



LORD CHIEF JUSTICE
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Useful Information for Magistrates

Contents

- **Message from the Lord Chancellor and the Lord Chief Justice**
- **Who's who?**
- **Which organisation?**
- **Frequently asked questions (FAQs)**
- **Media and security issues**
- **Conduct & complaint issues**
- **Further information**

Message from the Lord Chancellor and the Lord Chief Justice

In our respective roles as Lord Chancellor and Lord Chief Justice, we greatly admire and value the dedication and selflessness of the magistracy: it is that commitment to justice which provides your common bond with the wider judicial family.

This leaflet contains useful background information for you as a magistrate, together with guidance on issues such as security and dealing with the media.

The Rt Hon Jack Straw MP
Lord Chancellor

Lord Judge
Lord Chief Justice of England and Wales

Who's who?

The Lord Chancellor: Magistrates for England and Wales are appointed by the Lord Chancellor on behalf of HM The Queen. The Lord Chancellor is also responsible, with the agreement of the Lord Chief Justice, for the removal of magistrates who have been found to have acted improperly. In considering appointment and disciplinary matters, he relies on the advice of his advisory committees. Following the constitutional changes which took effect in April 2006 the Lord Chancellor is no longer a judge or head of the judiciary but continues to be the government minister responsible for the judiciary and the courts system. He has a particular responsibility for working to ensure the judiciary reflects the diversity of society as a whole.

The Lord Chief Justice: Since April 2006 the Lord Chief Justice of England and Wales (the LCJ) has been head of the judiciary and has taken over many of the judicial functions formerly undertaken by the Lord Chancellor. He is responsible for the welfare, training and deployment of magistrates; for approving the names of candidates recommended to the Lord Chancellor for

appointment; and for disciplinary action, short of removal, where a magistrate has been found to have acted improperly. The Lord Chief Justice is also President of the Magistrates' Association.

Advisory Committee: The Lord Chancellor's Advisory Committees are part of a network of committees covering the whole of England and Wales. Your local committee (or one of its sub-committees) will have interviewed and recommended you for appointment. The Committee will deal with requests for transfer or leave of absence and will investigate any disciplinary matters. The work of advisory committees and sub-committees is governed by a set of Directions issued by the Lord Chancellor and a copy should be available at your court.

Bench: When you were appointed you will have been assigned to sit in a particular Local Justice Area – more usually known as a 'Bench'.

Your Bench Chair: Each Bench has a 'Chair', elected annually by the members of the Bench to act as their leader, representative and spokesperson. The chair also has a pastoral responsibility towards members of their Bench. This is set out in more detail in [The Lord Chief Justice's Directions to Bench Chairmen on Dealing with Pastoral Matters](#) which is available on the judicial intranet (details of how to sign up for the judicial intranet can also be found at the end of this leaflet). Do not hesitate to approach your Bench Chair on any issues that concern you.

Your Justices' Clerk: Each Bench also has a Justices' Clerk who is a barrister or solicitor of five years' standing. They are responsible for all the legal advice magistrates are given and their independence in this role is laid down in statute. Always consult your clerk on matters affecting your duties as a magistrate.

Which organisation?

The Ministry of Justice (MoJ): The MoJ supports the Lord Chancellor in the appointment of magistrates and in working to ensure a diverse bench. It is responsible for keeping the Lord Chancellor's Directions to advisory committees up-to-date and for providing committees with advice and training.

HM Court Service (HMCS): HMCS is an executive agency of the MoJ responsible for administering all 650 Crown, county and magistrates' courts in England and Wales. Your local HMCS Area Director is responsible for running the courts in your area.

Directorate of Judicial Offices (DJO): The Directorate of Judicial Offices for England and Wales was launched in April 2006 to support the Lord Chief Justice and senior judiciary in their new roles and responsibilities. It incorporates the Judicial Office, the Judicial Communications Office and the Judicial Studies Board.

Office for Judicial Complaints (OJC): The OJC was set up in April 2006 to support the Lord Chancellor and the Lord Chief Justice in their new joint responsibilities for judicial complaints and discipline. The Head of the OJC is responsible to both the Lord Chancellor and the Lord Chief Justice.

The Magistrates' Association: The Association has more than 28,000 members. It consults, represents and supports magistrates on all issues which affect them in the performance of their duties.

The National Bench Chairmen's Forum: The Forum provides a framework in which Bench Chairs can raise issues of mutual concern at national level, share good practice and develop networks.

Frequently Asked Questions (FAQs)

'Justice of the Peace' or 'magistrate'?

The term 'Justice of the Peace' covers both magistrates, like yourself, and District Judges who sit in a magistrates' court. Magistrates are appointed by the Lord Chancellor under Section 10 of the Courts Act 2003; and the Act refers to them by the term 'lay justices'. However, this is really only a way of distinguishing them from District Judges (Magistrates' Courts). Nowadays we avoid using the term 'lay' as it fails to convey the conscientious and professional attitude of the magistracy.

When may I use the initials 'JP'?

The initials may be used on private and business letterheads etc in the same way as academic or professional qualifications. But you should always be alert to how references to your status might reasonably be perceived by other people. Any attempt to misuse the status to gain personal benefit could be regarded as misconduct. If in doubt, consult your Justices' Clerk.

Are there some cases I shouldn't sit on?

Members of the public must be confident that magistrates are impartial and independent. If you know that your impartiality or independence is compromised in a particular case you must withdraw at once. You should also withdraw if there is a real risk that an objective person might consider your impartiality or independence compromised.

You should not sit on any case involving a friend or relative, your employer or someone else with whom you or a family member has dealings. Nor should you hear any case which you already know something about or which touches upon an activity in which you are involved. This includes cases which affect your financial interests or those of a friend or relative.

You may already be aware of some factors which might limit the cases you can hear – e.g. if you work for a local authority or government department you must not sit on any cases to which they are a party – and your Justices' Clerk should have discussed these with you when you were appointed. Others may arise in court on the day. If you are in any doubt, be cautious and ask your Justices' Clerk for advice.

What should I do if I don't agree with a law that has been passed?

All magistrates are required to obey the law and to enforce any law that is enacted. If you were to break any relevant law enacted by Parliament, or to refuse to enforce it, this would be likely to constitute conduct incompatible with the requirements of your office. If you believe you cannot enforce any relevant law, then you must immediately inform your Justices' Clerk.

It is also important that magistrates maintain the dignity, standing and good reputation of the magistracy at all times. Those found to have brought the magistracy into disrepute are liable to disciplinary action. Before deciding to express in public your personal views on any sensitive or controversial issue, you must consider carefully how your position might be perceived by those who come before you in court, and the implications it might have for wider public confidence in the administration of justice.

Who is responsible for my training?

The Magistrates' Area Training Committee (MATC) has the responsibility of planning and overseeing the delivery of training in your area. The MATC co-ordinates the activities of the Bench Training and Development Committee (BTDC) which is responsible for identifying training needs and overseeing the mentor and appraisal schemes for your Bench.

The Judicial Studies Board (JSB) manages and organises magistrate training on behalf of the Lord Chief Justice, who has statutory responsibility. The JSB develops training materials to support the syllabus outlined in the Magistrates' National Training Initiative (MNTI 2) and to address major legislative change. Training is usually delivered locally by a Justices' Clerk or a legal adviser from their team.

Full details of the training you will receive are contained in the MNTI 2 Induction Pack which you will receive at the start of your training.

What can I tell others about my work as a magistrate?

There is no reason why you shouldn't discuss the work of the court in general terms, especially as this helps promote a greater understanding of the magistracy and might encourage other people to apply. However, a great deal of the work you will be involved in will be of a confidential nature.

You should *never* discuss individual cases, past or present, or reveal information to which you had privileged access (such as the views expressed in retiring room discussions). You should also be

alert to the danger of doing anything which might bring the magistracy into disrepute or seriously compromise your impartiality.

How should I dress for court?

You should dress in a way that reflects the dignity of the court and does not draw undue attention to yourself as an individual (subject in most circumstances to any style of dress dictated by your ethnic or religious background). You must not wear anything which might suggest to a reasonable onlooker in court that you have any affiliations or sympathies which would make you prejudiced in relation to the outcome of a particular case, and you should generally avoid wearing anything in court that bears the insignia of a particular organisation or club, in order not to give any impression of bias.

What should I do if I am having difficulty finding the time to sit?

Magistrates are required to sit a minimum of 26 half-days a year. If you think you will have difficulty achieving this target, then speak to your Bench Chair and Justices' Clerk. Your Bench Chair may be able to offer you leave of absence to deal with a short term difficulty, or your Justices' Clerk may be able to re-arrange your sittings to times which are more convenient. If necessary, they can ask the Advisory Committee for help - e.g. by contacting your employer on your behalf.

I have a disability. What is available to enable me to discharge my duties?

The Lord Chancellor and Lord Chief Justice welcome magistrates with a disability who are able, either unassisted or with the benefit of such adjustments to court premises or working/sittings arrangements as it is reasonable and practicable for Her Majesty's Court Service to make in accordance with the Disability Discrimination Acts 1995 & 2005, to carry out the range of magisterial duties. This includes people who are sight-impaired or hearing-impaired. If you need advice or guidance, speak to your Justices' Clerk and Bench Chair who will discuss your needs with reference to the Ministry of Justice's '*Reasonable Adjustments Policy for Judicial Office Holders*' and its Departmental Disability Adviser.

I am involved in court proceedings. Can I continue to sit?

This is something you should discuss with your Bench Chair. An important part of their pastoral role is to give advice to magistrates who have become involved in court proceedings of any kind (including divorce proceedings). The chair will advise you on whether or not you should continue to sit until the proceedings have been resolved, or whether you should stand down from hearing certain types of cases. If you're going through a divorce, for example, it doesn't necessarily follow that you can't sit. But this is likely to be a stressful time and you might want the space. In any event, circumstances vary widely; in some cases there might be doubts about whether you can maintain the necessary appearance of impartiality.

Can I be summoned for Jury Service?

Yes. The Criminal Justice Act 2004 changed the rules on jury service and magistrates and other judicial office holders are now eligible. You will only be excused in extreme circumstances. At the Summoning Officer's discretion, however, you can be deferred to a more appropriate time or transferred to a different Crown Court centre from the one to which you commit cases.

As a magistrate you are already performing a public service within the criminal justice system and this is fully appreciated. However, jury service will not count towards your sittings as a magistrate. If you are facing difficulties with your employer you can apply to the Advisory Committee for leave of absence of up to 12 months.

When you serve on a jury you do so as a private citizen. It would not be appropriate for the Lord Chief Justice to issue guidance as to how you should conduct yourself. However, he hopes the following observations might be helpful:

- Like everyone else, alert the jury bailiff if you know someone involved in the trial, including the judge and legal representatives.
- It is for you to decide if, and when, you tell fellow members of the jury that you are a magistrate. But don't conceal the fact if asked.

- Expect to be treated as an equal member of the jury. You might suggest a structure to the deliberations but don't assume you should be elected foreman.
- Ask relevant questions. But avoid the temptation to correct guidance given in open court that you think is inaccurate.
- Once you have sat as a juror you must have nothing more to do with the case, or any connected case, in your judicial capacity.

Media and security issues

What should I do if the media wants to speak to me?

The Judicial Communications Office (JCO) has produced *A Media Guide for Magistrates*, a publication in electronic format which is available on the judicial intranet (details of how to sign up for the judicial intranet can also be found at the end of this leaflet).

Reporters have a legitimate interest in the workings of the court and can play an important role in opening up the criminal justice system to the general public. Typically this might involve the local newspaper publishing an account of the court's proceedings, possibly including your name in the article. The media can also help to raise the profile of the magistracy and encourage others to apply. This will usually be done through your Bench Chair or Advisory Committee.

As a general rule:

- Always take advice from your Justices' Clerk.
- If you are speaking to the press, avoid making public statements (in any capacity) which might cast any doubt on your impartiality. Above all, avoid any involvement, either direct or indirect, in politically controversial issues
- Never comment in public about the decision in a particular case
- Think very carefully about how your position as a magistrate fits into any interview you give – even when you're giving it in another capacity
- If you are giving an interview in a private capacity to an interviewer who knows that you are a magistrate, always insist they don't refer to you as a magistrate and make sure they are 100% aware that you don't represent the views of the magistracy.

Before giving an interview find out:

- The line of questioning - always obtain interview subject areas in advance. If this is not forthcoming then you can always decline
- For print media - how the interview will be used (e.g. in a particular feature or stand-alone), how long it will last and if they intend to use a photograph
- For television and radio - the type of programme and its approach (e.g. is it a news item or a documentary?); who else will be appearing; who will be interviewing you; how long the interview will last; and the type of interview and how it will be conducted.

Very occasionally, magistrates involved in a high-profile case are approached direct, sometimes at their home or workplace. This is extremely rare, so don't worry unduly. But again, if it does happen always speak to your Justices' Clerk, who will contact the JCO on your behalf. Or you can contact the JCO yourself (contact details are at the end of this leaflet).

Always remember:

- Anything you say to a journalist is on the record and likely to be reported. You can ask for, and check any direct quote the press intend to use.
- You don't have to agree to an interview straight away (or at all). You should speak to your Justices' Clerk and Bench Chair first
- Although unpleasant, adverse media interest is usually short-lived. It is sometimes better to let the story blow over than intervene in a way likely to keep it going
- If you are unhappy with media coverage (where it is misleading, untruthful or if the coverage criticises you personally) you may want to let the interest die down, but you may also want to refute any allegations made.

The JCO and your Justices' Clerk and Bench Chair are there to advise you and offer support. The JCO is used to dealing with the media. Although their advice will vary depending upon the circumstances, in general they can advise you on what to say, and can offer to act as a spokesperson. They can also make representations on your behalf, particularly where there have been significant reporting inaccuracies.

On very rare occasions the media have tried to gain access to a magistrate at their home (usually after an unsuccessful attempt to interview them at the court). This can be very unsettling. However, you can do the following:

- Avoid answering the door, even to say "no comment" as you might still be photographed
- Avoid making a scene as this will add to the journalist's story
- Get a friend or relative to run errands
- Use an answer phone to screen incoming calls
- If you need to go outside, adopt a calm, polite attitude and don't get tempted into a rash comment.

What should I do if I am worried about my personal security?

If a reporter or photographer is on the pavement, they are not breaking the law. However, if you have concerns about your personal security, you should follow the advice below. Any magistrate who feels they are in immediate danger should always call the police using the 999 system. If you have any other concerns alert your Justices' Clerk. You can also contact HMCS Security and Safety Branch (whose number is shown below) who will be able to advise you on personal safety.

Conduct & Complaint issues

Do I need to tell my Justices' Clerk that I have received a speeding ticket?

Yes, in certain circumstances. The reporting requirements are now as follows:

- Road Traffic offences need only be reported if on conviction:
 - any period of disqualification from holding or obtaining a driving licence is imposed, or
 - six penalty points or more are ordered to be endorsed on the licence, or
 - if a lesser number of points are ordered to be endorsed, the total points then endorsed on the licence exceeds six.
- Speed awareness courses, penalty charge notices for parking etc and fixed penalty notices for matters such as littering need not be reported.
- Penalty notices for disorder must be reported, given the public order element, as must cannabis warnings, given the involvement of drugs.
- Anti Social Behaviour Orders must be reported, including those imposed in civil proceedings.
- All forms of formal recorded caution (i.e. those given by the police on an admission of guilt of the offence being cautioned) must be reported.

Judicial office holders should judge out of court disposals and any new penalty alongside this framework in determining whether or not any other matter needs to be reported. You should ask your Justice's Clerk for advice.

What else do I need to tell the Justices' Clerk?

A full list of matters which you must report to your Bench Chair and Justices' Clerk is set out in the Declaration and Undertaking you signed on appointment. This includes any impending criminal or civil proceedings in which you or a close relative becomes involved (including as a victim or a witness). You should also report the progress and outcome of those proceedings. Your Justices' Clerk will also need to be informed of any changes to your personal circumstances, such as a change of address or employer. This is relevant for administrative reasons, but also because such changes might affect your ability to sit as a magistrate, or your ability to sit in certain cases or areas. Failure to abide by the Declaration and Undertaking or to notify your Justices' Clerk of changes to your personal circumstances could result in disciplinary action.

What should I do if a complaint is made against me?

The procedures for handling complaints are set out in *The Complaints (Magistrates) Rules 2008* available at your court and on the OJC website listed at the end of this leaflet. (You will be given a copy of this document if you are the subject of a complaint). The Lord Chancellor and the Lord Chief Justice cannot investigate complaints about your judicial decisions but can look into complaints about your personal conduct. Only the Lord Chancellor, with the agreement of the Lord Chief Justice, has power to take disciplinary action against a magistrate and complaints are investigated on his behalf by the local advisory committee. The Lord Chancellor and the Lord Chief Justice expect that they will be handled expeditiously, sensitively, impartially and with full regard to magistrates' judicial independence.

What should I do if I think I am being treated unfairly?

You should first speak to your Bench Chair or one of their deputies and to your Justices' Clerk. If they are not able to resolve the problem locally they should contact Magistrates Branch at the Judicial Office for advice about handling grievances.

Further Information

Where do I go for further advice?

Always consult your Justices' Clerk and Bench Chair.

In addition, we recommend you:

- register for the judicial intranet website, monthly newsletter (Benchmark) and weekly email alert, by signing up via <http://benchmark.sut1.co.uk/join/>. These services provide a central resource containing information relevant to magistrates, as well as an opportunity to stay in touch with high level developments affecting the justice system"
- look at a copy of the Lord Chancellor's Directions to Advisory Committees. They contain detailed information about eligibility, transfers, leave of absence and attendance, as well as information on conduct issues and matters of independence and impartiality. Copies are available at your court and from the Secretary to the Advisory Committee. You are advised to familiarise yourself with their contents;
- contact your HMCS Area or Regional Director's office;
- get in touch with your local representative of the Magistrates' Association.

You may find it helpful to obtain their contact details from your Justices' Clerk and write them in the spaces below.

Useful contact numbers

Justices' Clerk:

Bench Chair:

Advisory Committee:

Area / Regional Director's office:

Judicial Communications Office – media enquiries: 020 7073 4852 (out of hours: 07659 550652)

Judicial Communications Office – web/newsletter issues: 020 7073 4857

To sign up for the Judicial Intranet: <http://benchmark.sut1.co.uk/join/>

HMCS Security and Safety: 020 7340 6653/4

Magistrates' Association: General enquiries: 020 7387 2353

Local representative:

Useful websites

<http://www.judiciary.gov.uk>

<http://www.judicialcomplaints.gov.uk>

<http://www.justice.gov.uk>

<http://www.hmcourts-service.gov.uk>

<http://www.magistrates-association.org.uk>

<http://www.jc-society.co.uk>

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