



.....

Information Pack:

00362: Circuit Bench Selection Exercise 2008

.....

CONTENTS

INTRODUCTION.....	1
ARE YOU ELIGIBLE?	2
REASONABLE ADJUSTMENTS	4
JOB DESCRIPTION	4
FURTHER INFORMATION.....	7
LOCATION OF VACANCIES AND JURISDICTION	8
THE SELECTION PROCESS.....	9
CONTACTS AND FURTHER INFORMATION	11
JAC NOMINATED REFEREES.....	13
JAC COMMISSIONERS	14

INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the office of Circuit Judge. Those successful in this selection exercise are guaranteed an offer of appointment in the Circuit and specialism for which they are selected, generally expected to be over a period of around 18 months (please see page 10 of this document, under Assignment to specific posts for further information). The closing date for applications is 28 May 2008. There are 79 vacancies across a number of jurisdictions in the following Circuits: Midland, North Eastern, Northern, South Eastern, Western and Wales.

This pack contains the information that you need about the appointments. It includes the eligibility criteria and the job description. It also describes the selection process that the JAC will follow, with relevant dates and advice on how to prepare for the various stages of this process.

Before you can be considered for appointment, there are eligibility requirements that you must meet. The JAC is also required to assess your character. Before applying you should read these requirements and the guidelines that the JAC uses to assess character. These can be found on our website (www.judicialappointments.gov.uk) along with outline terms and conditions of service for these posts.

The independent JAC selects candidates for judicial office. It does so on merit, through fair and open competition, from the widest range of eligible candidates.

ARE YOU ELIGIBLE?

Circuit Judges are appointed by Her Majesty the Queen under section 16 of the Courts Act 1971, upon the recommendation of the Lord Chancellor, to serve in the Crown Court and county courts and to carry out such other judicial functions as may be conferred on them under this or any other enactment.

Statutory requirement

Under section 16(3) of the Courts Act 1971:

(3) No person shall be qualified to be appointed a Circuit Judge unless—

- (a) He has a 10 year Crown Court or 10 year county court qualification within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) He is a Recorder; or
- (c) He has held as a full-time appointment for at least three years in one of the offices listed in Part IA of Schedule 2.

Under section 71(3) of the Courts and Legal Services Act 1990, a “general qualification” means a right of audience in relation to any class of proceedings in any part of the Senior Courts or all proceedings in the County Courts or Magistrates’ Courts. In order to meet the statutory qualification for appointment, a solicitor (or a salaried judicial office holder who was formerly a solicitor) must appear on the Roll in England and Wales.

Previous service in a judicial office

The Lord Chancellor expects that, before being considered for salaried appointment, individuals must normally have served as a fee paid judicial office holder for at least two years, or to have completed 30 sitting days since appointment in a fee paid capacity.

Age

There is no upper or lower age limit for candidates for this post apart from the statutory retirement age of 70 for all judges. However, a minimum age for appointment will be determined in part by the requirement to have qualified as a barrister or a solicitor for the number of years required by statute. The age at which someone is appointed must allow for a reasonable length of service, usually about five years.

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.

Place of Residence/ transfer conditions

The Terms and Conditions of the office of Circuit Judge state that an offer of appointment is conditional on the Lord Chancellor being satisfied that a person will reside, when they have taken up appointment, in a place which is usually reasonably convenient for daily access to the courts at which they will normally sit. They also provide that, once appointed, no application for a transfer may be made until a Circuit Judge has served five years in the location to which they were appointed. Extenuating circumstances may provide an exception to this general policy. Further information relating to terms and conditions can be obtained from rumon.hoque@justice.gsi.gov.uk.

Salaried Part-time Working

The Ministry of Justice has confirmed that salaried part-time working options are available on each Circuit. However, no more than two salaried part-time posts can be offered on each Circuit. This is also dependent on the successful candidate seeing through any cases assigned to them and having a working pattern that accommodates Court business. An example of an acceptable pattern of working would be two months on and two months off. If you are interested in part-time working then you should read the Ministry of Justice's "Judicial Salaried Part-time Working: A Practical Guide (as amended)" which is available on our website. Final working patterns will need to be discussed, and agreed, between the successful candidate and the relevant Circuit Secretariat at the time of appointment.

Character

The JAC is required by statute to appoint only persons of good character. In order to make these assessments we have developed Good Character Guidance which you can find on our website at www.judicialappointments.gov.uk. You can also write to us to request a copy (see the 'Contacts and Further Information' section of this Information Pack for our contact details).

The Good Character Guidance gives you some indication as to whether anything in your past conduct or present circumstances might affect your application for judicial appointment. You should read it carefully before completing the Application Form.

Good character questions and declarations

You are required to answer a number of questions related to good character in the Application Form and must make appropriate declarations as requested.

Applicants for judicial appointments are not protected by sections 4(2) and 4(3) of the Rehabilitation of Offenders Act 1974. Any convictions which would normally be regarded as having expired under that Act should therefore be declared in writing (Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975). You must provide details of all offences for which you have been convicted or cautioned. Details should include the nature of each offence, date of conviction or caution and the penalty imposed.

Where proceedings of any kind are pending, you should give details of the offence with which you have been charged or the disciplinary process you are subject to and, if known, the date when the case or action may be heard. It is important that you inform us of the outcome of any case or action concluded while your application is under consideration. Similarly, if you are charged with any offence or any action is brought against you after submitting your application you should inform us immediately.

In all cases, please provide as much detail as you can and indicate if there are any mitigating factors that you think the JAC should take into account in assessing your good character.

Good character checks

The JAC will also carry out checks on all candidates whom it intends to recommend for appointment. Further information about these checks will be provided separately to relevant candidates.

Failure to have declared any matters that come to light from these checks may prejudice the outcome of your application.

Disqualification

Applicants should note that the House of Commons Disqualification Act applies to this office.

REASONABLE ADJUSTMENTS

The JAC is committed to considering any reasonable adjustments needed to ensure that you can participate in the selection process fairly. The Application Form asks you to identify any arrangements and adjustments you may require. Requests will be considered on a case-by-case basis and the information given will not be used in selection decisions.

If you are recommended for appointment, reasonable adjustments will be considered if you have a disability under the meaning of the Disability Discrimination Act, as they are for serving judges who develop an impairment or long-term health condition. Any reasonable adjustments to enable you to take up appointment will be discussed separately with you by Her Majesty's Court Service after the JAC has made its recommendation.

JOB DESCRIPTION

This information has been provided by the Ministry of Justice. 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 and to determine procedural issues.
- Playing an active role in determining the way in which the case is to be handled and, as appropriate, managing its progress from committal to sentence.

In the County Courts:

- 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.
 - 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 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 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 compatible with the interests of justice.

In the Crown Court:

- Summing up to a jury.

In the County Courts:

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

Sentencing

In the Crown Court

- Sentencing convicted defendants (including persons committed for sentence from the Magistrates' Courts) according to the law and the circumstances of the case.

Judgment

In the County Courts:

- Deciding actions by finding facts, applying the relevant law to them and giving a reasoned judgment.
- Determining contested applications, contested 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.
- 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 for adoption, and the protection, care and supervision of children (Designated Family Judges and Nominated Care Judges only in public law cases under s.8 of the Children Act 1989).
- Making orders relating to property and maintenance.
- Supervising the wording of the judgments and orders of the Court.

Appeals

In the Crown Court :

- Hearing appeals from the Magistrates' Courts (with lay justices).

In the County Courts:

- Hearing appeals from District Judges.

Other work

- Other duties include, for example:
 - Assessing costs and reviewing detailed assessments.
 - Determining applications for permission to appeal.

In the Crown Court:

- Dealing with bench warrants.
- Hearing bail applications.

In the County Courts:

- Granting certificates to certificated bailiffs.

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 Studies Board 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 Supreme Court 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.
- Some Circuit Judges may from time to time undertake a variety of other public duties, e.g.:
 - To serve on Probation Committees.
 - To act as members or tutors of the Judicial Studies Board and to oversee Recorders in training.
 - To liaise with and/or train Magistrates.
 - To chair Court User Committees.
 - To chair Area Criminal Justice Liaison Committees.
 - To sit as members of Rules Committees.
 - To serve on various advisory committees and other bodies.

A separate note entitled "Circuit Judge - Outline of Terms and Conditions of Service 2007" is available on the JAC website: www.judicialappointments.gov.uk. The website also includes a note on the jurisdiction of a Circuit Judge.

FURTHER INFORMATION

The following additional information has been provided by the Ministry of Justice:

Crime

Successful candidates for posts including the criminal jurisdiction should be capable of hearing a full range of criminal work and, if not so authorised as a Recorder, to merit, within a short space of time, authorisation to hear serious sexual offence cases and, in some cases, to merit consideration by the Presiding Judges for authorisation to hear attempted murder and murder cases.

For the South Eastern Circuit all successful candidates for the crime posts, if not already authorised to hear serious sexual offences, will receive training and authorisation as soon as possible after appointment.

Civil

Successful candidates for posts including the civil jurisdiction should be capable of hearing routine civil disputes within the prescribed monetary limits.

Family

The County Courts to which successful candidates in the family jurisdiction will be assigned deal predominantly with family work, and with some civil work. The applicants should have a sound knowledge of family matters and should be suitable for early authorisation by the President of the Family Division to hear Public Law cases.

Wales

There are no Welsh language requirements for the vacancies in Wales.

LOCATION OF VACANCIES AND JURISDICTION

You will need to indicate on your Application Form for which vacancy or vacancies you are applying. You will only be considered for appointment to the vacancies for which you have applied. Candidates can apply for vacancies in more than one jurisdiction, or on more than one Circuit. But please see the information relating to place of residence and transfer conditions provided earlier in the 'Are You Eligible?' section of this Information Pack.

CIRCUIT	JURISDICTION	NUMBER OF VACANCIES	ADDITIONAL INFORMATION
Midland	Crime	1	
	Crime/Civil	1	
	Crime /Civil/Family	2	
	Civil/Family	1	
North Eastern	Crime	6	It is anticipated that at least 1 post will arise in Cleveland/Durham/Northumbria
	Crime/ Civil	1	
	Crime/ Family	3	It is anticipated that 1 post will arise in Humberside
Northern	Crime	3	
	Crime/Family	1	
	Civil/Family	2	
South Eastern	Crime	39	
	Family	10	
Western	Crime	3	All of these vacancies are expected to arise in Hampshire, Wiltshire, Avon or Dorset, but not in Devon or Cornwall
	Crime/Civil	2	
	Crime/Civil/Family	1	
Wales	Crime	1	
	Crime/Civil/Family	1	
	Family	1	

THE SELECTION PROCESS

Application Form

Details of the qualities and abilities against which you will be assessed are set out in the Application Form. You can draw on your full range of work and personal experience to demonstrate these qualities and abilities including, for example, voluntary work or any publication to which you have contributed. Please be specific in giving information.

Timetable

Closing date for applications	28 May 2008
Date for written test	23 June 2008
Provisional dates for selection days	18 August – 26 September 2008

Shortlisting

The first step in the process is a written test. A description of the test, and the arrangements for sitting it, is on the JAC website at www.judicialappointments.gov.uk. You will be expected to make yourself available on the single day selected for the test. You may indicate on the Application Form your preferred choice of venue, this will be taken into account but we cannot guarantee availability of spaces.

All applicants will be invited to the written test. If the JAC concludes that there are eligibility or character issues that mean that your application cannot proceed, we will let you know after the test and before any selection day.

Following the test, if you are shortlisted, you will be invited to a selection day in London. You will be assessed by a panel which includes a judicial member experienced in at least one of the jurisdictions for which you have applied.

References

We may seek information from people who are well placed to comment on how you meet the qualities and abilities. Referees are usually approached before the selection day takes place, but after the written test, and will be encouraged to draw on appraisal material if it is available. The material provided by referees will usually inform the selection panel's views, and final selection decisions by Commissioners.

Candidate nominated

You are invited to nominate up to three referees who know you well either personally or professionally.

JAC nominated

The JAC may also request references from those identified in the section of this pack titled 'JAC nominated referees'.

Please provide the name, title, position and address of your relevant judicial and professional referees. You may also tell us if you do not wish us to approach the relevant professional referee now, but you must give reasons.

Conflict of interest

The Judicial Appointments Commissioners are listed at the back of this pack. You should not nominate a Commissioner as a referee. You should also state in the Application Form if you are in any way related to, or known to, any of the Commissioners and give details.

Outcome of the selection exercise

Separate lists will be drawn up for each vacancy and recommendations for appointment will be made on merit drawing on those lists, and taking account of any preference expressed by those applying for more than one vacancy.

You will be advised of the outcome of your application in writing.

If you are unsuccessful, you can request a written explanation. You should make this request within six weeks of the date of the letter informing you that you have not been successful. We will aim to respond to your request within four working weeks.

Medical Examination

You may be asked to undergo a medical examination before taking up appointment.

Complaints procedure

If you are dissatisfied with any aspect of the way your application has been handled, please refer to the JAC's published complaints procedure, which is available from our website, or in writing on request.

Assignment to specific posts

This information has been provided by the Ministry of Justice.

The JAC will select candidates for appointment to each Circuit and in each specialism (crime, family, civil, or mixed posts) in the numbers specified by the Lord Chancellor (see page 8). You may apply for more than one Circuit or specialism, but will only be selected for one Circuit and one specialism. If you are selected, and the Lord Chancellor approves the selection, he guarantees to offer you an appointment in the Circuit and specialism for which you were selected, as posts fall vacant, and this is expected to be over a period of around 18 months (but see below in relation to exceptional cases). In offering selected candidates appointment to individual posts he will be advised by the Presiding Judges of each Circuit, having regard to the availability of candidates and the location of posts. After appointment to the Bench, Circuit Judges will be assigned to their posts by the Lord Chief Justice.

The Lord Chancellor and Lord Chief Justice recognise that Circuits cover wide and disparate areas, and that candidates may be more willing to work in some parts of a Circuit than others. In offering appointment and posting appointed candidates to posts, they will to the extent that this is possible seek to accommodate any preferences candidates have as to location within the Circuit for which the JAC has selected them, but this will depend on which posts fall vacant. If you turn down an offered appointment on the Circuit and in the specialism for which you have been selected (which will be a Circuit and specialism for which you applied), the Lord Chancellor cannot guarantee that you will be offered another one.

You should be aware that if you are appointed to a post you will normally be required, save in exceptional circumstances, to remain there for at least 5 years before applying to transfer to a different location. This is to allow sensible medium term planning and deployment decisions to be made, and to prevent the problem of candidates accepting appointments in places to which it shortly afterwards emerges that they or their families are not willing to move. It is therefore imperative that candidates take particular care in deciding which Circuits to apply for.

The Lord Chancellor's request for selections to be made is based on his best forecast of what pattern of vacancies is likely to arise. However, it is not possible to guarantee in advance that specific posts will fall vacant in exactly the numbers and locations expected within a period of eighteen months. It is therefore possible that towards the end of the period covered by this selection exercise a Circuit will not have had all its expected vacancies, and that it has therefore not yet been possible to offer a selected candidate appointment on the Circuit or in the specialism for which they have been selected. If it happens that at the same time there are vacant posts on other Circuits or in other specialisms for which no selected candidates remain available, the Lord Chancellor may decide exceptionally to offer a selected candidate appointment to a vacant post on a different Circuit or in a different specialism. If the candidate agrees, he or she will be appointed a Circuit Judge, subject to the completion of the usual checks, and assigned by the Lord Chief Justice to fill the vacant post. Candidates may refuse an exceptional offer of this kind if they choose, and decide to wait for a suitable vacancy to arise on the Circuit or in the specialism for which they were selected, although, in these unusual circumstances, this may take longer than 18 months.

CONTACTS AND FURTHER INFORMATION

Obtaining an application form

All the information about applying for this selection exercise is available at www.judicialappointments.gov.uk (current selection exercises).

The Application Form for this selection exercise can be obtained electronically by downloading it from the website.

Please contact the Judicial Appointments Applications Service (JAAS) team at the JAC if you wish to request a hard copy of the Application Form or Information Pack, or if you have any questions about eligibility or about submitting your application.

If you need the form and/or pack in a different format, for example Braille, please contact the JAAS team.

Acknowledgement of your application

You should receive an acknowledgement of your application within five working days of receipt. If you do not, please contact the JAAS team by telephone or e-mail.

Contact details

1. JAAS

Reference: 00362 (Please use this reference on all communications)

Judicial Appointments Commission
2nd Floor, Steel House
11 Tothill Street
London
SW1H 9LH

DX 149822 WESTMINSTER 6

E-mail: jaas@jac.gsi.gov.uk

Telephone: 020 7210 0123

2. Selection Exercise Team:

Colin Jones	020 7210 0089	Selection Exercise Manager
Claire Troughton	020 7210 0093	Deputy Selection Exercise Manager

E-mail: colin.jones@jac.gsi.gov.uk

claire.troughton@jac.gsi.gov.uk

Fax: 020 7210 0300

3. Director:

Jane Andrews	020 7210 1484
--------------	---------------

JAC NOMINATED REFEREES

The JAC may request references from those categories listed below.

Judicial referees

If you hold a judicial office not in this list, please contact the JAC so that we can consider who should be nominated as your judicial referee.

If you sit on a Tribunal, the Tribunal President or equivalent.

If you are a Recorder, the Resident Judge, the Designated Civil Judge or the Designated Family Judge in the court(s) where you sit most often.

If you are a Deputy High Court Judge, the relevant Head of Division.

If you are a Master or Registrar of the High Court, or a Deputy Master or Registrar, the relevant Senior Master or Registrar.

If you are a District Judge or Deputy District Judge, the local Designated Civil Judge.

If you are a District Judge of the Principal Registry of the Family Division or Deputy District (PRFD), the Senior District Judge (PRFD).

If you are a District Judge (Magistrates' Courts) or Deputy District Judge (Magistrates' Courts), the Senior District Judge (Magistrates' Courts).

Professional referee

If you are a solicitor, your managing partner or relevant equity partner.

If you are a barrister, your Head of Chambers.

If you are employed, your line manager or equivalent.

JAC COMMISSIONERS

Chairman of the JAC

Baroness Usha Prashar CBE

Members

Dame Lorna Boreland-Kelly DBE

Professor Dame Hazel Genn DBE QC

Mr Justice John Goldring

Lady Justice Heather Hallett DBE

Her Honour Judge Frances Kirkham

Sir Geoffrey Inkin OBE

Mr Edward Nally

Ms Sara Nathan

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Mr Jonathan Sumption OBE QC

Lord Justice Roger Toulson