

# **FULL JOB DESCRIPTION**

**This Information has been provided by the Ministry of Justice**

## **Office of High Court Judge (Queen's Bench Division)**

### **I Purpose of Office**

The purpose of judicial office is to administer justice in accordance with the laws of England and Wales.

High Court Judges swear the judicial oath (or affirm) that they "will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the Office of a Justice of Her Majesty's High Court ... and do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will".

### **II Jurisdiction**

The structure and jurisdiction of the High Court are governed broadly by the provisions of the Supreme Court Act 1981. There are three High Court Divisions - the Queen's Bench Division, the Chancery Division and the Family Division. This job description describes the work of Judges of the Queen's Bench Division, and the principal jurisdictions which they normally exercise are described in the attached note. It should be noted, however, that the jurisdiction of the High Court is indivisible in law and belongs to all Divisions alike. Irrespective of the Division to which they are assigned, all Judges of the High Court possess equal power, authority and jurisdiction. Judges may be required to sit in a Division other than that to which they are assigned, as the business of the court demands. (The formal transfer of a Judge from one Division to another however requires the consent of that Judge and a direction made by the Lord Chancellor with the consent of the Head of the High Court Division which the Judge concerned is leaving.)

The High Court sits at the Royal Courts of Justice and at a number of provincial centres. High Court Judges of the Queen's Bench and Family Divisions also sit in the Crown Court at the Central Criminal Court and at a number of other provincial centres. Most Judges assigned to the Queen's Bench Division spend some time sitting on Circuit and this can have an impact upon their working patterns. Queen's Bench Division Judges also sit frequently in the Court of Appeal (Criminal Division) at the request of the Lord Chief Justice and, less frequently, in the Civil Division of the Court of Appeal.

The original jurisdiction of the High Court is usually exercised by a single Judge, sitting without a jury. Juries are occasionally summoned for certain classes of case, mainly defamation actions.

That part of the work of the Queen's Bench Division known as Technology and Construction Court business (involving prolonged examination of technical issues, such as construction disputes) is usually dealt with by a number of designated Circuit Judges. This list is supervised by a Queen's Bench Judge who is nominated by the Lord Chief Justice to act in this capacity.

Candidates should consult the note "High Court Judges - Outline of Terms and Conditions of Service".

### **III Main activities**

The main activities of a Judge of the Queen's Bench Division are as follows:

#### **A. Preparing for trial and case management**

- Reading and assimilating case papers before a hearing, or the trial, commences.
  - 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 the 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 any 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.
- **In the Crown Court:**
    - Conducting preliminary hearings to identify and to determine procedural issues.
    - Determining bail applications.

- 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

## **B. 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 which is compatible with the interests of justice;
- 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; and
  - to the financial position of each party -
 and allotting to it an appropriate share of the court's resources, while taking into account the need to allot resources to other cases.
- Maintaining the authority and dignity of the Court.
- Taking an accurate note of the relevant parts of the evidence.
- Deciding issues of law and procedure which may arise during a case.
- Summing up to and directing a jury

### **1. Sentencing**

- In the Crown Court:
  - Sentencing convicted defendants according to the law and the circumstances of the case.

### **2. Judgement**

- **In the High Court:**
  - Deciding actions by finding facts, applying the relevant law to them and giving a reasoned judgment (which may be reserved, if necessary).
  - 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.

### 3. Appeals and Applications

- **In the High Court:**
  - Hearing some appeals from Circuit Judges and appeals from Masters and District Judges.
  - In Administrative Court cases, hearing applications for judicial review, appeals from lower courts by case stated, and appeals from tribunals.
- **In the Court of Appeal (Criminal Division):**
  - Determining applications for leave to appeal as the single Judge or as a member of the full court.
  - Determining appeals as a member of the full court.

### 4. Other work

Other duties include, for example:

- **In the High Court:**
  - Determining applications for permission to appeal.

## IV Other Responsibilities

### 1. Keeping abreast of legal developments

- High Court 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.
- High Court Judges attend Judicial Studies Board refresher seminars and similar events.

### 2. Other judicial and public duties

- Some High Court Judges sit from time to time in the Employment Appeal Tribunal (and one High Court Judge serves as President of the Tribunal). In addition, a Judge of the Queen's Bench Division serves as President of the Immigration Appeal Tribunal (to note - this will shortly become out of date).
- High Court Judges may, if so requested by the Lord Chancellor, sit in the Court of Appeal (Civil Division) as additional Judges of that Court.

- Under s.72(1)(3) of the Courts and Legal Services Act 1990, some High Court Judges are appointed by the Lord Chief Justice (with the agreement of the Lord Chancellor) to serve as Presiding Judges. The responsibilities of Presiding Judges include the exercise of broad supervision over the running of the courts on the Circuit to which they are assigned, the deployment of High Court and Circuit Judges in the Circuit and attending to the well-being of the Circuit judiciary.
- High Court Judges may from time to time serve on committees, inquiries and other bodies where the services of a senior member of the judiciary are required (e.g. the Parole Board, Judicial Studies Board, etc). The Chairman of the Law Commission has always been a High Court Judge who is seconded to the Commission for the period of his or her term of office.

## **Note on the jurisdiction of a Judge of the High Court (Queen's Bench Division)**

### **The High Court**

1. The main functions of High Court Judges are as follows:
  - i. to exercise the jurisdiction of the High Court in all its aspects;
  - ii. If so authorised, to sit in the Administrative Court
  - iii. if so authorised, to sit in the Employment Appeal Tribunal and
  - iv. to sit with the Lord Chief Justice or a Lord Justice of Appeal as a member of the Court of Appeal (Criminal Division). Most High Court Judges who deal with criminal cases sit in the Court of Appeal (Criminal Division) for about three weeks during each legal term.
2. In addition to these main functions, a High Court Judge may also sit:
  - i. in the Court of Appeal (Civil Division), as an additional Judge of that Court, if so requested by the Lord Chancellor.
  - ii. in a county court, with his consent, on such occasions and at such times as the Lord Chancellor considers desirable. (This is now extremely rare.)
3. The High Court has jurisdiction in all civil matters, except those specifically reserved by statute for the county courts or for other tribunals. The High Court now has no original criminal jurisdiction, although it does retain some supervisory and appellate jurisdiction in the Queen's Bench Divisional Court in relation to criminal matters.
4. The work of the High Court is divided, for practical and administrative purposes, into three Divisions. Its jurisdiction is, however, in law indivisible and belongs to all Divisions alike. Thus, all Judges of the High Court have equal power, authority and jurisdiction, regardless of the Division to which they are assigned.

## The Queen's Bench Division

5. The Queen's Bench Division has the most diverse work of the three Divisions of the High Court. Its jurisdiction is exercised over the whole field of civil law not covered by the other two Divisions, but in practice the work is divided into the following categories:-
  - i. Admiralty and Commercial cases. Most Admiralty cases concern collision of ships or damage to cargo, whilst the work of the Commercial Court is largely concerned with contracts related to ships, insurance, carriage of cargo and the construction and performance of mercantile contracts. The Commercial Court also determines cases involving banking, international credit, contracts relating to aircraft, the purchase and sale of commodities and the practice of arbitration and questions arising from arbitrators. Admiralty and Commercial cases are heard by High Court Judges specifically nominated by the Lord Chancellor, mainly in London.
  - ii. Administrative Court cases (administrative law, especially judicial review, and criminal law): Appeals by way of case stated etc from inferior tribunals (in particular magistrates' courts) and supervisory jurisdiction over inferior Courts, tribunals, Ministers, bodies and others exercising public law functions. These cases are heard in London by single Judges nominated by the Lord Chief Justice or by a Divisional Court consisting of a Lord Justice and one or two High Court Judges, depending upon the degree of public importance. The Queen's Bench Divisional Court also exercises jurisdiction in respect of habeas corpus, committal for contempt committed in an inferior court or elsewhere (but not in connection with proceedings in the High Court) and appeals and applications under various statutory provisions including those on planning matters under the Town and Country Planning Acts.
  - iii. Civil cases involving a jury\*(e.g. defamation and wrongful arrest), civil cases not involving a jury, and interlocutory proceedings and appeals from Masters and District Judges. These cases are heard both in London and in High Court centres outside London.

**\*There is a right of trial by jury for fraud, libel, slander, malicious prosecution or false imprisonment cases. In all other cases the judge has a discretion to allow trial by jury, but it is only used exceptionally. In jury trials the jury decides the amount of damages to be awarded.**

6. **Appeals from the High Court:** A right of appeal from the High Court lies, in general, to the Civil Division of the Court of Appeal. In a few cases, however, where a point of law of general importance is involved and certain other conditions are fulfilled, there is a direct right of appeal ("leapfrog") from the High Court to the House of Lords. In criminal cases heard on appeal in the Divisional Court of the Queen's Bench Division there is also, subject to leave, a direct appeal to the House of Lords.

### Appeals from the County Court

Judges of the Queen's Bench Division are also required to deal with

designated appeals from the County Court including, where appropriate, granting permission to appeal.

### **The Crown Court**

7. The Crown Court has exclusive jurisdiction in trials on indictment.
8. In the Crown Court, cases are classified into four classes under directions made by the Lord Chief Justice. Those in classes 1 and 2 are nominally reserved for trial by High Court Judges. (In class 1, however, some cases of murder, or of incitement, attempt or conspiracy to commit murder, may be tried by authorised Circuit Judges, whilst in class 2, the great majority of offences, other than piracy, mutiny, sedition and offences under the Geneva Convention, are tried by authorised Circuit Judges.) Class 2 includes most serious sexual offences, along with manslaughter and child destruction.
9. The majority of fraud cases are tried by Circuit Judges, but some may be allocated to High Court Judges.
10. All other cases are either automatically listed for trial by Circuit Judges, Recorders or Assistant Recorders or are normally so listed unless a particularly difficult case is specially reserved for trial by a High Court Judge. In practice, however, local, listing or other considerations may sometimes make it appropriate for a High Court Judge to try a case which would normally be tried by a Circuit Judge.
11. 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. The Crown 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. It is unusual, however, for a High Court Judge to take the appellate work of the Crown Court or committals for sentence; this work is normally undertaken by Circuit Judges or Recorders, sifting with Justices of the Peace.
12. In relation to offences tried on indictment, the right of appeal lies against conviction or sentence from the Crown Court to the Court of Appeal (Criminal Division), subject to leave unless the appeal is solely on a point of law. (The right of appeal in appellate matters lies by way of case stated to the Divisional Court of the Queen's Bench Division.)

### **The Employment Appeal Tribunal**

13. Judges from all three Divisions of the High Court are from time to time appointed members of the Employment Appeal Tribunal. The Tribunal was constituted under the Employment Protection Act 1975 and is a superior court of record. It exercises a specialised appellate jurisdiction, hearing appeals on questions of law arising from any decisions of, or any proceedings before, an Employment Tribunal (for example, claims of unfair dismissal, redundancy matters and alleged discriminatory acts. The President is a High Court Judge, and other judicial members sit in rotation as required. The role of the judge is

to preside over a three-member tribunal, the other two members of which are not lawyers (one an employers' representative and the other a trades union representative). There is a right of appeal from the Tribunal to the Court of Appeal (Civil Division).

## **Office of High Court Judge (Chancery Division) Job description**

### **I Purpose of Office**

The purpose of judicial office is to administer justice in accordance with the laws of England and Wales.

High Court Judges swear the judicial oath (or affirm) that they "will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the Office of a Justice of Her Majesty's High Court ... and do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will".

### **II Jurisdiction**

The structure and jurisdiction of the High Court are governed broadly by the provisions of the Supreme Court Act 1981. There are three High Court Divisions - the Chancery Division, the Queen's Bench Division, and the Family Division. This job description describes the work of Judges of the Chancery Division, and the principal jurisdictions which they normally exercise are described in the attached note. It should be noted, however, that the jurisdiction of the High Court is indivisible in law and belongs to all Divisions alike. Irrespective of the Division to which they are assigned, all Judges of the High Court possess equal power, authority and jurisdiction. Judges may be required to sit in a Division other than that to which they are assigned as the business of the court demands. (The formal transfer of a Judge from one Division to another however requires the consent of that Judge and a direction made by the Lord Chancellor with the consent of the Head of the High Court Division which the Judge concerned is leaving.)

The High Court sits at the Royal Courts of Justice and at a number of provincial centres, but most of the work of the Chancery Division is conducted in London. Two Chancery Division Judges may however sit, and exercise supervisory functions in respect of Chancery business, on Circuit (e.g. the Vice-Chancellor of the County Palatine of Lancaster) and will be expected to sit for a substantial part of their time in that capacity. Unlike Queen's Bench and Family Division Judges, Chancery Division Judges do not normally sit in the Crown Court.

In the Chancery Division the original jurisdiction of the High Court is invariably exercised by a single Judge, sitting without a jury.

Candidates should consult the note "High Court Judges - Outline of Terms and Conditions of Service"

### **III Main Activities**

The main activities of a Judge of the Chancery Division are as follows:

## **1. Preparing for trial and case management**

- Reading and assimilating case papers before a hearing, or the trial, commences.
- 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 the 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 any particular step justify the cost of taking it.
- Dealing with as many aspects of the case as it can 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.

## **2. 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;
- 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; and
- to the financial position of each party - and allotting to the case an appropriate share of the court's resources, while taking into account the need to allot resources to other cases.
- Maintaining the authority and dignity of the Court.
- Taking an accurate note of the relevant parts of the evidence.
- Deciding issues of law and procedure which may arise during a case.

### **3. Judgment**

- Deciding actions by finding facts, applying the relevant law to them and giving a reasoned judgment (which may be reserved, if necessary).
- Determining appeals contested applications and other issues by consideration of the papers and evidence presented at any hearing and where appropriate making findings of fact, applying the relevant law and 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.

### **4. Appeals**

- Hearing appeals from Masters, Bankruptcy Registrars and District Judges.
- Hearing appeals from other lower courts and tribunals.

### **5. Other work**

Other duties include, for example:

- Determining applications for permission to appeal.

## **IV Other Responsibilities**

### **6. Keeping abreast of legal developments**

- High Court 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.
- High Court Judges attend Judicial Studies Board refresher seminars and similar events.

### **7. Other judicial and public duties**

- Judges of the Chancery Division are appointed to the panel of chairmen of the Competition Appeal Tribunal.
- Two Judges of the Chancery Division serve as Chancery Supervising Judges, exercising administrative responsibility for Chancery work outside London.
- Some High Court Judges sit from time to time in the Employment Appeal Tribunal (and one High Court Judge serves as President of the Tribunal).
- High Court Judges may, if so requested by the Lord Chancellor, sit in the Court of Appeal (Civil Division) as additional Judges of that Court.
- High Court Judges may from time to time serve on committees, inquiries and other bodies where the services of a senior member of the judiciary are required (e.g. the Parole Board, Judicial Studies Board, etc). The Chairman of the Law Commission has always been a High Court Judge who is seconded to the Commission for the period of his or her term of office.

### **Note on the jurisdiction of a Judge of the High Court (Chancery Division)**

#### **The High Court**

1. The main functions of Judges of the Chancery Division are as follows:
  - i. to exercise the jurisdiction of the High Court in all its aspects; and
  - ii. if so authorised, to sit in the Administrative Court and the Employment Appeal Tribunal.
2. In addition to these main functions, a High Court Judge may also sit:
  - i. in the Court of Appeal (Civil Division), as an additional Judge of that Court, if so requested by the Lord Chancellor.
  - ii. in a county court, with his consent, on such occasions and at such times as the Lord Chancellor considers desirable. (This is now extremely rare.)
3. The High Court has jurisdiction in all civil matters, except those specifically reserved by statute for the county courts or for other tribunals.
4. The work of the High Court is divided, for practical and administrative purposes, into three Divisions, Its jurisdiction is, however, in law indivisible and belongs to all Divisions alike. Thus, all Judges of the High Court have equal power, authority and jurisdiction, regardless of the Division to which they are assigned.

#### **The Chancery Division**

5. The work of the Chancery Division of the High Court mainly involves contentious litigation relating to commercial or financial matters such as property development, takeover bids, company fraud and banking, and intellectual property cases involving patents, copyright, trademarks, confidential information and "passing off". The Division also exercises an important jurisdiction in relation to tax matters, bankruptcy and companies issues, as well as numerous other special jurisdictions. There have been assigned to the Chancery Division, for example, all competition cases whether arising under Articles 81 or 82 EU Treaty, the Competition Act 1998 or Enterprise Act 2002, company directors' disqualification legislation; appeals under the Insolvency Act 1986; and a wide variety of matters under the Companies Acts including consideration of whether the accounts of a company comply with the provisions of the Acts.
6. The more traditional jurisdiction of the Chancery Division in respect of property matters (such as the administration of estates, partnership, the redemption and foreclosure of mortgages, the sale and distribution of the proceeds of property subject to liens and purchases, trusts, the ratification and cancellation of deeds, the specific performance of contracts of sale and lease of real estates and contentious probate) now forms only a relatively small part of the work of the Division.
7. The appellate jurisdiction of the Chancery Division (which includes all appeals from the county courts and from the High Court Registrars under the Insolvency Act 1986) is normally exercised by a single Judge.
8. Patent cases in the Chancery Division are heard by Judges of the Patents Court who are High Court Judges specifically nominated by the Lord Chancellor for this work. Other intellectual property cases may be heard by any Judge of the Chancery Division.
9. Appeals from the High Court: A right of appeal from the High Court lies, in general, to the Civil Division of the Court of Appeal. In a few cases, however, where a point of law of general importance is involved and certain other conditions are fulfilled, there is a direct right of appeal ("leapfrog") from the High Court to the House of Lords.

### **The Employment Appeal Tribunal**

10. Judges from all three Divisions of the High Court are from time to time appointed members of the Employment Appeal Tribunal. The Tribunal was constituted under the Employment Protection Act 1975 and is a superior court of record. It exercises a specialised appellate jurisdiction, hearing appeals on questions of law arising from any decisions of, or any proceedings before, an Employment Tribunal (for example, claims of unfair dismissal, redundancy matters and alleged discriminatory acts). The President is a High Court Judge, and other judicial members sit in rotation as required. The role of the judge is to preside over a three-member Tribunal, the other two members of which are lay-people (one an employers' representative and the other a trades union representative). There is a right of appeal from the Tribunal to the Court of Appeal (Civil Division).