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Sir Peter Bottomley MP
House of Commons
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Our ref: MC5068

29th January 2014

Dear Peter

MR BENJAMIN MIRE

Thank you for your email of 16 December 2013 in which you ask for information in respect of Benjamin Mire acting as a judicial officer holder and representing clients at the First-tier Tribunal (Property Chamber) Residential Property (of which the former Leasehold Valuation Tribunal is now part). I am replying as Minister for the Courts and Legal Aid.

I can confirm that Mr Mire was appointed to the Tribunal's Southern region to sit as a valuer and valuer-chairman with effect from 22 September 1999. The Ministry of Justice only has information on sitting statistics in the Southern region dating back to 2007, and Mr Mire did not sit after 2010. The numbers of his sitting days of which there are records were as follows:

2007 - 1
2008 - 2
2009 - 5
2010 - 6

HM Courts & Tribunals Service does not routinely compile statistics about representatives who appear before the Tribunal. Most paper files are destroyed after one year, as at that point there is no longer a business or legal requirement to retain them. The information on the Tribunal's electronic Case Management System dates back six years, but it is not possible to search this system accurately by using a name of a representative. To establish the number of cases on which Mr Mire represented clients would, therefore, require that each case record is opened and individually examined. If this were handled under the Freedom of Information regime, the work required would exceed the disproportionate cost threshold for requests. I am, therefore, unable to provide you with the exact number of cases where Mr Mire acted as a representative.

However, the Tribunal has undertaken a search of decisions on its decisions website and also the LEASE website. This revealed 52 cases for which Mr Mire was a representative, the earliest dating back to 1999. Mr Mire may have represented clients before the Tribunal on cases not revealed by these searches.


In answer to your final query, the Judicial Conduct Investigation Office (JCIO) would only notify a complainant of the outcome of his or her complaint, and neither JCIO nor the Ministry of Justice would approach Mr Mire's clients who had not complained.

A statement will be published on JCIO's website at the address <http://judicialconduct.judiciary.gov.uk/>, where a finding of misconduct is made in a decision. You may already be aware that the statement in respect of Mr Mire is available at the address:

<http://judicialconduct.judiciary.gov.uk/disciplinary-statements-2013.htm>.

You may wish to direct any constituents who were represented by Mr Mire to this statement, should they wish to be informed of JCIO's investigation.

I hope my reply is helpful.

Yours ever


SHAILESH VARA

