



Isle of Man
Government

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APPOINTMENT OF FIRST DEEMSTER
INFORMATION PACK

Cabinet Office
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1. Advertisement

Appointment of First Deemster and Clerk of the Rolls

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 First Deemster and Clerk of the Rolls; the current incumbent First Deemster vacates office on 31 July 2018. This is a Crown appointment made by Her Majesty The Queen pursuant to section 3A of the High Court Act 1991.

The First Deemster is President of the High Court of Justice of the Isle of Man and also holds the positions of Clerk of the Rolls and Deputy Lieutenant Governor, acting for His Excellency the Lieutenant Governor, when required.

The First Deemster will hold office at the pleasure of Her Majesty. 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 15 years standing
- Relevant judicial experience either in the Isle of Man or elsewhere within the British Isles for a minimum of 5 years
- A high level of professional expertise, ideally in civil, family and criminal cases; able to deal with the most complex issues in a broad range of legal activity
- 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
- Able to fulfil the role of Deputy Governor of the Isle of Man
- Willingness to further legal and judicial training and education, when commitments allow

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

Further information about the office can be obtained from the Judge of Appeal, Isle of Man Courts of Justice, Deemsters Walk, Douglas, Isle of Man IM1 3AR, telephone 687576.

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 April 2018.

The closing date for applications is **Friday 6 April 2018 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 First Deemster is appointed by Her Majesty The Queen in accordance with the provisions of section 3A of the High Court Act 1991.

The First Deemster holds the positions of Clerk of the Rolls and Deputy Lieutenant Governor. In addition, the First Deemster undertakes a number of ceremonial duties, such as the swearing into office of MHKs, and the promulgation of Acts at the annual Tynwald ceremony.

Further information on the work of the courts can be obtained from www.courts.im.

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. The Judge of Appeal can only sit in the Appeal Division. Unless the parties otherwise consent, the quorum of the Appeal Division is at least two judges of the High Court, of whom one is usually the First Deemster. A Deemster may not sit on an appeal from their own judgment or order.

There is a panel of Deemsters who may be called upon to assist in the discharge of the business of the High Court.

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 criminal matters. The Appeal Division of the High Court deals with appeals in civil, family and criminal matters.

4. Administration

The General Registry as the Office of the High Court provides the administration for the High Court including clerks, library, research facilities, secretarial support, office and court accommodation.

5. Deputy Governor

In the case of the absence or inability of His Excellency the Lieutenant Governor, the First Deemster discharges the duties of the Governor. This is detailed in the Letters Patent signed by Her Majesty The Queen on the appointment of the Lieutenant Governor.

As Deputy Governor, the First Deemster will be required to act as the Queen's personal representative and impartial adviser when required and fulfil certain Crown functions including:

- Hosting Royal and VIP visits and occasions in conjunction with the Isle of Man Government
- Giving Royal Assent to Bills on behalf of Her Majesty The Queen
- Appointing the Chief Minister or Ministers under the Council of Ministers Act 1990
- Acting where required as the Governor in Council under statute
- Making Lieutenant Governor appointments
- Ceremonial duties and/or constitutional duties as may be required

6. Strategic Change

As President of the High Court, the First Deemster is responsible for identifying the strategic future and modernisation of judicial processes.

Working with the Judge of Appeal, the First Deemster will drive on the transformation taking place in the Isle of Man Courts. For example, the improved integration and utilisation of digital technology in the Isle of Man Courts, in line with Isle of Man Government's [Digital Strategy](#).

The First Deemster will lead the work of Isle of Man Courts, ensuring the efficient and effective discharge of judicial business, whilst ensuring the judicial system continues to respond to change and work for everyone.

3. Person Specification

Office: First Deemster

Location: Isle of Man Courts of Justice

Office Summary: President of the High Court. Preparing for the trial of cases assigned to him or her, for the management of such cases, and for presiding over first instance court proceedings and giving judgment.

Essential Attributes	Method Of Assessment
Qualifications	
Qualified advocate, barrister or solicitor	CV
Experience	
15 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 5 years	CV
A high level of professional expertise, ideally in civil, family and criminal cases (or an ability and commitment to gain such experience as First 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, at first instance and appellate level, 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
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

Essential Attributes	Method Of Assessment
Ability to work constructively with others; colleagues, officials, court users and staff	Interview
Credible and professional leader, able to support and encourage colleagues whilst leading by personal example.	Interview
Able to implement change effectively within the judiciary; identifying the present and future needs	Interview
Able to fulfil the role of Deputy Governor, acting as Her Majesty's personal representative and impartial advisor when required; skilled in chairing and hosting ceremonial, formal and informal events	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 the ' <i>public face</i> ' for the Isle of Man judiciary and as the Deputy Governor of the Isle of Man	Interview

4. Selection Procedure

Application Forms

The application form asks about criminal records. As the position of First 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 First 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

All applications will be considered by a Selection Panel comprising:-

- Judge of Appeal (Chair)
- Chief Minister
- President of Tynwald
- Judicial representative

The Chief Secretary acts as adviser to the panel.

Shortlisting

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

Shortlisted candidates will be invited to provide copies or links to two or three of their recent judgments, one of which should ideally be *ex tempore*, for the information of the Selection Panel.

Selection

The Selection Panel will then interview all shortlisted candidates and will make any recommendations for appointment to Her Majesty The Queen. The successful candidate will be issued with a formal offer which may be subject to any outstanding pre-appointment checks such as references.

5. Main Terms and Conditions of Appointment as First Deemster

1. Tenure

The appointment will be made by Her Majesty The Queen in accordance with the provisions of Section 3A of the High Court Act 1991.

Subject to the pleasure of Her Majesty The Queen, Section 3A(3) of the High Court Act 1991 states that the First Deemster shall vacate office on attaining 70 years of age.

2. Duties

The duties of the First Deemster are as set out in the Office Description.

3. Remuneration

The appointment will attract an annual salary which is determined by the Governor in Council, in accordance with section 57A High Court Act 1991. This will be 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.

The salary is presently analogued to Group 4 of the United Kingdom Judicial Salary Structure, (i.e. £181,566 per annum as from 1 April 2017).

4. Hours of Work

The First Deemster has no pre-determined hours of work but is expected to be available to sit throughout the legal terms and attend at other times 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.

This is a non-contributory pension scheme save for a contribution of 3% for dependants' 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. 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.

Annual leave must be coordinated so that either officeholder or the Second Deemster is on Island and able perform the functions of Deputy Governor, in the event that the Lieutenant Governor is absent from the Island or is unable to act.

7. Sickness Scheme

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

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

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

8. Removal from Office

The First Deemster may be removed from office at any time by Her Majesty The Queen on grounds of misbehaviour or inability to perform the functions of the office.

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

The First Deemster may resign at any time by application to the Crown by giving not less than 6 months' notice, save in the event of ill health dictating a shorter notice period.

9. Conduct

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

10. Complaints

If a complaint is made against the First 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 First Deemster is required to make their own transport arrangements for the performance of their duties for which no official vehicle will be provided. A parking space within the court complex will be provided to the First Deemster at their own expense.

It is the responsibility of the First 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 First 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 First Deemster while holding office shall not practice 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 First Deemster must ensure that his or her conduct is of a manner consistent with the authority and standing of the appointment. The First 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

First 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 First Deemster should so conduct his or her private affairs so as to minimise the possibility of conflict or embarrassment.

13. Acceptance of work outside appointment

The First 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, registered legal practitioner, solicitor, barrister or other lawyer 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 for a period of at least 12 months, or elsewhere for a period of at least 6 months, following termination.

For the avoidance of doubt a former First Deemster may also, 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, articles or other publications and broadcasts.

14. Provision of Robes and Wigs

On appointment the First 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 will not be paid.