

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 2002 there were 35 Lords Justices in office.

High Court Judges

As at 1 January 2002 there were 106 High Court judges in office. 17 were assigned to the Chancery Division (Chapter 2), 72 to the Queen's Bench Division (Chapter 3) and 17 to the Family Division (Chapter 5).

Circuit and District Judges

The numbers of circuit and district judges, and part-time recorders sitting at 1 January 2002 are shown in Table 9.1.

During 2001-

- 1 additional district judge, and 31 additional circuit judges were put in post throughout England and Wales although there were 25 fewer recorders (Table 9.1)
- at nearly 25%, London (including the Royal Courts of Justice) accounted for the highest proportion of days sat by all judges in England and Wales (59,689) (Table 9.3)
- 1,474 lay magistrates were appointed while the total in England and Wales fell by nearly 15% to 24,526

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.

District Judges (Magistrates' Courts)

There were 95 district judges (magistrates' courts) in post at 1 January 2002. They 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. They are entitled to sit with lay magistrates or to sit alone.

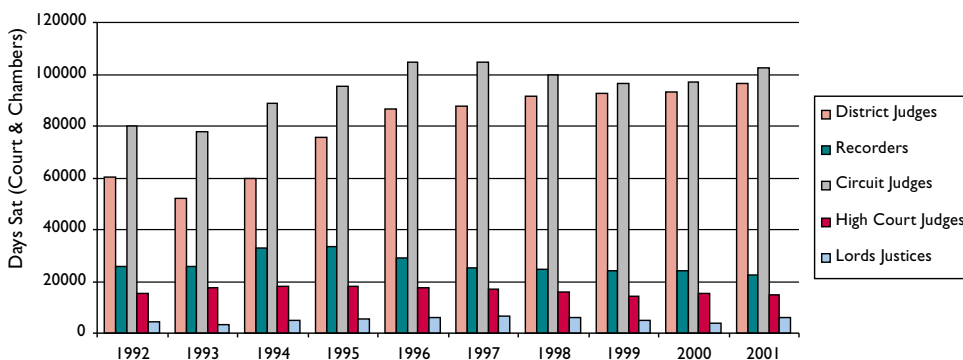
Justices of the Peace

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.

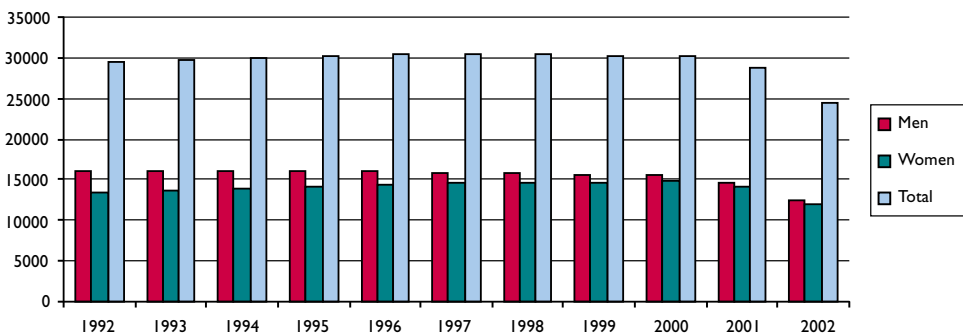
In the magistrates' court the justices usually sit as a bench of three: when sitting as a Youth Court or Family Proceedings Court there must be at least one male and one female justice on the bench.

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), 1992 - 2001
(deputies/assistants are included in each category)



Justices of the Peace, 1992 - 2002



* As at 1st January of each year. From 2000 onwards figures compiled on a financial year basis

Judges

Following the judgment in November 1999 in the case of *Starrs v. Procurator Fiscal, Linlithgow* in the High Court of Justiciary in Scotland, the Lord Chancellor undertook to review the terms of service of part-time judicial office holders in England and Wales (Judicial Appointments Annual Report 1999-2000, paragraphs 2.14-2.18).

As a result of his review, the Lord Chancellor announced on 12 April 2000 that no useful purpose would be served by maintaining the distinction between Assistant Recordership and Recordership in England and Wales. Consequently, existing Assistant Recorders were given the status of full Recorder.

For the purpose of tables 9.1, 9.2 and 9.3 the two sets of figures have been combined.

At 1 January 2002, 44% of circuit judges and 45% of recorders were assigned to the South Eastern circuit. There are 605 circuit judges, an increase of 31 on the previous year. The number of district judges in post has increased by 1 to 419.

Table 9.1
Circuit judges, recorders, assistant recorders and district judges in post in each circuit at 1 January 2002

	Circuit judges	Recorders	District judges
Circuit			
Midland & Oxford	78	180	63
North Eastern	76	140	58
Northern	87	168	65
South Eastern	267	583	156
Wales & Chester	39	74	31
Western	58	165	46
England & Wales	605	1,310	419

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 2001 a total of 242,229 days were sat by judges on all types of work (excluding Tribunals and other official functions) with days sat in the Crown Court (87,688) accounting for just over 36%. Total days in the county court and the High Court accounted for 55% and just over 5% respectively. The remaining 8,339 days were sat in the Court of Appeal.

Circuit judges sat 42% of all days during 2001, Lords Justices accounted for just over 2%, High Court judges 5%, deputy High Court judges 1%, deputy circuit judges 1%, recorders just over 9%, district judges nearly 40%.

In the Crown Court circuit judges sat 74% of days while recorders accounted for 21%. Of the days sat on county court work circuit judges sat 25%, with district judges and deputy district judges accounting for 72%.

Table 9.2
Days sat¹ by judges showing type of work dealt with, 2001

Type of judge	Court of Appeal		High Court					County Court			Total
	Criminal	Civil	Chancery Division	Queen's Bench Division ²	Family Division	T&C Court ³	Crown Court	General List	Family Law Public	Private	
Lords Justices	911	4,885	5	9	20	7	-	-	-	-	5,837
High Court judges	1,386	362	2,766	1,870	1,981	-	3,486	38	187	53	12,129
Deputy High Court judges											
(under s9(4) SCA 1981)	-	-	503	479	192	-	-	-	-	-	1,174 ⁴
(under s9(1) SCA 1981)	181	273	545	223	119	196	69	39	9	6	1,660
Circuit judges	341	-	527	1,316	952	320	64,866	15,167	9,674	7,928	101,091
Deputy circuit judges	-	-	-	-	8	-	811	285	103	144	1,351
Recorders	-	-	15	26	94	6	18,456	2,771	185	975	22,528
District judges	-	-	242	785	68	13	-	72,395	2,038	20,918	96,459
All judges⁵	2,819	5,520	4,603	4,708	3,434	542	87,688	90,695	12,196	30,024	242,229

¹ Days sat in court and chambers

² Admiralty sittings are included in the Queen's Bench Division

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

⁴ Deputy High Court judges (s9(4)) total does not include 259 days for which no specific work type was recorded

⁵ These figures represent only the days sat in court or in chambers in the jurisdictions shown. Judges sit in other areas, and also undertake a range of other functions outside the courtroom that are not shown here

Table 9.3
Days sat¹ by judges, by type of judge and circuit, 2001

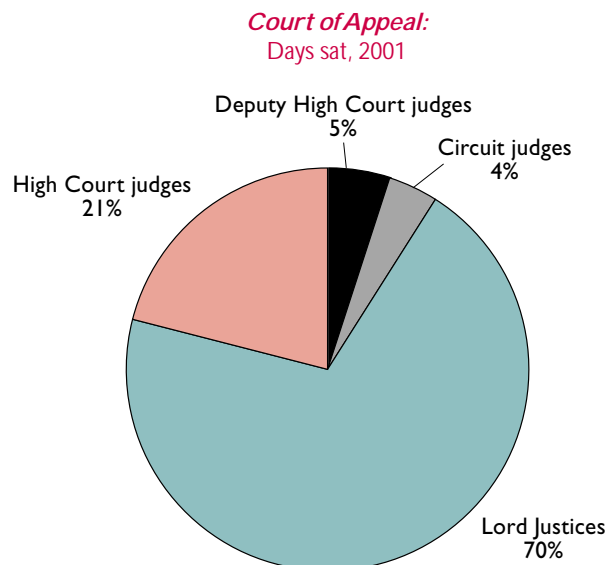
Type of judge	Midland & Oxford	North Eastern	Northern	South Eastern: London ²	Provinces	Wales & Chester	Western	England & Wales
Lords Justices	25	3	-	5,796	-	13	-	5,837
High Court judges	1,055	824	619	7,985	720	612	314	12,129
Deputy High Court judges								
(under s9(4) SCA 1981)	193	57	43	781	.. ³	35	65	1,174
(under s9(1) SCA 1981)	235	392	7	711	22	293	-	1,660
Circuit judges	13,619	11,182	14,804	26,617	19,608	6,789	8,472	101,091
Deputy circuit judges	157	236	231	175	259	100	193	1,351
Recorders	3,196	2,548	3,414	6,279	3,362	1,511	2,218	22,528
District judges	14,754	13,755	15,714	11,300	22,520	7,469	10,947	96,459
All judges⁴	33,234	28,997	34,832	59,644	46,491	16,822	22,209	242,229

¹ Days sat in court and chambers

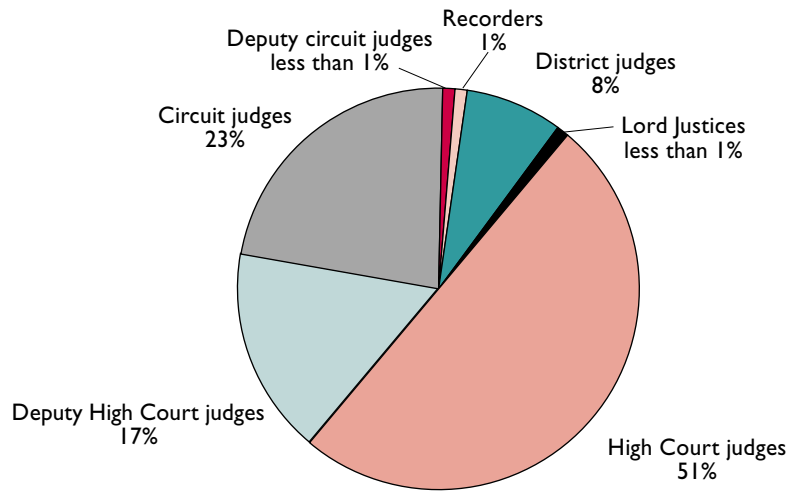
² Includes the Royal Courts of Justice

³ Figure included in London figure

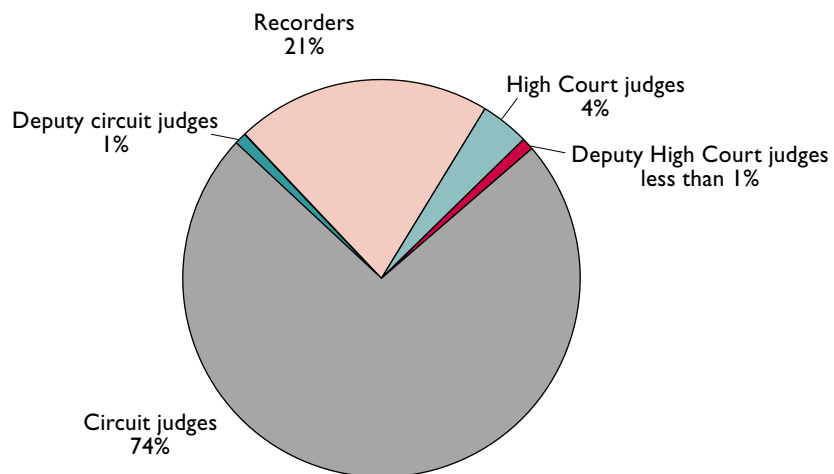
⁴ These figures represent only the days sat in court or in chambers in the jurisdictions shown. Judges sit in other areas, and also undertake a range of other functions outside the courtroom that are not shown here



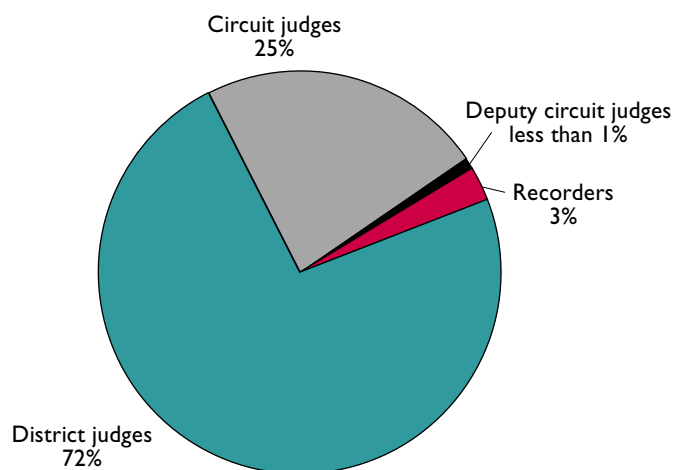
High Court:
Days sat, 2001



Crown Court:
Days sat, 2001



County Courts:
Days sat, 2001



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 district judges (magistrates' court), 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 April 2002 there was a total of 24,526 justices of the peace in England and Wales, nearly 15% fewer than a year previously. Of the total, 12,439 (51%) were men and 12,087 (49%) were women. During 2001/02, 763 men and 711 women were appointed justices of the peace. At the same time, 1,860 magistrates were lost from the bench through resignation and removal (1,272), compulsory retirement (542) or death (46).

Table 9.4
Justices of the peace in England and Wales¹ as at 1 April 2002² 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
2001 ²	28,735	14,639	14,096
2002 ²	24,526	12,439	12,087

¹ Including the Duchy of Lancaster

² Figures are now compiled on a financial year basis

Table 9.5
Justices of the peace appointed¹ 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
2001 ²	1,618	834	784
2002 ²	1,474	763	711

¹ England and Wales including the Duchy of Lancaster

² Figures are now compiled on a financial year basis

District Judges (Magistrates' Courts)

Unification of the Stipendiary Bench took place following the implementation on 31 August 2000 of Section 78 of the Access to Justice Act 1999. The unification of the bench created a national jurisdiction throughout England and Wales and a change of title from Stipendiary Magistrates to District Judges (Magistrates' Courts). There is a single judicial head, the Senior District Judge (Chief Magistrate), who is responsible for the administration of the unified bench.

There were 95 full-time district judges (magistrates' courts) in post at 1 January 2002. They are appointed by The Queen on the recommendation of the Lord Chancellor. They are full-time members of the judiciary and deal with a broad range of business that comes before the magistrates' courts but in particular may be expected to hear the lengthier and more complex criminal matters coming before those courts. They are entitled to sit with lay magistrates or to sit alone.

