



INFORMATION PACK - VACANCY FOR APPOINTMENT AS
PRESIDENT OF THE SUPREME COURT

Introduction

Following the forthcoming retirement of the current President, Lady Hale, applications are sought for the appointment of a new President of the UK Supreme Court (UKSC), to take up office in January 2020.

Statutory selection process

The President of the UKSC is selected under the provisions set out in the Constitutional Reform Act 2005, as amended. This requires the Lord Chancellor to convene a separate 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 the selection of the next President the commission comprises

Mrs Nicola Gordon (Chair)	Judicial Appointments Board for Scotland
Lord Burnett	Lord Chief Justice of England and Wales
Lord Kakkar	Judicial Appointments Commission of England and Wales
Lord Kerr	Justice of the Supreme Court
Mr Lindsay Todd	Judicial Appointments Commission of 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 President of the UKSC occupies the most senior UK judicial position, with responsibility for the UKSC, the day-to-day administration of which is largely delegated to the Chief Executive. Each jurisdiction of the UK has its own judicial head and court administration, and these do not form part of the remit of the President of the UKSC.

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

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 or 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 either commission under section 27(9) of the Act.

Those recommended for appointment will need to be able to serve for a reasonable amount of time.

The role

The responsibilities and functions of the President can be summarised as follows:

- Effective presiding in the highest appeal court in the United Kingdom, hearing very complex and high-profile cases, with significant importance across the United Kingdom. Similarly, presiding in the JCPC, on cases of importance to overseas jurisdictions.
- Providing outstanding leadership, which inspires confidence within the Court, the judiciary of the UK and internationally, the legal profession, Parliament, Government and the wider public, and which supports the rule of law and the judicial process.
- Leadership of the judicial administration of the Court and working with colleagues and the administration of the Court in a professional manner at all times so that the Court functions internally as a collegiate institution. Chairing regular Justices' meetings and the UKSC Strategic Advisory Board.
- Participating fully and collegiately in discussions and decisions on cases heard before the Court and applications for permission to appeal.
- Liaison with the most senior judges of the three jurisdictions covered by the UKSC, visiting Edinburgh, Belfast and Cardiff regularly.
- Participation in liaison and exchanges with other Supreme, Constitutional and senior Courts internationally and contributing to international work on judicial co-operation.
- An ambassadorial and representational role for the UKSC, justice and the rule of law within the UK and internationally, including giving lectures, visiting UK schools and universities etc.
- Effective engagement with Parliament, Government and the media.
- Writing, with appropriate dispatch, judgments of the highest quality, commanding the respect of colleagues and commensurate with the role of President; and ensuring the timely delivery of judgments by the Court generally.

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 oral and written 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

5. Leadership

- Outstanding leadership skills, as described in the role description
- Resilience and firmness of purpose, coupled with excellent handling skills
- Vision and strategic thinking, coupled with an appreciation of the role of the Court in contributing to the development of the law

- Ability to lead the Court, acting authoritatively and considerately during Court proceedings, and working effectively with the Chief Executive and judicial colleagues

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 the President of the UKSC is £229,592.

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 020 760 1906).
- A curriculum vitae.
- A short supporting statement, of no more than 2,000 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. (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.

The commission will undertake the statutory consultations set out under section 27 of the Constitutional Reform Act (Annex A) 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 **13 and 14 May 2019**. **Applicants are asked to keep these dates free.**

Applicants should note that the statutory consultation and other processes following interview can be lengthy and that the final outcome of the competition is unlikely to be announced 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 (Lord Kerr is a member of the commission)

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

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