



JUDGES' COUNCIL
OF ENGLAND AND WALES

ANNUAL REPORT

2006



CONTENTS

| | |
|---|----|
| Foreword | 2 |
| Meetings of the Judges' Council | 4 |
| Standing Committees | 4 |
| Judges' Council Workplan | 5 |
| Working Groups | 6 |
| Other Activities | 8 |
| Working Groups: Responses to Consultation Papers | 10 |
| Communication | 11 |
| The Year Ahead | 12 |
| Appendix 1: Membership for 2006 | 14 |
| Appendix 2: Judges' Council Standing Committees and Working Groups | 16 |
| Appendix 3: The Current Constitution | 18 |

FOREWORD

From the Chairman, Lord Phillips of Worth Matravers

I am delighted to introduce the Second Annual Report of the Judges' Council of England and Wales. 2006 was a particularly important year for the Council due to its involvement in my new responsibilities for the judiciary and the business of the courts in England and Wales as a result of the Constitutional Reform Act.



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

The Council has been able to prepare for these new responsibilities by revising its constitution and strengthening its membership to ensure that members are selected or elected by the various judicial tiers. I am especially pleased to have welcomed two further tribunal judges bringing the total complement to three.

In July the Council agreed to set up a work programme and identified four issues to be considered over the coming year. This agreement followed from the belief that the Council has an important role to play in the development of judicial policy and that its members, both collectively and in committees, would be able to assist in the execution of the many functions now devolved to me. The four areas of work include judicial management, court resources, communications and the tribunals. Public and internal websites have been set up to provide information on Council activities and looking to the future, the Council has agreed a forward work plan for the next 12 months.

There has been a constant stream of issues requiring consideration by the Council in addition to the above. The Council has been engaged in regular discussions with Her Majesty's Courts Service (HMCS) and the Department for Constitutional Affairs (DCA) over resources, the estate and the Carter proposals, matters crucial to the proper functioning of the courts. It has also debated and provided advice on judicial court dress, relations with the media and the DCA imposition of the ban on smoking in court buildings. Over the last 12 months the Council has expanded its pastoral role and a working group chaired by Mr Justice Forbes has provided a detailed and well researched report setting out several recommendations that will now be taken forward by a Standing Committee. I am immensely grateful to him and to his working group for the care that they have taken to produce such an excellent report. A further working group has also been set up to review library provisions for the judiciary and their report is expected by the end of 2007.

The Council has been active in addressing the proposal that judges should be allowed to return to private legal practice and, over the year, has produced three papers on this topic which have not been supportive of the proposal. It invited the Lord Chancellor to discuss the matter at its meeting before Christmas but so far there has been no meeting of minds. That meeting was also used to discuss the Council's concerns over the relocation of criminal work currently undertaken in Middlesex Guildhall in order to make room for the new Supreme Court. The Council remains concerned and will keep the matter under review.

An increasingly important role of the Council has been its membership of the European Network of Councils for the Judiciary (ENCJ). Our membership has involved meetings with judges from councils across Europe, exchanging ideas and working together on matters of mutual concern such as conduct, judicial appraisal, case management and relations with the EU. Many valuable links have been forged. The role of the ENCJ has gained in importance over the last two years and we have recently been able to send representatives to meetings in Brussels, Paris and Prague to provide advice on judicial cooperation and inform proposals made by the EU. The Council has recognised the importance of this role by co-opting Lord Justice Thomas on to the Council to continue to take this forward. This is an increasingly important role for the Council, providing a vital means of ensuring that judicial independence is maintained and that appropriate European harmonisation and standardisation is achieved.

At their regular monthly meetings, the Executive Committee and the Secretary have played an increasingly important role in researching and setting the very full agendas and ensuring that all the necessary paperwork is available for discussion and decision making. Indeed such is the increased workload that the Secretary has at last been provided with an Assistant. I am indebted to them all for their hard work and commitment.

I would like to pay tribute to all those who have served and who continue to serve the Council. Included among these I make special mention of the respective Secretaries of the Council of Circuit Judges, the Association of District Judges and the Chairman of the Magistrates Association who each provide important links with their respective groups and ensure that the Council is well informed about their members concerns. All of them have generously given their own time to meet, discuss, advise and report on important issues. I am immensely grateful to them all.

I am confident that with such continued dedication and commitment the Council will remain a forum of wisdom that will continue to provide me with good advice and contribute to the well being of the judiciary as a whole.



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

MEETINGS OF THE JUDGES' COUNCIL

Six Judges' Council meetings were held in the Royal Courts of Justice during 2006. These took place on 30 January, 2 March, 16 May, 17 July, 17 October & 14 December. A list of the members of the Council can be found at Appendix 1.

Monthly meetings of the Executive Committee also took place to discuss current topics, urgent concerns and to decide on the agendas for the Council meetings.

The agendas for these meetings covered subjects ranging from resources and the estate to the relations with the media, conduct, welfare, the smoking ban, complaints, disability access, grievance procedures, court dress and library provisions.

A list of the members of the Executive Committee can also be found at Appendix 1.

STANDING COMMITTEES

The Guide to Judicial Conduct

Following the successful publication of the Guide to Judicial Conduct in October 2004, the Council has converted the original working group into a Standing Committee to keep the Guide under review and to deal with any points of principle that might not be in the Guide or that might need revision. The Chairman and members of the original working group agreed to continue their work as members of the Standing Committee. The Committee meets at least twice a year and first met in January and again in June. An addendum for insertion into the Guide was printed and distributed to the judiciary in June to draw attention to the setting up and purpose of the Standing Committee and to invite judges to contact the members whenever points of general application or concern arose. The Standing Committee liaises with the Sub Committee on Communications where issues of a wider nature such as relations with the media are discussed but which nevertheless may have an impact on the Guide's contents.

A copy of the Guide is available from the Judges' Council website on www.judiciary.gov.uk.

Judicial Support and Welfare

This Standing Committee was set up in December 2006 and is composed of the members of the former working group chaired by Mr Justice Forbes (see Working Groups). The other members are listed in Appendix 2. The terms of reference will include taking forward the recommendations set out in the Report on Judicial Support, advising the Judges' Council on welfare issues and promoting the work of the Committee amongst the wider judiciary. The first meeting is due to take place in January 2007.

JUDGES' COUNCIL WORKPLAN

The Council considers that it has an important role to play in the development of judicial policy and that its members, both collectively and in committees, should be able to assist the Lord Chief Justice in the execution of the many functions devolved to him as Head of the Judiciary.

In July 2006, the Council therefore agreed to a work plan for the coming twelve months. It selected four areas of work of particular importance that were relevant to issues under debate and where the measured development of policy and careful consideration given to emerging trends would prove of benefit to the judiciary as a whole. It agreed to set up four sub committees to take the work forward and invited each member of the Council to join one or more of the sub committees.

Each sub committee will report to the Judges' Council on issues of concern or change, either for noting or, as appropriate, for debate. Each sub committee will also report to the Executive Committee at regular intervals of about three months as to progress.

These four sub committees have now been set up and their terms of reference (where agreed) are detailed below.

Judicial Management

This sub committee is chaired by Mr Justice Andrew Smith and will be meeting in early 2007. It will very carefully examine the monitoring of work and performance. It will also keep under review the existing appraisal schemes, the possibility of the development of a comprehensive appraisal system for judges and the relationship of the above to more general welfare issues in liaison with the Standing Committee on welfare.

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

This sub committee (otherwise known as the Resources and Infrastructure Group or RIG for short) is chaired by District Judge Michael Walker. Tasks will include carrying out an urgent scoping study into the interaction between the judiciary and HMCS/DCA in relation to key issues in the HMCS change programme such as IT, Finances and Estates and to ensure judicial involvement in the decision making processes. It will look at the role of the judiciary in relation to HMCS and the management of the courts such as the judicial presence on the Courts, Regional and Area Management Boards. A first meeting was held in December.

Communications

This sub committee is chaired by His Honour Judge Keith Cutler. Its terms of reference include the provision of advice, support and recommendations to the Judges' Council on all aspects of judicial communications, external and internal. It will consider and promote best practice in such communications at local, national and European levels. It will also aim to ensure that all such communication should improve the public's understanding of the role and work of judicial office holders and enhance public confidence in the judiciary. A first meeting was held in December.

Tribunals

This group (formerly known as The Unified Judiciary) is chaired by His Honour Judge Michael Harris. It will provide advice to the Council on the relationship that the Tribunals branch of the judiciary should have with the remainder of the judicial family and how the Council can contribute to maintaining the unified judicial family. It will also consider and comment on the policy of the Tribunals, Courts and Enforcement Bill. A first meeting was held in December.

WORKING GROUPS

Judicial Support and Welfare

This working group was set up following concerns from judges that the Council should help in the provision of more support on career development, the use of available resources and improving administrative support. The working group was chaired by Mr Justice Forbes.

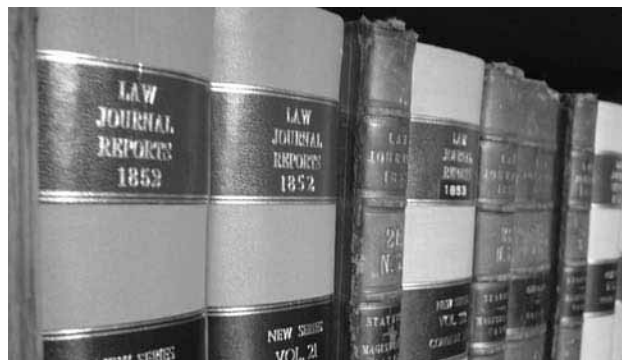
A questionnaire was sent out in March 2006 to all salaried judges. Over 760 responses were received which were recorded and collated by the working group. Following extensive discussions, the working group drafted a detailed report and drew up a list of recommendations to be taken forward.

The report was presented to the Council in October. At its meeting in December, the Council agreed that the recommendations should be taken forward by a Standing Committee comprising all the members of the former working group. The work of that Standing Committee is ongoing.



Review of Library Provisions

In January, the Judges' Council set up a working group, chaired by Mr Justice Etherton, to review the provision of law reports, text books, journals and other library material (both paper and via eLIS) to the judiciary, the courts and DCA libraries. The current provisions were set by the then Lord Chancellor's Department some years ago and it was clear that they were in need of review. Meetings of the working group were held on 3 and 27 July.



The working group consists of members from every branch of the judiciary from the High Court down, as well as Justices' Clerks and is assisted by officials from the Library Information Service (DCA). 1457 questionnaires in relation to judges' personal use of books and library material, a further 1457 questionnaires in respect of their use of eLIS and 227 questionnaires to courts were sent out. The responses are being recorded and collated and the findings will be discussed at a meeting early in 2007.

This is the most comprehensive survey of library requirements for the judiciary for some time, and will set the standards for the foreseeable future.

Appointments to the JAC (Judicial Appointments Commission)

In July 2005 and January 2006 a working group set up by the Council, recommended to the Lord Chancellor, pursuant to paragraph 7(7) of Schedule 12 of the Constitutional Reform Act 2005, that Lord Justice Auld, Lady Justice Hallett and Mr Justice Goldring be appointed as judicial members of the JAC. These recommendations have been confirmed.

JAC Liaison Group

A JAC Liaison group, chaired by Lord Justice Leveson, has been set up to report to the Judges' Council. The initial terms of reference of this working group are to provide a forum for discussion about judicial appointment processes

and all related matters; to act as a sounding board for the JAC; to ensure that proposals developed by the JAC are drawn to the attention of relevant bodies, and if necessary to advise the JAC on consultation. The secretariat for this working group is provided by the Judicial Office of England and Wales.

The Judicial members are:

Lord Justice Leveson (Chairman), Mr Justice Treacey, Mrs Justice Baron, His Honour Judge Cutler, His Honour Judge Harris and District Judge Isley.

National Security Protocol



This working group, chaired by Mr Justice Holman, was set up to look at judges' security at their homes following incidents involving certain interest groups. The working group has been greatly assisted by the Head of Security and Safety at the DCA. Following agreement with the Association of Chief Police Officers (ACPO), a national protocol has been set up and implemented in all police areas to enable security incidents to be dealt with quickly. Assistance from HMCS Regional Offices has been vital to the successful implementation of this protocol together with input from those judges who have agreed to act as judicial security liaison judges for each police area. The procedures will be reviewed in 2007.

The Future Role of the Judges' Council

This working group was set up in July 2005 to consider the future role of the Council following the implementation of the Concordat and the Constitutional Reform Act, as well as its relationship with the Judicial Executive Board. A report was produced in December 2005 and approved by the Council in January 2006. In March 2006 the Council formally adopted the new recommended constitution and membership. These are fully set out in Appendix 3 of this report.

Smoking Ban

In April the Council was approached by the Head of Security and Safety Branch, (DCA), in relation to the proposed ban on smoking in court buildings due to come into effect in August. The Council considered that practical issues had not been fully addressed, not only for the judiciary but also for jurors and witnesses. By agreement the ban was pushed back to December. A working group was set up in June chaired by His Honour Judge Keith Cutler to consider the position and two meetings were held with DCA and with HMCS officials. Guidance and instructions to all court managers were sent out by HMCS in December, with advice for them to discuss the ban with their judiciary (especially in relation to jurors and witnesses) and to provide designated smoking areas if appropriate.

In October, the working group provided a response on behalf of the Council to the Department of Health on the proposed Regulations to be made under powers in the Health Act.

OTHER ACTIVITIES

The Concordat and Resources

The Council met with the Chief Executive of HMCS in July and with senior officials in October and December. Financial projections for legal aid, planning for the 2007 Spending Review and current financial projections were discussed. They were advised that the budget would come in on target but that the following year was very uncertain. The Council was advised that the financial position remained very grave and that if HMCS was to deliver its priorities and live within its budget there would be further serious cutbacks on staff and training. The future was very uncertain. The Council considered that judges should be as supportive to staff as possible in the search for efficiencies.

HMCS has welcomed engagement with the judiciary and their further involvement in seeking solutions. Discussions are continuing.

Security

His Honour Judge McGregor Johnson continues to provide support to the Judges' Council in this important area. He is the judicial member of the HMCS Security Review Group and has provided the Council with regular reports and has drafted a response to the DCA report on 'Security clearances for staff and contractors working in judicial and court related activities'. He has also agreed to join the HMCS Fire Safety Review Group as the judicial representative.

Estates & IT

Mr Justice Stanley Burnton reports regularly to the Judges' Council on the court estate. He is Chairman of the Judicial Estates Advisory Group which consists of judges and magistrates representing all jurisdictions including tribunals. Maintenance of the estate continues to be substantial and regrettable. The current backlog is the result of recent inadequate spending on maintaining the estate and continuous under investment.



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. It liaises with two Judicial Action Groups (JAGs) respectively chaired by Mr Justice Cresswell (JAG1, civil and family) and the Common Serjeant, His Honour Judge Barker QC (JAG2, criminal), which also include representatives from the DCA. The JAGs are forums where judges discuss IT issues with officials and seek to ensure that judicial needs are accommodated. 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 on progress including the Disc programme, the Judicial Portal, Xhibit, the possibility of a country-wide e-filing and an electronic document management system.

The Supreme Court

In July, the Council considered concerns from members of the judiciary and the South East Presiders in particular, over the closure of the criminal courts at the Middlesex Guildhall in anticipation of the new Supreme Court. The Council wrote to the Lord Chancellor seeking assurances on the budget and the fate of the criminal work. The matter was then discussed with the Lord Chancellor when he attended a meeting in December but no assurances were forthcoming.

European Network of Councils for the Judiciary

The Judges' Council of England and Wales has been a member of the European Network for the Councils of the Judiciary (ENCJ) since May 2004. It has provided responses to questionnaires on the function of the Council and papers on the appointment and the evaluation of judges. Members of the Council or other co-opted judges have attended several meetings and conferences.

In May 2006, Lord Justice Thomas, District Judge Michael Walker and the Secretary attended the Annual 2006 General Assembly in Wroclaw, Poland when Lord Justice Thomas presented his Report on Case Management. The main title of the conference was Judicial Independence.



Five ENCJ working groups have been set up covering:

- Courts funding and accountability
- The internal organisation of the ENCJ
- The liability of judges
- Performance management
- Strengthening mutual confidence in the EU.

Lord Justice Thomas is a member of the Internal Organisation and Performance Management working groups and District Judge Michael Walker is a member of the Courts Funding and Accountability working group. A meeting of the former working group, chaired by Spain, took place in San Sebastian on 9th and 10th October. The latter working group, chaired by Poland has yet to meet.

On the 5th and 6th November 2006 His Honour Judge Keith Cutler was invited by the Minister of Justice of the Czech Republic to address a conference on the setting up of the Judges' Council for England and Wales.

Links with Scotland and with the Republic of Ireland are being strengthened to ensure that the common law influence is not lost. Mrs Justice Susan Denham is the Irish Judge chairing the working group on Strengthening Mutual Confidence in the EU and the first meeting was held in Dublin on 22nd and 23rd November 2006. Lord Kinclaven from Scotland and the Secretary (representing the Council) attended as members.

In December, the Council recognised the valuable work that had been carried out by Lord Justice Thomas in the area of European relations and the ENCJ. The Council agreed to co-opt him onto the Council to continue this important work.

WORKING GROUPS: RESPONSES TO CONSULTATION PAPERS

Judges Returning to Legal Practice

The Council has continued to be engaged in discussion with the DCA on matters relating to diversity and two working groups were set up which consulted widely with the judiciary on this issue. The first working group provided a response to the Lord Chancellor in January and, in December the second working group provided a response to the DCA Consultation paper (published in September) entitled "Return to Practice by Former Salaried Judges". The Council has responded and strongly advised against the proposal that judges might return to legal practice and is of the view that the current convention not to return should be retained. The Lord Chancellor met with the Council in December when the subject was discussed at length but there was no meeting of minds. Following that meeting, the Council provided a third response to the DCA which supported the views of both of the working groups.

COMMUNICATION

Secretariat

In March, the Council accepted the recommendation set out in the report from the working group on the future of the Judges' Council. This read as follows:

“With its new executive functions and much more active Executive Committee and more numerous and active sub-committees, the Council will require greater administrative and secretarial support. There will be a need for frequent communication between members of the Council and of the Executive Committee with each other and with the JEB and other bodies.

There should be at least one assistant to the present secretary. It is probable that two assistants will be needed. They should have dedicated roles, working-space, and physical support (i.e. equipment and machinery). They should not merely be part of the Judicial Office for England and Wales (although there is no reason why they should not be in the same office).”

The Council approved its new constitution to include a paragraph that the Judges' Council, its sub-committees and working parties are to be supported by its own independent secretariat. An Assistant Secretary was appointed to help the current Secretary (Barbara Flaxman) deal with the increasing administrative workload of the Council. Phil Cash joined the Secretariat in September bringing with him twelve years of experience in supporting and assisting the judiciary of the Employment Tribunals and Employment Appeal Tribunal.

Web Pages

The Judicial Communications Office has set up web pages for the Judges' Council on the judicial internet and on the judicial intranet. Details are available on the current membership, constitution, history, dates of meetings and publications. The internet pages can be accessed via www.judiciary.gov.uk. Follow the links to “About the Judiciary” then “Governance and the Judiciary”.

THE YEAR AHEAD

The Judges' Council has a wide remit under the terms of its new constitution and it was with that in mind that it decided to set up four new sub committees as part of its forward work plan. The work of these sub committees will be vital in achieving its overall objectives over the coming year.

Progress on the Tribunals, Courts and Enforcement Bill will continue to be pursued by the sub committee on Tribunals to ensure that tribunal members remain as part of the judicial family and that appropriate links are maintained.

Communications are vital to the continued success of an organisation and the Judges' Council is no exception to this. With this in mind, consideration will be given to publication of the Council's responses to consultation papers. The website will continue to be improved with more information available to the judiciary on the Council's activities. The Council is also committed to improving relations with external organisations and will be working, through its sub committees, to provide advice to the Lord Chief Justice as to how this can be taken forward. There is also an important link here with the Standing Committee on the Guide to Judicial Conduct, which will continue to monitor the effectiveness of the provisions in the Guide to ensure they continue to reflect up to date advice for the judiciary.

2006 has seen a heightened role for the Council on judicial welfare. The Standing Committee will be taking forward important work to provide the judges with the necessary support to carry out their duties and will be working with the sub committee on Judicial Management where appropriate. The working group on Library Provisions for the Judiciary will also be reporting the results of their review, together with recommendations as to future provisions of library materials.

The Council will continue to pursue discussions with the DCA and HMCS as to the provision of resources and the budgetary restraints that continue to have a negative effect on the wellbeing of court staff and judges alike and the effective administration of justice.

Finally the Council will also continue to maintain its links with the European Network of Councils for the Judiciary, to engage proactively with other members and to continue to promote a wider understanding and appreciation of the common law system.



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

APPENDIX 1: MEMBERSHIP IN 2006

| Name | Position |
|---|--|
| Lord Phillips of Worth Matravers | The Lord Chief Justice & Chairman of the Judges' Council |
| Lord Justice Thomas | Senior Presiding Judge |
| Baroness Hale of Richmond | A Member of the House of Lords / Supreme Court |
| Lord Justice Waller / Lord Justice Scott Baker | A Member of the Court of Appeal |
| Mr Justice Simon / Mr Justice Andrew Smith | A Presiding Judge |
| Mr Justice Warren | A High Court Judge (Chancery Division) |
| Mr Justice Bennett | A High Court Judge (Family Division) |
| Mr Justice Butterfield | A High Court Judge (Queen's Bench Division) |
| His Hon Judge Christopher Tetlow | President of the Council of Circuit Judges |
| His Hon Judge Keith Cutler | The Honorary Secretary of the Council of Circuit Judges |
| District Judge Jeremy Rawkins (until March 2006) District Judge Terence John (from April 2006) | President of the Association of District Judges |
| District Judge Michael Walker | The Honorary Secretary of the Association of District Judges |
| Senior Master Robert Turner | A Member of the High Court Masters Group |
| Senior District Judge Tim Workman | A District Judge (Magistrate) |
| Lord Justice Carnwarth CVO (until July 2006) | A Tribunal Member |
| His Honour Judge Michael Harris | A Tribunal Member |
| Peter Hildebrand (from July 2006) | A Tribunal Member |
| Paul Shaerf (from July 2006) | A Tribunal Member |
| Cindy Barnett JP | A Member of the Magistrates Association |

Members of the Executive Committee for 2006

Lord Justice Thomas

Mr Justice Simon / Mr Justice Andrew Smith

His Honour Judge Keith Cutler

His Honour Judge Michael Harris

District Judge Michael Walker

Cindy Barnett JP

APPENDIX 2: JUDGES' COUNCIL COMMITTEES AND WORKING GROUPS

Standing Committees

Members

The Guide to Judicial Conduct

Lord Justice Pill (Chairman); Lord Justice Gage; Mrs Justice Macur; Judge Michael Brodrick; Judge Elizabeth Fisher; District Judge Michael Walker; Mark Rowland (representing tribunals).

Judicial Support and Welfare

Mr Justice Forbes (Chairman); Mr Justice Sumner; Judge Jackie Davies; Senior Master Robert Turner; Senior District Judge Tim Workman; District Judge Michael Walker.

Workplan Sub Committees

Members

Judicial Management

Mr Justice Andrew Smith (Chairman); Judge Christopher Tetlow; District Judge Terence John; Peter Hildebrand; Cindy Barnett JP.

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

District Judge Michael Walker (Chairman); Mr Justice Warren; Judge Shaun Lyons; Senior Master, Robert Turner; Cindy Barnett JP.

Communications

Judge Keith Cutler (Chairman); Lord Justice Pill; Mr Justice Butterfield; Mr Justice Bennett; Paul Shaerf; Cindy Barnett JP.

Tribunals (formally The Unified Judiciary)

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

Working Groups

Members

| | |
|---|--|
| Appointments to the JAC | Lord Woolf – then LCJ (Chairman); Sir Igor Judge; Lord Justice Auld; Lord Justice Keene; Mr Justice Aikens; Judge Keith Cutler; District Judge Michael Walker. |
| Judges Returning to Legal Practice, Group 1 | 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. |
| Judges Returning to Legal Practice, Group 2 | Lord Justice Pill (Chairman); Mr Justice Bennett; Mr Justice Patten; Mrs Justice Macur; Judge Keith Cutler; Senior District Judge Tim Workman; District Judge Michael Walker; Paul Shaerf. |
| Review of Library Provisions | Mr Justice Etherton (Chairman); Mr Justice Kirkwood; Mr Justice Mackay; Mr Justice Wilkie; Judge Nicholas Philpot; Judge Isobel Plumstead; District Judge Paul Mildred; District Judge (magistrate) Katherine Marshall; Chief Chancery Master, Jonathan Winegarten; Andrew Mimmack (justices' clerk); John Thornhill JP. |
| The Future Role of the Judges' Council | Lord Justice Neuberger (Chairman); Mr Justice Aikens; Judge Keith Cutler; Judge Michael Harris; District Judge Michael Walker; Cindy Barnett JP. |
| National Security Protocol | Mr Justice Holman (Chairman); Judge Sean Duncan; District Judge Michael Walker. |
| Smoking ban | Judge Keith Cutler (Chairman); Mr Justice Butterfield; Senior District Judge Tim Workman. |

APPENDIX 3: THE CURRENT CONSTITUTION

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

General principles

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

The functional responsibilities are informing and advising the Lord Chief Justice on matters as requested from time to time
- 4 It is not intended that the Judges' Council should interfere with the existing Associations of judges or their present functions.

Composition of Judges' Council

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

Objects

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

- g to advise and inform the Lord Chief Justice so that he may be aware of the views of the judiciary on matters falling within his responsibilities.
- h to deal with all matters of concern to the Judiciary

Meetings

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

Executive Committee

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

Sub-committees or working parties

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

Secretariat

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

Publication of dates, minutes and annual report

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

MEMBERSHIP OF THE JUDGES' COUNCIL

Ex Officio

The Lord Chief Justice
The Senior Presiding Judge

Representative Judiciary

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