

APPOINTMENT TO THE OFFICE OF SPECIALIST CIRCUIT JUDGE (MERCANTILE) WALES CIRCUIT

JOB DESCRIPTION

1. Purpose of Office

The appointment will be to the office of Specialist Circuit Judge and it will carry with it a designation of the appointee as a Mercantile Judge. Remuneration will be in Group 5, equivalent to that of a Senior Circuit Judge.

The appointee will be based in Cardiff Civil Justice Centre and expected to sit regularly in North Wales as well as wherever on the circuit the need arises and may be required to sit at the Commercial Court in London. The work involved is described below.

The current Mercantile Judge works in a team of which the other members are the Chancery/Technology and Construction Court Judge and the Designated Civil Judge for Wales. This arrangement will continue.

If insufficient mercantile work is available the appointee will be expected to undertake other appropriate civil work that may involve sitting in the Chancery Division of the High Court or the Technology and Construction Court. It may also involve sitting to hear any of the wide variety of non-specialist cases tried in the County Court as well as the large amount of specialist work in that court. General Queen's Bench Division work will also be occasionally released to the appointee. A job description of the office of Specialist Circuit Judge (Mercantile) is given at Annex A.

2. Jurisdiction

Specialist Circuit Judges (Mercantile) sit as High Court Judges authorised by the Lord Chief Justice under section 9(1) of the Senior Courts Act 1981. When engaged in Chancery or Technology and Construction High Court business the appointee will have the same jurisdiction. Mercantile actions are specialist proceedings within Part 49 of the Civil Procedure Rules and the Practice Direction 59 – Mercantile Courts.

3. Main Activities

The main activities of the Mercantile Judge for the Wales Circuit are as follows:

- Considering referrals from District Judges for consideration for mercantile management and deciding which cases should remain in the County Court to be reserved to the Mercantile Judge and managed as mercantile cases and which should be transferred to the Mercantile Court List.
- Managing mercantile cases issued in or transferred to the Mercantile List or in the County Court including supervising those responsible for listing and allied matters in Cardiff, Wrexham and Swansea to secure

the efficient disposal of business compatible with the interests of justice.

- Hearing all interlocutory mercantile applications (unless not appropriate for hearing by a trial judge) including injunctions and case management conferences.
- Dealing with such applications as can be dealt with on paper such as consent orders and certain without notice applications.
- Dealing with telephone hearings.
- Reading papers as necessary before all hearings.
- Conducting trials of mercantile matters whether in the High Court or the County Court.
- Preparing reserved judgments.

4. Other responsibilities

A. Keeping abreast of legal developments

- Mercantile Judges need to keep abreast of legal developments in their fields. This entails a substantial amount of reading not directly connected with the cases they are trying.

B. Other judicial and public duties

- The work of a Mercantile Judge involves a good deal of administrative work.
- Great importance is attached to publicising the preparedness of the specialist team to do every kind of specialist work whenever and wherever the need arises and to have a continuous ability to handle specialist work in every part of the principality.

APPOINTMENT TO THE OFFICE OF A SPECIALIST CIRCUIT JUDGE (MERCANTILE)

The purpose of judicial office is to administer justice in accordance with the laws of England and Wales.

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”.

The main activities of a Circuit Judge (as appropriate to the particular jurisdiction) are as follows:

Preparing for trial and case management:

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

In the County Courts (including, if authorised, the Technology and Construction Court):

The Court is required to further the overriding objective of the new case management procedures by actively managing cases. Active case management includes (as appropriate to the particular jurisdiction):

- Encouraging the parties to co-operate with each other in the conduct of proceedings.
- 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.
- 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.
- 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 County Courts (including, if authorised, the Technology and Construction Court):

- 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

Judgment:

In the County Courts (including, if authorised, the Technology and Construction Court):

- 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 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 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 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 College refresher seminars, and circuit-based events such as sentencing conferences.

Other judicial and public duties

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 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 College 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.