

# 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.

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.direct.gov.uk/magistrates](http://www.direct.gov.uk/magistrates). 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. Your employer or a representative should generally be one of your referees. The Magistrates Application Pack contains a DVD, *Employing a Magistrate*, which applicants who are employed can pass to their employer.

#### 3 Additional points for candidates to note

The Lord Chancellor and Lord Chief Justice 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 area or be placed on a waiting list for future vacancies. The availability of these options will depend on local circumstances such as number of vacancies in surrounding areas.

**YOU DECIDE    BECOME A MAGISTRATE**



**Ministry of  
JUSTICE**

## SECTION 1 PERSONAL INFORMATION

### 1.9 Age

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

### 1.14 Nationality

British nationality is not a requirement, but all candidates must be willing to take the oath of allegiance. Anyone who is in the process of seeking asylum cannot be appointed.

### 1.15 Educational 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.

### 1.16 Ethnic origin

Your ethnic origin is neither a qualification nor a disqualification for appointment. This information is required only to allow us to monitor how well the magistrates' bench reflects the diversity of the community.

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## SECTION 2 YOUR OCCUPATION

**The occupational and industrial groups below are taken from the Labour Force Survey categories established by the Office for National Statistics. This information enables us to monitor the diversity of the bench.**

### List of occupational groups:

- 1 **Manager or senior official** (Corporate managers or senior officials in government or major organisations, working in construction, energy, finance, marketing, personnel, information and communication technology, logistics, the armed forces or emergency services, health and social services; managers and proprietors in agriculture, natural environment and conservation, forestry and fishing, leisure and tourism; housing and land managers, wholesale dealers, and recycling and refuse disposal managers).
- 2 **Professional occupation** (Science and technology professionals including chemists, physicists and biological scientists; civil, electronic and chemical engineers; software professionals; health professionals such as medical practitioners, psychologists, pharmacists, pharmacologists, ophthalmic opticians, dental practitioners and veterinarians; teaching and research professionals, including education officers and school inspectors, and senior administrators of educational establishments; legal professionals, chartered and certified accountants, economists and statisticians, architects and surveyors, social workers, probation officers, clergy, librarians and curators).

- 3 **Associate professional or technical occupation** (Science and engineering technicians, draughtspersons and building inspectors, IT operations and support technicians; nurses, paramedics, dispensing opticians, pharmaceutical dispensers, and medical and dental technicians; therapists; youth and community workers, housing and welfare officers; officers in the police (sergeant and below), fire service (leading fire officer and below), and prison service (below principal officer); artists and authors; graphic, product and clothing designers; media associate professionals; sports and fitness occupations; air traffic controllers, pilots and train drivers; public service, legal, business, finance, sales and marketing associate professionals; conservation and environmental protection officers; personnel and industrial relations officers, careers advisers, statutory examiners, occupational hygienists, and health and safety officers).
- 4 **Administrative or secretarial occupation** (Civil Service executive and administrative officers, local government clerical officers; officers in non-government organisations; credit controllers, accounts and wages clerks, counter clerks, filing assistants/clerks, pensions and insurance clerks, stock control clerks, transport and distribution clerks, library assistants, market research interviewers, communications operators and general office assistants; secretarial and related occupations).
- 5 **Skilled trades occupation** (Farmers, gardeners and groundsmen/women; metal formers and welders; metal machiners, fitters and instrument makers; motor mechanics and vehicle body builders; electricians, telecommunications engineers, computer maintenance; construction workers, plumbers, carpenters, window fitters, plasterers, floorers, painters and decorators; textiles and garments, and food preparation trades).
- 6 **Personal service occupation** (Nursing assistants, dental nurses, care assistants and home carers; nursery nurses, childminders and educational assistants; veterinary nurses and assistants; sports and leisure assistants, travel agents, tour guides; hairdressers and beauticians; housekeepers, caretakers, pest control officers and undertakers).
- 7 **Sales or customer service occupation** (Sales assistants, retail cashiers, credit agents, cash collectors, market and street traders, and customer care workers).
- 8 **Process, plant or machine operative** (Food, drink, tobacco, glass, ceramics, textile, chemical, rubber, plastics and metal making process operatives; Paper, wood, quarry, energy and metal machine operatives; water and sewage plant operatives; electrical, vehicle and metal goods assemblers; clothing cutters and sewing machinists; routine laboratory testers; road and rail construction operatives; HGV, van, bus and taxi drivers, driving instructors, rail transport operatives and seafarers; crane, fork-lift truck and agricultural machinery drivers).
- 9 **Elementary occupations** (Farm, forestry and fishing workers; building, woodwork and foundry labourers; process plant packers, bottlers, canners and fillers; printing machine minders and assistants; warehouse workers; postal workers, couriers, hospital and hotel porters, catering assistants, waiters and waitresses, bar staff, leisure and theme park attendants; window cleaners, road sweepers, launderers and dry cleaners, and refuse occupations; security guards, traffic wardens, school crossing patrol and car park attendants, shelf fillers).
- 10 **Never been in paid employment.**

### **List of industrial groups:**

- 1 Agriculture, hunting and forestry
- 2 Fishing
- 3 Mining and quarrying
- 4 Manufacturing (includes the manufacture of all types of products, publishing, printing, and reproduction of recorded media, recycling)
- 5 Electricity, gas and water supply
- 6 Construction
- 7 Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods
- 8 Hotels and restaurants (includes bars, canteens, camping sites and other short-stay accommodation)
- 9 Transport, storage and communication (includes cargo handling, travel agencies and tour operators, post and telecommunications)
- 10 Financial intermediation (includes banks, building societies, financial leasing and credit granting, investment and unit trusts, insurance and pension funding, administration of financial markets, fund management activities and security broking)
- 11 Real estate, renting and business activities (includes renting of machinery and equipment, computer and related activities, research and development, legal, accounting, book-keeping, auditing, tax consultancy, market research, business and management consultancy, architectural and engineering activities, advertising, labour recruitment, investigation and security activities, industrial cleaning, photographic activities, packaging activities, secretarial and translation activities)
- 12 Public administration and defence; social security (includes general public service activities, justice and judicial activities, public security, law and order, fire service)
- 13 Education (includes adult education, driving schools)
- 14 Health and social work (includes dental and veterinary activities)
- 15 Other community, social and personal service activities (includes cinema and video activities, radio and television, artistic and literary creation and interpretation, other entertainment activities, news agency activities, library, archives, museums and other cultural activities, sporting and other recreational activities, washing and dry cleaning, hairdressing and other beauty treatment, funeral and related activities, sewage and refuse disposal, sanitation, membership organisations)
- 16 Private households with employed persons (includes maids, cooks, waiters, valets, butlers, laundresses, gardeners, gatekeepers, stable-lads, chauffeurs, caretakers, governesses, baby-sitters, tutors, secretaries etc. employed in private households)
- 17 Never been in paid employment

## 2.8 Ineligibility criteria

**The Lord Chancellor and Secretary of State for Justice will not appoint as a magistrate anyone in the following occupations:**

- A serving **police officer** or a **civilian employee** of a police force. At least two years must have elapsed since such employment ended.
- A member of the **Special Constabulary**.
- A **serving community support officer**.
- A **traffic warden** (this disqualification does not apply to parking attendants employed by the local authority).
- Anyone of a **Highways Agency Traffic Order** occupation.
- Anyone who has a **spouse, partner or close relative** (father, mother, son, daughter, brother, sister in-law, step child) or a similarly close relative of a spouse or partner who is employed as a police officer, special constable, a civilian employee in a police force or a traffic warden in the local justice area (court area) to which they might be appointed.
- A full time member of **HM Forces** unless their commanding officer confirms that there is no realistic prospect of them being posted abroad in the near future.
- Anyone, in addition to those above, whose work or community activities, or those of their spouse 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 Team, Her Majesty's Courts 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.
- There are restrictions in place for employees of the **National Society for the Prevention of Cruelty to Children**.
- There are restrictions in place for employees of the **Royal Society for the Prevention of Cruelty to Animals**.
- **Security officers**
- A **lay visitor** to a police station or prison, unless they confirm that they are willing to give it up if appointed; or a person who undertakes field work for a victim support scheme, or as a 'Mackenzie friend' in the local justice area in which they wish to serve.

## Certain elected offices

- Anyone who is a 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 paid as a full time party political agent, if part of their constituency is covered by the Local Justice Area to which they might be appointed.
  - There may be other reasons for disqualification, which may be identified during the selection process.
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## SECTION 3 YOUR SPOUSE/PARTNER/RELATIVES

See ineligibility criteria set out above under 2.8 above.

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## SECTION 4 CRIMINAL CONVICTIONS AND CIVIL PROCEEDINGS

- You must disclose any convictions, however minor, including motoring offences where either a fixed penalty was payable and penalty points endorsed on your licence, or for which you attended a speed 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, 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 Chancellor and Secretary of State for Justice will not appoint the following to the magistracy:**
  - Anyone who, or whose spouse or partner, has been convicted of a **serious offence or a number of minor offences** if the Advisory Committee does not think the public would have confidence in them as a magistrate. For these purposes a serious offence is regarded as anything other than a minor motoring conviction for which you received points on your licence and/or a fine.
  - anyone **who has** been convicted of one motoring offence where six **penalty points or more** were imposed, or three offences where three **penalty points** were imposed in respect of each offence, in the last five years;
  - anyone who has been disqualified from driving for **12 months or more** will not be appointed within 10 years from the date of conviction, and then only after careful consideration of the circumstances;
  - anyone who has been disqualified from driving for **less than 12 months** will not be appointed within five years from the date of conviction, and then only after careful consideration of the circumstances.

## **SECTION 5 REASONS FOR APPLYING TO BECOME A MAGISTRATE**

### **5.2 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.

#### **1 Good character**

Personal integrity – respect and trust of others – respect for confidences – absence of any matter which might bring them or the magistracy into disrepute – willingness to be circumspect in private, working and public life.

#### **2 Understanding and communication**

Ability to understand documents, identify and comprehend relevant facts, and follow evidence and arguments – ability to concentrate – ability to communicate effectively.

#### **3 Social awareness**

Appreciation and acceptance of the rule of law – understanding of society in general – respect for people from different ethnic, cultural or social backgrounds – awareness and understanding of life beyond family, friends and work is highly desirable, as is an understanding of your local community.

#### **4 Maturity and sound temperament**

Ability to relate to and work with others – regard for the views of others – willingness to consider advice – humanity – firmness – decisiveness – confidence – a sense of fairness – courtesy.

#### **5 Sound judgement**

Ability to think logically, weigh arguments and reach a balanced decision – openness of mind – objectivity – the recognition of and controlling of prejudices.

#### **6 Commitment and reliability**

Reliability – commitment to serve the community – willingness to undertake at least 26 half day sittings a year – willingness to undertake the required training – ability to offer the requisite time – support of family and employer – sufficiently good health.

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## **SECTION 6 HEALTH AND DISABILITY**

### **6.1 Health**

Applicants' health should be good enough to allow them to carry out all the duties of a magistrate. They should have satisfactory hearing (with or without a hearing aid) and should also be able to sit and to concentrate for long periods of time.

### **6.2 Disability**

People with a physical disability are encouraged to apply. The Secretary of State and Lord Chancellor will always consider individuals on their merits in this as in other respects.

## SECTION 7 GOOD CHARACTER AND DECLARATION

- Candidates are asked to 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, see the list of committees in your application pack or at [www.direct.gov.uk/MAGISTRATES](http://www.direct.gov.uk/MAGISTRATES)).
  - The Lord Chancellor and Secretary of State for 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.
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## 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, 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 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.
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## EQUAL OPPORTUNITIES

The Lord Chancellor and Secretary of State for Justice will consider a candidate's suitability for appointment regardless of ethnic origin, gender, marital status, sexual orientation, political affiliation, religion or (subject to the physical requirements of the office) disability.

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## MINIMUM PERIOD OF SERVICE FOR MAGISTRATES

There is no formal minimum term of appointment for magistrates. However, the Lord Chancellor and Secretary of State 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.