generally be required to read and consider reports or court papers in connection with that day's court business. These reports can be lengthy and complicated. Many of them, such as criminal justice social work reports and psychiatric reports, require to be given careful consideration.
- To maximise the efficiency and output of the courts, a sheriff may expect to be required to travel to another court, or if need be a court in another Sheriffdom, to deal with business of that court.
- Out of court the sheriff will undertake various work in chambers. For example:-

- a. Writing judgments.
 - b. Dealing with matters such as warrants for arrestment or inhibition.
 - c. Preparation of stated cases and reports for criminal or civil appeals.
 - d. Consideration of applications for adoptions and permanence orders, and undefended divorces based on affidavit evidence.
- Consideration of breach reports of community disposals and applications for initiating criminal warrants.
 - A sheriff may be called on at any hour of the day or night to consider urgent applications for various warrants, interdicts and child protection orders. There is usually a rotation of this duty.

Nature of Work

- Sheriffs have a wide jurisdiction, both civil and criminal. They deal with the great majority of civil and criminal cases that call in the 39 sheriff courts of Scotland.

Criminal Proceedings

- The criminal jurisdiction of the sheriff is both summary and solemn.
- In summary procedure, the maximum penalty, except where lower penalties are prescribed by statute, is 12 months' imprisonment and a fine of £10,000. A sheriff has a wide discretion to impose other sentences including community payback orders which may involve detailed conditions, drug treatment and testing orders, restriction of liberty orders and the power to order compensation. In addition, sheriffs can grant football banning orders, non-harassment orders, anti-social behaviour orders, mental health orders, disqualification orders and forfeiture of vehicles or other property.
- A sheriff has concurrent jurisdiction with the High Court for solemn (jury) proceedings on indictment, with the exception of the crimes of murder, rape and treason. In solemn procedure, the maximum sentence of imprisonment available to the sheriff is 5 years. The sheriff has powers to remit a case to the High Court for sentence when a longer period of imprisonment is thought to be necessary. In addition, the same discretionary non-custodial sentences available in summary procedure may be selected. There is no limit to the amount of fine which may be imposed.
- Sheriffs are expected to adopt a proactive role in the management of criminal cases. For example: in solemn cases, sheriffs will assist the Sheriffs Principal in the discharge of their statutory function to secure the efficient disposal of business. With the assistance of the sheriff clerk, sheriffs will be actively involved in the general management of the solemn business of the court, notably at the First Diet stage. Greater demands on sheriffs will arise from the introduction of procedures akin to those of the High Court -where solemn cases will be indicted not to a trial but to a preliminary hearing.
- In appeals against sentence in summary proceedings the sheriff is required to prepare a report for the Sheriff Appeal Court, providing a sufficient record of all relevant circumstances and the reasons for the sentence. Appeals against conviction are likely to involve more work than those against sentence and take the form of a stated case. In solemn cases the sheriff will have to prepare a report for the High Court giving his or her opinion on the case generally and on the grounds of appeal.

Court Reform - Sheriff and Jury Business

- Reform in sheriff and jury business, resulting from Sheriff Principal Bowen's 2011 review of sheriff and jury procedure, is currently underway. The vision is to create a sheriff-centred model for sheriff and jury business. In the Scottish mainland jurisdictions, sheriff and jury business should only be routinely held at 16 designated courts⁶. These courts will become centres of specialism in which sheriffs and staff can develop more efficient working practices.
- The Courts Reform (Scotland) Act 2014 created a new judicial office in the sheriff court known as the summary sheriff. A summary sheriff sits in the sheriff court but with a more restricted jurisdiction in both civil and criminal matters. This new judicial tier will ensure that cases in Scotland's courts are heard at an appropriate level in the court structure.
- Fifteen summary sheriffs took up post during April and May 2016. The judicial recruitment campaigns for future years will be focused on building up the total numbers of summary sheriffs in key locations. The future judicial deployment decisions taken by Sheriffs Principal will increasingly be shaped around the goal of shifting solemn business over to the jury centres.

Civil Proceedings

- A sheriff has exclusive competence to deal with civil proceedings where the total value of the orders sought does not exceed £100,000.
- The Sheriff Court deals with almost all family actions in Scotland. This involves divorces; disputes over the custody and maintenance of children; adoptions; permanence orders and permanence orders with authority to adopt.
- Sheriffs are expected to issue civil judgments with the least possible delay. It can be difficult to consider cases and prepare judgments in the course of the working day, due to varying pressures of business and the complexity of certain judgments. Sheriffs are only rarely allocated dedicated writing time during court hours. It can be assigned at the Sheriff Principal's discretion, but sheriffs normally undertake this task out-with normal court hours. The burden can be lessened by using any gaps in the day's business for writing.
- In the Sheriff Court, at present, civil cases are divided into small claims, summary causes and ordinary causes. Small claims and summary causes will soon be replaced by the new simple procedure. Appeals against the sheriff's decision in civil cases are principally heard by the Sheriff Appeal Court. If the decision is further appealed to the Court of Session, a final appeal may lie to the UK Supreme Court.

Children's Referrals

- In Scotland children alleged to be in need of compulsory measures of supervision are referred by the Reporter to the Children's Panel and dealt with by a children's hearing. When dealing with such cases, it will be for the sheriff to decide on the evidence at proof whether what is alleged by the Reporter is established. These cases require to be given priority in the court programme. If the child is detained in a place of safety, strict time limits for hearing and disposing of the case apply. A sheriff has substantial appellate jurisdiction in relation to decisions reached by children's hearings. Such appeals have to be dealt with as a priority.

⁶ Glasgow, Aberdeen, Inverness, Edinburgh, Livingston, Paisley, Dumbarton, Kilmarnock, Airdrie, Hamilton, Ayr, Dumfries, Perth, Dundee, Falkirk and Dunfermline.

Summary Applications

- The summary application procedure is used for a number of different types of actions, for example applications for mortgage repossessions, applications relating to adults with incapacity, or applications relating to antisocial behaviour. It is also used when appealing against certain decisions made by other organisations, and in many cases the legislation will specifically state that the appeal is to be lodged using the summary application procedure.

Fatal Accident Inquiries

- Inquiries into sudden or suspicious deaths are conducted (a) if the deceased dies in the course of his or her employment or in custody or (b) if the Lord Advocate determines it is appropriate to hold an inquiry in the public interest. These inquiries are normally instructed because of particular public interest or importance and can be very lengthy. The sheriff is required to make certain findings and is empowered to make recommendations to avoid a recurrence of the incident. Substantial public interest often attends such inquiries.

Child Welfare Hearings

- These hearings have become an important part of actions involving residence and contact orders where the sheriff requires to make an order having regard to the welfare of the child. The rules require the sheriff to secure the quick resolution of disputes in relation to the child by ascertaining from the parties the matters in dispute and any information relevant to that dispute.

Sensitivity of Judgments

- The range of decision-making by the sheriff is very broad, and includes matters of considerable local or public interest. Sensitivity must be applied by the sheriff in dealing with matters involving public interest or concern. In such cases, a sheriff may issue a sentencing statement which will be published on the Judiciary for Scotland website.

Court Reform – Civil

- A judicially-led review of the civil justice system was undertaken in 2007-2009 and the outcome was published in September 2009 as the "Report of the Scottish Civil Courts Review". Various recommendations were made; including the creation of a new tier of judiciary (summary sheriffs), a shift of business from the Court of Session to the Sheriff Courts and changes to civil court rules to support modernisation of civil court procedures. The Courts Reform (Scotland) Act 2014 has provided enabling legislation to bring these recommendations to fruition.
- The sheriff court now has exclusive competence by virtue of section 39 of the 2104 Act in actions where the total value of orders does not exceed £100,000. As a result, sheriffs will be expected to manage and deal with the increased number of complex actions that would have previously called within the Court of Session.
- The Act of Sederunt (Simple Procedure Rules) 2016 was made on 9 June 2016. Training for sheriffs is in development and will take place early in November 2016 with simple procedure coming into force on 28 November 2016. Simple procedure is designed to provide a speedy, inexpensive and informal way to resolve disputes involving sums of £5,000 or less. The new rules require a problem-solving or interventionist approach by the sheriff. It will be for the sheriff to identify the issues and specify to parties exactly what the court will wish to hear or see by way of evidence.

Other Activities

- Sheriffs are expected, and are frequently called upon, to serve, and in some instances are required by statute to be represented, on a wide variety of *quasi-judicial*, administrative and advisory or consultative bodies. These include the Judicial Appointments Board for Scotland, the Scottish Civil Justice Council, the Scottish Sentencing Council, the Parole Board, the Judicial Institute Advisory Committee, the Scottish Courts and Tribunals Service Board, sub-committees for the Judicial Council for Scotland, the Scottish Legal Aid Board, Justice of the Peace Training Committee, court user groups, criminal justice bodies and research groups.

Judicial Institute Training and Support

- The following measures, which are put in place during the early stages of a new sheriff's service in office, are intended to provide professional support and reassurance to any new appointees. The Judicial Institute for Scotland is responsible for preparing and organising the delivery of all judicial training and continuing professional development for all judicial office holders.
- For those who are appointed from practice: the Judicial Institute gives induction training over a maximum of five days, including presentations, problem exercises and facilitated discussions on the following topics:
 - a) Judicial Resources and Communications
 - b) Assessing Witnesses
 - c) Dealing with Unrepresented Parties
 - d) Domestic Abuse
 - e) Road Traffic Cases
 - f) Sexual History and Credibility
 - g) Sentencing
 - h) Civil Judgment Writing
 - i) Writing Appeals and Stated Cases.
 - j) Civil Actions
- All new appointees must complete at least three sitting-in days with an experienced sheriff. This allows them to familiarise themselves with the judicial environment on the bench, observe the work undertaken and have the opportunity to discuss how best to approach and organise for the challenges ahead.
- A newly appointed sheriff will also have the opportunity of being supported by a mentor. The scheme is voluntary, but it allows a new sheriff an opportunity to seek support from another experienced sheriff on a confidential basis.

The qualities required of a sheriff

- In conclusion, from the foregoing, it can be seen that particular qualities are required of a sheriff:-
 - a) Intellectual rigour of a high order
 - b) Excellent powers of concentration
 - c) A good grasp of law and legal procedure and the ability to keep up to date with changes
 - d) Mental and physical stamina
 - e) A very high degree of self-discipline
 - f) Emotional robustness
 - g) The confidence to manage a difficult court
 - h) An ability to work hard under pressure

- i) A good suite of soft skills
- j) Proficiency in the use of information technology

Judicial Office for Scotland
October 2016

9. Northern Ireland - County Court Judge Judicial Job Description

Main Activities

- The main activities of a County Court Judge are as follows.

Preparing for Trial and Hearing Actions

- Reading and assimilating the papers in a case before a hearing, or the trial, commences.
- In the Crown Court:
 - Conducting preliminary hearings to identify and determine procedural issues;
 - Playing an active role in determining the way in which the case is to be handled and reviewing its progress from committal to final disposal seeking to meet the target times for cases in the Crown Court set out in the Lord Chief Justice's Practice Direction⁷;
 - Giving directions to ensure that the trial of a case proceeds quickly and efficiently;
 - Determining bail applications; and
 - Making use of court staff and technology.
- In the County Court:
 - Encouraging the parties to co-operate with each other in the conduct of the proceedings;
 - Identifying the issues at an early stage;
 - Deciding the order in which issues are to be resolved;
 - Assisting the parties to settle the whole or part of the case;
 - Reviewing the progress of the case;
 - Resolving as many aspects of the case as possible on the same occasion;
 - Making use of court staff and technology; and
 - Giving directions to ensure that the trial of a case proceeds quickly and efficiently.

Presiding over court proceedings

- Managing (in accordance with the relevant law and practice) the manner in which cases are conducted by:
 - Ensuring that parties are on an equal footing, and that, whether represented or not, they are enabled to have their cases presented, and have them considered, as fully and as fairly as possible;
 - Keeping in mind the interests of victims and witnesses;
 - Keeping in mind the interests of children and young people;
 - Promoting in each case the most expeditious dispatch of business compatible with the interests of justice;
 - Maintaining the authority and dignity of the court; and
 - Deciding issues of law and procedure which may arise during a case.
- In all trials in the Crown Court, a County Court Judge should:

⁷ Practice Direction No.2 of 2015: Target Times for Cases in the Crown Court.

- Rule on matters of law;
 - Ensure the jury is aware of its roles and responsibilities;
 - Sum up the case to the jury; and
 - Ensure the progress of the case.
- If a County Court Judge is sitting in a trial without a jury he or she must also:
 - Consider the facts;
 - Decide whether or not the defendant is guilty; and
 - Provide a detailed, reasoned written judgment.
 - In the County Court:
 - Dealing with the case in ways which are proportionate to the amount of money involved, the importance of the case, the complexity of the issues and the financial position of a party.

Judgment and Decision Making

- In the Crown Court:
 - Sentencing convicted defendants in accordance with the law, sentencing guidelines and the circumstances of the case and seeking to meet the target time for sentencing in the Crown Court set out in the Lord Chief Justice's Practice Direction⁸.
- In the County Court:
 - Deciding actions and applications by finding facts, applying the relevant law to them and giving a reasoned judgment (which may be reserved if necessary);
 - Determining contested applications, uncontested divorce petitions and other issues by consideration of the papers and evidence presented at any hearing and making findings of fact, applying the relevant law and, where appropriate, giving a reasoned judgment;
 - Giving written judgments as appropriate;
 - Assessing and awarding damages and costs and deciding the amount and manner of payment, making possession orders and punishing for breach of court orders; and
 - Making orders for adoption, and the protection, care and supervision of children.

Appeals

- Hearing appeals from the Magistrates' Courts, the Youth Court (with lay magistrates sitting as assessors), public authorities and certain aspects of the jurisdiction of the District Judges' Civil Bill and Small Claims courts.

Other work

- Other duties include, for example:
 - Determining applications for permission to appeal;
 - Hearing applications for bench warrants;
 - Hearing bail applications;

⁸ Practice Direction No.2 of 2015: Target Times for Cases in the Crown Court.

- Granting or refusing legal aid;
- Minor settlements;
- Payments out of funds in court; and
- Hearing applications for production orders, injunctions, extension of detention and for extradition.

Coronial Work

- The Lord Chief Justice, as President of the Coroners Courts, may direct a County Court Judge to act as a Coroner to assist with legacy cases on an occasional basis. Inquests are one of the means by which the State discharges its Article 2 procedural obligation. The cases known as legacy inquests generally relate to deaths involving agents of the State or allegations of collusion and are generally of a complex and contentious nature.
- It is envisaged that the Lord Chief Justice, in consultation with the Presiding Coroner and the Presiding County Court Judge, will allocate cases to County Court Judges on a case by case basis. On such allocation, the Presiding County Court Judge will make suitable allowances in a designated judge's timetable to facilitate the management and hearing of the case.
- The main activities associated with the holding of an inquest include:
 - Reading and assimilating papers before the inquest commences or during the inquest as appropriate;
 - Conducting preliminary hearings to identify and determine procedural issues at an early stage through proactive case management. This will include giving directions as to the way in which the inquest is to be listed, handled and reviewed to ensure it proceeds as quickly and as efficiently as possible, in a way that is compatible with the interests of justice;
 - Making decisions on disclosure, relevant witnesses and witness anonymity as required;
 - Deciding issues of law and procedure which may arise during an inquest; and
 - Delivering an Inquest Verdict as expeditiously as possible which should include a statement of the medical cause of death – the terminal event together with the underlying cause(s).
- Training and guidance will be available to County Court Judges in the event of being called upon to act as a Coroner.

Other Responsibilities

Keeping Abreast of Legal Developments

- Judges need to keep abreast of legal developments. This entails a substantial amount of reading not directly connected with the cases in which judges are dealing. In addition judges are expected to attend Judicial Studies Board seminars and other training events and seminars as appropriate.

Management, Administrative and Non-Judicial Duties

- County Court Judges may be required to sit on committees to facilitate the management and efficient disposal of all civil, criminal and family business within the County Court jurisdiction. Representatives from the County Court are also expected to serve on other bodies in the fields of judicial training, new legislation, and other matters connected with the legal system. County Court Judges may from time to time serve on committees and other bodies where the services of a County Court

Judge are required (for example the Judicial Studies Board or the Northern Ireland Judicial Appointments Commission).

- All County Court Judges are members of the Council of County Court Judges which meets to discuss issues which impact on the County Court and on the judges.
- Some County Court Judges may from time to time undertake a variety of other judicial and public duties.

January 2016

10. Northern Ireland - District Judge

Job Description

Main Activities

- The activities of a District Judge include hearings in open court, and hearings and applications in chambers and on paper:

Preparing for Trial and Hearing Actions

- Reading and assimilating papers in a case before it commences or during the hearing, as appropriate.
- Managing (in accordance with the relevant law and County Court procedure) the manner in which cases are conducted by:
 - Ensuring that parties are on an equal footing and that, whether represented or not, they are enabled to have their cases presented and have them considered as fully and fairly as possible;
 - Keeping in mind the interests of victims and witnesses;
 - Promoting in each case the most expeditious dispatch of business compatible with the interests of justice;
 - Maintaining the authority and dignity of the court;
 - Overseeing, in liaison with court staff, the progress of the disposal of cases so as to secure the most efficient dispatch of business compatible with the interests of justice.

Applications in the Course Of Proceedings

- Hearing interlocutory applications where appropriate, ensuring that directions are given to prepare cases for trial or arbitration in order that the issues between the parties are identified and relevant documents and witness evidence disclosed.
- Hearing applications in respect of the enforcement of judgments.
- Examining the amount of costs claimed by parties and their legal representatives.
- Granting interim relief where appropriate.

Judgment

- Determining contested and uncontested applications and actions, ie civil bills and other proceedings before the court by considering the papers and the evidence filed and as presented at any hearing and making findings of fact, applying the relevant law and, where appropriate, giving a reasoned judgment. Making orders in respect of property adjustment, lump sums and maintenance and otherwise as may be appropriate in the particular case.
- Supervising the wording of the judgments and orders.

Other Responsibilities

Keeping abreast of legal developments

- Judges need to keep abreast of legal developments. This entails a substantial amount of reading not directly connected with the cases in which judges are dealing. In addition, District Judges are expected to attend Judicial Studies Board seminars and other training events and seminars as appropriate.

Other judicial and public duties

- District Judges may be required to sit on committees to facilitate the management and efficient disposal of all civil and family business within the County Court

jurisdiction. District Judges are also expected to serve on other bodies in the fields of judicial training, new legislation, and other matters connected with the legal system. All District Judges are members of the Her Majesty's Association of District Judges. Some District Judges may from time to time undertake a variety of other judicial and public duties.

September 2013