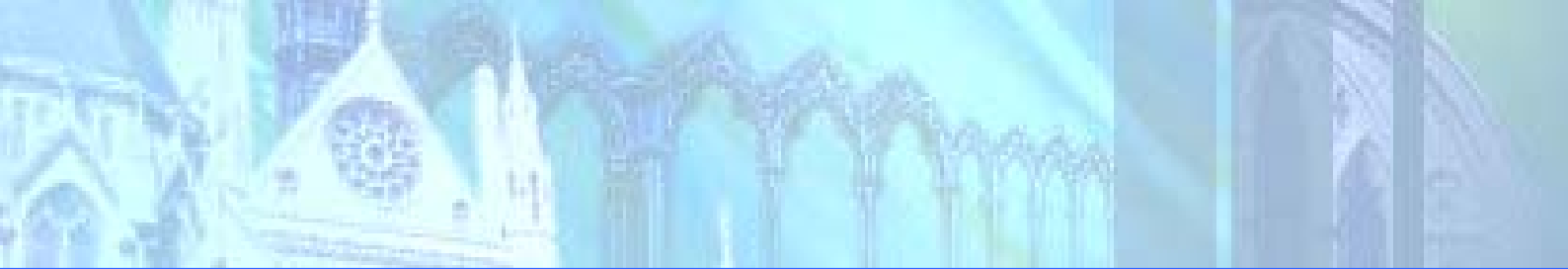

Annual Report 2005



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FOREWORD

From the Chairman, The Lord Phillips of Worth Matravers

This is the First Annual Report of the Judges' Council of England and Wales. The year 2005 has been an important one both for the constitution and for the Judges' Council and I would like to emphasise its importance by first setting out a little history and background.



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

The first Council of Judges was set up in 1873 by the Judicature Act 1873 and met at least once a year to consider the operation of the 1873 Act and the Rules of Court for the time being in force. It was chaired by the Lord Chancellor. Its duties included consideration of the working of the court offices and enquiring into and examining any defects in procedures or in the administration of the law in the High Court, the Court of Appeal or any other Court from which an appeal lay to the Court of Appeal. The Council also reported annually to the Home Secretary.

The present Judges' Council was set up in 1988 by the then Lord Chief Justice, Lord Lane. It was reconstituted in 2002 and membership widened to include the Circuit and District Benches and was chaired by the Lord Chief Justice. It debated and agreed a written constitution setting out a number of objectives that are still extant (full details are set out in Appendix 2). These include preserving the independence of the judiciary, protecting and promoting the due administration of justice, co-ordinating the views and actions of the judges to those ends and providing advice to the Lord Chief Justice so that he may be aware of the views of the judges, promoting the professional and pastoral interests of the judiciary and providing guidance to the judges on questions of ethics.

In 2003 the Government unexpectedly announced that the office of the Lord Chancellor would be abolished. My predecessor, Lord Woolf turned to the newly constituted Judges' Council to provide responses to the consultation papers and for advice when negotiating the Concordat and the Constitutional Reform Bill with the Lord Chancellor. The support and guidance that he received from the new Council during that time was crucial to his success in achieving the guarantees of judicial independence, the wider pastoral role of the Lord Chief Justice and the involvement of the Council in discussions on court resources and the appointment of judges that we now see enshrined in the Concordat and in the Constitutional Reform Act 2005 (the Act).

The Act transfers the judicial responsibilities of the Lord Chancellor to the Lord Chief Justice making him the first Head of the Judiciary of England and Wales and President of the Courts of England and Wales. It also represents a clear split between the Executive and the Judiciary. As Lord Chief Justice I shall, when the relevant provisions take effect on 3rd April, become responsible for representing the views of the judiciary of England and Wales to Parliament and to Ministers and maintaining appropriate arrangements for the welfare, training and guidance of the judiciary. In order to achieve this I shall

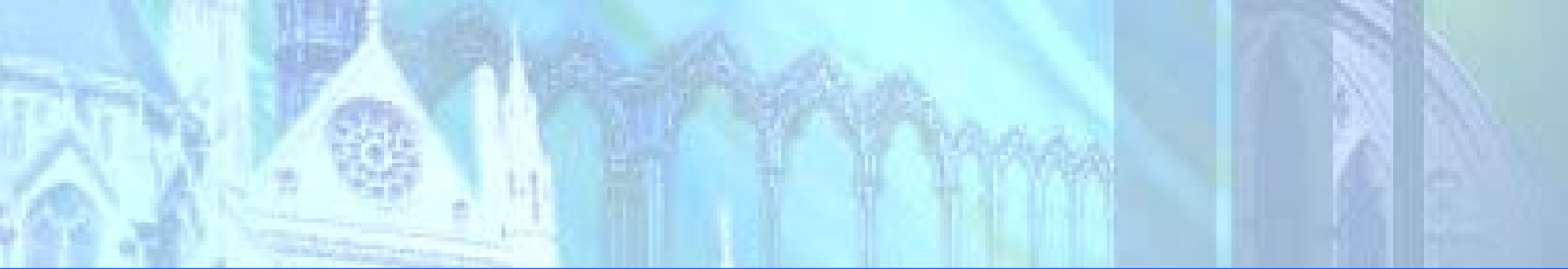
Foreword

continue to turn to the Judges' Council to provide me with those views and with help and support in my decision making.

The present Council has been supported by a full time Secretary since November 2003. It has representatives from all tiers of the judiciary including magistrates and tribunals and is now in an even stronger position to canvass views from all judges. The representative nature of the Council is important because in addition to enabling the Council to speak for the judiciary as a whole, it can deal with the Executive as one body on issues that affect all the judiciary rather than several bodies separately representing the different parts of the judiciary. It has published a Guide to Judicial Conduct and has now set up a Standing Committee to keep the Guide under review. It has engaged in discussions on the composition and research into juries, the broadcasting of courts and expert evidence. It has also widened its role through membership of the European Network of Judges' Councils and is sharing knowledge in areas such as case management, judicial conduct and judicial independence. I was pleased to be able to meet some of the members of that Network at the meeting of their Steering Committee recently held this year in London. The Council is now an important body in the Constitution and it is therefore right that it should produce an Annual Report, of which this Report is the first.

2005 has been a busy year for the Council. It selected three judicial members of the Judicial Appointments Commission and reported its selection to the Lord Chancellor as required under the Act. Representatives of the Council met with the Chief Executive of HM Courts Service in July and December to discuss court resources and budget proposals as required under the terms of the Concordat. Working groups dealt with judicial pensions, judicial resources, court targets, and agreed a national protocol with police forces to deal with security at judges' homes. It provided responses to consultation papers on part time working, career breaks, eligibility requirements for judicial office and judges returning to legal practice. It also provided judicial input into the courts estate, the DCA security review and the provision and roll out of IT. All this work was undertaken by judges from all tiers of the judiciary and in their own time. The support that the Council receives from the respective secretaries of the Council of Circuit Judges and the Association of District Judges and from the chairman of the Magistrates Association has been second to none. I am deeply indebted to them for their commitment and hard work and to all the judges who have so generously contributed their time and expertise to the work of the Council over the last year. It is that commitment and support that provides the necessary strength to the Judges' Council and ensures that the views of all judges are heard. Special mention must also be made of the Secretary, Barbara Flaxman, who has co-ordinated all these activities with such efficiency and good humour.

The role of the Judges' Council has now altered because of the constitutional changes. A working group, chaired by Lord Justice Neuberger, was set up in July to look at its membership, constitution and functions and reported to the Council. The recommendations set out in that Report were approved by the Council in January 2006. I am immensely grateful to Lord Justice Neuberger for producing such a considered and forward looking report. It is important that the functions and workings of the Council are kept under review to ensure that it continues to function in the interests of judges and provides me with the advice and support that I need to carry out my new responsibilities.



I believe that improving communication is vital to the success of any organisation. The Council is no exception to this and we are fortunate in having available the assistance of the Judicial Communications Office. There are plans to set up a web presence and the Council will have a site linked into the Judicial Intranet and will also be represented on the new Judicial Website to enable judges to have easier access to Reports and Agendas and to see updates on the Council's activities. I hope that this will lead to an increased dialogue between judges and the Council.

As I said at my recent first Press Conference, we are on the brink of a new era in the role of judiciary in England and Wales and I am proud to be the first Lord Chief Justice who will be the head of that judiciary. I am also proud to be the Chairman of the Judges' Council.

Richard Phillips .

Meetings of the Judges' Council

MEETINGS OF THE JUDGES' COUNCIL

Five Judges' Council meetings were held in the Royal Courts of Justice on 28th February, 16th May, 25th July, 12th October and 13th December 2005. A list of the members of the Council can be found at Appendix 1. Meetings of the Executive Committee also took place to decide on the Agendas for those meetings.


The Agendas for these meetings covered a wide range of topics including security, resources, appointments to the Judicial Appointments Commission, diversity, judicial pensions, healthcare, judicial conduct, the Freedom of Information and the Data Protection Acts, civil and family fees and communication. Presentations and regular reports were made to the Council on court resources, judicial pensions, judges and international relations, the new judicial complaints and discipline system, the new Judicial Office, The European Network of Judges' Councils, the Courts and Tribunals Bill, the roll out of IT to the judiciary and to the courts and the provision and maintenance of court buildings.

WORKING GROUPS: RESPONSES TO CONSULTATION PAPERS

The Council has been engaged in a range of issues in discussion with the Department for Constitutional Affairs (DCA). It has discussed and approved responses to Consultation Papers on the Single Civil Courts and supported and endorsed the views of the Civil and Family Justice Councils on the proposed increases in Civil and Family fees. It has approved Responses on diversity issues details of which are set out below, the broadcasting of courts, the use of expert evidence and research into juries and has reported to the Lord Chancellor on its selection of three judicial members to the Judicial Appointments Commission. These Responses were researched and drafted by working groups set up by the Council to look into each topic. A full list of these and other working groups and their respective members is set out at Appendix 3.

Diversity

The Council has responded to the DCA on a number of issues relating to diversity in the judiciary. As set out in its initial Response in January 2005 the working group supported the need for increasing diversity in the ranks of the judiciary. However in order to maintain the judiciary's reputation for integrity, competence and independence, the Council maintained that the sole criterion for any form of judicial appointment must be merit. The Report concluded that the best way of achieving greater diversity was by seeking to attract applications for appointment to fee-paid judicial posts from the widest possible pool. In order to achieve this, appointment policies and judicial practices needed to be as flexible as possible and



the working group recommended that there should be a single point of entry to all fee-paid appointments. The gateway to full-time appointment should be by means of fee-paid appointment and appointment to full-time post should take into account appraisal of performance in fee-paid posts.

Responses to two further Consultation papers on widening eligibility requirements for judicial office to include Trade Mark and Patent Attorneys and Legal Executives were approved by the Council in June. The Council was troubled that the responses were required within a very short time span and that insufficient time had been allowed to discuss the papers fully or to consider the very considerable changes contemplated to eligibility for judicial office. The Response was generally not in favour of the proposed changes without further research being carried out so that when the Lord Chancellor announced in July that he was proposing to introduce legislation to alter the eligibility requirements following the results of that consultation, Lord Woolf, the then Lord Chief Justice, issued a Press Notice after consulting with the Council. This Press Notice emphasised that although he and the Council were very supportive of increasing the pool of applicants from which the judiciary was drawn, no action should be taken “that would undermine the high quality of the judiciary and the need for appointments to be made on the grounds of merit alone.”

In August, the Council approved a Response to a Consultation Paper on proposals for Career Breaks for the judiciary. The Council supported the notion of career breaks but expressed the view that this proposal should not be dealt with piecemeal or taken in isolation.

The Council has also provided substantial input to the DCA’s Guidance on Salaried Part Time Working and provided comments on the Guidance to Career Breaks.

In November, the Lord Chancellor announced that he would be consulting the Council as to whether salaried judges below the level of the High Court should be able to return to legal practice after they had ceased to hold judicial office. After wide consultation with the judiciary (not including tribunals), the working group set up by the Council, reported that the vast majority of those consulted were not in favour of judges returning to legal practice. This view and the Report from the working group were sent to the Lord Chancellor in January 2006 under cover of a letter from the Lord Chief Justice.

In December the Commission for Judicial Appointments asked the Council to respond to their Consultation paper on Black and Minority Practitioners in the Legal Profession and the Judicial Appointments Process. The working group was reconvened and a response sent from the Council in January 2006.

Other Working Groups

OTHER WORKING GROUPS

Healthcare, support and welfare

Following concerns from many members of the judiciary, the Council has agreed to press for better support for the judges on healthcare and has approved a package of requirements which has been sent to the DCA under cover of a letter from the Lord Chief Justice. As a follow up to this letter the Council has also set up a working group to look more widely into the health and welfare needs of the judges including career development, the support that judges need to function efficiently and retirement issues. This working group will shortly be sending out questionnaires to judges seeking their views and is expected to report to the Council in mid 2006.

Pensions

This working group, chaired by the Chancellor of the High Court, Sir Andrew Morritt, was initially set up to respond to two Consultation papers from the Treasury and the Inland Revenue proposing a scheme to replace all the present tax regimes applicable to pensions with a single comprehensive scheme. The Responses set out the impact the scheme would have on judicial pensions. Following those responses the Judges Council authorised the working group to continue to urge the government to look again at its proposals and failing that to continue to monitor the Finance Act 2004 and to look at unfunded unapproved retirement benefit schemes (UURBS) which would fall outside the ambit of the new tax regime altogether.

On 15th December 2005 the Lord Chancellor issued a written ministerial statement:

“I have concluded that, as administrator of the judicial pension schemes, it would be in the best interests of the members that, for the future, the schemes should not be registered schemes for the purposes of the Finance Act 2004”

Since then a great number of discussions have taken place with the Lord Chancellor and DCA officials to ensure that no judge will be at a disadvantage as a result of the de-registration. Much progress has been made and it is hoped that the remaining problems will soon be solved.



The Future Role of the Judges' Council

The Constitutional Reform Act and the Concordat vest very considerable responsibilities in the Lord Chief Justice as Head of the Judiciary for England and Wales from 3rd April 2006. Overall policy and general executive decisions will be made by the Lord Chief Justice through the Judicial Executive Board and day to day responsibilities will be delegated to sub committees established to cover each of the three main jurisdictions and to some individual judges. The role of the Council in these new arrangements and changes to the representation on the Council has been examined by a working group chaired by Lord Justice Neuberger. The report of the working group was produced in December and approved by the Council in January 2006.

Guide to Judicial Conduct

The Council set up a working group in 2003, chaired by Lord Justice Pill, which after extensive consultation with the judiciary published "A Guide to Judicial Conduct". The Council agreed that although the existing standards of Conduct in England and Wales were high, the recent adoption of written codes of conduct in other countries and the endorsement of principles by the UN Human Rights Commission in Geneva in April 2003 had indicated that a written Code or Guide for England and Wales would be desirable and in accordance with international practice. The Guide was published in October 2004 and copies distributed to all salaried members of the judiciary. Copies were also made available to fee paid judges and to the Press. The Guide has been very well received and reflects the broad consensus that had been achieved through the consultation process. It aims to provide principles of behaviour leaving individual judges to make their own decisions and so maintain their independence. The Council has now agreed to set up a Standing Committee, chaired by Lord Justice Pill, to keep the Guide under review. This Committee is currently considering its functions and future operation.

A National Security Protocol

A working group chaired by Mr Justice Holman has been looking into judges' security at their homes following incidents involving certain interest groups. Following protracted negotiations with ACPO and unexpected difficulties, this working group has successfully agreed a national protocol with all 43 police authorities to enable any such incidents to be dealt with as swiftly as possible. If successful the protocol may be extended. Judicial Security Liaison Judges have already been appointed to cover each police area/circuit to provide the link between the judges living in those areas and their respective Police Contact Officers. Circuit Offices are currently writing to their respective judges to find out which judges wish to join the scheme.

Other Working Groups

Working Group on Constitutional Reform

This working group was originally formed to discuss and provide comments on the details of the Constitutional Reform Bill. It is chaired by Lady Justice Arden and has continued to meet to comment on and discuss the implementation of the Constitutional Reform Act.

The current work of this group is outlined below:-

(i)Office for Judicial Complaints

The working group has been consulting with the DCA on the draft rules and regulations and there have been a series of meetings and discussions. There have also been further consultations with the Lord President of Scotland and the Lord Chief Justice of Northern Ireland in relation to the application of the regulations to tribunal members who sit wholly or mainly in Scotland and Northern Ireland. The agreed Regulations are expected to be laid before Parliament shortly.

(ii)Developing policy on delegation by the Lord Chief Justice

A detailed table has been drafted by lawyers to identify and track all the functions that can be delegated by the Lord Chief Justice under the Act. A project as to who will exercise these functions on behalf of the Lord Chief Justice is being taken forward.

(iii)Judicial Appointments Commission Guidance

Lawyers from the DCA are currently drafting Guidance and this will be referred to the working group with a view to agreement in early 2006.

(iv)Primary Legislation and Statutory Instruments

The Working Group has commented on the modifications and transfer of the Lord Chancellor's functions and legislation will be introduced by Order in Council in March 2006. It is currently working with officials from the DCA to allocate the functions of the Lord Chancellor in secondary legislation in accordance with the Concordat.



(v)Annotated Concordat

The Concordat is being annotated to provide a crucial historical record of the discussions that took place between the Lord Chief Justice and the Lord Chancellor and how it was implemented in the Act. The working group have commented on the first draft and a final version is now being prepared.

OTHER ACTIVITIES

Information Technology (IT)

The Judicial Technology Board (JTB) is concerned with IT strategy and policy issues and acts as a decision making body on behalf of the judiciary reporting to the Judges' Council. All levels of the judiciary are represented on the JTB which is chaired by Lord Justice Neuberger who is also a member of the Judges' Council. The JTB liaises with two judicial action groups (JAGs) respectively chaired by Mr Justice Cresswell and Mr Justice Cooper which also include representatives from the DCA. The JAGs are forums where judges can discuss IT issues with officials and ensure that judicial needs are represented and aired. They monitor progress on IT projects and provide advice to the DCA and HMCS in respect of the criminal, civil and family justice systems. It is also a means by which the DCA can involve judges in their plans at an early stage and at an appropriate level.

The Council has received regular Reports from Lord Justice Neuberger on progress including the Disc programme, the roll out of judicial LINK laptops, the provision of broadband, the Judicial Portal, Xhibit, the possibility of a country- wide e-filing and electronic case and record management system and the Commercial Court project.

Judicial Resources Review

A review conducted jointly between the judiciary and the DCA was first initiated following calls to increase the size of the High Court Bench to meet increasing pressures. At the conclusion of the first phase in 2004 the Lord Chief Justice and the Lord Chancellor agreed that the size of the High Court Bench should not be increased but that consideration should be given as to how to contain pressures from within existing resources. The Terms of Reference for this, the second phase of the review, were to agree the evidence underpinning the analysis of the existing use of judicial resources, to produce an agreed analysis of the pressures on the High Court judiciary and to set out a range of options as to how such pressures could be managed and the type of cases that must be dealt with at High Court level. The

Other Activities

recommendations from this second review are set out in a Report to the Lord Chancellor and the Heads of Division dated July 2005 and led to a subsequent consultation paper later in the year. The Judges' Council has been kept up to date with progress throughout the year.

Judicial Appraisal of Court Staff

The Council was concerned that the working relationships between civil servants and the judiciary should be strengthened and to help to achieve this the Council agreed that judges should continue to give feedback either verbally or in writing on court staff and where possible to provide views relating to particular competences. This view was passed to the Permanent Secretary of the DCA, Alex Allen, and has been agreed.

Appraisal of Judges

At the request of the Council for Circuit Judges the Council agreed that a statement should be made in the following terms:

“The Judges' Council supports the principle of Judicial Appraisal but it considers that the appraisal of any Judge should be carried out by a Judge of the same or higher status”

The Concordat and Resources

The Council met with the Chief Executive of HM Courts Service (HMCS), Sir Ron De Witt, in July and in December in accordance with the provision set out in the Concordat to give the judiciary an opportunity of providing input into future resource planning.

HMCS reported a very difficult financial position and a breakeven position for the year-end, although the full financial impact would not be known until February 2006. The financial impact on HMCS due to the legal aid overspend was serious and the funding shortfall of about £30-£50 million for the current financial year had yet to be found. Any underspend would be required to help meet the shortfall in the current financial year. HMCS was looking at efficiency savings and Budgets had been reduced to reflect those savings. Discussions on these matters are continuing.



Targets

An important aspect of current Government financing relates to Public Service Agreements and the targets and underlying performance indicators that go with them. The selection of targets is crucial to the proper allocation of resources and are also used to measure “performance”. In April 2004 a working group of the Council reported that there should be consultation with Judges (including Magistrates) in the setting of targets at all levels. The Report concluded that “such consultation is for the purpose of providing those responsible for setting targets with judicial experience and knowledge, helping to prevent the setting of inappropriate targets, and ensuring that the targets which are set are not such as to interfere with judicial independence in the carrying out of judicial functions.” The Council adopted these recommendations and set up three small working groups to look at criminal, civil and family targets respectively. The Targets contained in the current Public Service Agreements had been agreed with the Treasury in July 2004 without judicial input. However, meetings did take place with officials from the DCA in late 2004 and where possible some judicial comments were incorporated and reflected in the final targets published in April 2005. The three working groups remain on hold to discuss with the DCA the underlying targets and indicators and to prepare for the next Public Service Agreement.

Security

Following initial discussions between Lord Justice Thomas and Sir Ron De Witt, the Chief Executive of HM Courts Service, and with the support of the Council, identity cards are now being issued to all judiciary and individual judges are able to determine how their name should be displayed.

Judge McGregor Johnson is the judicial representative for the Judges’ Council on HMCS Security Review Group and he has been providing Reports to the Council at regular intervals. He has reported progress on matters such as the power to ban mobile phones in court, training arrangements for Court Security Officers and the need for separate jury entrances. Draft Guidelines have gone out for consultation with a view to publication in early 2006.

He has provided input on a DCA Security Branch Project to review security clearance levels of staff and contractors working in judicial and court related activities and has drafted a paper in response to the questions raised in a short questionnaire/consultation paper on the role of Court Security Officers.

Estates

Mr Justice Stanley Burnton is the judicial member of the National Property Board dealing with HMCS Estate. He also chairs an Advisory Group of judges that meets before each meeting of the Property Board

Other Activities

to advise and to keep him informed of concerns. This Advisory Group in turn reports to the Judges' Council.

The members of the Advisory Group are judges and magistrates representing all jurisdictions including tribunals and meet approximately four times a year.

Pressure on resources has resulted in inadequate expenditure on estates maintenance and this is cause for concern. The Council welcomes the decision of HMCS for the National Property Board to develop an Estates Strategy and looks forward to seeing the work develop.

European Network of Councils for the Judiciary

The Judges' Council became a member of the European Network of Councils for the Judiciary (ENCJ) in 2004 at a ceremony held in Rome. Lord Justice Judge attended on behalf of the Council on that occasion. The Council has provided the Network with papers on the function of the Council, the appointment of judges and on the evaluation of judges. In June 2005 Lord Justice Thomas, Judge Keith Cutler and the Secretary to the Council attended the General Assembly held in Barcelona where they were joined by the Lord Chief Justice of Northern Ireland, Sir Robert Carswell and by Lord Philip from the Scottish judiciary. Twenty six countries were represented at the Assembly, including nine Observers. The strength of support meant that the ENCJ had now been invited to comment upon the Hague programme. Also attending were the Minister of Justice, Catalonia; the Mayor of Barcelona; the President of the Superior Court of Justice of Catalonia; a judge of the European Court of Justice; an EU Vice President and Commissioner for Justice, Freedom and Security and a speaker from the Commission for the efficiency of Justice of the Council of Europe.

The Assembly was conducted in both English and French and translation facilities were provided. Topics discussed included judicial independence, the evaluation of judges, judges and the media, the responsibility and liability of judges, the ENCJ website, the role of the ENCJ and case management. Our Council has agreed to chair a working group on case management and a group of judges from Italy, The Netherlands, Spain, Finland, Sweden and Denmark is currently exchanging information with a view to providing a Report early in 2006.

Lord Justice Thomas is now a member of the Steering Committee. In October the Council hosted a dinner and a meeting of that Steering Committee in London held respectively at the Middle Temple and Lincoln's Inn.



COMMUNICATION

Newsletter

Following a successful pilot in November 2004, the Council published a second and third Newsletter in March and November 2005 which were circulated to all judges, including magistrates and tribunal Presidents. These Newsletters set out details of changes of membership, the working groups and other matters under discussion by the Council with a view to informing the judges of what the Council is trying to achieve on their behalf.

History of the Council

Lord Justice Thomas and the Secretary to the Council carried out extensive research on the history of the Council over a number of months and put together a detailed record of its meetings and progress. In November 2004, Lord Justice Thomas gave a talk based on the research to the Institute of Advanced Legal Studies and following its success he was asked to follow it up with an article. This has now been published in "Public Law" Autumn 2005 pages 608 to 630 and it makes fascinating reading.

Website

Discussions are under way with the Judicial Communications Office to set up a site for the Council as part of the new Judicial Intranet. Relevant pages on meetings and other activities are being designed and it is hoped that a pilot will be up and running in early 2006. Judges will then be able to download or obtain papers quickly and also have speedy access to see what the Council is doing.

THE FUTURE

The Council has played a vital role in the major constitutional reforms from 2003 to date. So far, it has achieved much and played a far more important role than could have been envisaged in 2002 when it was revised and reconstituted. However, it is clear from the papers documenting the original statutory Council set up in 1873 that there can be a great deal of initial enthusiasm which can then peter out; even the Council revived in 1988 became less active for a while. This is a risk that the present Council must guard against. The risk may not be as high as before since the Council is now a fully representative body of the judiciary as a whole and has revised and clearer functions, particularly in relation to resources under the Concordat and the appointment of three judicial members of the Judicial Appointments Commission under the Act. It is true to say that it has so far proved itself to be an essential body.

The question has been asked as to whether the Council should be given a statutory basis; this was not done in the Constitutional Reform Act. This was the right decision, as the Council is at far too early a stage of its development for a statutory regime to be necessary and it needs the flexibility to develop. Nonetheless, as an important body in the constitution it must be accountable. To that end the Council agreed this year that an annual report should be produced.

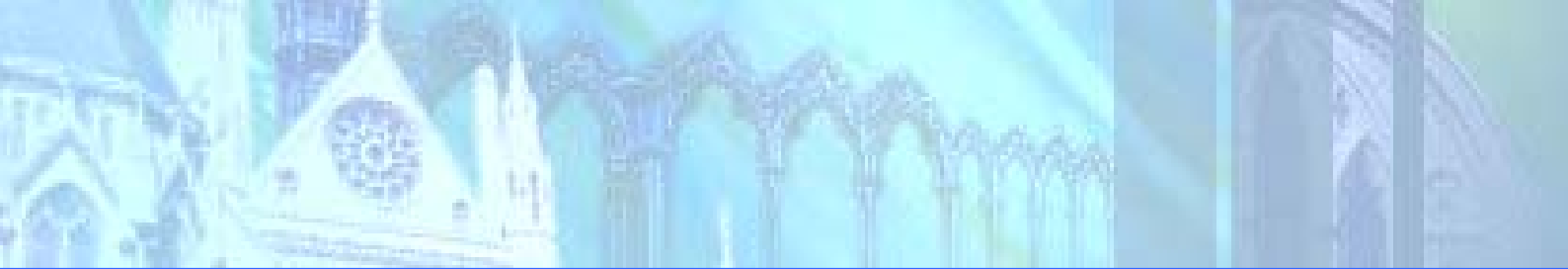
It is, perhaps, too early to see the way in which the new partnership and relationship set out in the Concordat between the Judiciary and the Executive will operate, and how the role of the Council will develop following the transfer of many of the functions of the Lord Chancellor to the Lord Chief Justice. The Council has already taken the initiative and made the necessary changes to its constitution and to its membership to ensure that it is fully equipped to carry out its functions and to advise and inform the Lord Chief Justice as it thinks necessary. This will ensure that the Council will continue to have an essential role in safeguarding the independence of the judiciary, protecting and promoting the due administration of justice and coordinating the views and actions of the judiciary to those ends.

APPENDIX 1: Membership for 2005

Name	Position
<p>The Right Honourable Lord Woolf of Barnes until 2nd October 2005</p> <p>The Right Honourable Lord Phillips of Worth Matravers from 3rd October 2005</p>	<p>The Lord Chief Justice of England and Wales (The Chairman)</p>
<p>The Right Honourable Lord Phillips of Worth Matravers until 2nd October 2005</p> <p>The Right Honourable Sir Anthony Clarke from 3rd October 2005</p>	<p>The Master of the Rolls</p>
<p>The Right Honourable Sir Andrew Morritt</p>	<p>The Vice Chancellor until 2nd October 2005</p> <p>The Chancellor of the High Court from 3rd October 2005</p>
<p>The Right Honourable Sir Igor Judge</p>	<p>The Deputy Chief Justice until 2nd October 2005</p> <p>President of the Queen's Bench Division from 3rd October 2005</p>

Appendix 1: Membership for 2005

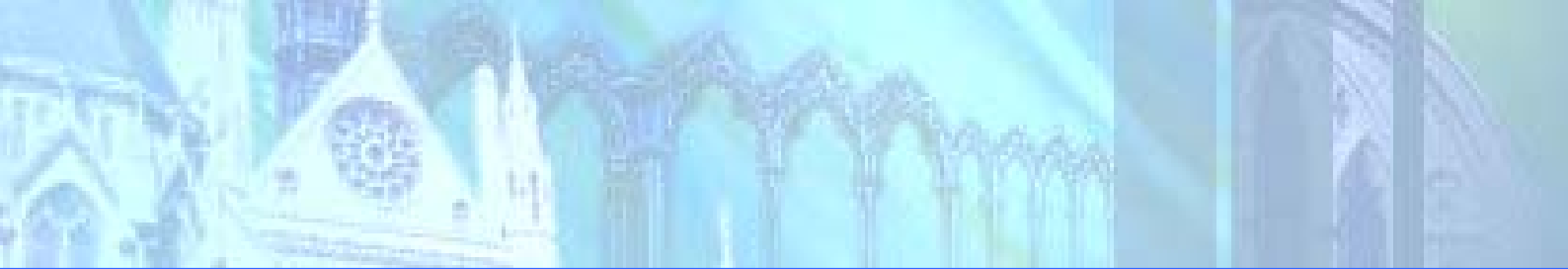
<p>The Right Honourable Dame Elizabeth Butler-Sloss until 6th April 2005</p> <p>The Right Honourable Sir Mark Potter from 7th April 2005</p>	<p>The President of the Family Division</p>
<p>The Right Honourable Lord Scott of Foscote until 21st March 2005</p> <p>The Right Honourable Lady Hale of Richmond from 22nd March 2005</p>	<p>House of Lords Representative</p>
<p>The Right Honourable Lord Justice Rose</p>	<p>The Vice-President of the Court of Appeal Criminal Division</p>
<p>The Right Honourable Lord Justice Thomas</p>	<p>The Senior Presiding Judge</p>
<p>The Right Honourable Lord Justice Keene</p>	<p>The Chairman of the Judicial Studies Board</p>
<p>The Right Honourable Lord Justice Dyson until 28th February 2005</p> <p>The Right Honourable Lord Justice Carnwath from 1st March 2005</p>	<p>The Vice Deputy Head of Civil Justice</p> <p>Senior President Designate of Tribunals</p>



The Right Honourable Lord Justice Neuberger	The Judge in Charge of Modernisation
The Honourable Mr Justice Aikens	Representative of the specialist courts within the RCJ
The Honourable Mr Justice Butterfield	Representative of the High Court Bench other than the specialist courts within the RCJ
The Honourable Mr Justice Roderick Evans / The Honourable Mr Justice Pitchford	Presiding Judge of the Wales and Chester Circuit
Senior Master Robert Turner	Representative of the London High Court Group
His Honour Judge Elgan Edwards	President of the Council of Her Majesty's Circuit Judges
His Honour Judge Keith Cutler	Honorary Secretary of the Council of Her Majesty's Circuit Judges

Appendix 1: Membership for 2005

District Judge Martin Royall until 31 st March 2005 District Judge Jeremy Rawkins from 1 st April 2005	President of the Association of District Judges
District Judge Michael Walker	Honorary Secretary of the Association of District Judges
Senior District Judge Tim Workman	Senior District Judge (Chief Magistrate)
Rachel Lipscomb JP until 12 th November 2005 Cindy Barnett JP from 13 th November 2005	Chairman of the Magistrates Association
His Honour Judge Michael Harris	Tribunals Representative



Members of the Executive Committee

Lord Justice Thomas

Mr Justice Roderick Evans/ Mr Justice Pitchford

Judge Keith Cutler

Judge Michael Harris

District Judge Michael Walker

Rachel Lipscomb until 12th November 2005/ Cindy Barnett JP from 13th November 2005.

Appendix 2: The Current Constitution

APPENDIX 2: THE CURRENT CONSTITUTION.

A copy of the present Constitution (last revised in June 2004) is set out below.

General principles


The Judges' Council should be composed of persons in whom the whole body of judges has confidence. Members should be drawn from various levels of the judiciary. Generally membership should be by virtue of offices held, with the Lord Chief Justice having the power to co-opt assistance from additional judges as and when this is required. Detailed work should be carried out through sub-committees or working parties composed of members of the Judges' Council and, where appropriate, those co-opted. An executive committee will be responsible for bringing all relevant matters before the Judges' Council. The Council will be an advisory body, providing advice to the Lord Chief Justice as to the views of the judiciary, and advice to the judiciary in all matters affecting the due administration of justice. It is not intended that the Judges' Council should interfere with the existing Associations of judges and those Associations of judges at the different levels are intended to retain their present functions.

Composition of Council

Annex A contains the list of members. The Lord Chief Justice, or such person as may be nominated for the time being by the Lord Chief Justice, shall be Chairman. The Chairman shall have the power to co-opt a member for such period as seems appropriate.

Objects

- to preserve the independence of the Judiciary
- to protect and promote the due administration of justice
- to co-ordinate the views and actions of the judges to those ends
- to promote the professional and pastoral interests of the judiciary

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- to provide guidance to the judiciary on questions of ethics, and other matters of relevance to the due administration of justice
 - to facilitate communication between the various levels of the judiciary and collect and collate their views
 - to provide advice to the Lord Chief Justice so that he may be aware of the views of the judiciary
 - to deal with all matters of concern to the Judiciary

Meetings

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

Executive Committee

The Judges' Council shall appoint an Executive Committee. The initial membership of that Committee should be the Senior Presiding Judge as Chairman, the Presiding Judge of the Wales and Chester Circuit, the Honorary Secretaries of the Council of Circuit Judges and the Association of District Judges, the Chairman of the Magistrates Association and the representative from Tribunals. The Judges' Council or the Executive Committee may appoint or co-opt such further members, as it considers appropriate. The Executive Committee shall meet at such times as it shall consider appropriate, but shall, in any event, meet prior to each Council Meeting at sufficient period prior to that meeting to enable matters of relevance to be brought before the Council.

Sub-committees or working parties

The Judges' Council shall be entitled to appoint a sub-committee or working party to consider any matter of relevance. Members of the same shall be members of the Judges' Council and any other persons co-opted by the Lord Chief Justice.

Appendix 2: The Current Constitution

Publication of dates

The dates of meetings of the Judges' Council shall be publicised amongst the judiciary as a whole on Felix or its equivalent. A conference will be set up on Felix or its equivalent by virtue of which any judge may, through his own council or association, bring to the attention of the Executive Committee any matter which it is suggested should be brought to the attention of the Judges' Council. It will be within the discretion of the Executive Committee what matters are brought before the Judges' Council.

Publication of Proceedings

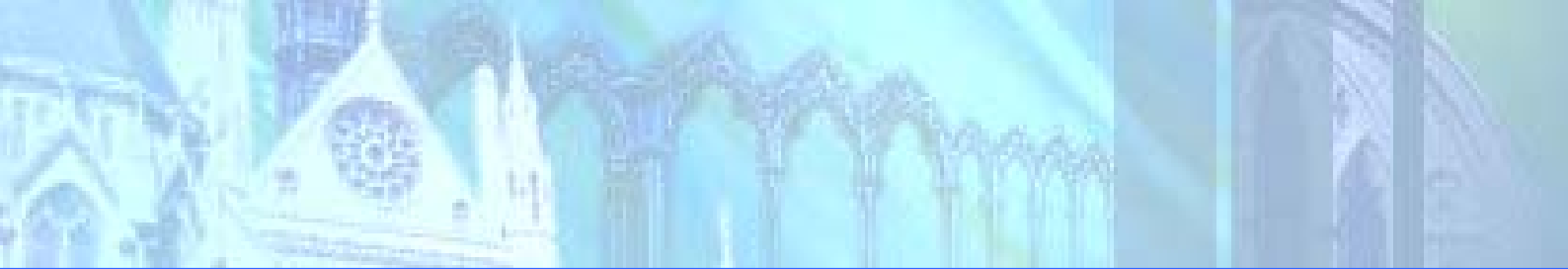
Minutes of the Judges' Council will be published in the above conference. It will be open to the Lord Chief Justice to rule that any section of the minutes may not be published either for the present, or at all if in his complete discretion he feels there is good reason for taking that step.

APPENDIX 3: JUDGES' COUNCIL WORKING GROUPS

The Future Role of the Judges' Council	Lord Justice Neuberger (Chairman); Mr Justice Aikens; Judge Keith Cutler; Judge Michael Harris (representing tribunals); District Judge Michael Walker; Cindy Barnett JP
Judicial Support	Mr Justice Forbes(Chairman);Mr Justice Sumner; Judge Jackie Davies; Senior Master Robert Turner; District Judge Michael Walker
Jury Guidance	Mr Justice Roderick Evans(Chairman);Judge McGregor Johnson; Judge David Hodson; Cindy Barnett JP; Tim Strouts (DCA); Gary Hopper (Jury Summoning Bureau)
Diversity and Black and Ethnic Minorities	Lord Justice Gage(Chairman);Baroness Hale; Mr Justice Silber; Judge Isabel Plumstead; District Judge Julia Ilsley; Registrar Christine Derrett
Criminal Targets	Lord Justice Thomas(Chairman); Mr Justice Henriques; Judge Shaun Lyons; Senior District Judge Tim Workman; Cindy Barnett JP

Appendix 3: Judges' Council Working Groups

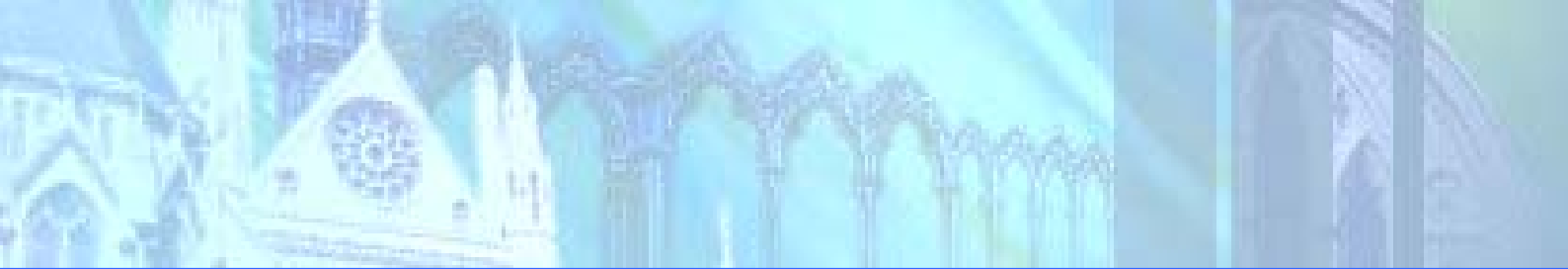
Civil Targets	Mr Justice Etherton(Chairman); Lord Justice Moore-Bick; Judge Marr- Johnson; Master Fontaine; District Judge Michael Walker; The Chief Bankruptcy Registrar, The Chief Chancery Master
Family Targets	Mr Justice Hedley(Chairman); Judge Isabel Plumstead; Senior District Judge Philip Waller; District Judge Martin Royall; Malcolm Richardson JP
Appointments to the Judicial Appointments Commission	The Lord Chief Justice(Chairman); Sir Igor Judge; Lord Justice Auld; Lord Justice Keene; Mr Justice Aikens; Judge Keith Cutler; District Judge Michael Walker
Case Management (European Network of Judges' Councils)	Lord Justice Thomas; Master Roger Venne; Master Barbara Fontaine
Security -Judges and the National Police protocol	Mr Justice Holman(Chairman); Judge Sean Duncan; District Judge Michael Walker; Richard Atkinson (Head of Security & Safety, DCA)
Standing Committee on the Guide to Judicial Conduct	Lord Justice Pill (Chairman); Lord Justice Gage; Mrs Justice Macur; Judge Michael Brodrick; Judge Elizabeth Fisher; District Judge Michael Walker; Mark Rowland (representing tribunals)



Judges returning to legal practice	Lord Justice Gage (Chairman); Lord Justice Pill; Mr Justice Tomlinson; Mr Justice Patten; Mrs Justice Macur; Judge Keith Cutler; Senior District Judge Tim Workman; District Judge Michael Walker
Judicial Pensions	The Chancellor(Chairman); Lord Penrose; Mr Justice Park; Mr Justice Etherton; Mr Justice Gillen; Judge John Platt; Judge Shaun Lyons; District Judge David Cooke
Salaried Part Time Working	Mr Justice Owen(Chairman); Judge Shaun Lyons; District Judge George Harrison; District Judge Alison Raeside
Broadcasting Courts	Lord Justice Judge (Chairman); Lord Justice Wall; Mrs Justice Hallett; Mr Justice Richards
Jury Research and Impropriety	Mr Justice Penry- Davey; Mr Justice Fulton
Security	Judge McGregor Johnson
Spending Review 2004	Lord Justice Thomas(Chairman); Lord Justice Brooke; Lord Justice Mance; Lord Justice Dyson; Lord Justice Neuberger; Mr Justice Collins; Mr Justice Munby; Mr

Appendix 3: Judges' Council Working Groups

	Justice Coleridge; Judge Shaun Lyons; Senior District Judge Tim Workman; District Judge Michael Walker; Rachel Lipscomb JP
Targets	Mr Justice Ethern (Chairman); Mr Justice Gross; Judge Shaun Lyons; District Judge George Harrison; John Fassensfelt JP; Master David Gladwell; Sir Tom Legg KCB, QC
Draft Criminal Defence Services Bill	Mr Justice Richards(Chairman); Judge John Samuels QC; Senior District Judge Tim Workman; Cindy Barnett JP; Master Roger Venne
The Use of Experts	Mr Justice Treacy(Chairman); Lord Justice Wall; Judge Graham Jones
Diversity; Career Breaks	Mr Justice Sumner; Judge Keith Cutler; District Judge Michael Walker



<p>Diversity:</p> <p>Changes to Eligibility Requirements</p>	<p>Lord Justice Jacobs; Mr Justice Pumfrey</p>
<p>Judicial Estates Advisory Group</p>	<p>Mr Justice Stanley Burnton (Chairman); Mr Justice Gross; Judge Oliver-Jones QC; Judge Michael Harris; Judge Graham Jones; Judge Richard Elly; Judge Paul Collins; District Judge Rutland; Senior District Judge Tim Workman; District Judge Rutland; Peter Sanderson JP ; John Howson JP.</p>