

CONDITIONS OF APPOINTMENT AND TERMS OF SERVICE
DEPUTY DISTRICT JUDGE (MAGISTRATES' COURTS)

INTRODUCTION

1. This document sets out the terms and conditions of your appointment as a Deputy District Judge of the Magistrates' Courts.
2. Section 24 of the Courts Act 2003 provides for the appointment of Deputy District Judge (Magistrates' Court) by the Lord Chancellor.
3. Appointments are subject to:
 - a) the terms and conditions set out in this document, or in any letters of appointment, and
 - b) judicial policies and procedures applicable to your appointment.
4. The Lord Chancellor may make changes to your terms and conditions of appointment. You will be given notice in writing of any changes and when they will take effect.

DUTIES AND RESPONSIBILITIES

5. You are appointed as a Deputy District Judge (Magistrates' Court) and are required to undertake the duties as set out in your job description on appointment. The Lord Chancellor or Lord Chief Justice may require you to carry out other duties which it is reasonable to ask you to undertake as and when required. Any changes will be discussed with you and you will be notified in writing.

RESPONSIBILITIES OF THE LCJ

6. The Lord Chief Justice, as President of the Courts of England and Wales and the Head of the Judiciary, has responsibility for maintaining appropriate arrangements on a number of issues including the allocation of work within the courts, the deployment of judges, judges' well-being and training; and the provision of general advice and direction.
7. The Heads of Division, the Senior Presiding Judge, Presiding Judges, Family Division Liaison Judges, the Chief Magistrate, Supervising Chancery Judges,

Resident Judges, Designated Civil and Family Judges, are appointed as leadership judges to assist the Lord Chief Justice in discharging these duties.

8. They are supported by Her Majesty's Courts and Tribunals Service (HMCTS) staff. On occasion the Lord Chief Justice (either personally or through the delegated authority given to the Judges appointed to the posts mentioned above) may issue, as he/she considers appropriate, instructions and guidance to you, on matters falling under his/ her responsibility.
9. You are required to:
 - a. comply with any guidance or instructions issued by, or on behalf of, the Lord Chief Justice;
 - b. follow the deployment directions of the leadership judges appointed to posts specified in the above paragraph;
 - c. assist the Senior Judiciary, and the leadership judges, to ensure the effective and efficient delivery of justice.

OTHER JUDICIAL WORK

10. If you also hold a salaried judicial office, the Lord Chancellor and the Lord Chief Justice will expect you to give priority to the duties of that office.

FEES

11. Your appointment is non-salaried. You will receive a fee for day(s) you have sat and for those days you attend training (see paragraphs 26 to 28). The fee you receive is subject to tax and National Insurance deductions. Information on the current tax treatment can be obtained from the Ministry of Justice website.
12. If you are a Crown servant in receipt of a salary you will not normally receive additional remuneration for your fee-paid appointment. Further guidance will be available on the Ministry of Justice website.

LONDON WEIGHTING

13. If your Principal Court is in London, or you sit 40% of your sitting days in London, your fee rate may include an additional payment comprised of the pro rata equivalent of both a salary lead and a London allowance received by

Senior District Judges appointed to the London area. Both the salary lead and the London allowance are taxable and are reckonable for pension purposes.

PENSIONS

14. You will be eligible to be a member of either the Judicial Pension Scheme 2015 (JPS 2015), which became operational on 1 April 2015, or the Fee-Paid Judicial Pension Scheme (FPJPS), once it is established. Membership of the relevant scheme is/will be determined by eligibility criteria applicable to that scheme.
15. If you are entitled to be a member of the 2015 scheme as an alternative to that membership, it is possible to become a member of the Partnership Pension Account.
16. Further details of the pension arrangements applicable to you will be provided under separate cover.

SICK PAY/ ABSENCE

17. You are entitled to claim sick pay when you are unwell and cancel a pre-booked day including training days, unless the pre-booked day would have been cancelled by HMCTS for any other reason and in circumstances in which a cancellation fee would not have been paid.

TRAVEL AND SUBSISTENCE

18. In certain circumstances, travelling expenses and night subsistence allowances may be payable in connection with sittings, attendance at training courses and other judicial duties. Further information on travel and subsistence is available from your local office or business area.

MATERNITY, PATERNITY, PARENTAL AND ADOPTION LEAVE

19. You are entitled to maternity, paternity, parental and adoption leave. Details of the operation of these entitlements can be obtained from the Ministry of Justice website.

APPRAISAL & MENTORING

20. Your appointment requires performance consistent with the high standards expected of judicial office holders. The Lord Chancellor and Lord Chief Justice expect all office holders to comply with, and participate in, any appraisal and mentoring schemes, which are described from time to time in policies approved by the Lord Chief Justice.

CONFLICT OF INTEREST

21. You must read the “Lord Chancellor’s Policy on Conflict of Interest, Conduct and Discipline” enclosed with these terms.

22. You must not sit in a judicial capacity in any circumstances which would lead an objective onlooker with knowledge of all the material facts to reasonably suspect that you might be biased.

GRIEVANCE

23. In the first instance, you must set out your grievance to your leadership judge, in writing, within three months of the latest event or matter complained of. Details of the relevant subsequent procedure can be obtained from the Judicial Office website. <http://judicialconduct.judiciary.gov.uk/>

LOCATION/PLACE OF WORK

24. This appointment carries an obligation to sit at any court centre in England and Wales; however you may be allocated to a Circuit. The Lord Chief Justice may from time to time deploy you in different jurisdictions and courts as the business reasonably requires.

HOURS OF WORK

25. You are required to work such hours as are reasonably necessary to complete your sitting and non sitting duties, which will be communicated to you by the Chief Magistrate and HMCTS on his/her behalf.

SITTINGS

26. You will usually be required to make yourself available for 30 sitting days a

year. This figure may vary in accordance with business needs and change from time to time. HMCTS will review this figure at least once annually and you will be notified where it varies from this expectation.

27. HMCTS will use its best endeavours to allocate sittings equally but cannot guarantee a set number of days in any year.

TRAINING

28. You are required to undertake such programmes of essential Induction and Continuation training as the Lord Chief Justice or the Judicial College on his/her behalf may from time to time prescribe.

29. Induction will comprise a residential course through the Judicial College and a sitting in period through your local area. This programme may include visits to penal institutions including prisons and young offender institutions and meeting with representatives of the Probation Service.

30. If without good reason you fail to do so the Lord Chief Justice, together with the Lord Chancellor, may take appropriate disciplinary action.

31. You will receive a full day's fee for each full day of training.

32. Further information on judicial training can be obtained from the Judicial College website at the following link: <https://judicialcollege.judiciary.gov.uk>

ANNUAL LEAVE AND PUBLIC HOLIDAYS

33. Your fees are calculated by dividing the salary for the equivalent full-time office (District Judge (Magistrates' Courts)) by 215. The effect of this divisor is that a pro-rata allowance for annual leave and public and privilege holidays is incorporated into the daily fee.

DURATION/RENEWAL OF APPOINTMENT

34. You are appointed for a four-year term. Before your appointment expires, the Lord Chancellor, with your agreement, will extend your appointment for such a period as the Lord Chancellor considers appropriate.

35. The Lord Chancellor may refuse to extend your appointment on the ground of

inability or misbehaviour.

36. The Lord Chancellor may also refuse to extend your appointment if
- a. You exceed the upper age limit of 70, or
 - b. You no longer satisfy the conditions or qualification of appointment, or
 - c. There is no longer a business need for your appointment
37. All decisions not to renew will be taken by the Lord Chancellor with the agreement of the Lord Chief Justice.
38. You may choose to end your appointment by resignation or retirement at any time, provided you have given the specified notice periods in paragraph 44 to 45 of these terms and conditions, or by declining to accept any renewal on completion of the four-year term.

RETIREMENT AGE AND NOTIFICATION OF INTENTION TO RETIRE OR RESIGN

39. If you reach the age of 70 during your tenure, your appointment term will normally end. The Lord Chancellor does, however, have discretion to extend your appointment beyond the age of 70.
40. If you intend to retire before reaching the age of 70, you are required to provide 6 months' notice.
41. It is open to you to tender your resignation from office at any time during your tenure. You are required to provide 6 months' notice.
42. Without prejudice to any other consequence, if you fail to provide the necessary notice your pension arrangements may be delayed.

CONDUCT, DISCIPLINE AND REMOVAL FROM OFFICE

43. You must read and comply with the Lord Chief Justice's "Guide to Judicial Conduct" which can be obtained from the Judicial Office website.¹
44. You must notify your leadership judge at the earliest opportunity if you are

¹ https://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Guidance/judicial_conduct_2013.pdf

aware of any matters relating to:

- a) Conduct which may affect your position or may reflect on your standing and reputation and the judiciary at large; and
- b) Disciplinary matters that are governed by regulations and conduct rules made under sections 115 and 117 of the Constitutional Reform Act 2005.

45. Office holders may be subject to disciplinary action agreed by the Lord Chancellor and Lord Chief Justice, on the advice of the Judicial Conduct Investigations Office, including the issuance of formal advice, a warning, a reprimand, a suspension or removal from office.

46. The Lord Chancellor, with the agreement of the Lord Chief Justice, may terminate your appointment and remove you from your office on the following grounds:

- a. incapacity;
- b. inappropriate conduct; including
 - failure to comply with training and appraisal requirements;
 - failure to comply with sitting requirements (without good reason);
 - and
 - failure to observe the standards reasonably expected from a holder of such office.

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