



Reference for an applicant for appointment as a magistrate – guidance for referees

Lord Chancellor's Directions, Appendix 3B (Part 1)

The duties of a magistrate

The office of magistrate (also known as justice of the peace or JP) has existed in England and Wales for hundreds of years. People holding the office perform an essential public service by dispensing justice within the criminal justice system and hearing a range of non-criminal cases. Today, there are about 15,000 magistrates in England and Wales and they all give their time and expertise voluntarily.

Magistrates' courts are effectively the first tier within our justice system. They comprise:

The Adult Court – for criminal cases involving people over 18

The Youth Court – for cases involving young people aged from 10–17

The Family Court – where some family disputes are settled

The Civil Court – for civil cases and other matters like enforcing council tax or dealing with some licensing appeals.

Defendants who are found guilty in magistrates' courts can appeal against the verdict or sentence to a more senior court.

The prosecution has a more limited right to appeal, too, but only if the magistrates have made an error of law or have acted in excess of jurisdiction. Individual magistrates do not hear cases on their own. They usually sit as one of a bench of three magistrates, together with a qualified legal adviser who is there to advise them on points of law and procedure.

Further information can be found by contacting the secretary to your local advisory committee, or at <http://www.direct.gov.uk/magistrates>.

Personal qualities of a magistrate

The following are the six key qualities that a magistrate must possess and for which evidence must be sought in candidates at interview. It is very important that you provide an example/comment on each *quality*.

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| Good character | <p>Magistrates must:</p> <ul style="list-style-type: none"> • have personal integrity, be circumspect and able to maintain confidences; and • have nothing in their private or working life, or in the lives of their family or close friends, which could bring them or the magistracy into disrepute. <p>Note: The actions of relatives or close friends will not necessarily be a bar to appointment. Where an act or offence is not condoned and there is not regular contact with the offender, there is unlikely to be a bar to appointment.</p> |
| Understanding and communication | <p>Magistrates must:</p> <ul style="list-style-type: none"> • be able to communicate effectively with colleagues, court users and court staff; and • be able to comprehend relevant facts reasonably quickly, follow evidence and arguments, and concentrate, often for long periods of time. <p>Note: Candidates for Welsh language-essential vacancies must be able to meet the above requirements using both English and Welsh language.</p> |
| Social awareness | <p>Magistrates must:</p> <ul style="list-style-type: none"> • appreciate and accept the need for the rule of law in society; • have a good knowledge and understanding of social issues in the area in which they wish to serve; and • have respect for, and some understanding (to be developed through training) of people from different ethnic, cultural or social backgrounds. |
| Maturity and sound temperament | <p>Magistrates must:</p> <ul style="list-style-type: none"> • be able to relate to, and work with, others; • have a sense of fairness and be considerate and courteous; and • be open-minded and willing to consider the views and advice of others. |
| Sound judgement | <ul style="list-style-type: none"> • be able to think logically, weigh arguments and reach a balanced decision; and • be objective, and have the ability to recognise and set aside their prejudices. |
| Commitment and reliability | <p>Magistrates must:</p> <ul style="list-style-type: none"> • be willing and able to undertake at least 13 sitting days, or 26 half-days per year and mandatory training; and • be able to undertake their duties on a regular basis. <p>Note: Employed candidates should confirm that their employer is willing to release them from work in order to undertake magisterial duties. While court sittings are normally rostered on the basis of magistrates sitting full-days, if magistrates are only able to commit to sitting for half-days because of other commitments, then court rotas should be able to accommodate this.</p> |

Returning the form

Please return this form to: [address to be provided by the advisory committee].

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