

Experiences of being a Magistrate in North Hampshire – by Tony Hersh

At our October meeting Tony started by telling us that the word ‘magistrate’ originated in the 14th century and meant ‘a civil officer in charge of administrating laws’

In 1195 King Richard I appointed ‘Keepers of the Peace’ and in 1361 there was a ‘Justice of the Peace Act’, under Edward III, that meant that every county should have keepers of the peace with powers to ‘restrain the offenders, rioters and other barrators, and to pursue, arrest, take and chastise them, according to their trespass or offence’.

This role developed over the centuries to a more diverse and professional magistracy. Their powers have also developed over the years from hanging, whipping and transportation in the 1600’s, to the modern magistracy governed by the ‘Sentencing Guidelines’ today.

Magistrates are volunteers who hear cases in courts in their community. They can be in the Criminal Court, the Family Court, or the Youth Court.

Each case is usually heard by three magistrates, including one who is trained to act as a chairperson. A legal advisor is present to give advice on the law and makes sure the magistrates follow the right procedures.

Tony advised that all criminal cases begin in a Magistrates Court, with the most serious crimes (eg murder, rape, robbery) being passed to the Crown Court.

There are approx. 330 Magistrates Courts and 692 Crown Courts in England and Wales, with approx. 28000 magistrates (60% being women) and approx. 41% of magistrates are retired. The rest are self-employed or able to arrange leave from employment.

There are no formal qualifications required, but magistrates need common sense, integrity and the capacity to act fairly. They undergo comprehensive training before sitting, which continues throughout their career. Youth Court and Family Court magistrates undergo additional training.

Magistrates work to specific guidelines which enable them to categorise types of cases, which in turn gives sentencing options for them to choose from.

Punishments include –

- Up to 6 months in prison (or up to 12 months in total for more than one offence)
- A fine
- Community service (unpaid)
- A ban

Courts can also give a combination of these punishments. In addition, there is a fixed surcharge for every case and prosecution costs that the offender has to pay.

Having armed his audience with all this information, Tony proceeded to give us details of five actual cases for us to assess, as though we were the magistrates presiding. The verdict was known and our task was to decide the sentence. We asked a variety of questions before we gave our punishments for each case. These were compared to the actual results and I am pleased to say that, on the whole, we were thinking along the right lines.

Maybe some of us might now be inspired to apply to become a magistrate – who knows?

This concluded a most interesting and informative presentation.

November Guild Meeting

At our November meeting we will be hearing from Richard Hutley about the man who electrified the world – Nicola Tesla – the Maverick Hungarian

Join us on Wednesday 9th November 7.15 pm for 7.30pm start in the Reading Room.

Barbara Mayall