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**Information Pack:**

00370: Queen's Bench Masters, Admiralty  
Registrar and Bankruptcy Registrar

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## INTRODUCTION

The Judicial Appointments Commission (JAC) has been asked to produce a list of eight names from which four will be for immediate appointment; two Queen’s Bench Masters, one Admiralty Registrar and one Bankruptcy Registrar. The Ministry of Justice expects to request recommendations from the JAC for the four remaining Queen’s Bench Masters posts within 18 months of the close of this exercise. The closing date for applications is 3 June 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](http://www.judicialappointments.gov.uk)) along with outline terms and conditions of service.

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 Queen’s Bench Master, Admiralty Registrar and Bankruptcy Registrar, you must meet the following requirements.

### **Statutory requirement**

Under section 89(1) and Part II 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 Queen’s Bench Master, Admiralty Registrar and Bankruptcy Registrar, 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 as a Master, a solicitor must appear on the Roll.

### **Previous service in a judicial office**

The Lord Chancellor expects that, before being considered for salaried appointment, individuals must normally have served as a fee-paid judicial office holder for at least two years or to have completed 30 sitting days since appointment in a fee-paid capacity.

### **Salaried Part- time working**

These posts may be open to candidates who wish to work on a salaried part-time basis. Final working patterns will need to be discussed, and agreed at the time of appointment.

### **Age**

There is no upper or lower age limit for candidates for this post apart from the statutory retirement age of 70 for all judges. The age at which someone is appointed must allow for a reasonable length of service, 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](http://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.

### **Disqualification**

You should note that the House of Commons Disqualification Act 1975 applies to this office.

## 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's Court Service after the JAC has made its recommendation.

## JOB DESCRIPTION

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

### **MASTER OF THE QUEEN'S BENCH DIVISION**

#### **Purpose of Office**

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

#### **General**

All litigation in the Queen's Bench Division Central Office is assigned to Queen's Bench Masters who have a high level of expertise in the conduct of civil litigation and specialise in the heavier cases concerning contract and tort especially personal injury claims and professional negligence actions including clinical negligence and industrial disease claims.

## **Main Activities**

- Working on a 'docket' system on which cases are assigned to a particular Master either from a general rota or for specialist lists such as those for clinical negligence and asbestos diseases work.
- Absorbing material quickly and analysing information especially in the context of long and complex civil actions where the material placed before the court will be voluminous.
- Undertaking interlocutory work comprising the case management in a proactive manner of substantial and complex civil actions both pre and post trial including Group Actions and Representative Actions assigned to them by the Senior Master.
- Deciding complex issues of jurisdiction, forum, service, limitation, summary disposal, evidence and enforcement and foreign process for the major part of the Courts of England and Wales as delegated by the Senior Master including the application of the Hague Convention and the European Regulations governing the service of process, taking of evidence and recognition and enforcement of judgments.
- Undertaking trial work comprising the assessment of high levels of damages.
- Giving sound judgments extempore or in written form which state clearly and succinctly the issues and the reasons for their decisions.
- Using e-mail and word processing in direct contact with solicitors and fee earners in the case management process.
- Managing funds where there have been awards to children or cases involving protected parties.
- Working as part of the team of Masters supporting their colleagues and the duties of the Senior Master.
- Queen's Bench Masters, especially those working in the specialist lists are often consulted upon rules and practice directions.

## **Jurisdiction**

The jurisdiction of the Queen's Bench Masters is the jurisdiction of the High Court Judge other than in relation to Interim Applications and trials (unless the parties consent).

## **REGISTRAR OF THE ADMIRALTY AND COMMERCIAL COURTS REGISTRY**

### **Purpose of Office**

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

### **General**

All Admiralty cases are commenced in or sent to London where they are vetted / allocated by the Admiralty Registrar as appropriate, including whether they should remain in the Admiralty list, level of judge required and venue.

## **Main Activities**

- **Interlocutory Admiralty Work (Pre and Post Trial)**

The Admiralty Registrar is a Queen's Bench Master. His work as Admiralty Registrar is analogous to Queen's Bench Masters' interlocutory work (q.v.). Even if the matter is in the Judge's list, the judge can direct the matter to be heard by the Admiralty Registrar. Applications are currently listed for 2 days out of 5 but the amount of time to be allocated between Admiralty and Queen's Bench work is to be negotiated. Applications are often long and complex. Reasoned judgments are given in the more complex applications. Practice matters are dealt with as necessary. As the Admiralty Registrar is also a Queen's Bench Master, he will deal with much post judgment Commercial Court work.

- **References**

These are similar to assessments of damages, but can be quite long (1/2 day – 2 or more weeks). Reasoned judgments are given.

- **Without Notice/ Paper Applications (Pre and Post Trial)**

Similar to ordinary Queen's Bench work, but often more complicated and often of extreme urgency. If an application is refused, brief reasons for refusal are normally given. Such applications often arise in the context of arrest.

- **Advising the Marshal**

The Admiralty Registrar advises the Marshal in connection with the arrest of ships, moving ships whilst under arrest, obtaining leave to sell at less than the appraised price and other problems, often complex that the Marshal encounters in the course of his duties. Such advice is required to be available at any time during normal Court business hours.

### **General Functions**

The Admiralty and Commercial Registry has all the functions of the Central Office except for accounting and foreign processes. While in the Commercial Court, interlocutory work pre judgment is performed by the Commercial Judges themselves, as a matter of practice post judgment work is sent to and dealt with by the Master who is also the Admiralty Registrar. The Admiralty Registrar also liaises with the Marshal who is also the Chief Clerk of the Admiralty and Commercial Registry to ensure the efficient running of the registry.

### **Committees**

The Admiralty Registrar is a member of the Admiralty Court Committee and also chairs a small committee to resolve minor problems on an ad hoc basis. At present the Admiralty Court Committee has merged with the Commercial Court Users Committee in respect of matters common to both courts.

### **Miscellaneous Matters**

The Admiralty Registrar drafts and advises upon rules and practice directions relating to Admiralty matters and is consulted upon new Admiralty legislation.

### **Trial Work**

The Admiralty Registrar has concurrent jurisdiction with the Admiralty Judge except where a rule or practice direction provides otherwise CPR 61.1 (4). This accommodates the full range of Admiralty cases against the background that there is no Admiralty jurisdiction in the County Court. Further, as in the past, by consent any matters are triable before the Admiralty Registrar. There is no monetary limit. The Admiralty Registrar sits in London but has powers to sit wherever is most convenient.

# BANKRUPTCY REGISTRAR

## **Purpose of Office**

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

## **General**

Registrars in Bankruptcy are appointed by the Lord Chancellor under Section 89(1) of, and Schedule 2 to, the Supreme Court Act 1981 as amended by Schedule 10 to the Courts and Legal Services Act 1990. They are officers of the Supreme Court under section 88 of the Supreme Court Act 1981. They sit at the Royal Courts of Justice and the allocation of their work and the regularity of their sittings are under the day-to-day control of the Chief Registrar in Bankruptcy.

Registrars in Bankruptcy are attached to the Bankruptcy Department and the Companies Court, which in turn form part of the Chancery Division of the High Court. The jurisdiction of a Registrar in Bankruptcy is summarised below. There are currently six Registrars in Bankruptcy, of whom three act primarily in bankruptcy matters, one acts primarily in company matters, and two act primarily in disqualification cases. A system of rotation in these three areas is in place.

This job description is intended to describe only the main activities and responsibilities of a Registrar in Bankruptcy.

## **Main Activities**

The activities of a Registrar in Bankruptcy include hearings in open court, and hearings and applications in chambers and on paper.

### **Hearings in open court and chambers**

- Reading and assimilating papers in a case before it commences.
- Controlling in accordance with the relevant law and High Court procedure the manner in which applications are conducted with a view to:
  - ensuring that applications are properly presented in accordance with the Rules applicable to such applications;
  - ensuring that parties, whether represented or not, are enabled to have their cases presented and considered as fully and fairly as possible;
  - promoting in each case the most expeditious disposal of business compatible with the interests of justice;
  - maintaining the authority and dignity of the Court;
  - (when sitting in bankruptcy proceedings) conducting public and private examinations in bankruptcy;
  - overseeing, in liaison with court staff, the progress of cases towards hearing and judgment so as to secure the most efficient disposal of business compatible with the interests of justice.

### **Applications in the course of proceedings**

- Hearing interlocutory applications (including applications for directions and for Orders giving extension of time for registration of charges), ensuring that directions are given to prepare cases for trial in order that the issues between the parties are identified and relevant documents and witness evidence are disclosed.
- Granting interim relief when appropriate.

### **Determining applications on paper**

- Determining applications (including applications for sub-service, for Interim Orders and for warrants for possession) by consideration of the papers and by applying the law to the

facts of the case.

## **Judgment**

- Deciding actions by finding facts when appropriate, applying the relevant law and giving a reasoned judgment.
- Determining contested applications (e.g. for winding-up orders, disqualification of directors and public examinations) and other issues by consideration of the papers and evidence presented at any hearing, applying the relevant law and, when appropriate, giving a reasoned judgment.
- Awarding costs.
- Supervising the wording of declarations, orders and judgments of the Court.
- Authenticating notes taken and judgments delivered during hearings for the purpose of any appeal.

## **Other Responsibilities**

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

- Registrars need to keep abreast of legal developments. This entails a substantial amount of reading of Law Reports, journals and similar material not necessarily connected with the cases which they are dealing.
- Registrars attend Judicial Studies Board refresher seminars and other training events and seminars as appropriate.

### **Other Judicial and Public Duties**

Some Registrars may undertake a variety of other judicial and public duties, for example:

- Registrars may deputise from time to time for the Chief Registrar in Bankruptcy in his role as Registrar of Civil Appeals in Bankruptcy.
- A Registrar may be invited to be a member of the Insolvency Rules Committee.
- Registrars may be members of the Insolvency Practitioners' Tribunal.
- Registrars will be expected to assist in the preparation of Practice Notes and may be consulted in the preparation of Practice Directions.
- Registrars may be invited to take part in Seminars on Insolvency Law Reform.
- Registrars may be invited to join panels of similarly qualified speakers at Training Seminars.
- Registrars may be asked to introduce newly appointed District Judges or Deputy District Judges to High Court practice in the Insolvency and Companies Acts jurisdiction and to host persons holding a similar office in a foreign or Commonwealth jurisdiction who may be visiting the Royal Courts of Justice.

## **Jurisdiction**

### **Note on jurisdiction of a Registrar in Bankruptcy of the High Court**

The Registrars in Bankruptcy are attached to the Bankruptcy Department and the Companies Court, which in turn form part of the Chancery Division.

## **Bankruptcy Court Jurisdiction**

The High Court of Justice in Bankruptcy deals with proceedings in two categories: interim order proceedings leading to, and dealing with, individual voluntary arrangements, under Part VIII of the Insolvency Act 1986 ("the Act"); and bankruptcy proceedings under Part IX of the Act.

The jurisdiction is largely territorial; the High Court exercises jurisdiction in relation to proceedings allocated to the London Insolvency District. Under Rule 6.9 of the Insolvency Rules 1986 most petitions presented by government departments are presented in the High Court, irrespective of territorial jurisdiction.

Although some matters in bankruptcy are reserved for a Judge, all applications are considered in the first instance by the Registrars. Any proceedings can, at the request of the parties and/or in the discretion of the Registrar, be adjourned to the Judge.

Where the Registrar makes an Order, the right of appeal lies to a single Judge of the Chancery Division.

The Chief Registrar also acts as Registrar of Civil Appeals in Bankruptcy, whether the appeal is from a Registrar of the High Court or from that of a District Judge in a county court having Bankruptcy jurisdiction.

## **Companies' Court Jurisdiction**

The Companies Court deals with a wide range of proceedings under the Companies Act 1985 (as amended by the Companies Act 1989), the Insolvency Act 1986 and the Company Directors Disqualification Act 1986.

Certain matters, such as petitions for administration orders and opposed winding-up petitions, are heard by a Judge. But the majority of applications under the Acts are heard, initially at least, by the Registrar and in most cases are disposed of by him. Any proceedings can, at the request of the parties or in the discretion of the Registrar, be adjourned to the Judge.

Where the Registrar makes an order, the right of appeal lies to a single Judge of the Chancery Division.

# **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	3 June 2008
Provisional dates for interview	21 – 23 July 2008

If you are shortlisted, you will be invited for an interview. 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 sift 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 interview 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.

## 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.

## Medical examination

You may be asked to undergo a medical examination before taking up appointment.

## Complaints procedure

If you are dissatisfied with any aspect of the way your application has been handled, please refer to the JAC's published complaints 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](http://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: 00370** (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

#### 2. Selection Exercise Team:

Chris D'Souza	020 7210 8998	Assistant Director
Peter Owunna	020 7210 0320	Senior Manager
Joyce Joannes	020 7210 0344	Team Manager

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

Fax: 020 7210 0300

#### 3. Director:

Ms Jane Andrews 020 7210 1484

# JAC NOMINATED REFEREES

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

## Judicial referees

If you hold a judicial office not in this list, 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.
- If you are a Recorder, the Resident Judge, the Designated Civil Judge in the court(s) where you sit most often.
- If you are a Master or Registrar of the High Court, or a Deputy Master or Registrar, the relevant Senior Master or Registrar.
- If you are a Costs Judge or Deputy Costs Judge, the Senior Costs Judge.
- If you are a District Judge or Deputy District Judge, the local Designated Civil Judge.
- If you are a District Judge (Magistrates' Courts) or Deputy District Judge (Magistrates' Courts), the Senior District Judge (Magistrates' Courts).

## 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

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Mr Jonathan Sumption OBE QC

Lord Justice Roger Toulson