



## **Information Pack**

### **Vacancy for three Justices of The Supreme Court**

#### **Role**

Justices of The Supreme Court of the United Kingdom comprise the final Court of Appeal for all civil cases in England and Wales, Scotland and Northern Ireland and for criminal appeals in England and Wales and Northern Ireland. With effect from 1 October 2009 the devolution jurisdiction formerly exercised by the Judicial Committee of the Privy Council has been exercised by the United Kingdom Supreme Court. Justices of the Supreme Court also sit in the Judicial Committee of the Privy Council which forms the final Court of Appeal for a number of Commonwealth countries and Crown Dependencies. There are 12 Justices, including the President and Deputy President.

#### **Statutory background and jurisdiction**

The Supreme Court of the United Kingdom was created by the Constitutional Reform Act 2005 (the Act). Part 3 of that Act, along with Schedules 8, 9, 10 and 11 set out the jurisdiction and composition of the Court as well as provisions concerning the administration.

Potential applicants will wish to note in particular the requirements at section 27 (5) of the Act that “selection must be on merit” and at section 27 (8) of the Act which says that:

“In making selections for the appointment of judges of the Court the commission must ensure that between them the judges will have knowledge of, and experience of practice in, the law of each part of the United Kingdom”.

An immediate vacancy arises because of Lord Dyson’s appointment as Master of the Rolls. Further vacancies will arise in March 2013 when Lord Walker retires and June 2013 when Lord Hope retires. All three vacancies will be filled from applicants for this competition. On Lord Hope’s retirement there will be currently one Justice who has knowledge of, and experience of practice in, the law of Scotland, namely Lord Reed; and one Justice who has knowledge of, and experience of practice in, the law of Northern Ireland, namely Lord Kerr. The remaining Justices have knowledge of, and experience of practice in, the law of England and Wales.

The Supreme Court had its first sitting on 1 October 2009 and heard its first substantive case on 5 October that year. It is located at the former Middlesex Guildhall on Parliament Square. The Judicial Committee of the Privy Council has moved from Downing Street to sit in the same building. The Court may, from time to time, choose to sit in other parts of the United Kingdom to hear

particular cases. The Judicial Committee of the Privy Council occasionally sits outside the United Kingdom.

## **Salary**

Salary levels are set by the Senior Salaries Review Body. The current salary for a Justice of the Supreme Court is £206,857.

## **Pension (Information provided by the Ministry of Justice)**

Appointment as a Justice of the Supreme Court brings with it eligibility for the judicial pension scheme created under the Judicial Pensions and Retirement Act 1993. At present, contributions of 1.8% of salary up to the earnings cap (in 2012/13 £137,400) are payable in respect of widows/widowers/registered civil partners and children's pensions. As part of reforms the government is introducing to public service pension schemes, contributions of 1.28% of salary towards the cost of providing personal benefits became payable from 1 April 2012. Further increases in this rate of contribution are expected in April 2013 and April 2015. Lord Hutton's Independent Public Service Commission published its final report and recommendations on 10 March 2011 and the recommendations were accepted by the Government. Proposals have recently been put to the judiciary for the reform of the Judicial Pension Scheme and a short note setting out the Government's preferred option of judges joining the reformed Principal Civil Service Pension Scheme (PCSPS) from 1 April 2015 is **attached**. This reform would affect all judges first appointed to judicial office after 1 April 2012 and would mean that for service up to and including 31 March 2015 the judge would be a member of the current Judicial Pension Schemes but from 1 April 2015 would become a member of the reformed PCSPS. It is expected that the final decision on the future of the Judicial Pension Scheme will be made in October 2012.

For serving judges, who are already members of one of the judicial pension schemes, there may be some implications arising from a change of judicial office. This will depend on the individual circumstances and advice can be provided by the Judicial Reward and Pensions team in the Ministry of Justice.

## **Eligibility**

To be eligible for appointment you must meet the following requirements.

### **Statutory requirement**

Applicants must have held high judicial office for at least two years. ('High judicial office' is defined to include High Court Judges of England and Wales, and of Northern Ireland; Court of Appeal Judges of England and Wales, and of Northern Ireland; and Judges of the Court of Session.)

Alternatively, applicants must satisfy the judicial-appointment eligibility condition on a 15-year basis, or have been a qualifying practitioner for at least 15 years.

A person satisfies the judicial-appointment eligibility condition on a 15-year basis if he/she has been a solicitor of the senior courts of England and Wales, or barrister in England and Wales, for at least 15 years; and has been gaining experience in law during the post-qualification period.

A person is a qualifying practitioner if he/she is an advocate in Scotland or a solicitor entitled to appear in the Court of Session and the High Court of Justiciary; or he is a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland.

The meaning of “gaining experience in law” is set out in section 52(2) to (5) of the Tribunals, Courts and Enforcement Act 2007 and relates to a period engaged in law-related activities.

## **Age**

Subject to the statutory requirement above, there is no lower age limit for this appointment. A Judge of the Supreme Court is required to vacate his/her office on the day on which he/she attains the age of 70. A Judge of the Supreme Court who, immediately prior to his/her appointment, held another salaried judicial office to which he/she had been appointed prior to the commencement of the Judicial Pensions and Retirement Act 1993 (31 March 1995) will retain the compulsory retirement date applicable in the former office.

## **Disqualification**

You should note that the House of Commons Disqualification Act 1975 applies to this office.

## **Nationality**

You need to fulfil one of the following nationality requirements – you must:

- be a citizen of the United Kingdom;
- be a citizen of the Republic of Ireland;
- be a citizen of a Commonwealth country; or
- hold dual nationality, one of which falls in one of the above categories.

## **Health**

If recommended for appointment, you must be able to fulfil the duties of the judicial role to which you are appointed and you may be required to undergo a medical examination. Reasonable adjustments will be made if you have a disability under the meaning of the Equality Act 2010, as they are for serving judges who have such a disability.

## **Criteria for appointment**

The cases dealt with by the Supreme Court include the most complex in the courts of the United Kingdom and demand the deepest level of judicial knowledge and understanding, combined with the highest intellectual capacity. Successful candidates will have to demonstrate independence of mind and integrity and that they meet the criteria listed below TO AN EXCEPTIONAL DEGREE.

- Knowledge and experience of the law.
- Intellectual ability and interest in the law, with a significant capacity for analysing and exploring a range of legal problems creatively and flexibly.
- Willingness and ability to learn about new areas of the law.
- Clarity of thought and expression, reflected particularly in written work.
- An ability to work under pressure and to produce work with reasonable expedition.

The successful candidates will also need to demonstrate the following qualities:

- Social awareness and understanding of the contemporary world.
- An ability to work with colleagues, respecting their views, but also being able to challenge and debate in a constructive way.
- A willingness to participate in the wider representational role of a Supreme Court Justice, for example, delivering lectures, participating in conferences, and talking to students and other groups.
- Vision, coupled with an appreciation of the role of the Court in contributing to the development of the law.

In considering these qualities, the commission will have regard to the background and experience of the candidates.

## **The Selection Process**

Applications should be returned by 5pm on Tuesday 30 October to Jenny Rowe at the address given at the end of this pack. Applicants will need to provide a letter with evidence to support how they meet each of the criteria and qualities set out above and a short CV. Serving judges should submit copies of **three judgments only** which they believe demonstrate their judicial qualities, and explaining why these judgments are of interest and importance. This will be particularly important information for the lay members of the selection commission. Other applicants should submit copies of articles, opinions or other relevant material for the selection commission's attention. Applicants should also provide the names of up to two referees who can comment on how they meet the criteria set out above. (References are likely to be of most assistance to the selection commission if they cover areas not likely to be known to the statutory consultees.) Applicants are also asked to complete a diversity and equality questionnaire, which is **attached** to this pack.

The commission may carry out an initial long-listing exercise before undertaking the statutory consultations set out under section 27 of the Constitutional Reform Act. Short-listing is likely to take place in late November. In undertaking the short-listing and final selection the panel will have regard to the requirements at section 27 (5) to (10) of the Act as well as the degree to which applicants meet the criteria set out in this pack. The full range of available evidence will be taken into account in making the short-listing decision. The commission may also undertake other consultations as it deems appropriate.

The leading candidates will be invited to meet the commission before the final decision is made and interviews will take place on 19 and 20 December. Candidates invited to interview will be asked to make a short presentation on a topic to be advised.

Applicants should note that the statutory consultation process is lengthy and that the final outcome of the competition is unlikely to be known before early 2013.

The selection commission comprises:

<b>Lord Neuberger</b>	<b>President</b>
<b>Lord Hope</b>	<b>Deputy President</b>
<b>Professor Nichola Rooney</b>	<b>Judicial Appointments Commission for Northern Ireland</b>
<b>Sir Muir Russell KCB</b>	<b>Judicial Appointments Board for Scotland</b>
<b>Christopher Stephens</b>	<b>Judicial Appointments Commission for England and Wales</b>

### **Data Protection Act**

When writing to the statutory consultees, the selection commission will wish to send the consultees copies of the application letters and CVs submitted by applicants. If there is any information you would wish to be redacted before it is copied and sent to consultees please would you indicate this when you submit your application.

### **Contact details and further information**

If you need any further information please contact:

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