

The aim of this essay is to try and explain the advantages and the disadvantages of the magistrate in the exercise of justice. This essay will point out what a magistrate is and what their purpose is. It will also briefly discuss the court closures and how they will affect the public which will include the magistrates, police, and lawyers.

In the U.K. Magistrates are normally volunteers. They are made up of three volunteers who will listen to court cases. Magistrates can come from any background. The magistrates are made up of normal people who are able to make a fair decision and they must have common sense. They would also need a good character, sound judgement and social awareness. A magistrate does not need any legal qualification as they would receive all the training they need (Magistrate Association, 2023). In 2009, England and Wales changed their way of appointing and training new magistrates. The reason for the changes was worries about the diversity of the magistrates. The representation of some of the public was not being seen such as race and ethnicity. The main change was the new way of recruitment, any potential new magistrates would now need to be interviewed and assessed, which would ensure that they had the skills and the experience to become a magistrate (House of Commons, 2016). Another change was to increase diversity. This was to try and encourage people from all backgrounds (GOV.U.K, 2023). The cases may include criminal cases, family cases or both. Criminal cases will always start in the magistrate's court. The most serious cases such as rape, murder and robbery will be passed to the crown court. The magistrate will determine if a defendant should remain in custody or be let out with conditions such as conditions to stay away from people or places. Magistrates may also deal with cases such as minor assault, handling stolen goods and or T.V license evasion. The magistrates' punishment may include fines, volunteer work in the community or a twelve-month prison term. In family court cases the magistrates may deal with such things as arranging for children to be placed in care or adoption, they may help separated parents gain access to their children and they can enforce child maintenance orders. The magistrates may seek advice from family services during the cases (GOV.UK, 2023). In 2022, magistrates had their sentencing powers increased. The purpose of the increase was to reduce the pressure on Crown Court after the covid pandemic. The previous maximum of 6-month prison sentence, that the magistrate could hand down had been doubled to a 12-month prison sentence. This has put more pressure on the magistrate court, especially since the court closures (Chambers, 2023).

Between 2010 and 2020, a total of 164 courts have closed in England and Wales. The sale of the buildings has roughly raised 223 million for the public purse, however, court closures come at a cost, such as additional expenses for the magistrates to travel to attend court. There have been court closures in England and Wales since 2010. The purpose of the closures is to try and reduce the number of people attending to save money. Court closures would result in the defendants, witnesses and lawyers having to travel some distance to court. Not only would access to the magistrates be restricted by travelling, but most magistrates may also need to step down from their role as they would be unable to travel to the nearest court. This could potentially add to their expenses and take from the public purse. Court closures will also have an impact on vulnerable people they may not be able to travel any distances to attend court. It would also add to their own expenses (House of Commons Library, 2020).

The advantage for the magistrate is that most of the people that are in the magistrate are volunteers, which makes it cheaper for the community. Another good thing about using local people is that they know the area and know what is best for the community. Most people think becoming a magistrate requires training but that is not the case, most of the time you will be using common sense to relate to the problem. You will have an adviser to help you keep up to date with the laws that are in place (Ministry of Justice, 2023). There would be three magistrates for each court case, and this would mean that there would be three different opinions. This could give a more balanced view of the cases, and this might make it better for the defendant, as having one person might make them judgemental and only have their own opinion. Another advantage of having a magistrate court is a public trust, as they are all volunteers they would be viewed as approachable, unlike judges who get paid to do a job (Courts and Tribunals Judiciary, 2021).

The disadvantage of a magistrate is that there is no qualification for the role so some people may think that it is unfair that the people don't know the law at its full length, however, as stated previously there is training available and also legal support for magistrates. Another problem is that most of the people that are part of the magistrate are retired. Therefore, their view on modern laws or opinions may not go down very well. This means that they may not be up to date with the modern changes within society. Also, in different areas, some places could have different sentences for the same crime that was committed, and this would put defendants at a disadvantage and the difference in punishment from one community to the next may be considered unfair (Foley, 2012). It should also be noted that one of the main criticisms of magistrates is they are not a true representative of a community. They are normally white, older, and sometimes they might have a professional background. This could lead to a magistrate seeing a defendant negatively. With the magistrates not a true representative of the community then people may believe that they are not trustworthy, and they would then think that they are not being treated fairly. Another disadvantage of a magistrate is that they may have become case-hardened over time because they may hear the same or similar case over and over again. As a result of being case-hardened, they may judge each case the same. If the magistrate does become case-hardened then they will not view each case as unique, this might cause a defendant to receive the same outcome or punishment as the last defendant in the last case. Magistrates could also become biased; they could side with the police and believe their version of events. They may be more likely to believe the police. Also, the magistrates are from the community so they may become familiar with a police officer, and this could lead them to become biased (Darbyshire, N.D.).

To conclude, the magistrate is made up of three volunteers from the community. There is no official profession that someone needs to become a magistrate. They would need to demonstrate common sense and they should be able to make fair decisions. The reform made in 2009, ensured that the magistrate courts were diverse, meaning there wouldn't be just one type of magistrate such as white and middle-aged, this would show a representation of the defendant and they would feel that they are being judged fairly. The court closures in England and Wales have had an impact on the magistrate's court as well as the public. The distances that they would need to travel would add a cost to their expenses and as a result, they may need to step down from their volunteer roles. The advantages of having a magistrate

outweigh the disadvantages. It is cheap due to the fact that the magistrates are volunteers, but it also free's up the Crown Courts for the more serious crimes. It is clear that having a magistrate in the community is a benefit to the public and also the public purse.

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