

How to... Become a Magistrate

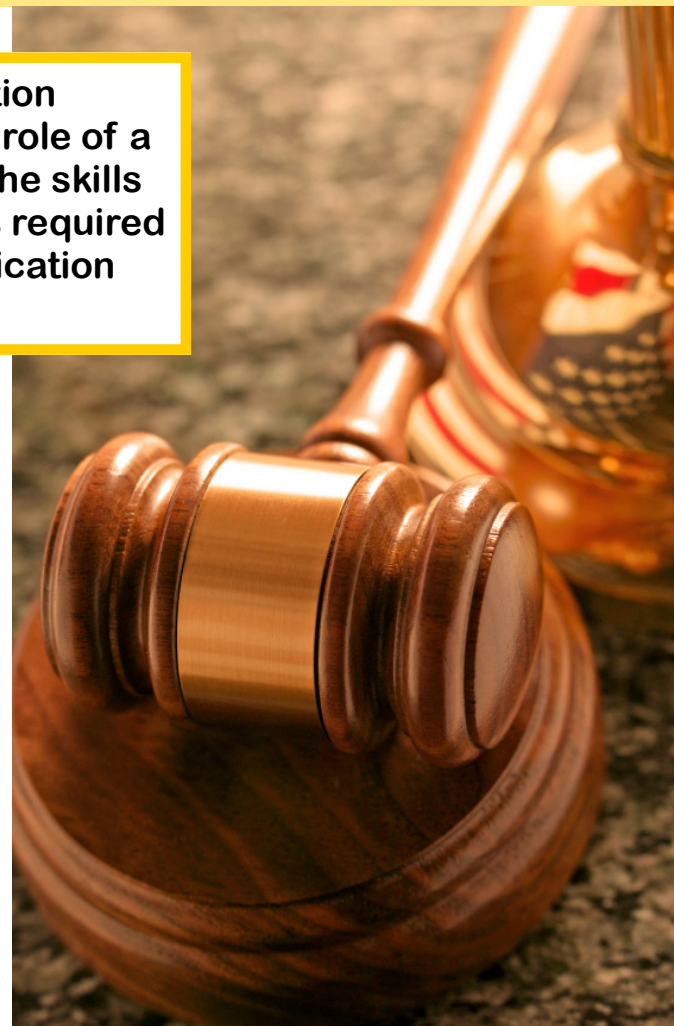
Why would I want to become a magistrate?

Being a magistrate is a very rewarding way to volunteer for your local community and gain valuable transferable skills. Lay magistrates deal with over 95% of all criminal cases in England and Wales. They do not require any formal or legal qualifications but they do need the following six qualities:

- **Good character:** to have personal integrity and enjoy the respect and trust of others
- **Social awareness:** accept and appreciate the rule of law
- **Sound judgement:** be able to think logically, weigh up arguments and reach a sound decision
- **Commitment and reliability:** serve the community, be willing to undergo training, be punctual and in good health to undertake duties on a regular basis
- **Maturity and sound temperament:** be aware of, understand people and have a sense of fairness
- **Understanding and communication:** be able to interpret documents, identify facts, follow evidence and communicate well

Magistrates should also live or work in the area. Extensive training and mentor support is provided to prepare and build the knowledge and skills required for the role.

This publication explores the role of a magistrate, the skills and qualities required and the application process



You cannot be a magistrate if you:

- Are under 18 years old
- Have previous criminal convictions
- Are a non UK resident
- Are working in a job which is considered to be a conflict of interest e.g. police officer, serving members of HM Forces, traffic warden
- Are a close relative of a magistrate in the same court area or if your partner is an employee of the Crown Prosecution Service, Prison Service or Probation Service
- Have un-discharged bankruptcy

Who are Lay Magistrates?

Lay magistrates are members of the community who volunteer to work in courts. They are also known as Justices of the Peace or JPs. They come from a wide range of backgrounds and bring a lot of different skills and experiences to the work.

As local people they know their community well, have a good understanding of what the living and working conditions are like and are aware of the issues that concern local people.

What does a magistrate do?

The job of a magistrate is to sit in a local magistrate's court and deal with a wide range of less serious criminal cases and civil matters.

Magistrates usually sit as a bench of three with one magistrate acting as chairman of the court. The court chairman speaks for the bench and helps to guide it through its business. A legally trained court clerk is present to advise the magistrates on law and procedure.

After listening to both sides of the argument magistrates decide if the case against the accused is proved or not. If the accused person is found guilty, a sentence has to be agreed which will take into account the defendant's personal circumstances as well as the law.

When the courts are closed magistrates may be asked by the police to consider applications at home for search and entry warrants. They may also be contacted by their local authority over neighbourhood problems such as excessively loud parties.

You can find your local magistrates court and access advice and practical examples of the type of cases magistrates face at:

[www.hmcourts-service.gov.uk/
HMCSCourtFinder](http://www.hmcourts-service.gov.uk/HMCSCourtFinder)

www.magistrates-association-temp.org.uk

What types of cases do magistrates deal with?

The types of cases range from animal cruelty to not having a television licence. They include:

- Assault
- Affray, criminal damage and public disorder
- Burglary and theft
- Driving and motor vehicle offences
- Drugs and alcohol related offences
- Offences aggravated by race or religion
- School non-attendance



How do they fit into the legal system?

Magistrates Courts are the first level court within the legal system where there isn't a judge or jury. There are four kinds of courts within this level:

- **The Adult Court:** For criminal cases involving people over 18
- **The Youth Court:** For cases involving young people between 10 - 17 years old
- **Family Proceedings Court:** For family issues
- **The Civil Court:** For civil cases and other matters such as enforcing council tax

New lay magistrates are initially appointed to the adult court and may choose to specialise in any of the other areas depending on their interests after one year.

More serious crimes and appeals are taken to the High Court.

The duties and responsibilities of a Magistrate

- Deciding on requests for remand in custody and applications for bail
- Deciding whether a case should be adjourned
- Determining whether a defendant is guilty or not following a trial
- Passing a sentence to a defendant who has been found guilty or committing them to the Crown Court for sentencing
- Enforcing financial penalties



Time and expenses

The minimum time commitment to be a magistrate is 26 half days a year but on average, magistrates spend 41 sittings (half days) in court, six days in training plus prison and court visits. Courts run all day Monday to Friday, and the court rota is prepared in advance to take into account each magistrates availability.

Magistrates can claim expenses and a loss of earnings allowance.

Interested in applying?

Visit your local court at least three times to see what happens and observe magistrates in action! If you do apply and are invited to an interview you will be asked about these visits.

Make sure you will be able to make the necessary time commitment. If you are employed, it is crucial to have your employer's support and authorisation to take the required time off work.

Other legal and justice roles

There are a number of other roles in justice and the law which you may want to consider. These include:

- Police support volunteer
- Independent custody visits
- Prison volunteer
- Youth offender panel

Further information

www.judiciary.gov.uk

www.direct.gov.uk/en/CrimeJusticeAndTheLaw/Becomingamagistrate

The application process

Do you meet the criteria?

If so, the first stage is to visit www.magistrates.gov.uk where you can fill out an electronic application form or download a printable version. Alternatively phone 020 8603 0424.

If your application form is successful it can take six to 18 months to be invited for interview. If you progress through this stage there is a second interview where you are required to provide three references.