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**CONSULTATIVE COUNCIL OF EUROPEAN JUDGES
(CCJE)**

**Questionnaire with a view of the preparation of Opinion No. 15 on
specialisation of judges and courts**

Replies from United Kingdom

1. Specialisation of courts

TYPES OF COURTS/JUDGES	(A) TICK THE BOX IF YOUR COUNTRY HAVE SPECIALISED COURTS/JUDGES IN:	(B) IF YES TO (A), TICK THE BOX IF THEY ARE SPECIALISED JUDGES/CHAMBERS WITHIN A GENERALIST COURT	(C) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE INSTITUTION WITHIN THE GENERAL ORGANISATION OF THE JUDICIARY	(D) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE JUDICIARY FORMING A SYSTEM OF THEIR OWN ¹	(E) IF YES TO (A), TICK THE BOX IF THEY HAVE A COMPOSITION INCLUDING LAY MEMBERS OR ONLY OF LAY MEMBERS ²	(F) IF YES TO (A), TICK THE BOX IF THEY HAVE A TERRITORIAL COMPETENCE DIFFERENT FROM GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)	(G) IF YES TO (A), TICK THE BOX IF THEY APPLY RULES (PROCEDURE, EVIDENCE, ETC.) THAT ARE DIFFERENT FROM THOSE APPLICABLE IN GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)
Family courts	*				* (not all)		* (additional rules/procedures)
Juvenile courts	*				*	* (local)	*
Administrative courts/council of state	* (Admin Cts)						* (additional rules/procedures)
Immigration/Asylum	*			* (not on appeal)	*		* (ditto)
Courts of Account							
Military Courts	*			* (ditto)	*		* (ditto)
Tax Courts	*			* (ditto)	*		* (ditto)
Labour/social courts	*			* (ditto)	*		* (ditto)
Courts for agricultural contracts							
Consumers' claims courts							
Small claims courts	*					* (local)	*(ditto)
Courts for wills and inheritances	*						*(ditto)
Patent/copyrights/trademark courts	*	*					*(ditto)
Commercial courts	*	*					*(ditto)
Bankruptcy courts	*						
Courts for land disputes	*			*			*(ditto)
"Cours d'arbitrage"							
Serious crimes courts/courts of assize	*					* (regional)	*(ditto)
Courts for the supervision of criminal investigations (e.g.							

¹ For example, appeals on decisions of the specialised court of first instance is filed with a specialised court of appeals, council of state, etc.

² For example, composition including lay members: jurors, psychologists, engineers; please specify qualifications and system of recruitment. For example composition of only lay members: representatives of labour organisations, aldermen-échevins, justices of the peace, magistrates etc.

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authorising arrest, wire-tappings, etc.)							

Courts for the supervision of criminal enforcement and custody in penitentiaries							
Other, please specify: Admiralty Court (involving shipping cases)	*	*			* (for some types of case only)		* (additional rules/procedures)

To what extent specialisation of courts is relevant in your system?

2. Specialisation of judges

a) Does the recruitment procedure take into account the specialised studies accomplished after the university diploma in law? Does it take into account the specialised professional experience? Please specify.

Yes it does. All candidates have to have been practising lawyers for at least 10 years (and for higher positions at least 15 years). Depending on the post to be filled, the candidate will have to demonstrate the relevant specialised professional experience.

b) Are judges promoted to a higher court, or assigned to a post of chief judge, on the basis of a procedure giving relevance to specialisation? Please specify. **Promotion is not based on specialisation but general ability.**

c) May a judge from a generalist court move to a specialised court, or from one specialisation to another: **Yes. For example: a judge may sit in the Commercial Court or Admiralty Court for part of the time and also deal with criminal trials, civil cases and Administrative law cases – all within the space of 3 months.**

As to separate court systems:	Within the same court system:
<input type="checkbox"/> by just filing an application examined on the basis of seniority and other criteria not including previous specialisation? No	<input type="checkbox"/> by showing professional experience? Yes
<input type="checkbox"/> by resigning from original post and participate to a new recruitment? No	<input type="checkbox"/> by attending specialisation/reconversion courses? No
<input type="checkbox"/> other?	<input type="checkbox"/> by passing a specialisation exam? No

d) Does the system ensure that all judges may access specialisation (e.g. by giving them the appropriate information)? **Some specialisations will only be open to judges who have had specialist experience as lawyers before being appointed a judge: eg. Family law judges; Intellectual property law judges. Others may gain experience once appointed as judges and then be permitted to do specialist work (but not in the two areas just noted).**

e) What are for judges the criteria for access to specialisation? **Either previous experience as lawyers or having gained experience as a judge or a willingness to learn new specialisations.**

f) Do financial provisions exist helping judges to transfer to other towns where specialisation may be acquired? **No**

g) Are there access/reconversion courses to specialised functions: **No. No judge would be appointed to a specialist position simply on the basis of having completed a “course” in a specialist subject.**

- Yes, within the judicial training institute?

- Yes, organised by an institution different from the judicial training institute?

- No?

h) Are there training courses reserved only to specialised judges? **Very few and rarely held.**

i) Are exchanges of judicial experiences between different specialisations and/or generalist groups of judges organised? **Yes.**

j) Do specialised positions exist in court for organisational purposes only (e.g., judge serving as spokesperson for the court; judge for the development of IT in court; judge co-operating with ADR services, etc.)? **Yes – eg there is a judge in charge of Modernisation and Information Technology.**

k) If yes, is there a specific training for this type of posts? Please specify. **No – they are volunteers.**

l) Do specialised judges have a higher compensation than generalist judges? Please distinguish, if relevant, according to whether the specialist judges belong to the same court system or a separate court system (e.g., in some countries, depending on the distinction between ordinary judges and administrative judges). **No. Remuneration depends on the level in the judicial hierarchy, not on specialisation.**

m) Are there special allowances, or benefits in kind, for specialised judges? **No**

n) Are specialised judges entitled to a preferential access to higher courts? If yes, is such access limited to the specialisation field of the judge concerned? **No**

3. Specialisation of courts vis-à-vis specialisation of other actors of justice

a) Is the bar and/or professional associations of lawyers organised on a specialised basis in your country? Please specify. **There are specialist associations of both solicitors and barristers eg. The Commercial Bar Association, The Chancery Bar Association, The Technology and Construction Bar Association. There are many others.**

b) In order to practice before specialised courts, have lawyers to be specialised (e.g. registered in special bar listings)? **There is no regulatory requirement.**

c) Is public prosecution organised on a specialised basis in your country? Please specify. **No.**

d) In order to practice before specialised courts, have prosecutors to be specialised (e.g. belong to specialised department of the prosecution service)? **They have to be sufficiently experienced in the relevant area.**

e) Are specialised judges assisted by specialised staff (clerks, technical staff, etc.)? If yes, is this staff recruited on an *ad hoc* basis? **No**

4. Specialisation and governance

Is your Council for the judiciary or other another equivalent independent body entrusted with the protection of the independence of judges competent for all specialised judges, as for all generalist judges? If not, please specify the specialised judges that are not under the governance of the Council. **The Judges' Council protects all types of judge.**

5. Specialisation, professional associations of judges, judicial ethics

- a) Are there in your country professional associations of specialised judges? **No**
- b) Do specialised judges have separate or common “principles of judicial ethics”³ with respect to generalist judges? If separate principles apply, please specify (i.e. separate principles needed by exposure of specialised judges to problems affecting juveniles, family problems, labour disputes, etc.). **No**

6. Conclusion

- a) Please give your opinion on the advantages and disadvantages of special courts
- b) Please give your opinion on the advantages and disadvantages of specialisation of judges

Specialist Courts are very advantageous because it enables specialist judges and specialist lawyers to deal with specialist types of dispute. This leads to a more efficient procedure and disposal of cases. The advantages are particularly marked in the English Commercial Court and the Patents Court (which deals with all types of IP disputes). The judges of these courts will have practiced in these specialist areas when barristers and so they know the law and procedure very well. The advocates appearing in those courts will also be specialist. There are special rules of procedure to deal with those particular types of cases. The whole system is designed to enable cases to be dealt with as quickly and efficiently as possible.

³ See principles of judicial ethics as defined in CCJE's Opinion No. 3 (i.e. rules having no disciplinary impact).