

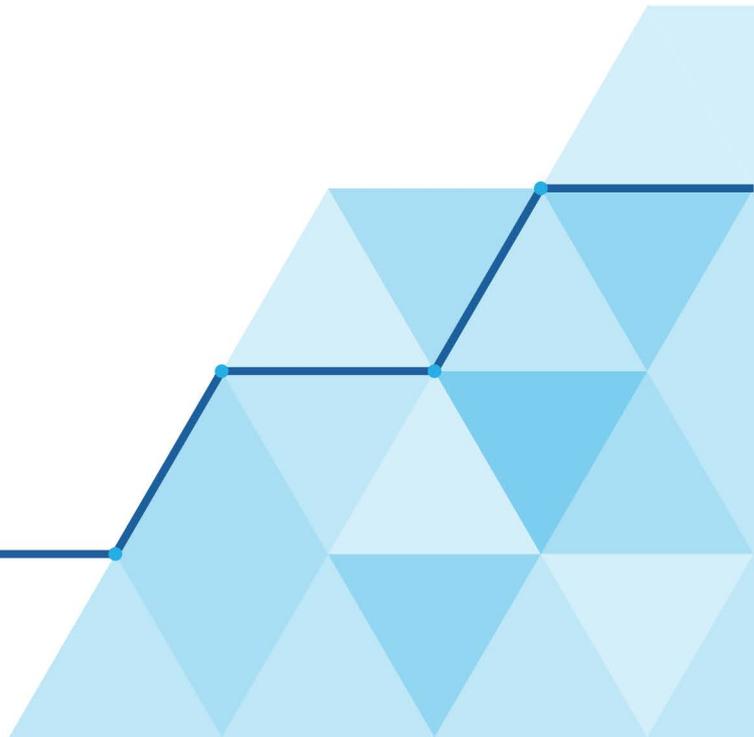


Ministry
of Justice

Judicial Mandatory Retirement Age

Response to Consultation

This response is published on 8 March 2021





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Response to consultation carried out by the Ministry of Justice.

This information is also available at <https://consult.justice.gov.uk/>

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Introduction and contact details

This document is the post-consultation report for the consultation paper: Judicial Mandatory Retirement Age published on 16 July 2020.

It will cover:

- an executive summary of the report
- the background to the report
- a detailed response to the specific questions raised in the report
- the next steps following this consultation.

If you have any questions about the consultation process or if you wish to receive a copy of this document in an alternative format, please email the Ministry of Justice at **MRAConsultation@justice.gov.uk**

Foreword

I am extremely grateful to the many individuals, judicial associations and other bodies who took the time to respond to the consultation on increasing the judicial mandatory retirement age. We have analysed those responses carefully and I am pleased to set out in that consideration in this document.

A judicial mandatory retirement age remains essential to preserving public confidence in the health and capacity of those appointed and to protecting judicial independence by alleviating the need for individual assessments and the possibility of judicial office holders being removed at the whim of the Executive. It also supports judicial resource planning and promotes the diversity of the judiciary by ensuring a steady flow of new appointments.

In the 27 years since the mandatory retirement age of 70 for most judges was set, a lot has changed. The structure and operation of our courts and tribunals have developed, alongside the demands placed upon them. Meanwhile, the average life expectancy in the UK has increased significantly and a greater number of people are now working longer following the abolition of the default retirement age for most professions. In this context, I am persuaded, along with the majority of respondents to this consultation, that it is now time for change.

I want to ensure that we not only reflect this change in life expectancy, but also that we provide judicial office holders (and potential office holders) greater flexibility in when they retire, or apply to be a judge, magistrate or coroner. It is also vital that we have sufficient judicial resource to meet the changing demands in our courts and tribunals, I have therefore decided to raise the mandatory retirement age to 75. I am confident this will provide the right balance between protecting the need to have a mandatory retirement age with the benefits to the justice system from retaining valuable expertise for longer and attracting a wider range of applicants.

It is important that we have a diverse judiciary that is representative of our society, and that is why the Ministry of Justice, as a member of the Judicial Diversity Forum and the Magistrates Recruitment and Attraction Steering Group, is committed to continue the work to improve diversity across the judiciary and the recruitment pipeline. I believe the higher judicial retirement age will encourage applications from a more diverse range of candidates, including those who might be considering a judicial career later in life following extended career breaks to balance professional and family responsibilities. It will also allow time for lawyers who choose to apply to the judiciary later in their career to have time to develop the necessary experience to progress into more senior roles, should they wish.

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Alongside introducing a change to the mandatory retirement age, we will continue to bolster judicial recruitment to meet the demands on the justice system. Since 2018, we have recruited around 1000 judges and tribunal members per annum and this scale of recruitment will continue, alongside increased magistrate recruitment. Together with the important changes we are making to the judicial pension scheme, we will ensure that we continue to build our world-class judiciary to meet the demands of the future.

The Right Honourable Robert Buckland QC MP

Lord Chancellor & Secretary of State for Justice

Executive Summary

1. On 16 July 2020, the government published the Judicial Mandatory Retirement Age consultation to seek views on proposals to raise the mandatory retirement age (MRA) for judicial office holders (JOHs) to either 72 or 75, and to allow magistrates' appointments to be extended beyond the MRA, as is already possible for some judges where there is a public interest. Judicial offices for which the MRA is a devolved matter for the Welsh Parliament, the Scottish Parliament and the Northern Ireland Assembly are not in scope of this consultation. The devolved administrations have consulted separately on this matter and will be publishing their responses in due course.
2. Given the current resourcing pressure on many judicial offices in England and Wales and the improvements in life expectancy in the UK since the MRA of 70 was set over 25 years ago, we considered that raising the MRA would be a proportionate and effective way to ensure we are able to recruit and retain judicial office holders to meet the demands of our courts and tribunals.
3. We did not consult on the removal of the MRA as we considered that it remains an important requirement of judicial office which helps to preserve public confidence in the judiciary; protect judicial independence by alleviating the need for individual assessments of a judicial office holder's health and capacity to continue sitting in their later years; support judicial resource planning; and promote the diversity of the judiciary by ensuring a steady flow of retirement and new appointments.
4. The consultation closed on 16 October 2020 with over one thousand responses received, the majority of which were from JOHs and their representative associations. We also received responses from members of the legal profession and their associated bodies, as well as the Judicial Appointments Commission, the Commons Justice Select Committee, academics and the third sector.
5. The majority of responses supported increasing the MRA to 75, considering this to be the option which would provide the greatest benefits in retaining experienced JOHs and attracting new applicants to judicial office. Many respondents also noted that raising the MRA to 75 would better reflect the changes in life expectancy and would provide JOHs themselves greater flexibility to decide when to retire.
6. However, there were a number of responses which indicated a preference for raising the MRA to 72 or preferred no change at all. These responses highlighted concerns with the potentially negative impacts on the diversity of judicial office holders and public confidence in the judiciary.

7. Following careful consideration, the government has decided to raise the MRA for JOHs to 75.
8. As well as reflecting improvements in life expectancy, the retention of older experienced judicial office holders as a result of a higher MRA will have significant benefits to the supply of judicial resource and will provide a positive benefit for those who wish to continue sitting up to the age of 75, rather than having to retire at 70. In addition, our view is that a higher MRA could have a positive impact by attracting and promoting opportunities for individuals considering a judicial career later in life, such as those who may have had non-linear careers or taken career breaks to balance professional and family responsibilities.
9. The retention of older office holders could have an impact on the flow of new appointees to judicial office, which may impact on the rate of change in the overall composition of the judiciary. We modelled this impact on the current diversity of appointments. In time, we expect that overall diversity may increase if the diversity of new appointments changes in line with greater diversity in the judicial pipeline. The Ministry of Justice is committed, as a member of the Judicial Diversity Forum and the Magistrates Recruitment and Attraction Steering Group, to supporting action to improve diversity across all levels of the judiciary and their recruitment pipeline.
10. This higher MRA will eliminate the need for the existing provision allowing for the extension of judicial appointments beyond the MRA of 70 where there is a public interest. With the new MRA of 75, JOHs will only be able to continue sitting beyond this age to finish hearing a part-heard case, or in the case of coroners, to complete an ongoing investigation.
11. Salaried judges who wish to continue working until the age of 75, but are unable, or prefer not to work full time, will be eligible to apply, in accordance with existing policies, for more flexible working arrangements, including salaried part-time working.
12. Alternatively, eligible salaried judges will continue to be able to apply to sit in retirement on a fee-paid, ad hoc basis, where there is an exceptional business need which cannot otherwise be met by recruitment or cross deployment. We will legislate to accord fee-paid judges similar flexibility. While we expect the projected improvements in recruitment and retention of JOHs arising from a higher MRA of 75 will reduce the business need for judges to sit in retirement, in exceptional circumstances, the ability to draw upon our retired judiciary where they are so willing remains an important flexibility to help meet immediate demands of courts and tribunals, where there may be temporary shortages.
13. Unlike judges (below the High Court) whose appointments can currently be extended beyond the MRA of 70 and who can apply to sit in retirement on an ad hoc basis, there are no existing provisions for magistrates to be deployed past this age. To

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further boost capacity and alleviate current resourcing pressure on magistrates' courts, we will make provision to allow recently retired magistrates, who are over the age of 70 but are younger than the new MRA of 75, to apply to return from the supplemental to the active list, (to be 'reinstated') where there is a business need.

14. The government will bring forward new legislation as soon as parliamentary time allows to make the changes outlined in this government response.

Background

15. Having a mandatory retirement age for judicial office holders (JOHs) helps to maintain public confidence in the judiciary, while protecting judicial independence by alleviating the need for individual assessments of health and capacity. It also supports judicial resource planning and promotes the growth of diversity across the judicial offices.

Relevant legislation

16. The Judicial Pensions and Retirement Act 1993 (JUPRA) introduced a mandatory retirement age (MRA) of 70 for most judges and non-legal members in England and Wales, Scotland, and Northern Ireland, as well as coroners in Northern Ireland.¹ In alignment with the wider judiciary, the MRA of 70 was then set for magistrates and coroners in England and Wales by the Courts Act 2003 and the Coroners and Justice Act 2009 respectively.

Rationale for change

17. As the structure and operation of our courts and tribunals have developed so have the resourcing needs of the judiciary. The frequency and volume of judicial recruitment have increased in recent years, and it is expected that high levels of recruitment will be required for the next few years to meet the demands on most jurisdictions. Yet, there are constraints on the pool from which judges are drawn and since 2016 we have seen shortfalls in some recruitment exercises, particularly for the High Court, Circuit and District benches.
18. The magistracy is facing similar challenges. The total number of magistrates has decreased significantly since 2012 and while some of this reduction reflects overall falling caseloads in magistrates' courts, there have been increasing shortfalls in some local justice areas. While we are investing in a programme of recruitment to the magistracy, given the age profile of the magistracy, the retention of the large proportion approaching retirement (at age 70) in the next few years will be essential to ensure magistrates' courts are sufficiently resourced.

¹ Schedule 5 (Retirement Provisions: The Relevant Offices), Judicial Pensions and Retirement Act 1993.

19. Since the MRA of 70 for most judicial offices was legislated for in 1993, average life expectancy in the UK has seen significant improvements.² With the abolition of the default retirement age in 2011,³ many professions no longer have a requirement for compulsory retirement on the ground of age and a greater number of people are working until later in life. While an MRA remains an important requirement of judicial offices for the policy reasons set out in paragraph 15, it should reflect significant changes in life expectancy and the changing expectations on the judiciary. It is our view that a higher MRA is now necessary also to provide JOHs the fair opportunity to sit for longer should they wish to, and to facilitate the recruitment of new appointees by making judicial office more attractive to a wider group of people.

The consultation

20. On 16 July 2020, we published the Judicial Mandatory Retirement Age consultation (the consultation) to seek views on proposals to raise the MRA for JOHs to either 72 or 75 and invited comments on a proposal to allow magistrates' appointments to be extended beyond the MRA, as is possible for some judges when it is in the public interest. The consultation also asked for respondents' views of the policy of permitting judicial appointments to be extended past the MRA, where there is a public interest.
21. The consultation period closed on 16 October 2020 with a total of 1,004 responses received from the judiciary, the magistracy and the legal profession, as well as other stakeholders. This report considers the consultation responses received and sets out the government's proposed approach in light of these.

Impact Assessment, Equalities and Welsh Language

Impact Assessment

22. The Impact Assessment published alongside the consultation sets out the government's analysis of the costs and benefits (monetised and non-monetised) of raising the MRA to 72 or 75; and allowing for extensions of magistrates' appointments beyond the MRA of 70.

² Between 1993 and 2019, life expectancy has increased by 5.8 years for men and 4.1 years for women (ONS "Past and projected data from the period and cohort life tables, 2018-based, UK: 1981 to 2068", December 2019)
<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/lifeexpectancies/bulletins/pastandprojecteddatafromtheperiodandcohortlifetables/1981to2068>.

³ The Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011 prohibited the compulsory retirement on the ground of age unless objectively justified.

23. Although new judicial data for England and Wales has been published,⁴ due to the relatively small changes between 2019 and 2020, we decided it was not proportionate to rerun the analysis which is still based on 2019 and previous years' data.
24. We estimated that raising the MRA to 75 may improve the retention of judicial office holders and therefore enhance the supply of resource and expertise to courts and tribunals.
25. Analysis of average retirement behaviour suggests that raising the MRA to 75 could retain an average of 399 JOHs (excluding magistrates and coroners) per year across courts in England and Wales and in Unified Tribunals across the UK. This is the equivalent of 5% of the total headcount of judicial office holders in this group or 40% of the current recruitment programme of 1,000 vacancies.
26. The same analysis for magistrates estimates a much higher impact. Raising the MRA to 75 for magistrates could retain approximately 2,122 magistrates per year. This is the approximate equivalent of 15% of magistrates in England and Wales.

Equality Statement

27. The Equality Statement published alongside the consultation sets out the government's assessment on the equality impacts of raising the MRA to 72 or 75 on the protected characteristics of gender, ethnicity and age.
28. Although new judicial diversity data for England and Wales has been published,⁵ due to the relatively small changes between 2019 and 2020, we decided it was not proportionate to rerun the analysis which is still based on 2019 and previous years' data.
29. We have modelled the potential impacts to the future diversity profile of the judiciary and magistracy. The modelling incorporated the extent to which the above retention impacts may temporarily reduce the number of new appointments. It then accounts the difference in diversity profile between incumbent JOHs due to retire (those aged 65+) and that of new appointees, assuming that the diversity of new appointments remains static.

⁴ Diversity of the judiciary: 2020 statistics (Annual official statistics on judicial diversity in England and Wales covering the current judiciary, judicial appointments and legal professions)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918529/diversity-of-the-judiciary-2020-statistics-web.pdf

⁵ Diversity of the judiciary: 2020 statistics (Annual official statistics on judicial diversity in England and Wales covering the current judiciary, judicial appointments and legal professions)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918529/diversity-of-the-judiciary-2020-statistics-web.pdf

30. The estimates do not indicate that JOHs would be less diverse than they are now but may mean there is a slight impact on the diversity growth across JOHs if raising the MRA.

Welsh Language Summary

31. A Welsh translation of the Executive Summary will be available soon.

Analysis of responses

Overview

32. We received a total of 1,004 responses. 88% of respondents identified as judicial office holders (JOHs), with the largest proportion of responses coming from those identified as magistrates. Respondents who did not identify as JOHs included the Bar Council, the Law Society (national and regional branches), the House of Commons Justice Select Committee, the Judicial Appointments Commission, members of the legal profession, charities, and legal researchers.

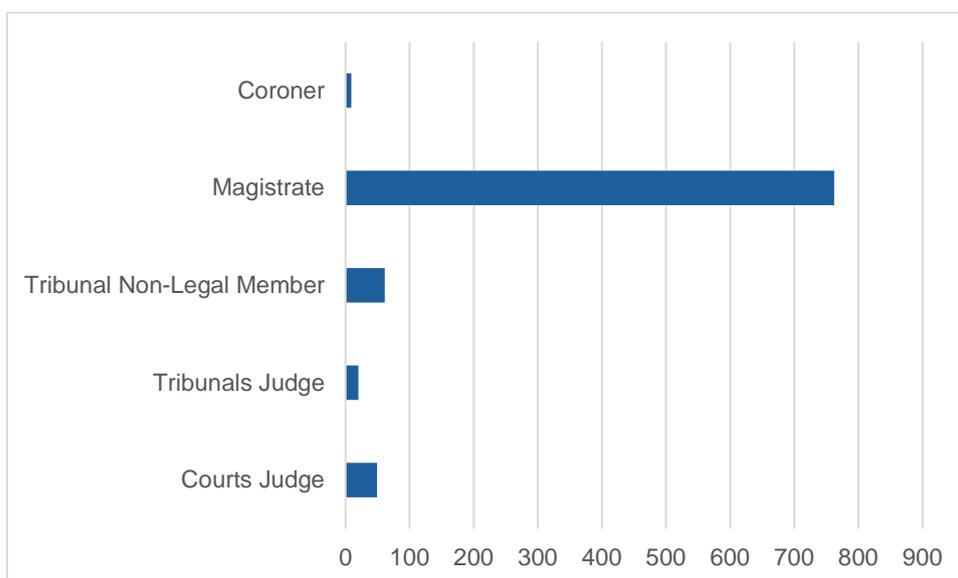


Figure 1: Number of responses received according to judicial office types

33. Of the 934 individual respondents who reported their age, the majority (45%) were in the 65–74 age category; respondents under the age of 45 accounted for only around 5%. Of the 937 respondents who reported their gender, 523 identified as male and 414 identified as female. In relation to ethnicity, 948 individuals responded to this question, the majority of whom identified as ‘White’⁶ (93%).

Age	Total	Percentage
Under 25	3	0.32%
25–34	11	1.18%
35–44	36	3.85%
45–54	107	11.46%

⁶ including ‘Irish’, ‘gypsy or Irish travellers’, and ‘any other white background’

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Age	Total	Percentage
55–64	340	36.40%
65–74	420	44.97%
75+	17	1.82%
Total	934	100%

Ethnicity	Total	Percentage
Asian / Asian British	17	1.79%
Black/African/Caribbean	12	1.27%
White	884	93.25%
Mixed or multiple ethnic	9	0.95%
Other ethnic group	26	2.74%
Total	948	100%

34. The Lord Chief Justice, the Senior President of Tribunals and the Chief Coroner provided a joint response on behalf of the courts and tribunals judiciary and the coroners' service for England and Wales, as well as the reserved tribunals judiciary in Scotland and Northern Ireland. We also received responses from the President of the UK Supreme Court, the Lord President of Scotland and the Lord Chief Justice of Northern Ireland.
35. A number of judicial associations responded on behalf of their members after conducting separate surveys on this matter, including the High Court Judges' Association; the Council of Circuit Judges; the Association of District Judges; the Magistrates Association; and the Magistrates' Leadership Executive among others. These responses have not been weighted statistically as we were unable to accurately confirm whether individual JOHs have responded to both the main consultation and their associations' surveys.
36. A list of the key respondents to the consultation is provided in **Annex B**.

Potential effect on judicial resource

Question 1 (A&B): Do you think that judicial office holders would choose to stay in office until the age of 72/75 if the MRA was raised to 72/75?

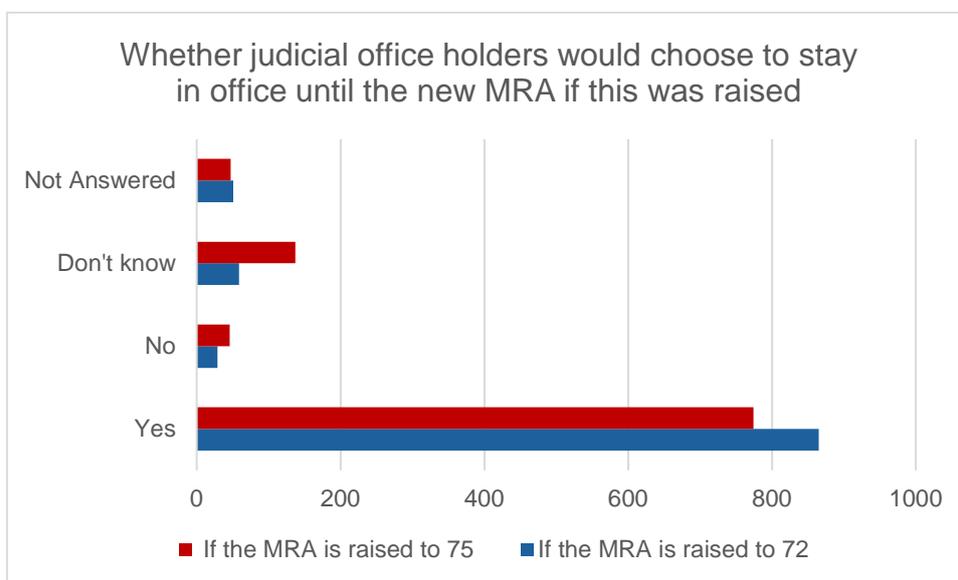


Figure 2: Number of responses to questions 1A & 1B

37. The majority of respondents thought that JOHs would choose to stay in office until the new MRA if it was raised, although a greater number thought JOHs would choose to stay until 72 than 75. The level of support for this majority view is largely consistent across JOHs, with a slightly greater proportion of respondents who identified as magistrates considering that JOHs would choose to stay in office until the new MRA.
38. There were a considerable number of responses from individual JOHs who indicated they would personally choose to stay in post; many said they simply enjoy the work and feel they have much value to contribute. A number of responses highlighted that many JOHs currently stay until reaching the current MRA, which would suggest they would stay if the MRA was extended.
39. A small number of responses indicated that JOHs would not choose to stay until the new MRA, highlighting different factors which could influence an individual's decision, including their physical health and personal circumstances.

Question 2 (A&B): Do you think that raising the MRA to 72/75 would change the behaviour of judicial office holders who choose to retire before the age of 70?

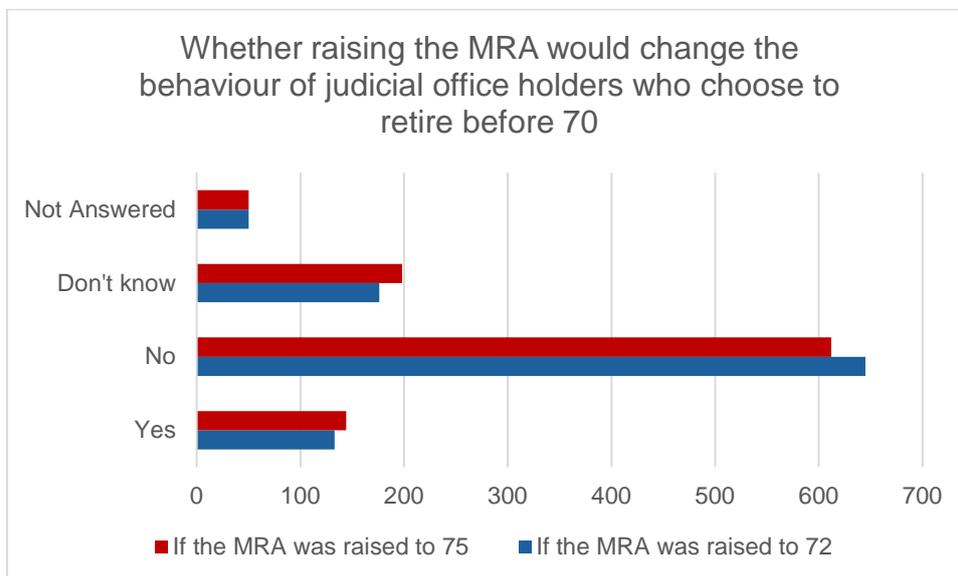


Figure 3: Number of responses to questions 2A & 2B

40. The majority of respondents did not consider raising the MRA to either 72 or 75 would change the behaviour of JOHs who choose to retire before the age of 70. Many noted that the decision to retire from judicial office is subject to a range of factors, including an individual's health, lifestyle choices, income and job satisfaction, and is therefore unlikely to be affected by a change in the MRA.
41. A small number of responses indicated that raising the MRA could encourage JOHs who choose to retire before the age of 70 to continue in office as there would be greater opportunity for them to expand their training and to progress their judicial careers.

Our response

42. The majority view of question 1 corresponds with our estimates (based on analysis of JOHs' average retirement behaviour) which indicate that raising the MRA could improve the retention of JOHs and enhance the supply of resource and expertise to meet the demands of our courts and tribunals.
43. Noting the responses to question 2, we acknowledge that an individual's decision to retire from judicial office, at any age, is dependent on a variety of factors including their physical health, personal circumstances and lifestyle choices. Therefore, it is difficult to determine with certainty whether raising the MRA would change the behaviour of JOHs who choose or have chosen to retire before the age of 70. However, it is our view that the additional time provided by a higher MRA, which

would allow JOHs to develop and progress their career, could play a role in influencing their decision to remain in office.

Potential effect on judicial diversity

Question 3 (A&B): Do you think raising the MRA to 72/75 would have an adverse impact on the diversity of the judiciary? If so, do you think this impact is significant enough to prevent a change to the MRA?

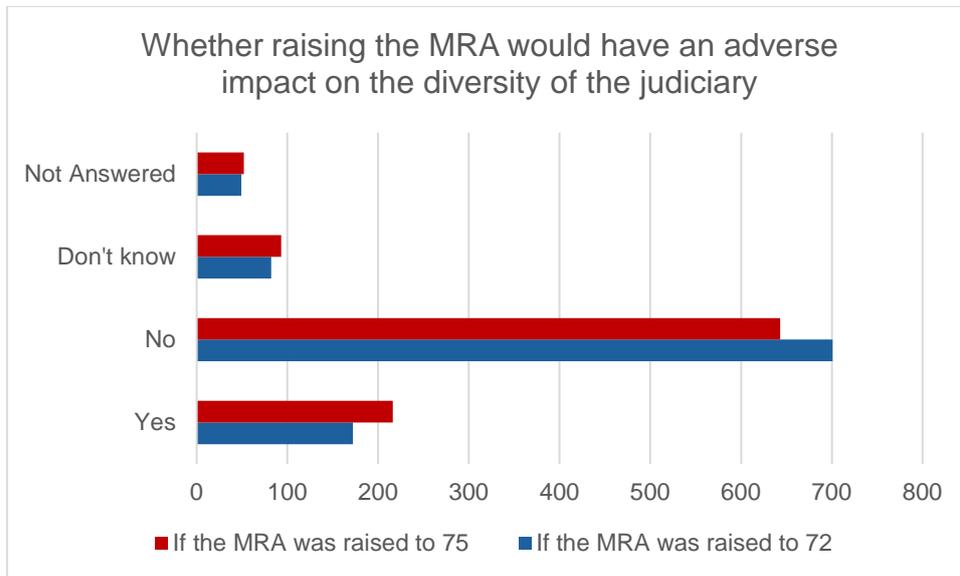


Figure 4: Number of responses to questions 3A & 3B

44. The majority of responses indicated a view that a higher MRA would not have a significantly adverse impact on judicial diversity. Although respondents acknowledged the possible negative effect raising the MRA could have on diversity growth, as set out in our impact assessment, many considered this to be marginal and expressed a view that the marginal effects were outweighed by the benefits in retaining judicial resource and expertise. There were a number of responses which also highlighted the possibility of improvement to judicial diversity as a result of raising the MRA as this could increase the attractiveness of judicial office to individuals who may have had non-linear careers and are considering a judicial career later in life.
45. It was noted that a higher MRA would also allow more time to progress within the judiciary for those who may have started their judicial career later in life, which could, in time, improve diversity at senior levels of the judiciary. The Law Society, citing a

recent report by JUSTICE,⁷ noted that for senior roles in the courts' judiciary, solicitors are appointed at an older age than barristers. This would suggest that solicitors – which represent a very small proportion of the senior courts' judiciary – might benefit from increasing the MRA as this could provide more opportunity for them to pursue a judicial career with time for progression.

46. Many who considered that raising the MRA would have an adverse impact on the diversity of the judiciary highlighted the tendency for new appointments to judicial office to be more diverse than older incumbents. The view of both the President of the UK Supreme Court and Lord President was that a higher MRA which retains a greater number of existing JOHs could therefore limit the opportunities for younger and more diverse new appointments. Respondents considered raising the MRA to 75 as likely to have a greater impact on judicial diversity than an MRA of 72. Some respondents, including the Judicial Appointments Commission, suggested that the negative impact on diversity growth would be most apparent across the senior judiciary.

Question 4 (A&B): Do you think that judicial office holders with specific protected characteristics⁸ are more likely to stay in office until the age of 72/75 if the MRA was raised to 72/75?

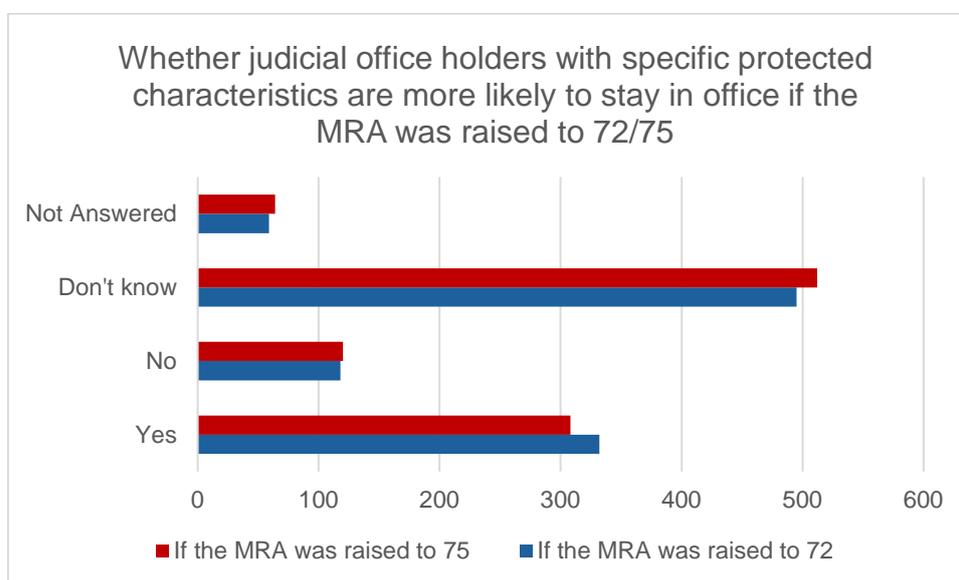


Figure 5: Number of responses to questions 4A & 4B

⁷ JUSTICE, Increasing Judicial Diversity: An Update 2020 (<https://justice.org.uk/wp-content/uploads/2020/01/Judicial-Diversity-Update-Report.pdf>)

⁸ The full list of protected characteristics as stated in the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

47. Although more respondents think JOHs with specific protected characteristics are more likely to stay in office until a higher MRA, than those who think they wouldn't; the majority of respondents indicated that they did not know, with the most common reason being the lack of evidence to support such assumption.

Our response

48. Having an MRA promotes the growth of diversity across JOHs by maintaining a steady flow of retirements and new appointments. Our modelling of the potential impacts on the future diversity profile of the judiciary and the magistracy indicate that raising the MRA to 75 would not lead to JOHs being less diverse than they are now but it could have a small impact on the rate of diversity growth across JOHs. However, we consider that this impact is outweighed by the significant benefits to the supply of judicial resource and expertise that a higher MRA would bring. In addition, the impact was modelled on the current diversity of appointments and may be more rapidly offset by improved diversity in the judicial pipeline.
49. The government is committed to a more diverse judiciary that is representative of society and will continue to support the ongoing efforts to improve diversity in the judicial pipeline and the recruitment process. We have made £1m available for the Magistrate Recruitment and Attraction Steering Group, co-chaired by the Ministry of Justice and the Magistrates' Leadership Executive, to deliver a streamlined and efficient recruitment process and to attract more applications to the magistracy. We are also working with YouGov to better understand the key motives that drive individuals to apply to become a magistrate and how we can make sure the role is attractive to a wider, more diverse pool of prospective applicants.
50. We will continue to participate in and support the important work of the Judicial Diversity Forum to promote diversity at all levels of the judiciary and the legal profession from which the judiciary is drawn. This includes refining the selection process to remove undue barriers; carrying out targeted outreach programmes and provide additional support where needed to encourage applications from the widest range of potential candidates; and increasing the availability of development opportunities for current JOHs to support career progression to the highest levels of the judiciary.⁹
51. Additionally, it is our view that raising the MRA could have a positive impact on judicial diversity by attracting more diverse candidates who may be considering a judicial career later in life, such as those who may have had non-linear careers and those who may have taken career breaks to balance professional and family responsibilities. As noted by the High Court Judges Association, a higher MRA could

⁹ Judicial Diversity Forum, Action Plan September 2020 (https://judicialappointments.gov.uk/wp-content/uploads/2020/11/20200916_jdf_action_plan_-_final.docx)

also lead to improvements in the diversity of the senior judiciary in the long term by affording JOHs greater opportunity to develop their careers and progress to more senior roles.

52. Taking into account the majority view expressed which considered that a higher MRA is unlikely to have significant impacts on diversity but has the potential to improve diversity in some ways, it is our assessment that the potential impacts on diversity from raising the MRA are likely to be limited and are not significant enough to outweigh the benefits from a higher MRA.

Attractiveness of judicial office

Question 5 (A&B): Do you think that increasing the MRA to 72/75 would attract more people to apply to judicial office?

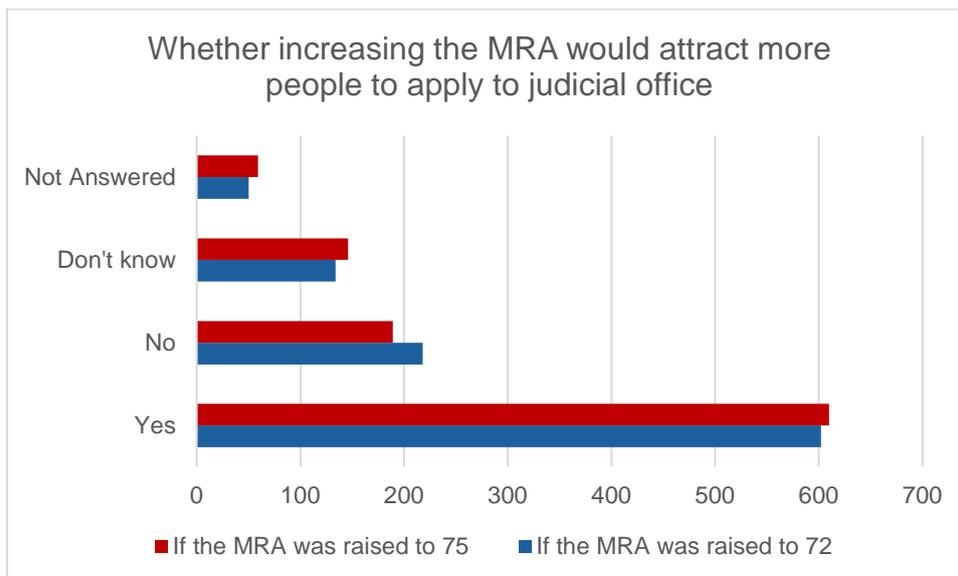


Figure 6: Number of responses to questions 5A & 5B

53. The majority of responses considered that raising the MRA would attract more people to apply for judicial office as the opportunity to work for longer would in turn allow scope for career progression and, in respect of the paid judiciary, greater pension accrual. This is particularly relevant in relation to candidates whose age would otherwise make them ineligible due to the requirement to provide a 'reasonable length of service' (usually between three and five years) before the current MRA of 70. The Judicial Appointments Commission, for example, stated that they still receive a small but steady number of applications from candidates who are unable to provide the reasonable length of service and indicate a wish to work beyond 70.

54. Of those that thought a higher MRA would encourage more new applicants, many felt that this was more likely to be the case if the MRA was raised to 75 as opposed to 72. In particular, for the magistracy, respondents noted that an increase of five years is significant enough that it is likely to attract more magistrates to apply, particularly those that have retired from employment and are seeking new long-term challenges. The Lord Chief Justice, the Senior President of Tribunals and the Chief Coroner, in their response, considered that raising the MRA to 72 may encourage more talented and experienced applicants to apply at a later age, however they are not convinced the position is as clear cut with regard to an MRA of 75.
55. Among responses which indicated that they did not think increasing the MRA would attract more people to apply to judicial office, many acknowledged that a higher MRA might be attractive to some people but noted that this may be a secondary consideration for most potential applicants; salary, pension and the process of appointment were highlighted as some of the other key considerations.

Question 6 (A&B): Do you think that increasing the MRA to 72/75 is likely to attract more diverse applicants to judicial office?

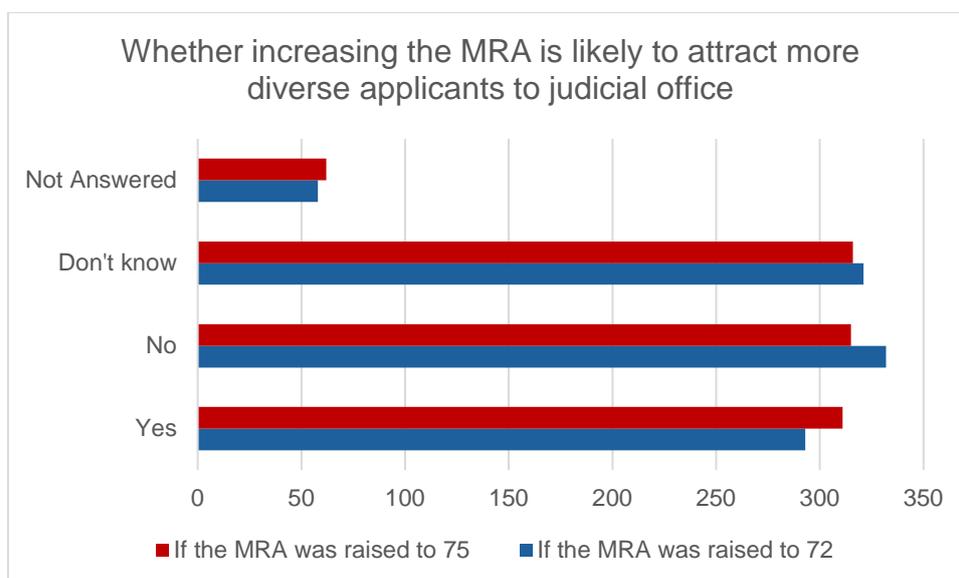


Figure 7: Number of responses to questions 6A & 6B

56. There was no clear consensus on whether raising the MRA would attract more diverse applicants to judicial office. Many responses highlighted the lack of evidence to support a clear view on this matter. A number of responses, including that of the senior judiciary, noted that a higher MRA may attract a greater number of female candidates who are more likely to have non-linear careers and may be considering a judicial career later in life. Other responses commented that younger applicants to judicial office tend to be more diverse. Therefore, a higher MRA which is likely

encourage applications from older candidates will have little, if any, effect on attracting more diverse applicants.

Our response

57. The responses to question 5 provide strong anecdotal evidence to support our view that raising the MRA, particularly to 75, will help to attract more applicants to judicial office given the opportunity for a longer, more fulfilling judicial career. While it is not certain whether a higher MRA would attract more diverse applicants, as noted above, it is likely to attract candidates who may be considering a judicial career at a later age, possibly after having had an established career elsewhere prior to entering the legal profession or extended career breaks to balance professional and family responsibilities, who may otherwise have been deterred by the MRA of 70.

Public confidence in the judiciary

Question 7 (A&B): Would raising the MRA to 72/75 cause you to have less confidence in the judiciary?

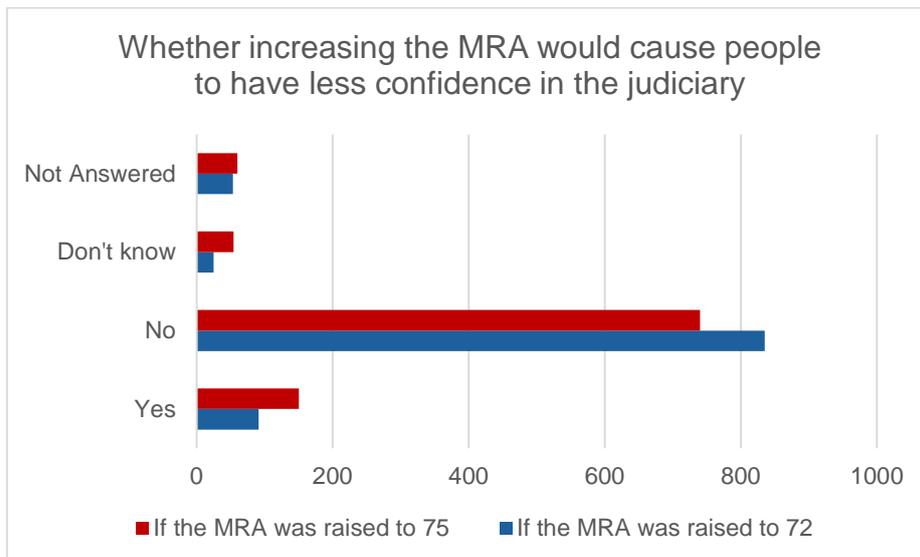


Figure 8: Number of responses to questions 7A & 7B

58. The majority of respondents stated that raising the MRA would not cause them to have less confidence in the judiciary, although a smaller number considered this to be the case if the MRA was raised to 75 rather than 72.
59. Many of these responses highlighted the improvements in life expectancy since the MRA was set at 70 and considered therefore that public confidence is unlikely to be affected by an increase in the MRA. A few responses raised the possibility of public confidence in the judiciary being bolstered by the retention of experienced JOHs.

60. Responses which indicated that raising the MRA would cause them to have less confidence in the judiciary highlighted the risk of the health and capacity of older JOHs being brought into question, particularly given the necessary security of tenure enjoyed by JOHs, as well as the potential for an older judiciary to appear more out of touch with the society which they represent.

Our response

61. Public trust in the judiciary remains very high at 84%, with the Ipsos Mori Veracity Index (2020) placing judges in the top five most trusted professions.¹⁰ The majority view in relation to this question accords with the government's assessment that raising the MRA would not lead to the public having less confidence in the judiciary. With improvements in average life expectancy in the UK and the tendency for individuals to now work for longer, a higher MRA of 75 reflects these societal changes. Additionally, the retention of experienced JOHs and their expertise, which supports the effective operation of our courts and tribunals, could help to maintain and promote public confidence in the judiciary.
62. A number of respondents raised concerns regarding the health of older judges. While sickness absence is low across the judiciary and long-term sickness absence is rare, we acknowledge that this can potentially have an adverse impact on the effective administration of justice. We will be consulting shortly on a new policy which would update the existing Health and Welfare Policy, to set out a clear and consistent process for ill-health absence management which will help to support the judiciary.

¹⁰ <https://www.ipsos.com/ipsos-mori/en-uk/ipsos-mori-veracity-index-2020-trust-in-professions>

Alignment of MRA across judicial office holders

Question 8: Do you agree that the MRA for magistrates should continue to be aligned with that of judges?

Question 9: Do you agree that the MRA for coroners should continue to be aligned with that of judges?

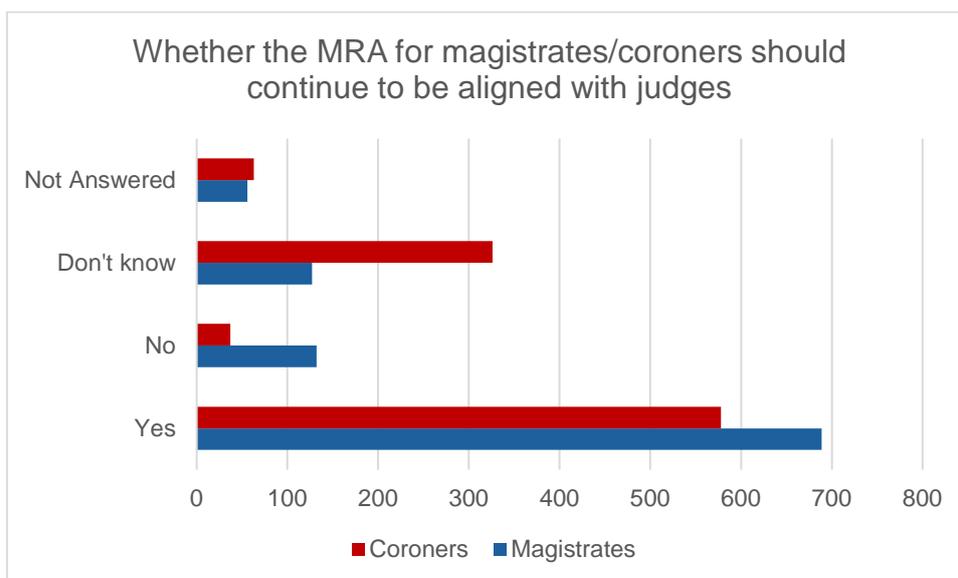


Figure 9: Number of responses to questions 8 & 9

63. The majority of respondents felt that the MRA of both magistrates and coroners should continue to be aligned with the MRA of judges, although a greater percentage felt that this should be the case for magistrates, with a greater proportion of respondents opting for the 'don't know' option for coroners. Among those who felt that the MRA should continue to be aligned across these offices, many highlighted that parity is desirable, as it promotes a more transparent, fair and credible system. This was the view of the Lord Chief Justice, the Senior President of Tribunals and the Chief Coroner, who noted that consistency of MRA across all office holders is desirable, where possible.
64. Both the Magistrates' Leadership Executive and the Magistrates Association considered that magistrates should continue to have an MRA in line with that of judges. Of those who stated that they did not think the MRA of magistrates and judges should be aligned, one of the key reasons noted was that the demands of the role are different. Judges are paid professionals who are expected to work on many cases throughout the year, whereas magistrates are community volunteers.
65. Responses which indicated that the MRA of judges and coroners did not need to be aligned also noted that the recruitment needs of each role are different. For example,

the number of positions advertised for coroners is low and so raising the MRA for coroners may restrict further the availability of vacancies. Some respondents also flagged that because the pension schemes of judges and coroners are not aligned, as coroners' pensions are embedded in Local Government pension schemes, there is no argument that their MRA must be aligned.

Our response

66. Although we acknowledge the practical differences between the terms of appointments for judges, magistrates and coroners, it is the government's view that an aligned MRA should be maintained across JOHs in England and Wales. The judiciary, magistracy and coroners' service are all integral parts of our justice system in England and Wales; having the same MRA is vitally important to maintaining public confidence in the physical capacity and health of all JOHs.

Devolved judiciary

Question 10: Please provide any comments you have on retaining parity of MRA for judicial office holders across England, Wales, Scotland and Northern Ireland.

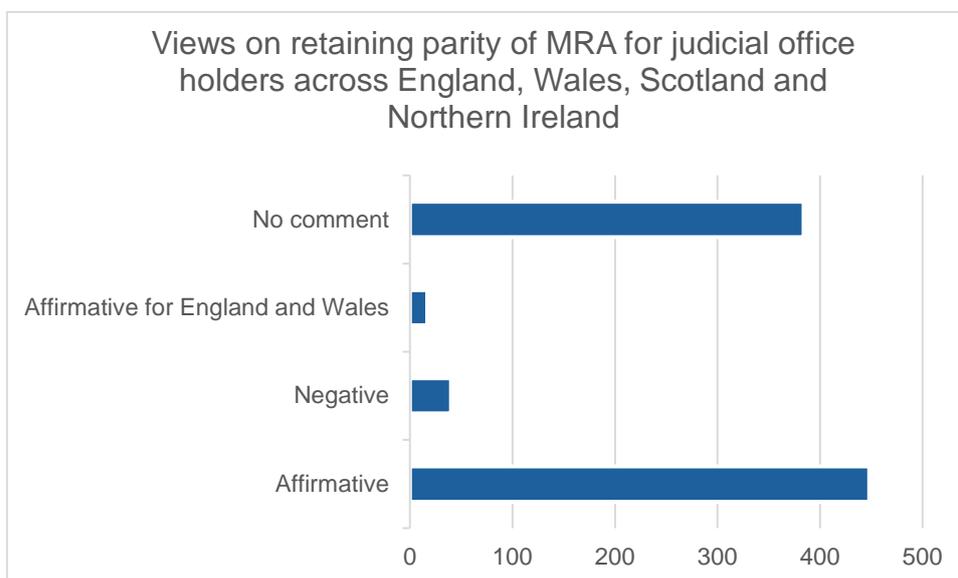


Figure 10: Proportion of responses to question 10

67. A significant number of respondents did not comment on this question. However, of those who expressed a view, the majority were in favour of retaining parity across the UK. The joint response from the Lord Chief Justice, the Senior President of Tribunals and the Chief Coroner highlighted the importance of ensuring parity for JOHs across the UK to avoid a prejudicial impact on the appointment to the reserved tribunals judiciary, whereby candidates who are resident and working in one part of the UK may apply for appointment in a different part in which a longer career is available. In

addition, they also noted more generally that having different MRAs could risk undermining confidence in older JOHs in those parts that have a higher MRA. The Lord Chief Justice (Northern Ireland) and the President of the UK Supreme Court also considered it was desirable to maintain parity of the MRA, as well as other aspects of the terms and conditions of service for the judiciary across the three jurisdictions. Their comments were echoed by a number of other respondents.

68. Among responses which indicated that alignment was not necessary, a key argument made was that the legal systems differ between the four nations and that it should be for each legislature to determine what is required for its respective jurisdiction. Some respondents felt that maintaining parity was only necessary between England and Wales, who have the same legal system, whereas Scotland and Northern Ireland should adopt the approach that best caters for their unique legal systems. The Lord President noted in his responses that there may be demographic differences between the judiciary in Scotland and in England & Wales which should be taken into account when determining the appropriate MRA for each legal jurisdiction.

Our response

69. We acknowledge the concerns highlighted by consultation responses about having different MRAs across different parts of the UK. The Scottish Government, the Welsh Government and the Northern Ireland Executive have consulted on proposals to increase the MRA to 72 or 75 for the JOHs for whom the MRA is a devolved matter, and they will be publishing their responses in due course. Our preference remains to ensure parity of the MRA for JOHs across the UK to preserve public confidence in the judiciary and ensure fairness of opportunity for JOHs across the UK. The UK government will continue to work closely with the devolved administrations on this matter.

Whether the MRA should be raised to 72 or 75

Question 11: Do you agree that the MRA for judicial office holders should be increased?

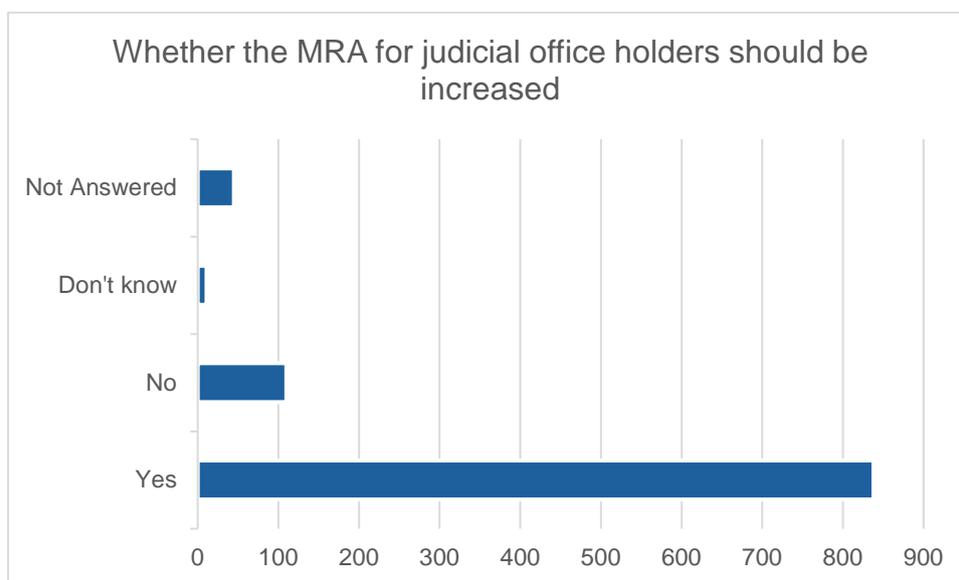


Figure 11: Responses to question 11

70. An overwhelming majority of respondents (84%) – including the senior judiciary, judicial associations, the Bar Council and the Law Society – considered the MRA for judicial office holders should be increased. Many of these responses highlighted the current resourcing pressure facing the judiciary and the need for retain the expertise of experienced JOHs. The President of the UK Supreme Court commented that the retention benefits of raising the MRA “would reduce the pressures which recruitment shortfalls have imposed on serving judges, and it would do much to improve their morale”. A number of responses, including that of the Lord Chief Justice, the Senior President of Tribunals and the Chief Coroner, noted that raising the MRA could have positive diversity impacts by attracting both those who apply at a later age, possibly following an established career elsewhere or a lengthy career break and those who may wish to have a longer judicial career.
71. Around 11% of respondents did not think the MRA should be increased. Their responses highlighted the risk of undermining public confidence in the judiciary arising from concerns with individual office holders’ health and capacity, and the possibility that an older judiciary would appear more out of touch with the communities which they serve. The Lord President noted that the risk of undermining public confidence in the judiciary arising from concerns with the physical and intellectual fitness of some JOHs outweighs possible retention benefits. Another major reason for not raising the MRA highlighted by the consultation responses is the potentially adverse impact on judicial diversity. The Justice Select Committee whilst

recognising the marginal impact on the growth of judicial diversity outlined in our consultation document, stated clearly that “taking a backwards step on diversity, however small, should be avoided”.

72. The Judicial Appointments Commission did not indicate whether they consider the MRA should be increased but commented on the need to balance the likely benefit to the supply of judicial resource against the potential impact on diversity growth.

Question 12: If so, do you think the MRA should be raised to 72 or 75? Why do you think this age is the most appropriate?

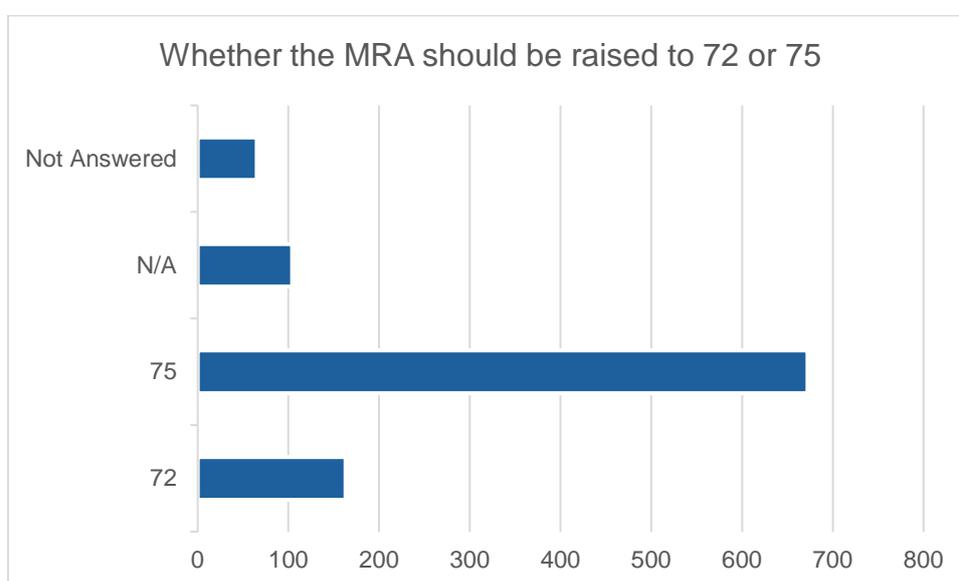


Figure 12: Responses to question 12

73. The majority of responses (67%) expressed a preference for raising the MRA to 75. Many considered that the limited diversity impact is outweighed by the retention benefits to the supply of judicial resource and the flexibility afforded to judicial office holders who may wish to continue sitting. A few responses noted that an increase to 75 would reflect the continuing improvements to life expectancy in the UK and the tendency for individuals to work for longer. The support for raising the MRA 75 was largely consistent among judicial office types. However, it is worth noting that the majority of responses received were from individual office holders. The responses to this question from the senior judiciary, judicial associations and other key stakeholders varied.
74. The Association of District Judges, the Tribunals’ Forum and the High Court Judges Association, whilst supporting an increase to the current MRA, did not indicate a clear preference for either 72 or 75. The Magistrates Association, the Council of Circuit Judges, the Council of Appeal Tribunal Judges and the Council of Tribunal Members Association supported raising the MRA to 75. The Lords Chief Justices,

Judicial Mandatory Retirement Age
Response to Consultation

President of the Supreme Court, Lord President, Senior President of Tribunals and Chief Coroner (E&W) and the Magistrates' Leadership Executive responded in favour of an increase to 72, noting that in their view this strikes a more appropriate balance between securing the benefits to the supply of judicial resource and moderating the potential adverse impact on diversity that such any increase would cause. The two main organisations representing the legal profession also differed in their views; the Bar Council preferred 75 for maximum flexibility and the Law Society warned against the potentially adverse impact on judicial diversity and therefore supported 72.

Judicial Mandatory Retirement Age
Response to Consultation

Leadership Judges, Judicial Associations & Other Key Stakeholders	Whether the MRA should be increased	Whether the MRA should be increased to 72 or 75
Leadership Judges		
Lord Chief Justice of England & Wales, Senior President of Tribunals, and Chief Coroner of England & Wales	Yes	72
President of the UK Supreme Court	Yes	72
Lord President (Scotland)	No	If the MRA were to be increased, 72 would be preferable
Lord Chief Justice (NI)	Yes	72
Judicial Associations		
Magistrates Association	Yes	75
Magistrates Leadership Executive	Yes	72
District Judges (Magistrates' Courts) Bench	Yes	75
Association of Her Majesty's District Judges	Yes	No view given on the preferred age other than it should not be increased beyond 75
Council of Her Majesty's Circuit Judges	Yes	75
High Court Judges' Association	Yes	No clear consensus
Tribunals' Forum ¹¹	Yes	No clear consensus
The Council of Appeal Tribunal Judges	Yes	No clear consensus
The Council of Tribunal Members Association	Yes	75
Association of Fee-paid Judges	Yes	75
Others		
The Law Society	Yes	72
The Bar Council	Yes	75
Justice Committee (Commons Select Committee)	No	N/A

Figure 13: Responses to questions 11 & 12 from the senior judiciary, judicial associations and other key stakeholders

¹¹ Comprised of representatives of the Council of Appeal Tribunal Judges, Mental Health Tribunal Members Association, Salaried Tribunal Judges Association, Council of Tribunal Members Associations, Council of Employment Judges, Council of Immigration Judges and the Council of Upper Tribunal Judges.

Our response

75. Taking account of the responses received, the government considers that the MRA for judicial office holders should be raised to 75. Given the current pressures on judicial resourcing, this will be an important measure to promote the retention and recruitment of JOHs and ensure the effective functioning of our courts and tribunals. Raising the MRA to 75 will reflect increases to life expectancy and will also provide individual JOHs greater flexibility to decide when to retire and greater opportunity to progress their judicial career should they wish to.
76. While we acknowledge the concerns of respondents regarding the potentially adverse impact on judicial diversity, we believe that this impact is outweighed by the significant benefits to the supply of judicial resource and expertise. The Ministry of Justice is committed, as a member of the Judicial Diversity Forum and the Magistrates Recruitment and Attraction Steering Group, to supporting action to improve diversity across all levels of the judiciary and their recruitment pipeline. As stated above, raising the MRA could also have a positive impact by attracting a greater number of applicants to judicial office, particularly those who may be considering a judicial career later in life. This higher MRA will also allow JOHs greater opportunity to develop and progress their careers, which would not only contribute to bolstering the pool of judicial expertise but could also improve the diversity of the senior judiciary in the longer term.

Extensions of judicial appointments

Question 13: Should the policy of allowing extensions of appointments past the MRA, as per JUPRA s.26(5) and s.26(6) be maintained if the MRA is increased to 72?

Question 14: Are there any circumstances where it may be justified for a judge to sit, exceptionally beyond the age of 75 for a short period?

77. The majority of responses to question 13 indicated that it would be appropriate to maintain the current policy of allowing extensions of appointment past the MRA if the MRA is raised to 72 as this is important to provide flexibility to the deployment of judicial resource. A small majority of respondents to question 14 agreed that there are limited circumstances where it may be justified for a judge to sit, exceptionally beyond the age of 75 for a short period, for example to enable the completion of a part-heard case.

Question 15: Should the power for judicial appointments to be extended be available to any other judicial offices in England & Wales, not currently covered by JUPRA s.26(5) and s.26(6)? Please give your reasons.

78. In the consultation document, we set out our proposal for the power under JUPRA s.26(5) and s.26(6) to potentially be made available to senior judicial appointments (High Court and Court of Appeal Justices). The majority of respondents either did not answer this question or answered, “don’t know”. Those who responded directly to this proposal included the senior judiciary of England and Wales and the High Court Judges’ Association who did not support this proposal, highlighting practical difficulties for recruitment planning and the risk of undermining judicial independence – which is thought to be more obviously engaged by decisions on extensions of senior appointments given their limited number and higher profile. The High Court Judges’ Association not only stated that the current restrictions for judges in the High Court (and the Court of Appeal) should remain, but they also suggested that the case for retaining the extension provision for judges below High Court level should be subject to close scrutiny.

Question 16: Do you think that magistrates’ appointments should be eligible for extensions past the MRA if in the public interest in line with judges? Please give your reasons.

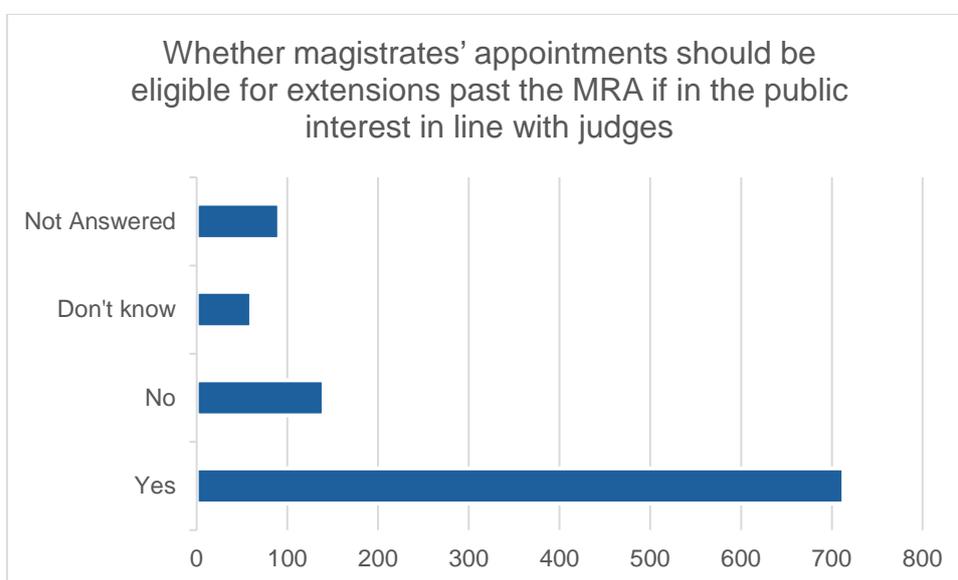


Figure 14: Responses to question 16

79. The majority of respondents (71%) provided an affirmative response to this question, compared to 14% who indicated that they were not in favour of magistrates’ appointments being eligible for extensions past the MRA if there is in the public interest, as is currently possible for some judges. The most common reasons given for those supportive of this proposal were that this would provide greater fairness and

parity within the judicial system, and that there is a real business need to retain experienced justices particularly in light of current resourcing pressure.

80. Responses which indicated opposition to this proposal highlighted concerns for the potentially adverse impacts on magistrates' diversity and on public confidence in the magistracy. A number of those who rejected the proposal premised their response on the MRA being raised to 75 which should then be the limit without exception.

Our response

81. As it is our intention to raise the MRA to 75, the existing power under s.26(5)/ (6) JUPRA to extend the appointments of certain JOHs beyond the MRA up to 75, where there is a public interest, will no longer be required. The government agrees with the majority view expressed in response to question 14 that JOHs should not be authorised to sit beyond 75, except to allow JOHs to finish a part-heard case or, in the case of coroners, to complete an investigation.
82. The existing provisions of s.27 JUPRA (for most judges) and s.13 Courts Act 2003 (for magistrates) are sufficient to allow part-heard cases to be completed beyond the new MRA of 75 on an exceptional basis. We intend to introduce a new power to allow coroners to continue working past 75 to complete an investigation which they have started before reaching their MRA. While we expect that such provisions will only be used exceptionally, we believe they are important to ensure the effective administration of justice by preventing the inconvenience, injustice and wasted costs of a new JOH having to take over a case.

Conclusion and next steps

Summary

83. Following careful consideration, the government has decided to increase the MRA to 75 for JOHs, including a small number of tribunal members for whom their MRA is not provided in legislation but is specified in the terms of appointment set by the Lord Chancellor. JOHs will not be allowed to sit past this age, unless in exceptional circumstances where they are required to finish hearing a case or, in respect of coroners, to complete an ongoing investigation.
84. Salaried judges will continue to be able to retire, draw their pensions, and sit on an ad-hoc basis as a fee-paid judge up to 75, if there is a business need to do so. We will legislate to accord fee-paid judges this opportunity.

Sitting in retirement

85. Sitting in retirement is the policy which currently permits a salaried judge to retire from salaried office, draw their pension in relation to that office, and continue to sit as a fee-paid judge if there is a business need to do so. While salaried judges have the opportunity to apply to sit in retirement, this option is not equally available to fee-paid judges under current legislation. In the MRA consultation, we set out our intention to legislate to remove this differential treatment.
86. We expect that, in time, the continued improvements in recruitment outcomes, reflecting improvements to judicial remuneration and retention of JOHs arising from a higher MRA of 75 will reduce the business need for judges to sit in retirement. Whilst deployment of judges is a judicial responsibility, the Lord Chancellor and the judiciary have a shared objective to meet resourcing needs through recruitment or cross deployment of serving judiciary; and to ensure that sufficient sitting opportunities are provided to fee-paid judges, as the pipeline for salaried office, to allow them to develop the experience to help prepare for salaried office. However, in exceptional circumstances, drawing upon our retired judiciary where they are so willing remains an important flexibility for the judiciary to help meet immediate demands of courts and tribunals, where there may be temporary shortages.
87. Currently, to obtain the benefit presented by the sitting in retirement policy, a salaried judge will give up the guarantee of a salary. A salaried judge may apply for this option where they no longer require certainty of income but where they would prefer not to stop work entirely. A fee-paid judge is already operating in such an

environment as the terms of fee-paid judicial office do not generally guarantee a minimum number of sitting days.

88. For a sitting in retirement policy to operate fairly across fee-paid and salaried office (and not simply translate as automatic early access to pension with no other change for fee-paid JOHs), we will be introducing a new judicial office to which both salaried and fee-paid JOHs in scope will be eligible to apply on retirement. Our intention is to create a single appointing power permitting the relevant Senior Judge (usually the Lord Chief Justice or Senior President of Tribunals) to authorise the appointment (with the Lord Chancellor's concurrence) of a JOH to a distinct office, only to be used for a JOH sitting in retirement. In this office, a judge would be authorised to act as and be treated for all purposes as a pre-retired holder of that office; including the ability to be deployed to sit in the same courts and tribunals, subject to the relevant judicial policies. To the extent that existing statutory provisions permit salaried judges only to sit in retirement, those provisions will be repealed.
89. We expect that where the pre-retirement office held is a statutory leadership post, the post-retirement office to which the judicial office holder would be appointed will be the non-leadership equivalent. For example, a Regional Employment Judge will be eligible to apply to sit in retirement in the same office as an Employment Judge.
90. The creation of a bespoke and distinct office in which judicial office holders (whether previously salaried or fee-paid) will sit in retirement will provide a clearer basis on which to provide for appropriate, non-discriminatory pension provision. We expect that amendments will be needed to the current pension schemes to reflect these offices. We will also ensure that the sitting in retirement and partial retirement provisions of the new reformed pension scheme, outlined in our response to the consultation on this matter, reflect this new office. Our intention is to ensure that offices which can currently sit in retirement are included in the new measure along with their fee-paid comparators to ensure we have removed the current discrimination. We intend to use access to a judicial pension as the basis on which to determine eligibility for appointment.
91. We will work with the judiciary to ensure that the existing policy on sitting in retirement is reviewed and, where necessary, updated to coincide with the commencement of this change, alongside specific terms and conditions for sitting in retirement appointments. We will work with the judiciary to consider and, if necessary, consult on whether changes are needed to accommodate judges sitting under the existing arrangements.

Transitional arrangements

Reappointment provision(s)

92. When the MRA is changed to 75, it will apply to all JOHs who are in office on the date that the legislative measure is commenced. This will include judges, below the High Court, over the age of 70, whose appointments have been extended under s.26 JUPRA. In consideration of this, alongside the ability for judges to be currently able to sit in retirement until 75 where required, we do not propose to make a transitional provision to allow the reappointment of judges.
93. Unlike judges, there is no existing provision which allows magistrates to have their appointments extended beyond the current MRA. This means that when the new MRA commences, there will be a number of retired magistrates who are over the age of 70 but are younger than the new MRA. Given the current resourcing pressure on magistrates' courts, we consider that there is a strong case to permit the reinstatement of those retired magistrates who are younger than 75 and who wish to return to continue sitting, where this is necessary to meet business needs.
94. Current legislation permits magistrates who have been placed on the supplemental list by request or due to incapacity to apply to transfer to the active list and resume sitting until the MRA where there is a business need, following a light touch application and assessment of suitability. We intend to introduce a similar process to enable magistrates whose names had been entered onto the supplemental list as a result of reaching the previous MRA of 70, to be reinstated to meet a business need. The details of this transitional process, including the eligibility and selection criteria will be confirmed in due course.

Requirement for reasonable length of service

95. Candidates applying for judicial office are currently required to be able to provide a reasonable length of service (which varies between different offices) from the date of being recommended for appointment until retirement. This requirement helps to ensure that the time and resource dedicated to training new judicial appointees are proportionate to the benefits of their appointments.
96. To ensure that candidates who would be otherwise eligible are not unfairly excluded, it will be the Lord Chancellor's policy that the Judicial Appointments Commission and other bodies responsible for the appointment of JOHs should, for exercises commencing from the date of publication of this government response, consider applications from candidates who can offer a reasonable length of service before reaching the retirement age of 75 (rather than 70) following recommendation.

JUPRA transitional arrangements

97. As a result of the transitional arrangements in JUPRA, certain judges appointed to salaried office before 31 March 1995 are able to retain their higher pre-JUPRA MRA (“preserved MRA”) where they subsequently take up other salaried appointment, whereas fee-paid judges appointed before 31 March 1995 are only able to retain their preserved MRA if they remain in the same fee-paid office.
98. Following the statement made by the Ministry of Justice to the Employment Tribunal on 15 June in the *O’Brien* and *Miller* litigation, the MoJ has accepted that the difference in treatment between fee-paid and salaried judges may constitute unfair discrimination under the Part-time Workers Regulations, for which there is no objective justification. We stated in the consultation document that we will be making provision to address the differential treatment arising from the JUPRA transitional arrangements as they apply to fee-paid judges who held office before 31 March 1995. Raising the MRA to 75 provides an effective remedy for judges with a preserved MRA who still hold office at the point of commencement. The Ministry of Justice has already invited contact from affected judges who are due to retire before the legislation comes into force in order to offer them an interim remedy.

Legislation

99. We intend to legislate for the changes to the MRA and sitting in retirement provisions, as outlined above, as soon as parliamentary time allows.
100. The judicial offices in scope of this review are set out in **Annex A**.
101. In addition to those offices defined as in scope of the consultation, the Lord Chancellor will amend the MRA for office holders in tribunals which do not have a statutory retirement age but for which the Lord Chancellor has the responsibility to set terms and conditions of appointment. These include members of: Competition Appeal Tribunal, Gender Recognition Panel, Road User Charging Adjudicator Tribunal, Traffic Penalty Tribunal (including Bus Lane Adjudicators), Proscribed Organisations Appeal Commission, Special Immigration Appeals Tribunal, and Pathogens Access Appeal Tribunal.

Annex A: List of judicial office holders in scope of this review

Admiralty Registrar

Appointment under s.70 Judicature (NI) Act to an office listed at schedule 3, part 1

Area Coroner (England and Wales)

Assistant Coroner (England and Wales)

Assistant Judge Advocate General

Chairman of a Reinstatement Committee constituted under the Reserve Forces
(Safeguard of Employment) Act 1985

Chairman of a tribunal constituted for the purposes of sections 14 and 15 of the Misuse of
Drugs Act 1971

Chairman of a tribunal established by section 29 of the Betting, Gaming and Lotteries Act
1963

Chairman of an advisory body constituted for the purposes of section 14 of the Misuse of
Drugs Act 1971

Chairman of the Plant Varieties and Seeds Tribunal

Chairman or deputy chairman of the Copyright Tribunal

Chairman or other member of a reserve forces appeal tribunal constituted under Part IX of
the Reserve Forces Act 1996

Chamber President, or Deputy Chamber President, of a chamber of the First-tier Tribunal
or of a chamber of the Upper Tribunal

Chief or other Child Support Commissioner for Northern Ireland (including appointments in
pursuance of paragraph 4 of Schedule 4 to the Child Support Act 1991)

Chief Coroner

Chief or other Social Security Commissioner

Chief or other Social Security Commissioner for Northern Ireland (including appointments
in pursuance of section 50(2) of the Social Security Administration (Northern Ireland) Act
1992)

Circuit judge

Commons Commissioner

Coroner appointed under the Coroners Act (Northern Ireland) 1959

County Court judge in Northern Ireland
Deputy Coroner appointed under the Coroners Act (Northern Ireland) 1959
Deputy County Court judge in Northern Ireland
Deputy District Judge
Deputy Judge Advocate General
Deputy Judge of the High Court
Deputy Judge of the Upper Tribunal appointed under the Tribunals, Courts and Enforcement Act 2007
Deputy or temporary Admiralty Registrar
Deputy or temporary district judge of the principal registry of the Family Division
Deputy or Temporary Insolvency and Companies Court Judge
Deputy or temporary Master, Chancery Division
Deputy or temporary Master, Queen's Bench Division
Deputy or temporary Registrar in Bankruptcy of the High Court
Deputy or temporary Registrar of Civil Appeals
Deputy or temporary Taxing Master of the Senior Courts
Deputy District Judge (Magistrates' Court) appointed under the Magistrates' Courts Act (Northern Ireland) 1964
District Judge
District Judge (Magistrates' Courts)
District Judge of the principal registry of the Family Division
Employment Judges and non-legal members appointed under the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013
Insolvency and Companies Court Judge
Judge Advocate General
Judge of the High Court of Justice in Northern Ireland
Judge of the Senior Courts of England and Wales
Judge of the Supreme Court
Judge or other member of the First-tier Tribunal appointed under the Tribunals, Courts and Enforcement Act 2007
Judge or other member of the Upper Tribunal appointed under the Tribunals, Courts and Enforcement Act 2007

Lord Chief Justice of Northern Ireland

Lord Justice of Appeal in Northern Ireland

Magistrate (Lay Justice) England and Wales

Master, Chancery Division

Master, Queen's Bench Division

Member of a panel constituted under section 6(1) of the Social Security Act 1998

Member of the Employment Appeal Tribunal appointed under the Employment Tribunals Act 1996

Member of the Pensions Regulator Tribunal

President of a tribunal constituted under Schedule 3 to the Industry Act 1975

President of appeal tribunals (within the meaning of Chapter I of Part I of the Social Security Act 1998)

President of the Employment Tribunals (England and Wales)

President of the Employment Tribunals (Scotland)

President or chairman of the Transport Tribunal

Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals

Recorder

Registrar in Bankruptcy of the High Court

Registrar of Civil Appeals

District Judge (Magistrates' Court) appointed under the Magistrates' Courts Act (Northern Ireland) 1964

Senior Coroner (England and Wales)

Senior President of Tribunals

Taxing Master of the Senior Courts

Transferred-in judge, or transferred-in other member, of the First-tier Tribunal or of the Upper Tribunal under the Tribunals, Courts and Enforcement Act 2007

Wreck commissioner appointed under the Merchant

Annex B – List of respondents

Below provides a breakdown of the responses received from leadership judges, judicial associations and key stakeholders.

United Kingdom

President of the Supreme Court of the United Kingdom

Senior President of Tribunals

England and Wales

Allen and Overy LLP

Association of Fee-Paid Judges

Association of Her Majesty's District Judges

Birmingham Law Society – Employment Law Committee

Black Solicitors Network

Central Kent Magistrates Bench

Chancery Bar Association

Cheshire Magistrates Bench

Chief Coroner

Cornwall Magistrates Bench

Coventry and Warwickshire Family Panel of Magistrates

Council of Appeal Tribunal Judges

Council of Employment Judges

Council of Her Majesty's Circuit Judges

Council of Her Majesty's District Judges (Magistrates' Courts)

Council of Immigration Judges

Council of Tribunal Members Association

District Judge (Magistrates' Courts) bench of England & Wales

Durham & Darlington Magistrates Bench

East Kent Magistrates Bench

Gloucestershire Magistrates Bench

High Court Judges Association

Isle of Wight Magistrates Bench

Judge Advocate General

Judicial Appointments Commission

Judicial Pensions Committee (England)

JUSTICE

Lord Chief Justice of England and Wales

Magistrates Association

Magistrates Association - Cornwall Branch

Magistrates Association - Dorset Branch

Magistrates Association – Middlesex Branch

Magistrates Association - Nottinghamshire Branch

Magistrates Association – Powys and Herefordshire Branch

Magistrates Leadership Executive

Manchester Family Training, Approvals, Authorisations and Appraisals Committee

Merseyside Magistrates Bench

Middlesex Law Society

North Oxford Magistrates Bench

Oxfordshire Magistrates Bench

South East Coroner Manager Regional Group

South London Magistrates Bench

The Bar Council (England and Wales)

The Coroners Society (England and Wales)

The Law Society (England and Wales)

Transform Justice

West Sussex Magistrates Bench

West & Central Hertfordshire Magistrates Bench

Western Circuit

Wiltshire Magistrates Bench

Northern Ireland

Lord Chief Justice of Northern Ireland

Scotland

Lord President of the Court of Session



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