



## **Information Pack:**

00429: Lay Panel Member - Drainage  
Agricultural Land Tribunals, England and Wales  
(2009)

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## INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the posts of Lay Members of the Drainage Panels of the Agricultural Land Tribunals (ALTs), England and Wales. The closing date for applications is 1 September 2009. The JAC has been asked to select 10 members for the Drainage Panel.

Successful applicants will be able to use their knowledge and experience to help resolve disagreements brought to the ALTs. It is expected that applicants will be able to demonstrate knowledge or have experience of the management of land drainage, pumped drainage and dyke systems; soil and water engineering, and soil types and land drainage requirements for farming systems and any other land in the area to which they are applying. This knowledge and experience will be tested through the selection process. Vacancies exist in a number of ALT areas as shown below.

Tribunal Area and counties covered	Drainage Panel Vacancies
South Western - Somerset, Bristol, Cornwall, Devon, Dorset, Gloucestershire, Wiltshire, Isles of Scilly.	1
South Eastern - Berkshire, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Kent, Oxfordshire, West Sussex, London - South of Thames, Richmond.	1
Midlands - Derbyshire, Herefordshire, Worcestershire, Leicestershire, Nottinghamshire, Warwickshire, West Midlands.	2
Western - Cheshire, Greater Manchester, Lancashire, Merseyside, Shropshire, Staffordshire.	2
Yorkshire and Humberside - Yorkshire, North East Lincolnshire, North Lincolnshire, Kingston upon Hull.	1
Northern - Cumbria, Durham, Northumberland, Tyne and Wear, Hartlepool, Stockton on Tees, Middlesbrough, Redcar and Cleveland.	1
Wales - Clwyd, Ceredigion, Carmarthenshire, Pembrokeshire, Gwent, Gwynedd, Powys, South, Mid and West Glamorgan.	2

This selection exercise is being run at the same time as exercises to select Lay Members of the Farmers and Landowners Panels for the ALTs in England and Wales. Whilst successful candidates will be appointed to a specific ALT area, it is important to note that Lay Panel Members may be required to sit in other areas on occasion. Please refer to the terms and conditions for more detail on this and associated information.

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 and terms of appointment for these posts. Please note that you have a continuing responsibility throughout the process to notify the JAC of any matter that may arise up to the point of appointment. 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 a Lay Member of the Drainage Panel of the ALTs, England and Wales you must meet the following requirements.

### **Statutory requirements**

Section 31 of the Land Drainage Act 1991 provides that, for the purpose of determining applications under sections 28 and 30, each ALT shall include a lay member drawn from a panel of persons “experienced in matters relating to drainage of the land”.

### **Age**

There is no upper or lower age limit for candidates apart from the statutory retirement age of 70. The age at which someone is appointed to the Drainage Panel of the ALTs must allow for a reasonable length of service before retirement, 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 is considering for recommendation 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 although the House of Commons Disqualification Act 1975 does not apply to this office, a lay member is expected to submit his or her resignation to the Lord Chancellor in the event of nomination or selection as a prospective candidate for election to Parliament, the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly or to the European Parliament.

## 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. Any reasonable adjustments to enable you to take up appointment will be discussed separately with you by the ALTs, England and Wales and/or the Department for Environment, Food and Rural Affairs (DERFA) after the JAC has made its recommendation.

# JOB DESCRIPTION

The Ministry of Justice, DEFRA and the ALT have provided the following information.

## **LAY MEMBERS OF THE DRAINAGE PANELS, ALTs, ENGLAND AND WALES**

### **Background**

The ALTs in England and Wales are primarily responsible for determining certain issues concerning agricultural tenancies (the majority relating to succession to a tenancy under Part IV of the Agricultural Holdings Act 1986).

The ALTs also have a role in determining applications for Orders under sections 28 and 30 of the Land Drainage Act 1991 which provide a remedy for owners and occupiers of any (not just agricultural) land which has suffered injury or is prevented from being improved by drainage, through a neighbour's neglect of ditches. The legislation requires that a Tribunal convened to hear an application made to it under the Land Drainage Act 1991 shall include a person from a panel of persons "experienced in matters relating to the drainage of land" together with a member drawn from either the Farmers or Landowners Panels and a legally qualified Chairman. Members of the Drainage Panels do not sit at hearings on cases relating to agricultural tenancies.

The ALT is:

- entirely independent from Government.
- required to reach its decision in accordance with the provisions of the relevant legislation. The issues may be complex and the Tribunal's decision can have far reaching effects on the parties involved.
- the sole judge of matters arising out of applications made, and there is no appeal against its decisions except on a point of law.

### **Overall purpose of the role**

The overall purpose of the role of the members of the specialist Drainage Panels is to sit on Tribunals as a panel member (but not chair hearings) to hear applications made to the Tribunal for Orders under section 28 or 30 of the Land Drainage Act 1991.

### **Other key functions**

Other key functions of the role include:

- to provide a balance of experience in the Tribunal and provide specialist assistance to other non technical members of the Tribunal at hearings;
- to attend site visits with other members of the Tribunal in order to see matters 'on the ground' which are or may be relevant to the issues which the tribunal has to decide;
- to undertake some necessary preparatory work prior to hearings, identify and assimilate relevant facts and expert evidence and ask questions concerning material issues especially within his/her sphere of influence;

- to take an active part in deliberations and decision-making and help ensure that the final decision of the Tribunal is fair and based on the relevant facts by ensuring that other members of the Tribunal have appreciated what is relevant and what irrelevant in any particular matter of practice especially in his/her area of expertise;
- to attend training events for members of the Tribunals.

### Further information

Details of the Terms and Conditions for these posts can be found on the JAC website [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk).

If you would like further information about the ALTs, please go to [www.defra.gov.uk/farm/working/index.htm](http://www.defra.gov.uk/farm/working/index.htm) or contact the Secretaries of the ALTs (England):-

Tony Collins on 0117 959 8648, email: [tony.collins@defra.gsi.gov.uk](mailto:tony.collins@defra.gsi.gov.uk)

Mike Baker on 01270 754156, email: [michael.baker@defra.gsi.gov.uk](mailto:michael.baker@defra.gsi.gov.uk) or

Catherine Davies (Secretary, ALT (Wales)) on 01597 828281, email: [DaviesCA@wales.gsi.gov.uk](mailto:DaviesCA@wales.gsi.gov.uk)

## THE SELECTION PROCESS

### Application Form

Please provide examples in the Application Form of how you meet the statutory requirements set out in the 'Are You Eligible' section of this Information Pack. 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, membership of an industry body, or any publication to which you have contributed. Please be specific in giving information.

### Timetable

Closing date for applications	1 September 2009
Provisional dates for interviews	13-16 October 2009

### Shortlisting

Shortlisted candidates will be invited to an interview lasting between 30 to 45 minutes with a JAC panel chair, and an existing Lay Member of the Drainage Panel. Further details will be sent with your invitation to attend. We are sorry that we are not able to provide written explanations to candidates who are not shortlisted.

### 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 shortlisting takes place. 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. **We strongly recommend that you check with your referee that they are not conflicted.**

### 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 a relevant judicial or professional referee. You may also tell us if you do not wish us to approach a 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.

### **Declaration 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.

### **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).

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.

## Submitting your application

Once you have downloaded your Application Form from our website, it can be opened in Microsoft Word, completed and saved. When you have completed your Application Form you should submit it to us via the secure online process by going to [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk) and selecting 'Submit your Application'.

## Acknowledgement of your application

When you submit your application by our secure online application process you will receive an immediate acknowledgement. You may also request an auto generated e-mail confirming successful receipt.

If you choose to submit your application by post, 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: 00429 Lay Panel Member – Drainage** (Please use this reference on all communications)

Judicial Appointments Commission  
3rd Floor, Steel House  
11 Tothill Street  
London  
SW1H 9LH  
DX 149822 WESTMINSTER 6

**E-mail:** [jaas@jac.gsi.gov.uk](mailto:jaas@jac.gsi.gov.uk)

**Telephone:** 020 3334 0123

### 2. Selection Exercise Team:

Mary D' Arcy	020 3334 0304	Assistant Director
Maggie Garrett	020 3334 0305	Deputy Selection Exercise Manager
Fernando Cantero	020 3334 0313	Selection Exercise Team Leader

**E-mail:** [JACTribunal.TeamC@jac.gsi.gov.uk](mailto:JACTribunal.TeamC@jac.gsi.gov.uk)

**Fax:** 020 3334 0133

### 3. Director:

Sarah Gane 020 3334 0567

# JAC NOMINATED REFEREES

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

## Judicial referees

If you sit on a Tribunal, the Tribunal President or equivalent.

If you are a Lay Magistrate (Justice of the Peace), the Chair of the Bench or Bench Legal Manager.

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.

## Professional referee

If you are employed, your line manager or equivalent.

If you are a member of a drainage industry body, a senior official of the industry body, or another professional who can comment on your knowledge or experience in this field.

# JAC COMMISSIONERS

## **Chairman of the JAC**

Baroness Usha Prashar CBE

## **Members**

Mrs Justice Jill Black DBE

Dame Lorna Boreland-Kelly DBE

Professor Dame Hazel Genn DBE QC

Lady Justice Heather Hallett DBE

Sir Geoffrey Inkin OBE

Her Honour Judge Frances Kirkham

Mr Edward Nally

Ms Sara Nathan OBE

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Mr Jonathan Sumption OBE QC

Lord Justice Roger Toulson