

Explain the advantages and disadvantages of Magistrates in the exercise of justice

Within this essay, there will be a discussion about what are magistrates, their role, and their main responsibilities. The main body of this essay is discussing the advantages and disadvantages of the presence of the magistrates, the recent downfall in court closures and why it is happening. In a court with the magistrates, there is a document that they provide to analyse decisions made in the magistrate's court which is known as a thesis, therefore this will be researched and explored in further depth. Furthermore, towards the end of this essay, there will be a discussion of the characteristics that the magistrates need to be selected. Following on from a magistrate's court, there may be places that suggest reforms are needed to fix and alter the criminal justice system, therefore within this essay, there will be decisions made based on whether the various sources can the reasons to reform the system for the better. To conclude this essay there will be a conclusion of the differences between the advantages and disadvantages of the magistrates in the exercise of the criminal justice system and if to be reformed the reasons given as to why it needs to be changed.

Magistrates are volunteers who sit in and hear court cases in their community, they are able to attend cases in family court or the criminal court, however, because the role of a magistrate is voluntary it could be anyone from the public there will be a legal advisor in that courtroom-giving advice based on the decisions that the magistrate has made and that they are following the correct procedures (Government Digital Service, 2011). In a criminal case that is held at the magistrate's court, magistrates pass the most serious rates of crimes such as rape, murder, and robbery. As a magistrate, you can give certain punishments because even though you are voluntary, you must know the law to be able to decide which punishment suits the act for example up to unlimited fines, unpaid work in the community and potentially prison for up to for up to 12 months. On the other hand, there are family cases where the magistrate will deal with cases that involve children and their families planning for the children to live whilst having separated parents and who have fully granted custody or enforcing court orders to prevent domestic abuse with the presence of children. In comparison between the two cases attending court, the family court allows two parties to deal with their differences in front of a third who makes the final decision, however in Criminal court, on the other hand, they use the immense powers of the state against the defendant, in another word during a criminal court, if found guilty they go to jail and get a criminal record however in a family court the decision is made there so there is a tendency for nobody to go to jail. (Gedulin, 2017).

Magistrates present a certain view to the public for example according to Association, they state that magistrates know the local community this is because they are volunteers but because they are using their existing skills and experience to serve the area that they lie in, the decisions that they truly make will benefit their local community (Association, 2022). On the other hand, we have disadvantages, according to a website, it states that one of the main criticisms of magistrates is that most of the time the magistrate selected tends to be white, Middle Aged, or older, therefore, their background will be different to the accused and then they will see the defendant in a negative light. Because magistrates are selected randomly and are unrepresentative, people may see that they are not trustworthy. (carmineproofreading,

2021). According to a newspaper article, it has been stated that there is a plan in place to shut 77 courts in England and Wales in the short term for four years. According to the evening standard about 300 courts have been closed and have been shut off since 2010 because of the unused buildings that are currently sat on the streets. The reason for unused empty buildings is potentially the effect of COVID-19 affecting the community so, for example, it went online because of the effect the virus had but if it's online then there are no expenses for people to travel to attend court however a downfall for this is because not everyone had internet, so there may be internet issues and because of the cost of living crisis has gone up it may be worse than attending court in person because it will cause delays and further stress. If court closures were to happen in the long run then it may be easier to happen online but with the empty buildings left on the street, then there is nothing going on in them which leaves buildings that were left for court unused which can be seen as a waste of time and money and effort put into them. If there were a 50/50 chance of changing court appointments online but there were issues with internet but there may be an opportunity of using empty office buildings for a one in now every chance a court case needs to be heard. (Kirk, 2021).

According to a study from the University of Leicester, “a thesis provides a comprehensive analysis of by which decisions are made in magistrates’ courts as to whether adult defendants charged with either way offences should be tried or sentenced in that court or at the Crown Court” in a shorter version this demonstrates that magistrates have to make fair and equal decisions based on the case and the information that they receive. (Herbert, 2002) A thesis explores a written document on the research provided to develop and construct the experiences that defendants have when appearing in magistrate's courts. At a magistrates court, the verdict will always be whether the accused is either guilty or not guilty therefore that is the protocol the magistrate must follow but there will always be another magistrate in presence to hear the trial and make sure there is an equal right to vote reason being that there is no jury in a magistrates court. (Kessling, 2023) For magistrates to be selected to appear in court, they must have certain characteristics because even though it is voluntary and unpaid, they still need to be able to carry out the jobs required. According to the magistrate's association, magistrates must show a sense of good character because you're representing the law even though you have full training you still need to put your personal life aside. To be a magistrate you must be reliable to attend court when you are needed and show commitment that you are willing to learn and deliver the law to criminals so that they can serve deserved sentences (Magistrates Association, 2019). Upon researching magistrates need to be able to demonstrate that they can manage themselves and what they are dealing with, they need to be able to consider themselves that they can work as a member of a team because there is a lot of teamwork based on debating and discussing outcomes of cases with other staff but they mainly need to be to apprehend themselves to make judicial decisions as they are the ones who deliver sentences at a magistrates court. (College, 2014)

In the criminal justice system, there are issues that have been rising in the past recently where there has been conflicting between for example personal or group conflict however according to Redgrave, he has stated that because the “criminal justice system has had budgets cut by about a fifth since 2010” this is the reason being that it has had an impact on the prison officers to be able to control the prisons and the people inside of them. Another main point from Redgrave is that he has stated that the impact has caused issues from prisons to courts and the ability to get offenders through the system and bring them to justice (Redgrave,

2017). There are reforms that are needed to fix and alter the criminal justice system, it is evident that there will be decisions made based on whether the various sources can be the reasons to reform the system for the better. According to Nick Herbert the minister of state for policing and criminal justice, Herbert has stated that from the system that they currently have they been moving to a criminal justice system where the services, police, prosecution and courts work together more effectively. Herbert has stated that the new plans will enable the public to understand what is happening with crime in their local community and how the response has been taken from the criminal justice system. To make the system more transparent, publishing more local information about crime and justice can be beneficial as local areas are made away from criminal proceedings' outcomes. (Justice, 2012)

To conclude this essay, it is evident that there need to be changes made to the criminal justice system based on a lack of communication between the services and the lack of funding affecting the work ethic produced by officers at prisons and prosecution services. The difference between the advantages and disadvantages of the magistrates is that it is evident that magistrates are unpaid but the judges earn around £90,000 so having more magistrates, saves more money to put towards the criminal justice system. The disadvantage is that the prosecution may be biased as they are untrained and could side with the police. The case that can be applied to this is R v Bingham. Having more magistrates attending the courts can speed up court proceedings because they know the local news, but they can be seen as inconsistent as magistrates don't work all year so will forget sentences.

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