Magistrate Court

Peter

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**Magistrate Court**

# ***Magistrate Court in the UK Law system***

In the UK law system, a Magistrate Court is a lower-ranked court, which holds cases pertaining to the summary offenses, and some initial hearings for the cases of more critical nature. In some jurisdictions in England, their role expands to include cases relating to family proceedings as well. According to the statistics shared in 2015, the number of the magistrate’s courts were around 330[[1]](#footnote-1), working in different jurisdictions with different nature of cases in hand. The Magistrate Court Act of 1980 in England and Wales sets out the rules governing the jurisdictions of these courts. It is interesting to note that each case which ends a criminal court, kicks off in the Magistrate court. The roles and functions of the Magistrate Court in the UK Law system are limited to sentencing powers (community sentences)[[2]](#footnote-2), which are related to short custodial and deciding about the fines of smaller nature. Crimes which the society generally refers to as serious or indictable crimes, like murder or rape are also presented in front of the magistrates, but such cases end up in the Crown Courts[[3]](#footnote-3).

# ***Magistrate Court among the Court hierarchy***

Among the court hierarchy, the Magistrate court comes in the lowest strata. Both in England and Wales, the legal jurisdiction does not extend beyond deciding matters pertaining to communal importance. However, in almost 95 percent of the cases, the Magistrate Court end up in deciding about the verdict while just a few of them go toward the Crown Courts[[4]](#footnote-4). Due to the nature of the criminal courts, their sentencing powers are limited, which can normally go up to 12 months in case of custodial cases, pertaining to two or more cases. Other than the Magistrate Court, there are many different kinds of courts[[5]](#footnote-5). In general, civil courts are for disputes where an individual (including corporations) has been harmed in a way that doesn’t constitute a crime. Those would include everything from cutting down a neighbor’s tree to manufacturing defective products. Criminal courts determine the guilt or innocence of a person charged with a crime. Other courts deal with various property rights or disputes about wills and estates (probate), maritime disputes, etc. Courts of equity involve disputes not asking for money damages, but for the performance of some action such as writs, injunctions, or specific performance of a contract[[6]](#footnote-6). It suggests that the Magistrate Court’s decision could be challenged in any superior court.

***Role of the Magistrate Court***

The Magistrate Court is often connected to police stations and have access between police cells and courts, however, the courts are slowly being consolidated, into combined justice centres that cover Crown, County, and the Magistrate’s court as well. Magistrates have powers to punish on “summary offensive”, some discretion on “triable either” which means that they can punish themselves, within their limits, or indict to Crown[[7]](#footnote-7). Then there are offenses that require indictment only. The clerk of the court, a qualified lawyer, advises and issues many orders[[8]](#footnote-8). Effectively the magistrates are a jury who have done a short procedure course. Most of the powers rest with the clerk, since they are interpreters of the law. In some courts, there is only one magistrate who is a full-time judge, also, they are often used for issuing orders to remand prisoners and often without a public gallery[[9]](#footnote-9). The Magistrate Court can issue orders for the seizure of assets for certain civil infractions such as not paying your council tax. The officers carrying out the order have more powers than county court bailiffs do.

# ***How the research has changed?***

Our perception about the UK legal system was not revealed as to be much different, before conducting this research. We believe, that as like the legal system in America and other European Countries, the UK legal system prefers more transparency and is more interdependent. Compared to the roles of other courts like the Crown or Criminal courts, the magistrate’s courts knob more cases, for the fact that it is more approachable by the citizens. This research has, however, opened up the perception that transparency is ensured for the fact that the criminal system is interdependent and each aspect of the court leaves an impression over the stakeholders.

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1. Sharyn Roach Anleu and Kathy Mack, *Performing Judicial Authority in the Lower Courts* (Springer, 2017), 56. [↑](#footnote-ref-1)
2. Anleu and Mack, *Performing Judicial Authority in the Lower Courts*. [↑](#footnote-ref-2)
3. Anleu and Mack. [↑](#footnote-ref-3)
4. Richard Humphreys, “Enhancing Our Justice System,” *Studies: An Irish Quarterly Review* 107, no. 425 (2018): 52–56. [↑](#footnote-ref-4)
5. Gwen Robinson, “Transforming Probation Services in Magistrates’ Courts,” *Probation Journal* 65, no. 3 (2018): 316–334. [↑](#footnote-ref-5)
6. Humphreys, “Enhancing Our Justice System.” [↑](#footnote-ref-6)
7. Brian Doherty and Graeme Hayes, “1 The Courts,” *Breaking Down the State*, 2015, 27. [↑](#footnote-ref-7)
8. Rebecca K. Helm and Valerie P. Hans, “Procedural Roles,” *The Oxford Handbook of Criminal Process*, 2019, 209. [↑](#footnote-ref-8)
9. Anleu and Mack, *Performing Judicial Authority in the Lower Courts*. [↑](#footnote-ref-9)