

3.4 The legal profession - Magistrates

3.4a Magistrates

Magistrates have been a part of the English legal system since the Justice of the Peace Act 1361. Their main role has always been in the criminal justice system. There are now over 30,000 magistrates (also known as Justices of the Peace) hearing over one million criminal cases per year. This represents about 96 per cent of all the cases heard in the criminal justice system. Magistrates do not receive a salary. They are appointed by the Lord Chancellor in the name of the Crown on the advice of the local Advisory Committees. The job description for magistrates lists the qualities for those wanting to become magistrates and these include having a good character, understanding and communication, social awareness, maturity and sound temperament, sound judgement, commitment and reliability. Positions are advertised widely. Magistrates are appointed after undergoing a selection process.

To become a magistrate a person must be under sixty-five and usually live within fifteen miles of the magistrates' court at which they will sit to hear criminal cases. There are people who can be excluded from appointment, such as police officers, traffic wardens, members of the armed forces, people with certain criminal convictions, undischarged bankrupts and those who have a close relative who is already a magistrate in the same magistrates' court.

In the magistrates' court, cases are generally heard by a group of three magistrates, one of whom acts as a chairperson. The magistrates make their decisions based on the facts and the law. They fulfil the role of both judge and jury.

Activity 1: Becoming a magistrate

0 hours 10 minutes

Read the box and answer the question that follows.

Ronald wishes to become a magistrate

Ronald has a colleague who has been a magistrate for the past five years. One day over coffee his colleague tells Ronald a little about what he does as a magistrate. The next day Ronald sees an advert in the local newspaper inviting people to apply to become a magistrate.



Ronald wants to know whether he is able to apply to become a magistrate. Using the information you have read, how would you advise him?

Discussion

Ronald may be able to apply to become a magistrate. This depends on a number of factors:

- Is there a vacancy for a local magistrate? Yes, vacancies are being advertised.
- Does he fulfil the age requirements? Yes, he fulfils the age requirements.
- Does he have the necessary qualities? We cannot comment on this as we do not know Ronald personally.
- Does he fulfil the criteria in relation to distance from the court? Again, we do not have this information.

If he does meet the criteria above, then he may apply to become a magistrate and will have to undergo a selection process.

End of discussion

