



JUDGES' COUNCIL  
OF ENGLAND AND WALES

# Annual Report

2007

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## FOREWORD

### **From the Chairman, Lord Phillips of Worth Matravers**



*Chairman of the Judges' Council,  
The Rt. Hon Lord Phillips of Worth Matravers*

I am delighted to introduce the Third Annual Report of the Judges' Council of England and Wales. Several very important issues arose during 2007, involving the setting up of the new Ministry of Justice (MoJ), consultation on the relationship between the Executive, Parliament and the Judiciary, the provision of resources for Her Majesty's Court Service (HMCS) and the relationship between the Judiciary and HMCS. Members of the Council have been working tirelessly on my behalf to provide appropriate responses and arrangements that are consistent with my role as Head of the Judiciary. The

Council as a whole has also provided me with valuable advice and encouragement throughout. I am particularly grateful for the Council's support in my negotiations with the Lord Chancellor that have led to an agreement on the main principles of a partnership between the Lord Chancellor and the Lord Chief Justice in relation to the governance, financing and operation of HMCS. This is a very significant achievement. Members of the Council are contributing to the work on the detailed structure and a new Framework Document will be laid before Parliament in the spring of 2008 together with consequential amendments to the Concordat.

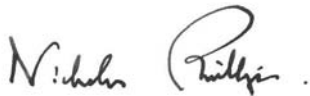
The Standing Committees on Judicial Welfare and Judicial Conduct have continued to meet regularly to push forward their respective agendas for welfare provisions, better administrative support and up to date guidance on conduct. These are all important issues for the judiciary which directly affect the way they are able to manage the pressures of carrying out their duties.

I would also like to mention three other important areas of work where the respective working groups have benefited from the assistance provided by HMCS and the Ministry of Justice. The first relates to the continuing problem of security at judges' homes where the assistance of the Deputy Security Officer of HMCS and the Regional Judicial Liaison Officers has been crucial to the successful operation of the agreed protocol. The second relates to communications and relations with the media which is being taken forward with advice from the Chief Public Information Officer and his team in the Judicial Communications Office. The third area relates to updating and improving the provision of books, law reports and other library provisions for the judiciary and the courts. This has involved the working group in the most comprehensive survey of library requirements for some time

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and it will set the standards for the foreseeable future. A Protocol between the judiciary and the MoJ has been agreed which will come into effect in April 2008. This working group has been ably assisted by the the Ministry's Library Information Services who have contributed a huge amount of work and provided tremendous support.

Finally, I would like to thank all those judges who have served and who continue to serve the Council and who generously give their own time to provide advice and support. The valuable links with the Council of Circuit Judges, the Association of District Judges, the Magistrates' Association via their respective Secretaries, Presidents and Chairman and the links with Tribunals via the Presidents of the Finance and Tax Tribunals, the Council of Immigration Judges and the Council of Employment Chairmen remain crucial, ensuring that the Council is kept up to date about the concerns of their respective members. I am immensely grateful to them all.



*Lord Chief Justice and Chairman of the Judges'  
Council of England & Wales*

## THE JUDGES' COUNCIL

**The Judges' Council** comprises 18 members of the judiciary and is chaired by the Lord Chief Justice. Two members serve ex officio and the other members serve between one and three years. The Council has the power to co-opt members and currently has an additional member who deals with the increasingly busy area of relations with Europe. Seven Judges' Council meetings were held in the Royal Courts of Justice during 2007 and took place on 15 February, 2 April, 15 May, 12 June, 24 July, 16 October and 11 December. The latter meeting was attended by the Lord Chancellor.

**The Executive Committee** comprises eight members of the Council and is chaired by the Senior Presiding Judge. The Committee meets monthly to discuss current concerns, to decide on Agenda items for the full Council, the setting up and co-ordination of working groups and committees and other work mandated by the Council.

A list of the members of the Judges' Council and the Executive Committee can be found at **Appendix 1**.

The present Council was set up in 1988 by Lord Lane, the then Lord Chief Justice, to express the judges' views on the administrative side of court functions, especially as to the deployment of resources. It was agreed that such a body would provide a valuable safeguard of the independence of the judiciary and should have an independent and loyal secretariat. This Council has met regularly since that time and its constitution has been regularly reviewed so that it now represents almost the whole of the judiciary. The latest changes were made following the coming into effect of the Constitutional Reform Act 2005. A copy of the current Constitution can be found at **Appendix 2**.

The detailed work of the Council is carried out by Standing Committees, Sub Committees and Working Groups. A list of the current committees and groups and details of their membership can be found at **Appendix 3**.

**Web pages** The Judicial Communications Office has continued to improve and update the web pages for the Judges' Council which can be viewed on the judicial internet. Details may be viewed relating to the current membership, constitution, history and publications. The pages can be accessed via [www.judiciary.gov.uk](http://www.judiciary.gov.uk). Follow the links to "About the Judiciary" then "Governance and the Judiciary".

**Secretariat** The Judges Council continues to be supported by its own independent secretariat, as set out in its revised Constitution. This comprises the Secretary, Barbara Flaxman and the Assistant Secretary, Phil Cash, both of whom are based in the Royal Courts of Justice.

## STANDING COMMITTEES

### The Guide to Judicial Conduct

This Standing Committee was set up to keep under review the publication "Guide to Judicial Conduct" published by the Council in October 2004. The Committee is chaired by Lord Justice Pill and met in January and July 2007. A short article appeared in "Benchmark" in February setting out its terms of reference and membership and inviting comments on the Guide. Reference to the Standing Committee appears in the new Welcome Pack for Circuit and District Judges and a copy of the Guide is now one of the documents included in the Pack.

The Committee meets to consider recent events relating to discipline and conduct and any points of principle that arise which may require the Guide to be revised.

The Chairman provides the necessary link with those judges to whom the Lord Chief Justice has delegated disciplinary functions, so that the Committee can be advised if issues have arisen that require amendments to the Guide. He also provides the link with the Sub Committee on Communications set up under the Judges' Council Workplan to explore all aspects of judicial communication, including communications with the media.

Two Amendments to the Guide have been agreed this year relating to participation in public protests and the recent Guidance on reporting minor offences issued by the Lord Chief Justice. These will be published in early 2008.

A copy of the Guide to Judicial Conduct is available from the Judges' Council web pages on [www.judiciary.gov.uk](http://www.judiciary.gov.uk).

A First Progress Report was presented to the Council in February 2008.

### Judicial Support and Welfare

This Standing Committee was set up in December 2006 to advise the Council on judicial welfare and support. This followed on from the research carried out by a Working Group in 2006 and their consequential recommendations set out in the "Report of the Working Group on Judicial Support" published in October 2006 and from the welfare responsibilities of the Lord Chief Justice. An article about the Committee and the Report appeared in the March edition of "Benchmark".

The Committee is chaired by Mr Justice Forbes and met on seven occasions in 2007.

The Committee, at its first meeting in January 2007, agreed to address the recommendations made in the above Report, to treat them as priority business and to take them forward as quickly as possible.

These recommendations comprise five separate issues relating to:

1. Judicial career development,
2. Judicial health and healthcare,
3. Pre-reading and judgement writing time,
4. Administrative and personal support,
5. Retirement and
6. Postscript.

A First Progress Report was presented to the Council in December 2007. The Committee reported that although two of the recommendations had been achieved, namely the attendance by judges of the High Court Bench on Judicial Studies Board courses and the setting up of a retirement course, 13 others remained which continued to be of great importance to the wellbeing of the judiciary. "Progress has been difficult and slow and is clearly impeded by the lack of funding and the requirement, in effect, for all but the most senior judges to carry out full court sittings whatever their administrative burden." This Report was published on the Council's website on the 4 January 2008. An article subsequently appeared in the Daily Telegraph on the 10 January 2008.

## JUDGES' COUNCIL WORKPLAN

A Workplan was agreed in July 2006 to assist and advise the Lord Chief Justice on important and current areas of work, over the next 12 months. Accordingly four Sub Committees were set up to consider communications, the provision of resources, judicial management and tribunals and to report to the Judges' Council on issues of concern or change, either for noting or, as appropriate, for debate.

### **Judicial Management**

This Sub Committee is chaired by Mr Justice Andrew Smith and has met on three occasions. The terms of reference were endorsed by the Council in July 2007 and include examining existing appraisal schemes for those carrying out judicial functions, the recent pilot scheme for Recorders and considering whether and how they might be developed and expanded, bearing in mind the consequential cost implications.

This work follows the statement of the Judges' Council made in 2005 that it "supports the principle of Judicial Appraisal but considers that the appraisal of any Judge should be carried out by a Judge of the same or higher status". It also follows the recommendations made in the Auld report (the Review of the Criminal Courts) supporting appraisal schemes for part-time judicial post-holders (such as recorders) who might be seeking full-time judicial appointment and calling for consideration of a system for appraising full-time judges.

The Sub Committee expects to report to the Council in the Summer of 2008.

### **Provision of Resources and Administrative Infrastructure for the Conduct of the Business of the Courts**

This Sub Committee was chaired by District Judge Michael Walker and met on four occasions in 2007. Terms of reference were endorsed by the Council on the 15 February 2007 which included carrying out an urgent scoping study of the interaction between the judiciary and HMCS / Department for Constitutional Affairs (DCA) in relation to key issues in the HMCS Change Programme, Finance and Estates, judicial involvement in the decision making processes and the role of the judiciary in relation to HMCS and the management of the courts.

A Report entitled 'Proposals for the Relationship between DCA, HMCS and the Judiciary on the Issue of Financial Responsibilities' was presented to and endorsed by the Judges' Council in April 2007. The proposals were, however, overtaken by events due to the creation of the Ministry of Justice in June. The Chairman and other members of the judiciary have subsequently been in detailed discussions with HMCS on the governance, financing and operation of HMCS.

The work of the Sub Committee has since been subsumed into the Financial Working Group (comprising representatives of the judiciary, the MoJ and HMCS) and the Sub Committee itself is expected to be disbanded

## Communications

This Sub Committee is chaired by His Honour Judge Keith Cutler and four meetings were held in 2007. Its terms of reference were endorsed by the Council in February 2007 and include the provision of advice, support and recommendations to the Judges' Council on all aspects of judicial communications, external and internal, considering and promoting best practice in such communications at local, national and European levels. It will also aim to ensure that all such communication should improve the public understanding of the role and work of judicial office holders and enhance public confidence in the judiciary.

A Report was presented and discussed at the meeting of the Judges' Council in July 2007. It was agreed that the Sub Committee should explore the practical options of setting up a panel of judges to respond to press or media comment and report back to the Council in April 2008 when the options have been explored.

The Sub Committee has also made recommendations concerning the co-ordination of judicial responses to government consultation papers which are currently being taken forward by the Judicial Communications Office and the Judges' Council's secretariat.

## Tribunals

This Sub Committee (formerly known as The Unified Judiciary) is chaired by His Honour Judge Sir Michael Harris. Its Terms of Reference are to provide advice to the Council on the relationship that the Tribunals branch of the judiciary should have with the remainder of the judicial family and how the Council can contribute to maintaining the unified judicial family. A first meeting was held in December 2006.

The Council agreed that the Sub Committee should continue to meet, to advise the Senior President as required and to report back to the Council at regular intervals. The Council also agreed that the tribunals' judiciary should remain as members of the Judges Council. This Sub Committee has not met formally, but has been a means of communication with the Council, through the Chairman, during the stages of the Tribunals, Courts and Enforcement Bill and researching tribunal appraisal schemes. The terms of reference will be reviewed in 2008.



## WORKING GROUPS

### The Concordat and Resources including the Estate

Further to its responsibilities under paragraph 24 of the Concordat, the Council agreed to set up a joint working group, chaired by Lord Justice Leveson, and comprising Members of the Council, other judiciary and officials from HMCS and the DCA (later MoJ). Throughout 2007, the joint working group met regularly to discuss funding for the estate and the courts, HMCS forecasts and budget allocations for 2008/09. HMCS officials provided the necessary financial details to enable the judiciary to see the completed financial picture and provide advice and discuss concerns. The proposed efficiency savings to the Regions and front line services were especially worrying and the joint working group expressed grave concerns that the system would begin to fail. This concern was allayed at the Concordat meeting under paragraph 25 of the Concordat between the Lord Chief Justice and the Permanent Secretary in early 2008, when it was agreed that the efficiency savings would not be taken from the Regions.

### Performance Standards

In March 2007, the criminal, civil and family targets working groups were re-convened. Meetings were held with officials from DCA (later MoJ) and HMCS to comment on proposed targets, in accordance with the recommendations set out in the Judges' Council Report on Targets published in April 2004. Comments and views on the proposals were expressed by the judiciary at a number of meetings, however the setting up of the MoJ effectively stalled the discussions for several months. HMCS is devising a table of measures and it is hoped that these will be shared with the working groups in early 2008.

### Review of Library Provisions

This working group, chaired by Mr Justice Etherton, was set up to undertake a review of all law reports, text books, journals and other library material provided to the judiciary and to the courts below the level of the Court of Appeal by the DCA (now MoJ), now the MoJ's Library Information Service (LIS). The working group has drawn on the assistance and expertise of the MoJ's librarians and other specialists as necessary. This is the most comprehensive survey of library requirements for the judiciary for some time, and will set the standards for the foreseeable future.

Five meetings were held in 2007. Three Interim Reports were drafted and discussed at Judges' Council meetings on the 12 June, 24 July 2007 and 11 December 2007.

Survey forms, seeking views on library requirements for both the judiciary and the courts, were devised and sent out to the judiciary with covering letters from the Chairman and (as appropriate) from one of the members representing each tier of the judiciary. The responses were collated by the MoJ and various options were put forward for discussion. Each member of the working group has held several meetings with the MoJ Head of LIS and discussed the specific library needs of their respective judicial group.

The MoJ is now concluding negotiations with the publishers and the budget implications have been finalised. A draft Protocol was approved by the Judges' Council on the 11 December together with letters from LIS to be sent to the judges. The Protocol, LIS letters and a covering letter from the Lord Chief Justice will be despatched to the judiciary in early 2008.

The Council has also approved the setting up of a Standing Committee to replace the working group: this Committee will provide a contact point for the MoJ LIS to discuss library issues.

### **Appointments to the Judicial Appointments Commission (JAC)**

In May 2007, the Judges' Council set up a working group and recommended to the Lord Chancellor, pursuant to paragraph 7(7) of Schedule 12 of the Constitutional Reform Act 2005, that Lord Justice Toulson be appointed as a new judicial member of the JAC. The recommendation has been confirmed.

### **Judicial Appointments Working Group – (formerly the Judicial Appointments Commission (JAC) Liaison Group)**

This working group, chaired by Lord Justice Leveson, continues to provide a forum for discussion about judicial appointment processes and all related matters; to act as a sounding board for the JAC and to ensure that proposals developed by the JAC are drawn to the attention of relevant bodies. It has recently added judicial diversity to its terms of reference, and is thereby providing support to the Lord Chief Justice in relation to the judicial diversity strategy. The secretariat is provided by the Judicial Office of England and Wales.

### **National Security Protocol**

This working group, chaired by Mr Justice Holman, was set up to look at judges' security at their homes following incidents involving certain interest groups. The working group has been greatly assisted by the Deputy Security Officer at HMCS. Following agreement with the Association of Chief Police Officers (ACPO), a National Protocol has been set up and implemented in all police areas to enable security incidents to be dealt with quickly. Assistance from HMCS Regional Offices has been vital to the successful implementation of this Protocol together with input from those judges who have agreed to act as judicial security liaison judges for each police area. The

procedures were reviewed in 2007 and a number of issues are being taken forward by the administration relating to best practice and funding. The Protocol has rarely been triggered, but many judges have registered their homes and it is believed the system works well as a safety mechanism when required.

### **Smoking Ban**

In December 2006, the DCA introduced a smoking ban in all court buildings. A working group chaired by His Honour Judge Cutler had advised on various practical issues relating to witnesses, jurors and the judiciary and was able to provide valuable input into the Guidance and instructions sent by HMCS to all court managers. In November 2007, the MoJ set up a review to measure the effectiveness of the smoking ban, the operational concerns and the effectiveness of any existing arrangements. The working group was reconvened and has provided comments on the proposed terms of reference. The results of the Review are expected in early 2008.

### **Salaried Judges Returning to Legal Practice**

The Judges' Council set up two working groups in 2006 and provided two Responses to the Lord Chancellor's proposals to allow former salaried judges to return to legal practice. These Responses strongly advised against the proposals and considered that the current convention not to return should be retained. The Council had also held a meeting in December 2006 with Lord Falconer, the then Lord Chancellor, but there was no meeting of minds. Following that meeting, the Council provided a further Response expressing its concerns on the proposals and supporting the conclusions of the two working groups. In November 2007, the new Lord Chancellor announced that the proposals would not be implemented. He had considered the arguments both for and against the return to legal practice but did not believe there was sufficient evidence that this would achieve a more diverse judiciary and that the arguments against the change outweighed those for the change.

## OTHER ACTIVITIES

### Security

His Honour Judge McGregor Johnson is the judicial member, appointed by the Judges' Council, HMCS Security Review Group. He has provided a response to the DCA "Evaluation Report of Personnel Security Clearances in Judicial and Related Activities" and their intention to revise the levels of security and criminal records checks for court staff. He has provided the Council with valuable information and advice on the policies subsequently introduced by HMCS resulting in the Executive Committee having to express its grave concerns about the risks that could be involved. A review of the policy began in November 2007 and will extend into 2008.

### European Network of Councils for the Judiciary

The Judges' Council of England and Wales has been a member of the European Network of Councils for the Judiciary (ENCJ) since May 2004. Members of the Council, other co-opted judges and the Secretary have attended several meetings and conferences. The ENCJ has set up a website detailing its membership and work and can be viewed at [www.encj.eu/encj](http://www.encj.eu/encj)

The 2007 Annual General Assembly of the ENCJ was held in Brussels on 6 – 8 June 2007 and was attended by Lord Justice Thomas, His Honour Judge Keith Cutler and the Secretary. Two members of the Scottish judiciary attended as observers.

Following an offer of European Union funding, the ENCJ decided to amend its Constitution and set up an independent secretariat in place of the present administrative support generously provided by the Dutch Council. It also agreed that members should pay an annual membership fee.

Accordingly, a small committee, including District Judge Michael Walker, was set up to draft new Statutes. These were considered and adopted at a special General Assembly held in November 2007 at The Hague. A further meeting of the committee will take place in January 2008, to discuss the secretariat and funding issues.

Six ENCJ working groups have been set up covering e justice, public confidence, the liability of judges, performance management, mutual confidence and criminal justice in the EU. Mr Justice Fulford jointly chairs this last working group with judges from Italy and a first meeting was held in November 2007 in Rome.

Scotland set up its own Judicial Council in December 2006 and was formally accepted as a member of the ENCJ at the special General Assembly held in November 2007. Scotland now forms part of the UK delegation. Improved communication and effective cooperation between both Councils especially in areas of common interest will serve to strengthen the position of the united delegation and enable its views to be more effectively heard.

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The Consultative Council of European Judges (CCJE) set up a working group to prepare an Opinion on High Judicial Councils, their structure and purpose and called on the ENCJ to provide assistance. This Opinion would then be put before the Council of Ministers of the Council of Europe.

This working group had a wide membership including Armenia, Macedonia, Estonia, Austria, France, Portugal and the Netherlands and was chaired by Italy. Discussions were conducted in French and English but the Opinion was in English. The working group sought expert help from countries outside those represented on the working group and asked Lord Justice Thomas to join as the expert (rapporteur) to this group. Other expert evidence was put before it by the Venice Commission. Lord Justice Thomas drafted a Report dealing with comparisons of judicial councils in Europe which was presented to the CCJE annual conference in Rome in March 2007 by Mr Justice Aikens. The working group (now including His Honour Judge Keith Cutler representing Lord Justice Thomas) then drafted an Opinion which was discussed and approved by the CCJE in November. The Opinion is expected to be presented to the Council of Ministers in early 2008.

Efforts are currently underway to record and formalise the various European wide judicial groups to ensure unity of approach and to avoid duplication as well as improve cohesion across Europe. Lord Justice Thomas is taking the lead on this and is working with the Assistant Secretary to research and record information for presentation to the ENCJ in early 2008.

The late Lord Justice Pumfrey attended a meeting in Brussels in November 2007 as part of an ENCJ delegation looking at damages actions for breach of EC and trust rules.

The European Judicial Training Network (EJTN) provides EU funding for several exchange programmes, one of which is aimed at members of Councils for the Judiciary (or compatible organisations). ENCJ members were invited to take part in 2007. Judges from Lithuania and Spain visited England in November and December while His Honour Judge Keith Cutler visited the Netherlands. All the exchanges were very successful and further exchanges will take place in 2008. More details can be found at [www.ejtn.net](http://www.ejtn.net)

The Judges' Council will be hosting the next meeting of the ENCJ steering in February 2008 to be held at Lincoln's Inn.

The support for making the travel arrangements, compiling programmes for the exchanges and the papers for meetings and conferences has been provided by the Assistant Secretary.

## THE YEAR AHEAD

Communications, judicial management, library provisions, security, welfare and conduct have been important areas of work for the Judges' Council throughout 2007 and they will continue to be taken forward by the current committees and working groups in 2008. The Council will be reviewing its overall Workplan to ensure that it remains relevant. It will also be reviewing its membership and objectives under the terms of its constitution to ensure that the Council remains on course and whether any changes or adjustments need to be made.

The Council and its members will continue to assist with the drafting of the new Framework Document for HMCS and pursue discussions with HMCS on finance, targets and the operation of the courts in order to protect and promote the due administration of justice. The Council is committed to ensuring that the views, ideas and the concerns of the wider judiciary are taken into account when providing advice or responses to consultations and that judicial independence is fully protected.

The web pages will continue to be improved so that it contains more information for the judiciary on the Council's activities. The new arrangements for tracking and responding to consultation papers will be taken forward and will provide clear and up to date information.

The Council will maintain its active involvement with the ENCJ. We will be forging stronger links with the new Scottish Judicial Council, now a member of the ENCJ, and using the strength which a united approach affords, to our mutual advantage in promoting the Common Law. We will also pursue other areas of common interest, including welfare and support, and set up the means to exchange views and provide mutual assistance.



*Lord Chief Justice and Chairman of the Judges' Council of England & Wales*

## APPENDIX 1: MEMBERSHIP IN 2007

<b>Name</b>	<b>Position</b>
Lord Phillips of Worth Matravers	The Lord Chief Justice & Chairman of the Judges' Council
Lord Justice Leveson	Senior Presiding Judge & Chairman of the Executive Committee
Baroness Hale of Richmond	A Member of the House of Lords / Supreme Court
Lord Justice Waller / Lord Justice Scott Baker	A Member of the Court of Appeal
Mr Justice Warren	A High Court Judge (Chancery Division)
Mr Justice Bennett	A High Court Judge (Family Division)
Mr Justice Butterfield	A High Court Judge (Queen's Bench Division)
Mr Justice Simon / Mr Justice Wilkie	A Presiding Judge
His Honour Judge Shaun Lyons CBE	President of the Council of Circuit Judges
His Hon Judge Keith Cutler	The Honorary Secretary of the Council of Circuit Judges
Senior District Judge Tim Workman CBE	A District Judge (Magistrates Court)
Senior Master Robert Turner (until October 2007) Jonathan Winegarten (from October 2007)	A Member of the High Court Masters' Group
District Judge Michael Walker CBE	The Honorary Secretary of the Association of District Judges
District Judge Terence John (until March 2007) District Judge Michael Tennant (from April 2007)	President of the Association of District Judges
His Honour Judge Michael Harris, President of the Appeals Service (until March 2007) Sir Stephen Oliver QC, President of the Finance and Tax Tribunals, (from April 2007)	A Tribunal Member
Paul Shaerf, Designated Immigration Judge	A Tribunal Member
Peter Hildebrand, Regional Employment Judge	A Tribunal Member

<b>Name</b>	<b>Position</b>
Cindy Barnett JP (Chairman)	A Member of the Magistrates' Association
Lord Justice Thomas	Co-opted member for European issues

### **Members of the Executive Committee for 2007**

Lord Justice Leveson, Chairman	
Lord Justice Thomas	Co-opted member for European issues
Mr Justice Simon / Mr Justice Wilkie	
His Honour Judge Keith Cutler	
His Honour Judge Michael Harris (until March 2007) / Sir Stephen Oliver QC (from April 2007)	
District Judge Michael Walker CBE	
Cindy Barnett JP	

## APPENDIX 2: THE CURRENT CONSTITUTION

A copy of the present Constitution adopted in March 2006 is set out below.

### General principles

- 1 The Judges' Council is a body broadly representative of the judiciary as a whole; it should be composed of persons in whom the whole body of judges has confidence.
- 2 Detailed work is carried out through sub-committees or working groups. An Executive Committee is responsible for bringing all relevant matters before the Judges' Council, appointing and coordinating the work of the sub-committees and working groups, coordination with the Judicial Executive Board and carrying out such functions of the Judges' Council within guidelines set by the Judge's Council, specifically mandated by the Judges' Council or in an emergency.
- 3 The Judges' Council will inform and advise the Lord Chief Justice. It
  - a is consulted to obtain a wide perspective on matters which go wider than any discrete judicial grouping;
  - b considers and conveys views, ideas or concerns of the wider judicial family;
  - c provides detailed analysis and consideration of specific matters on which judicial views are sought; and
  - d develops policy in matters within its areas of functional responsibility;

The functional responsibilities are informing and advising the Lord Chief Justice on matters as requested from time to time.

- 4 It is not intended that the Judges' Council should interfere with the existing Associations of judges or their present functions.

### Composition of Judges' Council

- 5 The list of members is set out below.
- 6 With the exception of the Lord Chief Justice and Senior Presiding Judge (and any co-opted member), a member should be selected (directly or indirectly – e.g. through an Association or Council) by the Judicial group, or constituency, which he (or she) represents; the period of membership will be three years, with the power to extend for about a year in specific circumstances.
- 7 The Lord Chief Justice, or such person as may be nominated for the time being by the Lord Chief Justice, shall be Chairman.
- 8 The Judges' Council shall have the power to co-opt a member for such period and for such purposes as seems appropriate.

### Objects

- 9 The objects of the Judges' Council are:
  - a to preserve the independence of the Judiciary.
  - b to protect and promote the due administration of justice.
  - c to co-ordinate the views and actions of the judges to those ends.
  - d to promote the professional and pastoral interests of the judiciary.
  - e to provide guidance to the judiciary on questions of ethics, and other matters of relevance to the due administration of justice.



- f to facilitate communication between the various levels of the judiciary and collect and collate their views.
- g to advise and inform the Lord Chief Justice so that he may be aware of the views of the judiciary on matters falling within his responsibilities.
- h to deal with all matters of concern to the Judiciary.

### **Meetings**

- 10 The Judges' Council will meet six times a year, and on such other occasions as, having taken the advice of the Executive Committee, the Lord Chief Justice considers appropriate.

### **Executive Committee**

- 11 The Judges' Council has an Executive Committee chaired by the Senior Presiding Judge.
- 12 The membership of that Committee is not to exceed seven and shall consist of members of the Judges' Council. Its members are selected by the Judges' Council to reflect the composition of the Judges' Council. The Judges' Council or the Executive Committee may co-opt further members as it considers appropriate.
- 13 The Executive Committee shall meet monthly and at such times as it shall consider appropriate.

### **Sub-committees or working parties**

- 14 The Judges' Council or the Executive Committee shall be entitled to appoint a sub-committee or working group to consider any matter of relevance. Members of the same shall be persons selected by the Lord Chief Justice, the Judges' Council or Executive Committee.

### **Secretariat**

- 15 The Judges' Council and its sub-committees and working parties are supported by its own independent Secretariat.

### **Publication of dates, minutes and annual report**

- 16 The dates of meetings of the Judges' Council shall be publicized amongst the judiciary as a whole through the Judicial Communications Office. A web conference will be set up by virtue of which any judge may bring to the attention of the Executive Committee any matter which it is suggested should be brought to the attention of the Judges' Council. It will be within the discretion of the Executive Committee what matters are brought before the Judges' Council.
- 17 Minutes of the Judges' Council will be available in the above conference. It will be open to the Lord Chief Justice to rule that any section of the minutes may not be published either for the present, or at all if in his complete discretion he feels there is good reason for taking that step.
- 18 The Judges' Council shall publish an annual report.

## MEMBERSHIP OF THE JUDGES' COUNCIL

### **Ex Officio**

The Lord Chief Justice  
The Senior Presiding Judge

### **Representative Judiciary**

A Member of the House of Lords /  
Supreme Court  
A Member of the Court of Appeal  
A Presiding Judge  
A High Court Judge of the Chancery Division  
A High Court Judge of the Family Division  
A High Court Judge of the Queen's Bench  
Division  
The President of the Council of Circuit Judges  
The Honorary Secretary of the Council of  
Circuit Judges  
A Member of the High Court Masters' Group  
The President of the Association of District Judges  
The Honorary Secretary of the Association of  
District Judges  
A District Judge (Magistrate)  
A Tribunal member  
A Tribunal member  
A Tribunal member  
A Member of the Magistrates Association

## APPENDIX 3: JUDGES' COUNCIL COMMITTEES AND WORKING GROUPS

### Standing Committees

### Members

The Guide to Judicial Conduct

Lord Justice Pill (Chairman); Lord Justice Gage; Mrs Justice Macur; Judge Michael Brodrick; Judge Elisabeth Fisher; District Judge Michael Walker CBE; Designated Immigration Judge Paul Shaerf

Judicial Support and Welfare

Mr Justice Forbes (Chairman); Mr Justice Sumner; Her Honour Judge Jackie Davies; Senior Master Robert Turner (until October 2007) Jonathan Winegarten (from October 2007); Senior District Judge Tim Workman CBE; District Judge Michael Walker CBE.

### Workplan Sub Committees

### Members

Judicial Management

Mr Justice Andrew Smith (Chairman); His Honour Judge Christopher Tetlow; District Judge Terence John; Regional Employment Judge Peter Hildebrand; Cindy Barnett JP

The Provision of Resources and Administrative Infrastructure for the Conduct of the Business of the Courts (RIG)

District Judge Michael Walker (Chairman); Mr Justice Warren; His Honour Judge Shaun Lyons CBE; the Senior Master, Robert Turner (until October 2007), Jonathan Winegarten (from October 2007); Cindy Barnett JP.

Communications

His Honour Judge Keith Cutler (Chairman); Lord Justice Pill; Mr Justice Butterfield; Mr Justice Bennett; Mr Justice Calvert Smith; Designated Immigration Judge Paul Shaerf; Cindy Barnett JP.

Tribunals

His Honour Judge Michael Harris (Chairman); Baroness Hale; Lord Justice Waller / Lord Justice Scott Baker; Mr Justice Goldring; Senior District Judge Tim Workman CBE.

**Working Groups**

**Members**

Appointments to the JAC	Lord Phillips; Lord Justice Waller Mr Justice Wilkie His Honour Judge Keith Cutler Sir Stephen Oliver QC District Judge Michael Walker CBE
Salaried Judges returning to legal Practice, Group 1	Lord Justice Gage (Chairman); Lord Justice Pill; Mr Justice Tomlinson; Mr Justice Patten; Mrs Justice Macur; His Honour Judge Keith Cutler; Senior District Judge Tim Workman CBE; District Judge Michael Walker CBE
Salaried Judges returning to legal Practice, Group 2	Lord Justice Pill (Chairman); Mr Justice Bennett; Mr Justice Patten; Mrs Justice Macur; His Honour Judge Keith Cutler; Senior District Judge Tim Workman CBE; District Judge Michael Walker CBE; Designated Immigration Judge Paul Shaerf.
Review of Library Resources	Mr Justice Etherton (Chairman); Mr Justice Kirkwood / Mr Justice Holman ; Mr Justice Mackay; Mr Justice Wilkie; His Honour Judge Nicholas Philpot / His Honour Judge Tanzer; Her Honour Judge Isobel Plumstead; District Judge Paul Mildred; District Judge (Magistrate) Katherine Marshall; The Chief Chancery Master, Jonathan Winegarten; Andrew Mimmack (justices' clerk); John Thornhill JP.
National Security Protocol	Mr Justice Holman (Chairman) His Honour Judge Sean Duncan; District Judge Michael Walker CBE.
Smoking Ban	His Honour Judge Keith Cutler (Chairman); Mr Justice Butterfield; Senior District Judge Tim Workman CBE.

**Working Groups**

**Members**

Working Groups	Members
Targets	Crime Lord Justice Leveson (Chairman) Mr Justice Henriques His Honour Judge Shaun Lyons CBE Senior District Judge Tim Workman CBE Cindy Barnett JP
Civil	Lord Justice Moore-Bick (Chairman) Mr Justice Goldring His Honour Judge Charles Harris Master Nicholas Bragge District Judge Michael Walker CBE
Family	Mr Justice Hedley (Chairman) Her Honour Judge Isobel Plumstead Senior District Judge Philip Waller District Judge Martyn Royall Margaret Wilson JP
Judicial Appointments (formerly the JAC Liaison Group)	Lord Justice Leveson (Chairman) Mr Justice Treacy Mrs Justice Baron Mrs Justice Dobbs (Co-opted) His Honour Judge Keith Cutler His Honour Judge Michael Harris District Judge Julia Ilsley District Judge (Magistrate) Daphne Wickham