

## OUTLINE TERMS AND CONDITIONS OF SERVICE AND TERMS OF APPOINTMENT

### MASTERS AND REGISTRARS OF THE SUPREME COURT

#### **INTRODUCTION**

1. The following is a summary of the basic terms and conditions of service. Fuller details, including the conditions of appointment, will be supplied to candidates who are offered appointment.

#### **PROHIBITION OF PRACTICE**

2. A Master or Registrar shall not practise as a barrister or solicitor or be indirectly concerned in any such practice (Section 75 Courts and Legal Services Act 1990). The Lord Chancellor also regards a judgeship as a lifetime appointment. Any offer of appointment is therefore made on the understanding that appointees will not return to practice.

#### **APPOINTMENT & TENURE**

3. A Master or Registrar is required to vacate his or her office on the day on which he or she attains the age of 70<sup>1</sup> (Section 26 of the Judicial Pensions and Retirement Act 1993). A Master or Registrar may be removed from office by the Lord Chancellor on grounds of misbehaviour or inability to perform the duties of the office (Supreme Court Act 1981, s.92). No such removal may be carried out without the prior agreement of the Lord Chief Justice.

#### **SALARY, INCOME TAX AND NATIONAL INSURANCE**

4. The salary of a Master or Registrar is £98,900, plus an additional £4000 for those working in London. The salary is paid out of the Lord Chancellor's Vote. Income tax, which is payable under Schedule E, is deducted in accordance with PAYE arrangements. A Master or Registrar 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 under the Judicial Pensions and Retirement Act 1993 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 automatically when a Master or Registrar reaches state retirement age even if service continues thereafter.

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<sup>1</sup>A Master or Registrar who immediately prior to his or her appointment held another full-time judicial office to which he or she had been 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 her in their former office.

## **PENSION TERMS**

5. The post is pensionable. Provision of pension benefits is determined under the provisions of the Judicial Pensions and Retirement Act 1993. Although membership of the judicial pension scheme is automatic on appointment, it is not compulsory and a holder of judicial office may opt out. Under the Judicial Pensions and Retirement Act 1993, an immediate pension is payable at age 65, provided the office-holder has completed at least 5 years' service. The annual rate of the pension will be 1/40th of an office holder's pensionable pay multiplied by the aggregate length of service in qualifying judicial office (expressed in years and fractions of a year) subject to a maximum pension equal to one-half of pensionable pay after 20 or more years' service. An actuarially reduced pension is payable immediately where an office holder retires, having completed at least 5 years' service, after attaining the age 60 but before age 65. Where an office holder is obliged to retire on health grounds before attaining age 65, his or her service will be enhanced by a period equal to one-half of the service he or she would otherwise have served from the day following retirement to his or her 65th birthday.
6. In addition to the pension, a lump sum equal to 2.25 times the annual rate of that pension is payable. There is a spouse's pension at the rate of one-half of the personal pension accruing or in payment at the time of death and provision for a children's pension. In the event of death in office, there is provision for a death benefit equal to twice the amount of an office holder's pensionable pay. Contributions towards spouses' and children's pensions are compulsory for all Masters & Registrars and take the form of monthly payments of 1.8% of pension-capped salary. Pensions already in payment are subject to increases under the Pensions (Increase) Act 1971. Surviving civil partnership benefits are payable on the death of a judicial office holder who has formed a civil partnership in accordance with the Civil Partnership Act 2004.
7. The judicial pension scheme is a "non-registered" scheme for the purpose of the Finance Act 2004. This means that benefits under the scheme will not count towards the lifetime allowance for pension benefits under that Act, but that benefits and contributions under it do not attract income tax relief; lump sum benefits are accordingly subject to income tax at the office-holder's marginal rate. This liability will be offset, in whole or in part, by the payment of a separate service award on the office-holders retirement. Fuller details are available on request.

## **SITTING DAYS AND HOLIDAYS**

8. The Lord Chancellor and the Lord Chief Justice consider it essential for salaried Masters or Registrars to devote not less than 210 days each year to judicial business. Masters or Registrars are required to perform other judicial duties in addition to their actual sittings, for example reading case papers and other material and preparing judgments etc. Masters & Registrars' sittings are arranged in consultation with their senior judicial officer on behalf of the Lord Chief Justice.

## **UPPER AGE LIMIT**

9. The Lord Chief Justice will not normally extend the appointment of a Master or Registrar beyond the age of 70.

### **SICK LEAVE**

10. No adjustment is made in the Master or Registrar's salary during any absence on sick leave. Although nothing is specially laid down, no limit is placed on the length of absence, provided there is a reasonable prospect of an eventual return to duty.

### **REASONABLE ADJUSTMENTS**

11. A range of reasonable adjustments to working practices and equipment may be available for judicial office holders who have, or acquire, an impairment or long-term medical condition amounting to a disability. The nature of the adjustments and whether they are reasonable, will be specific to an individual office holder. No judicial office holder will be asked to fund reasonable adjustments from his or her personal resources.

### **RESIDENCE**

12. An offer of appointment is conditional on the Master or Registrar residing when he/she has taken up an appointment, in a place which is within a reasonable distance of his/her base court or courts.

### **TRAVELLING ETC ALLOWANCES**

13. As elsewhere in Crown service, travelling allowances may not be paid for journeys between a Master's or Registrar's home and his or her normal place of sitting.

### **COST OF TAKING UP APPOINTMENT**

14. No assistance is available from public funds towards any costs incurred (eg through a move of house) on appointment as a Master or Registrar.

### **OUTSIDE ACTIVITIES AND INTERESTS**

15. A Master or Registrar 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. Office holders 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 salaried Master or Registrar holding a company directorship is expected to relinquish this on appointment to salaried judicial office. A salaried Master or Registrar is also expected to submit his or her resignation to the Lord Chancellor in the event of 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.

## **FREEMASONRY**

16. Following the Government's response to the Report of the House of Commons Select Committee on Freemasonry in the Police and the Judiciary, anyone being appointed for the first time to judicial office is asked as a condition of appointment whether they belong to the Freemasons and, if not, that they notify the Lord Chancellor in the event that they subsequently join them. Judicial office holders must expect that this information may be included in a public register.

## **SALARIED PART-TIME APPOINTMENTS**

17. It may be possible for an appointment to be salaried part time, subject to the judicial needs of the courts. Such appointments are permanent and are subject to the same terms and conditions of service as for full-time appointments, which are set out in this document. This includes the requirement that appointees will not continue to practise.
18. Salary, annual leave, sick pay and pension benefits will be calculated on a pro-rata basis, based upon the full-time requirement of 210 judicial days per year. A salaried part-time office holder will be expected to sit for the full duration in longer cases.

## **MEDIA GUIDANCE**

19. Guidance on relations with the media will be provided by the Judicial Communications Office (JCO). The JCO provides communications support to judicial office holders in England & Wales (including salaried & fee-paid judges, tribunal members and magistrates). This includes advice on media issues such as mis-reporting and request for interviews; as well as an external judicial website, an intranet and a newsletter for the judiciary. The JCO is based in the Royal Courts of Justice, is accountable to the Lord Chief Justice and is independent of any Government pressoffice. The JCO's media team is available on 020 7073 4852, fax 020 7947 6544 or e-mail [press.enquiries@judiciary.gsi.gov.uk](mailto:press.enquiries@judiciary.gsi.gov.uk). The out of hours pager number is 07659 550652.

## **ADVICE**

20. Judicial office holders are welcome to consult the Ministry of Justice or the Judicial Office for England & Wales (as appropriate) on any matters relating to judicial appointments. Judicial training enquiries should be directed to the Judicial Studies Board on 020 7217 4762 and media enquiries to the Lord Chief Justice's Judicial Communications Office on 020 7947 6438.

Ministry of Justice

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