



2024

SERVING AS A MAGISTRATE

A detailed guide to becoming a
magistrate

General Registry



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YOUR ROLE

WHAT IS A MAGISTRATE?

The office of magistrate has existed for over a hundred years. People holding the office perform an essential public service by dispensing justice within the criminal justice system and hearing a range of non-criminal cases. Today, there are 26 magistrates in the Isle of Man and they all give their time and expertise voluntarily.

The Magistrates' Court is part of the first tier within our justice system. It comprises:

- **The Adult Court** for criminal cases involving people 17 and over.
- **The Juvenile Court** for cases involving young people aged from 10-16, and some family matters.
- **The Licensing Court** which deals with liquor licensing.

Defendants who are found guilty in the Magistrates' Court can appeal against the verdict or sentence to a more senior court. The prosecution has a more limited right to appeal, but only if the magistrates have made an error of law. In practice, very few decisions are ever appealed.

Individual magistrates do not hear cases on their own. They usually sit as one of a bench of three, together with a qualified Legal Adviser who is there to advise on points of law and procedure.

YOUR ROLE

WHAT TYPE OF WORK WILL I DO?

Criminal Cases

Everyone charged with a criminal offence is presumed innocent unless proved guilty, and is entitled to a fair and public hearing within a reasonable time. Magistrates, just like other judges, have to make sure this happens in their courts.

Less serious crimes

All criminal cases start in the Magistrates' Court. As a magistrate you will decide whether you feel you have sufficient sentencing powers to deal with the matter before you or if it ought to be dealt with by a court with greater sentencing powers.

For those crimes you deal with, you will set the timetable for hearings, decide bail, hear the evidence, decide whether the accused is guilty or innocent and, if guilty, decide on the most appropriate sentence.

Serious crimes

The most serious crimes, including murder and rape, all commence in the Magistrates' Court, but must be dealt with in the Court of General Gaol Delivery. Your role is to commit such cases to be heard in the Court of General Gaol Delivery. You also have to decide what should happen to the defendant during the preparation of the case and particularly whether he or she should be released on bail.

YOUR ROLE

SENTENCING

When sentencing, you will consider any aggravating and mitigating factors. You will know the range of sentences from your training, information in court and your Legal Adviser. You then decide which sentence has the greatest chance of rehabilitating the offender and preventing them from committing further offences. Where appropriate, you will also determine whether they should be required to make any reparation to the people they have affected.

Juvenile Courts

Most criminal cases involving young people aged 10 to 16 are dealt with in the Juvenile Court. The main aim of the Juvenile Court is to prevent offending and re-offending by young people.

If you sit in the Juvenile Court you will receive specialist training and have a different range of sentences available.

Family and other civil cases

Juvenile Courts

Some magistrates are specially trained to deal with family cases. Those heard by magistrates are usually when a young person is at risk of serious harm.

Licensing Courts

Magistrates, together with the Deputy High Bailiff, are responsible for granting or refusing licences to people who wish to sell alcohol to the public. This includes extending licensing hours for special events and hearing applications for occasional licences.

Collecting fines

Magistrates' Courts deal with people who fail to pay their fines and other financial penalties.

IS IT FOR ME?

WILL IT TAKE UP TOO MUCH TIME?

As a magistrate you will be required to sit regularly. There is no minimum number of sittings you are expected to fulfil, but magistrates are on a rota on which they are allocated to sit in court on a regular basis (roughly twice per month).

In addition to this, you are expected to play an active role in being a magistrate, attending regular training events, and meetings as necessary (see section on Your Training).

WHAT ABOUT MY JOB?

If you are employed, you must establish with your employer that you will be allowed to take reasonable time off work to undertake the duties of a magistrate. A separate document has been produced for employers which you can pass to your employer for information.

Magistrates are on a rota system, allocating them to sit in court approximately twice per month. This rota is based upon information given to the Court by magistrates as to when they are available.

Under Section 39 of the Employment Act 2006, an employer is required to give you time off to undertake your magistrate duties.

YOUR CREDENTIALS

Magistrates come from a wide range of backgrounds and occupations. They are people with sound judgement and personal integrity. They know their local community well, are able to listen to all sides of an argument and can contribute to fair and reasonable decisions. They are also reliable and prepared to give up their time to perform this vital role. Some people find this easier than others, but many people in full time employment also serve as magistrates.

AGE REQUIREMENT

You must be at least 18 years old to apply, and have resided in the Isle of Man for at least the last five years. Magistrates ordinarily retire from the bench at the age of 70 and it is normally expected that a period of five years' service will take place before retirement. For this reason we would not generally look to appoint anyone who is aged over 65. However, applications are dealt with on a case by case basis and if you feel you have skills and time you can offer for a lesser period or are over 65 then you will of course be considered.

FORMAL QUALIFICATIONS

You do not need any formal or academic qualifications. Nor do you need any previous legal training or experience. A legally qualified adviser will be in court to advise on relevant aspects of law, and you are provided with structures to assist you in your decision making, together with guidelines for sentencing.

YOUR CREDENTIALS

ESSENTIAL QUALITIES

There are, however, six key qualities which are regarded as vital if you are to perform successfully in the role of a magistrate. It does not matter how or where you developed these qualities. It could be through your current or previous employment, involvement in community or voluntary activities, public appointments, leisure activities, family life or academic study. The most important thing is that you can demonstrate these in the selection process and, if appointed, apply them to the role.

They are:

- Good character: to have personal integrity and enjoy the respect and trust of others.
- Understanding and communication: to be able to understand documents, identify relevant facts, follow evidence and communicate effectively.
- Social awareness: to appreciate and accept the rule of law.
- Maturity and sound temperament: to have an awareness and understanding of people and a sense of fairness.
- Sound judgement: to be able to think logically, weigh arguments and reach a sound decision.
- Commitment and reliability: to be committed to serving the community, willing to undergo training, and to be able to sit as a magistrate on average twice per month.

NATIONALITY & RESIDENCE

You must have resided in the Isle of Man for at least the last 5 years, and intend to remain a resident.

All candidates must be willing to take the Oath of Allegiance or Affirmation.

YOUR CREDENTIALS

YOUR EMPLOYMENT

There are some occupations that could present a possible conflict of interest if you were selected as a magistrate, it is not possible to list them all. Similar concerns apply to the occupation of your spouse, your partner or a close relative. That is why the application form asks for details about these people. This information will not necessarily disqualify you, but it will need to be taken into account.

BANKRUPTCY

There are some occupations that could present a possible conflict of interest if you were selected as a magistrate– it isn't possible to list them all. Similar concerns apply to the occupation of your spouse, your partner or a close relative. That is why the application form asks for details about these people. This information won't necessarily disqualify you, but it will need to be taken into account.

CONVICTIONS, ORDERS AND MOTORING OFFENCES

When considering candidates who have been subject to any order of a court (civil or criminal), various factors, including the nature and seriousness of the offence, will be considered before an appointment is made. Justices deal with motoring offences, and while minor motoring offences are not usually an issue, serious motoring offences, or persistent offending, might disqualify you.

YOUR TRAINING

The importance of a magistrate's role is reflected in the mandatory training programme you undergo to prepare you. It is delivered locally by the Legal Adviser (Magistrates).

The training will help you develop all the knowledge and skills you need to become an effective and confident magistrate.

It is based on a competence framework and includes:

- Reading and exercises that cover your role and responsibilities
- Induction and core training before you sit in court
- Court observations
- A visit to prison
- Consolidation training. This builds upon the learning and experience you have gained and ordinarily takes place after about a year

As well as training in law and procedure, you will also focus on developing the skills you need, such as:

- structured decision-making
- communicating
- listening
- awareness of community needs
- respect and lack of bias or prejudice
- problem solving
- team work

YOUR TRAINING

MENTORING

The training scheme recognises that the most effective way to develop as a magistrate is to learn from the experience of sitting in court. To assist this process, all new magistrates are provided with a mentor – an experienced magistrate who has been through your training process and can offer experience of the role. Your mentor will advise, support, and guide you, especially during the first few months of your service as a magistrate. During your first year you will have four formal sittings attended by your mentor, each of which is followed by an opportunity to discuss the day's business with your mentor. You will reflect on how you have applied the knowledge and skills you developed during your induction and core training and, using the competence framework, consider whether or not you have any further training and development needs.

ONGOING TRAINING

The law and procedures that affect the Magistrates' Court change from time to time and you will be expected to keep up to date.

When there are major changes in legislation you will be provided with written material or formal training to help you learn and apply the new law.

ADDITIONAL TRAINING

If you wish to become a court Chairman, or to work in the Juvenile Court or Licensing Court, there is extra training to prepare you for these roles because you need to achieve additional competences.

We recognise that magistrates are volunteers and that your time is valuable, so every effort is made to provide all training at times and places convenient.

HOW DO I APPLY?

The selection process to become a magistrate consists of the following stages:

- First, you need to complete an application form - these are available from the Court or at <https://www.gov.im/categories/working-in-the-isle-of-man/crown-appointments/>
- Your application form is reviewed to check you are eligible to apply.
- If you are eligible you will be invited to an interview, during which you will discuss some practical examples of the sort of cases magistrates deal with.
- We will also notify you by post of the final decision being made.
- If you are selected you will be invited by the panel to be appointed by His Excellency the Governor. You will then be trained and sworn into office before being able to sit.

REFERENCES

You need to provide details of three referees, one of whom should be your employer (if applicable). Referees must not be anyone (such as an advocate, police officer or probation officer) who is likely to appear before the court to which you might be appointed.



For further information please contact the
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