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Information Pack:

00396: Assistant Judge Advocate General

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INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the post of Assistant Judge Advocate General. The closing date for applications is 23 October 2008 and the JAC has been asked to select two candidates for appointment. The Office of the Judge Advocate General is based in London but hearings will take place mainly at Bulford (Hants), Colchester (Essex), Catterick (Yorks), Portsmouth (Hants), Aldergrove (N Ireland) and Sennelager (Germany). However, candidates should note that there is potential for hearings to be held anywhere in the world. Assistant Judge Advocates General are expected to complete a two-year tour of duty that will require residence in Germany. At least two years' notice will be given prior to the tour.

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 for this post. You will also need to demonstrate the Qualities and Abilities required for this office.

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 Assistant Judge Advocate General you must meet the following requirements.

Statutory requirement

Assistant Judge Advocates General are appointed by the Lord Chancellor under section 30 of the Courts-Martial (Appeals) Act 1951.

To be eligible for appointment you must be -

- (a) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis; or
- (b) an advocate in Scotland of at least 5 years' standing, or a solicitor who has had a right of audience in the Court of Session and the High Court of Judiciary for at least 5 years; or
- (c) a member of the Bar of Northern Ireland of at least 5 years' standing

The Tribunals, Courts and Enforcement Act (TCE) 2007 has introduced the 'judicial-appointment eligibility condition'. Where this applies, eligibility for judicial office is no longer based on possession of rights of audience for a specified period.

You will have to show that:

- you have possessed a relevant legal qualification as a barrister in England and Wales or a solicitor of the Senior Court (Supreme Court) of England and Wales;
- for the requisite period; and
- that whilst holding that qualification you have been gaining legal experience.

Gaining Legal Experience

In order to be eligible for judicial appointment, you must not only be in possession of the relevant qualification, but must also have been engaged in 'law related activity' whilst holding that qualification.

Meaning of Law Related Activity

An activity is considered to be a law related activity whether or not it is undertaken for remuneration, and whether or not it is undertaken on a full or part-time basis.

Each of the following is a relevant law related activity:

- a) the carrying out of judicial functions of any court or tribunal
- b) acting as an arbitrator
- c) practice or employment as a lawyer
- d) advising (whether or not in the course of practice or employment as a lawyer) on the application of the law
- e) assisting (whether or not in the course of such practice) persons involved in proceedings for the resolution of issues arising under the law

- f) acting (whether or not on the course of such practice) as mediator in connection with attempts to resolve issues that are, or if not resolved could be, the subject of proceedings
- g) drafting (whether or not in the course of such practice) documents intended to affect persons' rights or obligations
- h) teaching or researching law
- i) any activity that in the relevant decision maker's opinion is of a broadly similar nature to an activity within paragraphs (a) to (h).

Category b) is intended to cover arbitrations where legal disputes are resolved on a reasonably formal, structured basis. For example, it would cover arbitrations governed by the Arbitration Act 1996, and carried out by a person who is accredited by a body such as CEDR (Centre for Effective Dispute Resolution).

Categories d) – g) are also intended to cover activities which are carried out on a reasonably formal, structured basis, for example volunteers who give legal advice in a law centre or citizens advice bureau. However, it is not intended to cover (say) a person who gives informal advice to friends and neighbours.

Category (e) is intended to cover legal assistance, rather than other kinds of support.

Category (g) is intended to cover drafting which involves legal judgment and skill, such as drafting contracts and leases. It is not intended to cover drafting which may affect rights or obligations but are essentially administrative tasks, e.g. filling in enforcement orders or penalty notices.

The purpose of (i) is to cover the possibility of some kind of law-related activity that might not quite fit within (a) – (h).

Your engagement in law-related activities during a period will be disregarded if the engagement is 'negligible in terms of the amount of time engaged'.

When completing the Application Form you should ensure that you provide sufficient information to satisfy the above criteria. You must specifically indicate if you are applying under (i) and provide a full explanation as to why you consider the law related activity to be of a broadly similar nature.

In order to meet the statutory qualification for appointment, a solicitor (or a salaried judicial office holder who was formerly a solicitor) must appear on the Roll kept under section 6 of the Solicitors Act 1974.

Previous service in a judicial office

To be appointed, the Lord Chancellor considers it desirable for individuals to 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 before the closing date for applications.

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. However, a minimum age for appointments will be determined in part by the requirement to have qualified as a barrister or a solicitor for appointment for the number of years required by statute. 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
- the Republic of Ireland; or
- another Commonwealth country.

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.

Disqualification

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

PART TIME WORKING

The Office of the Judge Advocate General has confirmed that these posts may be undertaken on the basis of 80% of a full time post. Full 5-day weeks will be essential because of sitting patterns and travelling involved. The successful candidate will be expected to sit for the full duration in longer cases. Within reduced commitment, therefore, the individual will need to retain the flexibility of being able to commit to sitting for several days or weeks at a time to meet the requirements of a particular case. An example of an acceptable pattern of working would be full time sitting interspersed with longer breaks. If you are interested in part-time working then you should read the Ministry of Justice's "Judicial Salaried Part-Time Working: A Practical Guide (as amended)" which is available on our website. Final working patterns will need to be discussed, and agreed, between the successful candidate and the Office of the Judge Advocate General at the time of appointment.

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 the Office of the Judge Advocate General after the JAC has made its recommendation.

JOB DESCRIPTION

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

General

Assistant Judge Advocates General sit at military court centres and elsewhere throughout the United Kingdom and overseas. Most trials take place at six main locations at Bulford (Hants), Colchester (Essex), Catterick (Yorks), Portsmouth (Hants), Aldergrove (N Ireland) and Sennelager (Germany), but they may be held anywhere in the world. Assistant Judge Advocates General may be required to sit at any location as determined by the Judge Advocate General.

Main Activities

The main activities of an Assistant Judge Advocate General in the Court-Martial, in the Summary Appeal Court, and in the Service Civilian Court are as follows:

1. In the Courts-Martial:
 - (a) Preparing for trial and case management

- Reading and assimilating papers in a case before it commences, including the charge sheet, witness statements, documentary exhibits and (in respect of known guilty pleas) pre-sentence reports
- Managing the case through the Plea & Case Management Hearing and other preliminary hearings in determining the way in which a case is to be handled from commencement to sentence
- Fixing timetables or otherwise controlling the progress of the case
- Dealing with as many aspects of the case as is possible on the same occasion
- Making use of technology including video live links

(b) Presiding over court proceedings

- Giving directions to ensure that the trial of a case proceeds quickly and efficiently
- Controlling (in accordance with the relevant law and practice) the manner in which cases are conducted
- Ensuring that parties, whether represented or not, 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
- Taking an accurate note of the relevant parts of the evidence
- Deciding issues of law and procedure which arise during a case
- Summing up to the Board (lay) members of the Court-Martial

(c) Directing and advising the Board on the law and principles of sentencing according to the circumstances of the case, guiding the Court's deliberations, voting on sentence and announcing the Court's reasons for the sentence imposed

2. When sitting in the Summary Appeal Court, duties are the same as for the Court-Martial as set out above, but omitting reading and assimilating papers in a case before it commences and summing up
3. When sitting in the Service Civilian Court, Assistant Judge Advocates General sit alone and the duties are similar to those of a District Judge (Magistrates' Courts)

Other Responsibilities

- Acting as duty Judge Advocate on specified weekends and Bank Holidays (about six times per year) to hear urgent business applications out of hours; videophone equipment is provided at home
- Dealing with applications by Service police for search warrants
- Deciding applications for suspected persons to be kept in pre or post-charge custody
- Dealing with detainees at the Military Corrective Training Centre where additional periods of detention are to be considered following alleged misbehaviour
- Assistant Judge Advocates General need to keep abreast of legal developments. This entails a substantial amount of reading not directly connected with the cases that they are

trying, and continuation training at the Judicial Studies Board or specifically tailored by the Judge Advocate General

- Newly appointed Assistant Judge Advocates General will have to attend Judicial Studies Board courses, including residential courses, and training days and seminars organised by the Judge Advocate General.

Further Information

Further information relating to the jurisdiction, part-time working and the terms and conditions of this post can be found on the JAC website at the following address
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	23 October 2008
Provisional date(s) for interview	Week commencing 12 January 2009

Shortlisting

If you are shortlisted, you will be invited to interview. Further details will be sent with your invitation to attend. We will be unable to provide feedback on individual performance at the shortlisting stage.

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 sift, interview and final selection decisions by Commissioners. **We strongly recommend that you check with your referee that they are not conflicted in any way.**

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. **Please note**, if you are a member of the Office of the Judge Advocate General you should include Judge Hunter, Vice-Judge Advocate General, as your judicial referee rather than His Honour Judge Blackett, Judge Advocate General. 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 at interview, 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 (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 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: 00396 (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 3334 0123

2. Selection Exercise Team:

Assistant Director:
Sue Jones-Owen 020 3334 0303

E-mail: sue.jones-owen@jac.gsi.gov.uk

Fax: 020 3334 0300

3. Director:

Jane Andrews 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 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 or the Designated Family Judge in the court(s) where you sit most often

If you are a 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

If you are an advocate, the Dean of the Faculty of Advocates (Scotland only)

JAC COMMISSIONERS

Chairman of the JAC

Baroness Usha Prashar CBE

Members

Dame Lorna Boreland-Kelly DBE

Mrs Justice Jill Black DBE

Professor Dame Hazel Genn DBE QC

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