

## **RECORDER JOB DESCRIPTION**

1. The purpose of judicial office is to administer justice in accordance with the laws of England and Wales.
2. Recorders 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 Recorder 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”.
3. Section 21 of the Courts Act 1971, as amended, provides for the appointment of Recorders to act as part-time judges of the Crown Court and to carry out such other judicial functions as may be conferred on them. Unless otherwise indicated, the statutory jurisdiction of a Recorder is in general that of a Circuit Judge. However, the allocation of business in the courts is also governed generally by other authorities, for example for the Crown Court, directions made by the Lord Chief Justice under Section 75 of the Senior Courts Act 1981 and, for family business in the Family Court, regulations made under the Matrimonial and Family Proceedings Act 1984 as amended by the Crime and Courts Act 2013, and also by listing practice and procedure at particular court centres. Therefore, Recorders do not normally deal with appeals in the Crown Court and, particularly in the early stages of their appointment, are not likely to deal with the more important and complex cases in the courts at which they sit. All recorders who sit in the Family Court are authorised to sit in private family cases. Some recorders are also authorised to sit in public family law cases. The paragraphs at **Annex A** to this job description summarise the jurisdiction of a Circuit Judge and need to be read accordingly.
4. The main activities of a Recorder are as follows:

### **PREPARING FOR TRIAL AND CASE MANAGEMENT**

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

#### **In the Crown Court:**

- Playing an active role as appropriate in case management in determining the way in which a case is to be handled from commencement to sentence.

#### **In the County Courts and the Family Court:**

- 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.
- 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 Courts:**

- 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.
- Supervising the wording of the judgments and orders of the Court.

### **In the Family Court**

- Conducting dispute resolution hearings or issues resolution hearings with a view to narrowing the issues and where possible resolving the dispute or issue without a contested hearing
- At contested hearings, deciding relevant factual issues, applying the relevant law and giving a reasoned judgment expeditiously
- Drafting or approving court orders
- Determining whether a transcript of the judgment should be published in accordance with the President's Guidance on Transparency in the Family Courts – Publication of Judgments and, if so, approving the transcript for publication

## **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 District Judges.

### **In the Family Court**

- Dealing with applications for permission to appeal
- Hearing appeals from District Judges, lay justices and justices' clerks

## **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.
- Assessing costs and reviewing detailed assessments.

### **In the Crown Court:**

- Dealing with applications for witness summonses and warrants.
- 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.

### **In the Family Court**

- In the case of recorders authorised to sit in public family law cases, conducting adoption ceremonies.

## **OTHER RESPONSIBILITIES**

### **Keeping abreast of legal developments**

- Recorders need to keep abreast of legal developments. This entails a substantial amount of reading not directly connected with the cases which they are trying.

- Newly appointed Recorders will have to attend a Judicial College residential induction course in either criminal, civil or family procedure before receiving a Royal Warrant which will enable them to sit in those jurisdictions.
- Recorders also attend periodical continuation courses and one-day Region-based events, such as criminal conferences.
- Some Recorders may be authorised to try the sexual offences listed in Class 2:B of the Consolidated Criminal Practice Direction. It is a condition of authorisation that it does not take effect until the Recorder has attended the relevant Judicial College course.

## ANNEX A

### NOTES ON THE JURISDICTION OF THE CIRCUIT JUDGE

#### **The Crown Court**

1. The Crown Court has exclusive jurisdiction in trials on indictment.
2. The Crown Court also sentences persons convicted by Magistrates' Courts but who are committed to the Crown Court because the Magistrates are of the opinion that a more severe sentence may be called for than they have power to pass.
3. The Court also has an appellate jurisdiction which comprises mainly appeals from Magistrates' Courts in criminal and some civil matters and Youth Court proceedings. Many of the civil appeals relate to licensing and betting and gaming cases.
4. In the Crown Court, cases are classified into 3 classes under directions made by the Lord Chief Justice. Those in classes 1 and 2 are nominally reserved for trial by High Court Judges or authorised or allocated Deputy High Court Judges, Circuit Judges or Deputy Circuit Judges. Cases in Classes 1D, 2A and 2C will usually be tried by a Circuit Judge. Some cases in Classes 1D, 2A, 2B and 2C may be tried by an authorised or allocated Recorder or qualifying judge advocate. Cases in Class 3 may be tried by a High Court Judge or a Circuit Judge, a Deputy Circuit Judge, a Recorder or a qualifying judge advocate.
5. When trying a case in the Crown Court, the Circuit Judge has the full range of powers, by way of sentence or otherwise, fixed by statute or at common law, in relation to particular offences.
6. In relation to offences tried on indictment, the right of appeal lies against conviction or sentence from the Crown Court to the Criminal Division of the Court of Appeal, subject to leave. The right of appeal in appellate matters lies by way of case stated to the Divisional Court of the Queen's Bench Division.

#### **The County Courts**

8. The jurisdiction of the county courts is entirely statutory and covers almost the whole field of civil law. The general jurisdiction in civil law is mostly concurrent with that of the High Court.
9. A number of statutes confer exclusive jurisdiction on the county courts. These cover important areas of work of the county courts, for example virtually all cases under the

Consumer Credit Act, actions by mortgage lenders for possession and actions by landlords under the Rent Acts and the Housing Acts 1985 and 1988.

10. Since 1 July 1991 the concurrent jurisdiction has been substantially increased by orders made under the Courts and Legal Services Act 1990. In common law cases, basically tort including personal injuries, debt and other breaches of contract, there is no monetary limit on the jurisdiction of the county courts.
11. In equity proceedings the monetary limit is currently £30,000. The county courts have unlimited jurisdiction in applications under the Inheritance Act 1975 and s. 30, s. 146 and s. 147 of the Law of Property Act 1925. In Companies Act cases the jurisdiction covers cases where the total paid up share capital of the company is less than £120,000.
12. In addition to the general jurisdiction, about 80% of county courts have jurisdiction in insolvency. A few Circuit Judges in a small number of courts also exercise specialist jurisdictions under, for example, the Race Relations Act 1976.

### **The Family Court**

13. Since April 2014, the jurisdiction to conduct all family proceedings has been transferred to the Family Court, save for certain matters reserved to the High Court. The Family Court is a unified court headed nationally by the President of the Family Division and locally by Designated Family Judges. The judiciary of the Family Court consist of judges at High Court level, judges at circuit judge level (including recorders), judges at district judge level and lay justices. All are part of a single judicial body within which individual cases are allocated according to type and complexity.
14. Regulations provide for certain types of work to be allocated to a judge at a specific level. Those types of proceedings which the regulations do not require to be allocated to a judge at a specific level will be allocated to the appropriate level of judge taking into account the need to make the most effective and efficient use of judicial resources, the need to avoid delay, the need for judicial continuity, the location of the parties and the children, and the complexity of the case. In emergencies, applications may be allocated to the first available judge. The rules as to the distribution of business and the allocation of proceedings in the Family Court are supported by guidance from the President of the Family Division.
15. At circuit judge level, the work includes both private and public family law cases.
16. The majority of private family law cases involve applications for child arrangements orders and other orders about the exercise of parental responsibility or for domestic violence injunctions and other orders under Part 4 of the Family Law Act 1996. Circuit judges also hear other private family cases including petitions for decrees of divorce or nullity and the dissolution of civil partnerships, applications for declarations of status under Part 3 of the Family Law Act 1986, and applications for parental orders under the Human Fertilisation and Embryology Act 2008.
17. Public family law cases include applications for care and supervision orders under section 31 of the Children Act 1989, applications for secure accommodation orders, and adoption proceedings. In certain specified courts, judges at circuit judge level also deal with applications for forced marriage protection orders. All circuit judges in the family court deal with applications for contempt of court for breach of court orders.

## **The High Court and Court of Appeal**

18. In addition to the concurrent jurisdiction of the county courts and the High Court mentioned above, under Section 9(1) of the Senior Courts Act, a Circuit Judge may be invited to sit as a judge of the High Court to provide flexibility in the disposal of High Court business. Where a Circuit Judge sits in the High Court he or she possesses all the powers of a High Court Judge. The most experienced Circuit Judges may be authorised to sit in the Court of Appeal (Criminal Division) by virtue of Section 9(1) of the 1981 Act (as amended by section 52 of the Criminal Justice and Public Order Act 1994).