

## **Essay on Lay Magistrates**

(a). There are over 30,000 lay magistrates who are also known as Justices of the Peace (JP). They deal with the vast majority of cases in the legal system. They work part – time, however they are unqualified and unpaid. They sit in the bench of panel of two and three magistrates, and the use of unqualified judges, is open to criticism.

Lay magistrates must be aged between twenty-seven and sixty-five when they are appointed and sit at least half days, twenty-six days a year, and must live fifteen miles of the commission area. They are appointed by local advisory committees, which consists of groups, such as the local political parties, trade unions etc. Their names are put forward and are interviewed by the committee. The candidates who are believed to be suitable are then passed on to the Lord Chancellor, whom then has the final decision. He may not necessarily appoint all names forwarded. The new magistrates selected are issued with forty hours training, which spreads over three years. The training is enforced not to make magistrates proficient in the law, but give them an understanding of their duties, which they have to maintain.

(b). “Lay magistrates are the workhorses of the English legal system.” Despite being unqualified and unpaid they deal with a great deal of cases in the legal system. Lay magistrates tend to be middle-class, middle-aged and middle-minded and will have little in common with the young working-class defendants, who make up the majority of the defendants.

While it is argued that they do not hear cases on their own, their workload is over whelming. They sit on as a bench of two or three magistrates, and their main function is to try minor criminal cases, as well as some civil function.

The criminal cases they trial include:

- Trying all summary offences.
- Trying either way offences, which are suitable for magistrates.
- Deciding issues such as whether to grant bail or a warrant of arrest.

They also hear cases in the youth court, which deal with under eighteen-years-old. Also they decide family cases, such as adoption orders to orders to prevent domestic violence. However, they can not deal with divorce cases.

As it says above, their main work is trying minor criminal cases, however some civil work is also added to the heavy workload. Some examples are hearing applications for licences to sell alcohol and dealing with community debts such as non – payment of the community charge. To help them carry out their role, they undertake forty hours training, spread over the first three years. This consists of observing courts proceedings and learning on the job, attending lectures and workshops and visiting panel institutions. They also are given a clerk who guides the magistrate on questions of the law, practice, and procedure.

In summary one should ask the question whether, “Lay magistrates are the workhorses of the English legal system?” With such an effective role the legal system tends to work with any “hiccups.” In that the minor cases are dealt with speed and are less time – consuming. Therefore we can conclude that the lay magistrates are very important within the English legal system.