

The Magistrates' Courts in England and Wales

Stefan Machura
Bangor University

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Magistrates' Courts

- The lower criminal court for offences punishable by up to 6 months in prison (more than one crime: 12)
- Most defendants are dealt with at the MC
- Magistrates sit as panels of three (two)
- 16.129 by April 2017
- Unpaid volunteers
- Predominantly white, 56% over 60 years old, middle class and from managerial and professional backgrounds.

Legal adviser

- „The most important person ... in the administration of justice“ (Lord Parker)
- Advises lay magistrates (and DJMCs)
- Lay magistrates depend on him „wholly“ for „law and practice“.

(Darbyshire 2017, 436)

Issues

- Representativeness
- Centralisation of courts, a danger to local justice
- Accessibility (of legal advice/lawyers, courts)
- Reputation of „pro-police, or „pro-prosecution“
- Though, it is possible to sway MCs.

Observations in the youth court

- Strong paternalistic, benevolent presiding magistrates in three courts
- Switching from adversarial to investigative mode
- „What do you want to do with your life?“

Underuse of MC expertise?

- In youth court we saw good examples of Presiding MC (and wingers occasionally) engaging in dialogue with defendant.
- In adult court, this resource is not tapped.
- Magistrates are just used as sentencers in adult courts.
- Consequentially, defendant is less engaged and may end up with an odd outcome.

District Judge Magistrates Court

- In England and Wales, the usual body of three /two Magistrates is sometimes replaced by a single professional judge.
- The District Judge Magistrates Court (DJMC) typically functions in larger cities to *shift numbers* of cases more quickly.
- Magistrates suspect a plan to replace them with DJMCs.
- But this is unlikely to happen, if only because of costs.