

## **Lay Magistrates**

### **Describe the selection, training and role of lay Magistrates.**

Magistrates deal with 97 per cent of all criminal cases, so they play an extremely key role in our judicial system, lay Magistrates are those who do the job voluntarily, meaning costs of hearing everyday cases are significantly capped as opposed to using stipendiary Magistrates for rather minor events.

Around 1,500 Lay Magistrates are appointed each year to each commission area, which are counties or the six commission areas in London. The Lord Chancellor, on behalf of the Queen, makes these appointments, however in Lancashire, the Duchy of Lancashire will carry out the decisions. His decision is based upon the recommendations made by local advisory committees. The nominations for being a lay Magistrate can be put forward by anyone, but generally local political parties, trade unions and chambers of commerce provide them. Some committees also advertise for the post in newspapers and on the radio in order to get a more wide range of candidates. The candidates must be aged between 21 and 65, live within 15 miles of the courts boundary and have common sense, integrity, good character and communication amongst other criteria which are stated in the Lord Chancellor's Directions on Appointments 1998 – The Personality Test.

From 1998 the Lay Magistrates New Training Initiative is used for newly appointed magistrates to achieve four basic competencies. This is overseen by the Magistrates' Committee of the Judicial Studies Board and will generally take place in local areas with some in universities on weekend courses.

The four basic areas for training are an applied understanding of the framework; within which magistrates operate, which will be covered before sitting in court via observation of cases and attending training sessions, an ability to follow basic law and procedure, an ability to think and act judicially and an ability to work as an effective member of a team. Each new magistrate

will keep a Personal Development Log, which documents their progress and will have a mentor to assist them.

Within the first two years of a magistrate sitting in court, between eight and eleven of the sessions will be mentored, as well as having to attend around seven training sessions. After two years there will be an appraisal of the magistrate to see if they have acquired the relevant criteria for the position. If they have obviously not, they will be given extra training, if after this they again fail to achieve the competencies the matter will be referred to the local advisory committee who in turn may recommend that they are removed from sitting. If they do succeed then in the third year they will have eight hours training and after every three years they will have refresher training of twelve hours.

The role of Lay Magistrates consists of sitting twenty-six times a year the average is around forty. They will sit in two's or three's which is the maximum, a single magistrate has very limited powers restricted to such areas as issuing search warrants and warrants for arrest. Their normal duties are to hear all summary offences, extend detention in police stations, hear triable either way offences or send them to the Crown court for trial. They also deal with some civil cases and with applications for bail, there are cases that apply to youths too, the magistrates will hear these for those aged between ten and seventeen. They have the power to issue fines of up to £5000 but cannot sentence anyone to imprisonment beyond six months; finally they may deal with alcohol licensing and family matters, such as matrimonial disputes. Clearly with the large amount of non-payment of fines, the magistrates are responsible for the recovery of civil debts. Those magistrates with legal qualifications can only pass fines over the value of £5000 and imprisonment of over six months.