

**OFFICE OF TAXING MASTER OF THE SENIOR COURTS (KNOWN AS COSTS
JUDGE)**

**OUTLINE TERMS AND CONDITIONS OF SERVICE AND
TERMS OF APPOINTMENT**

INTRODUCTION

1. The following is a summary of the basic terms and conditions of service. Fuller details, including the conditions of appointment, will be supplied to candidates who are offered appointment.

PROHIBITION ON PRACTICE

2. A Costs Judge shall not practise as a barrister or solicitor or be indirectly concerned in any such practice (Section 75 Courts and Legal Services Act 1990). The Lord Chancellor also regards a judgeship as a lifetime appointment. Any offer of appointment is therefore made on the understanding that appointees will not return to practice.

TENURE

3. A Costs Judge is required to vacate his or her office on the day on which he or she attains the age of 70¹ (Section 26 of the Judicial Pensions and Retirement Act 1993). A Costs Judge may be removed from office by the Lord Chancellor on grounds of misbehaviour or inability to perform the duties of the office (Section 92 Senior Courts Act 1981). Any such removal requires the concurrence of the Lord Chief Justice. A Costs Judge may resign his/her office at any time by notice in writing to the Lord Chancellor

INCOME TAX AND NATIONAL INSURANCE

4. Income tax, which is payable under Schedule E, is deducted at source in accordance with PAYE arrangements. A Costs Judge is classed as an "employed earner" for national insurance purposes and is liable for class 1 contributions, which are deducted from salary together with income tax. Since the judicial pension scheme under the Judicial Pensions and Retirement Act 1993 has been contracted out of the State Earnings-Related Pension Scheme, contributions are payable at the lower, contracted-out rate. Liability for national insurance contributions ceases automatically when a Costs Judge reaches state retirement age even if service continues thereafter.

PENSION TERMS

5. The post is pensionable. Provision of pension benefits is determined under the provisions of the Judicial Pensions and Retirement Act 1993. Although membership of the judicial pension scheme is automatic on appointment, it is not compulsory and a judicial office may opt out. Under the Judicial Pensions and Retirement Act 1993, an immediate pension is payable at age 65, provided the office-holder has completed at least 5 years' service. The annual rate of the pension will be 1/40th of an office-holder's pensionable pay

¹ A Costs Judge who immediately prior to his appointment held another full-time judicial office to which he had been appointed prior to the commencement of the Judicial Pensions and Retirement Act 1993 (31 March 1995) will retain the compulsory retirement date applicable to him in the former office.

multiplied by the aggregate length of service in qualifying judicial office (expressed in years and fractions of a year) subject to a maximum pension equal to one-half of pensionable pay after 20 or more years' service. An actuarially reduced pension is payable immediately where an office-holder retires, having completed at least 5 years' service, after attaining the age of 60 but before age 65. Where an office-holder is obliged to retire on health grounds before attaining age 65, his or her service will be enhanced by a period equal to one-half of the service he or she would otherwise have served from the day following retirement to his or her 65th birthday.

6. In addition to the pension, a lump sum equal to 2.25 times the annual rate of that pension is payable. There is a spouse's pension at the rate of one-half of the personal pension accruing or in payment at the time of death and provision for a children's pension. In the event of death in office, there is provision for a death benefit equal to twice the amount of an office-holder's pensionable pay. Contributions towards spouses' and children's pensions are compulsory for all salaried Immigration Judges and take the form of monthly payments of 1.8% of pension-capped salary. Pensions already in payment are subject to increases under the Pensions (Increase) Act 1971. Surviving civil partnership benefits are payable on the death of a judicial office holder who has formed a civil partnership in accordance with the Civil Partnership Act 2004.
7. The judicial pension scheme is a "non-registered" scheme for the purpose of the Finance Act 2004. This means that benefits under the scheme will not count towards the lifetime allowance for pension benefits under that Act, but that benefits and contributions under it do not attract income tax relief; lump sum benefits are accordingly subject to income tax at the office holder's marginal rate. This liability will be offset, in whole or in part, by the payment of a separate service award on the office holder's retirement. Fuller details are available on request.

SITTING REQUIREMENTS

8. The Lord Chancellor considers it essential for Costs Judges to devote 210 days each year to judicial business. Costs Judges' sittings are arranged by the staff of the Senior Courts Costs Office on behalf of the Senior Costs Judge.

SICK LEAVE

9. No adjustment in the salary of a Costs Judge is made during any absence on sick leave. No limit is placed on the length of any absence, provided there is a reasonable prospect of an eventual return to duty. In the interests of the efficient disposal of court business, office-holders are requested to notify the court administration promptly if they are absent on sick leave.

RESIDENCE

10. Any offer of appointment will be conditional on the Lord Chancellor being satisfied that the candidate will live within reasonable travelling distance of the Supreme Court Costs Office which is currently based in Clifford's Inn, Fetter Lane, London EC2.

TRAVELLING ETC ALLOWANCES

11. Travelling expenses and in certain circumstances night subsistence may be payable in connection with attendance at training courses etc. Details of the rules governing the payment of these allowances will be supplied by the staff

of the court. The rules governing and rate of these allowances may change from time to time, and any such changes will be notified. HM Revenue and Customs' tax rules governing the tax treatment, and rates, of these allowances may also change and any such changes will be notified to office holders.

COST OF TAKING UP APPOINTMENT

12. No assistance is available from public funds towards any costs incurred (e.g. through a move of house) on appointment as a Costs Judge. Exceptionally, however, a serving judicial office-holder is entitled to relocation expenses if, as a result of that appointment, removal of home becomes necessary.

OUTSIDE ACTIVITIES AND INTERESTS

13. A Costs Judge should not in any capacity engage in any activity which might undermine, or be reasonably thought to undermine, his or her judicial independence or impartiality. He or she must expect to forgo any kind of political activity and be on his or her guard against circumstances arising in which his or her involvement in any outside activity might be seen to cast doubt on his or her judicial impartiality or conflict with his or her judicial office. A Costs Judge holding a company directorship is expected to relinquish this on appointment to judicial office. A Costs Judge is also expected to submit his or her resignation to the Lord Chancellor in the event of a nomination or adoption as a prospective candidate for election to Parliament, or to the Scottish Parliament, the Welsh Assembly, to the Northern Ireland Assembly or the European Parliament.

SALARIED PART TIME APPOINTMENTS

14. It may be possible for an appointment to be salaried part time, subject to the judicial needs of the Senior Courts Costs Office. Such appointments are permanent and are subject to the same terms and conditions of service as for full-time appointments, which are outlined in this document. This includes the requirement that appointees will not continue to practise.
15. Salary, annual leave, sick pay and pension benefits will be calculated on a pro-rata basis, based upon the full-time requirement of 210 sitting days per year. Salaried part-time Costs Judges will be expected to sit for the full duration in longer cases.

MATERNITY, PATERNITY AND ADOPTION LEAVE

16. Judicial office holders are entitled to maternity, paternity and adoption leave. Details of the operation of these entitlements will be provided to office holders as appropriate.

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