

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

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Magistrates are an integral part of the justice system, and they are tasked with handling a wide range of legal matters and ensuring that justice is served in a fair and efficient manner (GOV.UK, 2015). Magistrates are seen as an important part of the justice system, as they help to ensure that justice is administered fairly and efficiently at a local level. Magistrates have been used for over 650 years, with evidence of magistrate roles for up till 1165 (Magistrates Association, nd). In the last few years, many magistrates' courts have been closed, which have had negative impacts on the way justice is served within England and Wales. However, while there are certainly advantages to having magistrates involved when administering justice, there are also some potential drawbacks that must be considered.

Magistrates are appointed by the Lord Chancellor, and they are usually drawn from a wide variety of backgrounds and professions. People who are selected to be magistrates are not required to have any legal qualifications, however, they go through training before they begin sitting on cases. They work in panels of three, which is known as a bench, and are advised by a legal adviser on points of law (Courts and Tribunal Judiciary, 2022). Magistrates have the power to impose fines, issue community orders, and even to imprison offenders for up to six months. However, they do not have the power to hear more serious criminal cases, such as murder or rape, which are heard in Crown Courts by a judge and jury. Magistrates are responsible for hearing civil cases, including disputes over unpaid debts, landlord-tenant disputes, and breaches of local bylaws. They also have the power to issue arrest warrants and make bail decisions, meaning magistrates are responsible for deciding whether a defendant should be granted bail or held in custody pending trial. Magistrates conduct pre-trial hearings to determine whether there is sufficient evidence to proceed with a case. Magistrates may also sit as a youth court to hear cases involving young people aged 10 to 17. Overall, the main responsibility of magistrates is to administer justice in a fair and efficient manner, and to uphold the rule of law in the UK (GOV.UK, 2015).

Magistrates are incredibly accessible, as they are typically local residents who are appointed or elected to serve within their communities (Courts and Tribunal Judiciary, 2022). This means that they are more familiar with the local customs and values than higher-level judges or lawyers, and can make decisions that are more in line with the community's expectations. In addition, magistrates are considered less intimidating, making them more approachable than other legal professionals, which can encourage people to seek out legal action for their problems. Another advantage of magistrates is their cost-effectiveness as they aren't paid, unlike judges or lawyers, which makes them a more affordable option for handling minor legal matters. Furthermore, proceedings in magistrates court are much cheaper than in the crown court (CPS, 2009). In addition, magistrates can often handle cases more quickly and efficiently than higher-level judges or lawyers, which can save both time and money for all parties involved. Magistrates also provide a valuable service to the justice system by helping to reduce the workload of higher-level judges and lawyers, as all cases start in the magistrates court. By handling minor legal matters, such as traffic violations or minor criminal offenses, magistrates free up higher-level judges and lawyers to focus on more complex and serious cases. This can help to ensure

that justice is served in a timely and efficient manner, and can also help to prevent the backlog of cases that can occur when too many cases are assigned to a limited number of judges or lawyers.

However, one potential disadvantage of magistrates is their lack of training and experience when it comes to handling legal matters. While magistrates are often local residents who are familiar with the community, they may not have the same level of legal training or experience as someone who may be qualified in law. This could lead to mistakes or errors in judgment, which can result in unfair or unjust outcomes for those involved in the case. In addition, magistrates may not be as familiar with the legal system or the law as higher-level judges or lawyers, which can make it more difficult for them to make informed decisions. In addition, magistrates may be more likely to be influenced by their personal beliefs or prejudices and there has been some criticism of the lack of diversity among magistrates, and there have been calls for more efforts to be made to recruit magistrates from underrepresented groups, such as ethnic minorities. In 2021-2022, ethnic minority candidates accounted for just 23% of applications and 11% of recommendations (Ministry of Justice, 2022). Furthermore, according to the Ministry of Justice (2021) "since 2016, White defendants have had a consistently lower average custodial sentence length than other ethnic groups". However, since 2010, more than half of the magistrates' courts have shut, sometimes forcing people to travel for more than 50 miles (Bowcott & Duncan, 2019).

Magistrates are a very important part of the justice system, as they handle a wide range of legal matters (GOV.UK, 2015). They are an accessible and cost effective legal system, which helps with the administration of justice. However, they lack training and diversity, which has led to judgment biases and prejudice. Furthermore, the court closures have impacted many people, by forcing them to travel. The courts estate in England and Wales has changed, as the justice system has undergone a programme of reform, which was designed to reduce the need for physical attendance at certain types of hearings (Sturge, 2020). In the exercise of justice, the magistrates system is vital, and the advantages outweigh the negatives. If diversity increases and bias or prejudice decreases, and travel issues are solved, the magistrates court system will be an even more effective system when serving justice.

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