

Magistrates' court (England and Wales)



Definition

A **magistrates' court** is a lower court, where all the criminal proceedings start. Also some civil matters are decided here, namely family proceedings. They have been streamlined to swiftly and cheaply deliver justice. There are over 360 magistrates' courts in England and Wales.

Cases are heard by

- **a bench of three magistrates (lay judges)** - people from the local community who are not required to hold any legal qualifications, in the judicial decision-making process of the courts.
- **a district judge.** Since July 21, 2008, a potential district judge must satisfy the judicial-appointment eligibility condition on a five-year basis. From November 2010 other types of lawyer, such as legal executives (ILEX Fellows), also became eligible to be district judges.

Other roles

- **Legal adviser** whose role is to ensure that procedures are adhered to and that the bench is properly directed as to the law and its powers, as well as seeing that the court's business is dealt with efficiently.
- **Prosecutor** is an authority responsible for prosecuting cases on behalf of the state (traditionally, in the name of the Queen or the King), once the police have completed their investigation and charged the alleged criminal
- **Defence** which advises and possibly represents any defendant who does not have his/her own solicitor.

Proceedings

P. in magistrates' courts are oral and open for public – exceptions exist for the protection of victims (e.g. rape cases) and in youth courts.

- Bail, remand, summons
- Summary proceedings
- Either way offences
- Committal and indictment

Challenges to decisions of magistrates' courts

- reconsideration by the same magistrates' court;
- appeal to the Crown Court;
- appeal to the High Court (Queen's Bench Division) by way of case stated; and
- judicial review in the High Court (Administrative Division).

Thank you

