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On behalf of the Controller of Her Majesty's Stationery Office  
PC1890 03/07

**16. Losses and Special Payments**

During the year, there were no losses or special payments that required disclosure.

**17. Related-Party Transactions**

The Commission is an NDPB sponsored by the Court Service. The Court Service is regarded as a related party. The Commission has had various material transactions with the Court Service during the period.

None of the Commission members, members of key management staff or other related parties have undertaken any material transactions with the Commission during the year.

Laid before Parliament by the Lord Chancellor & Secretary of State  
for Justice pursuant to Schedule 2 paragraph 5 to the Justice  
(Northern Ireland) Act 2002

*Ordered by The House of Commons to be printed  
5 July 2007*

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37-63	APPENDIX 4 – ANNUAL ACCOUNTS
34-35	APPENDIX 3 – LISTED JUDICIAL OFFICES
29-33	APPENDIX 2 – THE COMMISSION
27-28	APPENDIX 1 – BACKGROUND TO THE ESTABLISHMENT OF THE COMMISSION
23-26	CHAPTER 5 – INTERNAL WORKING ARRANGEMENTS
22	CHAPTER 4 – COMMUNICATIONS AND CONTACTS
21	CHAPTER 3 – PLANNING OUR BUSINESS
15-20	CHAPTER 2 – DIVERSITY: PROGRAMME OF ACTION
12-14	CHAPTER 1 – POLICIES AND PROCEDURES ON APPOINTMENT
10-11	PROGRAMME OF BUSINESS CONDUCTED BY NIJAC 2005 – 31 MARCH 2006
4-9	MANAGEMENT COMMENTARY
3	FOREWORD
2	GOALS AND VALUES

ANNUAL REPORT and ACCOUNTS 2005 - 2006  
*Selecting the best candidates and promoting diversity*

ANNUAL REPORT and ACCOUNTS 2005 - 2006

*Selecting the best candidates and promoting diversity*

GOALS AND VALUES	2
FOREWORD	3
MANAGEMENT COMMENTARY	4-9
PROGRAMME OF BUSINESS CONDUCTED BY NIJAC 2005 – 31 MARCH 2006	10-11
CHAPTER 1 – POLICIES AND PROCEDURES ON APPOINTMENT	12-14
CHAPTER 2 – DIVERSITY: PROGRAMME OF ACTION	15-20
CHAPTER 3 – PLANNING OUR BUSINESS	21
CHAPTER 4 – COMMUNICATIONS AND CONTACTS	22
CHAPTER 5 – INTERNAL WORKING ARRANGEMENTS	23-26
APPENDIX 1 – BACKGROUND TO THE ESTABLISHMENT OF THE COMMISSION	27-28
APPENDIX 2 – THE COMMISSION	29-33
APPENDIX 3 – LISTED JUDICIAL OFFICES	34-35
APPENDIX 4 – ANNUAL ACCOUNTS	37-63

## OUR GOAL IS:

To provide the community, so far as it is reasonably practicable to do so, with a judiciary that reflects the Northern Ireland community. The Northern Ireland Judicial Appointments Commission, “the Commission”, aims to do this by:

- taking steps to ensure that a diverse group of eligible candidates put themselves forward for each judicial and tribunal post it advertises; and
- selecting the best candidates through a fair, rigorous and transparent appointment process that is grounded in merit.

## OUR VALUES ARE:

- **independence:** the Commission is independent of Government. We make our decisions on whom to recommend for appointment and work to achieve a reflective judiciary free from any outside influence;
- **appointment on merit:** we will recommend candidates for appointment solely on the basis of merit;
- **reflectiveness:** we will implement a programme of action to secure, so far as is reasonably practicable to do so, a reflective applicant pool and a judiciary that is reflective of the community;
- **fairness:** we will be fair in our decision making;
- **transparency:** we will be open about our policies, procedures and activities; and
- **accountability:** we will explain our activities and where appropriate provide reasons for our decisions.

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appointment two coroners, a deputy county court judge and eight fee paid Chairmen of Industrial Tribunals.

During this first year also we began to develop a longer term programme of action, including consideration of the information needed to meet our objectives. We have also begun to commission research which will assist us in our tasks.

During the year also we put in place internal arrangements to deal with central Government guidance concerning the governance of the organisation.

As a group we have participated in training events and implemented revised policies and procedures in relation to the recruitment and selection of those to be appointed to judicial office.

Appointment to judicial office has of course always been solely on the basis of merit and it is our statutory duty to ensure that this will continue to be the case. We are committed to implementing policies and practices that will ensure that everyone has an equal opportunity to apply for judicial office and that their application will be assessed only on merit.

This report records our work in our first year. I wish to record my deep appreciation of the contribution made by each of the Commission members.

*The Right Honourable Sir Brian Kerr, the Lord Chief Justice of Northern Ireland, Chairman of the Northern Ireland Judicial Appointments Commission.*

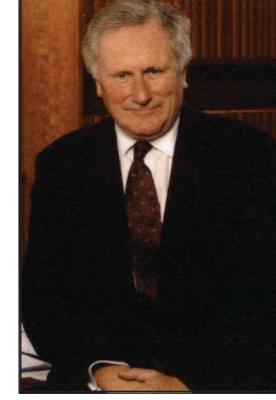
**FOREWORD**

I am pleased to present the first Annual Report of the Northern Ireland Judicial Appointments Commission for the period from 15th June 2005 until 31st March 2006.

*The Rt Hon Sir Brian Kerr, the Lord Chief Justice of Northern Ireland, Chairman of the Commission*  
 We were established as a Commission on 15 June 2005. We have been given a number of tasks. The first is, to make recommendations for appointment to permanent judicial office (up to the level of High Court Judge) and recommendations for reappointment to part time deputy judicial office. We are to make those recommendations on the basis of merit; in other words we must recommend for appointment or re-appointment those whom we conclude are the best candidates. We are also to conduct programmes of action. These programmes are to secure, so far as it is reasonably practicable to do so, that appointments to listed judicial offices are such that those holding such offices are reflective of the community and that a range of persons reflective of the community is available for consideration by the Commission.

We are responsible for approximately 750 appointments; 250 of which require a legal qualification, 300 require people to have no legal qualification and 200 require expertise in another discipline such as medicine.

During our first year we recommended for



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## MANAGEMENT COMMENTARY



Lord Falconer of Thoroton delivers his keynote speech

Acts 2002 & 2004. This legislation implements the recommendations of the Northern Ireland Criminal Justice Review.

The Commission was established to bring about a new system for the appointment of members of the judiciary and tribunals. We will recommend candidates for appointment thereby removing this function from Government Ministers. We are funded by our Sponsor Department, the Northern Ireland Court Service (the Court Service), which is a department of the Lord Chancellor and Secretary of State for Constitutional Affairs.



Lord Falconer & the Lord Chief Justice of Northern Ireland

### Introduction History and Statutory Background

The Commission is a Non Departmental Public Body (NDPB) and was established on 15 June 2005. We were established under the Justice (NI)

### Vision

The Commission's vision is: *Selecting the best candidates and promoting diversity.*

### Composition of the Commission

The Commission comprises 13 members drawn from the judiciary, the legal profession and members of the public who are not lawyers. Commission Members are as follows:

- The Right Honourable Sir Brian Kerr (Chairman), the Lord Chief Justice of Northern Ireland;
- Mrs Fiona Bagnall, Presiding Resident Magistrate;
- Mrs Sinead Burns, Lay Magistrate;
- The Right Honourable Lord Justice Campbell, Lord Justice of Appeal;
- Mr Peter Cush, Barrister at Law;
- Mr John G Gordon, Solicitor;
- Dame Joan Harbison CBE DBE, Lay Member;
- Mrs Ruth Laird, Lay Member;
- Her Honour Judge Loughran, County Court Judge;



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Lord Falconer of Thoroton delivers his keynote speech under the Justice (NI)

## MANAGEMENT COMMENTARY



## ANNUAL REPORT and ACCOUNTS 2005 - 2006

### *Selecting the best candidates and promoting diversity*

Mr Harry McConnell OBE, Lay Member;  
Professor John Morison, Lay Member;  
Mr Raymond Mullan OBE, Lay Member; and  
The Honourable Mr Justice Weatherup, High  
Court Judge.

All members of the Commission have been  
appointed for an initial period of three years.

Our statutory responsibilities are:

- to conduct the appointments process and make recommendations to the Lord Chancellor in respect of all appointments up to and including High Court Judge;
- to recommend candidates on the basis of merit using transparent procedures to secure, so far as is reasonably practicable, that appointments to listed judicial offices are such that those holding judicial offices are reflective of the community in Northern Ireland;
- to engage in a programme of action, so far as is reasonably practicable, to ensure that a range of persons reflective of the community in Northern Ireland is available for consideration by the Commission for appointment; and
- to publish an annual report setting out our activities and our accounts for the past year.

### Operating Review

During the year under review the Commission has concentrated on agreeing and establishing our internal governance arrangements, and we have

made two full time appointments to the position of coroner, reappointed nine people to other judicial offices and commenced work on enhancing the appointments process. The Commission began to develop a Corporate Plan setting out our objectives for the next three years and an underpinning business plan. The Corporate Plan has been developed in consultation with interested parties.

### Financial Review

The Commission is financed by grant in aid through the Court Service as our Sponsor Department and does not obtain additional funding from any other source. As an NDPB the Commission is subject to the relevant Government and accounting deadlines.

At the year end the Commission carried forward a surplus of £4,610. This represents the grant in aid which has been drawn down in excess of the resources required.

Due to an increase in the anticipated number of appointments to be made other business of the Commission required to be deferred, the total grant received from the Court Service of £1,016,110 (see note 2) was well below the budgeted allocation of £1,330,000.

Expenditure for the period totalled £1,008,600. The main areas of expenditure were on staff costs (£520,436 : 51.6% of total expenditure) and

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services provided by the Court Service under separate service level agreements (£190,693 : 18.9%).

Capital expenditure during the year amounted to £3,112. With the exception of these additions, the assets used by the Commission belong to the Court Service. An annual charge is made by the Court Service for the use of these assets.

### Commission Members' Interests

None of the Commission Members held interests or directorships during the year which would conflict with their responsibilities as members of the Commission.

### Purpose

The Commission is committed to appointing the best possible judges for Northern Ireland through fair, open and transparent selection and appointment processes. We recognise and value diversity and seek to promote equality while ensuring that merit remains the guiding principle for appointment. We are working to encourage all eligible candidates – regardless of gender, ethnic background, marital status, sexual orientation, political affiliation, geographical location, religion, disability, age or with or without dependants – to consider applying for judicial office. We undertake to ensure that those who do apply will undergo an appointment process that assesses their abilities and personal qualities fairly and openly. In this way the Commission is confident that those best qualified will be appointed.

### The Future

To some degree the annual business of the Commission is dependent upon the extent to which the complement at each judicial tier changes and is dependent on any judicial retirements and resignations. We have begun discussions with Sponsor Departments to ensure we have as early a warning of the need for judicial appointment schemes as possible. We anticipate that the research programme which we have commenced will enable us to identify key issues to inform our programmes of action.

Devolution of justice will have implications for the Commission in terms of our Sponsor Department responsibilities and Ministers to whom we make our recommendations.

## STRATEGIC OBJECTIVES

### Appointments Process

- To recommend to the Lord Chancellor whom to appoint to judicial office by identifying in each case the best candidate on merit from a pool of candidates which is, as far as is reasonably practicable, reflective of the community.

### Diversity

- To engage in programmes of action designed, so far as is it is reasonably practicable to do so, to support our aim to produce a judiciary that is reflective of our society.

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Our staff are currently managed under the Court Service Equal Opportunities Policy which guards against discrimination in employment and which values and respects all individuals. Our staff are also developed our annual business plan. We will consult interested parties on our Corporate Plan. We introduced policies in relation to HR, Finance, Audit and Risk Management and Codes of Practice for Commissioners and staff. We have also agreed and established our internal governance arrangements.

Our staff are on secondment from the Court Service, the Sponsor Department. We have policies in place to guard against discrimination, to ensure compliance with legal requirements and to ensure that there are no unfair or illegal discriminatory barriers to employment and advancement in the Commission.

### Equal Opportunities and Diversity

Details of the remuneration and pension interests of our Acting Chief Executive and remuneration details of Commission members are detailed in the Remuneration Report.

### Salary and Pension Entitlements

Our Commission is supported by a staff of 16 headed by the Acting Chief Executive, Alan Hunter.

### Staff Resources

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Alan Hunter Acting Chief Executive, Bridget Prentice MP, Parliamentary Under Secretary, Department of Constitutional Affairs, the Lord Chief Justice and Lord Falconer the Lord Chancellor meet Cheryl Dunlop, staff member.

We began to develop our Corporate Plan setting out our objectives for the next three years and we

### Governance

- To demonstrate openness and transparency and that appointments are made solely on the basis of merit.
- To improve understanding of the application process and what judicial office entails; and
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### Interested Parties

- To make effective and efficient use of our resources in order to achieve our objectives.

### Accountability

## ANNUAL REPORT and ACCOUNTS 2005 - 2006

### *Selecting the best candidates and promoting diversity*

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currently covered by the Equality Scheme produced by the Court Service which seeks to ensure compliance with the public sector equality duty to have due regard for the promotion of equality of opportunity in respect of disability, gender, race, religion, political opinion and amongst those of different ages, marital status or sexual orientation or who have or have not dependents and good relations between those of different religions, political opinions and races. Our Sponsor Department's Employment Equality Plan to protect all those groups from discrimination also applies. Employment and promotion are based solely on merit. Those among our staff who work reduced hours are assessed on exactly the same basis as those working full time. We have a Dignity and Harmony at Work policy in place to secure a positive working environment.

### Employment of Disabled Persons

Our staff in the Commission are currently on secondment from the Sponsor Department, the Court Service. We adhere to the Civil Service Code of Practice on the Employment of Disabled People that aims to ensure that there is no discrimination on the grounds of disability and that access to employment and career advancement in the Commission is based solely on ability, qualifications and suitability for the post.

We aim to ensure that people with disabilities have equality of opportunity and fair participation

in all aspects of their employment, and that discrimination does not take place.

### Employee Involvement

In the Commission we encourage widespread consultation and exchange of information at all levels. This is effected through senior staff briefings and the cascade of information to all staff.

### Payment of Suppliers

Through our Sponsor Department the Court Service we are committed to the prompt payment of suppliers. The Court Service has signed up to the Government's Prompt Payment Charter. The Commission does not itself pay suppliers directly but processes invoices through the Court Service. Unless otherwise stated, payment is made within 30 days of the receipt of goods or services on presentation of a valid invoice or similar demand whichever is later.

A prompt payment survey for the financial period 2005-2006 shows that 96.09 % of invoices were paid in accordance with the terms of the Charter.

### Accounting Responsibilities

Our financial statements have been prepared in accordance with paragraph 7 of Schedule 2 to the Justice (Northern Ireland) Act 2002 as amended.

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## ANNUAL REPORT and ACCOUNTS 2005 - 2006

*Selecting the best candidates and promoting diversity*

### Auditors

The financial statements are audited by the Comptroller and Auditor General (C&AG). He and his staff are wholly independent of the Commission.

The audit of the financial statements for 2005-2006 resulted in an audit fee of £13,000. The C&AG did not provide any non-audit services during the year. I, as Acting Chief Executive, have taken appropriate steps to make myself aware of relevant audit information and to establish that the C&AG is aware of that information. To my knowledge, there is no relevant audit information of which the C&AG is unaware.

*Alan Hunter*  
Chief Executive  
8 February 2007

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ANNUAL REPORT and ACCOUNTS 2005 - 2006

## PROGRAMME OF BUSINESS CONDUCTED BY THE COMMISSION 2005 - 2006

This note sets out the programme of work completed by the Commission from our establishment in June 2005 to 31 March 2006.

During the period of this report we have:

- Adopted Standing Orders for the Commission;
- Established Committees of the Commission, adopted the Standing Orders and agreed Terms of Reference for the Committees;
- Completed an induction programme for Commissioners including
  - i. An introductory day,
  - ii. Training for non-legal members on structure of the courts and the legal profession,
  - iii. Training on corporate governance,
  - iv. Recruitment and selection training,
  - v. Audit committee training, and,
  - vi. Lay members of the Commission shadowed a judge's working day at the tiers of magistrates court, county court and High Court;
- Considered and introduced a range of corporate governance policies and procedures;
- Given preliminary consideration to the Management Statement and Financial

Memorandum setting out the relationship with the Court Service;

- Adopted audit and risk management, financial and internal procedures and policies;
- Reviewed appointments policy papers and procedures and introduced new arrangements;
- Undertaken a scheme for appointment to the office of coroner;
- Established a programme of action to promote diversity;
- Commenced a programme of equity monitoring of the serving judiciary;
- Recommended to the Lord Chancellor two candidates for appointment to the post of coroner and nine candidates for reappointment to judicial office;
- Developed project plans to conduct a root and branch review of judicial appointments policies and procedures and developed a programme of work in order to deliver the statutory programme of action required by the legislation;
- Undertaken research into practice in other jurisdictions;

## PROGRAMME OF BUSINESS CONDUCTED BY THE COMMISSION 2005 - 2006

This note sets out the programme of work completed by the Commission from our establishment in June 2005 to 31 March 2006.

During the period of this report we have:

- Adopted audit and risk management, financial and internal procedures and policies;
- Reviewed appointments policy papers and procedures and introduced new arrangements;
- Undertaken a scheme for appointment to the office of coroner;
- Established a programme of action to promote diversity;
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- Undertaken research into practice in other jurisdictions;

- i. An introductory day;
- ii. Training for non-legal members on structure of the courts and the legal profession,
- iii. Training on corporate governance,
- iv. Recruitment and selection training,
- v. Audit committee training, and,
- vi. Lay members of the Commission shadowed a judge's working day at the tiers of magistrates court, county court and High Court;
- Considered and introduced a range of corporate governance policies and procedures;
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## ANNUAL REPORT and ACCOUNTS 2005 - 2006

### *Selecting the best candidates and promoting diversity*

- Held a strategic planning day attended by all Commission Members;
- Commenced development of our first corporate plan;
- Developed contacts with
  - i. The Equality Commission,
  - ii. The Law Society NI,
  - iii. The Bar Council,
  - iv. Northern Ireland Audit Office,
  - v. The Justice Oversight Commissioner, Lord Clyde, and
  - vi. The Commissioner for Judicial Appointments for Northern Ireland, John Simpson, OBE;
- Commenced preparation for five appointment schemes to appoint
  - i. The Equality Commission,
  - ii. The Law Society NI,
  - iii. The Bar Council,
  - iv. Northern Ireland Audit Office,
  - v. The Justice Oversight Commissioner, Lord Clyde, and
  - vi. The Commissioner for Judicial Appointments for Northern Ireland, John Simpson, OBE;
- Commenced preparation for five appointment schemes to appoint
  - i. A medical member to the Mental Health Review Tribunal,
  - ii. A Chairman of the Fair Employment Tribunal/Industrial Tribunal,
  - iii. One medical and one legal member to the Pensions Appeal Tribunal,
  - iv. One Deputy Social Security Commissioner, and
  - v. A Master of the High Court.

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### *Selecting the best candidates and promoting diversity*

## ANNUAL REPORT and ACCOUNTS 2005 - 2006

# CHAPTER 1

## Policies and Procedures on Appointments

### Principles and Policies

The Commission is committed by statute to select the best candidate for appointment only on the grounds of merit and is committed to doing so through a fair, rigorous and transparent appointment process that is grounded in the principle of merit.

### Review of Achievements and Policy Development 2005 – 2006

### The Judicial Appointments Process

Each judicial appointment scheme commences with a request to us from the Government department with responsibility for the particular judicial office to which an appointment has to be made. We are requested to conduct a recruitment scheme to identify one or more candidates for recommendation to the Lord Chancellor for appointment.

Once the Commission has approved the request and the timetable is set, taking account of the other appointment schemes which we are obliged to run, an advertisement will be placed in the newspapers and other locations such as the Commission website and applications are invited. The competences and criteria required for the

particular appointment will have been agreed by the Commission and a Selection Committee is established. The Selection Committee is responsible for shortlisting candidates and identifying the candidate(s) for recommendation for appointment. The Committee comprises members of the Commission and, may include those who are not members of the Commission but who have the required expertise. Each Committee is chaired by a member of the Commission.

The process in relation to each scheme always includes an eligibility exercise and may include a shortlisting exercise and an interview process. A programme of action to meet our statutory responsibilities is also implemented in each case.

### Appointments Procedures

During the year the Commission considered in detail our appointments procedures and implemented policies and procedures which aimed to achieve our objectives. The Commission also considered the Lord Chancellor's current policy on re-appointments and agreed the need to review the process under which those who are appointed on a five year basis to deputy judicial posts or to fee paid posts are appointed.

### Recommendations for Appointment

The first scheme which the Commission undertook was to appoint two coroners. We

particular appointment will have been agreed by the Commission and a Selection Committee is established. The Selection Committee is responsible for shortlisting candidates and identifying the candidate(s) for recommendation for appointment. The Committee comprises members of the Commission and, may include those who are not members of the Commission but who have the required expertise. Each Committee is chaired by a member of the Commission.

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## ANNUAL REPORT and ACCOUNTS 2005 - 2006

### *Selecting the best candidates and promoting diversity*

placed the advertisement in September 2005 and received 114 requests for information packs. 31 applications were received and 21 candidates were invited to interview. Two candidates were recommended for appointment. This exercise invited candidates to demonstrate on their application forms how they met the necessary competences and their associated criteria. Candidates had to meet the statutory eligibility requirement of five years standing at the Northern Ireland Bar or as a solicitor in Northern Ireland. The Selection Committee assessed the application forms together with comments provided by those persons whom candidates nominated as consultees to comment upon the extent to which the candidate met the required criteria in each competence. The Selection Committee had regard to the application form and the consultee comments in deciding who best demonstrated the necessary criteria and competences in order to establish those who should be invited to interview. From the 21 candidates invited to interview the two candidates who best demonstrated that they met the required competences and criteria for the office of coroner were recommended to the Lord Chancellor for appointment. The Lord Chancellor accepted the Commission's recommendations.

#### Renewal of Appointments

The Commission is also responsible for recommending to the Lord Chancellor whether or not he should renew the appointment of those appointed to deputy posts and those appointed to

fee paid posts. During the period of this report we recommended one deputy county court judge for re-appointment for a further period of five years and also recommended eight fee paid Chairmen of Industrial Tribunals for re-appointment for a further period of five years.

We have considered the Lord Chancellor's policy in respect of renewal, which gives fee paid office holders and deputy office holders security of tenure through automatic re-appointment, subject to the individual office holder's agreement, the upper age limit not being exceeded, the individual satisfying the conditions for appointment and there being no grounds for non renewal. The grounds for non renewal are limited to:

- misbehaviour;
- incapacity;
- persistent failure to comply with existing requirements;
- failure to comply with training requirements;
- sustained failure to observe the standards reasonably expected from a holder of such office;
- a reduction in numbers because of changes in operational requirements; or
- part of a structural change to enable recruitment of new part-time judicial office holders.

The Commission has decided that we will wish to consider in detail the policy on re-appointments.

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The Commission has decided that we will wish to consider in detail the policy on re-appointments.

In each case in respect of the recommendations for re-appointments made, the Commission had regard to the grounds of renewal and non-renewal and information provided in relation to those matters by the relevant Sponsor Department.

In each case in respect of the recommendations for re-appointments made, the Commission had regard to the grounds of renewal and non-renewal and information provided in relation to those matters by the relevant Sponsor Department.

The Committee has developed key objectives to guide its work. They are detailed in the Commission's Corporate Plan for the period 2006 - 2009. Its key objectives are:

- to promote and stimulate interest in judicial service and take measures to ensure that career opportunities are understood and appeal to a broad spectrum of eligible candidates;
- to encourage applications for a judicial career from candidates from a wide range of backgrounds;
- to promote diversity through fair and open processes for selection to judicial office, solely on merit, and consider and address potential adverse impact issues in advance of schemes;
- to evaluate each appointment scheme and to make improvements, where appropriate, to increase the diversity of the applicant pool;
- to conduct a programme of consultation with interested parties and analyse their responses to inform the programme of action;
- to conduct appropriate and timely research to inform and support the programme of action;
- to identify factors that may discourage applications and seek to eliminate them; and
- to publish in the Annual Report anonymised information about the diversity of those who have applied and those who have been recommended by the Commission as suitable for appointment.

## CHAPTER 2

### Diversity – Programme of Action

The aspiration to create a diverse judiciary is not a criticism of the existing composition of the judiciary or a method by which to challenge its independence but a means to ensure that those who make judicial decisions are reflective of society. As a Commission we seek to increase the diversity of the pool of potential candidates and to remove any barriers to individuals and members of particular groups applying for appointment. We seek to ensure that the appointments system is open and transparent and grounded on merit, and that judicial office holders are appointed based on the assessment of their skills and qualities.

The Diversity Committee was established to take forward the Commission's statutory requirement to develop a programme of action and outreach to secure, so far as can be achieved consistent with the overriding principle of merit, that appointments to listed judicial offices are reflective of the community in Northern Ireland. The programme of action will also seek to broaden the pool of potential applicants to ensure that a judicial career is also open to as wide a range of people as possible. The Committee additionally wishes to secure, so far as is reasonably practicable to do so, that a range of persons reflective of the community in Northern Ireland is available for consideration by the Commission whenever it is required to select a person to be appointed to a listed judicial office.

## ANNUAL REPORT and ACCOUNTS 2005 - 2006

### *Selecting the best candidates and promoting diversity*

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- to publish in the Annual Report anonymised information about the diversity of those who have applied and those who have been recommended by the Commission as suitable for appointment.

The Committee has used these objectives as the foundation for its strategic plan which sets out five key strands of work which are:

- research and analysis – to provide baseline data to inform the programme of action at all times
- removal of barriers – to increase the diversity base of the pool of applicants;
- raising awareness and engagement – to increase awareness of the role, work and profile of the Commission and the appointments process;
- communication, education and information – to focus and target the Commission's work with interested parties and the applicant pool;
- evaluation and learning – to evaluate recruitment schemes thoroughly to ensure that suggestions for improvements and changes are acted on responsively by the Commission.

The Committee identified three priorities for early consideration. They are:

- Equity Monitoring of Existing Judicial Office Holders

The Court Service, through its Judicial Appointments Unit, commenced the equity monitoring of applicants for judicial appointments in January 2004. The Committee resolved that there was a need to establish a

baseline of information to inform the Commission's work. Existing judicial office holders for all posts listed in Schedule 1 of the Justice (NI) Act 2002 were invited to provide equity monitoring information. Information relating to age, gender, community background, race, disability and geographical location was requested. The completion of the exercise will allow the Commission to compile a reliable and effective programme of action based on accurate information about current office holders.

The Commission has carried out equity monitoring of each applicant pool for individual recruitment schemes. The information is collected anonymously and will be used to assist the Commission in complying with its statutory requirement to include information in its Annual Report about applicants and those recommended for appointment, subject to the requirement that no person is identified or information is included that allows identification of an individual to occur.

The information will also be used to consider progress against the statutory requirement to secure that a range of persons reflective of the community is available for consideration whenever the Commission is required to make a recommendation for appointment.

Developing appropriate programmes of action in respect of appointment schemes is a fundamental requirement of the Committee's work. The

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- Equity Monitoring of Existing Judicial Office Holders

The Committee identified three priorities for early consideration. They are:

- research and analysis – to provide baseline data to inform the programme of action at all times and to assist with engagement of interested parties;
- removal of barriers – to increase the diversity base of the pool of applicants;
- raising awareness and engagement – to increase awareness of the role, work and profile of the Commission and the appointments process;
- communication, education and information – to focus and target the Commission's work with interested parties and the applicant pool; and
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The main components of the research will be a survey by questionnaire of those eligible for judicial appointment followed by interviews with current judicial office holders and those qualified in other jurisdictions.

The Chairman of the Diversity Committee and the Acting Chief Executive met the Chief Executive of the Equality Commission in

The Committee has commenced preliminary work to consider the type of information which would be likely to address any issues of gender imbalance.

The Committee has commenced the development of a proposal for a research project to examine historical patterns of female appointments to judicial office in Northern Ireland and to investigate any possible barriers to women applying for appointment. The focus will be to examine the current gender profile of existing judicial office holders and to identify strategies which would be likely to address any issues of gender imbalance.

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• Research and Analysis

The Committee has been completed which has allowed the construction of a list of interested parties which will form the basis for the development of a programme for consultation and engagement during 2006 - 2007 and beyond.

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• Engagement and Outreach

The Committee is committed to assessing and monitoring the potential and actual pools of applicants. Central to this work is equity monitoring data which will provide helpful information to develop these programmes in order to widen the pool of applicants for future recruitment schemes for judicial appointment where this is required;

The Committee has engaged initially with both branches of the legal profession, the Law Society of Northern Ireland and the Bar Council. They have provided diversity information to assist the Committee with the development of its baseline information to inform its programme of action. The information received from the Law Society relates to gender, years' standing and numbers of solicitors in private practice and in the public sector. The information from the Bar Council provides details about gender, seniority, years' standing and numbers of Queen's Counsel and barristers.

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November 2005. The initial engagement afforded an opportunity to establish a relationship, to detail the work of the Commission and to discuss areas of mutual interest.

The Committee has commenced preliminary work to consider the type of information which might be made available to allow potential candidates to be better informed about the role, various duties and responsibilities of judicial office holders and about the appointments process;

• Research and Analysis

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In formulating its approach to the implementation of this research, the Committee considered similar research and work undertaken in other jurisdictions.

The main components of the research will be a survey by questionnaire of those eligible for judicial appointment followed by interviews with current judicial office holders and those qualified

for appointment. Addressing the research in this way will elicit biographical and career information that might be associated with any gender imbalance to any judicial tier.

The Committee also considered individual programmes of action for five recruitment schemes that were initiated by the Commission in its first year – Coroners, Master, Pensions Appeal Tribunals, a Chairman of the Fair Employment Tribunal/Industrial Tribunal and Mental Health Review Tribunal. The programmes included the advertising of appointments in the three main local newspapers, on the Commission and other websites, in other relevant journals and through relevant professional bodies (legal and medical).

The Commission is committed to keeping under continuous review and modifying where appropriate its processes. The programme of action for each appointment scheme, therefore, includes evaluation as a key element.

The process of evaluation includes seeking views on a range of matters from applicants and from those who requested an information pack and then chose not to make an application. The evaluation will inform us about the effectiveness of our programme of action.

The Chairman of the Commission and the Chairman of the Diversity Committee attended a one day international policy summit on judicial diversity in London in November 2005. The

summit had been organised by the Commission for Judicial Appointments for England and Wales. The Lord Chancellor made a keynote speech to introduce the summit. A range of issues were considered in five sessions and included appointing bodies, judicial career paths, appointment criteria, role of political leadership, and judicial diversity challenges. The Chairman of the Diversity Committee has ensured that the issues raised at the summit have been taken into account in the preliminary planning for the Committee's work.

The Committee also considered the issue of making application packs for judicial appointment schemes available in accessible formats. Consultation with the Equality Commission led to the introduction of advertisements for judicial appointment schemes that were modified to ensure that no potential applicants were likely to be disadvantaged in the process of making an application for a scheme.

To support the work of the Diversity Committee staff have carried out extensive literature searches and a programme of desk research. Information gathered from existing research, websites and articles is maintained in a library for use as and when necessary by the Committee. This important work involving the sharing of information and drawing on research undertaken elsewhere in other jurisdictions, that are both similar and different, will continue to inform the Committee's planning.

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ANNUAL REPORT and ACCOUNTS 2005 - 2006

*Selecting the best candidates and promoting diversity*

**Appointments and Reappointments During the Period**

During the reporting period the Commission made 11 recommendations for appointment and reappointment to the Lord Chancellor - two full time coroners, eight fee paid Chairmen of Industrial Tribunals and one deputy county court judge.

The information about those recommended for appointment is as follows:-

Gender	Male	Female					
	8	3					
Community Background	Protestant	Roman Catholic	Neither				
	6	5	0				
Age	35-40	41-45	46-50	51-55	56-60	61-65	66-70
	1	1	3	3	0	2	1
Race							
White	11						
Disability							
None	11						
Personal Geographic Location							
Belfast	6						
Co Antrim	1						
Co Down	2						
Co Fermanagh	1						
Co Tyrone	1						
Business Geographical Location							
Belfast	10						
Co Tyrone	1						

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**Appointments and Reappointments During the Period**

*Selecting the best candidates and promoting diversity*

ANNUAL REPORT and ACCOUNTS 2005 - 2006

### Appointment of Coroners

During the reporting period, the Commission undertook one appointment scheme for the judicial post of coroner. Two recommendations for appointment were required.

31 applications were made by the closing date. Information about the applicant pool is detailed below:-

#### Coroners Scheme 2005 Applicant Pool

Gender	Male	Female					
	21	10					
Community Background	Protestant	Roman Catholic	Neither				
	17	11	3				
Age	35-40	41-45	46-50	51-55	56-60	61-65	66-70
	7	7	11	3	1	2	0
Race							
White	31						
Disability							
None	30						
Physical Co-ordination	1						
Geographic Location							
Belfast	12						
Co Antrim	6						
Co Derry	2						
Co Down	7						
Co Tyrone	1						
Not Indicated	3						

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Geographic Location							
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Co Antrim	6						
Co Derry	2						
Co Down	7						
Co Tyrone	1						
Not Indicated	3						



## ANNUAL REPORT and ACCOUNTS 2005 - 2006

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### Planning Our Business

The Commission was provided, by the Court Service, with a budget of £1.33m and an initial staff complement of 16. In order to take forward our work as effectively and efficiently as possible we considered carefully, through the Business Committee and plenary meetings the requirements placed upon us. In particular the Commission has had regard to the range of offices in respect of which we are responsible to make recommendations for appointment, the number of such offices and our statutory duty to engage in a programme of action. We also had regard to requirements placed upon us by central Government in relation to stewardship of our resources.

### Strategic Planning

The Commission approved an annual business plan to focus our work throughout the first year of our existence. In addition the Commission agreed that we would, at a strategic planning event, consider our wider responsibilities and how we should go about our work. In particular we considered our responsibilities and our remit and reached decisions upon our priorities and our resources against our programme of business. The results from the strategic planning day will form the content of our Corporate Plan, which sets out our objectives and vision for the next three years.

### Planning Our Business

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## Communications and Contacts

### Website

We established our own website which contains information on the membership and work of the Commission as well as providing information about vacancies for judicial appointments and relevant publications.

## Establishing Relationships

The Commission has also been in contact with a range of organisations including:

- The Commissioner for Judicial Appointments for NI;
- The Equality Commission;
- The Law Society of Northern Ireland;
- The Bar Council of Northern Ireland;
- Northern Ireland Audit Office; and
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**CHAPTER 5**

**Internal Working Arrangements**

The Commission has established four Committees through which our business is progressed.

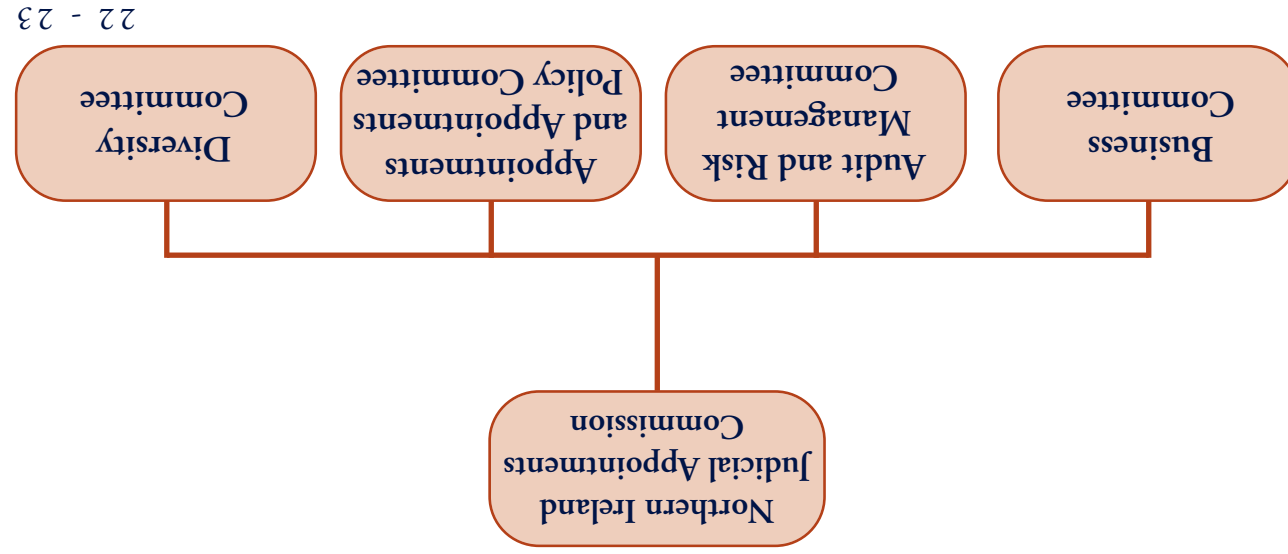
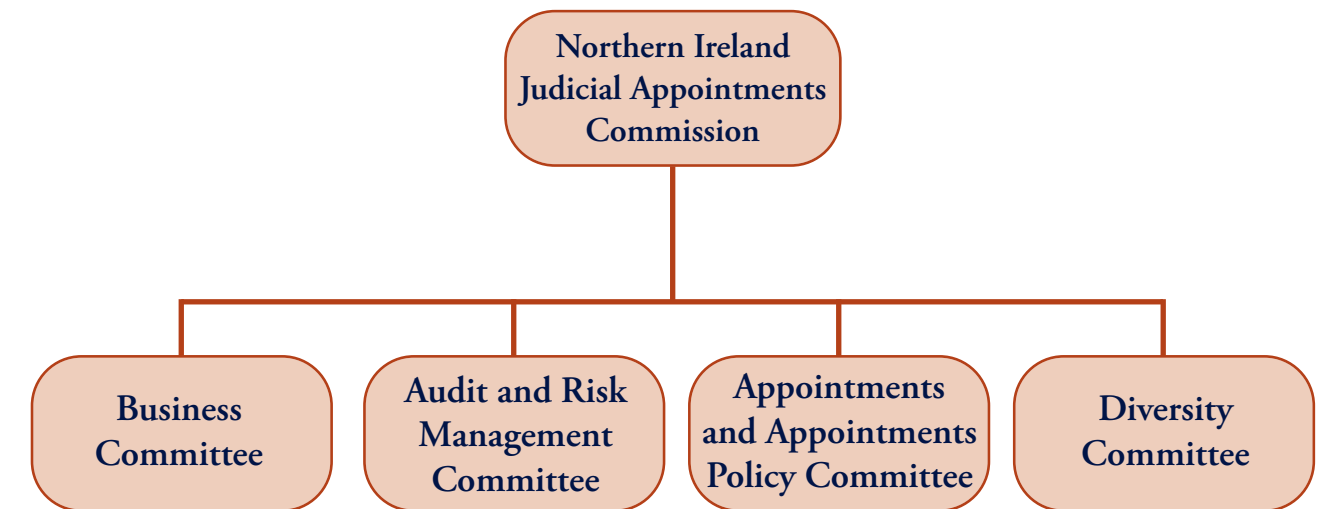
The Committees are:

- Business Committee (which considers the programme of business for the Commission, the Annual Accounts and expenditure of the Commission, other resource issues in relation to the Commission and related matters);
- Appointments and Appointments Policy Committee (which is responsible for developing and recommending to plenary Commission the appointments policies and procedures which should apply to each scheme);

- Diversity Committee (which is responsible for reporting and recommending to the Commission the programme of action on diversity required both generally and in relation to specific schemes); and
- Audit and Risk Management Committee (which is responsible for oversight of stewardship of resources and the management of risk).

The members of the Commission normally serve on two committees as well as the plenary Commission. Each Committee has agreed during the inaugural year the Terms of Reference and the plenary Commission has also approved the Standing Orders. (These documents are not on the Commission web site).

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**Internal Working Arrangements**

**CHAPTER 5**

## Meetings of the Commission

The plenary session of the Commission normally meets every two months, although additional meetings are occasionally required. The Chairman of the Commission and the Acting Chief Executive determine the programme of meetings and business each year both for the plenary Commission and its Committees.

Approved minutes of Commission meetings are published on the Commission's website.

## Committees of the Commission

Decisions taken at the various Committees must generally be ratified by the plenary session. The work of each Committee is overseen by a Chairman and is regulated by Terms of Reference which include quorum of attendance to ensure balanced representation at all times. In addition ad hoc selection Committees are established to progress appointment schemes. Also a number of Committees are established on occasion to progress specific areas of work.

## Membership of Committees

Membership of the standing Committees is as follows:-

### *Membership* Audit and Risk Management Committee;

Mrs Ruth Laird (Chairman), Lay Member  
Mrs Fiona Bagnall, Presiding Resident Magistrate  
The Honourable Lord Justice Campbell, Lord Justice of Appeal  
Mr Peter Cush, Barrister at Law  
Mr John Gordon, Solicitor  
Her Honour Judge Loughran, County Court Judge  
Professor John Morison, Lay Member  
Mr Harry McConnell, OBE, Lay Member  
Mr Raymond Mullan (Chairman), Lay Member

### *Membership* Diversity Committee;

The Honourable Mr Justice Weatherup  
(Chairman), High Court Judge  
Mrs Sinead Burns, Lay Magistrate  
Mr Peter Cush, Barrister at Law  
Mr John Gordon, Solicitor  
Dame Joan Harbison, CBE DBE, Lay Member  
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The Honourable Mr Justice Weatherup  
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### **Diversity Committee;** *Membership*

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## Membership of Committees

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### **Audit and Risk Management Committee;** *Membership*

Mr Raymond Mullan (Chairman), Lay Member

## ANNUAL REPORT and ACCOUNTS 2005 - 2006

### *Selecting the best candidates and promoting diversity*

#### **Business Committee; Membership**

The Right Honourable Sir Brian Kerr (Chairman),  
the Lord Chief Justice of Northern Ireland  
Mrs Fiona Bagnall, Presiding Resident Magistrate  
Mrs Sinead Burns, Lay Magistrate  
Mr John Gordon, Solicitor  
Mrs Ruth Laird, Lay Member  
Mr Harry McConnell, OBE, Lay Member.

#### **Management Statement and Financial Memorandum**

We have considered the draft Management Statement and Financial Memorandum which sets out the relationship between the Commission and the Court Service, our Sponsor Department. Discussions are ongoing in relation to these matters with the Court Service.

#### **Resources**

As the Commission is a small organisation we share our internal organisational support services relating to human resources, financial accounting, payments, internal audit and procurement with the Court Service.

#### **Staff of the Northern Ireland Judicial Appointments Commission**

The Commission is supported by a staff of 16 including the Acting Chief Executive. All staff are

on secondment from the Court Service for a period of two years. Staff were selected for secondment consistent with the recommendation of the Criminal Justice Review Group's recommendation and based on their skills, abilities and knowledge of the core business to assist in the establishment of the Commission and to assist us to meet our objectives in the initial stages. The work of the Commission is currently led by the Acting Chief Executive, Alan Hunter, who is also seconded from the Court Service. The post of Chief Executive to the Commission was advertised in the first half of 2006 as a substantive appointment.

#### **Financial**

In our first year the Commission was allocated a total budget of £1,330,000. A detailed summary of the accounts is appended.

#### **Training Induction Programme**

An induction day was held for all members on the 8th June 2005. Early in September all Commission Members attended the "On Board" Course which is a one day course aimed at those appointed to serve on the Boards of Public Bodies in Northern Ireland, and covers the:

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ANNUAL REPORT and ACCOUNTS 2005 - 2006

- relationships between the Sponsor Department and the public body;
- practical application of the Nolan Principles; and
- standards of accountability and value for money and the role of the Public Accounts Committee.

Specific training was organised in relation to best practice in recruitment and selection for all Commission members and for those who participated in the scheme for the recruitment of coroners. For those members of the Audit and Risk Management Committee the one day “Best Practice for Audit Committee” course was delivered. The lay members of the Commission and the Lay Magistrate member completed a programme of job shadowing which allowed them individually to shadow a resident magistrate, a county court judge and a judge of the High Court, each for a day.

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advocated that a programme of affirmative action should be developed to maximise the pool of candidates and to assist to redress perceived and real imbalances.

The Review Group made a number of recommendations in regard to judicial appointments amongst which were:

- the establishment of some form of Judicial Appointments Commission which would organise its own selection criteria, processes and panels for all appointments from High Court Judge downwards;
- that merit, including the ability to do the job, thus providing the best possible quality of justice, would continue to be the key criterion in determining appointments;
- that it would be the stated objective of whoever was responsible for appointments to engage in a programme of action to secure the development of a judiciary that is reflective of NI society, in particular by community background and gender, as could be achieved consistent with the overriding requirement of merit;
- that advocacy should not be regarded as a prerequisite of success in a judicial capacity and recommended that practice and/or standing requirements for recruitment to all levels of the bench should not differentiate between barristers and solicitors;
- that progression from one judicial tier to

## APPENDIX 1 Background to the Establishment of the Judicial Appointments Commission

The establishment of the Commission arises from recommendations of the Criminal Justice Review Group.

The Belfast Agreement was reached on 10th April 1998 and amongst other reforms set out a plan for far reaching reforms of criminal justice. One of the clear messages from the consultation process of the Review Group was the desire for transparency in judicial appointments. The terms of reference within which the Review Group

worked invited them to address 'the arrangements for making appointments to the judiciary and magistracy, and safeguards for protecting their independence'. Whilst an effective and impartial judiciary was of the utmost importance in Northern Ireland society to ensure that fairness and due process are achieved, the Group was aware that the role of a judge was continually changing to meet the demands of changing economic and social circumstances, and the demands of development within the law, and that these factors would have implications for selection procedures and judicial independence.

Whilst the merit principle is not to be compromised, the qualities most often mentioned as important to the selection process were legal ability, integrity, experience and fairness. It was

## ANNUAL REPORT and ACCOUNTS 2005 - 2006 *Selecting the best candidates and promoting diversity*

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another was acceptable provided it was to take place on the basis of merit as part of an open competition;

- that the Lord Chief Justice or his nominee would chair the Commission, members would include as in other jurisdictions, a representative nominated from each of the Bar Council and the Law Society, around five judicial members, and four or five lay members selected in accordance with the Nolan guidelines for public appointments;
- that the Commission would publish an annual report; and
- that the Commission should equity monitor the composition of the judiciary by gender, ethnicity and community background to assist the Commission in judging the effectiveness of its outreach programme and in assessing the fairness and impact of the selection procedures.

Some of the recommendations were implemented in preparation for the establishment of the Commission. Others however required the enactment of primary legislation. The Justice (Northern Ireland) Act 2002, provided for the establishment of the Commission on devolution of justice functions to the Northern Ireland Assembly. The Justice (Northern Ireland) Act 2004 enabled the Commission to be established prior to devolution. The Commission was established on 15 June 2005.

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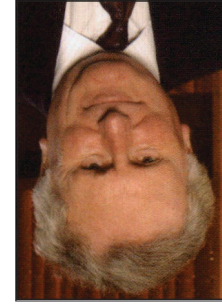
## Board Membership

None of the members of the Commission held interests or directorships during the year which would conflict with their responsibilities to the work of the Commission.

## Membership

There are 13 Commission members. Membership is as follows:

### The Right Honourable Sir Brian Kerr (Chairman), the Lord Chief Justice of Northern Ireland



Career / Experience:

Sir Brian Kerr was appointed a judge of the High Court of Northern Ireland in 1993. He served as Commercial Judge until he took over the judicial review portfolio in 1995. He is a graduate of Queen's University Belfast. He was Junior Crown Counsel for Northern Ireland from 1978 to 1983 and from 1988 to 1993 he was Senior Crown Counsel. Sir Brian has sat as an *ad hoc* judge at the European Court of Human Rights at Strasbourg. He is a past chairman of the Mental Health Commission for Northern Ireland and of the Distinction and Meritorious Service Awards Committee which determines the remuneration of senior medical consultants in the National Health Service. From October 2003 to October 2004 he was the President of the Medico-Legal Society. He was a member of the Judicial Studies Board until 2004.

All members of the Commission have been appointed for an initial period of three years.

## Composition of the Commission

### The Commission

The Justice (Northern Ireland) Act 2002, as amended, provides for the composition of the Commission. There are 13 Commission members, including the Chairman, the Lord Chief Justice of Northern Ireland, The Right Honourable Sir Brian Kerr.

The Commission members include five members of the judiciary, one from each of the different judicial tiers, nominated by the Lord Chief Justice. The judicial tiers are:

- a Lord Justice of Appeal;
- a High Court judge;
- a county court judge;
- a resident magistrate; and
- a lay magistrate.

There are two legal professional members. This includes one barrister nominated by the General Council of the Bar of Northern Ireland and one solicitor nominated by the Law Society of Northern Ireland. There are also five lay members.

### Tenure

## ANNUAL REPORT and ACCOUNTS 2005 - 2006

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## APPENDIX 2

### The Commission

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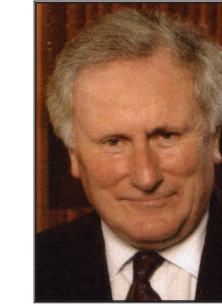
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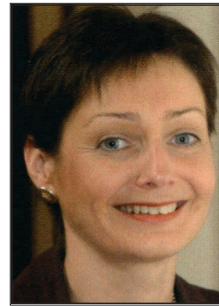
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**Mrs Fiona Bagnall, Presiding Resident Magistrate**



**Career / Experience:**  
Mrs Fiona Bagnall was educated at Queen's University Belfast and was admitted as a solicitor in August 1986. She was appointed as a Resident Magistrate on 4 July 2003. She

was appointed Presiding Resident Magistrate on 10 April 2006. Mrs Bagnall was a Member of the Health Promotion Agency from 1999 to 2004 and is a member of the Board of Governors of Ballyclare High School.

**Mrs Sinead Burns, Lay Magistrate**



**Career / Experience:**  
Mrs Sinead Burns was appointed as a Lay Magistrate on 1 April 2005. She is an Occupational Psychologist and is a Chartered Fellow of the Institute of Personnel and

Development. She holds a BA (Hons) Degree in Psychology, an MSc in Occupational Psychology, an MA in Human Resource Management and a PGCE. Mrs Burns has 12 years experience in human resource management in both the public and private sectors and is Assistant Director of Human Resources for Craigavon and Banbridge Community Health and Social Services Trust.

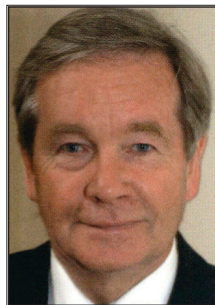
**The Right Honourable Sir Anthony Campbell, Lord Justice of Appeal**



**Career / Experience:**  
Lord Justice Anthony Campbell was appointed a judge of the High Court in 1988 and to the Court of Appeal in 1998. He is a graduate of Cambridge

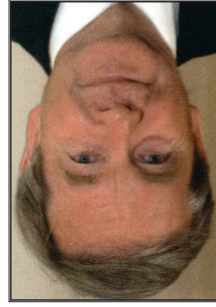
University (Queens' College BA) and was called to the Bar of Northern Ireland in 1960. He was Junior Counsel to Lord Cameron's Commission in 1969 and to the Scarman Tribunal from 1969-1971. In 1971 he was appointed Junior Counsel to the Attorney General for Northern Ireland. In 1974 he was appointed Queens Counsel and from 1984 to 1988 he was Senior Crown Counsel. Sir Anthony is Chairman of the Council of Legal Education and Chairman of the Judicial Studies Board for Northern Ireland. He led a review of Northern Ireland's civil justice system and is a member of the Judicial IT Liaison Committee.

**Mr Peter Cush, Barrister**



**Career / Experience:**  
Mr Peter Cush is a barrister who practices in the following areas: Administrative Law, Banking and Insurance, Civil Liberties & Human Rights, Civil Litigation, Common

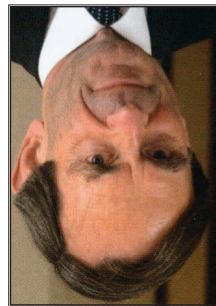
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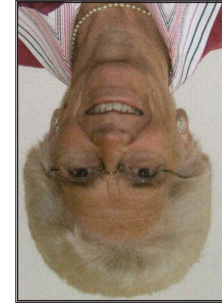
**Mrs Fiona Bagnall, Presiding Resident Magistrate**

Council of the Law Society of Northern Ireland for 20 years. Mr Gordon is also a member of the Lord Chancellor's Advisory Committee on Insolvency.

### **Dame Joan Harbison CBE DBE, Lay Member**

#### **Career / Experience:**

Dame Joan Harbison began her career as a teacher with the Belfast Education Authority where she held various teaching posts including Head of Department. She qualified as an



Educational Psychologist in 1972. Following this Dame Joan lectured in Education at Stranmillis College of Education for 24 years. She was Chief Commissioner of the Equality Commission for Northern Ireland from 1999 to 2005. She has wide experience in the public sector both locally and nationally. She was previously Chair of the Commission for Racial Equality for Northern Ireland, Vice Chair of the Eastern Health and Social Services Board and the Standing Advisory Commission on Human Rights and a member of the Human Fertilisation and Embryology Authority, the General Dental Council and the Financial Services Authority Consumer Panel.

Dame Joan is also a Foundation Governor and Vice Chair of Board of Governors of Victoria College, Belfast and Vice Chair of the Board of Governors of Breda Nursery School. Dame Joan is a member of the Regulation and Quality Improvement Authority for Health and Social Services.

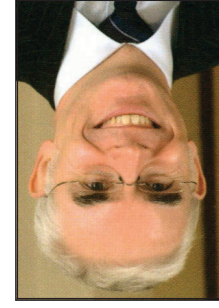
Law, European Law, General Commercial, Health & Safety, Injunctions, Personal Injuries, Planning, Product Liability, Professional & Medical Negligence and Tort. He was the representative of the Bar to the Consultative Committees of the Bars and Law Societies of the European

The Bar Council 2002 – 2003 and Chairman of the Bar Council (2003 – 2006). Mr Cush is also a member of the Bar of England and Wales (1974), Bar of Ireland (1974) and the Bar of New South Wales (1990).

### **Mr John G Gordon, Solicitor**

#### **Career / Experience:**

Mr John Gordon has 25 years experience in private practice as a solicitor and is the senior and managing partner in a medium-sized and progressive firm of solicitors based in Belfast. He is a specialist insolvency lawyer (a Licensed Insolvency Practitioner) and



employment lawyer who practices regularly before the Fair Employment and Industrial Tribunal. He also serves as a primary adviser to the Northern Ireland Maintained Schools Sector on all aspects of equality legislation, is a Director of the Solicitors Benevolent Association, is a Board Member of Servicing the Legal System Limited, has experience of sitting on the Board of Governors of a large second-level school in Belfast, has served on the Law Society Equality Working Party and has served as a member of the

## ANNUAL REPORT and ACCOUNTS 2005 - 2006

### *Selecting the best candidates and promoting diversity*

Law, European Law, General Commercial, Health & Safety, Injunctions, Personal Injuries, Planning, Product Liability, Professional & Medical Negligence and Tort. He was the representative of the Bar to the Consultative Committees of the Bars and Law Societies of the European Community 1982 – 1993, the Vice-Chairman of The Bar Council 2002 – 2003 and Chairman of The Bar Council (2003 – 2006). Mr Cush is also a member of the Bar of England and Wales (1974), Bar of Ireland (1974) and the Bar of New South Wales (1990).

### **Mr John G Gordon, Solicitor**

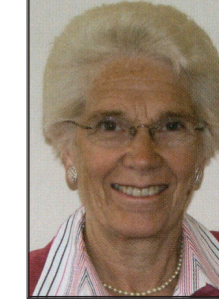


#### **Career / Experience:**

Mr John Gordon has 25 years experience in private practice as a solicitor and is the senior and managing partner in a medium-sized and progressive firm of solicitors based in Belfast. He is a specialist insolvency lawyer (a Licensed Insolvency Practitioner) and employment lawyer who practices regularly before the Fair Employment and Industrial Tribunal. He also serves as a primary adviser to the Northern Ireland Maintained Schools Sector on all aspects of equality legislation, is a Director of the Solicitors Benevolent Association, is a Board Member of Servicing the Legal System Limited, has experience of sitting on the Board of Governors of a large second-level school in Belfast, has served on the Law Society Equality Working Party and has served as a member of the

Council of the Law Society of Northern Ireland for 20 years. Mr Gordon is also a member of the Lord Chancellor's Advisory Committee on Insolvency.

### **Dame Joan Harbison CBE DBE, Lay Member**



#### **Career / Experience:**

Dame Joan Harbison began her career as a teacher with the Belfast Education Authority where she held various teaching posts including Head of Department. She qualified as an Educational Psychologist in 1972. Following this Dame Joan lectured in Education at Stranmillis College of Education for 24 years. She was Chief Commissioner of the Equality Commission for Northern Ireland from 1999 to 2005. She has wide experience in the public sector both locally and nationally. She was previously Chair of the Commission for Racial Equality for Northern Ireland, Vice Chair of the Eastern Health and Social Services Board and the Standing Advisory Commission on Human Rights and a member of the Human Fertilisation and Embryology Authority, the General Dental Council and the Financial Services Authority Consumer Panel.

Dame Joan is also a Foundation Governor and Vice Chair of Board of Governors of Victoria College, Belfast and Vice Chair of the Board of Governors of Breda Nursery School. Dame Joan is a member of the Regulation and Quality Improvement Authority for Health and Social Services.

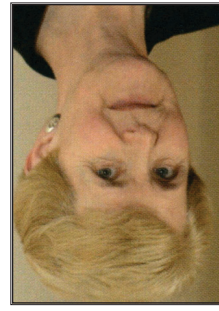
**Mrs Ruth Laird, Lay Member**



**Career / Experience:**  
Mrs Ruth Laird was educated at Queen's University Belfast and holds a BA (Hons) Degree in Ancient and Modern History, and a Diploma in Human Resource

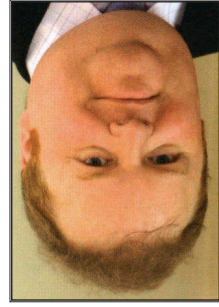
Management. She has 25 years experience in human resource management and organisational development in the public, private and voluntary sectors and is a Chartered Member of the Institute of Personnel and Development. Mrs Laird was formally Director of the National Trust for Northern Ireland, Head of Personnel at the BBC (NI), and a Fair Employment Commissioner. She is a non-executive Director of the NI Transport Holding Company and the NI Prison Service, and a member of the Regulation and Quality Improvement Authority for Health and Social Services.

**Her Honour Judge Gemma Loughran, County Court Judge**



**Career / Experience:**  
Judge Gemma Loughran was educated at Queen's University Belfast. She was called to the Bar of Northern Ireland in 1989 and was appointed a County Court Judge on 6

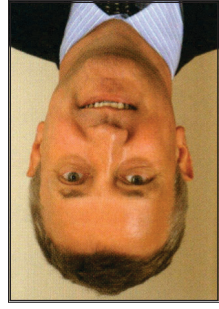
**Mr Harry McConnell OBE, Lay Member**



**Career / Experience:**  
Mr Harry McConnell began his career in Equality and Human Resources with Northern Ireland Electricity before becoming Director of Human Resources at Queen's University Belfast. He is currently an independent consultant specialising in Equality and Human Resource Management and an Industrial Tribunal lay panel member. He was previously Chairman of the Northern Ireland Disability Council, a member of the National Disability Council and a member of the Equality Commission for Northern Ireland.

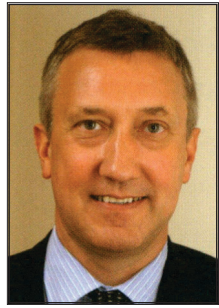
Northern Ireland. member of the National Disability Council and a lay panel member. He was previously Chairman of the Northern Ireland Disability Council, a member of the National Disability Council and a member of the Equality Commission for Northern Ireland.

**Professor John Morison, Lay Member**



**Career / Experience:**  
Professor John Morison is Head of the School of Law and Professor of Jurisprudence at Queen's University Belfast. Since joining Queen's as a

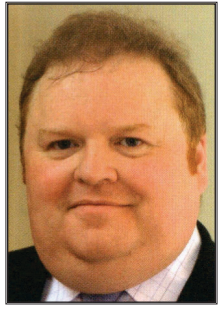
**Professor John Morison, Lay Member**



**Career / Experience:**  
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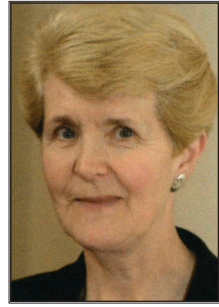
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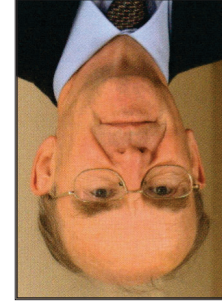
Management. She has 25 years experience in human resource management and organisational development in the public, private and voluntary sectors and is a Chartered Member of the Institute of Personnel and Development. Mrs Laird was formally Director of the National Trust for Northern Ireland, Head of Personnel at the BBC (NI), and a Fair Employment Commissioner. She is a non-executive Director of the NI Transport Holding Company and the NI Prison Service, and a member of the Regulation and Quality Improvement Authority for Health and Social Services.

Mullan was Head of the Business & Management Studies Department. He is also currently Chair of the Employment Relations Forum of the Association of Northern Ireland Colleges. He was previously Director of Enterprise Newry, a Board Member of the Southern Education and Library Board, NI President of the Association of Principals of Colleges, Chair of the Association of Northern Ireland Colleges and a Member of the Learning and Skills Advisory Committee.

### **The Honourable Mr Justice Ronald Weatherup, High Court Judge**

#### **Career / Experience:**

Mr Justice Ronald Weatherup was educated at Queen's University Belfast. He was called to the Bar of Northern Ireland in 1971 and took Silk in 1993. He served as Junior Crown Counsel for Northern Ireland from 1989 to 1993 and Senior Crown Counsel for Northern Ireland from 1997 to 2001. He was appointed a High Court Judge on 4 June 2001. Mr Justice Weatherup is a member of the Judicial Studies Board for Northern Ireland and is the Judge in Residence at Queen's University Belfast. He is also a Visitor to the University of Ulster.

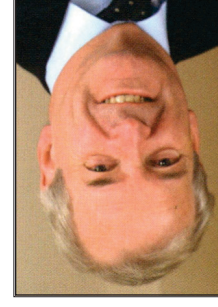


Lecturer in 1984, he has held various positions within the School of Law, including Head of Research and Head of Department of Jurisprudence. He has written several books and carried out numerous projects for the European Commission, Government, Research Councils and Charities. He is also currently a Board Member of Democratic Dialogue, a Senior Research Fellow in the Constitution Unit of the University of London, a Member of The Task Force on Resourcing the Voluntary and Community sectors which reported at the end of 2004, a Member of the Peer Review College of the Arts and Humanities Research Council for the UK, a Member of the Board of Directors of the European Public Law Centre, Athens, and of the Scientific Committee of the European Group of Public Law. He was previously a Member of the Board of Governors of Malone College, a Council Member of the Pharmaceutical Society of N.I., and an Executive Committee member of the Socio-Legal Studies Association.

### **Mr Raymond Mullan OBE, Lay Member**

#### **Career / Experience:**

Mr Raymond Mullan has been Director and Chief Executive of Newry & Kilkeel Institute of Further & Higher Education since 1991. He has worked at the Institute since 1976. Prior to being appointed Director, Mr



## ANNUAL REPORT and ACCOUNTS 2005 - 2006

### *Selecting the best candidates and promoting diversity*

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## APPENDIX 3

### SCHEDULE 1: LISTED JUDICIAL OFFICES

- Judge of the High Court
- Temporary judge of the High Court
- County court judge
- Deputy county court judge
- Resident magistrate
- Deputy resident magistrate
- Coroner
- Deputy coroner
- Statutory officer
- Deputy for a statutory officer
- Temporary additional statutory officer
- Chief Social Security Commissioner for Northern Ireland
- Social Security Commissioner for Northern Ireland
- Deputy Social Security Commissioner for Northern Ireland
- Chief Child Support Commissioner for Northern Ireland
- Child Support Commissioner for Northern Ireland
- Deputy Child Support Commissioner for Northern Ireland
- President of appeal tribunals
- Member of the panel of persons to act as members of such appeal tribunals
- Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987
- Member of the panel of persons who may serve as chairmen of the Care Tribunal
- President of the Industrial Tribunals and the Fair Employment Tribunal
- Acting President of the Industrial Tribunals and the Fair Employment Tribunal
- Vice-President of the Industrial Tribunals and the Fair Employment Tribunal
- Acting Vice-President of the Industrial Tribunals and the Fair Employment Tribunal
- Member of the panel of chairmen of the Industrial Tribunals
- Member of the panel of chairmen of the Fair Employment Tribunal
- President of the Lands Tribunal for Northern Ireland
- Deputy President of the Lands Tribunal for Northern Ireland
- Other member of the Lands Tribunal for Northern Ireland

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### SCHEDULE 1: LISTED JUDICIAL OFFICES

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- Temporary judge of the High Court
- County court judge
- Deputy county court judge
- Resident magistrate
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- Coroner
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- Statutory officer
- Deputy for a statutory officer
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- Chief Social Security Commissioner for Northern Ireland
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- President of the Industrial Tribunals and the Fair Employment Tribunal
- Acting President of the Industrial Tribunals and the Fair Employment Tribunal
- Vice-President of the Industrial Tribunals and the Fair Employment Tribunal
- Acting Vice-President of the Industrial Tribunals and the Fair Employment Tribunal
- Member of the panel of chairmen of the Industrial Tribunals
- Member of the panel of chairmen of the Fair Employment Tribunal
- President of the Lands Tribunal for Northern Ireland
- Deputy President of the Lands Tribunal for Northern Ireland
- Other member of the Lands Tribunal for Northern Ireland

## ANNUAL REPORT and ACCOUNTS 2005 - 2006

### *Selecting the best candidates and promoting diversity*

- Temporary member of the Lands Tribunal for Northern Ireland
- Member of the panel of persons appointed under section 6(1) of the Tribunals and Inquiries Act 1992 to act as chairmen of tribunals that sit in Northern Ireland
- Member of the panel of chairmen of VAT tribunals for Northern Ireland
- [General Commissioner for a division in Northern Ireland (appointed under section 2 of the Taxes Management Act 1970)] – not yet commenced.
- Member of the Mental Health Review Tribunal for Northern Ireland
- Lay magistrate
- Member of the panel of persons who may serve as chairmen of a tribunal established for the purposes of the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997
- Chairman of a Tribunal appointed under paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971
- Member of a Tribunal appointed under paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943
- President or Deputy President of Pensions Appeal Tribunals
- Chairman of the Plant Varieties and Seeds Tribunal
- Member of the panel of persons to act as chairmen of the Reserve Forces Reinstatement Committees
- Member of the panel of persons appointed under section 91 of the Northern Ireland Act 1998 (c 47)
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- Lay magistrate
- Member of the panel of persons who may serve as chairmen of a tribunal established for the purposes of the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997
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### *Selecting the best candidates and promoting diversity*

## ANNUAL REPORT and ACCOUNTS 2005 - 2006





ANNUAL REPORT and ACCOUNTS 2005 - 2006

*Selecting the best candidates and promoting diversity*

APPENDIX 4

NORTHERN IRELAND JUDICIAL  
APPOINTMENTS COMMISSION

ACCOUNTS  
2005-2006

FOR THE PERIOD ENDED 31 MARCH 2006

*Selecting the best candidates and promoting diversity*

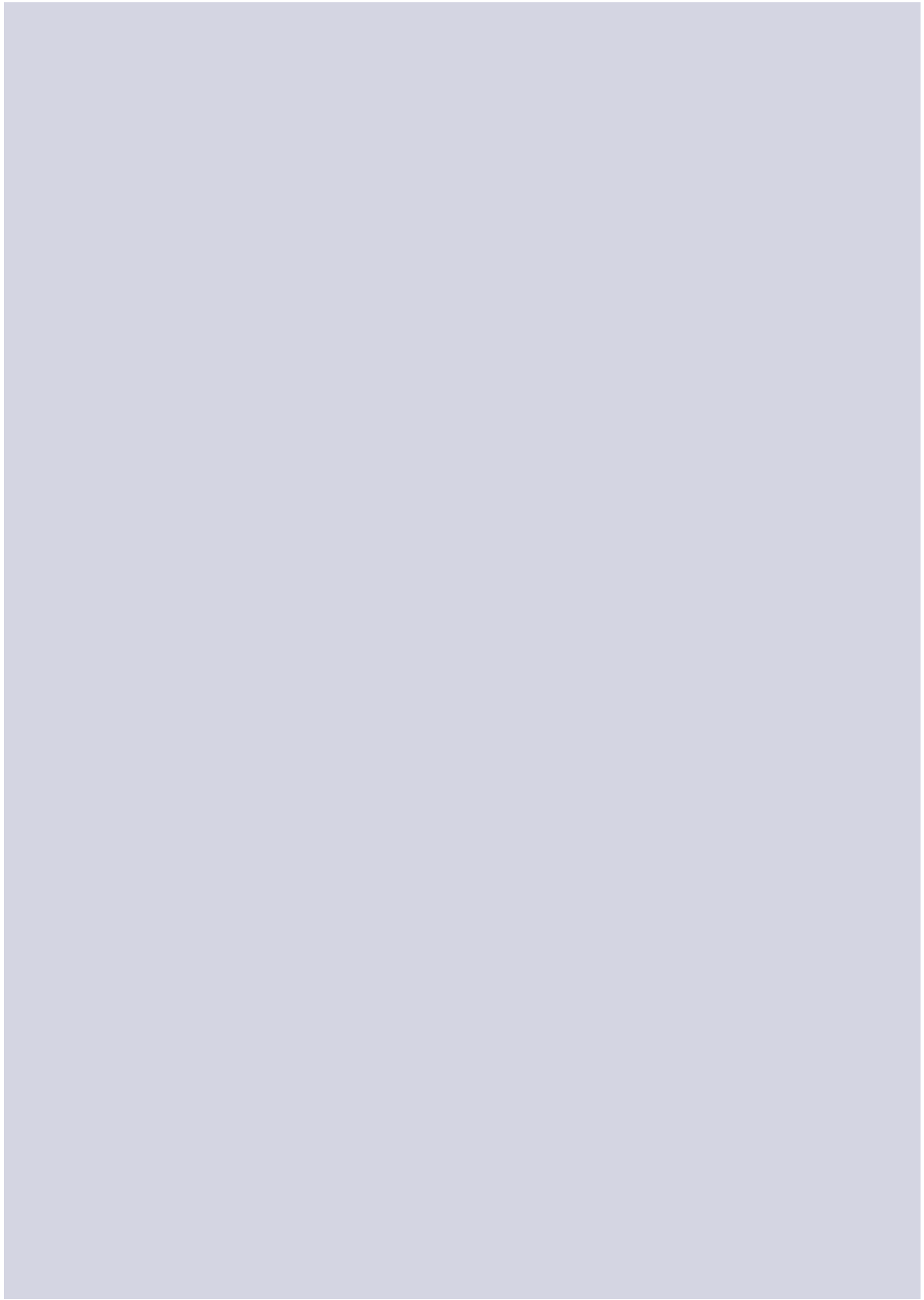
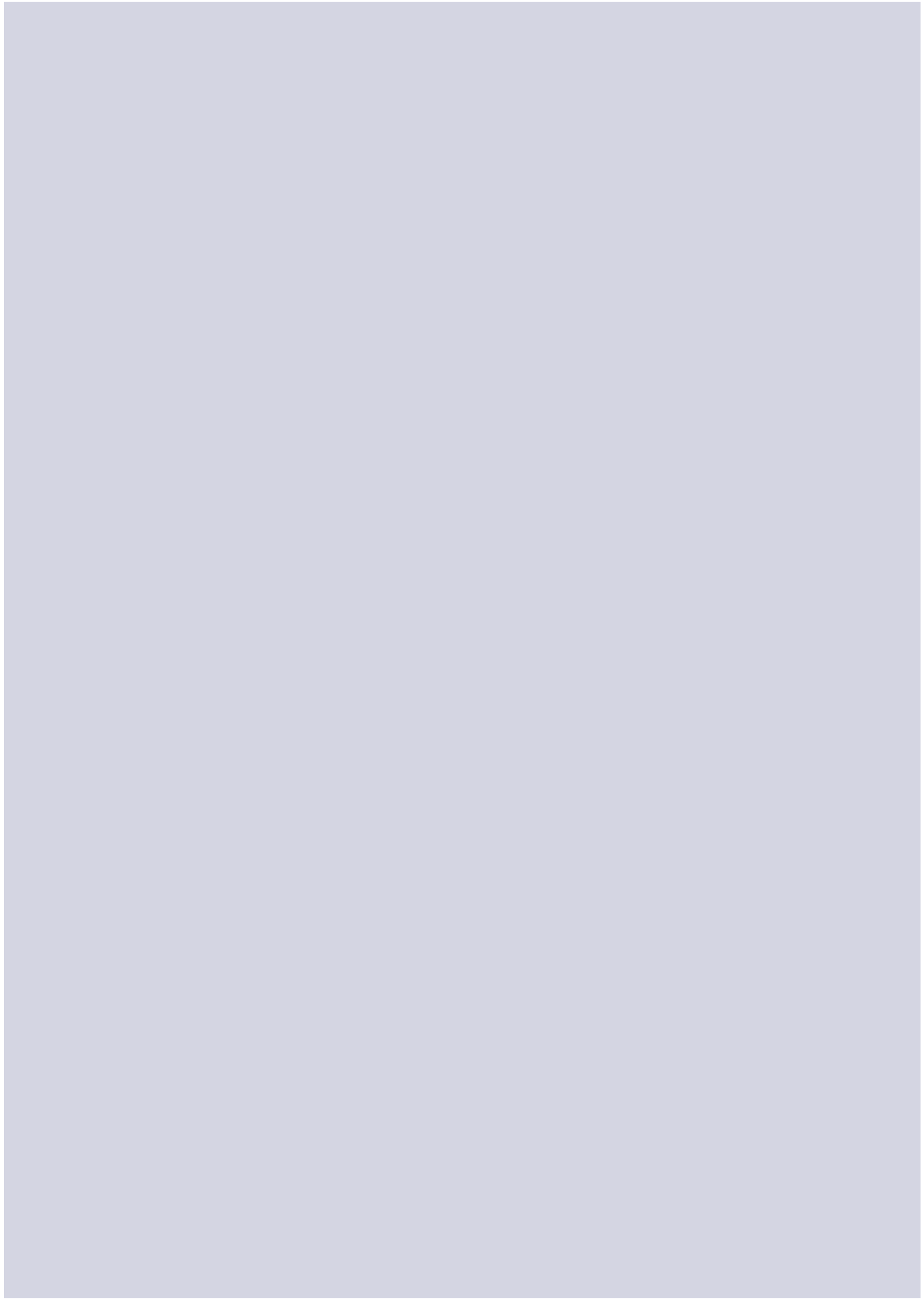
ANNUAL REPORT and ACCOUNTS 2005 - 2006

APPENDIX 4

NORTHERN IRELAND JUDICIAL  
APPOINTMENTS COMMISSION

ACCOUNTS  
2005-2006

FOR THE PERIOD ENDED 31 MARCH 2006



40-41	REMUNERATION REPORT
42	BASIS OF ACCOUNTS
43	STATEMENT OF ACCOUNTING OFFICER'S RESPONSIBILITIES
44-46	STATEMENT OF INTERNAL CONTROL
47-49	THE CERTIFICATE AND REPORT OF THE COMPTROLLER AND AUDITOR GENERAL
50	INCOME AND EXPENDITURE ACCOUNT
51	BALANCE SHEET
52	CASH FLOW STATEMENT
53-63	NOTES TO THE FINANCIAL STATEMENTS

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53-63	NOTES TO THE FINANCIAL STATEMENTS

## REMUNERATION REPORT

### Service Contracts

All staff are currently seconded from the Court Service.

Commission members have been appointed by the Lord Chancellor in accordance with the Code of Practice and Procedures agreed with the Office of the Commissioner for Public Appointments ([www.ocpa.gov.uk](http://www.ocpa.gov.uk)). All Commission members have been appointed for an initial 3 year period, commencing on 15 June 2005.

Commission members may resign from office, by giving notice in writing to the Lord Chancellor. No liabilities would result from the early termination of the contracts.

### Remuneration Policy

The remuneration of the Commission members has been determined by the Lord Chancellor. Judicial members, with the exception of the Lay Magistrate member, do not receive a fee. Other members, including the Lay Magistrate member, receive a daily rate of £294. A half-day fee of £147 is payable for 4 hours or less. With the agreement of the Sponsor Department, the Court Service, the Commission has developed a Fees Policy which, in addition to the above rates, introduced an hourly rate of £36.75 pro rata for specific work undertaken by Commission

members that does not involve attendance at stated meetings. Commission members are reimbursed for incidental expenses incurred in the course of Commission business.

Commission members have no entitlement to bonuses or performance related payments.

### Salary and pension entitlements

The following sections provide details of the remuneration and pension interests of the Commission members and the most senior official of the Commission (the Acting Chief Executive).

#### Remuneration

##### Chief Executive

The Acting Chief Executive, Alan Hunter, is seconded to the Commission from the Court Service. The total amount payable to the Court Service in respect of the services of the Acting Chief Executive for the period ended 31 March 2006 amounted to £76,511.

No pension contributions are made by the Commission in respect of the Acting Chief Executive.

##### Commission members

The remuneration payable to the Commission members for the period ended 31 March 2006 is as follows:

<p>members that does not involve attendance at stated meetings. Commission members are reimbursed for incidental expenses incurred in the course of Commission business.</p> <p>Commission members have no entitlement to bonuses or performance related payments.</p> <p>The following sections provide details of the remuneration and pension interests of the Commission members and the most senior official of the Commission (the Acting Chief Executive).</p> <p>The Acting Chief Executive, Alan Hunter, is seconded to the Commission from the Court Service. The total amount payable to the Court Service in respect of the services of the Acting Chief Executive for the period ended 31 March 2006 amounted to £76,511.</p> <p>No pension contributions are made by the Commission in respect of the Acting Chief Executive.</p> <p>The remuneration payable to the Commission members for the period ended 31 March 2006 is as follows:</p>	<p>members that does not involve attendance at stated meetings. Commission members are reimbursed for incidental expenses incurred in the course of Commission business.</p> <p>Commission members have no entitlement to bonuses or performance related payments.</p> <p>The following sections provide details of the remuneration and pension interests of the Commission members and the most senior official of the Commission (the Acting Chief Executive).</p> <p>The Acting Chief Executive, Alan Hunter, is seconded to the Commission from the Court Service. The total amount payable to the Court Service in respect of the services of the Acting Chief Executive for the period ended 31 March 2006 amounted to £76,511.</p> <p>No pension contributions are made by the Commission in respect of the Acting Chief Executive.</p> <p>The remuneration payable to the Commission members for the period ended 31 March 2006 is as follows:</p>
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## ANNUAL REPORT and ACCOUNTS 2005 - 2006

*Selecting the best candidates and promoting diversity*

Name	2005-06 Fees (£000)	Benefits in Kind
The Right Honourable Sir Brian Kerr (Chair)	-	-
Mrs Fiona Bagnall, Presiding Resident Magistrate	-	-
Mrs Sinead Burns, Lay Magistrate	5-10	-
The Right Honourable Lord Justice Anthony Campbell, Lord Justice of Appeal	-	-
Mr Peter Cush, Barrister at Law	0-5	-
John G Gordon, Solicitor	0-5	-
Dame Joan Harbison, CBE DBE, Lay Member	0-5	-
Mrs Ruth Laird, Lay Member	15-20	-
Her Honour Judge Gemma Loughran, County Court Judge	-	-
Mr Harry McConnell, OBE, Lay Member	10-15	-
Professor John Morison, Lay Member	5-10	-
Mr Raymond Mullen OBE, Lay Member	5-10	-
The Honourable Mr Justice Ronald Weatherup, High Court Judge	-	-

### Salary

Salary includes gross salary; performance pay or bonuses; overtime; reserved rights to London weighting or London allowances; recruitment and retention allowances; private office allowances and any other allowance to the extent that it is subject to UK taxation.

### Benefits in kind

The monetary value of benefits in kind covers any benefits provided by the employer and treated by the Inland Revenue as a taxable emolument.

### Pension Benefits

No pension contributions are made by the Commission in respect of the Commission members.

*Alan Hunter*  
Accounting Officer  
8 February 2007

## ANNUAL REPORT and ACCOUNTS 2005 - 2006

*Selecting the best candidates and promoting diversity*

Name	2005-06 Fees (£000)	Benefits in Kind
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*Alan Hunter*

Accounting Officer

8 February 2007

## ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2006

### Basis of Accounts

The Commission presents its accounts for the financial year ended 31 March 2006. The Accounts have been prepared in a form directed by the Lord Chancellor in accordance with paragraph 7 of Schedule 2 to the Justice (Northern Ireland) Act 2002 as amended.

## ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2006

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## STATEMENT OF THE NORTHERN IRELAND JUDICIAL APPOINTMENT COMMISSION'S AND THE ACCOUNTING OFFICER'S RESPONSIBILITIES

Under paragraph 7 of Schedule 2 to the Justice (Northern Ireland) Act 2002, as amended, the Accounting Officer of the Court Service has designated the Acting Chief Executive as the Accounting Officer for the Commission. The Commission is required to prepare a statement of accounts in respect of each financial year in such a form as directed by the Lord Chancellor. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the Commission at the year end and of the income and expenditure, recognised gains and losses and cash flows for the financial year.

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and published in *Government Accounting*.

In preparing the accounts, the Accounting Officer is required to comply with the requirements of the *Financial Reporting Manual* and in particular to:

- observe the Accounts Direction issued by the Lord Chancellor including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgments and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the *Financial Reporting Manual* have been followed, and disclose and explain any material departures in the accounts; and
- prepare the accounts on a going concern basis, unless it is inappropriate to presume that the Commission will continue in operation.

## ANNUAL REPORT and ACCOUNTS 2005 - 2006

### *Selecting the best candidates and promoting diversity*

## STATEMENT OF THE NORTHERN IRELAND JUDICIAL APPOINTMENT COMMISSION'S AND THE ACCOUNTING OFFICER'S RESPONSIBILITIES

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The Accounting Officer of the Court Service has designated the Acting Chief Executive as the Accounting Officer for the Commission. The Acting Chief Executive's relevant responsibilities as Accounting Officer, including responsibility for the propriety and regularity of the public finances and for keeping proper records, are set out in the Non-Departmental Public Bodies Accounting Officers' Memorandum issued by HM Treasury and published in *Government Accounting*.

In preparing the accounts, the Accounting Officer is required to comply with the requirements of the *Financial Reporting Manual* and in particular to:

- observe the Accounts Direction issued by the Lord Chancellor including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgments and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the *Financial Reporting Manual* have been followed, and disclose and explain any material departures in the accounts; and
- prepare the accounts on a going concern basis, unless it is inappropriate to presume that the Commission will continue in operation.

## STATEMENT OF INTERNAL CONTROL 2005-2006

### Scope of Responsibility

As Accounting Officer, I have responsibility for maintaining a sound system of internal control that supports the achievement of the Commission's policies, aims and objectives; to evaluate the likelihood of those risks being realised and the impact should they be realised; and to manage them efficiently, effectively and economically.

### Capacity to Handle Risk

The Commission was established on 15 June 2005 and a significant programme was developed and undertaken to ensure a robust governance, risk management and internal control framework was implemented. The system of internal control has been in place in the Commission for the year ended 31 March 2006 and up to the date of approval of the Annual Report and Accounts, and accords with HM Treasury guidance.

## STATEMENT OF INTERNAL CONTROL 2005-2006

### Scope of Responsibility

As Accounting Officer, I have responsibility for maintaining a sound system of internal control that supports the achievement of the Commission's policies, aims and objectives, whilst safeguarding the public funds and departmental assets for which I am personally responsible, in accordance with the responsibilities assigned to me in Government Accounting and the NDPB Accounting Officer Memorandum. The Commission is financed by grant in aid by the Court Service, and the Accounting Officer's responsibilities in respect of the Commission are defined in the NDPB Accounting Officer Memorandum.

### The Purpose of the System of Internal Control

The system of internal control is designed to manage risk to a reasonable level, rather than to eliminate all risk of failure to achieve policies, aims and objectives. It can therefore only provide reasonable, and not absolute, assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Commission's policies, aims and objectives; to evaluate the likelihood of those risks being realised and the impact should they be realised; and to manage them efficiently, effectively and economically.

The Commission was established on 15 June 2005 and a significant programme was developed and undertaken to ensure a robust governance, risk management and internal control framework was implemented. The system of internal control has been in place in the Commission for the year ended 31 March 2006 and up to the date of approval of the Annual Report and Accounts, and accords with HM Treasury guidance.

### Capacity to Handle Risk

A risk management system has been in place since the formation of the Commission and is defined in the Commission's Risk Management Policy. Risk management constitutes a standing item on management meeting agenda and senior managers are required to formally sign off Stewardship Statements for me on a quarterly basis; the corporate risk register is also reviewed and updated on a quarterly basis.

The Audit and Risk Management Committee was established during the year and is comprised of five Commissioners who do not have an executive role in the management of the organisation. The Terms of Reference of the Committee were based on HM Treasury's Audit Committee Handbook and were agreed by the full Committee. Tailored training was delivered in October 2005. Internal audit services are provided by the Court



## ANNUAL REPORT and ACCOUNTS 2005 - 2006

### *Selecting the best candidates and promoting diversity*

Service's Internal Audit Service (IAS) under the terms of an agreed service level agreement.

Findings from the work of IAS, risks identified through the organisation's Risk Management System and feedback from our external auditors are considered by both the Audit and Risk Committee and executive management to ensure that there is ongoing review and revision of the control framework of the organisation.

#### **The Risk and Control Framework**

Risks are considered in tandem with objectives at all levels in the organisation and formally reported in the Corporate Risk Register. Risks are assessed in terms of their probability of occurrence and impact on the achievement of objectives, and scored and reported on accordingly. Responsibility for the management of each risk is assigned and recorded, along with controls in place to mitigate the risk, monitoring arrangements in place, and any action taken or planned in order to enhance the level of control. Risks are formally reviewed on a quarterly basis and documentation updated. The updated risk registers record any movement in terms of impact and probability of occurrence.

The Audit and Risk Management Committee is responsible for the maintenance and development of the risk management and review processes through, for example, ensuring compliance with the structured quarterly review points and formal stewardship reporting in order to ensure continued alignment with planning and

monitoring at corporate and operational level. In challenging risks identified by executive management the Committee ensures that there is ongoing consideration of the impact of both external and internal initiatives on the planned work of the Commission.

The activity of the Audit and Risk Management Committee is defined in its Terms of Reference, under which the Committee should meet three times annually, with a set guideline of items to consider at each meeting. In addition to the members of the Committee, the Chief Executive and representatives of both internal and external audit are in attendance at each meeting, with the Finance Officer in attendance for relevant agenda items.

IAS activity in the first year included the delivery of an agreed audit plan which was based upon discussion with the Acting Chief Executive and review of the Corporate Risk Register; and the provision of control related consultancy contributing to the design of the Commission's governance framework. The audit plan was ratified by the Audit and Risk Management Committee at its inaugural meeting in November 2005.

#### **Review of Effectiveness**

As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of internal control. The Audit and Risk

### *Selecting the best candidates and promoting diversity*

## ANNUAL REPORT and ACCOUNTS 2005 - 2006

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#### **Review of Effectiveness**

As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of internal control. The Audit and Risk

Management Committee oversees the audit activity on behalf of the full Commission and updates the Commission on control, risk and governance issues following each meeting. At the end of the reporting period, stewardship statements completed by Business Managers provided assurance in respect of the management of risk and the achievement of objectives at business unit level.

IAS provides risk, control and governance advice and carries out a planned schedule of work, including the provision of an independent opinion by the Head of Internal Audit on the adequacy and effectiveness of the Commission's system of risk management, control and governance.

My review of the effectiveness of the system of internal control is informed by the work of the internal auditors and the executive managers within the Commission who have responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their management letter following the audit of the 2005/06 accounts will also inform my ongoing review of the effectiveness of the system of internal control, going forward. The review processes outlined ensure that there is continuous improvement in the system of internal control.

A management statement and financial memorandum was drafted by the Court Service

prior to the formation of the Commission; the Commission has reviewed the draft documents and they have been referred to the Court Service for agreement.

*Alan Hunter*  
Accounting Officer  
8 February 2007

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## ANNUAL REPORT and ACCOUNTS 2005 - 2006

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### THE CERTIFICATE AND REPORT OF THE COMPTROLLER AND AUDITOR GENERAL TO THE HOUSES OF PARLIAMENT

I certify that I have audited the financial statements of the Northern Ireland Judicial Appointments Commission for the period ended 31 March 2006 under the Justice (Northern Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004. These comprise the Income and Expenditure Account, the Balance Sheet, the Cash Flow Statement and the related notes. These financial statements have been prepared under the accounting policies set out within them.

#### **Respective Responsibilities of the Northern Ireland Judicial Appointments Commission, the Accounting Officer and Auditor**

The Northern Ireland Judicial Appointments Commission and the Accounting Officer are responsible for preparing the Annual Report, the Remuneration Report and the financial statements in accordance with the Justice (Northern Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004 and directions made thereunder by the Lord Chancellor and for ensuring the regularity of financial transactions. These responsibilities are set out in the Statement of the Northern Ireland Judicial Appointments Commission's and the Accounting Officer's Responsibilities.

My responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements, and with International Standards on Auditing (UK and Ireland).

I report to you my opinion as to whether the financial statements give a true and fair view and whether the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Justice (Northern Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004 and directions made thereunder by the Lord Chancellor. I also report whether in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. I also report to you if, in my opinion, the Annual Report is not consistent with the financial statements, if the Northern Ireland Judicial Appointments Commission has not kept proper accounting records, if I have not received all the information and explanations I require for my audit, or if information specified by relevant authorities regarding remuneration and other transactions is not disclosed.

I review whether the statement on pages 44 to 46 reflects the Northern Ireland Judicial

### THE CERTIFICATE AND REPORT OF THE COMPTROLLER AND AUDITOR GENERAL TO THE HOUSES OF PARLIAMENT

My responsibility is to audit the financial

statements in accordance with relevant legal and regulatory requirements, and with International Standards on Auditing (UK and Ireland).

I report to you my opinion as to whether the

financial statements give a true and fair view and whether the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Justice

(Northern Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004 and directions made thereunder by the Lord

Chancellor. I also report whether in all material respects the expenditure and income have been applied to the purposes intended by Parliament

and the financial transactions conform to the authorities which govern them. I also report to you if, in my opinion, the Annual Report is not

consistent with the financial statements, if the Northern Ireland Judicial Appointments Commission has not kept proper accounting

records, if I have not received all the information and explanations I require for my audit, or if information specified by relevant authorities

regarding remuneration and other transactions is not disclosed.

I review whether the statement on pages 44 to 46 reflects the Northern Ireland Judicial

I certify that I have audited the financial

statements of the Northern Ireland Judicial Appointments Commission for the period ended 31 March 2006 under the Justice (Northern Ireland) Act 2002, as amended by the Justice

(Northern Ireland) Act 2004. These comprise the Income and Expenditure Account, the Balance Sheet, the Cash Flow Statement and the related

notes. These financial statements have been prepared under the accounting policies set out

within them.

#### **Respective Responsibilities of the Northern Ireland Judicial Appointments Commission, the Accounting Officer and Auditor**

The Northern Ireland Judicial Appointments Commission and the Accounting Officer are

responsible for preparing the Annual Report, the Remuneration Report and the financial

statements in accordance with the Justice (Northern Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004 and

directions made thereunder by the Lord Chancellor and for ensuring the regularity of

financial transactions. These responsibilities are set out in the Statement of the Northern Ireland

Judicial Appointments Commission's and the Accounting Officer's Responsibilities.

Appointments Commission's compliance with HM Treasury's guidance on the Statement on Internal Control, and I report if it does not. I am not required to consider whether the Accounting Officer's statements on internal control cover all risks and controls, or form an opinion on the effectiveness of the Northern Ireland Judicial Appointments Commission's corporate governance procedures or its risk and control procedures. I read the other information contained in the Annual Report and consider whether it is consistent with the audited financial statements. This other information comprises the Goals & Values, Foreword, the Management Commentary, the policies and procedures on appointment, the diversity programme of action, planning our business and communications and contacts, internal working arrangements, background to the establishment of the Commission, the Commission, listed judicial offices and the unaudited part of the Remuneration Report. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements. My responsibilities do not extend to any other information.

### Basis of Audit Opinion

I conducted my audit in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. My audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and

regularity of financial transactions included in the financial statements and the part of the Remuneration Report to be audited. It also includes an assessment of the significant estimates and judgments made by the Northern Ireland Judicial Appointments Commission and Accounting Officer in the preparation of the financial statements, and of whether the accounting policies are most appropriate to the Northern Ireland Judicial Appointments Commission's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements and the part of the Remuneration Report to be audited are free from material misstatement, whether caused by fraud or error and that in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements and the part of the Remuneration Report to be audited.

### Opinion

In my opinion:

- the financial statements give a true and fair view, in accordance with the Justice (Northern

regularity of financial transactions included in the financial statements and the part of the Remuneration Report to be audited. It also includes an assessment of the significant estimates and judgments made by the Northern Ireland Judicial Appointments Commission and Accounting Officer in the preparation of the financial statements, and of whether the accounting policies are most appropriate to the Northern Ireland Judicial Appointments Commission's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I

considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements and the part of the Remuneration Report to be audited are free from material misstatement, whether caused by fraud or error and that in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements and the part of the Remuneration Report to be audited.

### Opinion

In my opinion:

- the financial statements give a true and fair view, in accordance with the Justice (Northern

Appointments Commission's compliance with HM Treasury's guidance on the Statement on

Internal Control, and I report if it does not. I am not required to consider whether the Accounting Officer's statements on internal control cover all risks and controls, or form an opinion on the effectiveness of the Northern Ireland Judicial Appointments Commission's corporate governance procedures or its risk and control procedures. I read the other information

contained in the Annual Report and consider whether it is consistent with the audited financial statements. This other information comprises the

Goals & Values, Foreword, the Management Commentary, the policies and procedures on appointment, the diversity programme of action, planning our business and communications and contacts, internal working arrangements, background to the establishment of the Commission, the Commission, listed judicial offices and the unaudited part of the

Remuneration Report. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements. My responsibilities do not extend to any other information.

### Basis of Audit Opinion

I conducted my audit in accordance with

International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. My audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and

*John Bourn*  
 Comptroller and Auditor General  
 National Audit Office  
 157-197 Buckingham Palace Road  
 Victoria  
 London SW1W 9SP

Date: 13 March 2007

- I have no observations to make on these financial statements.
- in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.
  - the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Justice (Northern Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004 and directions made thereunder by the Lord Chancellor; and
  - the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Justice (Northern Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004 and directions made thereunder by the Lord Chancellor; and
- I have no observations to make on these financial statements.

## ANNUAL REPORT and ACCOUNTS 2005 - 2006

### *Selecting the best candidates and promoting diversity*

Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004 and directions made thereunder by the Lord Chancellor, of the state of the Northern Ireland Judicial Appointments Commission's affairs as at 31 March 2006 and of its surplus for the period then ended;

- the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Justice (Northern Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004 and directions made thereunder by the Lord Chancellor; and
- in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

I have no observations to make on these financial statements.

*John Bourn*  
 Comptroller and Auditor General

National Audit Office  
 157-197 Buckingham Palace Road  
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Date: 13 March 2007

## INCOME AND EXPENDITURE ACCOUNT for the period ended 31 March 2006

	<i>Note</i>	<i>2005-06</i> £
<i>Income</i>	2	1,012,998
<i>Expenditure</i>		
Staff costs	3	520,436
Depreciation	5	84
Release from Capital Grant Reserve	9	(84)
Other operating costs	4	487,952
Notional cost of capital	1.6	212
<i>Total expenditure</i>		<u>1,009,800</u>
<i>Surplus for period</i>		4,398
Credit in respect of notional charges		212
<i>Surplus transferred to reserves</i>		<u>4,610</u>

There were no other gains or losses recognised during the period.

## INCOME AND EXPENDITURE ACCOUNT for the period ended 31 March 2006

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## CASH FLOW STATEMENT

for the period ended 31 March 2006

	<i>Note</i>	<i>2005-06</i> £
<i>Net cash inflow from operating activities</i>	<i>10(a)</i>	-
Capital expenditure and financial investment	10(b)	(3,112)
Receipt of capital grant		3,112
<i>Increase / (decrease) in cash in the period</i>		<u>-</u>

## CASH FLOW STATEMENT

for the period ended 31 March 2006

<i>2005-06</i> £	<i>Note</i>	
-	<i>10(a)</i>	<i>Net cash inflow from operating activities</i>
(3,112)	10(b)	Capital expenditure and financial investment
3,112		Receipt of capital grant
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## ANNUAL REPORT and ACCOUNTS 2005 - 2006

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### NOTES TO THE FINANCIAL STATEMENTS

#### 1.0 Statement of Accounting Policies

The financial statements have been prepared in accordance with the 2005–2006 *Financial Reporting Manual (FRM)* issued by HM Treasury. The accounting policies contained in the FRM follow UK generally accepted accounting practice for companies (UK GAAP) to the extent that it is meaningful and appropriate to the public sector.

Where the FRM permits a choice of accounting policy, the accounting policy which has been judged to be most appropriate to the particular circumstances of the Commission for the purpose of giving a true and fair view has been selected. The Commission's accounting policies have been applied consistently in dealing with items considered material in relation to the accounts.

#### 1.1 Accounting Convention

These accounts have been prepared under the historical cost convention modified to account for the revaluation of fixed assets.

#### 1.2 Tangible Fixed Assets

Assets costing more than the prescribed capitalisation level of £500 are treated as capital assets. For furniture and fittings the individual assets are recorded on a pooled basis.

Assets are stated at their value to the business by reference to Office of National Statistics (ONS) indices. The indices for fixed assets are obtained from ONS MM17 Price Index Numbers for Current Cost Accounting.

#### 1.3 Depreciation

Tangible fixed assets are depreciated at rates calculated to write them down to estimated residual value on a straight-line basis over their estimated useful lives. Assets in the course of construction are depreciated from the point at which the asset is brought into use. A further adjustment is made for any backlog depreciation arising from the Treasury requirement to value fixed assets by reference to current costs.

Useful lives are normally in the following ranges:

Furniture and Fittings	10 years
Information Technology	3 years

Additions to fixed assets will be depreciated from the month of acquisition where material. Disposals from fixed assets will not be depreciated in the month of disposal.

#### 1.4 Stocks

Stocks of consumable stores held by the Commission are not considered material and are written off in the operating cost statement as they are purchased.

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#### 1.3 Depreciation

Current Cost Accounting.

Assets are stated at their value to the business by reference to Office of National Statistics (ONS) indices. The indices for fixed assets are obtained from ONS MM17 Price Index Numbers for

## 1.5 Income

Income consists of grant in aid funding received from the Court Service.

## 1.6 Notional Cost of Capital

The income and expenditure account bears a non-cash charge for interest relating to the use of capital by the Commission. The charge is calculated at the real rate set by HM Treasury (currently 3.5%) on the average capital employed by the Commission during the period defined as the total assets less current liabilities.

## 1.7 Operating Leases

Rentals under operating leases are charged to the operating cost statement on a straight line basis over the lease term.

## 1.8 Pensions

The Commission does not make any pension contributions in respect of employees or the Commission members.

## 1.9 Value Added Tax (VAT)

The Commission is ineligible to reclaim input VAT on expenditure. Therefore, all expenditure is inclusive of VAT.

## 1.10 Provisions

The Commission provides for legal or constructive obligations, which are of uncertain timing or amount at the balance sheet date, on the basis of the best estimate of the expenditure required to settle the obligation. Where the effect of the time value of money is significant, the estimated risk-adjusted cash flows are discounted using the real rate set by HM Treasury (currently 2.2%).

## 1.11 Post Balance Sheet Events

There were no material post balance sheet events for the year ended 31 March 2006.

## 1.12 Contingent Liabilities

Where the time value of money is material, contingent liabilities, which are required to be disclosed under FRS 12, are stated at discounted amounts.

## 1.13 Changes to Estimation Techniques

There were no material changes in estimating techniques introduced during the financial year.

## 1.10 Provisions

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amount at the balance sheet date, on the basis of the best estimate of the expenditure required to

settle the obligation. Where the effect of the time value of money is significant, the estimated risk-

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The income and expenditure account bears a non-cash charge for interest relating to the use of capital by the Commission. The charge is calculated at the real rate set by HM Treasury (currently 3.5%) on the average capital employed by the Commission during the period defined as the total assets less current liabilities.

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## ANNUAL REPORT and ACCOUNTS 2005 - 2006

*Selecting the best candidates and promoting diversity***2. Income**

	2005-06 £
Grant from Northern Ireland Court Service	1,016,110
Transfer to Capital Grant Reserve	(3,112)
<b>Income</b>	<b>1,012,998</b>

**3. Staff Numbers and Related Costs**

Staff costs comprise:

	2005-06 Total £	Permanently employed staff £	Commission members £
Wages and salaries	56,667	-	56,667
Social security costs	3,171	-	3,171
Other pension costs	-	-	-
<b>Sub Total</b>	<b>59,838</b>	<b>-</b>	<b>59,838</b>
Inward secondments	460,598	460,598	-
<b>Total costs</b>	<b>520,436</b>	<b>460,598</b>	<b>59,838</b>

No pension contributions were made by the Commission in respect of employees or Commission members during the period ended 31 March 2006.

**2. Income**

	2005-06 £
Grant from Northern Ireland Court Service	1,016,110
Transfer to Capital Grant Reserve	(3,112)
<b>Income</b>	<b>1,012,998</b>

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Social security costs	3,171	-	3,171
Other pension costs	-	-	-
<b>Sub Total</b>	<b>59,838</b>	<b>-</b>	<b>59,838</b>
Inward secondments	460,598	460,598	-
<b>Total costs</b>	<b>520,436</b>	<b>460,598</b>	<b>59,838</b>

No pension contributions were made by the Commission in respect of employees or Commission members during the period ended 31 March 2006.

### Average number of persons employed

The average number of whole-time equivalent persons employed (including senior management, but excluding Commission members) during the period was as follows:

	<i>2005-06</i>
	<i>Number</i>
Chief Executive	1
Secretariat and Support Team	3
Appointment and Policy Team	8
Diversity Team	4
<b>Total</b>	<b><u>16</u></b>

### 4. Other Operating Costs

	<i>2005-06</i>
	<i>£</i>
Accommodation costs	100,509
Heat and light	13,152
Maintenance	12,177
IT services	83,291
Services provided by NI Court Service	190,693
Other services	36,678
Auditors' remuneration	13,000
Other costs	38,452
<b>Total</b>	<b><u>487,952</u></b>

### Average number of persons employed

The average number of whole-time equivalent persons employed (including senior management, but excluding Commission members) during the period was as follows:

	<i>2005-06</i>
	<i>Number</i>
Chief Executive	1
Secretariat and Support Team	3
Appointment and Policy Team	8
Diversity Team	4
<b>Total</b>	<b><u>16</u></b>

### 4. Other Operating Costs

	<i>2005-06</i>
	<i>£</i>
Accommodation costs	100,509
Heat and light	13,152
Maintenance	12,177
IT services	83,291
Services provided by NI Court Service	190,693
Other services	36,678
Auditors' remuneration	13,000
Other costs	38,452
<b>Total</b>	<b><u>487,952</u></b>

## ANNUAL REPORT and ACCOUNTS 2005 - 2006

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## 5. Tangible Fixed Assets

	<i>Furniture and Fittings</i>	<i>Information Technology</i>	<i>Total</i>
	£	£	£
<i>Cost or valuation</i>			
At 15 June 2005	-	-	-
Additions	2,291	821	3,112
Donations	-	-	-
Disposals	-	-	-
Reclassifications	-	-	-
Revaluations	-	-	-
<i>At 31 March 2006</i>	<i>2,291</i>	<i>821</i>	<i>3,112</i>
<i>Depreciation</i>			
At 15 June 2005	-	-	-
Charged in year	38	46	84
Disposals	-	-	-
Reclassifications	-	-	-
Revaluations	-	-	-
<i>At 31 March 2006</i>	<i>38</i>	<i>46</i>	<i>84</i>
<i>Net book value at 31 March 2006</i>	<i>2,253</i>	<i>775</i>	<i>3,028</i>
<i>Asset financing:</i>			
Owned	2,253	775	3,028
Finance Leased	-	-	-
<i>Net book value at 31 March 2006</i>	<i>2,253</i>	<i>775</i>	<i>3,028</i>

The fixed assets were not revalued during the year as there were no material differences between historical cost amounts and the revalued amounts.

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## ANNUAL REPORT and ACCOUNTS 2005 - 2006

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	<i>Furniture and Fittings</i>	<i>Information Technology</i>	<i>Total</i>
	£	£	£
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## 6 Debtors

### 6(a) Analysis by type

	<i>2005-06</i>
	£
<i>Amounts falling due within one year:</i>	
Amount due from NI Court Service	321,184
Prepayments and accrued income	7,364
Other debtors	404
	<u>328,952</u>

There are no debtor amounts falling due after more than one year.

### 6(b) Intra-Government Balances

	<i>Amounts falling due within one year 2005-06</i>
	£
Balances with other central government bodies	321,184
Balances with local authorities	-
Balances with NHS Trusts	-
Balances with public corporations and trading funds	-
<i>Subtotal: intra-government balances</i>	<u>321,184</u>
Balances with bodies external to government	7,768
<b>Total debtors at 31 March</b>	<u><b>328,952</b></u>

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	£
Amount due from NI Court Service	321,184
Prepayments and accrued income	7,364
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<i>Subtotal: intra-government balances</i>	<u>321,184</u>
Balances with bodies external to government	7,768
<b>Total debtors at 31 March</b>	<u><b>328,952</b></u>

## 7. Cash at Bank and in Hand

The Commission does not hold any cash balances at the bank or in hand. Grant in aid drawn down by the Commission is held by the Court Service, which makes all payments required on behalf of the Commission. The balance held by the Court Service on behalf of the Commission is included within debtors (see note 6).

## 8. Creditors

### 8(a) Analysis by type

	2005-06	£
Amounts falling due within one year	(11,936)	
Trade creditors	(312,406)	
Accruals and deferred income	(324,342)	
		<u>(324,342)</u>

There are no creditor amounts falling due after more than one year.

## ANNUAL REPORT and ACCOUNTS 2005 - 2006

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		<u>(324,342)</u>

There are no creditor amounts falling due after more than one year.

## 8(b) Intra-Government Balances

	Amounts falling due within one year 2005-06 £
Balances with other central government bodies	(288,790)
Balances with local authorities	-
Balances with NHS Trusts	-
Balances with public corporations and trading funds	-
<b>Subtotal: intra-government balances</b>	<b>(288,790)</b>
Balances with bodies external to government	(35,552)
<b>Total creditors at 31 March</b>	<b>(324,342)</b>

## 9. Capital and Reserves

	General Fund £	Capital Grant Reserve £
Balance at 15 June 2005	-	-
Surplus for period	4,610	-
Capital grant received	-	3,112
Release to income and expenditure account	-	(84)
<b>Balance at 31 March 2006</b>	<b>4,610</b>	<b>3,028</b>

	Fund General £	Capital Grant Reserve £
Balance at 15 June 2005	-	-
Surplus for period	4,610	-
Capital grant received	-	3,112
Release to income and expenditure account	-	(84)
<b>Balance at 31 March 2006</b>	<b>4,610</b>	<b>3,028</b>

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## 8(b) Intra-Government Balances



## ANNUAL REPORT and ACCOUNTS 2005 - 2006

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### 10. Notes to the Cash Flow Statement

#### 10(a) Reconciliation of surplus for period to operating cash flows

	<i>2005-06</i>
	£
Surplus for period	4,398
Adjustments for non-cash transactions	212
Increase in Debtors	(328,952)
Increase in Creditors	324,342
<i>Net cash outflow from operating activities</i>	<u>-</u>

#### 10(b) Analysis of capital expenditure and financial investment

	<i>2005-06</i>
	£
Tangible fixed asset additions	3,112
<i>Net cash outflow from investing activities</i>	<u>3,112</u>

### 11. Capital Commitments

There are no contracted capital commitments at 31 March 2006 for which no provision has been made.

### 12. Commitments Under Leases

#### 12.1 Operating leases

The Commission makes use of premises and equipment where the operating lease is held by the Court Service. The Commission reimburses the Court Service for the leasing costs as they are incurred, but

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Adjustments for non-cash transactions	212
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Increase in Creditors	324,342
<i>Net cash outflow from operating activities</i>	<u>-</u>
	<i>2005-06</i>
	£
Tangible fixed asset additions	3,112
<i>Net cash outflow from investing activities</i>	<u>3,112</u>

#### 10(a) Reconciliation of surplus for period to operating cash flows

### 10. Notes to the Cash Flow Statement

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ANNUAL REPORT and ACCOUNTS 2005 - 2006

does not have any future commitments in respect of these leases.

#### 12.2 Finance leases

The Commission had no finance leases operating during the period.

### 13. Other Financial Commitments

There are no contracted non-capital commitments at 31 March 2006 for which no provision has been made.

### 14. Financial Instruments

FRS 13, *Derivatives and Other Financial Instruments*, requires disclosure of the role financial instruments have had during the period in creating or changing the risks an entity faces in undertaking its activities. Because of the largely non-trading nature of the Commission's activities and the way in which executive non-departmental bodies are financed, the Commission is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which FRS 13 mainly applies. The Commission has no powers to borrow or invest surplus funds and except for relatively insignificant purchases of foreign currency, financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks facing the Commission in

undertaking its activities.

As permitted by FRS 13, the Commission has elected to exclude from disclosure all debtors and creditors which mature or become payable within 12 months from the balance sheet date.

#### Liquidity risk

The Commission is financed by grant in aid from the Court Service. It is not, therefore, exposed to significant liquidity risks.

#### Interest rate risk

The Commission's financial assets and its financial liabilities carry no rates of interest. The Commission is not therefore exposed to interest rate risks.

#### Foreign currency risk

The Commission's exposure to foreign currency risk is not significant. Foreign currency income and expenditure is negligible.

#### Fair values

Fair value is not significantly different from book value since, in the calculation of book value, the expected cash flows have been discounted by the Treasury discount rate of 2.2 per cent in real terms.

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As at 31 March 2006, the Commission did not have any contingent liabilities.

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