

## **CIRCUIT JUDGE**

### **JOB DESCRIPTION**

1. The purpose of judicial office is to administer justice in accordance with the laws of England and Wales.
2. Circuit Judges swear the judicial oath (or affirm) that they “will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second Her Heirs and Successors according to law” and “will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the Office of a Circuit Judge and [I] will do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will”.
3. The main activities of a Circuit Judge are as follows:

#### **Preparing for trial and case management:**

- Reading and assimilating case papers before a hearing, or trial, commences:

#### **In the Crown Court:**

- Conducting preliminary hearings to identify and to determine procedural issues.
- Playing an active role in determining the way in which the case is to be handled and, as appropriate, managing its progress from committal to sentence.

#### **In the County Courts:**

The Court is required to further the overriding objective of the new case management procedures by actively managing cases. Active case management includes:

- Encouraging the parties to co-operate with each other in the conduct of proceedings.
- Identifying the issues at an early stage.
- Deciding promptly which issues need full investigation and trial and accordingly disposing summarily of the others.
- Deciding the order in which issues are to be resolved.
- Encouraging the parties to use an alternative dispute resolution procedure if the Court considers that appropriate, and facilitating the use of such procedure.
- Helping the parties to settle the whole or part of the case.
- Fixing timetables or otherwise controlling the progress of the case.
- Considering whether the likely benefits of taking a particular step justify the cost of taking it.
- Dealing with as many aspects of the case as possible on the same occasion.
- Dealing with the case without the parties needing to attend at Court.

- Making use of technology.
- Giving directions to ensure that the trial of a case proceeds quickly and efficiently.

### **Presiding over Court proceedings:**

- Controlling (in accordance with the relevant law and practice) the manner in which cases are conducted.
- Ensuring that parties are on an equal footing, and that, whether represented or not, they 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.

### **In the Crown Court:**

Summing up to a jury.

### **In the County Courts:**

Dealing with the case in ways which are proportionate:

- to the amount of money involved;
- to the importance of the case;
- to the complexity of the issues;
- to the financial position of each party, and
- allotting to it an appropriate share of the Court's resources, taking into account the need to allot resources to other cases.

Maintaining the authority and dignity of the Court.

Deciding issues of law and procedure which may arise during a case.

### **Sentencing**

#### **In the Crown Court:**

- Sentencing convicted defendants (including persons committed for sentence from the Magistrates' Courts) according to the law and the circumstances of the case.

### **Judgment**

#### **In the County Courts:**

- Deciding actions by finding facts, applying the relevant law to them and giving a reasoned judgment.

- Determining contested applications, contested divorce petitions 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.
- Assessing and awarding damages and costs, deciding the amount and manner of payment, making possession orders and punishing for contempt or breach of Court orders.
- Making orders for adoption, and the protection, care and supervision of children (Designated Family Judges and Nominated Care Judges only in public law cases under s.8 of the Children Act 1989).
- Making orders relating to property and maintenance.
- Supervising the wording of the judgments and orders of the Court.

## **Appeals**

### **In the Crown Court:**

- Hearing appeals from the Magistrates' Courts (with lay justices).
- Hearing appeals from District Judges.

### **In the County Courts:**

- Hearing appeals from Magistrates' Courts in Children Act proceedings.
- Hearing appeals from District Judges.

## **Other work**

Other duties include, for example:

- Assessing costs and reviewing detailed assessments.
- Determining applications for permission to appeal.

### **In the Crown Court:**

- Dealing with bench warrants.
- Hearing bail applications.

### **In the County Courts:**

- Granting certificates to certificated bailiffs.

## **OTHER RESPONSIBILITIES**

### **Keeping abreast of legal developments**

- Circuit 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.

- Circuit Judges attend Judicial Studies Board refresher seminars, and circuit-based events such as sentencing conferences.

### **Other judicial and public duties**

- One Circuit Judge acts as Resident Judge at each Crown Court Centre, overseeing the disposal of judicial business and listing at that Centre, offering support and guidance to the full-time and part-time judiciary at that Centre and providing links between them and (a) the Presiding Judges and (b) the administration.
- Some Circuit Judges may act as the Senior Circuit Judge for the County Courts in a certain area.
- Some Circuit Judges sit as judges of the High Court under s.9 of the Senior Courts Act 1981.
- Some Circuit Judges preside over Mental Health Review Tribunals, or act for a period as Presidents of other Tribunals.
- Designated Family Judges chair Family Court Business Committees and Family Court Forums and liaise with representatives of other agencies of the family justice system including justices' clerks.
- Designated Civil Judges have general oversight of, and responsibility for, the conduct of non-family civil business at the Courts within their Court group.
- Circuit Judges will from time to time be required to undertake a variety of other public duties, such duties may include:
  - serve on Probation Committees.
  - act as members or tutors of the Judicial Studies Board and to oversee Recorders in training.
  - liaise with and/or train Magistrates.
  - chair Court User Committees.
  - chair Area Criminal Justice Liaison Committees.
  - sit as members of Rules Committees.
  - serve on various advisory committees and other bodies.