



Isle of Man
Government

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APPOINTMENT OF DEEMSTER
INFORMATION PACK

Cabinet Office
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1. Advertisement

Appointment of Deemster

The Isle of Man prides itself on its values of democracy, good government and the importance of the rule of law. The judiciary is a key component of delivering these values and to the Island's international reputation.

Applications are invited from on and off-Island candidates for the position of Deemster. This is a Crown appointment made by His Excellency the Lieutenant Governor pursuant to section 3B (1) of the High Court Act 1991.

This is a full time role, however consideration will be given to job share partnerships (which would not necessarily require full-time residence on the Isle of Man) and if interested you should discuss this with the First Deemster.

The Deemster will be particularly responsible for presiding over the Court of General Gaol Delivery (which is broadly equivalent to the Crown Court in England and Wales).

The Deemster will also be responsible for administration, ceremonial and other duties assigned by the First Deemster.

The Deemster will hold office at the pleasure of His Excellency. The appointment will be on the advice of a Selection Panel. Candidates for this position must meet the following criteria:-

- A qualified advocate, barrister or solicitor of at least 10 years standing.
- Relevant judicial experience either in the Isle of Man or elsewhere within the British Isles for a minimum of 3 years (full or part time) prior to taking up office.
- A comprehensive knowledge and understanding of Manx Law or an ability and commitment to gain such knowledge.
- A comprehensive knowledge of the Rules of the High Court of Justice of the Isle of Man and of court practice and procedure or an ability and commitment to gain such knowledge.
- A high level of professional attainment in the areas of law in which they have been engaged.

The information pack and application form is available at www.gov.im/crownappointments.

Further information about the post can be obtained from the First Deemster, His Honour Deemster Corlett, Isle of Man Courts of Justice, Deemsters Walk, Douglas, IM1 3AR. Telephone No.01624 686425.

Applications should be marked '*In Confidence*' and sent by email to crown.appointments@gov.im.

It is anticipated that interviews will be held in the week commencing 30 September 2019

The closing date for applications is 12 September 2019 at 5.00pm.

2. Office Description

1. Introduction

The purpose of judicial office is to administer justice in accordance with the laws of the Isle of Man. The Deemster is appointed by His Excellency the Lieutenant Governor in accordance with the provisions of section 3B of the High Court Act 1991.

The Deemster assists the First Deemster and Second Deemster in respect of any judicial administration, ceremonial and other duties assigned to the Deemster by the First Deemster.

It is considered necessary for the Deemster to be able to preside over serious criminal proceedings and also desirable that he or she be capable of presiding over either family or civil cases.

The judiciary, in a compact jurisdiction such as the Isle of Man, must remain flexible and be able to deal with the vast variety of matters that come before the courts in the Isle of Man. The Deemster will undertake the work which is assigned to him or her by the First Deemster.

2. The High Court

The structure of the High Court of Justice of the Isle of Man is governed by the High Court Act 1991. There are four permanent judges of the High Court - the First Deemster, the Second Deemster, the Deemster and the Judge of Appeal.

The First Deemster is President of the High Court and has responsibility for the distribution of the work of the High Court and the Court of General Gaol Delivery. The Judge of Appeal can only sit in the Appeal Division.

There is a panel of Deemsters who may be called upon to assist in the discharge of the business of the High Court and the Court of General Gaol Delivery. Further information on the work of the courts can be obtained from www.courts.im

3. Jurisdiction

The High Court is a superior court of record which deals with civil and family matters. Its jurisdiction and procedures are in the main dealt with by the High Court Act 1991 and the Rules of the High Court of Justice. The Court of General Gaol Delivery is a separate court which deals with the more serious criminal matters. The Appeal Division of the High Court deals with appeals in civil, family and criminal matters.

4. Administration

The General Registry, headed by the Chief Registrar, provides the administration for the High Court including clerks, library, research facilities, secretarial support, office and court accommodation.

3. Person Specification

Office: Deemster

Location: Isle of Man Courts of Justice

Office Summary: Preparing for the trial of cases assigned to him or her, for the management of such cases, and for presiding over court proceedings and giving judgment, and to be responsible for administration, ceremonial and other duties assigned to him or her by the First Deemster.

| Essential Attributes | Method Of Assessment |
|---|----------------------|
| Qualifications | |
| Qualified advocate, barrister or solicitor | CV |
| Experience | |
| 10 years' experience as advocate, barrister or solicitor | CV |
| Relevant judicial experience either in the Isle of Man or elsewhere within the British Isles for a minimum of 3 years (full or part time) prior to taking up office | CV |
| A high level of professional expertise in criminal cases and also ideally in family or civil cases (or an ability and commitment to gain such experience as Deemster); able to deal with the most complex issues in a broad range of legal activity | CV/Interview |
| Knowledge & Skills | |
| An understanding of the Rules of the High Court of Justice of the Isle of Man and of court practice and procedure or an ability and commitment to gain such knowledge | CV/Interview |
| Exceptional intellectual ability, able to make incisive and legally sound decisions | CV/Interview |
| Ability to reach decisions in court which are soundly reasoned and easy to follow after full consideration of implications. Able to deliver excellent <i>ex tempore</i> and written judgments expeditiously | CV/Interview |
| Attentive listener, ensuring all parties have fair opportunity to present evidence and argument | Interview |

| Essential Attributes | Method Of Assessment |
|---|-----------------------------|
| Resilient, able to prioritise conflicting demands and act flexibly in high pressure situations whilst making best use of available resources. | Interview |
| Excellent communication skills, both verbal and written | CV/Interview |
| Maintains authority, even when challenged; able to gain the confidence of others | Interview |
| Ability to work constructively with others: colleagues, officials, court ushers and staff | Interview |
| Credible and professional leader, able to support and encourage colleagues whilst leading by professional example | Interview |
| Personal Qualities | |
| Acts with integrity and independence; able to demonstrate integrity in all aspects of professional life | Interview |
| Ensures fairness and impartiality | Interview |
| Strong understanding of people, aware of changes in wider society; excellent interpersonal skills and social warmth | Interview |
| Committed to continuous learning, professional development, leadership and development of others | Interview |
| Ability to manage appropriately a public profile, acting as part of the public face of the Isle of Man judiciary as Deemster | Interview |

4. Selection Procedure

Application Forms

The application form asks you about criminal records. As the position of Deemster is excepted under Schedule 1 Part II of the Rehabilitation of Offenders Act 2001 (Exceptions) Order 2001, you are required to disclose details of any previous convictions, including any which would be considered spent under the Rehabilitation of Offenders Act 2001.

Acknowledgements

All applications for the position of Deemster will be acknowledged. If you do not receive an acknowledgement to your application within 5 working days, please contact the Cabinet Office.

Selection Panel

In accordance with section 3B(1) of the High Court Act 1991 the appointment will be made by His Excellency the Lieutenant Governor, on the recommendation of the First Deemster who will chair the Selection Panel comprising:-

- First Deemster (Chair)
- Judge of Appeal
- Deemster
- President of Tynwald

The Chief Secretary acts as adviser to the panel.

Shortlisting

The Selection Panel will review each application against the requirements of the job description and person specification and determine a shortlist for interview. Applicants not shortlisted will be notified accordingly at this stage.

Referees for shortlisted candidates will be required to submit their written references no later than 3 working days prior to the date of the interview. It is recommended that all applicants inform their referees of the dates for likely interviews so that, if called upon at short notice, referees can submit their references in time.

Shortlisted candidates will be invited to provide copies or links to two or three of their recent judgements (where possible) or advices.

Selection

The Selection Panel will then interview all shortlisted candidates and a recommendation for appointment will be made to the Lieutenant Governor. The successful candidate will be issued with a formal offer which may be subject to any outstanding pre-appointment checks.

5. Main Terms and Conditions of Appointment as Deemster

1. Tenure

The appointment will be made by His Excellency the Lieutenant Governor in accordance with the provisions of section 3B of the High Court Act 1991.

2. Duties

The duties of the Deemster are as indicated in the Office Description.

3. Remuneration

The salary is presently analogued to Group 6.1 of the United Kingdom Judicial Salary Structure, (i.e. £140,289 per annum w.e.f. 01/04/19), and is subject to periodic review based upon a recommendation of the Joint Committee of Tynwald on the Emoluments of Certain Public Servants. The salary is payable in 12 monthly instalments by Bankers Automated Clearing System (BACS) on the 25th day of each month or the nearest working day as may be determined by the Treasury.

4. Hours of Work

The Deemster has no pre-determined hours of work but is expected to be available to sit throughout the year, subject to periods of authorised leave, and work as necessary to fulfil the role and responsibilities attaching to the appointment including periods of training or personal development for judicial officers.

5. Superannuation

The appointment is superannuable in accordance with the provisions of the Judicial Pensions and Retirement Act 1993 (Parliament) as applied by the Judicial Pension Scheme 2004 which is presently under review.

Members may opt out of the scheme if they wish.

The current scheme is a non-contributory pension scheme, save for the contribution of 3% for dependents' benefits. Payments are made in accordance with sections 2 and 4 of the Act.

6. Annual Leave

There will be an entitlement to 30 working days paid annual leave to be taken subject to agreement of the First Deemster . In addition there will be an entitlement to the same bank/privilege holidays as agreed for the Civil Service and details are available from the Courts Administration.

7. Sickness Scheme

The provisions of the sick pay scheme for established civil servants will apply. A copy of the scheme is available from the Court Administration.

The provisions for sickness, maternity and paternity leave as stated in the Civil Service Regulations are extended to the office of Deemster.

The Deemster will be required to notify the Court Administration promptly if absent due to sickness.

8. Removal from Office

The Deemster may be removed from office at any time by His Excellency the Lieutenant Governor on grounds of misbehaviour or inability to perform the functions of the office.

The Deemster may be suspended from office at any time for good cause.

The Deemster may resign at any time by application to His Excellency by giving no less than 6 months' notice, save in the event of ill health dictating a short notice period.

9. Conduct

The Deemster is required to adhere to the principles of the [Code of Conduct for Members of the Judiciary](#) of the Isle of Man.

10. Complaints

If a complaint is made against the Deemster this will be subject to the complaints and disciplinary procedures as specified in the Procedural Notes in respect of complaints of personal misconduct against Members of the Judiciary of the Isle of Man.

11. Travel and Transport

The Deemster is required to make his or her own transport arrangements for the performance of his or her duties for which no official vehicle will be provided. A parking space within the court complex will be provided to the Deemster at their own expense.

It is the responsibility of the Deemster to ensure that, if they use their own private vehicle in the performance of duties, they are adequately insured against all third-party claims.

The Deemster may claim reasonable expenses for travel and subsistence subject to the limits established by orders made under the Payment of Members Expenses Act 1989.

12. Outside Activities and Interests

The Deemster while holding office shall not practise as an advocate or registered legal practitioner, solicitor, barrister or other lawyer or be directly or indirectly concerned in any such practice either on the Isle of Man or elsewhere.

While holding office the Deemster must ensure that his or her conduct is of a manner consistent with the authority and standing of the appointment. The Deemster must not, in any capacity, engage in any activity which might undermine, or be reasonably thought to undermine, his or her judicial independence or impartiality. The Deemster may not undertake any task or engage in any activity which in any way limits his or her ability to discharge the judicial duties to the full. The Deemster should so conduct his or her private affairs so as to minimise the possibility of conflict or embarrassment.

13. Acceptance of outside appointment

The Deemster accepts the appointment on the understanding that following the termination of the appointment he or she will not take up or return to private practice as an advocate or registered legal practitioner for a period of at least 3 months following termination and will not provide services, on whatever basis, as an advocate (whether by way of oral submissions or written submissions) in any court or tribunal in the Isle of Man or elsewhere for a period of at least 6 months following termination.

For the avoidance of doubt a former Deemster may, following termination of the appointment, provide services as an independent arbitrator/mediator or judicial officer and may receive remuneration for such services and for lectures, talks or articles.

14. Clothing Allowance

On appointment the Deemster will receive a tax free allowance of £4,000 towards the cost of the purchase of necessary robes, unless the postholder is already a judicial office holder on the Isle of Man.

15. Relocation Fees and Expenses

Relocation fees and expenses (including those incurred at interview) will not be paid.