



COURTS AND
TRIBUNALS JUDICIARY

DEPUTY DISTRICT JUDGE (MAGISTRATES' COURTS)

Job Description

PURPOSE OF OFFICE

The purpose of judicial office is to administer justice in accordance with the laws of England and Wales without fear or favour, affection or ill-will.

Deputy District Judge (Magistrates' Courts) swear the judicial oath (or affirm) that they "will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second Her Heirs and Successors according to law" and "will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the Office of a Deputy District Judge (Magistrates' Courts) and [I] will do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will".

MAIN ACTIVITIES

1. The main activities of a Deputy District Judge (Magistrates' Courts) are as follows:

Preparing for trial and case management

- Reading and assimilating papers in a case before it commences.
- Discussing the Court business of the day with the Legal Advisor/Court Associate.

Presiding over court proceedings

- Applying Criminal Procedure Rules and ensuring appropriate case management at the first hearing;
- Controlling (in accordance with the relevant law and practice) the manner in which cases are conducted;
- Ensuring that parties have the opportunity to receive professional advice where appropriate and, whether represented or not, that they are enabled to have their cases presented, and have them considered, as fully and fairly as possible;
- Promoting in each case the most expeditious dispatch of business compatible with the interests of justice;
- Maintaining the authority and dignity of the Court;
- Deciding issues of law and procedure which may arise during a case.

Judicial decisions

- Considering and deciding applications for bail;
- Deciding cases (including the determination of guilt or innocence) by finding facts, applying the relevant law to them and giving a balanced and reasoned decision.

Sentencing in the adult crime court

- Sentencing convicted defendants according to the law and the circumstances of the case, and (where appropriate) in accordance with published sentencing guidelines, having ensured where appropriate that full and appropriate reports have been received in accordance with statute;
- Determining issues of penalty point endorsement and/or disqualification from driving in appropriate cases;
- Determining the amount and manner of payment of compensation orders, surcharges and costs and imposing ancillary orders where available and appropriate.

Other work

- Determining hearsay and bad character applications;
- Dealing with the enforcement of payment of fines, sums due as civil debts, surcharges, costs and compensation orders at means enquiry hearings and by the issue of process;
- Dealing with breaches of court orders;
- Dealing with the issue of warrants of arrest, search and right of entry;
- Hearing applications in respect of process, removal of disqualification from driving and taking declarations and matters which may be witnessed by a Justice of the Peace;
- Hearing appeals to Magistrates' Courts;
- Hearing Proceeds of Crime applications.

OTHER RESPONSIBILITIES

2. Deputy District Judges (Magistrates' Courts) need to keep abreast of legal developments. This entails a substantial amount of reading not directly connected with the cases that they are trying.
3. Deputy District Judges (Magistrates' Courts) are required to attend periodic continuation training organised by the Judicial College and any other training events as appropriate.
4. Deputy District Judges (Magistrates' Courts) are required to undertake appraisals every 12 to 18 months.
5. Deputy District Judges (Magistrates' Courts) are to assist generally with the business of the courts between the core hours of 9am and 5pm; in addition, at the end of the sitting day they are expected to offer help to any other court still sitting.
6. Deputy District Judges (Magistrates' Courts) are expected to be IT-literate and to make the fullest use possible of electronic means of research and communication in court and out.

JURISDICTION

7. Deputy District Judges (Magistrates' Courts) have a national jurisdiction throughout England and Wales.

NOTE ON JURISDICTION OF A DISTRICT JUDGE (MAGISTRATES' COURTS)

8. District Judges (Magistrates' Courts) are, by virtue of their office, Justices of the Peace for every Commission area. They may exercise alone the jurisdiction of a Magistrates' Court.
9. The general jurisdiction of Justices of the Peace comprises, broadly:
 - Trial of summary offences and either way offences which are tried summarily;
 - Bail applications including before sending to the Crown Court;
 - Case management of all cases listed for trial;
 - Extensive jurisdiction in family, youth and some licensing matters;
 - Civil jurisdiction.
10. It is often appropriate for District Judges (Magistrates' Courts) (sitting alone) to undertake particular categories of work, including:
 - Cases involving complex points of law or evidence, e.g.:
 - a. Novel points arising from new legislation which appear as yet to be undecided;
 - b. Points that it is thought may be the subjects of further testing in the Divisional Court by way of case stated or otherwise;
 - c. Cases where the same point has arisen in a number of instances, e.g. under consumer legislation, where the economic consequences of the decision may be of more general application.
 - Some allocation decisions, e.g. those that involve the most complex issues of law, evidence and procedure;

- Cases involving complex procedural issues (e.g. where there are a considerable number of defendants and many legal representatives);
 - Long cases (i.e. those likely to run for more than 3 days);
 - Interlinked cases, in order to achieve consistency of approach (e.g. where there are co-defendants; or there is a requirement for separate trials in cases involving separate subject matter; or an increased incidence of a previously uncommon offence);
 - Cases involving considerations of public safety (e.g. allegations of terrorism, serious firearms offences, intimidation of witnesses), where there can be particular problems of court management;
 - Public interest immunity applications;
 - Cases that concern mentally disordered defendants where special rules exist affecting the powers of remand, trial, committal and disposal;
 - Health and safety cases etc. where the unlimited fines practice direction may be applied;
 - Public and private law family cases in the Family Court;
 - Extradition and applications linked to alleged terrorism cases;
 - Serious sexual offences in the Youth Courts.
11. Appeals lie from Magistrates' Courts:
- a. Against conviction and/or sentence (to the Crown Court, by way of rehearing);
 - b. In extradition to the High Court
 - c. In respect of other issues (by way of case stated to the Divisional Court of the Queen's Bench Division); or
 - d. Where legislation has provided no alternative, the decision-making process may be the subject of application for judicial review.

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