

SALARIED DEPUTY CHAMBER PRESIDENT

FIRST TIER TRIBUNAL

OUTLINE TERMS AND CONDITIONS OF SERVICE

INTRODUCTION

1. The following is a summary of the basic terms and conditions of service. A Deputy Chamber President is to hold and vacate his or her office in accordance with his or her terms of appointment. Successful serving courts based judiciary will retain their existing terms and conditions of appointment, with the exception of the salary. The terms and conditions are correct as at the date given at the end of this memorandum, but may in some circumstances be subject to change. Fuller details, including the conditions of appointment, will be supplied to candidates who are offered appointment.

PROHIBITION ON PRACTICE

2. A Deputy Chamber President of the First-tier Tribunal 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.

FREEMASONRY

3. 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.

TENURE

4. Under the provisions of the Judicial Pensions and Retirement Act 1993, a Deputy Chamber President 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 Deputy Chamber President on the grounds of inability or misbehaviour. Any such removal requires the concurrence of the relevant Chief Justice. A Deputy Chamber President may resign his or her office at any time by notice in writing to the Lord Chancellor.

ANNUAL LEAVE

5. A Deputy Chamber President is entitled to 30 days annual holiday a year, in addition to public and privilege holidays.

COST OF TAKING UP APPOINTMENT

6. No assistance is available from public funds towards any costs incurred (e.g. through a move of house) on appointment as a salaried Deputy Chamber President.

Exceptionally, however, a serving judicial office-holder is entitled to relocation expenses if, as a result of that appointment, removal of home becomes necessary.

SICK LEAVE

7. A Deputy Chamber President is required to notify the Chamber President of any absence through sickness, so that all the necessary arrangements can be made for their absence. They should also keep the Senior President informed of the likely length of a sick absence. 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 a Deputy Chamber President 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.

INCOME TAX AND NATIONAL INSURANCE

8. Income Tax, which is payable under Schedule E, is deducted at source in accordance with PAYE arrangements. A Deputy Chamber President 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 the state retirement age even if service continues thereafter.

PENSION TERMS

9. 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 1/40th 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 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.
10. 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 salaried Deputy Chamber Presidents 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.
11. 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.

OUTSIDE ACTIVITIES AND INTERESTS

12. A Deputy Chamber President 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. A Deputy Chamber President 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.

TRAVELLING EXPENSES, ETC

13. Travelling expenses and in certain circumstances night subsistence allowances may be payable in connection with sittings, attendance at training courses, meetings, etc. Details of the rules governing the payment of these allowances will be supplied by the staff of the Tribunal. The rules governing, and the 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. Any such changes will be notified to office-holders.

MATERNITY, PATERNITY AND ADOPTION LEAVE

14. 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.