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Information Pack:

00367: Deputy District Judge (Magistrates' Courts)
Selection Exercise 2008/2009

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INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the post of fee paid Deputy District Judge (Magistrates' Courts). There are 26 posts in total.

Deputy District Judges (Magistrates' Courts) have a national jurisdiction throughout England and Wales. They are appointed by the Lord Chancellor but the posts are administered by the London Chief Magistrates' Office. Successful candidates will be deployed from the Chief Magistrates' Office to a number of locations across England and Wales.

The closing date for applications is 7 August 2008.

This pack contains the information that you need about the appointments. It includes eligibility criteria and the job description. It also describes the selection process that the JAC will follow, with relevant dates and advice on how to prepare for the various stages of this process.

Before you can be considered for appointment, there are eligibility requirements that you must meet. The JAC is also required to assess your character. Before applying you should read these requirements and the guidelines that the JAC uses to assess character. These can be found on our website (www.judicialappointments.gov.uk) along with outline terms and conditions of service and terms of appointment for these posts.

The independent JAC selects candidates for judicial office. It does so on merit, through fair and open competition, from the widest range of eligible candidates.

ARE YOU ELIGIBLE?

To be eligible for appointment as a fee paid Deputy District Judge (Magistrates' Courts) you must meet the following requirements.

Statutory requirement

Under section 89(1) and Part 11 of Schedule 2 to the Supreme Court Act 1981, as amended by the Courts and Legal Services Act 1990 and the Constitutional Reform Act 2005. The statutory requirement for appointment as a fee paid Deputy District Judge (Magistrates' Court) is to hold a 7-year general qualification within the meaning of Section 71 of the Courts and Legal Services Act 1990.

Under section 71(3)(c), a "general qualification" means a right of audience in relation to any class of proceedings in any part of the Supreme Court or all proceedings in the County Courts or Magistrates' Courts. In order to meet the statutory qualifications for appointment, a solicitor must appear on the Roll.

Age

There is no upper or lower age limit for candidates apart from the statutory retirement age of 70 for all judges. The age at which someone is appointed as a fee paid Deputy District Judge (Magistrates' Court) must allow for a reasonable length of service before retirement, usually about three years.

Nationality

You must complete a declaration of your nationality in the Application Form. In order to qualify for this post, you must be a citizen of:

- the United Kingdom or
- another Commonwealth country or
- the Republic of Ireland.

Character

The JAC is required by statute to appoint only persons of good character. In order to make these assessments we have developed Good Character Guidance which you can find on our website at www.judicialappointments.gov.uk. You can also write to us to request a copy (see the 'Contacts and Further Information' section of this Information Pack for our contact details).

The Good Character Guidance gives you some indication as to whether anything in your past conduct or present circumstances might affect your application for judicial appointment. You should read it carefully before completing the Application Form.

Good character questions and declarations

You are required to answer a number of questions related to good character in the Application Form and must make appropriate declarations as requested.

Applicants for judicial appointments are not protected by sections 4(2) and 4(3) of the Rehabilitation of Offenders Act 1974. Any convictions which would normally be regarded as having expired under that Act should therefore be declared in writing (Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975). You must provide details of all offences for which you have been convicted or cautioned. Details should include the nature of each offence, date of conviction or caution and the penalty imposed.

Where proceedings of any kind are pending, you should give details of the offence with which you have been charged or the disciplinary process you are subject to and, if known, the date when the case or action may be heard. It is important that you inform us of the outcome of any case or action concluded while your application is under consideration. Similarly, if you are charged with any offence or any action is brought against you after submitting your application you should inform us immediately (see the 'Contacts and Further Information' section of this Information Pack).

In all cases, please provide as much detail as you can and indicate if there are any mitigating factors that you think the JAC should take into account in assessing your good character.

Good character checks

The JAC will also carry out checks on all candidates whom it intends to recommend for appointment. Further information about these checks will be provided separately to relevant candidates.

Failure to have declared any matters that come to light from these checks may prejudice the outcome of your application.

DEPLOYMENT

It is the Lord Chancellor's policy that lawyers working in the Crown Prosecution Service (CPS), are not able to sit as a Deputy District Judge (Magistrates' Courts) in Crime work prosecuted by the CPS (or in any other matter involving their own Government department). CPS lawyers are eligible to apply for the post of Deputy District Judge (Magistrates' Courts) but if appointed, they would only be able to hear the very limited amount of non-CPS prosecuted work, and so opportunities for CPS lawyers to sit as a Deputy District Judge (Magistrates' Courts) are very limited, severely constraining the number that could be deployed. The JAC is advised that current business needs indicate that only one post will be available for such deployment.

REASONABLE ADJUSTMENTS

The JAC is committed to considering any reasonable adjustments needed to ensure that you can participate in the selection process fairly. The Application Form asks you to identify any arrangements and adjustments you may require. Requests will be considered on a case-by-case basis and the information given will not be used in selection decisions.

If you are recommended for appointment, reasonable adjustments will be considered if you have a disability under the meaning of the Disability Discrimination Act, as they are for serving judges who develop an impairment or long-term health condition. Any reasonable adjustments to enable you to take up appointment will be discussed separately with you by Her Majesty Court Service after the JAC has made its recommendation.

JOB DESCRIPTION

The following information has been provided by the Ministry of Justice.

DEPUTY DISTRICT JUDGE (MAGISTRATES' COURTS)

Purpose of Office

The purpose of judicial office is to administer justice in accordance with the laws of England and Wales without fear or favour, affection or ill-will.

Main Activities

1. The main activities of a Deputy District Judge (Magistrates' Courts) are as follows:

Preparing for trial and case management

- Reading and assimilating papers in a case before it commences.
- Discussing the Court business of the day with the Clerk of the Court.

Presiding over court proceedings

- Controlling (in accordance with the relevant law and practice) the manner in which cases are conducted;
- Ensuring that parties have the opportunity to receive professional advice where appropriate and, whether represented or not, that 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.

Judicial decisions

- Deciding cases (including the determination of guilt or innocence) by finding facts, applying the relevant law to them and giving a balanced and reasoned decision.

Sentencing in the adult crime court

- Sentencing convicted defendants according to the law and the circumstances of the case, having ensured that full and appropriate reports have been received in accordance with statute and national standards;
- Determining issues of penalty point endorsement and/or disqualification from driving for road traffic offences;
- Determining the amount and manner of payment of compensation orders and costs and imposing ancillary orders where available and appropriate.

Other work

- Dealing with the enforcement of payment of fines, sums due as civil debts, costs and compensation orders at means enquiry hearings and by the issue of process;
- Dealing with breaches of court orders;
- Dealing with the issue of warrants of arrest, search and right of entry;
- Hearing applications in respect of process, removal of disqualification from driving and taking declarations and matters which may be witnessed by a Justice of the Peace;
- Hearing appeals to Magistrates' Courts.

Other Responsibilities

2. Deputy District Judges (Magistrates' Courts) may be required to attend periodic refresher training organised by the Judicial Studies Board and any other training events as appropriate
3. Deputy District Judges (Magistrates' Courts) need to keep abreast of legal developments. This entails a substantial amount of reading not directly connected with the cases that they are trying.

JURISDICTION

4. Deputy District Judges (Magistrates' Courts) have a national jurisdiction throughout England and Wales and are appointed by the Lord Chancellor.
5. The jurisdiction of a Deputy District Judge (Magistrates' Courts) is similar to that of a District Judge (Magistrates' Courts) save that Deputy District Judges (Magistrates' Courts) are not authorised to undertake certain types of work, and their jurisdiction in other types of work is limited. Deputy District Judge (Magistrates' Courts) sit alone.

Further Information

Further information about jurisdiction and terms and conditions of this post can be found on the JAC website www.judicialappointments.gov.uk

THE SELECTION PROCESS

Application form

Details of the qualities and abilities against which you will be assessed are set out in the Application Form. You can draw on your full range of work and personal experience to demonstrate these qualities and abilities including, for example, voluntary work or any publication to which you have contributed. Please be specific in giving information.

Timetable

Closing date for applications	7 August 2008
Provisional date for qualifying test	22 September 2008
Provisional dates for selection days	5 – 14 November 2008

Shortlisting

The first step in the process is a qualifying test. A description of the qualifying test is on our website at www.judicialappointments.gov.uk. It is important that you look at the information available on this link.

Following the test, if you are shortlisted, you will be invited to a selection day. All successful candidates should make themselves available for a week sitting in either in January or February 2009 in preparation for attendance on the Judicial Studies Board induction course in March 2009.

Further details will be sent with your invitation to attend.

References

We may seek information from people who are well placed to comment on how you meet the qualities and abilities. Referees are usually approached before the selection day takes place and will be encouraged to draw on appraisal material if it is available. The material provided by referees will usually inform decisions at selection day and final selection decisions by Commissioners.

Candidate nominated

You are invited to nominate up to three referees who know you well either personally or professionally.

JAC nominated

The JAC may also request references from those identified in the section of this pack titled 'JAC nominated referees'.

Please provide the name, title, position and address of your relevant judicial and professional referees. You may also tell us if you do not wish us to approach the relevant professional referee now, but you must give reasons. If you do not currently hold a judicial office and have excluded your relevant professional referee, you must suggest an alternative referee who is familiar with your work.

Conflict of interest

The Judicial Appointments Commissioners are listed at the back of this pack. You should not nominate a Commissioner as a referee. You should also state in the Application Form if you are in any way related to, or known to, any of the Commissioners and give details.

Outcome of the selection exercise

You will be advised of the outcome of your application in writing.

If you are unsuccessful, you can request a written explanation. You should make this request within six weeks of the date of the letter informing you that you have not been successful. We will aim to respond to your request within four working weeks.

Complaints procedure

If you are dissatisfied with any aspect of the way your application has been handled, please refer to the JAC's published complaint procedure, which is available from our website, or in writing on request.

CONTACTS AND FURTHER INFORMATION

Obtaining an application form

All the information about applying for this selection exercise is available at www.judicialappointments.gov.uk (current selection exercises).

The Application Form for this selection exercise can be obtained electronically by downloading it from the website.

Please contact the Judicial Appointments Applications Service (JAAS) team at the JAC if you wish to request a hard copy of the Application Form or Information Pack, or if you have any questions about eligibility or about submitting your application.

If you need the form and/or pack in a different format, for example Braille, please contact the JAAS team.

Acknowledgement of your application

You should receive an acknowledgement of your application within five working days of receipt. If you do not, please contact the JAAS team by telephone or e-mail.

Contact details

1. JAAS

Reference: 00367 (Please use this reference on all communications)

Judicial Appointments Commission
2nd Floor, Steel House
11 Tothill Street
London
SW1H 9LH

DX 149822 WESTMINSTER 6

E-mail: jaas@jac.gsi.gov.uk

Telephone: 020 7210 0123 (**from 11/08/08: 020 3334 0123**)

2. Selection Exercise Team:

Chris D'Souza
020 7210 8998 **(from 11/08/08: 020 3334 0548)**
Assistant Director

Peter Owunna
020 7210 0320 **(from 11/08/08: 020 3334 0320)**
Senior Manager

Joyce Joannes
020 7210 0344 **(from 11/08/08: 020 3334 0344)**
Team Manager

E-mail: chris.d'souza@jac.gsi.gov.uk

Fax: 020 7210 0300 **(from 11/08/08: 020 3334 0300)**

3. Director:

Ms Jane Andrews
020 7210 1484 **(from 11/08/08: 020 3334 0508)**

JAC NOMINATED REFEREES

The JAC may also request references from those categories listed below.

Judicial referees

If you hold a judicial office, please contact the JAC so that we can consider who should be nominated as your judicial referee.

If you sit on a Tribunal, the Tribunal President or equivalent.

Professional referee

If you are a solicitor, your managing partner or relevant equity partner.

If you are a barrister, your Head of Chambers.

If you are employed, your line manager or equivalent.

JAC COMMISSIONERS

Chairman of the JAC

Baroness Usha Prashar CBE

Members

Dame Lorna Boreland-Kelly DBE

Professor Dame Hazel Genn DBE QC

Mr Justice John Goldring

Lady Justice Heather Hallett DBE

Her Honour Judge Frances Kirkham

Sir Geoffrey Inkin OBE

Mr Edward Nally

Ms Sara Nathan OBE

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Mr Jonathan Sumption OBE QC

Lord Justice Roger Toulson