



## **JUDGE OF THE MAGISTRATE'S COURT**

### **Royal Court, Guernsey**

The Magistrate's Court is constituted under the provisions of the Magistrate's Court (Guernsey) Law, 2008 ("the 2008 Law"). The Court is presided over by a Judge of the Magistrate's Court, as appointed by the Royal Court. The work of a Judge of the Magistrate's Court involves a wide spectrum of criminal, family and other civil law cases.

There are currently two full time Judges of the Magistrate's Court who both work in all areas of jurisdiction of the Magistrate's Court. A vacancy will arise at the end of April 2019 on the retirement of Judge McMillen. A replacement is sought to take office in January 2019 in order to provide for a period of hand-over and familiarisation in the work of the Magistrate's Court. Whilst the workload is for one full time equivalent, the Royal Court may consider making two part-time appointments. The successful candidate(s) must be prepared to work in all areas and not expect to specialise in one main area of law.

It is the responsibility of the Judge of the Magistrate's Court to be sole judge of the facts and the law and to deliver a reasoned and balanced decision and/or judgment.

#### **Main activities**

- i. Preparing for court hearings (including trials) and case management
- ii. Presiding over court proceedings in all areas of the Magistrate's Court jurisdiction
- iii. Judicial decisions
- iv. Sentencing
- v. Dealing with breaches of court orders
- vi. Keeping up to date with legal developments

#### **Jurisdiction of the Magistrate's Court**

The Magistrate's Court was established in 1925 to take over the jurisdiction "en Police Correctionnelle" of the lower division of the Royal Court together with petty debts and holding inquests. There was later added a jurisdiction in matters relating to domestic proceedings similar to that applied in England. The jurisdiction was further amended under the provisions of the 2008 Law.

#### **Criminal Court**

The Magistrate's Court generally exercises summary jurisdiction in criminal law cases which are liable to attract a sentence of a maximum of two years (three years in the aggregate where

sentencing in respect of more than one offence) and/or a fine not exceeding twice level 5 of the uniform scale. However, there are a number of Laws that provide the Judge with the authority to pass a sentence with a higher fine. The Magistrate's Court conducts committal proceedings in respect of matters to be tried by the Royal Court.

### Civil Court

The Magistrate's Court has jurisdiction in civil matters where the sum in dispute does not exceed £10,000. These are commonly known as petty debt cases. The Court hears applications under The Access to Neighbouring Land (Guernsey) Law, 2016.

### Family Law Matters

The Magistrate's Court exercises jurisdiction in a range of private and public law family matters. These include child maintenance payments, issues relating to child residence and contact and many other issues which arise from time to time when a relationship breaks down. In public law matters, the Magistrate's Court sitting as the Juvenile Court hears referrals and appeals from the Child, Youth and Community Tribunal and applications brought by the Committee *for* Health & Social Care for Community Parenting Orders.

### Inquests

The Magistrate's Court holds inquests into deaths, at the request of the Law Officers of the Crown who are responsible for the preliminary investigations into all sudden deaths where the deceased person may have either met an unnatural or violent end, died in prison, or in other circumstances where for some reason a doctor cannot sign a death certificate. The Law Officers of the Crown decide whether an inquest will be held, what evidence should be placed before the inquest and generally arrange for the presentation of the case by the Police.

### Juvenile Court (Criminal)

The Juvenile Court is part of the Magistrate's Court and will sit to consider cases involving juveniles (under the age of 18) who are charged with criminal offences. The Juvenile Court is not open to the public and only those directly involved in the case will normally attend the Court sitting.

### **Statutory Eligibility Criteria**

To be eligible for the office of Judge of the Magistrate's Court, applicants must have met the following criteria for not less than five years (or shorter period as the Royal Court may agree in any particular case);

- have been in practice as
  - an Advocate of the Royal Court of Guernsey,
  - a member of the Bar of England and Wales, the Bar of Northern Ireland, or the Faculty of Advocates in Scotland, or
  - a Solicitor of the Supreme Court/Senior Courts of England and Wales, of the Supreme Court of Judicature of Northern Ireland, or in Scotland,

or

- shall have held judicial office in the United Kingdom, Jersey or the Isle of Man.

### **Relevant Previous Experience**

In addition to the above, the successful candidate(s) is likely to have extensive experience of appearing before or working in the Magistrate's Court, the Royal Court and, if applicable, equivalent courts in the part of the United Kingdom where he or she practises or sits. The successful candidate(s) should be ready for full time judicial office in a small jurisdiction with the ability to live within the constraints that such an appointment brings to personal and social life. For an applicant who has been practising in the United Kingdom, previous judicial experience either as a Deputy District Judge or otherwise would be an advantage but is not regarded as essential. Training will be provided as required.

### **Other information**

The terms of employment will include the following;

- 1.) The post holder(s) may not engage in any other office or employment other than that to which they are appointed or approved by the Bailiff or the Royal Court
- 2.) It may be, in due course, the successful candidate(s) will be appointed by the Bailiff as a Lieutenant Bailiff to enable him or her to sit, on occasion, in the Royal Court. There is no added remuneration for those appointed as Lieutenant Bailiff, if such an appointment is made.
- 3.) The successful candidate(s) will also be expected to sit from time to time as a prison adjudicator.
- 4.) It will be necessary on occasion for the Magistrate's Court to sit at weekends or out of normal office hours.
- 5.) The post holder(s) will be entitled to 30 working days leave per annum.
- 6.) Salary and Pension details are available from the Secretary to the Bailiff, Mr Adrian Nicolle, Bailiff's Chambers, Royal Court House, St Peter Port, GY1 2NZ (01481 749513).

Anyone requiring further information is invited to contact either of the two Judges of the Magistrate's Court who will treat any enquiries in the strictest confidence and who may be contacted, for this purpose, at [Cherry.McMillen@gov.gg](mailto:Cherry.McMillen@gov.gg) or [Graeme.McKerrell@gov.gg](mailto:Graeme.McKerrell@gov.gg)

### **Selection and Interview**

All applications will be treated in the strictest confidence. Candidates will be short-listed for interview. It is intended to conduct interviews on Saturday 29 September 2018 but if any candidate

would be unable to attend at that time, another time might be arranged to suit the convenience of the candidate and the panel.

The interview panel will comprise the Bailiff, Deputy Bailiff, Judge of the Royal Court and Jurats B J Bartie and S M Jones, OBE. The panel will be supported by the Director of HR (Delivery), Policy & Resources Committee.

In selecting an applicant, the interview panel will have regard to an applicant's:

- (a) experience;
- (b) intellectual capacity;
- (c) integrity;
- (d) independence;
- (e) objectivity;
- (f) authority;
- (g) communication skills;
- (h) efficiency; and
- (i) ability to understand and deal fairly with all persons and communities served by the courts.

Candidates are asked to supply the names of two referees who may be contacted by the Panel but only after interview if the candidate were to be successful at that stage.

Applications are to be submitted, together with a Curriculum Vitae and the contact details of the two referees, to the Secretary to the Bailiff at the address above. Please include your full contact details.

All applications will be treated in strict confidence.

Closing date for applications: Thursday 20 September 2018.

Anticipated commencement date: January 2019 (negotiable)