

DISTRICT JUDGE (MAGISTRATES' COURTS)

OUTLINE TERMS AND CONDITIONS OF SERVICE AND TERMS OF APPOINTMENT

INTRODUCTION

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. The terms and conditions are correct as at the date given at the end of this document, but may in some circumstances be subject to change.

PROHIBITION OF PRACTICE

2. A District Judge (Magistrates' Courts) shall not practise as a barrister or solicitor or be indirectly concerned in any such practice (Section 75 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 District Judge (Magistrates' Courts) will normally be required to vacate his or her office on the day on which he or she attains the age of 70 (Section 26 of the 1993 Act). A District Judge (Magistrates' Courts) who was appointed to another salaried judicial office prior to the commencement of the Judicial Pensions and Retirement Act (31 March 1995) will retain the compulsory retirement date applicable to him or her in the former office. A District Judge (Magistrates' Courts) may be removed from office by the Lord Chancellor with the concurrence of the Lord Chief Justice on grounds of incapacity or misbehaviour under s22(5) of the Courts Act 2003.

INCOME TAX AND NATIONAL INSURANCE

4. Income tax, which is payable under Schedule E, is deducted in accordance with PAYE arrangements. A District Judge (Magistrates' Courts) is classed as an "employed earner" for national insurance purposes and is liable for class 1 contributions, which are deducted from salary together with income tax. Since the judicial pension scheme under the Judicial Pensions and Retirement Act 1993 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 automatically when a District Judge (magistrates' Courts) reaches state retirement age even if service continues thereafter.

PENSION TERMS

5. The post is pensionable. Provision for pension benefits is determined under the provisions of the Judicial Pensions and Retirement Act 1993. Although membership of the judicial pension scheme is automatic on appointment, it is not compulsory and a holder of judicial office may opt out. Under the Judicial Pensions and Retirement Act 1993, an immediate pension is payable at age 65, provided a judge has completed at least 5 years' service. The annual rate of the pension will be 1/40th of a judge'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 age 60 but before age 65. Where a judge 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 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 a judge's pensionable pay. Contributions towards spouses' and children's pensions are compulsory for all District Judges (Magistrates' Courts) and take the form of monthly payments of 1.8% of 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-holders marginal rate. This liability will be offset, in whole or in part, by the payment of a separate service award on the office-holders retirement. Fuller details are available on request.

SITTING DAYS

8. The Lord Chancellor and the Lord Chief Justice consider it essential, to achieve the most satisfactory dispatch of business in the courts, for District Judges (Magistrates' Courts) to be prepared to sit for 5 days each week as and when required. Sitting days may include Saturdays and Public Holidays. The Lord Chancellor and the Lord Chief Justice expect District Judges (Magistrates' Courts) to devote a minimum of 215 days each year to judicial business. District Judges (Magistrates' Courts) are required at all times to comply with the sitting rules which deal with the number and frequency of annual sitting and the arrangements which must be compiled with when taking annual leave.

UPPER AGE LIMIT

9. The Lord Chief Justice will not normally extend the appointment of a District Judge (Magistrates' Courts) beyond the age of 70.

SICK LEAVE

10. No adjustment is made in the District Judge's (Magistrates' Courts) salary during any absence on sick leave. Although nothing is specially laid down, no limit is placed on the length of absence, provided there is a reasonable prospect of an eventual return to duty.

REASONABLE ADJUSTMENTS

11. A range of reasonable adjustments to working practices and equipment may be available for judicial office holders who have, or acquire, an impairment or long-term medical condition amounting to a disability. The nature of the adjustments and whether they are reasonable, will be specific to an individual office holder. No judicial office holder will be asked to fund reasonable adjustments from his or her personal resources.

RESIDENCE

12. An offer of appointment is conditional on the District Judge (Magistrates' Courts) residing when he/she has taken up an appointment, in a place which is within a reasonable distance of his/her base court or courts. No application for a transfer may normally be entertained until the judge has served 5 years in the location to which he/she was appointed.

TRAVELLING ETC ALLOWANCES

13. Travelling expenses and in certain circumstances night subsistence allowances may be payable in connection with sittings, attendance at training courses, etc. Details of the current mileage and night subsistence rates will be supplied by the staff of the Court. The rules governing and rates of these allowances may change from time to time, and any such changes will be notified. HM Revenue & Customs tax rules governing the tax treatment, and rates, of these allowances may also change and any such changes will be notified to office holders.

COST OF TAKING UP APPOINTMENT

14. No assistance is available from public funds towards any costs incurred (eg through a move of house) on appointment as a District Judge (Magistrates' Courts). Exceptionally, however, a serving judge is entitled to relocation expenses if, as a result of that appointment, removal of home becomes necessary.

OUTSIDE ACTIVITIES AND INTERESTS

15. A District Judge (Magistrates' Courts) 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. Office holders 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 salaried District Judge (Magistrates' Courts) holding a company directorship is expected to relinquish this on appointment to salaried judicial office. A salaried District Judge (Magistrates' Courts) is also expected to submit his or her resignation to the Lord Chancellor in the event of 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.

SALARIED PART TIME APPOINTMENTS

17. It may be possible for an appointment to be salaried part time, subject to the judicial needs of the courts. Such appointments are permanent and are subject to the same terms and conditions of service as for full-time appointments, which are set out in this document. This includes the requirement that appointees will not continue to practise.

18. Salary, annual leave, sick pay and pension benefits will be calculated on a pro-rata basis, based upon the full-time requirement of 215 judicial days per year. A salaried part-time office holder will be expected to sit for the full duration in longer cases.

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