

## SENIOR/SPECIALIST CIRCUIT JUDGE

### OUTLINE CONDITIONS OF APPOINTMENT AND TERMS OF SERVICE

1. **Introduction**

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

2. **Prohibition on practice**

A Senior/Specialist Circuit 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 judicial office as a lifetime appointment. Any offer of appointment is therefore made on the understanding that the appointee will not return to practice.

3. **Tenure**

Under the provisions of the Judicial Pensions and Retirement Act 1993, a Senior/Specialist Circuit Judge will normally be required to vacate his or her office on his or her 70th birthday (s26 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 her in their former office. A salaried judicial office holder may be removed from office by the Lord Chancellor on grounds of incapacity or misbehaviour (s17(4), Courts Act 1971). No such removal may be carried out without the prior agreement of the Lord Chief Justice.

4. **Income tax and national insurance**

Income tax is deducted at source in accordance with PAYE arrangements. A salaried judicial office holder 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 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.

5. **Pension Terms**

The post is pensionable. Provision of 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 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 of 60 but not 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 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 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 salaried office holders 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.
8. Lord Hutton's Independent Public Service Pensions Commission published their interim report in October 2010. The report recommended that most members of public service pension schemes should pay higher contributions towards the cost of their pension. The Government have accepted this recommendation and, as a consequence, the Ministry are currently legislating to take personal contributions from members of the Judicial Pension Scheme.
9. It is anticipated that the personal contributions will commence in April 2012 and be at the level of 1.28%.
10. Lord Hutton submitted his final report in March 2011, and the Government has accepted his recommendations. This may lead to further changes to the judicial pension scheme. Those changes will also be subject to consultation with the judiciary.

11. **Sitting Requirements**

The Lord Chancellor and the Lord Chief Justice consider it essential, in particular because of the burden of work on the courts and tribunals, for Senior/Specialist Circuit Judges to devote at least 210 days in each year, and perhaps more, to the business of the courts. In order to ensure that this can be achieved, notwithstanding any hearings which might be cancelled, they thus expect that the initial yearly plan for any year's work will provide for judges to devote between 215 and 220 days to judicial business.

12. **Sick leave**

No adjustment in a Senior/Specialist Circuit Judge's salary is made during any absence on sick leave. Although nothing is specifically laid down, no limit is placed on the length of any absence, provided there is a reasonable prospect of an eventual return to duty. When a judge has been on extended sick leave the Lord Chief Justice always seeks a medical view of his or her overall health to enable him to establish whether the judge's health will be damaged by the return to duty and whether he or she will be able to provide full and effective service. In the interests of the efficient disposal of court business, Judges are requested to notify the Regional Director's office promptly if they are absent on sick leave.

13. **Residence**

A Senior/Specialist Circuit Judge must live within reasonable travelling distance of the courts at which he or she will sit. No application for a transfer may be made until a judge has served 5 years in the circuit to which they were appointed. Extenuating circumstances may provide an exception to this general policy.

14. **Travelling etc allowances**

As elsewhere in the Crown Service, travelling allowances may not be paid for journeys between a judge's home and principal court or courts. However, 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 courts. The rules governing the payment of these allowances will be supplied by the staff of the courts. 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.

16. **Cost of taking up appointment**

A Senior/Specialist Circuit Judge is entitled on appointment to acquire the necessary robes and accoutrements for court and ceremonial use. Details of the robes and where they may be obtained are contained in the judicial welcome pack. The robe provider will bill HMCTS HQ direct. No assistance is available from public funds towards any costs

incurred (e.g. through a move of house) on appointment as a Senior/Specialist Circuit Judge. Exceptionally, however, a serving judicial office holder is entitled to relocation expenses if, as a result of that appointment, removal of home becomes necessary.

17. **Relocation allowances**

When an established judge is asked by the Lord Chief Justice or Lord Chancellor to change his or her sitting arrangements and, because of that change, the judge is obliged to remove his or her family home, he or she may claim a range of relocation allowances. Assistance is not available, however, if the move is arranged at the judge's request and there is, in the Lord Chief Justice's or Lord Chancellor's opinion, no significant need for the transfer in relation to the administration of justice.

18. **Outside activities and interests**

A Senior/Specialist Circuit 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 directorship is expected to relinquish this on appointment to salaried judicial office. A salaried office holder 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.

19. **Maternity, Paternity and Adoption leave**

Judicial office holders are entitled to maternity, paternity and adoption leave. Details of the operation of these entitlements will be provided to office holders as appropriate.

20. **Salaried Part Time Working**

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.

21. Salary, annual leave, sick pay and pension benefits will be calculated on a pro-rata basis, based upon the full-time requirement of 210 judicial days per year. A salaried part-time Senior/Specialist Circuit Judge will be expected to sit for the full duration in longer cases.

22. **Advice**

Judicial office holders are welcome to consult the Ministry of Justice or the Judicial Office for England & Wales (as appropriate) on any matters

relating to judicial office. Judicial media enquiries should be directed to the Lord Chief Justice's Judicial Communications Office on 020 7947 6438.

Ministry of Justice  
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