

**EXPLAIN THE ADVANTAGES AND DISADVANTAGES OF
MAGISTRATES IN THE EXERCISE OF JUSTICE**

Introduction

All the decisions and verdicts of all types of criminal cases pass and begin in the court of the magistrates however, the intense and most serious cases are particularly sent to the Crown Court such as the cases of murder and rape. The matters that are generally handled by the magistrates of the UK can be the legal matters associated with licensing and debt collection (Zalnieriute and Bell, 2020).

1. Role of magistrate

The terminology magistrate deals with a wide range of roles and responsibilities and these are the entities of the government and law systems. The magistrate helps to mention a civilian officer who conducts and regulates the law of a country (van den Brink, 2022). In the case of the UK, it is one of the highest-positioned government officers as they have both the powers of the judicial and executive. In China, magistrates only have the potentiality over a certain responsibility for a geographic area. Moreover, in the current times, a magistrate is the designation who hears and passes judgments for different cases in a lower court (Rana *et al.* 2021). It has been seen that a magistrate handles only minor and prefatory affairs in the case of some jurisdictions. Moreover in the UK jurisdictions such as England and Wales the role of magistrates varies and are typically instructed volunteers scheduled to handle any kind of criminal and civil matters, which need to be restricted to the local areas.

2. A discussion about magistrates in the United Kingdom

All the decisions and verdicts of all types of criminal cases pass and begin in the court of the magistrates however the intense and most serious cases are particularly sent to the Crown Court such as the cases of murder and rape. Moreover, the magistrates of the UK deal with the issues of bail and any other kind of prefatory affairs. In addition to this, the magistrates handle the lesser offenses including compendious and in whatever way offenses are meant to be dealt in the court of the magistrates. Furthermore, the magistrates in the courts of the UK hear all kinds of summary offenses and either-way offenses. In the year 2021, the total number of magistrate in

the UK has been found to be 12,651 (Puddister and Small, 2019). The number of magistrates has been reduced undeviatingly by 50% as compared to the number of magistrates in the year 2012. The magistrates of the UK have the potential power of up to 12 months imprisonment, which is found to be the maximum sentencing power along with unlimited fines.

In this context, the sentencing power option varies which includes fines, commanding community orders, or handling the matters of any kind of offenses alongside discharge (Mohamad, 2019). In some cases, the sentencing power that the magistrates have is not enough, and due to this reason, the magistrates need to be sent either way wrongdoers to the crown court in order to sentence the criminal. The matters that are generally handled by the magistrates of the UK can be the legal matters associated with licensing and debt collection. In contact to this, in the old times, the roles of the magistrates were to exercise and grant the license to trade alcohol, which is not yet dealt with by the magistrates (Mistry, 2019). This granting process is now performed by the local council of the country however there is still the requirement of the right of appeal.

3. The main responsibilities of the magistrates in the United Kingdom

The magistrate helps to mention a civilian officer who conducts and regulates the law of a country. The magistrates of the UK have the potential sentencing power, which helps to allow them to inflict a wide range of sentences such as unlimited fines, commanding community orders, bans, and custody of up to 12 months as per the nature of the performed offense (Lettow Lerner, 2020). In addition to this, the search warrants sent to the police officer and the magistrates handle other associated authorities, as they are responsible for granting such kinds of orders. In addition to this, different types of criminal cases are initiated in the court of the magistrate, as they are trained volunteers who hear and pass the judgments of different cases in the magistrate's courts in their particular community.

However, they can also hear cases in both the criminal and family court (Legg, 2021). Moreover, the cases are particularly heard by three magistrates for both criminal cases and family cases. Furthermore, the magistrates of the UK handle criminal cases, as they pass the most intense criminal activities to the Crown Court such as rape, murder, and robbery. All the important and

crucial decisions are made by the magistrate in regard to the defendant and what needs to be done as per the criminal activity done by the criminal. The verdict is based on the criminal activity and after that, the magistrate decides whether the criminal should be kept in custody or released on strict orders. However, the criminal activity that is generally handled and dealt with by the magistrates of the UK includes minor thrash, offense motoring, thievery, TV license eluding, and handling stolen goods. Moreover, the Magistrates of the UK are also capable of giving punishments, which can be in the form of fines, community orders, and imprisonment for up to 12 months for a single criminal activity (Jacobson and Cooper, 2020).

4. Thesis

The significant aim of the study is to explain the advantages and disadvantages of **Magistrates** in the exercise of justice in the UK.

5. Court closures

In the UK, the HM Courts and Tribunals Service also referred to as HMCTS aims to fund the up gradation of the court system of the UK, which includes new digital technological services. In addition to this, due to the pandemic crisis of COVID 19, the backlog of cases in the courts has increased. Therefore, in return to this, in the year 2021, the government of the country announced that it would integrate a recovery country in association with the orgiastic court, which is ‘Nightingale courts’ in order to reduce the adverse impact of COVID-19 pandemic crisis on the justice system. The number of cases in the Crown Court is more than 58,000 as compared to the 386,000 cases in the magistrates’ courts. Furthermore, the reports of the National Audit office of the UK government are ploys to shut down more than 77 courts by the upcoming years of 2025 and 2026 (Howard *et al.* 2022). Additionally, it is not only performed randomly however there needs to be proper evidence of whether the impact of the reforms is lowering the utilization of those buildings or not and it has been observed in the year 2019.

6. Characteristics

The magistrates of the UK deal with the issues of bail and any other kind of prefatory affairs and they can belong to different backgrounds. They are the common people having common sense however, the magistrates have a high level of potential to make fair decisions. The age that is needed for the position of magistrate range from 18 and 70 respectively. Moreover, the person needs to be not associated with any kind of past criminal situation (Drozynski, 2022).

7. Evidence of any other advantages or disadvantages

The court closers could have detrimental effects on the users of the country in the UK and it can affect more specifically the low-income household. It can also generate issues associated with mobility or disability. Some groups of the population of the UK may not be effectively served by the implication of a remote hearing approach. The group of people who have the responsibility of children or other associated caring responsibilities can be negatively impacted by the remote hearings (Daud, 2022). It can be beneficial for the individual residing in the cities however; the people of rural areas will not be positively impacted by the remote hearings. Somehow, it is not that effective and convenient for business developers as it can be more time-consuming and less cost-effective. The cost-Magistrates are unpaid entities that help in saving of £100 million. On the other hand, the prosecution is Biased due to the untrained can create big hurdles (Brownsword and Harel, 2019).

8. Reform

In the region of England and Wales in the UK, there are more than 150 magistrates' courts and most adult criminal cases are concluded in the court of magistrates. Magistrates of the UK generally handle and deal with less intense cases and the serious cases are sent to the Crown Court. Moreover, In the year 2006 Tribunals Service has been developed which combined the commanding of a large number of individual tribunals, leading to a more widespread and consistent practice for the court users (Boucoyannis, 2021). Furthermore, in the year 2008, the Tribunals, Courts, and Enforcement Act came into force, which has resulted in an advanced two-

tier Tribunal system. The new system includes a First-tier Tribunal and an Upper Tribunal; both are divided into separate Chambers. However, there is no difference in the jurisdictions that bring together the same kind of authority to hear calls (Bonica and Sen, 2021).

9. Summary

The magistrates of the UK have the potential power of up to 12 months imprisonment, which is found to be the maximum sentencing power along with unlimited fines. The magistrates handle the lesser offenses including compendious and in whatever way offenses are meant to be dealt in the court of the magistrates.

References

- Bonica, A. and Sen, M., 2021. Estimating judicial ideology. *Journal of Economic Perspectives*, 35(1), pp.97-118.
- Boucoyannis, D., 2021. *Kings as judges: Power, justice, and the origins of parliaments*. Cambridge University Press.
- Brownsword, R. and Harel, A., 2019. Law, liberty and technology: criminal justice in the context of smart machines. *International Journal of Law in Context*, 15(2), pp.107-125.
- Daud, M., 2022. ARTIFICIAL INTELLIGENCE IN THE MALAYSIAN LEGAL SYSTEM: ISSUES, CHALLENGES AND WAY FORWARD. *INSAF-The Journal of the Malaysian Bar*, 39(1), pp.1-24.
- Drozynski, C., 2022. Architecture Without Prelates, Magistrates, and Admirals: The R3build Pavilion. In *Architectural Factors for Infection and Disease Control* (pp. 231-244). Routledge.
- Howard, K., McCann, C. and Dudley, M., 2020. 'It's really good... why hasn't it happened earlier?' Professionals' perspectives on the benefits of communication assistance in the New Zealand youth justice system. *Australian & New Zealand Journal of Criminology*, 53(2), pp.265-284.
- Jacobson, J. and Cooper, P., 2020. *Participation in courts and tribunals: concepts, realities and aspirations* (p. 196). Policy Press.
- Legg, M., 2021. The Covid-19 pandemic, the courts and online hearings: maintaining open justice, procedural fairness and impartiality. *Federal Law Review*, 49(2), pp.161-184.
- Lettow Lerner, R., 2020. The Surprising Views of Montesquieu and Tocqueville about Juries: Juries Empower Judges. *La. L. Rev.*, 81, p.1.
- Mistry, H., 2019. 'The different sets of ideas at the back of our heads': Dissent and authority at the International Court of Justice. *Leiden Journal of International Law*, 32(2), pp.293-313.

Mohamad, A.M., 2019. Admissibility and authenticity of electronic evidence in the courts of Malaysia and United Kingdom. *International Journal*, 4(15), pp.121-129.

Puddister, K. and Small, T.A., 2019. Navigating the principle of open court in the digital age: The more things change, the more they stay the same. *Canadian Public Administration*, 62(2), pp.202-224.

Rana, M.S., Salman, N.W. and Dhanapal, S., 2021. Legal Framework of Arrest and Post-Arrest Safeguards: A Comparative Analysis as to the Law of Bangladesh, India, and the United Kingdom. *IIUMLJ*, 29, p.363.

van den Brink, Y., 2022. Equality in the youth court: Meaning, perceptions and implications of the principle of equality in youth justice. *Youth Justice*, 22(3), pp.245-271.

Zalnieriute, M. and Bell, F., 2020. Technology and the judicial role. *The Judge, the Judiciary and the Court: Individual, Collegial and Institutional Judicial Dynamics in Australia* (Cambridge University Press, 2021).