

DEPUTY DISTRICT JUDGE

Job Description

Information provided by the Ministry of Justice, June 2009

PURPOSE OF OFFICE

1. The purpose of judicial office is to administer justice in accordance with the laws of England and Wales without fear or favour, affection or ill-will.

JURISDICTION

2. Subsection 1 of Section 8 of the County Courts Act 1984 and Section 102 of the Supreme Court Act 1981 allow the Lord Chancellor to appoint a person to be a deputy district judge in circumstances where it appears to him to be expedient to do so in order to facilitate the disposal of the business of the High Court or the County Court.
3. The jurisdiction of a Deputy District Judge is similar to that of a District Judge (see Annex B for the note on Jurisdiction of a District Judge below), save for the jurisdiction in family proceedings. Please see separate note for DDJ family jurisdiction (Annex A). Not all county courts and District Registries have identical jurisdiction. All county courts exercise the general jurisdiction of the county courts and most exercise the family jurisdiction. Some county courts exercise the insolvency jurisdiction and District Registries exercise High Court jurisdiction.

MAIN ACTIVITIES

4. The activities of a Deputy District Judge are conducted both in public and in private, in court or in the judge's room. Some applications are dealt with on paper.

a) Preparing for trial and hearing actions

- i) Reading and assimilating case papers before the trial or hearing commences;
- ii) Controlling (in accordance with the relevant law and procedure) the manner in which civil actions are conducted with a view to:
 - Allocating cases to the small claims track, the fast track or the multi track and generally exercising the powers of case management set out in the Civil Procedure Rules 1998;
 - Ensuring that parties, whether represented or not, are enabled to have their cases presented and considered as fully and fairly as possible;
 - Promoting in each case the most expeditious dispatch of business compatible with the interests of justice;
- iii) Maintaining the authority and dignity of the Court. (In the Judge's room a more informal approach is normally adopted; in small claim hearings a Deputy District Judge takes a more direct role in eliciting the facts and issues from the parties.)

b) Applications in the course of proceedings

- i) Hearing interim applications where appropriate, ensuring that directions are given to prepare cases for trial or small claim hearing in order that the issues between the parties are identified and relevant documents and witness evidence disclosed;
- ii) Hearing applications in respect of the enforcement of judgments;
- iii) Examining the amount of costs claimed by parties and their legal representatives in detailed assessment proceedings, or conducting a summary assessment of costs where the rules so provide;
- iv) Granting interim relief where appropriate.

c) Determining applications on paper

- i) A significant proportion of a Deputy District Judge's work consists of determining applications (including applications for consent orders, requests for enforcement of judgments, applications for special procedure directions in divorce applications relating to arrangements for children) and detailed assessment of costs by consideration of the papers and by applying the law to the facts of the case.

d) Judgment

- i) Deciding claims by finding facts, applying the relevant law to them and giving a reasoned judgment;
- ii) Determining contested applications and other issues by consideration of the papers and evidence presented at any hearing and making findings of fact, applying the relevant law and, where appropriate, giving a reasoned judgment;
- iii) Assessing and awarding damages and costs, and deciding the amount and manner of payment;
- iv) Making orders relating to property and maintenance, granting injunctive relief and making possession orders.

OTHER RESPONSIBILITIES

a) Keeping abreast of legal developments

- i) Deputy District Judges need to keep abreast of legal developments. This entails a substantial amount of reading not directly connected with the cases which they are trying.
- ii) Deputy District Judges must attend Judicial Studies Board residential induction course (5 days) and sit in for 5 days with experienced District Judges before they are authorised to sit.
- iii) As a condition of continuing appointment, Deputy District Judges are required to attend refresher and continuation seminars from time to time.

b) Other judicial duties

- i) Using IT effectively.

ANNEX A

JURISDICTION OF A DEPUTY DISTRICT JUDGE DEALING WITH FAMILY WORK

In relation to family proceedings, the allocation of cases to deputy district judges of the county court is governed by directions given by the President of the Family Division under section 9 of the Courts and Legal Services Act 1990. The Directions currently applicable are the Family Proceedings (Allocation to Judiciary) Directions 2009. The relevant link is listed under 'Recent Practice Directions' 11 February 2009 and can be found at:

http://www.judiciary.gov.uk/judgment_directions/index.htm

The allocation of family cases to judges is dependent upon the nomination (ticketing) of judges by the President to hear certain categories of family law proceedings. Judges may be nominated to hear public family law proceedings or private law family proceedings.

At present, no deputy District Judge (other than some who have formerly held permanent judicial office) is specifically nominated for public or private family law proceedings for the purposes of the 2009 directions. Accordingly, Deputy District Judges may generally deal only with family cases which come into the following categories

1. Proceedings in which an order under section 8 of the Children Act 1989 is sought at a without notice hearing where
 - No nominated judge is available to hear the proceedings; and
 - Any order is limited in time until a hearing before a nominated judge;
2. Proceedings under Section 15 of and Schedule 1 to the Children Act 1989
3. Proceedings under Part IV of the Family Law Act 1996, except enforcement
4. Family proceedings for which no express provision is made in the schedule to the 2009 Directions. (principally Ancillary Relief cases).

ANNEX B

NOTE ON JURISDICTION OF A DISTRICT JUDGE

County Court Jurisdiction

The jurisdiction of the county courts is entirely statutory and covers almost the whole field of civil and family law. The general jurisdiction in civil law is mostly concurrent with that of the High Court.

A number of statutes confer exclusive jurisdiction on the county courts. These cover important areas of work of the county courts, for example, virtually all cases under the Consumer Credit Act, actions by mortgage lenders for possession and actions by landlords under the Rent Acts and the Housing Acts 1985, 1988 and 1996.

Since 1 July 1991 the concurrent jurisdiction has been substantially increased by orders made under the Courts and Legal Services Act 1990. In common law cases (basically tort, including personal injuries, debt and other breaches of contract) there is no monetary limit on the jurisdiction of the county courts. The overwhelming majority of cases, outside those involving the specialist jurisdictions, are now issued and determined in the county courts.

In equity proceedings, the monetary limit is currently £30,000. Save where there are exceptional circumstances, all possession proceedings involving residential premises are brought in the county court and almost all are heard by District Judges. The county courts have unlimited jurisdiction in applications under the Inheritance Act 1975, Section 146 and Section 147 of the Law of Property Act 1925 and under Section 13 of the Trusts of Land and Appointment of Trustees Act 1996. In Companies Act cases the jurisdiction covers cases where the total paid up share capital of the company is less than £120,000.

In family law, the jurisdiction is similarly divided either by statute or practice direction. In some cases, the High Court has exclusive jurisdiction, but in most family proceedings, the county courts have concurrent jurisdiction with the High Court. In some matters, for example proceedings for dissolution of marriage and judicial separation, jurisdiction is exercised almost exclusively by the county courts.

In proceedings under the Children Act 1989, the county courts share jurisdiction with the High Court and the Family Proceedings Court, the work being dealt with at the appropriate level pursuant to allocation directions. In the county courts, where such applications relate to public law cases such as care and supervision orders, they are heard at Care Centres by Circuit Judges or District Judges nominated for public family law proceedings; directions in such matters are generally dealt with by nominated District Judges.

Adoption proceedings in the county courts are heard at adoption centres or inter-country adoption centres and are generally dealt with by Circuit Judges or District Judges nominated for public family law proceedings.

Jurisdiction of the District Judge

This can conveniently be considered (for the purposes of this note only) under four main headings viz: (a) the general jurisdiction of the county courts, (b) special jurisdiction of the county courts, (c) county court family jurisdiction and (d) High Court jurisdiction.

(a) General Jurisdiction of the County Courts

In the county courts, District Judges have a concurrent jurisdiction with the circuit bench to try a case allocated to the fast track (claims exceeding £5000 but not exceeding £25,000).

When trying such cases, they have all the powers of the Court, including those relating to injunctions and specific performance, but with only limited powers to deal with contempt of court. When assessing damages, the jurisdiction of the District Judge is unlimited. The overwhelming majority of small claims hearings are before District Judges.

With the permission of their Designated Civil Judge, they may also try cases allocated to the multi track in the county courts.

They deal with most aspects of case management and interim matters. This includes allocating cases to the appropriate Track.

They are required finally to dispose of a case either by giving summary judgment, or by striking out a statement of case where a case lacks a real prospect of success or reasonable grounds for being advanced.

They have power to order interim payments on account of damages claimed by one party against another.

District Judges hear most actions for possession and also related anti-social behaviour injunctions. They have unlimited jurisdiction over any money claim which is included in a possession action. Many possession actions involve the exercise of a judicial discretion in deciding whether a possession order should be made and, if so, the terms, if any, upon which the enforcement of the order should be suspended. A considerable number of accelerated possession proceedings are dealt with in box work, i.e. on paper. District Judges also deal with applications to suspend warrants of possession.

In claims allocated to the small claims track there are restrictions on the costs which may be awarded and parties are encouraged to conduct their own case. District Judges assist litigants and utilise flexible and informal procedures.

In relation to costs, District Judges exercise all the powers of a Costs Judge of the Supreme Court in deciding, without any monetary limit, the reasonableness of the sums claimed for costs in actions where an order is made in the county courts for payment of costs by one party to another.

In substantial cases where a party is publicly funded and the claim for costs is for more than £2,500, District Judges are effectively the sole judges of the proper amount which the solicitor and barrister are entitled to receive.

At the conclusion of interim hearings and trials lasting no more than a day, District Judges will conduct a summary assessment of costs.

They also have jurisdiction to determine the reasonableness of costs charged by a solicitor to his or her own client in respect of litigation.

They decide most questions arising from the enforcement of county court judgements. These include disputed applications to suspend possession warrants and warrants of execution; applications for charging orders and for the sale of property subject to a charging order; applications for third party debt orders and any related hardship orders; attachment of earnings orders made by the court staff, where the order is disputed and all applications to enforce maintenance payments by attachment of earnings and certain aspects of orders to obtain information from judgment debtors.

Where damages are recovered by a child or patient, the District Judges are responsible for approving the terms of any settlement of the proceedings. They also decide how the money is to be invested or dealt with for the benefit of that person, for example by approving the

terms of a private trust, by the use of the various forms of investment available through the Court Funds Office, or by immediate payment out.

District Judges have the power to fine or commit to prison any person who disobeys orders made under the Attachment of Earnings Act 1971, any person who assaults any officer of the Court, or any person who wilfully misbehaves in the Court, and to fine or commit any person who refuses to give evidence to the Court.

District Judges have the power to make and enforce injunctive orders (whether at an interim or a full hearing) either under Sections 153A-D of the Housing Act 1996 or Part IV of the Family Law Act 1996, although Deputy District Judges cannot deal with the enforcement of Part IV orders. Within their financial limits, under the ordinary civil procedure, District Judges may make civil injunctive orders. Under Section 3 of the Protection from Harassment Act 1997, District Judges can grant damages and/or an injunction against a defendant's course of conduct which amounts to harassment, but cannot hear any subsequent application for committal for an alleged breach of any such order.

(b) Special Jurisdiction of the County Courts

In addition to the general jurisdiction, about 80% of county courts have jurisdiction in insolvency and the District Judges sitting at these courts exercise all the power of the Bankruptcy Registrars of the High Court in dealing with personal insolvency including the power to make Bankruptcy Restriction Orders.

District Judges also have power to deal with winding up of companies within the limit mentioned previously.

These powers include the power to order the arrest of individuals and company officers in default and the power to disqualify company directors from office for up to ten years.

(c) County Court Family jurisdiction

The Children Act 1989, implemented in October 1991, allocated new responsibilities to District Judges in family proceedings. All District Judges at county courts with divorce jurisdiction have jurisdiction in private law family matters. This includes divorce (see below) and giving directions for a range of orders (Section 8 orders) concerning the child's upbringing, both after divorce and in free-standing applications. They can also make uncontested Section 8 orders and have restricted power to make interim orders for residence and contact in cases where either residence or the principle of contact is opposed; or may vary a Section 8 order when a family assistance order is in force. They set the timetable and exercise the control of the Court over such applications.

Nominated Care District Judges have wide jurisdiction in public law matters (excluding final hearings); this includes reviewing refusals by Family Proceedings Courts to transfer cases to county courts or the High Court; making Emergency Protection Orders for children at risk; and making unopposed orders for care and supervision. They have a power to make opposed interim care and supervision orders.

Nominated Care District Judges have full jurisdiction to hear private law applications under the Children Act 1989, e.g. applications for residence, or contact with a child, prohibited steps orders, specific issue orders and orders for parental responsibility whether opposed or not. Since 2002, a number of District Judges have been ticketed to exercise the same private law Children Act 1989 jurisdiction as that of NCDJs.

Under the special procedure which applies to undefended divorce cases, District Judges have to consider the petition and affidavit in support, certify whether a decree may be

granted and pronounce it in open court. They also have to consider the arrangements for any minor children of the family, either by consideration of the documentary evidence as to the arrangements or by hearing from the parties at an appointment.

District Judges have unlimited jurisdiction to deal with all questions relating to property and spousal maintenance pending and after divorce. The Matrimonial Causes Act 1973 confers the widest possible discretion upon the Court to adjust both the income and capital (including pension rights) of the parties to a divorce. Applications for financial provision are finally determined by the District Judge. These applications are an important part of the work undertaken by District Judges. Hearings can run over several days and the value of the property in dispute can be substantial.

Within financial applications District Judges also have power to grant injunctions restraining parties from disposing of matrimonial assets and to set aside transactions undertaken to defeat a claim for financial relief.

Under Part IV of the Family Law Act 1996, District Judges have the power to make and enforce non-molestation orders to protect victims of domestic abuse, and occupation orders where a property is (or has been) the home or intended home of the parties. Occupation orders can contain a range of different terms depending on whether the applicant and respondent are each entitled to occupy the property under an existing property right, and whether they are spouses (or former spouses) or cohabitants (or former cohabitants).

Orders can include declarations as to the applicant's occupation rights and orders that the respondent leaves the property.

District Judges hear claims under the Trusts of Land and Appointment of Trustees Act 1996 to decide the respective interests in property of former co-habitants, and under the Inheritance (Provision for Family and Dependents) Act 1975 for provision out of the estate of a deceased person.

(d) High Court Jurisdiction

Except in those matters expressly reserved to the county courts or to special Tribunals, the High Court exercises an unlimited jurisdiction in all civil matters. With the exception of a very few matters, which rarely arise in practice, any High Court action may be begun in a District Registry, proceeding to trial either in London or at one of the other trial centres where High Court proceedings are dealt with.

The jurisdiction of the District Judge of a District Registry of a High Court in claims proceedings in the Queen's Bench Division are the same as those of a Master of the Queen's Bench. These include all interim applications (except those reserved to a judge of the High Court mainly relating to injunctions) such as applications for summary judgment, striking out claims or statements of case, setting aside default judgments, amendments to statements of case, disclosure, case management directions and the hearing of the assessment of damages.

In addition, they have power to hear applications for renewal of claim forms and applications to extend the time limits for commencement of proceedings under the Limitation Act.

As part of their case management function, they are responsible for reviewing the action in order to determine whether it is of sufficient importance to remain in the High Court or should be transferred down to the county courts.

A few District Registries in the largest conurbations have full Chancery jurisdiction and District Judges at these centres exercise all the powers of a Chancery Master of the High Court in London.

In relation to costs, District Judges exercise all the powers of a Costs Judge of the Supreme Court in all cases proceeding in the District Registry and over any costs charged by a solicitor to his or her own client.

With the coming into force of the Children Act 1989, the wardship jurisdiction has substantially reduced although it remains available in appropriate cases. District Judges hear the first appointment, giving all necessary directions to enable the case to proceed to trial, and are responsible for ensuring that it is tried without any unnecessary delay. They also have the power to deal with interim care and control in such proceedings. In emergencies, they may make substantive orders.

June 2009