



APPLICATION FORM GUIDANCE NOTES

Completing the Application Form

Before making an application to become a magistrate:

1 Visit a magistrates' court

Before making your application you must visit a magistrates' court in general session to observe what goes on. You should visit **at least once** but preferably two or three times reasonably close to the time you submit an application, as, if called for interview, your panel will want to discuss your observations on this experience.

Your local magistrates' court can advise you on when it is best to attend and in which courtrooms to observe. You can find the telephone number in the list of courts in your application pack or at www.gov.uk/become-magistrate. Try to attend a full session of the court. You should be prepared to discuss the experience and your views on it at interview.

2 Secure your employer's co-operation

If you are employed, you **must** establish with your employer that you will be allowed to take reasonable time off work, under *Section 50 of the Employment Rights Act 1996*, to undertake the duties of a magistrate.

3 Additional points for candidates to note

The Lord Chief Justice and Lord Chancellor are very grateful to all candidates who put themselves forward for appointment as magistrates. However, applicants are asked to note that appointment to the magistracy is strictly on merit and that application does not guarantee appointment. **For practical reasons, applicants are discouraged from submitting applications to more than one area at a time.**

The number of vacancies for new magistrates is limited. It is therefore possible that your local advisory committee will not have sufficient vacancies to accommodate every candidate who passes the minimum standard for appointment. If, following the selection process, there are more suitable candidates than vacancies, the advisory committee will recommend for appointment those candidates who performed to the highest standard at interview.

Candidates who meet the minimum standard for appointment but who are not recommended for appointment will generally be informed that their application has not been successful on this occasion and invited to consider re-applying at a later date. However, it is possible that such candidates may be offered the opportunity to take up appointment in a neighbouring advisory committee area or be placed on a waiting list for future vacancies. The availability of these options will depend on local circumstances such as the number of vacancies in surrounding areas.

YOU DECIDE BECOME A MAGISTRATE



SECTION 1: PERSONAL INFORMATION

Age

You must be aged at least 18 years old to apply to become a magistrate. The Lord Chief Justice will not generally appoint anyone who is aged over 65. Magistrates must retire from sitting at the age of 70.

Nationality

British nationality is not a requirement, but all candidates must be willing to take the Oath of Allegiance to the Crown. Anyone who is in the process of seeking asylum cannot be appointed. People granted indefinite leave to remain in the United Kingdom by the UK Border Agency (Home Office) are eligible to apply.

Educational and professional qualifications

Please list any professional, vocational or academic qualifications you have. Do not list individual subjects and grades achieved at GCSE 'A' level or 'O' level or similar qualifications. There is no minimum academic qualification to become a magistrate.

EQUAL OPPORTUNITIES

The Lord Chief Justice will consider a candidate's suitability for appointment regardless of ethnic origin, gender, marital status, sexual orientation, political affiliation or religion.

The Lord Chief Justice pays no regard to sexual orientation when making appointments. Sexual orientation or cohabitation with a partner of the same sex need not be disclosed in response to the good character question.

SECTION 2 & 3: YOUR OCCUPATION AND THAT OF YOUR SPOUSE/ CIVIL PARTNER/ PARTNER AND CLOSE RELATIVES

Please inform us of the occupation of your spouse, civil partner, partner and/or close relatives (father, mother, son, daughter, brother, sister, brother/sister-in-law, step child) as some may have a conflict of interest with the role of a magistrate. Your occupation will also be stored on our database to monitor the diversity of each bench.

Ineligibility criteria

The Lord Chief Justice will not appoint as a magistrate anyone in the following occupations:

A serving **police officer, special constable, community support officer, civilian employee** of a police force, or **prison officer**. At least two years must have elapsed since such employment ended.

A **traffic warden** (this disqualification does not apply to parking attendants employed by the local authority).

Highways Agency Traffic Officer

Police and Crime Commissioner

Anyone who has a **spouse, civil partner, partner or close relative** (father,

mother, son, daughter, brother, sister, brother/sister-in-law, step child) or a similarly close relative of a spouse, civil partner or partner who is employed as a police officer, special constable, civilian employee in a police force, or a traffic warden in the local justice area (court area) to which they might be appointed.

Anyone, in addition to those above, whose work or community activities, or those of their spouse, civil partner or partner, are such as to be clearly incompatible with the duties of a magistrate, e.g. employees of the Crown Prosecution Service, Probation Service, Youth Offending Panel or Team, Her Majesty's Courts and Tribunals Service, bailiff or member of an enforcement agency, or store detective.

People employed in a **penal establishment** by an organisation that is contracted to carry out work in such an establishment, or which is involved in the transport of prisoners.

An employee of the **National Crime Agency**.

There are restrictions in place for employees of the **National Society for the Prevention of Cruelty to Children** and the **Royal Society for the Prevention of Cruelty to Animals**.

Security officers

Other eligibility issues

H.M. Forces: Candidates must be able to assure the advisory committee that they are unlikely to be posted abroad in the near future. If magistrates in H.M. Forces are posted elsewhere within England and Wales, general directions on transfers to other local justice areas will apply. If posted abroad, they must be treated sympathetically; the general expectation is that leave of absence will be granted. Spouses, civil partners and partners may be disqualified if they intend to move with a serving member of H.M. Forces to another posting.

Victim / Witness Support Scheme / Mackenzie Friends: are generally eligible for appointment, but they cannot be appointed to the same local justice area in which their duties are carried out. If appointed, they will be advised by their justices' clerk on the appropriateness of adjudicating on particular cases.

Certain elected offices that could present a disqualification

Anyone who is an elected member of the **United Kingdom Parliament**, the **European Parliament** or the **Welsh Assembly**, or has been adopted as a prospective candidate for election to either Parliament or Assembly, or is a paid full time party political agent, is eligible to serve as a magistrate provided that no part of the constituency that they represent, or may represent if elected, or in which they work as a paid full time party political agent is part of the geographical area covered by the local justice area (court area) to which they might be appointed.

There may be other reasons for disqualification, which may be identified during the selection process.

SECTION 4: CRIMINAL CONVICTIONS AND CIVIL PROCEEDINGS

You must disclose any convictions that you have had in your past, however minor, including motoring offences where either a fixed penalty was payable and penalty points endorsed on your driving licence, or for which you attended a driving awareness course. You must also disclose any criminal or civil orders to which you are or have been subject, including details of divorce and maintenance orders, as well as penalty notices for disorder, warnings for possession of cannabis, Anti Social Behaviour Orders (or any successor to these), and all forms of formal recorded caution.

Any person who applies to be a magistrate is not protected by *Section 4(2) and 4(3), Rehabilitation of Offenders Act 1974*. This means that **all convictions must be disclosed, however long ago they occurred**. You must also disclose details of police cautions.

The Lord Chief Justice will not appoint the following to the magistracy:

The Lord Chief Justice will not appoint anyone in whom the public would be unlikely to have confidence.

When considering whether to recommend applicants who have been the subject of any order of a court, whether civil or criminal, advisory committees will consider:

- the nature and seriousness of the offence;
- how long ago it was committed;
- the penalty or order; and
- any subsequent offences.

Motoring offences

The Lord Chancellor will not generally appoint a person who has been convicted of:

- a serious motoring offence resulting in disqualification from driving for 12 months or more within the last ten years; or

- a serious motoring offence resulting in disqualification from driving for less than 12 months within the last five years; or

- motoring offences which have resulted in six penalty points or more for one offence within the last five years, or nine penalty points for totting-up purposes within the last five years.

DISCLOSURE & BARRING SERVICE CHECK

Successful candidates must undergo a Disclosure & Barring Service (DBS) check and that must be completed satisfactorily before they can be recommended to the Lord Chief Justice for appointment. The advisory committee will give you a DBS form to complete at the appropriate time. You will not have to pay for your DBS check.

SECTION 5: REASONS FOR APPLYING TO BECOME A MAGISTRATE

Personal qualities

The following are the six key qualities sought in those applying to be a magistrate. These are the qualities which you must demonstrate to the advisory committee if you are called for interview.

Good character

Magistrates must:

- have personal integrity, be circumspect and able to maintain confidences;
- have nothing in their private or working life, or in the lives of their family, close relatives or close friends, which could bring them or the magistracy into disrepute.

Understanding and communication

Magistrates must:

- be able to communicate effectively with colleagues, court users and court staff;
- be able to comprehend relevant facts reasonably quickly, follow evidence and arguments, and concentrate, often for long periods of time.

Social awareness

Magistrates must:

- appreciate and accept the need for the rule of law in society;
- display an understanding of wider social issues, such as the causes and effects of crime;
- have respect for, and some understanding (to be developed through training) of, people from different ethnic, cultural or social backgrounds.

Maturity and sound temperament

Magistrates must:

- be able to relate to, and work with, others;
- have a sense of fairness and be considerate and courteous;
- be open-minded and willing to consider the views and advice of others.

Sound judgement

Magistrates must:

- be able to think logically, weigh arguments and reach a balanced decision;
- be objective, and have the ability to recognise and set aside their prejudices.

Commitment and reliability

Magistrates must:

- be willing and able to undertake at least 13 sitting days, or (where that is not possible) 26 half-day sittings per year and mandatory training;
- be able to undertake their duties on a regular basis.

SECTION 6: HEALTH AND DISABILITY

Applicants' health should be good enough to allow them to carry out all the duties of a magistrate.

People with a disability are encouraged to apply. The Lord Chief Justice will always consider individuals on their merits in this as in other respects. Candidates are assessed solely against the six key qualities outlined above. If candidates are successful at interview and are then offered an appointment to the magistracy, it will be only at that stage, when the candidate is offered the appointment, that they will be asked if they have a need for reasonable adjustments to assist them with carrying out the duties of the role.

SECTION 7: GOOD CHARACTER AND DECLARATION

Candidates must answer the 'good character' question on the application form. A 'Yes' answer will not necessarily prevent you from being appointed. However, there may be details which we need to know about so as to avoid embarrassment later on. Examples might include having a close relative in prison, or having aspects of your private life exposed in a newspaper. If you have any concerns about answering this question, please feel free to discuss the matter with the secretary of your nearest advisory committee (for contact details, please see the list of advisory committees in your application pack or at www.gov.uk/become-magistrate).

SECTION 8: REFEREES

You must provide the names of three referees who are not related to you and who have known you for at least three years. At least one of the referees must be a person who lives in the same locality as yourself if you have lived in the locality for more than three years.

If you are employed or were employed, one referee should generally be your employer or a representative of your employer, even if you have not worked for them for three years. There is no obligation for you to show the completed form to your employer, but you must have received an assurance from them that they are prepared to provide a reference.

You should not seek as a referee anyone such as (for example) a solicitor, police officer or probation officer who is likely to appear before the court to which you might be appointed. No more than one of your referees may be a magistrate.

You should obtain the agreement of your referees before submitting your application form. If your named referees do not provide references in good time when the advisory committee requests them, that could jeopardize your application proceeding.

MINIMUM PERIOD OF SERVICE FOR MAGISTRATES

There is no formal minimum term of appointment for magistrates. However, the Lord Chief Justice normally expects that magistrates will aim to serve for a minimum of five years, and to be in a position to be able to offer that commitment, e.g. that they know of no reason why they would not be able to remain resident in the UK for this period of time.