

SPECIALIST SENIOR CIRCUIT JUDGE (CHANCERY)

JOB DESCRIPTION

PURPOSE OF OFFICE

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. Senior Circuit Judges (Circuit Judges in Pay Band 5) are expected to carry out the full duties of a Circuit Judge together with additional leadership and administrative duties. They are also expected to hear particularly demanding or specialist cases.
4. Appointment to the office of Specialist Senior Circuit Judge carries a designation of the appointee as a Chancery Judge and the successful candidate may be appointed to act as a Judge of the High Court under section 9 of the Senior Courts Act 1981.
5. In this role the main work will be Chancery disputes (including insolvency). However, if insufficient Chancery work is available the appointee will also be expected to undertake Mercantile and other appropriate civil work. (The appointee will be required to sit in the Chancery Division in London for up to six weeks per annum).
6. When they have the authorisation under section 9(1) of the Senior Courts Act 1981, and the work of the Chancery Division allows, the judge will be expected to assist from time to time with the work of other Divisions of the High Court, including Mercantile, Technology & Construction and Queens Bench.

MAIN ACTIVITIES

7. The main activities of a Chancery Judge are as follows:

A. Preparing for trial and case management

- Conducting interlocutory hearings and pre-trial case management conferences and giving necessary directions to prepare cases for trial in order that the issues between the parties are identified and relevant documents and witness evidence disclosed.
- Reading and assimilating papers in detail before hearing applications.
- Granting interim relief where appropriate.

- Overseeing, in liaison with court staff, the progress of cases towards trial and disposal so as to secure the most efficient dispatch of business compatible with the interests of justice.
- Studying the papers prepared for an impending trial.

B. Presiding over court proceedings

- Controlling (in accordance with the relevant law and practice) the manner in which cases are conducted.
- Ensuring that parties, whether represented or not, 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.
- Maintaining the authority and dignity of the Court.
- Deciding issues of law and procedure which may arise during a case.

C. Judgment

- Deciding actions by finding facts, applying the relevant law to them and giving a reasoned judgment.
- 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.
- Assessing and awarding damages and costs, deciding the amount and manner of payment and punishing for contempt or breach of court orders.
- Supervising the wording of the judgments and orders of the Court.
- Determining applications to continue, vary or discharge injunctions or undertakings after trial.

D. Other work

Other duties include, for example:

- Determining applications, including applications for permission to appeal, and appeals from arbitrators.
- Determining applications relating to decisions of adjudicators and other matters arising from adjudication.
- Conducting "views" of the subject-matter of the action (before or during trial as appropriate).

- Reporting from time to time to the Chancellor of the High Court on any matters relevant to the conduct of Chancery business.

OTHER RESPONSIBILITIES

E. Keeping abreast of legal developments

- Chancery Judges need to keep abreast of legal developments in their particular field. This entails a substantial amount of reading not directly connected with the cases which they are trying.
- In common with other Circuit Judges, Chancery Judges attend Judicial Studies Board training seminars.

F. Other judicial and public duties and activities

- The work of a Chancery Judge involves some administrative work.
- It is important to publicise and encourage the work of the Chancery Court; ensuring that it contributes to retaining confidence of the local business community and in particular the local commercial solicitors and members of the specialist bar. Accordingly, key responsibilities of the Chancery Judge will be to develop the business of the Court further, to ensure that it meets the needs of the business community and to establish and maintain good relations with practitioners using the Court.
- Chancery Judges, when authorised to do so, sit from time to time in other Divisions of the High Court.

JURISDICTION

8. Specialist Circuit Judges may act as Judges of the High Court under Section 9(1) of the Senior Courts Act 1981. The Chancery Circuit Judge has full jurisdiction to deal with all types of Chancery actions and applications (with exception of patent and revenue actions).