

**ASSISTANT JUDGE ADVOCATE GENERAL  
OUTLINE OF TERMS AND CONDITIONS OF SERVICE**

1. **Introduction:** 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.
2. **Prohibition on Practice:** An Assistant Judge Advocate General shall not practise as a barrister or solicitor or be indirectly concerned in any such practice (s.75 Courts and Legal Services Act 1990). The Lord Chancellor also regards a judicial office as a lifetime appointment. Any offer of appointment is therefore made on the understanding that appointees will not return to practice.
3. **Salary, income tax and National Insurance:** An Assistant Judge Advocate General will receive a salary of £101,400, plus additional allowances totalling £4000 in respect of being based in London. Income Tax, which is payable under Schedule E, is deducted at source in accordance with PAYE arrangements. An Assistant Judge Advocate General 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 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 at state retirement age even if service continues thereafter.
4. **Pension terms:** 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 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 1/40<sup>th</sup> 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 of 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.
5. 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 childrens' pensions. 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 childrens' pensions are compulsory for all salaried Assistant Judge Advocates General 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.

6. 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 holder’s retirement. Fuller details are available on request.
7. **Sitting days and holidays:** An Assistant Judge Advocate General is expected to sit as directed by the Judge Advocate General. They will be will also be required to be on duty over some weekends during the year via a video conferencing telephone kept at their private residence. They might also, in future, be required to take on new or additional duties not applicable at the time of appointment. Should this be so there will be no additional compensation, although consideration will be given to additional leave in lieu. An Assistant Judge Advocate General is entitled to 30 days annual holidays a year, together with the public and privilege holidays.
8. **Sick leave:** Although there is nothing specifically laid down in regard to sick leave, the practice is to apply the same conditions as for civil servants. Broadly speaking, these provide that an Assistant Judge Advocate General may receive 6 months' sick leave on full pay during any period of 12 months, and thereafter sick leave on half pay, subject to a maximum of 12 months sick leave in any period of 4 years or less; provided there is a reasonable prospect of an eventual return to duty.
9. **Tenure:** Under the provisions of the Judicial Pensions and Retirement Act 1993, an Assistant Judge Advocate General will normally be required to vacate his or her office on his or her 70th birthday (s.26 of the 1993 Act). A salaried judicial office holder who was 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 to her in the former office. The Lord Chancellor may remove a Chairman on the grounds of incapacity or misbehaviour. Any such removal requires the concurrence of the Lord Chief Justice. A Chairman may resign his or her office at any time by notice in writing to the Lord Chancellor.
10. **Residence:** An Assistant Judge Advocate General must live within reasonable travelling distance either of the London office or of one the venues at which he or she is required to sit. An Assistant Judge Advocate General will, as part of their duty, be seconded to the office in Germany. This will entail a 2 or 3 year tour involving permanent residence there. An Assistant Judge Advocate General may be called upon to undertake such a tour more than once since these duties are, broadly speaking, undertaken in rotation.
11. **Travelling etc allowances:** Travelling expenses and in certain circumstances night subsistence allowances may be payable in connection with sittings, attendance at training courses, etc. Details of the rules governing the payment of these allowances will be supplied by the Office of the Judge Advocate General. The rules governing and rate of these allowances may change from time to time, and any such changes will be notified. HM Revenue and Customs tax rules governing the tax treatment, and rates, of these allowances may also change and any such changes will be notified to office holders.
12. **Cost of taking up appointment:** No assistance is available from public funds towards any costs incurred (e.g. through a move of house) on appointment as a salaried Chairman. Exceptionally, however, a serving judicial office-holder is entitled to

relocation expenses if, as a result of that appointment, removal of home becomes necessary.

13. **Outside activities and interests:** An Assistant Judge Advocate General 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. He or she 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 person holding a commercial company directorship is expected to relinquish this on appointment to salaried judicial office. An Assistant Judge Advocate General is also expected to submit his or her resignation to the Lord Chancellor in the event of a 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.
14. **Freemasonry:** 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 a 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 post holders must expect that this information may be included in the public register.
15. **Maternity, Paternity and Adoption Leave:** Judicial office holders are entitled to maternity, paternity and adoption leave. Details of the operation of these entitlements will be provided to office holders as appropriate.
16. **Salaried part-time working:** It may be possible for the post to be undertaken on the basis of 80% of a full time post. The successful candidate will be expected to sit for the full duration in longer cases. Within the 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. A sitting pattern of full time sitting interspersed with longer breaks (for instance term-time attendance) would be considered.
17. The appointment will be permanent and subject to the same terms and conditions of service as for a full-time appointment, which are set out in this document. This includes the requirement that the appointed individual 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 220 sitting days per year.
19. **Advice:** 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 office. Judicial media enquiries should be directed to the Lord Chief Justice's Judicial Communications Office on 020 7947 6438. Enquiries relating to the operation of the Courts should be directed to the Office of the Judge Advocate General.

Ministry of Justice  
July 2008