



INFORMATION PACK - VACANCIES FOR APPOINTMENT AS A JUSTICE OF THE SUPREME COURT

Introduction

Following the forthcoming retirements of Lord Carnwath in March 2020 and Lord Wilson in May 2020, applications are sought for the appointment of Justices of the Supreme Court of the United Kingdom (UKSC), to take up office in March 2020 and May 2020. Applications are sought from the widest range of candidates eligible to apply, including those who are not currently full-time judges and particularly those who will increase the diversity of the Court. 'Familiarisation visits' are available to eligible candidates. Further information can be found on the UKSC's website.

A concurrent competition is being run for the appointment of Lady Hale's successor as President, following her forthcoming retirement in January 2020. Those interested in applying as a Justice should note that, in the event of a serving Justice being appointed President, consideration will be given to the appointment of a third new Justice from this present competition, to take up office in January 2020. It is open to eligible candidates to apply for both the post of the President and as a Justice.

Statutory selection process

Justices are selected under the provisions set out in the Constitutional Reform Act 2005, as amended. This requires the Lord Chancellor to convene a selection commission, the membership of which is prescribed in the statute and in the Supreme Court (Judicial Appointments) Regulations 2013. There is a full description of the process on the Supreme Court's website.

For this competition, the selection commission comprises:

Lady Hale (Chair)	President of the UK Supreme Court
Lord Burnett	Lord Chief Justice of England and Wales
Mrs Nicola Gordon	Judicial Appointments Board for Scotland
Lord Kakkar	Judicial Appointments Commission of England and Wales
Mr Lindsay Todd	Judicial Appointments Commission for Northern Ireland

UK Supreme Court

The UKSC 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. Under the Act, there are 12 Justices, including the President and Deputy President.

The UKSC sits as the final Court of Appeal for civil cases in England and Wales, Scotland and Northern Ireland and for criminal appeals in England and Wales and Northern Ireland and exercises the devolution jurisdiction formerly exercised by the Judicial Committee of the Privy Council (JCPC). Justices of the Supreme Court also sit in the JCPC which forms the final Court of Appeal for a number of Commonwealth countries, Crown Dependencies and Overseas Territories.

The Supreme Court is located in Parliament Square. The JCPC sits 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 JCPC occasionally sits outside the United Kingdom.

Eligibility

The retiring Justices are from England and Wales. However, the competition is open to those qualified from Scotland and Northern Ireland as well as from

England and Wales. To be eligible for appointment you must, under section 25 of the Act, meet the following requirements:

Either: applicants must have held high judicial office for at least two years. ('High judicial office' means office as a judge of any of the following courts – the Supreme Court; the Court of Appeal of England and Wales; the High Court of England and Wales; the Court of Session; the Court of Appeal of Northern Ireland; the High Court in Northern Ireland);

Or: 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, which are defined as the following:

- The carrying out of judicial functions of any court or tribunal
- Acting as an arbitrator
- Practice or employment as a lawyer
- Advising (whether or not in the course of practice of employment as a lawyer) on the application of the law
- Assisting (whether or not in the course of such practice) persons involved in proceedings for the resolution of issues arising under the law
- Acting (whether or not in the course of such practice) as mediator in connection with attempts to resolve issues that are, or if not resolved could be, the subject of proceedings
- Drafting (whether or not in the course of such practice) documents intended to affect persons' rights or obligations
- Teaching or researching in the law; or
- Any activity that in the relevant decision-maker's opinion (this means the Lord Chancellor or her designated official) is of broadly similar nature to an activity with paragraphs (a) to (h).

Potential applicants will wish to note the following statutory criteria for selection:

Section 27 (5) of the Act: “selection must be on merit”

Section 27 (8) of the Act: “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”.

No guidance has been given by the Lord Chancellor to the commission under section 27(9) of the Act.

Subject to the overriding principle of selection on merit, the selection commission will wish to ensure as far as possible that there is an appropriate balance of expertise, professional experience and background within the Court.

Those recommended for appointment will need to be able to serve for a reasonable amount of time. While the competition is open to those who are not salaried judges at the moment – and the selection commission welcomes such applications – the commission will expect significant judicial or equivalent (eg arbitration) experience.

The role

The responsibilities and functions of a Justice can be summarised as follows:

- Sitting as a judge in the highest appeal court in the United Kingdom, hearing very complex and high-profile cases, with significant importance across the United Kingdom. Similarly, hearing cases in the JCPC, often with significant importance to overseas jurisdictions.
- Participating fully and collegially in discussions and decisions on cases heard before the Court and/or applications for permission to appeal.
- Writing, with appropriate dispatch, judgments of the highest quality, commanding the confidence and respect both of colleagues and the legal world generally and commensurate with the importance of the decisions of the highest appellate Court.
- Promoting understanding of the justice system, the Supreme Court and the rule of law both inside and outside the Court, for example through lectures, visits to schools and universities etc.
- Representing the UKSC at judicial conferences and meetings in the UK and abroad.
- Working with colleagues and the administration of the Court in a professional and respectful manner at all times.

Criteria for appointment

The cases dealt with by the UKSC include the most complex and important 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 be required to demonstrate the following to an exceptional degree:

1. Intellectual capacity, knowledge and expertise
 - Intellectual and legal ability, with a significant capacity for analysing and exploring legal problems creatively and flexibly
 - Knowledge and experience of the law, together with an appreciation of the role of the Court in contributing to the development of the law
 - Clarity of thought and expression, reflected particularly in written work
 - Appreciation of the developing nature of the constitution and law in England, Scotland, Northern Ireland and Wales

2. Judicial and personal qualities
 - Integrity and independence of mind
 - Sound judgment and decisiveness
 - Ability to contribute to the collegiate decision-making of the Court
 - Objectivity
 - An ability to work under pressure and to produce work with reasonable expedition.
 - Self-awareness and the capacity to develop in response to it

3. Understanding and fairness
 - Sensitivity to the needs of different communities and groups
 - Understanding of the role of the UKSC in the constitution and its relationship with Parliament, the Executive and the rest of the judiciary.
 - Ability to consider difficult and sensitive issues fairly and dispassionately

4. Communication skills
 - Excellent written and oral skills
 - Ability to work courteously in and out of Court, respecting the views of others.

- Ability and willingness to engage in the wider representational and leadership role of a Supreme Court Justice, including internationally, for example, delivering lectures, participating in conferences, and talking to students and other groups
- Willingness to embrace new technology

Flexible working

There are already opportunities to work flexibly e.g. at home for all Justices, subject to the needs of the Court. Further information can be obtained from Mark Ormerod – contact details at the end of this pack.

Part-time working

Applications for appointment as a Justice are welcome from candidates looking to work on a part-time basis, subject to the needs of the Court and the requirements and integrity of a Supreme Court Justice.

Part-time appointees would not be permitted to practise as a lawyer or advocate or arbitrator when not working as a Supreme Court Justice. There are also other roles and activities that would be inappropriate and individual requests to work part-time would be considered carefully by the President of the Court with due regard to their nature and appropriateness, including the potential for any conflict of interest.

Candidates interested in working on a part-time basis should state their desired working pattern on the application form. This information will not be used when assessing whether the criteria for appointment have been met for the purpose of shortlisting or inviting for interview. If successful at the shortlisting stage your request to work on a part-time basis and the reasons would then be considered.

If you would like to discuss your individual circumstances for an initial indication before completing your application form, please contact Mark Ormerod – contact details at the end of this pack.

Age

Subject to the statutory requirements 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.

Salary

Salary levels are set by the Senior Salaries Review Body. The current annual salary for a Justice of the UKSC is £221,757.

Pension

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, the Judicial Pension Scheme Regulations 2015 and any further amendments to the scheme at the time of appointment.

The Judicial Pension Scheme 2015 - Scheme Guide is on the UKSC website.

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;
- another Commonwealth country;
- the Republic of Ireland; 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 as defined in the Equality Act 2010.

The selection process

Applications need to be submitted by **midday on Friday 1 March 2019**. Ideally they should be sent by email, to grainne.hawkins@supremecourt.uk

Alternatively, they may be submitted by post, to the address below, but need to reach Grainne Hawkins by the time and date above.

**Grainne Hawkins
Supreme Court of the United Kingdom
Parliament Square
LONDON SW1P 3BD**

Applicants will need to provide the following:

- A completed application form and application monitoring form, both available from Grainne Hawkins (grainne.hawkins@supremecourt.uk tel: 020 7960 1906).
- A curriculum vitae.
- A short supporting statement of no more than 1,500 words, giving clear evidence to support how they meet each of the selection criteria.
- Candidates should submit three significant pieces of writing in support of their meeting the criteria for appointment, together with a brief explanation of why these have been chosen, drawing attention to the salient points for the commission. The pieces of writing could be judgments, articles, opinions or other relevant material.
- The names of two people who can provide an independent assessment against the selection criteria set out above. (Assessments may be of most assistance to the selection commission if they do not come from the statutory consultees (Annex A) (who are consulted as a matter of course) and if they cover areas not likely to be known to the statutory consultees)

Candidates should be aware of the policy on the Equal Merit Provision before applying. This is available on the UKSC website or on request.

The commission will undertake the statutory consultations set out under section 27 of the Constitutional Reform Act before short-listing candidates. **Short-listing is unlikely to take place until late March 2019.**

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 the **10, 13 and 14 May 2019**. **Applicants are asked to keep these dates free.**

Applicants should note that the statutory consultation process following interview can be lengthy and that the final outcome of the competition is unlikely to be known before October 2019. Following the announcement of the successful candidates, face to face feedback will be available to those candidates short-

listed for interview but not recommended for appointment. Those not called to interview will receive feedback in writing, if requested.

Data Protection Act

When writing to the statutory consultees, the selection commission will wish to send the consultees copies of the application papers 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 regarding the process, please contact:

Mark Ormerod
Secretary to the Commission
Supreme Court of the United Kingdom
Parliament Square
LONDON SW1P 3BD

T: 020 7960 1906

Mark.Ormerod@supremecourt.uk

Annex A

Statutory Consultees under section 27(1) 2005 Act

- Such of the following who are not members of the commission and who are not willing to be considered for selection:

Justices of the Supreme Court (Lady Hale is a member of the commission)

Lord Chief Justice of England and Wales (a member of the commissions)

Master of the Rolls

Lord President of the Court of Session

Lord Chief Justice of Northern Ireland

Lord Justice Clerk

President of the Queen's Bench Division

President of the Family Division

Chancellor of the High Court

- Lord Chancellor
- First Minister of Scotland
- First Minister of Wales
- Northern Ireland Judicial Appointments Commission