



## COURTS AND TRIBUNALS JUDICIARY

### DEPUTY DISTRICT JUDGE

#### Job Description

#### **PURPOSE OF OFFICE**

1. The purpose of judicial office is to administer justice in accordance with the laws of England and Wales without fear or favour, affection or ill-will.

#### **JURISDICTION**

2. Section 8 of the County Courts Act 1984 and Section 102 of the Supreme Court Act, as amended, provide that in order to facilitate the disposal of business in the county court, the family court and the High Court respectively the Lord Chief Justice may appoint as a Deputy District Judge a person who meets the statutory qualification for appointment "during such period or on such occasions as the Lord Chief Justice thinks fit".
3. The jurisdiction of a Deputy District Judge is similar to that of a District Judge (see Notes on Jurisdiction of a District Judge below), save that the jurisdiction in relation to Children Act 1989 cases is restricted for Deputy District Judges to that set out in the Family Proceedings (Allocation to Judiciary) Directions 2009. The general jurisdiction of the county court is exercised at most of the hearing centres throughout England and Wales where the county court sits, some also exercising High Court Jurisdiction including chancery work, and most of those same venues will also exercise the family jurisdiction. Some county court venues exercise the insolvency jurisdiction.

#### **MAIN ACTIVITIES**

4. The activities of a Deputy District Judge are conducted both in public and in private, in the judge's hearing room, or in chambers. Some applications are dealt with on paper and some remotely by telephone or video platform.

##### **a) Preparing for trial and hearing claims and applications**

- i) Reading and assimilating case papers before the trial or hearing commences;
- ii) Controlling (in accordance with the relevant law and procedure) the manner in which cases are conducted with a view to:
  - Allocating civil cases to the small claims track, the fast track or the multi-track and generally exercising the powers of case management set out in the Civil Procedure Rules 1998 ;
  - Giving appropriate case management directions in family cases pursuant to the powers and principles set out in the Family Procedure Rules 2010;
  - Trying those claims and applications allocated them;
  - Ensuring that parties, whether represented or not, are enabled to have their cases presented and considered as fully and fairly as possible;
  - Promoting in each case the most expeditious dispatch of business compatible with the interests of justice;

- iii) Maintaining the authority and dignity of the Court. (In small claim hearings and in some family law cases a Deputy District Judge may take a more direct role in eliciting the facts and issues from the parties.)

#### **b) Applications in the course of proceedings**

- i) Hearing interim applications where appropriate, ensuring that directions are given to prepare cases for trial or small claim hearing in order that the issues between the parties are identified and relevant documents and witness evidence disclosed;
- ii) Hearing applications in respect of the enforcement of judgments;
- iii) Examining the amount of costs claimed by parties and their legal representatives in detailed assessment proceedings, or conducting a summary assessment of costs where the rules so provide;
- iv) Granting interim relief where appropriate.

#### **c) Determining applications on paper**

- i) A significant proportion of a Deputy District Judge's work consists of determining case management applications (including applications for consent orders, requests for enforcement of judgments and detailed assessment of costs by consideration of the papers alone and by applying the law to the facts of the case). It is expected a Deputy District Judge will complete some paper based work at each sitting
- ii) Deputy District Judges may undertake provisional assessments of costs - determining the costs which a party may recover following a costs order (or agreement to pay costs)
- iii) Assessments of damages on paper: Deputy District Judges may assess damages in the Stage 3 process on paper where both parties agree
- iv) Deputy District Judges may determine whether financial orders following divorce are approved on paper; where they are not approved, a hearing may be ordered.

#### **d) Judgment**

- i) Deciding claims by finding facts, applying the relevant law to them and giving a reasoned judgment;
- ii) Determining contested applications and other issues by consideration of the papers and evidence presented at any hearing and making findings of fact, applying the relevant law and, where appropriate, giving a reasoned judgment;
- iii) Assessing and awarding damages and costs, and deciding the amount and manner of payment;
- iv) Making orders relating to property and maintenance, granting injunctive relief and making possession orders.

### **OTHER RESPONSIBILITIES**

- i) Deputy District Judges need to keep abreast of legal developments. This entails a substantial amount of reading not directly connected with the cases which they are trying.
- i) Deputy District Judges must attend Judicial College residential induction course (5 days) and sit in for 5 days with experienced District Judges before they are authorised to sit.
- ii) As a condition of continuing appointment, Deputy District Judges are required to attend refresher and continuation seminars from time to time.

### **IT SKILLS**

Deputy District Judges are expected to be IT-literate and to make the fullest use possible of electronic means of research and communication including where possible and appropriate use

of computers when at court not least for the production of orders. Some hearings may be conducted by telephone or using a video platform.

## **Annex: NOTE ON JURISDICTION OF A DISTRICT JUDGE**

### **County Court and Family Court Jurisdiction**

The jurisdiction of the county court is entirely statutory and covers almost the whole field of civil and family law. The general jurisdiction in civil law is mostly concurrent with that of the High Court.

A number of statutes confer exclusive jurisdiction on the county court. These cover important areas of work of the county court, for example, virtually all cases under the Consumer Credit Act, actions by mortgage lenders for possession and actions by landlords under the Rent Acts and the Housing Acts 1985, 1988 and 1996.

Since 1 July 1991 the concurrent jurisdiction has been substantially increased by orders made under the Courts and Legal Services Act 1990. In common law cases (basically tort, including personal injuries, debt and other breaches of contract) there is no monetary limit on the jurisdiction of the county courts. The overwhelming majority of cases, outside those involving the specialist jurisdictions, are now issued and determined in the county courts.

In equity proceedings, the monetary limit is currently £350,000. Save where there are exceptional circumstances, all possession proceedings involving residential premises are brought in the county court and almost all are heard by District Judges. The county court has unlimited jurisdiction in applications under the Inheritance Act 1975, Section 146 and Section 147 of the Law of Property Act 1925 and under Section 13 of the Trusts of Land and Appointment of Trustees Act 1996. In Companies Act cases the jurisdiction covers cases where the total paid up share capital of the company is less than £120,000.

In family law, the jurisdiction is similarly divided either by statute or practice direction. In some matters, such as adoption, the family court has concurrent jurisdiction with the High Court. In other matters, the family court has exclusive jurisdiction, e.g. virtually all proceedings for dissolution of marriage and judicial separation.

The family court, now being a single court, jurisdiction is common across all levels of judiciary and Lay Magistracy in applications under the Children Act 1989, although some work is reserved to the High Court, the work being dealt with at the appropriate level pursuant to allocation directions. At District Judge level, for those authorised for such work, where such applications relate to public law cases such as care and supervision orders, they are heard at Designated Care Centres and include final hearings as well as giving directions.

### **Jurisdiction of the District Judge**

This can conveniently be considered (for the purposes of this note only) under five main headings viz:

(a) the general jurisdiction of the county courts, (b) special jurisdiction of the county courts, (c) family court jurisdiction, (d) Court of Protection and (e) High Court jurisdiction.

#### **(a) General Jurisdiction of the County Court**

In the county courts, District Judges have a concurrent jurisdiction with the circuit bench to try a case allocated to the fast track (claims exceeding £10,000 but not exceeding £25,000). When trying such cases, they have all the powers of the Court, including those relating to injunctions and specific performance, but with only limited powers to deal with contempt of court. When assessing damages, the jurisdiction of the District Judge is unlimited. The overwhelming majority of trials of claims allocated as small claims, and most as fast track are heard by District Judges.

With the permission of their Designated Civil Judge, they may, and do, also try cases allocated to the multi-track in the county courts.

They deal with most aspects of case management including often substantial cost management of claims allocated to the multi-track to determine what it considers to be a reasonable and proportionate budget for each party to the litigation and interim matters. This includes allocating cases to the appropriate track as well as applications to strike out cases and for relief from sanctions in cases where Court orders have not been complied with.

They are required finally to dispose of a case either by giving summary judgment, or by striking out a statement of case where a case lacks a real prospect of success or reasonable grounds for being advanced.

They have power to order interim payments on account of damages claimed by one party against another.

District Judges hear most actions for possession and also related anti-social behaviour injunctions. They have unlimited jurisdiction over any money claim which is included in a possession action. Many possession actions involve the exercise of a judicial discretion in deciding whether a possession order should be made and, if so, the terms, if any, upon which the enforcement of the order should be suspended. A considerable number of accelerated possession proceedings are dealt with in box work, i.e. on paper. District Judges also deal with applications to suspend warrants of possession.

In claims allocated to the small claims track there are restrictions on the costs which may be awarded and parties are encouraged to conduct their own case. The Civil Procedure Rules permits the way in which a trial of a claim allocated to the small claims track to be in the discretion of the trial judge, and so District Judges will often assist litigants and utilise flexible and informal procedures.

In relation to costs, District Judges exercise all the powers of a Costs Judge of the Supreme Court in deciding, without any monetary limit, the reasonableness of the sums claimed for costs in actions where an order is made in the county courts for payment of costs by one party to another.

In substantial cases where a party is publicly funded and the claim for costs is for more than £2,500, District Judges are effectively the sole judges of the proper amount which the solicitor and barrister are entitled to receive.

At the conclusion of interim hearings and trials lasting no more than a day, District Judges will conduct a summary assessment of costs.

They also have jurisdiction to determine the reasonableness of costs charged by a solicitor to his or her own client in respect of litigation.

They decide most questions arising from the enforcement of county court judgements. These include disputed applications to suspend possession warrants and warrants of control; applications for charging orders and for the sale of property subject to a charging order; applications for third party debt orders and any related hardship orders; attachment of earnings orders made by the court staff, where the order is disputed and all applications to enforce maintenance payments by attachment of earnings and certain aspects of orders to obtain information from judgment debtors.

Where damages are recovered by a child or patient, the District Judges are responsible for approving the terms of any settlement of the proceedings. They also decide how the money is to be invested or dealt with for the benefit of that person, for example by approving the terms of a private trust, by the use of the various forms of investment available through the Court Funds Office, or by immediate payment out.

District Judges have the power to fine or commit to prison any person who disobeys orders made under the Attachment of Earnings Act 1971, any person who assaults any officer of the Court, or any person who wilfully misbehaves in the Court, and to fine or commit any person who refuses to give evidence to the Court.

District Judges have the power to make and enforce injunctive orders (whether at an interim or a full hearing) under the Protection from Harassment Act 1997, and Sections 153A-D of the Housing Act 1996. Within their financial limits, under the ordinary civil procedure, District Judges may make civil injunctive orders. Under Section 3 of the Protection from Harassment Act 1997, District Judges can grant damages and/or an injunction against a defendant's course of conduct which amounts to harassment.

**(b) Special Jurisdiction of the County Courts**

In addition to the general jurisdiction, about 80% of county courts have jurisdiction in insolvency and the District Judges sitting at these courts exercise all the power of the Bankruptcy Registrars of the High Court in dealing with personal insolvency including the power to make Bankruptcy Restriction Orders.

District Judges also have power to deal with winding up of companies within the limit mentioned previously.

These powers include the power to order the arrest of individuals and company officers in default and the power to disqualify company directors from office for up to ten years.

**(c) Family jurisdiction**

Most District Judges are authorised to hear private family law and many are also authorised to hear public law proceedings. Private family law authorisations cover the making of child arrangement orders under the Children Act 1989 and various other matters according to the guidance issued under the Family Court (Composition and Distribution of Business) Rules 2014 and the President's Guidance on Allocation and Gatekeeping for Proceedings under Part II of the Children Act 1989 (Private Law). District Judges and authorised Deputy District Judges have power to enforce breach of section 8 orders by making an enforcement order imposing on a person an unpaid work requirement, by making a compensation order or by way of committal. Public family law authorisations cover a wide jurisdiction in public law matters including final hearings; and making Emergency Protection Orders for children at risk. Authorised District Judges will case manage and finally dispose of public law applications under the Children Act including adoption; however, only a small number of authorised Deputy District Judges will undertake this work.

Until the introduction of "no fault divorce", under the standard procedure which applies to undefended divorce cases, District Judges have to consider the petition and affidavit in support, certify whether a decree may be granted and pronounce it in open court.

District Judges have extensive jurisdiction to deal with all questions relating to property and spousal maintenance pending and after divorce. The Matrimonial Causes Act 1973 confers the widest possible discretion upon the Court to adjust both the income and capital (including pension rights) of the parties to a divorce. Applications for financial provision are finally determined by the District Judge. These applications are an important part of the work undertaken by District Judges. Hearings can run over several days and the value of the property in dispute can be substantial. Only a limited number of matters concerning substantial resources in excess of £10m or involving issues of significant complexity will be allocated to the High Court.

Within financial applications District Judges also have power to grant injunctions restraining parties from disposing of matrimonial assets and to set aside transactions undertaken to defeat a claim for financial relief.

Under Part IV of the Family Law Act 1996, District Judges have the power to make and enforce (although as breach is a criminal offence enforcement is generally before the Magistrates) non-molestation orders to protect victims of domestic abuse, and occupation orders where a property is (or has been) the home or intended home of the parties. Occupation orders can contain a range of different terms depending on whether the applicant and respondent are each entitled to occupy the property under an existing property right, and whether they are spouses (or former spouses) or cohabitants (or former cohabitants). Orders can include declarations as to the applicant's occupation rights and orders that the respondent leaves the property or that regulate the occupation of the home.

District Judges sitting in the County Court hear claims under the Trusts of Land and Appointment of Trustees Act 1996 to decide the respective interests in property of former co-habitants, and under the Inheritance (Provision for Family and Dependents) Act 1975 for provision out of the estate of a deceased person.

#### **(d) Court of Protection**

The Court of Protection in English law is a superior court of record created under the Mental Capacity Act 2005. It has jurisdiction over the property, financial affairs and personal welfare of people who lack mental capacity to make decisions for themselves.

Much Court of Protection work is now allocated to regional centres where certain District Judges have jurisdiction to deal with Court of Protection matters in locations closer to protected party, local authority and other relevant court users.

#### **(e) High Court Jurisdiction**

Except in those matters expressly reserved to the county court or to special Tribunals, the High Court exercises an unlimited jurisdiction in all civil matters. With the exception of a very few matters, which rarely arise in practice, any High Court action may be begun in a District Registry, proceeding to trial either in London or at one of the other trial centres where High Court proceedings are dealt with.

The jurisdiction of the District Judge of a District Registry of a High Court in claims proceedings in the Queen's Bench Division are the same as those of a Master of the Queen's Bench. These include all interim applications (except those reserved to a judge of the High Court mainly relating to injunctions) such as applications for summary judgment, striking out claims or statements of case, setting aside default judgments, amendments to statements of case, disclosure, case management directions and the hearing of the assessment of damages.

In addition, they have power to hear applications for renewal of claim forms and applications to extend the time limits for commencement of proceedings under the Limitation Act.

As part of their case management function, they are responsible for reviewing the action in order to determine whether it is of sufficient importance to remain in the High Court or should be transferred down to the county courts.

A few District Registries in the largest conurbations have full Chancery jurisdiction and District Judges at these centres exercise all the powers of a Chancery Master of the High Court in London.

In relation to costs, District Judges exercise all the powers of a Costs Judge of the Supreme Court in all cases proceeding in the District Registry and over any costs charged by a solicitor to his or her own client.

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