

MINISTRY OF JUSTICE

TERMS AND CONDITIONS OF APPOINTMENT

COUNTY COURT JUDGE

1. APPOINTMENT

1.1 Section 103(1) of the County Courts Act (Northern Ireland) 1959, as amended by section 18(4) of the Justice (Northern Ireland) Act 2002, states that a person shall not be qualified to be appointed a judge unless they are:

(i) a member of the Bar of Northern Ireland of at least ten years' standing;

or

(ii) a solicitor of the Court of Judicature of Northern Ireland of at least ten years' standing.

2. PROHIBITION ON PRACTICE

2.1 County Court judges are precluded from engaging in practice as barristers or solicitors or being indirectly concerned in any such practice - Section 103(2) of the County Courts Act (Northern Ireland) 1959. Judicial appointments are regarded as being for life. Any offer of appointment is therefore made on the understanding that the appointee will not return to practice.

3. TENURE

3.1 The Lady Chief Justice may remove from office (and suspend from office pending a decision on whether to remove) a County Court judge on specified grounds. These are:

(a) misbehaviour;

(b) inability to perform the functions of the office.

All decisions to remove or suspend are taken by the Lady Chief Justice, after a tribunal convened under section 8 of the Justice (Northern Ireland) Act 2002 as amended by Schedule 3 to the Northern Ireland Act 2009, has recommended that they are removed and/or suspended.

3.2 A County Court judge is required to vacate office on the day on which they attain the age of 75 years - Section 105(4) of the County Courts Act (Northern Ireland) 1959. A County Court judge may resign at any time by giving Her Majesty notice in writing to that effect. The lengthiest possible period of notice of retirement or resignation would assist in planning for a replacement, and to enable the timely calculation of the pension award to take place. It would be helpful if 12 months' notice of resignation was given.

4. SALARY

- 4.1 The salary of a County Court judge is paid out of the NI Consolidated Fund. The relevant salary is set out in the letter of appointment and is published in the Judicial Salaries Schedule which is updated annually and available on the gov.uk website. County Court judges normally fall within Group 5.2. However, due to the non-jury trial work undertaken, County Court judges in Northern Ireland are currently remunerated at Group 5 level. The Secretary of State for Northern Ireland extended the duration of the non-jury provisions until 31 July 2023 at which time there will be a further review. Salaried judiciary receive no sitting fees for any fee paid office held concurrently.

5. INCOME TAX

- 5.1 Income tax, which is payable under Parts 2 to 7 of the Income Tax (Earnings and Pensions) Act 2003 is deducted as source from the salary of a County Court judge, in accordance with PAYE arrangements.

6. NATIONAL INSURANCE

- 6.1 A County Court judge 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 automatically when a County Court judge reaches state retirement age, even if service continues thereafter.
- 6.2 Liability for national insurance contributions depends not on whether services are rendered but on whether earnings are paid: so that it continues during a period of absence through sickness.

7. SICK ABSENCE

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

8. MEDICAL CERTIFICATES

- 8.1 Doctors only need to issue medical evidence for sickness absences after 7 calendar days, while claimants are able to certify their own absences for periods up to 7 days. Where a doctor’s statement has been issued at the beginning or end of a period of sickness, it should be forwarded to the Lady Chief Justice’s Office.

- 8.2 Enquiries in connection with sick absences should be referred to the Lady Chief Justice's Office – telephone 028 9072 5908.

9. PENSION

- 9.1 As of 1st April 2022 the Judicial Pension Scheme 2022 (JPS 2022) is the only judicial pension scheme open to accrual. It is open to all eligible fee-paid and salaried judicial office holders, except where terms and conditions are specifically non-pensionable. All previous judicial pension schemes are now closed for further accrual, but any benefits already accrued in predecessor schemes will be protected. Membership of JPS 2022 will not affect any remedy to which you may be entitled in relation to historical or ongoing service, for example, as a result of the McCloud or O'Brien/Miller litigation.
- 9.2 The JPS 2022 is unregistered for tax purposes which means that pension benefits accrued in it will not count towards the Lifetime and Annual Allowances. Several of its features flow from this tax status, including the uniform contribution rate of 4.26%. The main features of JPS 2022 are a pension scheme design based on career average earnings with unreduced benefits payable from your State Pension Age and no service cap.
- 9.3 A Scheme Guide has been produced that sets out the details of the JPS 2022. It can be accessed at <https://www.mypension.com/moj/documents/>
- 9.4 Alternatively, it is possible to opt out of JPS 2022 membership should you so wish to. If you have any queries about your pension options please contact the MoJ Pensions Team direct at judicialpensions@justice.gov.uk.
- 9.5 Please note on accepting the appointment unless the Pensions team hear from you within 1 month of the date of appointment the default option of joining the JPS 2022 will be applied from your date of appointment and contributions will be deducted from salary/fees earned.

10. ANNUAL SITTING DAYS / LEAVE ENTITLEMENT.

- 10.1 County Court judges have an expectation of 30 days annual leave (excluding Saturdays and Sundays) plus public/privilege holidays or days in lieu. The annual leave year commences on 1 April and terminates on the following 31 March. Judges are expected to sit on 200 or more days per year. The Lady Chief Justice considers that for this purpose County Court judges should, when agreeing the arrangements of their sittings each year, plan to sit for between 210 and 215 days so that, in the result they should achieve a sitting year of not less than 200 days.

11. STATUTORY MATERNITY, PATERNITY, PARENTAL, SHARED PARENTAL AND ADOPTION LEAVE AND PAY

- 11.1 Judicial office holders are entitled to maternity, paternity, parental, shared parental and adoption leave and pay; details of which can be provided on request.

12. TRAVEL AND SUBSISTENCE ALLOWANCE

- 12.1 The travel and subsistence regulations applicable to staff of the Northern Ireland Civil Service also apply to County Court judges.

13. TAKING UP APPOINTMENT

- 13.1 No assistance is available from public funds towards any costs incurred (e.g. moving house, etc) on appointment as a County Court judge.

14. CONVICTION FOR CRIMINAL OFFENCES AND OTHER MATTERS RELATING TO CONDUCT

- 14.1 Where a judge is cautioned or charged with any criminal offence, other than a parking or speeding offence without aggravating circumstances, they should report the matter at once to the Lady Chief Justice and should keep the Lady Chief Justice informed of the progress and outcome of the case. Failure to notify may itself constitute misbehaviour. Convictions for some offences, including some motoring matters, need not necessarily be regarded as being incompatible with continuing service as a judge. If however a judge is convicted of a grave offence, such as one involving violence to persons, dishonesty or moral turpitude, the Lady Chief Justice would regard that as constituting misbehaviour. A conviction for an offence of driving while under the influence of alcohol or drugs will be regarded as so grave as to amount prima facie to misbehaviour.
- 14.2 The Lady Chief Justice believes that the public is entitled to expect all judges to maintain at all times proper standards of courtesy and consideration. Behaviour which could cause offence, particularly on racial or religious grounds, or amounting to sexual harassment, is not consistent with the standards expected of those who hold judicial office. A substantiated complaint of conduct of this kind, whether or not previous complaints have been made will also be regarded as misbehaviour.
- 14.3 A judge should also notify the Lady Chief Justice if they get into serious financial difficulties, particularly if legal proceedings appear likely to be, or have actually been, initiated. The Lady Chief Justice considers it appropriate that if a County Court judge is aware of matters relating to conduct which may affect their position, or which reflect on the reputation and standing of the judiciary at large, they will advise the Lady Chief Justice at the earliest opportunity. The Lady Chief Justice will in that event have full regard to any observations which the judge may wish to make on the matter. Indeed, while the Lady Chief Justice believes that the public both deserves and expects the highest standards of conduct from those in judicial office, the Lady Chief Justice will not consider the exercise of the powers vested in the Lady Chief Justice in respect of judicial conduct without serious cause and the most careful deliberation.

The requirements for Judicial Conduct set out in the paragraphs below are supplemented by the Guide to Judicial Conduct, issued by the Lady Chief Justice and the Senior President of Tribunals. The guide offers assistance to the judiciary when

considering issues of conduct. A copy can be obtained from <https://www.judiciary.uk/publications/guide-to-judicial-conduct/>.

15. RELATIONS WITH THE PRESS, RADIO AND TELEVISION

- 15.1 The question arises from time to time whether a judge should communicate with the press or appear on a television or radio programme. If a judge is contacted by the media, directly or otherwise, they should refer the journalist or reporter to the Lady Chief Justice's Communications Officer. The Lady Chief Justice's view is that judicial office holders should, given the nature of their office, be cautious about their exposure to the media, and about making any public statements, whether on general issues or particular cases, which might be interpreted as raising any doubt on their impartiality; the Lady Chief Justice also expects that they would avoid any involvement, either direct or indirect, in issues which are or might become politically controversial. When a judge has decided a case or imposed a particular sentence, the Lady Chief Justice does not believe it is appropriate for that judge, or any other judge, to discuss it publicly out of court, whether or not the matter has finally been disposed of on appeal. Different considerations clearly apply where the object of any article or programme is to secure a wider public understanding of the workings of the law. The value of such programmes may be enhanced by the participation of judges and there may well be a case for those judges, who wish to do so, to take part in them.
- 15.2 A judge should feel free to discuss any matters concerning contact with the media with the Lady Chief Justice. Likewise if the judge has any query concerning the media they should not hesitate to contact the Lady Chief Justice's Communications Officer – telephone 028 90725921.

16. REQUESTS FOR RESEARCH FACILITIES

- 16.1 From time to time members of the judiciary receive requests for research facilities, such as access to court records or chambers' hearings, interviews with themselves or court staff, or special assistance in attending public hearings. To ensure that such requests are treated consistently, they should be referred to the Lady Chief Justice. In considering such requests, the Lady Chief Justice will have regard to the likely value of the proposed research and the extent of the burden might impose on the judiciary or on court staff. The Lady Chief Justice will consider very carefully all research applications where:-
- (a) active participation by the judiciary in the research is proposed; or
 - (b) the research proposed is to study decision-making by the judiciary; or
 - (c) the research relates to the judicial process and seems likely to raise important issues of policy or to make substantial comment on the work of the judiciary.

16.2 No member of the judiciary should feel obliged to participate in any project if they do not wish to do so. Where a judge does agree to participate in an approved research project the Lady Chief Justice's Office will notify them about the project and make arrangements, as appropriate, to provide whatever advice or assistance is necessary.

17. COMPANY DIRECTORSHIPS AND OTHER OUTSIDE INTERESTS AND ACTIVITIES

17.1 There is a long-standing rule that no member of the judiciary should hold a commercial directorship. Any person holding such a directorship is therefore expected to relinquish it on appointment. There is, however, normally no objection to a member of the judiciary holding shares in commercial companies, or taking part in the management of a family estate or farming his/her own land. Equally, there are some forms of non-commercial directorship, which a member of the judiciary may hold without objection.

17.2 A member of the judiciary should not in any capacity engage in any activity which might undermine, or be reasonably thought to undermine, their judicial independence or impartiality, but must expect to forgo any kind of political activity and be on 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.

17.3 There is no objection to a member of the judiciary concerning themselves with a charitable organisation but they should not undertake any other outside activity or continue an existing one, if it might conflict with their judicial office. They also must expect to give up any kind of political activity and any activity which could be the subject of public controversy or which would make undue demands on their time. Circumstances might possibly also arise in which political or similar activities by a member of the judiciary's family could call into question the impartiality of the courts.

17.4 There is in principle no objection to members of the judiciary speaking on technical legal matters, which are unlikely to be controversial, at conferences and seminars where these are organised by the Bar or the Law Society or by academic or other similar non-profit making organisations. The Lady Chief Justice would expect to be notified of these. Lectures and seminars which deal with matters of more general public interest may, however, raise wider issues of policy which are not obviously apparent. In such cases the judge should consult the Lady Chief Justice about the invitation in advance. It may also be inappropriate for a member of the judiciary to accept an invitation or deliver a public lecture or participate in conferences and seminars run by commercial undertakings, bearing in mind that any such undertakings may in due course be involved in litigation.

17.5 The Lady Chief Justice regards it as inappropriate for a member of the judiciary to receive a fee personally. However, where a member of judiciary gives a lecture for commercial undertaking there is no objection, if they consider that this would be appropriate, to their requesting that any fee that might otherwise be payable should be paid direct to a charity of their choice.

Out of pocket expenses may be accepted. If in doubt, a judge should seek guidance from the Lady Chief Justice's Office.

- 17.6 The writing of books and articles and the editing of legal textbooks are not, in principle, incompatible with holding judicial office, and there is no objection to the acceptance of royalties or fees for doing so. Legal and technical books and articles do not normally give rise to difficulties but it may sometimes be advisable for a member of the judiciary not to write on a subject of wider or more general public interest.
- 17.7 Generally, however, the editorship of a journal is considered incompatible with judicial office, since this involves a regular commitment. Furthermore, journals provide platforms for opinions and, as such, they represent a potential source of avoidable conflict. Editorships of journals should therefore normally cease on appointment. If a member of the judiciary believes they have a case for exception from this rule they should consult the Lady Chief Justice.
- 17.8 If a member of the judiciary is in any doubt about the compatibility of any of their outside interests with judicial office or the propriety of a particular undertaking, they should seek the advice of the Lady Chief Justice's Office.

18. JUDICIAL STUDIES BOARD

- 18.1 The Lady Chief Justice expects all County Court judges from time to time to attend conferences and courses organised by or on behalf of the Judicial Studies Board on subjects relevant to the work that they undertake as judges. The Lady Chief Justice considers that these conferences and courses are of considerable value, not only for newly-appointed judges, but also for those who have been in office for some time.

19. FURTHER INFORMATION

- 19.1 Further information about the terms of appointment that apply to County Court judges may be obtained from Lady Chief Justice's Office, Chichester Street, Belfast, BT1 3JF who will seek advice from the Ministry of Justice on behalf of the judge.