

## **HIGH COURT JUDGE**

### **OUTLINE TERMS AND CONDITIONS OF SERVICE AND TERMS OF APPOINTMENT**

#### **GENERAL**

1. The following is a summary of the basic terms and conditions of service. Fuller details, including the conditions of appointment, will be supplied to candidates who are offered appointment.

#### **PROHIBITION ON PRACTICE**

2. A High Court Judge shall not practise as a barrister or solicitor or be indirectly concerned in any such practice (s75 Courts and Legal Services Act 1990). The Lord Chancellor also regards a judgeship as a lifetime appointment. Any offer of appointment is therefore made on the understanding that appointees will not return to practice.

#### **TENURE**

3. Under the provisions of the Judicial Pensions and Retirement Act 1993, a High Court Judge, 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 their compulsory retirement date applicable to him or to her in their former office. The Lord Chancellor may remove a High Court Judge, on the grounds of misbehaviour or inability to perform the duties of the office. Any such removal requires the concurrence of the Lord Chief Justice. A High Court Judge may resign his or her office at any time by notice in writing to the Lord Chancellor.

#### **INCOME TAX AND NATIONAL INSURANCE**

4. Income tax, which is payable under Schedule E, is deducted at source in accordance with PAYE arrangements. A High Court Judge is classed as an "employed earner" for National Insurance purposes and is liable for Class I 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 state retirement age even if service continues thereafter.

#### **PENSION TERMS**

5. The post is pensionable. Provision of pension benefits is determined under the provisions of the Judicial Pensions and Retirement Act 1993<sup>1</sup>. Although membership of the judicial pension scheme is automatic on appointment, it is not compulsory and a judicial office holder 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 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.
6. 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

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<sup>1</sup> A Circuit Judge appointed to the High Court Bench will be required to transfer to the pension scheme under the 1993 Act if he does not already belong to it and his service to date will be credited to the new scheme in accordance with the formula laid down in the legislation for this purpose.

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 High Court Judges 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.

7. 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.

### **SITTING REQUIREMENTS**

8. The Lord Chancellor and the Lord Chief Justice expect High Court Judges to sit throughout the legal terms (189 days per annum). In practice High Court Judges work "outside hours" and during vacations as well as term times and are required to deal with a variety of judicial business (e.g. reading case papers and preparing reserved judgements) and to perform other public duties in addition to their actual sittings.

### **SICK LEAVE**

9. No adjustment in the salary of a High Court Judge, is made during any absence on sick leave. No limit is placed on the length of any absence, provided there is reasonable prospect of an eventual return to duty. In the interests of the efficient disposal of court business, judges are requested to notify the administration promptly if they are absent on sick leave.

### **JUDGES' CLERKS**

10. Section 98(2) of the Senior Courts Act 1981 provides for a clerk, who is a civil servant, to be attached to each High Court Judge.

### **ABSENCES ON CIRCUIT**

11. High Court Judges, particularly those in the Queen's Bench and Family Divisions, may spend some time sitting on circuit. As elsewhere in the Crown Service, travelling allowances may not be paid for journeys between a judge's home and his or her principal place of work, which for High Court Judges is the Royal Courts of Justice. However, when a High Court Judge travels to the Circuits, he or she may claim a mileage allowance or the cost of first class rail travel for journeys to and from the Circuit and for travel between one Circuit town and another, and for the return, and for any weekend journeys home undertaken during a course of judicial sittings when on Circuit. Travelling expenses are payable in respect of other miscellaneous official journeys.

### **COST OF TAKING UP APPOINTMENT**

12. No assistance is available from public funds towards any costs incurred (e.g. through a move of house) on appointment as a High Court Judge. Exceptionally, however, a serving Circuit Judge promoted to the High Court Bench is entitled to relocation expenses if, as a result of that promotion, removal of home becomes necessary.

### **OUTSIDE ACTIVITIES AND INTERESTS**

13. A High Court Judge 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 salaried judicial office. A High Court Judge 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.

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