

A) Describe how lay magistrates are chosen and appointed.

Lay magistrates, justices of the peace, are part-time and unpaid members of the public, who are chosen to serve in the magistrates court. In order to become a lay magistrate a certain criteria is set.

The lay magistrates are not legally qualified, they can be taxi drivers or teachers. They only need to fit certain criteria. The person must live within 15 miles of the area in which they want to serve. They must have lived within this area for at least 12 months. There are other points to meet, such as the age limit of 21-65. However it is unlikely to be chosen as a lay magistrate until the age of 27. The person must also be able to sit for long periods of time and so must be healthy enough to fulfil their duties. The final criteria is that the person must be able to sit for at least 26 times, usually each time consists of half of a day and so must be able to sit for 13 days.

A person may be disqualified from being a lay magistrate if they have a certain job or issue. If they work for, or a close family member, works for the justice system, then they cannot be a lay magistrate. If they have a serious conviction, such as s.18 GBH or a series of minor ones, such as speeding tickets. If they are an undischarged bankrupt or member of the forces, then they are also removed. You may also be disqualified if you are an MP or traffic warden.

To become a lay magistrate a person is expected to fit 6 qualities needed to serve that position. They must be of a good character, with good social awareness, such as racial or sexual issues, and also must be understanding with good communication skills. Other qualities such as maturity, sound temperament, sound judgement, commitment and reliability are required. A magistrate needs these essential qualities to do their job, as they need to be calm and responsible to do their job. They cannot be unreliable or not represent society as they are representing democratic society as a whole.

Magistrates are formally appointed by the Queen, to serve in her courts. However this comes from the recommendation of the Lord Chancellor, who is in turn advised by local appointment commissions who organise the interviews of candidates that have either applied themselves or by a member of the local community. However in the county of Lancashire the queen is advised by the Chancellor of the Duchy of Lancaster, rather than the Lord Chancellor.

B) Outline the range of duties undertaken by lay magistrates. Comment on how well lay magistrates carry out their 'valuable role'.

Magistrates sit in a magistrates, usually in a bench of three. Most of their work in the court is criminal hearings, such as trying and sentencing summary offences, those which serve 6 months like assault or battery, some triable either way offences. They also have bail hearings, issue warrants and commit indictable offences, such as GBH, to the Crown court.

All criminal offences begin in the magistrates court, 97% are tried in this court. This shows most offences in the country are petty crimes. The magistrates court does have the power to give 6 month sentence and a fine up to £5000. They also have some civil responsibilities such as enforcement of council tax debts. They have some work in the family courts panel, relating to breakdown of marriages. They are responsible for granting licenses on alcohol, gambling and entertainment. Some courts specialise in the Youth court, for offenders aged 10-17 and protection orders in the Family Court.

Lay magistrates provide a broad cross-section of society in the justice system and promote fairness in the justice system. The majority of magistrates are middle-aged Tory voters, however 49% are women, compared with the 6% of women judges. They are people with local knowledge and so act in the interests of justice with this. The lay magistrates are not legally qualified but do a good job, as 1.5 million cases were dealt with in 1998, only 16,000 were subject to appeal to the Crown court against a sentence or conviction. They are free and so provide the cheapest labour to the justice system. If they were replaced with full-time magistrates it would cost an extra £100 million a year.

However the training of the magistrates has been criticised to be inadequate for the workload they receive. The variations in the sentences given according to locality have been subject to questions. The magistrates were found to be inconsistent with their sentences. In 1990 it was found that you were twice as likely to go to prison in Greater Manchester than in Merseyside.