CABINET

THE TRAINING OF JUSTICES OF THE PEACE IN ENGLAND AND WALES AND THE POSITION OF EX-OFFICIO JUSTICES OF THE PEACE: DRAFT WHITE PAPER

Memorandum by the Lord Chancellor

At their meeting on 3rd December the Home Affairs Committee had before them a draft of a White Paper on the Training of Justices of the Peace in England and Wales and approved the draft for publication, subject to the concurrence of the Cabinet. The draft White Paper is annexed to this memorandum. At the meeting of the Home Affairs Committee I mentioned that, at the request of the Scottish Home and Health Department, I would make certain minor verbal amendments to the draft to make it clear that the Government's decisions conveyed therein apply only to England and Wales; these will be made in the printed text.

2. As long ago as 1948 the Royal Commission on Justices of the Peace* recommended that Justices on first appointment, and Justices who are appointed to Juvenile Court Panels, should be required to undertake some training. The National Advisory Council on the Training of Magistrates, which was appointed in June 1964 by my predecessor to advise him in regard to all matters relating to the training of lay Justices of the Peace, has now advised me to give effect to the Royal Commission's recommendations and I propose to accept this advice; this is the purpose of the proposed White Paper.

3. All those who have had to consider the training of lay Justices of the Peace have had to face the problem of those persons who become Justices by virtue of holding some other office, and in particular those who are elected to various local government offices (Mayors of Boroughs and Chairmen of County and Urban and Rural District Councils). A list of these persons is appended; they amount in all to about 2,600 persons in England and Wales, which compares with the 16,400 Justices on the Active List who have been appointed by name. The Royal Commission recommended† that Chairmen of County and Urban and Rural District Councils should cease to be Justices ex-officio but that a Mayor, being the symbol of the corporate character of the Borough and having had for centuries the duty of keeping the peace, should continue to be a Justice during his term of office. The Royal Commission also thought that Privy Councillors and other "high officers" should remain Justices ex-officio both because they do not often act as Justices in fact and because they generally held office for life or at least for a substantial period of time.

† Paragraph 159
4. Most of those who gave evidence to the Royal Commission thought that at least some of the Justices ex-officio, should be abolished, but, in spite of the weight of opinion against the retention of local authority of Justices ex-officio, this recommendation of the Royal Commission was not implemented in the Justices of the Peace Act, 1949; and indeed the Government resisted, in the passage of the Bill through Parliament, an attempt to abolish ex-officio Justices on the grounds that nothing should be done which might affect the prestige and status of local authorities at a time when the whole future structure of local government was about to be reviewed.

5. I am, however, firmly of the opinion that it is in the interests of the administration of justice that no person should become a Magistrate solely by virtue of holding some other non-judicial office. Only those persons who are best qualified to administer justice should be appointed to the Bench; and it does not follow that because a person holds some other office, such as the Chairmanship of a local authority, he is necessarily best fitted for the work of a Magistrate. Such a person, if he is in fact suitable for the Bench, should be considered for appointment together with other candidates, under the normal procedure for the selection of Justices.

6. Now that I wish to introduce the compulsory training of Justices, set out in the White Paper, the existence of ex-officio Justices becomes even less justifiable. My colleagues on the Home Affairs Committee agreed that in general the abolition of Justices who served only by virtue of local government office would be acceptable, provided that it was applied throughout local government.

7. To abolish the ex-officio Justices of the Peace will require legislation and I appreciate that it may well not be practicable to introduce this in the present Session.

8. Subject to the Cabinet's approval of the White Paper, I have arranged with the Lord President to publish it on the 22nd December.

9. I invite the Cabinet -

(a) to approve the publication of the attached White Paper, subject to the formal amendments mentioned above; and

(b) to approve the introduction of legislation at an early date to abolish Justices of the Peace ex-officio.

G.

Lord Chancellor's Office, S. W. 1.

7th December, 1965
INTRODUCTION

Justices of the Peace have administered justice in this country for more than 600 years. In addition to the criminal jurisdiction which they have long exercised, other duties have been laid upon them over the years. Until the last quarter of the Nineteenth Century they were responsible for the local government in every county. The institution of elected county corporations and the birth of local government as we now know it removed from the Justices most of their administrative functions, but since that time there has been a steady growth of crime and an ever increasing regulation of affairs by successive Governments through legislation. Much of this legislation has imposed on the Justices new responsibilities and has extended their jurisdiction. A host of offences unknown to their forbears have been created, notably in relation to road traffic, while the availability of Legal Aid particularly in domestic proceedings has not only added to the number of cases coming before the Courts but has tended to extend the length of time taken to hear each case. This has had the result that, in the cities and boroughs especially, the number of attendances which individual Justices are called upon to make has greatly increased and is still increasing, and that the sittings themselves are becoming longer.

2. The Justice of the Peace today has to devote more time than ever before to administering a legal system which is at once far more sophisticated and far more detailed than anything with which his predecessors had to deal.

3. In recent years, moreover, an ever increasing interest has been taken in the treatment of offenders. This is due to a desire in the first place to ensure that law-breakers are dealt with in the most efficacious manner from the point of view both of the offender and of the community, and secondly to achieve, as far as possible, a measure of consistency in dealing with similar offences.

4. To carry out these varied and onerous duties we still rely upon the ordinary men and women of this country. To this task they have brought commonsense, sympathy and a wide experience of life and of affairs. Few of them are lawyers and it would now be impracticable and, indeed, undesirable, to seek to replace our lay magistrates by a professional and stipendiary system.

5. Nevertheless, having regard to the increase in the importance and the complexity of their work it has become apparent that there is an urgent need, both in the public interest and for the sake of the Justices themselves, that they should receive some training for the difficult and responsible work which they so unselfishly undertake.
6. Until the foundation of the Magistrates' Association in 1920 there was no central organisation of Justices of the Peace for any purpose. Any training which a Justice may have received, therefore, came about as a matter of chance.

7. One of the fundamental purposes of the Magistrates' Association was to encourage Justices of the Peace to undertake some measure of training and to provide the necessary means in the form of meetings, conferences, discussions and literature. The training of Justices was not, however, officially or formally considered until 1945, when the Royal Commission on Justices of the Peace was appointed. In consequence of evidence which the Commission received, both from the Magistrates' Association and from other witnesses, it recommended that new Justices should be given some instruction in the duties they had to perform. Two paragraphs from the Report of the Royal Commission which deal with the instruction of Justices are as follows:

"89. The law that justices have to administer is extensive and complex and any attempt to give lay justices an adequate knowledge of it would not usually succeed. What we think is possible and should be done is to train justices to understand the nature of their own duties rather than the substantive law that they administer. In the forefront we should put the meaning of "acting judicially". The Lord Chief Justice of England, Lord Goddard, in his evidence points out that justices do not get reproved for being wrong in law, but that a failure to act judicially is a reason for censure. In the course of court proceedings a justice must be sufficiently instructed to perform his duties without constant reference to the Clerk. Thus he must know the procedure in ordinary cases; it is for instance not unknown for a bench to misunderstand the nature of a submission that there is no case to answer. He should know something of the law of evidence, at least enough to enable him to avoid mistakes in any questions that he may ask. When justices know and understand their duties they and the clerk can work satisfactorily together: if they are ignorant the clerk must either watch them make mistakes that may be serious to the parties and to the justices, or intervene and take too much part in the proceedings."

*Cmd. 7463 (1948)*
90. A particularly important part of the work of justices lies in the decision as to the course they should take with an offender or other person before the court. Knowledge of the various courses that may open is not sufficiently widespread, and we think that this should receive special attention. It is essential that every justice should understand the meaning of the various sentences that can be given and orders that can be made. New methods of dealing with persons found guilty must also be studied as they come into operation."

8. The Royal Commission recommended that on appointment a Justice should be required to give an undertaking that he would follow a prescribed scheme of instruction and that he should not sit judicially until he had completed that training. This recommendation was not implemented. The Justices of the Peace Act, 1949, however, created Magistrates' Courts Committees to administer Magistrates' Courts throughout England and Wales, and section 17 of the Act imposed upon every Magistrates' Courts Committee the duty, in accordance with arrangements approved by the Lord Chancellor, of making and administering schemes for providing courses of instruction for the Justices of their area. When, in 1952, that section came into operation, the Lord Chancellor's Office circulated, as a guide to every Magistrates' Courts Committee, a Model Scheme for Elementary Training. The Magistrates' Courts Committees almost without exception either formally adopted that scheme or evolved schemes of training of their own based very closely upon it. Difficulties were experienced, however, by some Committees in carrying out any scheme of instruction. This was in part due to the fact that, although every Committee was under an obligation to provide training for its Justices, the individual Justices themselves were not correspondingly bound to undertake any form of training which had been arranged for them. In addition, practical difficulties were encountered. Some newly appointed Justices were unable to attend lectures, either because of the nature of their employment or because they lived in remote areas and travelling was difficult. A further problem arose in those areas where only one or two new Justices were appointed each year and where there were therefore too few to justify a course of lectures.

9. For these reasons, the Lord Chancellor's Office and the Magistrates' Association co-operated in preparing a course of instruction which could be sent to Justices by post. In the past ten years over 3,000 magistrates have taken advantage of this course and it has constantly been revised and brought up to date. It suffers, however, from the disadvantages inherent in any postal system of instruction and, in particular, it gives no opportunity for oral discussion. Furthermore, it is hard to gauge the extent to which individual Justices have benefitted from the course, since it has never contained any provision for them to answer questions on it.
10. Since 1956 the Lord Chancellor's Department has sent to every Justice of the Peace on appointment a copy of a booklet entitled "Notes for New Magistrates" which gives an outline of Magistrates' duties, the conditions in which they are performed and the rules by which magisterial proceedings are governed. In addition, copies of the Home Office handbook, "The Sentence of the Court", were sent on publication in 1964 to every Justice then on the Active List and since that date a copy has been sent to each new Justice on appointment. This handbook contains comprehensive information about the various forms of treatment available to the Courts, and what is involved in each of them, and its purpose is to help the Magistrates in selecting the right sentence.
11. After discussions with the Council of the Magistrates' Association, the Lord Chancellor decided that the present situation was not entirely satisfactory and accordingly in June 1962, he established a National Advisory Council on the Training of Magistrates, charged with the duty of advising the Lord Chancellor generally on the policy to be applied to the training and instruction of Justices of the Peace throughout England and Wales.

12. The National Advisory Council has made exhaustive enquiries as to how the present arrangements for the training of magistrates are being carried out by Magistrates' Courts Committees and to what extent Justices of the Peace, and particularly newly appointed Justices, are availing themselves of the facilities which are being provided for them.

13. These enquiries have been addressed both to Magistrates' Courts Committees and to Justices of the Peace. Magistrates' Courts Committees have been asked not only to give details of their present arrangements for the instruction of newly appointed Justices, but also to estimate the practical consequences if the Royal Commission's recommendation for compulsory training were implemented. The Council also decided to consult a representative cross-section of newly-appointed Justices and, for this reason, a questionnaire was sent to all those Justices who had been appointed between 1st July, 1962 and 30th June, 1963. This questionnaire asked what training had been made available to the Justices and to what extent they had availed themselves of it. If they had been unable to attend training which was offered to them, they were asked the reason for this. These Justices were also invited to give their opinion generally on the need for training new Magistrates, the form which any courses should take and the times and places where training could best be provided.

14. A very high percentage of replies was received to these questionnaires and, as a result of them and of the answers given by the different Magistrates' Courts Committees, the Government is satisfied that for the most part Committees are doing their best to provide at least some elementary training for the thousand or so new Justices who are appointed each year and, furthermore, that a very large majority of these Justices do in fact receive some form of training.
15. It was the overwhelming, and indeed almost unanimous, opinion of the Justices who were questioned that newly appointed magistrates do require some basic training. It is significant that many of these Justices also commented that such training should be made compulsory.

16. In addition to obtaining the views of individual Magistrates' Courts Committees, the National Advisory Council sought the opinion of the Central Council of Magistrates' Courts Committees. The National Advisory Council also had the advantage of a memorandum by the Justices' Clerks' Society. Both these organisations were in favour of the compulsory training of newly appointed Justices.

17. The National Advisory Council has accordingly advised the Lord Chancellor that the time is now opportune to introduce obligatory training for Justices in the manner described in the following paragraphs. This recommendation has been accepted and the Government has decided that the new arrangements for compulsory training shall apply to all Justices appointed after the 1st January, 1966.
12. Those who are appointed to the office of Justices of the Peace are nature and responsible persons, many of whom already occupy prominent positions in the community before they become magistrates. Although the vast majority of these persons are anxious to receive some training for this important and technical, but novel, task, it must be recognised that they are giving up their time to a Voluntary Service. The Government has accordingly decided that obligatory training should not be imposed by legislation but should be achieved by requiring all those who have been approved for appointment as Justices to give an undertaking that, if they are appointed, they will complete a prescribed course of instruction within a year. A Justice who fails to comply with this undertaking without good cause may be removed from the Commission. The Lord Chancellor will have power, at his discretion, to grant an extension of time in which to complete the course in appropriate cases. When exercising this power in respect of Justices in Lancashire, the Lord Chancellor will normally act in consultation with the Chancellor of the Duchy of Lancaster.

19. The Lord Chancellor will also be able to exempt any individual, or any specified class of person, from having to undertake a course of instruction, or any part of it; for example, a person who already holds, or has held, judicial office at the time of his appointment as a Justice.

20. The amount of instruction which a newly appointed Justice should be required to undergo must be governed by the amount of time that he can reasonably be expected to give to the work. Some apprehension has been expressed lest if too much training is demanded the best candidates will be reluctant to accept appointment. This applies particularly to young men and women who are required for service in the Juvenile Courts as well as in the Adult Courts. It is extremely difficult to find men and women between the ages of 30 and 45 who can spare enough time to discharge the duties of a Justice of the Peace. At this age both business and family commitments may be expected to be at their greatest.

21. For these reasons the Government have decided that obligatory training should be limited to a basic course of instruction for all Justices newly appointed to the Commission and to a special course of instruction for those Justices who are appointed to the Juvenile Court Panels.
22. It is the view of the National Advisory Council on the Training of Magistrates, based on overwhelming evidence from practised Justices and Clerks, that experience on the Bench is itself the finest form of training and that theoretical instruction, although desirable and indeed necessary, must be based on the foundation of at least some practical experience if it is to be intelligible and of value. On the other hand, the vast majority of Justices of the Peace have never been in a Magistrates' Court before they are appointed and it is therefore necessary to give a new Justice some elementary information and instruction about his functions before he attends Court for the first time, even as an observer. The National Advisory Council has therefore recommended, and the Government has accepted, a syllabus for the Basic Training of Newly Appointed Justices, which is to be taken in two stages. This syllabus is set out in Appendix A. The first stage is to be completed before the new Justice sits to adjudicate and the second within one year of his appointment.

23. The objects of this training are set out in the syllabus, which is so designed that the theoretical and the practical instruction of new Justices can proceed simultaneously and as parallel phases of one continuing operation.

24. It is intended that the first stage of the training should be carried out locally; that is to say, at the court at which the new Justice will sit. In the case of cities and boroughs this will, of course, be the city or borough Magistrates' Court; in the case of county Justices, it will be the court of the Petty Sessional Division to which the Justice is assigned. This will be of assistance to the new Justice, who will have no further to travel than he will have to go when performing his ordinary magisterial duties. It will also have the advantage of introducing the new Justice as quickly as possible to his colleagues and to his Clerk and of making him familiar with the surroundings in which he will be working.

25. The second and more substantial stage of the Basic Training should not start until the new Justice has had some experience on the Bench, and it is implicit in the scheme that special care should be taken to ensure that newly appointed Justices, at least during their first year, should always sit with at least two experienced colleagues.
26. The syllabus for the second stage calls for instruction under six headings, but the precise number of periods of instruction is not specified. It would be possible to complete this stage in a course extending over one weekend (Friday afternoon to Sunday afternoon); but two such weekends would be preferable, in order to allow more time for instruction and discussion. Such weekend courses might be residential for those Justices who have far to come, while those who live nearer to the place where the course is held may attend daily. It would also be possible to carry out the second stage in a series of instructional periods held once a week or once a fortnight over several weeks or months, at whatever time of day or in the evening might be most convenient for the Justices concerned.
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INSTRUCTION FOR JUVENILE COURT JUSTICES

27. The Royal Commission on Justices of the Peace recommended that each Magistrates' Courts Committee should prepare a scheme for the training of Juvenile Court Justices and that every Justice appointed to the Juvenile Court Panel for the first time should undertake not to adjudicate in the Juvenile Court until he had completed the requirements of the scheme. This recommendation was not implemented, but in 1953 a Model Scheme for Juvenile Court Training was circulated by the Lord Chancellor's Office to all Magistrates' Courts Committees with a recommendation that it should be adopted and put into effect as soon as possible.

28. In 1960 the Departmental Committee on Children and Young Persons (the Ingleby Committee) issued its Report in which it made certain recommendations as to the training of Juvenile Court Justices. Paragraph 161 of its Report reads:

"It is our view that every member of a juvenile court panel, whether lay or stipendiary, should be adequately trained for his duties. He needs not only a grasp of law and court procedure - which the professional magistrate will already have - but a knowledge of the services available to the court, including the medical and psychiatric services, and the ways in which it can deal with the children who come before it; and not least important, familiarity with the technique of handling young people that the best juvenile courts have so successfully developed. We hope that magistrates' courts committees will lose no time in drawing up schemes of specialised training for juvenile court magistrates on the lines of the model scheme to which we have referred. While we do not consider it practicable for the law to require a magistrate to complete such a course of training before he adjudicates in a juvenile court, we should like to see this rule adopted in practice."

29. The enquiries which have been made by the National Advisory Council on the Training of Magistrates show that in fact only a relatively small number of Magistrates' Courts Committees administer special schemes of instruction for their Juvenile Court Justices.

* Cmd. 1191 (1962).
30. The Children and Young Persons Act 1963 gave effect to the Report of the Ingleby Committee, but it did not implement the recommendation for compulsory training. When the Bill was before the House of Commons an amendment was moved to provide that a Justice should not be qualified to sit as a member of a Juvenile Court Panel unless he had followed a course of instruction in the work of a Juvenile Court provided in accordance with section 17 of the Justices of the Peace Act, 1949 (see paragraph 8 above). The Government at that time resisted the proposed amendment to the Bill, but undertook to secure compulsory training for Juvenile Court Justices by amending the Juvenile Courts (Constitution) Rules, 1954. The Rules were not amended, however, because the Lord Chancellor decided that the whole question of the training of Justices should be reconsidered and he accordingly referred the subject to the National Advisory Council on the Training of Magistrates. The Council, having considered this problem, recommended that obligatory training should be introduced for Juvenile Court Justices on lines similar to those already described for Justices newly appointed to the Commission.

31. It would be illogical for the compulsory training of Juvenile Court Justices to be secured by a different method from that used for Justices newly appointed to the Bench. The Government has therefore decided that the training of Justices on a Juvenile Court Panel should also be effected by means of an undertaking. The problem is complicated, however, by the fact that a Justice may never be appointed to a Juvenile Court Panel at all. Furthermore, appointment to a Panel is by election by and from the Justices of the area in which the Panel operates. It is not possible, therefore, to obtain undertakings from Juvenile Court Justices before they join a Panel because it is not known in advance who they will be. The Government has decided that the only practical way to deal with the matter is to obtain an undertaking from all Justices at the time of their appointment to the Commission that they will complete, not only the course of Basic Training, but also a course of Juvenile Court Training, either before (if they so wish and it is possible to do so) or within a year after they are elected to a Juvenile Court Panel.

32. This undertaking will be required of all Justices appointed in the future. Those Justices who are already on a Commission, but are not yet serving on a Juvenile Court Panel, will be asked to take the new course of Juvenile Court Training either before or immediately after they are appointed to a Panel.
33. The Government have accepted a syllabus for the training of Juvenile Court Justices which has been recommended by the National Advisory Council. This, like the syllabus for Basic Training, is to be taken in two stages. The details are set out in Appendix B. The objects of the training are contained in the syllabuses. The observations made in paragraphs 24 to 26 above in respect of Basic Training apply also, mutatis mutandis, to the Juvenile Court Training.
FURTHER TRAINING

34. It is the Government's intention that, in addition to the courses for Justices newly appointed to the Commission and to the Juvenile Court Panel, courses of instruction for all Justices on the Bench should continue to be arranged by Magistrates' Courts Committees, either separately or in collaboration with neighbouring Committees. These courses will not be compulsory, but all Justices will be exhorted to attend them from time to time throughout their active careers. Although experience of sitting in Court is itself the finest form of training, Justices can help themselves to perform their tasks with greater efficiency by refreshing their knowledge, in particular with regard to developments in the treatment of offenders. In this connection all Justices, and not only those newly appointed to the Bench, should visit institutions for the treatment of offenders from time to time in order to see for themselves how these may have changed in the light of contemporary ideas and practice. Magistrates' Courts Committees should make arrangements for Justices to visit such institutions periodically.

35. The Government also wishes to encourage Justices in every area to meet together regularly to discuss problems of common interest. Such meetings can be particularly useful for considering sentencing problems with a view to achieving consistency in dealing with similar offences involving offenders in comparable circumstances.

36. The Government hopes that Magistrates' Courts Committees will not only take the initiative in making arrangements for the instruction of Justices throughout their careers on the Bench, but will also encourage the activities of other bodies who are providing facilities in this field. The Magistrates' Association, through its Branches, has long been active in furthering the training of Justices; more and more Universities and other institutions of higher or further education are arranging courses either directed specifically to Justices or appealing to wider audiences which include Justices. The Government recognises the value of all these endeavours and wishes to encourage them.
The Royal Commission on Justices of the Peace pointed out that varying local conditions do not allow of any rigid national scheme of instruction to Justices. Local circumstances and conditions, and people themselves, vary throughout the country. The training of Justices in rural areas has always presented more difficulty than in the urban areas. In the case of cities and boroughs with their own Commissions it is usual for a substantial number of Justices to be appointed at the same time, and it is not difficult to assemble them for training. Public communications in urban areas are normally available and adequate. In rural districts, on the other hand, only one or two new Justices are usually appointed at a time in each Division, and the problem of assembling them for training in a reasonably convenient centre is a very real one. Public communications may be inadequate and bad weather can be a decisive factor. Another feature of country districts is that most benches are served by part-time Clerks, who although they discharge the ordinary work of a Magistrates' Clerk conscientiously and efficiently, yet have other commitments and are not always available to give instruction to the Justices. The boroughs, on the other hand, are almost entirely served by full-time Justices' Clerks who are more easily able to devote time to this important task. It is right, therefore, that the Local Magistrates' Courts Committees, which were established to administer the magistracy, should be charged specifically with responsibility for providing training schemes in their respective areas.

This responsibility they have, on the whole, discharged effectively; especially having regard to the absence in the past of any corresponding obligation on Justices to undertake training. The Government sees no reason to alter this arrangement now, and it proposes to leave to the Magistrates' Courts Committees the responsibility for administering the schemes of instruction in accordance with local conditions and requirements.

Cmnd. 7463 (1948) Paragraph 92.
38. While it is for the Magistrates' Courts Committees to arrange who shall give the prescribed instruction it seems likely, and indeed right, that Justices' Clerks will usually be asked to carry out a large part of the Basic Training and of the Juvenile Court Training. This training is essentially practical and Clerks are better qualified to impart the requisite information than persons not immediately engaged in the administration of justice in Magistrates' Courts. Many Clerks already have considerable experience in this work, since they have been carrying into effect the existing arrangements for training. There may be some difficulty in this regard in Divisions which have only a part-time Clerk; but in these cases the first stage of the Basic Training syllabus may well be carried out by the Chairman of the Bench or by another senior and experienced Magistrate. The second stage may be arranged on a collective basis at some convenient centre. The Government is, however, exploring the possibility of making available suitably qualified persons to give instruction to Justices.

39. It will be the duty of Magistrates' Courts Committees, as it is now, to see that Justices are provided with such books as they require, and the Government hopes that in all areas small libraries of books will be available for the use of Justices, not only during the course of their training, but also at all other times.

40. The Lord Chancellor's Office will assist Magistrates' Courts Committees in the discharge of their obligation to train Justices and will issue notes for the guidance of the Committees. The Lord Chancellor has appointed a Training Officer who has been charged with this specific responsibility. The Training Officer is also Secretary of the National Advisory Council on the Training of Magistrates.
THE COST OF TRAINING

41. The expenses incurred by Magistrates' Courts Committees in discharging the administrative responsibilities imposed on them by the Justices of the Peace Act, 1949 are met by the county and borough councils concerned. These expenses include specifically the provision of courses of instruction for Justices and the payment of travelling and subsistence allowances in connection with the attendances of Justices at approved courses of instruction. The Government repays to the local authorities by far the greater part of the amount which they have made available to Magistrates' Courts Committees.

42. No Justice will have to pay any of the cost of his training while following any course which he is required to complete or any approved course, and he will be entitled to travelling and subsistence allowances in appropriate circumstances. This will apply not only to the courses normally administered by the Magistrates' Courts Committee but also those arranged by other bodies, such as the Extramural Department of a University, provided that the course has been approved by the Lord Chancellor for inclusion in a scheme of training.

43. The amount of additional expenditure which will arise from the new arrangements outlined in this Paper cannot be precisely estimated, but it should be small. The extent of the new compulsory training is little more than that which Justices are now encouraged, but not obliged, to undertake.
JUSTICES OF THE PEACE EX OFFICIO

44. The Lord Mayors and Mayors of boroughs and the Chairman of county councils, urban district councils and rural district councils are Justices of the Peace by virtue of holding their respective offices. They number approximately 1,600. Some of these persons may already be Justices of the Peace appointed by name, before they are elected to local government office, but upwards of three-quarters of them will not have been so appointed personally. The Royal Commission on Justices of the Peace discussed the position of Justices ex officio and recommended that Chairman of county councils and of urban and rural district councils should cease to be Justices by virtue of their office. This recommendation has not been implemented, but the introduction of compulsory training for Magistrates makes it necessary to re-examine the position of the Justices ex officio.

45. Clearly compulsory training, if it is to be applied at all, should cover all Justices and not only those who are appointed to the Commission by name. The local government ex officio Justices, however, assume office as the result of an election and it is not practicable therefore to make his appointment conditional on his undertaking to follow a course of instruction. Moreover, a large number of these persons hold office for one year only and therefore they would barely have time to complete their training before they ceased to be Justices. The Government is considering whether persons should continue to become Justices by virtue only of holding some other office. In the meantime, the Government hopes that those who become Justices of the Peace ex officio will not exercise their right to act as Magistrates regularly unless they complete the first stage of the Basic Training Course.

*Cmd. 7453 (1963) paragraphs 151-161.
46. The arrangements now announced for the obligatory training of Justices are only a beginning. The National Advisory Council will observe how these arrangements work in practice and will advise the Lord Chancellor from time to time whether, and if so how, they should be improved or modified in the light of experience.

47. The National Advisory Council are also considering whether the two booklets ("Notes for New Magistrates" and "The Sentence of the Court") which are now supplied by the Lord Chancellor's Office to all newly appointed Justices (see paragraph 10 above), should be replaced by an instructional manual which would be kept up to date and could be used also as a continuing work of reference, albeit of a somewhat general and elementary character.

48. The desirability of using other forms of training, including instructional films, is also under consideration.

49. Although the Government is aware of the practical difficulties inherent in enforcing the training of busy people who are asked to become Justices of the Peace, it regards the proper administration of justice in the Magistrates' Courts as being of supreme importance. It is therefore determined that every reasonable step should be taken to ensure that those who are appointed to the office of Justices of the Peace are wholly fitted for the important work which they have to perform. What is now to be carried out is only the first step.
In summary, the arrangements for the instruction of Justices of the Peace will in future be:

(a) Compulsory training will be introduced for all Justices of the Peace appointed after 1st January, 1966.

(b) Compulsory training will be achieved by requiring all those who have been approved for appointment as Justices to give an undertaking that, if they are appointed, they will complete a prescribed course of basic instruction within a year. They will also be required to undertake to complete a course of Juvenile Court Training either before they are elected to a Juvenile Court Panel or within a year of becoming a member of such a Panel.

(c) A Justice who fails to comply with this undertaking without good cause may be removed from the Commission. The Lord Chancellor will have power, at his discretion, to grant an extension of time in which to complete the course in appropriate cases.

(d) The Lord Chancellor will have power to exempt any individual or any specified class of person from having to undertake a course of instruction, or any part of it.

(e) Both the basic course of instruction for Justices newly appointed to the Commission and the special course of instruction for Juvenile Court Justices will be in two stages and will be carried out in accordance with a syllabus prepared by the National Advisory Council on the Training of Magistrates.

(f) In addition to the compulsory courses of instruction, courses for all Justices on the Commissions of the Peace will be arranged by Magistrates' Courts Committees on a voluntary basis. These will include visits to penal institutions.

(g) The Government will encourage Magistrates' Courts Committees to make greater use of courses organised by the Magistrates' Association, by Universities and by other similar bodies.

(h) Responsibility for administering the schemes of instruction will rest with the local Magistrates' Courts Committees, who will receive assistance and guidance from the Lord Chancellor's Department.

(i) Magistrates' Courts Committees will provide such books as may be required by Justices during the course of their training and at other times.
(j) Expenses necessarily incurred by Justices in following courses of instruction which have been approved by the Lord Chancellor will be defrayed out of public funds.

(k) The amount of additional expenditure which will be incurred in consequence of the arrangements outlined in this Paper is likely to be small.

(l) Justices of the Peace ex officio must be subject to obligatory training to the same extent as other Justices, but there are practical difficulties in the way of applying training schemes to these persons. The Government is considering whether persons should continue to be Justices by virtue only of holding some other office.

(m) The arrangements now announced for the obligatory training of Justices are only a beginning. They will be extended and improved in the light of experience.
SYLLABUS FOR BASIC TRAINING
OF NEWLY APPOINTED JUSTICES OF THE PEACE

1. For the purposes of Basic Training, a newly appointed Justice of the Peace is a person who is first so appointed after 1st January, 1966. The Lord Chancellor may exempt any particular individual or any class of person from undertaking this training or any specified part of it (e.g., persons who on appointment to the Bench already hold judicial office or are practising lawyers).

2. The Basic Training Course does not include any instruction in relation to the work of Juvenile Courts; there is a separate syllabus for this training which Justices need not undertake unless they wish to do so. Justices who are appointed to Juvenile Court Panels will, however, be required to complete this specialised training if they have not already done so.

3. The Basic Training of newly appointed Justices is to be carried out in two stages and is designed to enable them:
   (a) To understand the nature of their duties so that they shall acquire the judicial mind and accordingly act judicially whilst sitting on the Bench.
   (b) To obtain sufficient knowledge of the law to follow with understanding any normal case they may be called upon to hear.
   (c) To acquire a working knowledge of the rules of evidence particularly in relation to what is admissible and what inadmissible.
   (d) To learn the various courses which may be taken in dealing with offenders so that they understand the nature and purpose of the sentence which they impose, and the other methods of treatment which they may use, and their effect.
   (e) To understand the relationship which should exist between members of the Bench, the Clerk to the Justices, the Probation Officers and the staff of the Courts, and the duties in court of the police and of advocates.
4. The First Stage of the Basic Training Course is to be completed before a newly appointed Justice sits to adjudicate. It may be carried out before or after, or before and after, a Justice is sworn in, and it will in any event be completed as soon as may be practicable.

5. The First Stage will consist of -

(a) Attendance as an observer on not less than three occasions for a total period of not less than six hours at a Magistrates' Court sitting in Petty Sessions. It is highly desirable that one such attendance should be at a court other than the Justice's own court. After each attendance of a new Justice at his own court the Chairman, Clerk or a senior Justice will spend a short time with the Justice to explain what has happened in court or to answer any questions.

(b) Instruction on the Magistrate and his Office. This will deal generally with a Justice's duties and his relationship to the public. It will stress that is meant by a judicial attitude, a judicial mind and acting judicially. It will explain the necessity for decorum on the Bench and for the action to be taken if there is any possibility of bias, whether real or apparent, through any interest which a Justice might have in a particular case or in the parties in any proceeding before the Court. The relationship between the Bench and the Clerk and other staff will be explained, and also the positions and functions of advocates and the police. A few words will be said about the work of a Justice out of Court, if only to warn a new Justice not to sign documents unless he is convinced that he can and should sign them.

(c) Instruction on the practice and procedure in Magistrates' Courts and evidence. This will be extremely elementary and will give an outline of the manner in which cases are conducted, explaining the difference between civil and criminal cases and between summary and indictable offences, and between the procedure when cases are being tried and when they are being heard with a view to committal to another court for trial. The organisation of the Court will be explained and new Justices will be shown specimens of forms and other documents in common use. In relation to evidence, it is important to stress the kind of evidence that is admissible and inadmissible. The difference between the burden of proof in civil and criminal cases and between matters of law and matters of fact will be pointed out.
(d) Instruction on the methods of punishment and treatment. This will cover in the simplest terms possible methods of dealing with offenders.

(e) Instruction on Domestic and other Civil proceedings. This will explain as simply as possible the jurisdiction of Justices in domestic proceedings and the various other kinds of civil and administrative work which they may be called upon to do.

6. Newly appointed Justices are expected to read any books which are supplied to them on their appointment, or are recommended for their instruction, by the Lord Chancellor.

SECOND STAGE

7. The Second Stage of the Basic Training of newly appointed Justices will not begin until the Justice has sat and adjudicated on at least three occasions in Petty Sessions, and it must be completed within twelve months of his being sworn in. It will consist of instruction in six subjects and certain visits to institutions.

8. Instruction

(a) The Magistrates' Court and its place in the judicial system, expanding upon the matters referred to in the Basic Training and including the review of Magistrates' decisions by way of appeal. At this stage something more will be said about the rules of evidence, the burden of proof, and about practice and procedure. A brief description of the arrangements for providing legal aid will also be given.

(b) Road Traffic offences and penalties, with special emphasis on the statutory penalties enjoined in certain circumstances.

(e) The problems of punishment and treatment. In addition to recapitulating the methods of dealing with offenders, particular reference will be made to

(i) the objectives of sentencing;
(ii) possible sentences, including fines;
(iii) the factors influencing the choice of a particular sentence;
(iv) the methods of obtaining information about offenders and advice as to their treatment;
(v) consistency in sentencing;
(vi) the mental condition of offenders and whether this needs specific attention, and if so, how this may be ensured;
(vii) the right of Justices to visit certain prisons and other institutions and their demeanour when visiting them.
(d) Probation, with particular reference to probation orders with special requirements, and including the related committee work.

(e) Domestic proceedings, including the jurisdiction of Magistrates' Courts, their powers and duties, with particular reference to the welfare of the parties and their children.

(f) Matters other than criminal or domestic proceedings which come before Magistrates' Courts. This will include the committee work of Justices in relation to liquor licensing and betting licensing, the registration of clubs, such civil proceedings as are heard in Magistrates' Courts and such applications as may be made to individual Justices (including the signing of documents).

9. Visits to Institutions

A newly appointed Justice must, within the first year of his appointment, visit a prison to which his Court commits on remand, and either a senior detention centre or a Borstal.

The objects of visiting institutions are to stimulate the interest of the new Justice in penal treatment and to acquaint him with the nature of the punishment which he can inflict.

RECOMMENDATIONS

10. Reading

In addition to those books with which newly appointed Justices are supplied on appointment by the Lord Chancellor and which they should read as soon as possible, all Justices are strongly advised to read any other books which may be recommended to them by the Lord Chancellor, their Magistrates' Courts Committee or their Clerk.

11. Attendance at Other Courts

Particularly in the early months after his first appointment, a newly appointed Justice should make every effort to visit other Courts (Assizes, County and Borough Quarter Sessions and other Magistrates' Courts). Justices appointed to County Commissions of the Peace should take any opportunity which is offered to them of attending and sitting at Quarter Sessions. Clerks will assist their Justices in any way that they can to carry out this recommendation.
12. Bench Meetings

Newly appointed Justices should take every opportunity of attending meetings of Justices of a Bench or any other meetings of Justices which may be arranged. These meetings, at which procedure, sentencing policy, new legislation and decisions of superior courts may be discussed, are of value to all Justices at all times, but they are of special value to newly appointed Justices, who are given an opportunity at such meetings to ask questions and to obtain advice from more experienced colleagues.
SYLLABUS FOR TRAINING OF
JUVENILE COURT JUSTICES

1. Justices on first appointment may complete this training for Juvenile Court Justices in addition to the Basic Training.

2. Justices on first appointment to Juvenile Court Panels will be required to complete this training if they have not already undertaken it.

3. The Lord Chancellor may exempt any particular individual or any class of person from undertaking this training if, for example, by reason of previous experience and qualifications, he considers that it is unnecessary.

4. The training of Juvenile Court Justices is to be carried out in two stages and is designed to enable them—
   (a) To understand the place of the Juvenile Court in the judicial system and certain special aspects of procedure in Juvenile Courts.
   (b) To appreciate the social and educational background of juveniles before the Court.
   (c) To know the services available to them, particularly the educational, medical and psychiatric services.
   (d) To learn the various courses which may be taken in dealing with juveniles who are brought before the Court, whether as offenders or in need of care and protection or control, so that they understand the nature and purpose of the sentences which they impose, and the other methods of treatment which they may use, and their effect.

FIRST STAGE

5. The First Stage of the training for Juvenile Court Justices is to be completed before a newly appointed Justice sits to adjudge on a Juvenile Court; it may be undertaken at the same time as a newly appointed Justice is taking the First Stage of the Basic Training for Justices of the Peace.

6. The First Stage will consist of attendance as an observer on not less than three occasions at a Juvenile Court for a total period of not less than six hours.

7. Newly appointed Justices are expected to read any books which are supplied to them or are recommended for their instruction by the Lord Chancellor.
SECOND STAGE

8. The Second Stage of the training of Juvenile Court Justices may commence as soon as the Justice has been appointed to the Juvenile Panel and while he is attending Juvenile Courts as an observer, and it must be completed within twelve months of his appointment. The Second Stage will consist of instruction in six subjects and certain visits to institutions.

9. **Instruction**
   
   (a) The constitution, jurisdiction and procedure of Juvenile Courts in criminal and civil cases; the special provisions relating to appeals from Juvenile Courts.
   
   (b) The social and educational background of juveniles likely to come before the Court.
   
   (c) The statutory provisions relating to juveniles who are in need of care, protection or control, or who may be dealt with as if they came within that category.
   
   (d) The methods of treatment specifically available in respect of juveniles, distinguishing between criminal and civil cases.
   
   (e) The law and practice of adoption.
   
   (f) The relationship between the Juvenile Court and the Probation and After Care Service and the Child Care Service.

10. **Visits to Institutions**

    A Juvenile Court Justice must, within twelve months of his first appointment, visit a remand home for boys, a remand home for girls, at least one approved school and a junior detention centre for boys; an attendance centre, unless that facility is not available to the Court where he adjudicates; and an approved probation hostel or home, unless one is not available in the neighbourhood.

RECOMMENDATIONS

11. The recommendations in relation to Reading and Bench Meetings which are made in paragraphs 10 and 12 of the Syllabus for Basic Training of Newly Appointed Justices are equally applicable to Justices who are first appointed to Juvenile Court Panels and to all Juvenile Court Justices throughout their service as such.
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