Role Of Lay Magistrate

Three lay magistrates traditionally make up the panel of Magistrates, with one of them being the chair and other two being referred as wingers. They are mixed in their gender, age and ethnicity which creates diversity and fairness within them. Lay Magistrates are given training when they are appointed and, if wanted, can also receive any advice from a legally qualified clerk as they do not need any formal qualifications. However, they must be over the legal age of 18 and be able to create time for it.As they do not require any formal qualification, they not get paid. However, many employees can have time off with pay if agreed so by their employers. Lay magistrates sit in the Magistrates Court however they can also decide a case is sufficiently serious and therefore should be dealt with in the Crown Court, which would imply stronger sentences which can be imposed. Additionally, Lay Magistrates can also sit in the Youth Court, where defendants are aged between 10 to 17 years old. Lay magistrates can deal with all summary offences and some triable either-way offences. Examples of summary offences include assault, battery or driving offences. Examples of either-way offences include burglary or ABH (Actual Bodily Harm). Lay magistrates can also deal with preliminary matters. Example of some of these are bail, custody time limits (if there should be an extension) or issuing warrants for arrest, if someone has not turned up for their hearing lay magistrates can issue a warrant. Lay magistrates can also decide whether they are able to hear that case, if it is a very serious case then they will have to pass it to the Crown Court as they will not have high enough sentencing powers.Before Lay Magistrates can make their conclusion or give their verdict, they would have to listen carefully to all evidence provided in court. A legal adviser would also be able to advise Lay Magistrates on points of law. The decision making would be based upon the majority outcome this would mean two out of the two lay magistrates would need to agree. However, if they all cannot agree to a final decision then the lead Magistrate, known as the chair, would have the determining vote. Sentences of up to 6/12 months and/or up to unlimited fine can also be passed by Lay Magistrates. Defendants would receive a maximum of 6 months if it is their first offence or up to 12 months for two or more offences.