

SALARIED JUDGE OF THE FIRST-TIER TRIBUNAL

OUTLINE CONDITIONS OF APPOINTMENT AND TERMS OF SERVICE

1. INTRODUCTION

The following is a summary of the basic terms and conditions of service. The terms and conditions are correct as at the date given at the end of this document, but may in some circumstances be subject to change. Fuller details, including the conditions of appointment, will be supplied to candidates who are offered appointment.

2. PROHIBITION ON PRACTICE

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

3. TENURE

Under the provisions of the Judicial Pensions and Retirement Act 1993, a Judge will normally be required to vacate his or her office on his or her 70th birthday (s.26 of the 1993 Act). A salaried judicial office holder who was 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 or to her in the former office. The Lord Chancellor may remove a Judge on the grounds of incapacity or misbehaviour. Any such removal requires the concurrence of the Lord Chief Justice. A Judge may resign his or her office at any time by notice in writing to the Lord Chancellor.

4. INCOME TAX AND NATIONAL INSURANCE

Income Tax, which is payable under Schedule E, is deducted at source in accordance with PAYE arrangements. A 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 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 at state retirement age even if service continues thereafter.

5. PENSION TERMS

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 judicial pension scheme established under the Judicial Pensions and Retirement Act (JUPRA) 1993. Which pension scheme is applicable is determined by eligibility criteria, specifically your age as at 1 April 2012 and whether you have previously held judicial office or have prior eligible public service pension scheme membership.

The JUPRA 1993 scheme is non-registered for tax purposes, which means benefits payable will not count towards the Lifetime or Annual Allowances. The main features of the JUPRA 1993 scheme are a pension scheme design based on final pensionable earnings with benefits being able to be taken unreduced at age 65. The scheme provides a personal pension, a lump sum, spouses / civil partners benefits and children's pensions. The scheme also provides benefits for judicial office holders who die in service or have to retire early on the grounds of ill health. The maximum benefits are accrued after 20 years' reckonable service. Members of the scheme are required to make contributions towards the cost of their benefits.

The JPS 2015 is a tax-registered pension scheme which means pension benefits accrued will count towards the Lifetime and Annual Allowances. The main features of the JPS 2015 are a pension scheme design based on career average earnings with unreduced benefits payable from your State Pension Age. The scheme provides a personal pension, surviving adult's benefits and children's pensions. A lump sum will be payable if a member gives up some of their pension at retirement. The scheme also provides benefits for judicial office holders who die in service or have to retire early on the grounds of ill health. There is no limit on the amount of pension that can be accrued whilst in service. Members of the scheme are required to make contributions towards the cost of their benefits.

As an alternative to membership of the JPS 2015 it is possible to become a member of the Partnership Pension Account. This is a stakeholder pension arrangement which is registered for tax purposes.

6. **SITTING REQUIREMENTS**

A First-tier Tribunal Judge is entitled to 30 days annual holidays a year, together with the public and privilege holidays.

7. **SICK LEAVE**

A First-tier Tribunal Judge is required to notify the President of any absence through sickness, so that all the necessary arrangements can be made for their sittings, by the appointment of deputies or otherwise. They should also keep the President informed of the likely length of a sick absence. Although there is nothing specifically laid down in regard to sick leave, the practice is to apply the same conditions as for civil servants. Broadly speaking, these provide that a Judge may receive 6 months' sick leave on full pay during any period of 12 months, and thereafter sick leave on half pay, subject to a maximum of 12 months sick leave in any period of 4 years or less; provided there is a reasonable prospect of an eventual return to duty.

8. **RESIDENCE**

A First-tier Tribunal Judge must live within reasonable travelling distance of the principal venue at which he or she sits.

9. **TRAVELLING AND OTHER ALLOWANCES**

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

10. **COST OF TAKING UP APPOINTMENT**

No assistance is available from public funds towards any costs incurred (e.g. through a move of house) on appointment as a salaried 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.

11. **OUTSIDE ACTIVITIES AND INTERESTS**

A 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 their guard against circumstances arising in which their involvement in any outside activity might be seen to cast doubt on their judicial impartiality or conflict with their judicial office. A person holding a commercial company directorship is expected to relinquish this on appointment

to salaried judicial office. A 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, the Northern Ireland Assembly or the European Parliament.

12. **MATERNITY, PATERNITY AND ADOPTION LEAVE**

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.

SALARIED PART TIME APPOINTMENTS

13. It may be possible for an appointment to be salaried part time, subject to the judicial needs of the Tribunal. 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.
14. Salary, annual leave, sick pay and pension benefits will be calculated on a pro-rata basis, based upon the full-time requirement of 220 sitting days per year. A salaried part-time judicial office holder will be expected to sit for the full duration in longer cases.

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