

OFFICE OF THE LADY CHIEF JUSTICE FOR NORTHERN IRELAND

DEPUTY STATUTORY OFFICER JOB DESCRIPTION

Job Title

1. Deputy Statutory Officer

Possible Locations

2. Royal Courts of Justice, Belfast.
3. All courts and court offices throughout Northern Ireland.

Jurisdiction

4. A Deputy Statutory Officer may be required to cover the work of the full-time judiciary in both of the following areas:
 - (i) Master of the High Court – The jurisdiction of a Deputy Statutory Officer sitting as a Master is summarised in Annex A to this job description
 - (ii) District Judge - The jurisdiction of a Deputy Statutory Officer sitting as a District Judge of the County Courts is summarised in Annex B to this job description.
5. A Deputy Statutory Officer is expected to be flexible in order to provide cover in the wide range of work of both the Masters and District Judges.

Main and associated activities

6. The main activities and responsibilities of a Deputy Statutory Officer, whether sitting as a Master or a District Judge, are set out below.

A. Preparing for proceedings and case management

7. Reading and assimilating case papers before proceedings commence. This may include preparing for a review in a case or setting a timetable for the parties at such a review.

B. Presiding over court proceedings

8. Controlling (in accordance with the relevant law and practice) the manner in which cases are conducted by:

- 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 as fairly as possible;
- encouraging the parties to co-operate with each other in the conduct of the proceedings;
- identifying the issues at an early stage;
- deciding the order in which issues are to be resolved;
- assisting the parties to settle the whole or part of the case;
- reviewing the progress of the case;
- keeping in mind the interests of witnesses;
- dealing with as many aspects of the case as possible on the same occasion; and
- giving directions to ensure that a case proceeds quickly and efficiently thereby ensuring most expeditious dispatch of business, although in a way that is compatible with the interests of justice.

9. Dealing with cases in ways which are proportionate to:

- the amount of money involved;
- the importance of the case;
- the complexity of the issues; and
- the financial position of the parties.

C. Maintaining the authority and dignity of the Court.

10. Deciding issues of law and procedure which may arise during a case. Controlling the court proceedings.

D. Judgment and decision making

- Determining contested and uncontested applications and other proceedings before the court 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.

E. Sitting Requirements

11. A Deputy Statutory Officer maybe called upon to sit and provide judicial cover when permanent Masters or District Judges are unavailable due to sickness, annual leave etc, or where business levels require additional judicial support. A Deputy Statutory Officer is expected to be available to sit, if required, for up to 30 days each year.

F. Other responsibilities

12. Deputy Statutory Officers need to keep abreast of legal developments and be able to perform the full range of legal duties required in the role. This entails a substantial amount of reading not directly connected with the cases which they are trying.

13. Deputy Statutory Officers may be required to attend training organised by the Judicial Studies Board and other training events as appropriate.

IT Literacy

14. A minimum level of IT literacy, including the use of email and Word, or a capacity to achieve this expeditiously, is required for judicial preferment.

OFFICE OF THE LADY CHIEF JUSTICE

February 2022

Deputy Statutory Officer sitting as a Master

1. The Masters work within the following divisions or offices of the Supreme Court and the Enforcement of Judgments Office:

- King's Bench Division
- Chancery Division
- Family Division
- Court of Judicature Taxing Office
- Enforcement of Judgments Office

2. The Core responsibilities of the Masters are:-

Bankruptcy and Companies Master: Core responsibilities:

- Hearing and determining Directors Disqualification actions;
- Hearing insolvency petitions presented against insolvent companies, individuals and partnerships, as well as granting and/or removing statutory moratoriums under the Insolvency (Northern Ireland) Order 1989 (as amended);
- **Hearing cross-border insolvency proceedings;**
- Hearing complex actions under the Insolvency Order 1989 arising in:
 - (i) company administrations;
 - (ii) company liquidations;
 - (iii) insolvent partnerships; and
 - (iii) individual insolvencies (bankruptcy).

Actions include transactions defrauding creditors, undervalue transactions and unlawful preferences, and in general involve expert evidence;

- Hearing and determining proceedings for asset realisation, including the hearing of oral evidence;
- Judicial regulation of companies.

King's Bench and Appeals Master: Core Responsibilities:

- Hearing of assessments of damages, of unlimited size, in most types of King's Bench actions, where appeal lies directly to the Court of Appeal, including the taking of expert evidence where cases are defended on quantum;
- Hearing of interlocutory proceedings in the main King's Bench list including personal injuries, clinical negligence, defamation and increasing numbers of sensitive legacy cases which attract considerable public interest;
- Hearing of interlocutory proceedings in Commercial List actions including complex jurisdiction summonses, security for costs and service issues;
- Conducting of review hearings, including giving directions to trial, in personal injuries and clinical negligence actions;
- Hearing and determination of Order 14 applications for summary judgment;
- Writing judgments on technically complex issues;
- Supervision of minor's funds in court including conducting of case conferences in larger fund cases;
- Attending to, and adjudicating upon requests for obtaining evidence by foreign courts; and
- Approval of grounds of appeal in criminal cases and in some instances applications for extensions of time.

Chancery Master: Core Responsibilities

The Master (Chancery) primarily deals with:

- Mortgage actions, mostly for or relating to claims to possession and including applications by mortgagees, mortgagors and sometimes non-parties to the mortgage or charge;
- Non-contentious probate matters and disputes relating to the administration of deceased estates;
- Making and proceeding under orders pursuant to originating summonses or by way of summary or default judgments in writ actions, including e.g. taking and making accounts and inquiries in partnership or other Chancery proceedings;
- Other interlocutory applications (save injunctions, which are reserved to the Chancery Judge);
- Such proceedings as may be referred to the Chancery Master by the Chancery Judge (to whom a number of matters are expressly reserved in Order 32 rule 11 of the Rules of the Court of Judicature (NI) 1980) from time to time.

Taxing and Enforcement of Judgments Master: Core Responsibilities

The Taxing Master is the Taxing Judge for Northern Ireland. Under Section 60(1) of the Judicature (NI) Act 1978, the jurisdiction of the high Court, Court of Appeal and Crown Court in relation to the taxation of costs is exclusively vested in the Master (Taxing Office) and is unlimited in amount.

The Master primarily deals with:

- Taxation of civil costs under Order 62, Rules of the Court of Judicature;
- Provisional and final taxation of costs under the Legal Aid, Advice and Assistance (NI) Orders 1981;
- The allowance of Expenses of Solicitors and Counsel under the Criminal appeal (Northern Ireland) act 1980 and the Criminal Defence Services (Remuneration) Order (Northern Ireland) 2016;
- The determination of costs and appeals under the Criminal Legal Aid Rules;
- Taxation of solicitor/client costs under the Solicitors (Northern Ireland) Order 1976 as amended;
- Hearing of appeals from solicitors and barristers against decisions made under any of the above.

In Northern Ireland the enforcement of all civil judgments of all court tiers falls within the jurisdiction of the Master, Enforcement of Judgments.

- Issue of Warrants of arrest;
- Issue of seizure, receiver and charging orders over property;
- Issue of garnishee orders; Certificates of unenforceability Orders charging (evictions) land and Orders for delivery of possession ;
- Hearing objections to the issue of enforcement Orders between debtors and creditors.

Matrimonial Masters: Core Responsibilities

- Determining ancillary relief proceedings with no limit on value or complexity which in this jurisdiction are mainly heard by the Master.
- Determining complex land, business, share and trust valuation hearings in the light of conflicting accountancy and other expert evidence

- Determining property interests in cases involving land disputes, inheritance and equitable shares.
- Conducting reviews and giving directions in relation to the ancillary relief proceedings.
- Hearing interlocutory and emergency applications relating to the Divorce/Nullity/Judicial Separation/Ancillary Relief applications.
- Determining Maintenance Pending Suit applications
- Determining in every case whether a Decree Absolute may issue.
- Determining consequential directions applications arising from failure to comply with Court Orders.

Master (Care and Protection): Core Responsibilities

- Dealing with Case Management, Reviews, Fact Finding Hearings and Judgments in Child Care law applications under The Children (NI) Order 1995 and other related national, European and international legislation, to include residence, contact, relocation, police and social services intervention, and financial relief for children.
- Hearing and determining emergency Wardship and Child Abductions applications for children.
- Hearing and determining Non-Molestation and Occupation applications brought by or on behalf of children.
- Determining legal issues and disputes relating to the management of property and financial affairs for persons deemed to be incapable by reason of a mental disorder, to include determination of disputed medical capacity issues.
- Authorisation of investment and management of personal injury compensation awards made by the High Court (Kings Bench division); County Court and Compensation Agency for all adults who are deemed to be mentally incapable of managing their property and financial affairs.
- Considering and determining Statutory Will and Gift applications for persons who are deemed to lack capacity.
- Settling and sealing all mortgages, leases, deeds and other dispositions of land for persons who are deemed to lack capacity.

ANNEX B

Deputy Statutory Officer sitting as a District Judge - Jurisdiction

A. General County Court Jurisdiction

1. The jurisdiction of the County Court is entirely statutory. The court deals with a wide range of civil matters. District Judges have a general power, subject to certain statutory exceptions, to try any action within the relevant monetary jurisdiction. When trying such actions District Judges have the powers of the County Court including the power to grant final (but not interlocutory) injunctions in civil matters. They also deal with all the interlocutory matters within their jurisdiction, including discovery and replies to particulars.
2. Where damages are recovered by a person under a disability, District Judges approve the terms of any settlement and decide how the money should be invested or dealt with for the benefit of the person under disability.
3. District Judges undertake the assessment of damages and costs in any case where interlocutory judgment has been marked. This assessment can be of damages up to the limit of the County Court jurisdiction.
4. District Judges hear undefended and defended applications for possession of dwelling houses and commercial premises taken by statutory bodies, housing associations, commercial and private landlords. In addition to claims for arrears of rent, District Judges hear cases involving anti-social behaviour, squatting, succession or sub-letting. They must ensure that the requirements of the Rent Orders and informal protocols have been followed and may have to make balanced determinations on tenants' applications for stays of enforcement.

B. Small Claims

5. District Judges determine applications within the Small Claims jurisdiction. While the range of claims is narrower than the civil bill jurisdiction, these cases form a large part of the County Court workload. Most disputes are business to business claims, but the range of claims is vast. The procedure is informal, but as determined by the District Judge, who is encouraged to be more interventionist than in a civil bill hearing. Many litigants are unrepresented. Occasionally, it is necessary to inspect property *in loco*.

C. Family Jurisdiction

6. District Judges deal with all questions of property and spousal maintenance pending and after a divorce heard in the County Court. The Matrimonial Causes Act (Northern Ireland) 1978 confers a wide discretion upon District Judges to adjust the income, capital, property and pensions of the parties to a divorce (similar to that of the Master). Applications for financial provision are finally determined by District Judges. These applications are a major and important part of the work undertaken by District Judges. Hearings can run over several days and the value of the property in dispute can be substantial. Prior to the hearing of ancillary applications in court, it is necessary for District Judges to spend time considering the papers and the law. The management of these cases to resolution can require considerable skill and a

recognition of the competing issues. The District Judge must be satisfied that it is appropriate to approve a proposed settlement.

D. Consumer Credit

7. The County Court is given an exclusive jurisdiction over regulated consumer credit agreements. In practice District Judges hear virtually all applications (the vast majority of which are undefended) in regulated, hire purchase and conditional sale cases. They make monetary awards, and orders for arrears or possession of goods.

E. Defamation

8. Claims for damages for libel or slander fall within the jurisdiction of the District Judge. There are only 3 or 4 cases per annum.

9. General points:

- The majority of the work carried out by District Judges is carried out in open court.
- Reasoned judgments (by finding facts and applying the relevant law) are normally given at the conclusion of the case. Where judgments are written they are detailed and form a public record.
- District Judges have a general power to stay enforcement of decrees and awards. This involves examination as to means.
- District Judges tax costs in divorce and ancillary relief proceedings, or, pursuant to an order under Part V of the Solicitors (Northern Ireland) Order 1976 and in relation to payment (lodgement) into and out of court.
- District Judges actively manage cases to hearing, applying the overriding objective, deciding issues of fact, law and procedure which may arise during case-management (including applications for adjournments).

F. Jurisdiction - Criminal

10. Statutory Officers have no criminal jurisdiction.