

## Chapter 9

# The Judiciary

### Divisional Heads

The four Heads of Division are-

- The Lord Chief Justice of England - the senior judicial officer in England and Wales. He heads the Queen's Bench Division of the High Court and also the criminal branch of the Court of Appeal
- The Master of the Rolls - heads the civil branch of the Court of Appeal
- The President of the Family Division
- The Vice-Chancellor - heads the Chancery Division which handles cases involving large sums of money and nationally important legal financial issues

### Lords Justices

Together with the Lord Chief Justice and the Master of the Rolls, the Lords Justices are judges of the Court of Appeal. As at 1 January 2000 there were 35 Lords Justices in office.

### High Court Judges

As at 1 January 2000 there were 101 High Court judges in office. 17 were assigned to the Chancery Division (Chapter 2), 68 to the Queen's Bench Division (Chapter 3) and 16 to the Family Division (Chapter 5).

### Circuit and District Judges

The numbers of circuit and district judges, part-time recorders and assistant recorders, sitting at 1 January 2000 are shown in Table 9.1.

During 1999-

- 21 additional district judges, 46 more assistant recorders and 58 more recorders were put in post throughout England and Wales. There were no changes to the number of circuit judges (Table 9.1)
- at nearly 24%, London (including the Royal Courts of Justice) accounted for the highest proportion of days sat by all judges in England and Wales (55,539) (Table 9.3)
- 1,743 lay magistrates were appointed while the total in England and Wales rose slightly to 30,308.

In the Court of Appeal a bench of two or three judges sits on each case. In the Criminal Division the bench consists of the Lord Chief Justice or a Lord Justice and one or, more usually, two High Court judges. In the Civil Division the majority of cases are heard by a bench solely composed of Lords Justices.

The bulk of Crown Court work is undertaken by circuit judges and recorders and assistant recorders sitting part-time.

In the county courts most of the work is undertaken by circuit judges, district judges and deputy district judges sitting part-time.

### Stipendiary Magistrates

There were 96 full time stipendiary magistrates in post at 1 January 2000. Stipendiary magistrates are appointed by The Queen on the recommendation of the Lord Chancellor. Their role is to support the lay magistracy and to deal with the full range of cases which come before the lay bench. Although stipendiary magistrates do sit with lay magistrates from time to time, they normally sit alone.

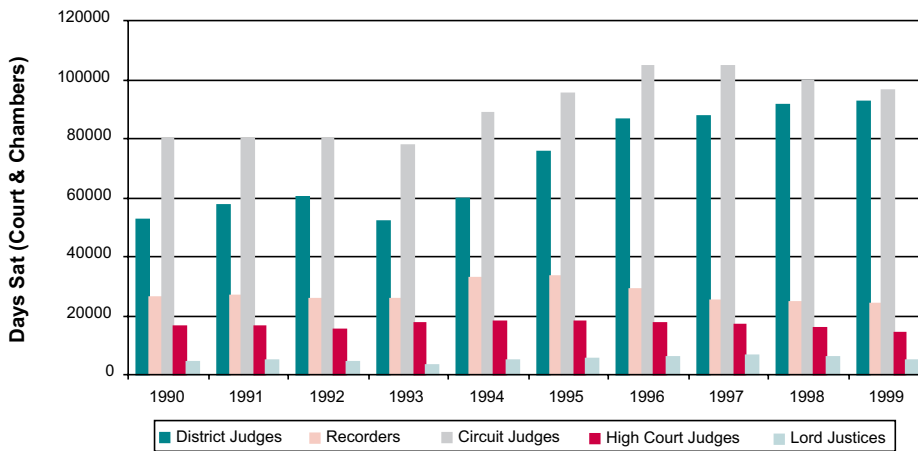
### Justices of the Peace

Justices of the Peace (lay magistrates) are appointed by the Lord Chancellor on behalf of the Sovereign, except in Greater Manchester, Merseyside and Lancashire where appointments are made by the Chancellor to the Duchy of Lancaster.

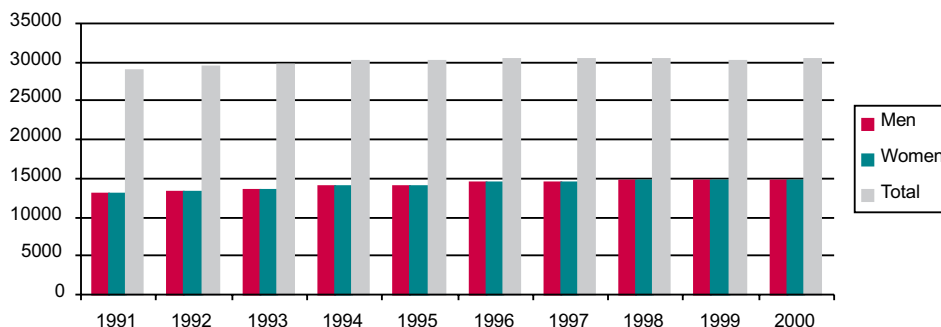
In the magistrates' court the justices usually sit as a bench of three: when sitting as a Youth Court or Family Proceedings Court there must be at least one male and one female justice on the bench.

In the Crown Court justices sit with a judge to hear appeals and cases committed from magistrates' courts for sentence.

**Judges Sitting Days (All Courts), 1990 - 1999**  
(deputies/assistants are included in each category)



**Justices of the Peace, 1991 - 2000\***



\* As at 1st January of each year

## Judges

The number of recorders and assistant recorders increased during the year from 849 to 907 and 400 to 446 respectively. At 1 January 2000, 44% of circuit judges and 45% of recorders were assigned to the South Eastern circuit. There are 553 circuit judges, the same as last year. The number of district judges in post has increased by 21 to 383.

**Table 9.1**  
**Circuit judges, recorders, assistant recorders and district judges in post in each circuit at 1 January 2000**

|                            | Circuit judges | Recorders  | Assistant recorders | District judges |
|----------------------------|----------------|------------|---------------------|-----------------|
| <b>Circuit</b>             |                |            |                     |                 |
| Midland & Oxford           | 75             | 140        | 45                  | 63              |
| North Eastern              | 68             | 95         | 47                  | 58              |
| Northern                   | 74             | 115        | 57                  | 62              |
| South Eastern              | 248            | 408        | 207                 | 127             |
| Wales & Chester            | 34             | 50         | 26                  | 30              |
| Western                    | 54             | 99         | 64                  | 43              |
| <b>England &amp; Wales</b> | <b>553</b>     | <b>907</b> | <b>446</b>          | <b>383</b>      |

Table 9.2 shows the number of days sat by each category of judge according to the type of work undertaken, while Table 9.3 shows the distribution of days sat by circuit. Sittings by deputy High Court judges include retired Lords Justices, retired High Court judges and circuit judges sitting as High Court judges under section 9(1) of the Supreme Court Act 1981 and Queen's Counsel sitting as deputy High Court judges under section 9(4) of the Act. Deputy circuit judge sittings refer only to sittings by retired circuit judges.

In 1999 a total of 232,735 days were sat by judges on all types of work (excluding Tribunals and other official functions) with days sat in the Crown Court (80,465) accounting for nearly 35%. Total days in the county court and the High Court accounted for 55% and 7% respectively. The remaining 7,296 days were sat in the Court of Appeal.

Circuit judges sat 41% of all days during 1999, Lords Justices accounted for 2%, High Court judges 5%, deputy High Court judges 1%, deputy circuit judges 1%, recorders 7%, assistant recorders 3%, district judges 30%, deputy district judges 10%.

In the Crown Court circuit judges sat 71% of days while recorders and assistant recorders together accounted for 23%. Of the days sat on county court work circuit judges sat 25%, with district judges and deputy district judges accounting for 71%.

**Table 9.2**  
**Days sat<sup>1</sup> by judges showing type of work dealt with, 1999**

| Type of judge            | Court of Appeal |              | High Court        |                                     |                 |                        |               | County Court  |               |                    | Total            |
|--------------------------|-----------------|--------------|-------------------|-------------------------------------|-----------------|------------------------|---------------|---------------|---------------|--------------------|------------------|
|                          | Criminal        | Civil        | Chancery Division | Queen's Bench Division <sup>2</sup> | Family Division | T&C Court <sup>3</sup> | Crown Court   | General List  | Public        | Family Law Private |                  |
| Lords Justices           | 953             | 3,981        | -                 | -                                   | -               | -                      | -             | -             | -             | -                  | 4,934            |
| High Court judges        | 1,627           | 258          | 2,448             | 2,369                               | 1,982           | 49                     | 3,213         | 54            | 57            | 40                 | 12,097           |
| Deputy High Court judges |                 |              |                   |                                     |                 |                        |               |               |               |                    |                  |
| (under s9(4) SCA 1981)   | -               | -            | 471               | 526                                 | 285             | -                      | -             | -             | -             | -                  | 1,282            |
| (under s9(1) SCA 1981)   | 53              | 75           | 498               | 51                                  | 63              | 96                     | 14            | 51            | 19            | 14                 | 934 <sup>4</sup> |
| Circuit judges           | 349             | -            | 1,011             | 1,517                               | 889             | 1,346                  | 57,434        | 15,020        | 7,742         | 8,924              | 94,232           |
| Deputy circuit judges    | -               | -            | -                 | -                                   | -               | 325                    | 1,175         | 383           | 112           | 197                | 2,192            |
| Recorders                | -               | -            | 8                 | 37                                  | 88              | 73                     | 12,150        | 3,075         | 154           | 1,075              | 16,660           |
| Assistant recorders      | -               | -            | 2                 | -                                   | -               | -                      | 6,478         | 895           | 1             | 182                | 7,558            |
| District judges          | -               | -            | 385               | 999                                 | 23              | 10                     | -             | 49,326        | 2,058         | 16,351             | 69,152           |
| Deputy district judges   | -               | -            | 16                | 353                                 | 7               | 6                      | -             | 20,029        | 100           | 3,183              | 23,694           |
| <b>All judges</b>        | <b>2,982</b>    | <b>4,314</b> | <b>5,851</b>      | <b>5,851</b>                        | <b>3,337</b>    | <b>1,905</b>           | <b>80,465</b> | <b>88,833</b> | <b>10,254</b> | <b>29,966</b>      | <b>232,735</b>   |

<sup>1</sup> Days sat in court and chambers

<sup>2</sup> Admiralty sittings are included in the Queen's Bench Division

<sup>3</sup> T&C court - Technology and Construction Court, formally the Official Referee's court

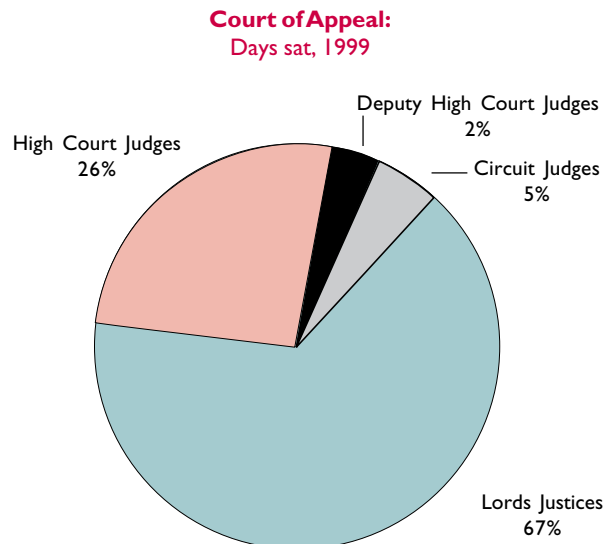
<sup>4</sup> contains 255 s9 practitioners sittings for which no work type was recorded

**Table 9.3**  
**Days sat<sup>1</sup> by judges, by type of judge and circuit, 1999**

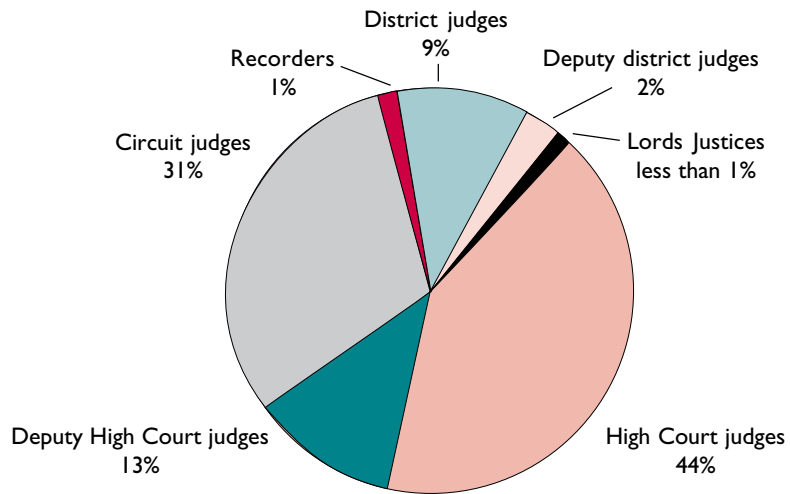
| Type of judge            | Midland & Oxford | North Eastern | Northern      | South Eastern: London <sup>2</sup> | Eastern: Provinces | Wales & Chester | Western       | England & Wales |
|--------------------------|------------------|---------------|---------------|------------------------------------|--------------------|-----------------|---------------|-----------------|
| Lords Justices           | -                | -             | 1             | 4,901                              | 28                 | -               | 4             | 4,934           |
| High Court judges        | 1,087            | 691           | 1,136         | 7,498                              | 626                | 617             | 442           | 12,097          |
| Deputy High Court judges |                  |               |               |                                    |                    |                 |               |                 |
| (under s9(4) SCA 1981)   | 66               | 110           | 76            | 1,272                              | 3                  | -               | 10            | 1,537           |
| (under s9(1) SCA 1981)   | 36               | 331           | 65            | 3                                  | -                  | 194             | 50            | -               |
| Circuit judges           | 14,060           | 10,256        | 13,324        | 23,822                             | 18,694             | 6,335           | 7,741         | 94,232          |
| Deputy circuit judges    | 225              | 36            | 328           | 444                                | 626                | 269             | 264           | 2,192           |
| Recorders                | 2,615            | 1,839         | 2,287         | 4,611                              | 2,093              | 1,248           | 1,967         | 16,660          |
| Assistant recorders      | 1,090            | 749           | 1,011         | 1,762                              | 1,624              | 420             | 902           | 7,558           |
| District judges          | 11,322           | 10,190        | 10,958        | 8,664                              | 14,967             | 5,571           | 7,480         | 69,152          |
| Deputy district judges   | 4,566            | 3,101         | 3,401         | 2,562                              | 4,764              | 1,991           | 3,309         | 23,694          |
| <b>All judges</b>        | <b>35,067</b>    | <b>27,303</b> | <b>32,587</b> | <b>55,539</b>                      | <b>43,425</b>      | <b>16,645</b>   | <b>22,169</b> | <b>232,735</b>  |

<sup>1</sup> Days sat in court and chambers

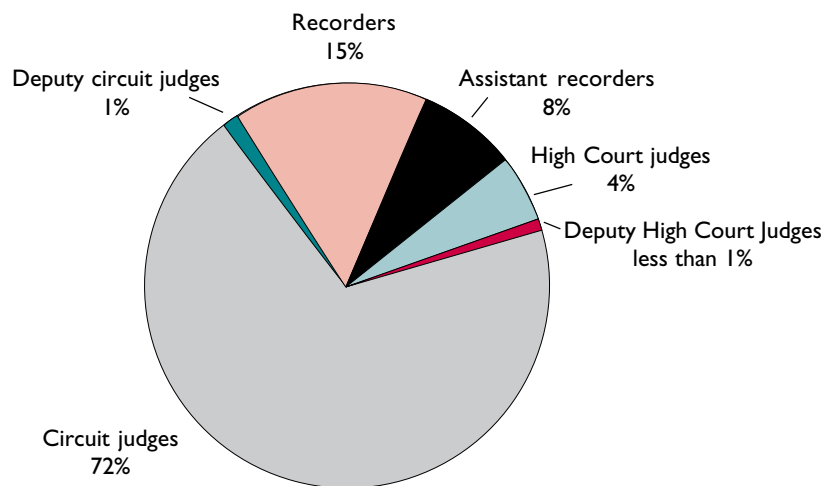
<sup>2</sup> Includes the Royal Courts of Justice



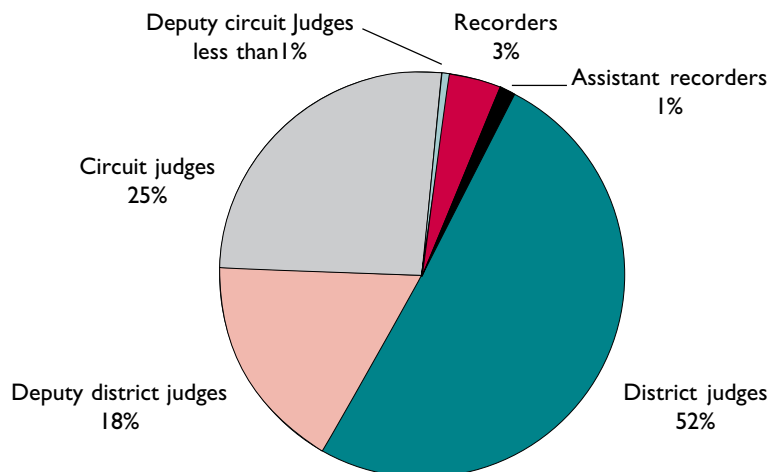
**High Court:**  
Days sat, 1999



**Crown Court:**  
Days sat, 1999



**County Courts:**  
Days sat, 1999



## The Lay Magistracy

The Lord Chancellor appoints justices on the advice of committees which have been set up throughout England and Wales. It is the aim of both the Lord Chancellor and the Chancellor of the Duchy of Lancaster that once suitability has been established each bench of magistrates should broadly reflect the community it serves.

Most of the work of justices is done in court - mainly a magistrates' court (including the Youth Court and Family Proceedings Court) - and in the Crown Court. About 98% of all criminal cases are dealt with by magistrates. The bulk of these are purely summary offences which can only be tried in a magistrates' court and include motoring offences. The remainder are 'either way' offences which may be tried either in the magistrates' court or in the Crown Court before a judge and jury.

Criminal cases involving children and young persons up to and including the age of 17 are normally dealt with in the Youth Court (prior to October 1992, this was known as the Juvenile Court dealing with children and young persons up to the age of 16). Justices sitting in the Family Proceedings Court deal with the court's family business, such as cases concerning children and young persons who are believed to be in need of care, matters concerning residence and contact with children and maintenance (see chapter 5).

The names of justices of the peace who reach the compulsory retiring age of 70 may be transferred to the Supplemental List and thereafter perform limited functions such as signing passport photographs. Unlike stipendiary magistrates, lay magistrates are unpaid but many receive certain allowances to cover travelling expenses, subsistence and financial loss occasioned by the performance of their duties.

At 1 January 2000 there was a total of 30,308 justices of the peace in England and Wales, slightly more than a year previously. Of the total, 15,544 (51%) were men and 14,764 (49%) were women. Since 1978 the number of women magistrates has increased by 67% while the number of men has increased by 6%. During 1999, 884 men and 859 women were appointed justices of the peace. At the same time, 1,448 magistrates were lost from the bench through resignation and removal (914), compulsory retirement (473) or death (61).

**Table 9.4**  
**Justices of the peace in England and Wales<sup>1</sup> as at 1 January 2000 and selected years since 1978**

| Year | Total  | Men    | Women  |
|------|--------|--------|--------|
| 1978 | 23,483 | 14,633 | 8,850  |
| 1983 | 25,934 | 15,606 | 10,328 |
| 1988 | 27,926 | 15,992 | 11,934 |
| 1990 | 28,667 | 16,090 | 12,577 |
| 1991 | 29,062 | 16,098 | 12,964 |
| 1992 | 29,441 | 16,105 | 13,336 |
| 1993 | 29,686 | 16,087 | 13,599 |
| 1994 | 30,054 | 16,151 | 13,903 |
| 1995 | 30,088 | 16,045 | 14,043 |
| 1996 | 30,326 | 15,951 | 14,375 |
| 1997 | 30,374 | 15,858 | 14,516 |
| 1998 | 30,361 | 15,713 | 14,648 |
| 1999 | 30,260 | 15,561 | 14,699 |
| 2000 | 30,308 | 15,544 | 14,764 |

<sup>1</sup> Including the Duchy of Lancaster

**Table 9.5**  
**Justices of the peace appointed<sup>1</sup> since 1990**

| Year | Total | Men   | Women |
|------|-------|-------|-------|
| 1990 | 2,059 | 996   | 1,063 |
| 1991 | 2,017 | 1,008 | 1,009 |
| 1992 | 2,070 | 1,080 | 990   |
| 1993 | 2,062 | 1,045 | 1,017 |
| 1994 | 1,593 | 810   | 783   |
| 1995 | 1,843 | 907   | 936   |
| 1996 | 1,682 | 830   | 852   |
| 1997 | 1,573 | 764   | 809   |
| 1998 | 1,609 | 816   | 793   |
| 1999 | 1,743 | 884   | 859   |

<sup>1</sup> England and Wales including the Duchy of Lancaster

## Stipendiary Magistrates

Appointments of stipendiary magistrates are made on the basis that the stipendiary and lay magistrates will fairly share the work, both interesting and routine, although the stipendiary should normally hear cases likely to last several days or involving difficult points of law.

The statutory requirement for appointment is a seven year general qualification, ie a right of audience in relation to any class of proceedings in any part of the Supreme Court, or all proceedings in county courts or magistrates' courts. In practice the Lord Chancellor expects candidates to have proved themselves as acting stipendiaries, usually over a period of at least two years. Acting stipendiaries are appointed to assist with the work of the magistrates' court and thereby gain the experience of sitting judicially and the opportunity to establish their suitability for full-time appointment. The Lord Chancellor looks for candidates principally from among practising barristers and solicitors with a sound knowledge of criminal law and procedure, but also those not in practice who have relevant experience, such as justices' clerks.

Metropolitan stipendiary magistrates are appointed to serve mainly in the courts in Metropolitan London. A provincial stipendiary magistrate is likely to be required by the Lord Chancellor to reside within his area of jurisdiction, or within any specified distance from that area. At the beginning of 2000, 96 full time stipendiaries were in post (47 metropolitan and 49 provincial) supported by 148 acting stipendiaries.

