

**JUDICIAL STUDIES BOARD,
LORD CHIEF JUSTICE'S OFFICE**

LAY MAGISTRATES' HANDBOOK

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1. INTRODUCTION

1.1 Lay Magistrates ('LMs') in Northern Ireland are appointed under legislation, the Justice (Northern Ireland) Act 2002. The Belfast Agreement of 1998 provided for a review of the criminal justice system in Northern Ireland. Many of the recommendations of the resulting Criminal Justice Review of 2000 were incorporated into the Justice (Northern Ireland) Act 2002 which, among other things, created a new judicial post of Lay Magistrate. This post combined the work previously carried out in Youth Courts by Lay Panellists with the criminal justice functions of Justices of the Peace. This was to meet the need for a criminal justice system which is responsive to community concerns, encourages community involvement and promotes public confidence.

1.2 The Justice (Northern Ireland) Act 2002 also added the family proceedings court work to the functions of the new LMs so that all the functions previously carried out by Lay Panellists together with the criminal justice functions previously carried out by Justices of the Peace are now performed by LMs. There is a longstanding tradition of lay judicial office in this jurisdiction.

1.3 The role of a Lay Magistrate is not to be a legal expert but rather to consider the evidence in each case in a reasonable and common sense manner and to reach a decision which best serves the interests of justice in accordance with the law. LMs normally come to the post without any formal legal education and they are not expected to obtain such an education or to acquire the knowledge of a legally qualified person. Rather, LMs bring an invaluable fund of life experience from a diverse range of backgrounds to the task.

1.4 When hearing cases in the Youth Court or Family Proceedings Court two Lay Magistrates sit with a legally qualified District Judge (Magistrates' Court) ('DJ(MC)') who will have had considerable experience of the practice of law. In any such case there will be:

- a) issues of law to be decided; and
- b) issues of fact to be decided.

While the LMs and DJ(MC) together decide the issues of law (all three having an equal vote for this purpose) the LMs will normally be guided by the DJ (MC) who will usually be looked to in order to determine e.g. which legal principles are relevant, which parts of the law apply and what orders the court is legally entitled to make in a given case. LMs and the DJ(MC) together decide the issues of fact (again, all three having an equal vote for this purpose).

1.5 LMs may occasionally be required to sit on their own outside normal court hours to hear very specific matters (e.g. to deal with an application for an

Emergency Protection Order or to hear a complaint for the purpose of issuing a Summons to a Defendant or search/arrest warrants). LMs receive induction and refresher training to ensure that they are familiar with the procedure and the basic principles and requirements of the law in these cases.

- 1.6 Lay Magistrates have been provided with a copy of the Judicial Studies Board's Lay Magistrates' Manual, Lay Magistrates' Induction Booklet and the Emergency Protection Order Pack. This Handbook supplements these documents and provides information relating to terms and conditions of appointment (such as eligibility, renewal of appointment, conduct and discipline).

2. ELIGIBILITY FOR APPOINTMENT

- 2.1 Lay Magistrates are appointed by the Northern Ireland Judicial Appointments Commission (NIJAC). Appointments are made solely on merit as a result of an open and transparent selection process. The Department of Justice (DOJ) requires that the lay magistracy should be broadly reflective of the community it serves, primarily in terms of age, gender, community background, ethnic origin and disability. The DOJ is also committed to equality of opportunity in line with section 75 of the Northern Ireland Act 1998.
- 2.2 The Justice (Northern Ireland) Act 2002 (the 2002 Act) provides for the establishment of the office of Lay Magistrate. Section 9(1) of the Act requires NIJAC to appoint Lay Magistrates for each of the seven County Court Divisions in Northern Ireland.
- 2.3 Subject to the DOJ's statutory discretion, section 9(4) and (5) provide the legislative authority for the DOJ to make further provision about eligibility for appointment as a Lay Magistrate, including (in particular) the following:
 - a candidate should reside or work in, or within a prescribed distance (15 miles) of, the County Court Division to which the appointment relates;
 - a candidate, or a person related to or otherwise connected with him/her in a prescribed manner, should not hold an office of a prescribed description, have an occupation of a prescribed description or have been selected as a candidate for election to a prescribed body;
 - a candidate will not be appointed if he/she is an undischarged bankrupt or if his/her estate has been sequestrated and he/she has not been discharged or he/she is a person in relation to whom a moratorium period under a debt relief order applies or he/she has made a composition or arrangement with, or granted a trust deed for, his/her creditors;

- a candidate will not be appointed if he/she is the subject of a bankruptcy restrictions order or he/she is the subject of a debt relief restrictions order; and
 - a candidate should not have been convicted of an offence punishable by a term of imprisonment.
- 2.4 The Lay Magistrates' (Eligibility) (Northern Ireland) Order 2004 (the Order) prescribes a range of offices and occupations that generally render a candidate, and in some circumstances their spouse, partner and close relatives, ineligible for appointment (these are listed in Articles 2(b) to 2(h) of the Order). It is considered that these could give cause for concern about the impartiality of the candidate. The Order also prescribes other circumstances which serve as a bar to appointment. This Order is subject to amendment.
- 2.5 The DOJ's Eligibility Policy underpins the Order and specifies a number of offices or occupations that could render a candidate ineligible for appointment where the role could create a perception of a conflict of interest. Candidates are asked to declare on their application form and at interview anything which they think might be relevant in relation to them, their spouse or partner or close relative. Each case is individually assessed on its own merits. Where possible, efforts are made to put in place safeguards to avoid a conflict of interest arising, for example, where a Lay Magistrate has prior knowledge of a particular case, he/she may be required to declare an interest and step down.
- 2.6 The DOJ has a statutory discretion to relax the eligibility criteria in a particular case. In order to determine whether an office, occupation or activity might render a candidate ineligible for appointment all relevant matters are considered. These include:
- the exact nature of the work or duties undertaken by the candidate;
 - the location at which his/her duties are carried out; and
 - where the candidate is the spouse, partner or close relative of a person deemed ineligible for appointment by virtue of the Order, the exact occupation of the ineligible person, the nature of the relationship and the degree of contact.
- 2.7 While the Order (and underpinning policy) mainly describes offices and occupations that are specific to Northern Ireland, the same considerations apply to equivalent or analogous offices and occupations in the Republic of Ireland.

3. ESSENTIAL QUALITIES OF A LAY MAGISTRATE

3.1 The six essential qualities for appointment as a Lay Magistrate, as specified in the 2005 recruitment exercise, are:

- **Good Character:** Lay Magistrates are expected to have personal integrity, enjoy the respect and trust of others, and be able to maintain their confidence. There should be nothing in their private or working life or in their past, or to their knowledge in that of their family or close friends, which, if it became generally known, might bring them or the Lay Magistracy into disrepute or call into question their integrity, authority or standing as a Lay Magistrate.
- **Understanding and Communication:** Lay Magistrates must be able to understand documents, identify and comprehend relevant facts reasonably quickly and follow evidence and arguments. They must have the ability to concentrate, often for long periods of time, and be able to communicate effectively with colleagues, court staff and court users.
- **Social Awareness:** Lay Magistrates must have an appreciation of, and accept the need for, the rule of law in society. They should also display an understanding of society in general and have an understanding of the causes and effects of crime. An awareness, understanding and knowledge of life beyond the immediate circle of family, friends and work are highly desirable. It is also advantageous if a candidate has knowledge of their local community and the issues facing it. Lay Magistrates should have respect for and understanding of people from different ethnic, cultural or social backgrounds.
- **Maturity and Sound Temperament:** Lay Magistrates must have the ability to relate to and work with others. They must have regard for the views of others and a willingness to consider advice. They must be willing to learn. Lay Magistrates must have an openness of mind, an understanding of people and a sense of fairness in their attitude and approach. Lay Magistrates must be courteous and considerate to all court users and court staff.
- **Sound Judgement:** Lay Magistrates must have common sense, the ability to think logically, weigh arguments and reach a balanced decision. They must be objective and have the ability to recognise and set aside their prejudices.
- **Commitment and Reliability:** Lay Magistrates must be committed to serving the community and be reliable. Those who are employed must have the support of their employer. Lay Magistrates should have sufficiently good health to undertake their duties on a regular basis, however consideration will be given to whether reasonable adjustments could be made which would minimise the impact of health problems.

4. TERMS AND CONDITIONS OF APPOINTMENT

Duration of Appointment

4.1 Lay Magistrates are normally appointed for a period of 5 years. The appointment will be renewed every 5 years subject to NIJAC being satisfied that the Lay Magistrate has:

- not attained the statutory retirement age (see paragraph 5.2 below);
- satisfactorily completed induction and any additional training organised by JSB;
- fulfilled the complete range of duties of the office; and
- agreed to renewal of appointment (unless a question of cause for non-renewal is raised or the individual no longer satisfies the qualifying conditions for appointment).

Statutory Retirement Age

4.2 Lay Magistrates cease to hold office on the day on which they attain the age of 70 (section 9(8) of the 2002 Act).

Health

4.3 Lay Magistrates must be in sufficiently good health to enable them to undertake a fair share of the complete range of duties of the post.

Time Commitment

4.4 Lay Magistrates must complete the mandatory induction training programme provided by the Judicial Studies Board within one year of the date of their appointment (section 9(3) of the 2002 Act). Lay Magistrates are then expected to fulfill their commitment of an estimated 10 court sittings per annum (both Youth Courts and Family Proceedings Courts) and undertake their fair share of the complete range of duties of the office, including signatory duties. In addition, Lay Magistrates are required to attend any additional training arranged by Judicial Studies Board. Attendance at training will be monitored.

Eligibility

4.5 Lay Magistrates must advise the Judicial Studies Board immediately of any material changes in their circumstances (or those of their spouse, partner or close relatives). The same factors that disqualify a Lay Magistrate from initial appointment will continue to apply after appointment. Lay Magistrates are

expected to offer their resignation if it is considered appropriate, given the change of circumstances. Failure to disclose this information could lead to removal from office.

Judicial Oath or Affirmation and Declaration

- 4.6 Section 19(1) of the 2002 Act requires that every person appointed to a listed judicial office (as specified in Schedule 6 to the Act) must, before undertaking any functions of the office, either:
- take the oath specified in section 19(2); or
 - make the affirmation and declaration specified in section 19(3).

Undertaking

- 4.7 On appointment, Lay Magistrates are required to sign a written undertaking to carry out the full range of duties of the office:
- attendance at induction training organised by JSB;
 - attendance at Youth Courts (as a Lay Magistrate);
 - attendance at County Courts (as an assessor);
 - attendance at Family Proceedings Courts (as a Lay Magistrate);
 - collection of court papers;
 - attendance at training seminars (including those incorporated in the Northern Ireland Lay Magistrates' Association AGM and Divisional Meetings);
 - attendance at visits approved by Judicial Studies Board, for example, Juvenile Justice Centres, Children's Homes etc;
 - such other attendances as may, from time to time, be approved by the Judicial Studies Board; and
 - signatory duties.

Renewal of Appointment

- 4.8 NIJAC will consider, in advance of the expiration of a Lay Magistrates' five year term of appointment, whether the appointment should be renewed. To assist NIJAC with this determination, it will consider a number of grounds in accordance with its policy on renewal of appointments (such as misbehaviour, incapacity, persistent failure to comply with sitting requirements (without good reason), failure to comply with training requirements, and sustained failure to observe the standards reasonably expected from a Lay Magistrate). Judicial Studies Board, through the Lay Magistrate Liaison Officer, monitors offers of sittings, attendance and unavailability for court sittings and signatory duties and will make this information available to NIJAC. NIJAC will also be provided with information about complaints upheld concerning the personal conduct of Lay Magistrates.

5. CONDUCT AND COMPETENCE

Statement of Ethics

- 5.1 The Lord Chief Justice's Office has issued a Statement of Ethics¹ for the Judiciary in Northern Ireland which sets out the principles of judicial conduct and provides guidance on specific topics (such as personal relationships and perceived bias, commercial activities, involvement in community organisations, gifts and hospitality).
- 5.2 Lay Magistrates should strive to ensure that their conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in their impartiality and that of the judiciary. Lay Magistrates are expected to refrain from any activity, political or otherwise, which could conflict with their judicial office or be seen to compromise their impartiality.

Discipline

- 5.3 The Lord Chief Justice is responsible, as President of the Courts of Northern Ireland and Head of the Judiciary, for taking any disciplinary action against Lay Magistrates. The Lord Chief Justice's Office has issued a Protocol on Judicial Discipline² which sets out the circumstances in which the Lord Chief Justice may take disciplinary action and the penalties that may be imposed.
- 5.4 A Lay Magistrate must inform the Lord Chief Justice's Office immediately if he/she:
- has been charged with any criminal offence (including a minor road traffic offence which attracts an endorsement). The Lord Chief Justice may instruct the Lay Magistrate not to sit, or perform any of his/her magisterial duties, for a prescribed period in accordance with the Protocol;
 - is involved in civil proceedings in which he/she is alleged to have acted fraudulently, deceitfully or maliciously and he/she will normally be expected not to adjudicate pending the final disposal of the proceedings, including any appeal;
 - is involved in proceedings before a professional disciplinary tribunal or other similar body and should not adjudicate pending the final disposal of the proceedings, including any appeal; or
 - becomes bankrupt, as this may make him/her no longer eligible to hold office. The Lord Chief Justice's Office should also be informed if a Lay

¹ Available on request from JSB

² Available on request from JSB

Magistrate is a director of a company that goes into liquidation or if a Lay Magistrate is otherwise involved in serious financial difficulties, such as non-payment of debts, which could bring into question his/her suitability to sit in judgment on others.

Complaints about the conduct of Lay Magistrates

- 5.5 The Lord Chief Justice has issued a Code of Practice on Complaints which sets out arrangements for investigating complaints about the conduct of judicial office holders (including Lay Magistrates). The Code is concerned with complaints about the personal conduct of judicial office holders for instance whether the conduct is likely to bring the judiciary into disrepute, calls into question the Lay Magistrate's ability properly to administer justice or involves an attempt to gain favour by trading on their position as a Lay Magistrate. Complaints that concern a judicial decision in a case, or the reasoning underpinning such a decision, cannot be considered. Such decisions can only be challenged through established legal procedures.

Conduct of close relatives of Lay Magistrates

- 5.6 A Lay Magistrate should seek the advice of the Lord Chief Justice's Office if a member of his/her family becomes involved in court proceedings or unacceptable behaviour of any kind. It may be that, in the interests of the Lay Magistrate and the standing of the judiciary, the Lay Magistrate should not sit until the proceedings have concluded or the matter has been resolved. However, this will be considered very carefully in each case. It might also be prudent for the Lay Magistrate not to adjudicate on cases involving similar allegations to those brought against the relative. Such situations will be handled with both sympathy and understanding. On very rare occasions the conduct of a relative may call into question the impartiality of a Lay Magistrate and as a consequence it may be necessary to suggest that the Lay Magistrate refrains from sitting for a longer period of time, or in extreme cases, that resignation needs to be considered. In such cases the Lord Chief Justice's Office should be consulted at the earliest opportunity.

Media Contact

- 5.7 The question arises from time to time whether a Lay Magistrate should communicate with the press or appear on a television or radio programme. If a Lay Magistrate is contacted by the media, directly or otherwise, he/she should refer the journalist or reporter to the Lord Chief Justice's Communications Officer. The Lord Chief Justice's view is that, given the nature of their office, judicial office holders should be cautious about their exposure to the media, and about making any public statements, whether on general issues or particular cases, which might be interpreted as raising any doubt on their impartiality; he also expects that they would avoid any involvement, either direct or indirect, in issues which are or might become

politically controversial. When a Lay Magistrate has been involved in a case, the Lord Chief Justice does not believe it is appropriate for that Lay Magistrate or any other Judge to discuss it publicly out of court, whether or not the matter has finally been disposed of. Different considerations clearly apply where the object of any article or programme is to secure a wider public understanding of the workings of the law. The value of such programmes may be enhanced by the participation of a Lay Magistrate and there may well be a case for those who wish to do so, to take part in them.

- 5.8 A Lay Magistrate should feel free to discuss any matters concerning contact with the media with the Lord Chief Justice. Likewise if the Lay Magistrate has any query concerning the media he/she should not hesitate to contact the Lord Chief Justice's Communications Officer - telephone on 028 9072 5921. The Lord Chief Justice's Office can also provide guidance regarding contact with the media.

Attendance at Conferences and External Events

- 5.9 The Lord Chief Justice is generally in favour of members of the judiciary attending conferences and making speeches at them (provided they do not have a political theme or content). He would however like to be informed in advance if a Lay Magistrate has been invited to speak in a judicial capacity in case there is a risk of adverse media attention. If a Lay Magistrate intends to say something which could be considered controversial or which could otherwise attract significant media coverage, the Lord Chief Justice would find it helpful to have a copy of the speech before the event.
- 5.10 Members of the judiciary should not receive a fee personally for speaking at such events (and should return a fee if one is given). If the lecture is for a commercial undertaking, the member of the judiciary may ask that a proffered fee be paid to a charity of choice. A small token gift may be accepted but they should inform the Lord Chief Justice's Office of its receipt (and it will be noted in the hospitality register). The Lord Chief Justice's Office has produced a guide on hospitality for the judiciary³.

6. DUTIES OF A LAY MAGISTRATE

- 6.1 Lay Magistrates sit with a District Judge (Magistrates' Court) in Youth Courts and Family Proceedings Courts. Lay Magistrates have equal voting rights and are fully involved in the decision-making process. The District Judge (Magistrates' Court) determines on points of law and advises Lay Magistrates accordingly⁴. The functions of Lay Magistrates include:

³ Available on request from JSB

⁴ See *Director of Public Prosecutions v MC* [2006] NICA 14 and *Chief Constable PSNI v Cassells and Casselles* [2007] NICA 12

- in Youth Courts, hearing and determining criminal matters brought against young persons up to 18 years of age;
- in Family Proceedings Courts, dealing with civil issues relating to the welfare, care, protection and custody of children;
- in appeals from Youth Courts or Family Proceedings Courts to the County Court, as assessors sitting with the County Court Judge. In these circumstances the Lay Magistrate acts in an advisory capacity only;
- dealing with certain ex-parte applications, such as Emergency Protection Orders or Recovery Orders. In these circumstances a Lay Magistrate acts alone without the assistance of a District Judge (Magistrates' Court); and
- hearing complaints with a view to issuing summonses and warrants, for example, for the Police Service of Northern Ireland (PSNI), Public Prosecution Service (PPS), HM Revenue and Customs and others.

7. RESIGNATION AND REMOVAL FROM OFFICE

- 7.1 Lay Magistrates are required to vacate their office on the day they attain 70 years of age. They may choose to end their appointment before this by resigning in writing to NIJAC or by declining to accept renewal on completion of a term of appointment. It would be helpful if a Lay Magistrate intends to resign, that he notifies NIJAC at least six months in advance of the proposed date of resignation.

Removal from Office

- 7.2 The Lord Chief Justice may remove from office (and suspend from office pending a decision whether to remove or not) a Lay Magistrate on specified grounds. These are:
- misbehaviour; or
 - inability to perform the functions of the office.

All decisions to remove or suspend are taken by the Lord Chief Justice, and only on the recommendation of a tribunal convened under section 8 of the Justice (NI) Act 2002.

8. MISCELLANEOUS

Lay Magistrates Liaison Officers

- 8.1 Lay Magistrate Liaison Officers (LMLOs) are members of staff in the NICTS who have been designated as such for each County Court Division and should be the Lay Magistrates' first point of contact. The LMLO is responsible for the allocation of court dates to maintain a consistent level of court sittings throughout the divisional panel of Lay Magistrates. The LMLO will compile a quarterly or monthly calendar of sittings and advise Lay Magistrates of available dates. The LMLO will then allocate individual Lay Magistrates on the basis of availability, number of previous sittings and business need. The LMLO will record each Lay Magistrate's availability, the number of offers of sittings made, any reasons given for declining such offers and actual attendance as well as availability for signatory duties. Lay Magistrates should advise the LMLO immediately if they are unable to satisfy a prior commitment to sit in order to allow time for the business to be reallocated.
- 8.2 The LMLO also authorises payments for court attendance fees and for allowances for travel and subsistence expenses. The LMLO will also make arrangements for the collection of court papers, car parking at court (where possible) and access to administrative facilities for official business such as undertaking signatory duties.

Presiding Lay Magistrate

- 8.3 A Presiding Lay Magistrate was appointed by the Lord Chief Justice on 2 May 2006. Their responsibilities include: representing Lay Magistrates on the Child and Family Cases Committee and the Youth Courts Committee; establishing ad hoc committees to deal with specific issues; liaising closely with the Lay Magistrates' Association; acting as a conduit through which the lay magistracy can raise issues with the Lord Chief Justice; taking part in reviews of the role of the Lay Magistrate and sitting on the Lay Magistrates' Training Committee.

Northern Ireland Lay Magistrates' Association

- 8.4 The Lay Magistrates' Association promotes and encourages liaison between Lay Magistrates throughout Northern Ireland. It meets around four times a year and is an important communication link between the NICTS (although independent of it) and Lay Magistrates. The Lord Chancellor is President of the Association which also includes a Chair, Vice Chair, Honorary Secretary, Honorary Treasurer, a Training Committee representative and not more than eight representative members preferably elected from each of the County Court Divisions.

- 8.5 The representative members act as chairpersons for the Divisions and as the communication link between the Executive of the Association and individual Lay Magistrates. They organise meetings within their respective Divisions with a view to raising and discussing issues at a local level and also including a training element. The Association holds its Annual General Meeting each autumn and this is an opportunity for members of all Divisions to come together as a whole. More information is available directly from the association.

Signatory Duties

- 8.6 All Lay Magistrates are expected to complete signatory duties in respect of court summonses and warrants as part of their duties, however this element of the post does not attract a fee. Documents may be signed while attending a court sitting or as part of a Lay Magistrate's pre or post court duties. The PSNI or PPS may also require a signature on certain documents at other times. The LMLO will make arrangements, at the request of the PSNI, PPS or a number of other prosecuting authorities, to use a courthouse and an official from the prosecuting authority should be available to deal with any queries raised. Only in exceptional circumstances, and with the agreement of the Lay Magistrate, should signatory duties be performed in the Lay Magistrate's home or in the premises of a prosecuting authority.

Court Files

- 8.7 Lay Magistrates will be expected to review papers and files prior to court and to ensure safe transport of confidential papers. Lay Magistrates will be required to collect court files from an agreed court office within the Division. Lay Magistrates will be entitled to claim mileage allowance when collecting court papers. Lay Magistrates must personally collect papers. Family or friends cannot be nominated to collect court papers.

Remuneration

- 8.8 Court attendance fees must be claimed on the appropriate form and certified by the court clerk at the end of daily business before being lodged with the LMLO for processing. Lay Magistrates are entitled to a full or half-day fee for court sittings. The fee is calculated from 30 minutes before the scheduled court sitting start time:
- full day - any sitting that exceeds 3 hours is a full day fee.
 - half day - a half day fee is paid where the sitting time is up to 3 hours; this includes the 30 minute period before the scheduled sitting time.

Lay Magistrates are expected to attend half an hour prior to the start of court business to be available to discuss any potential issues with the District Judge (Magistrates' Court) prior to the commencement.

- 8.9 Claims in respect of travel and subsistence for court attendance should be submitted for processing to the LMLO in the Division where the sitting took place, within three months of completion of the court duties. Travel claims in respect of attendance at a training event should be sent to the Judicial Studies Board, again within 3 months of incurring the expense.

The following is a summary of the Lay Magistrates' entitlement to travel and subsistence expenses as agreed with HM Revenue and Customs and as set out in a letter from Brian Sinnamon to LMs on 13 November 2006.

Lay Magistrates assigned to Belfast Division

- LMs appointed to the Belfast Division are based in Belfast because there is only one court venue.
- As a consequence any travel etc paid for court attendances in the Belfast Division is to be 'ordinary commuting' rather than 'business travel' and therefore subject to the normal statutory deductions of Income Tax and National Insurance.
- As such claims must be made on the yellow claim form. They should be processed in the normal way and entered on the Monthly Fees Returns spread-sheet which is forwarded to Management Support Branch. The claim forms together with any relevant correspondence should be filed together with a copy of the authorised Monthly Fees Return spread-sheet for audit compliance purposes.

Lay Magistrates assigned to Divisions outside Belfast

- Lay Magistrates who live outside their Division:

the journey between their home and the boundary of their Division should be deemed to be 'ordinary commuting' rather than 'business travel' and therefore subject to the normal statutory deductions of income tax and national insurance. As such, claims must be made on the yellow claim form. The remainder of the journey from the boundary of the Division to court is deemed 'business mileage' and therefore not taxable and should be claimed on the blue claim form.

- Lay Magistrates who live within their Division:

journeys made within the Division will not be taxable.

For example: an LM appointed to the Division of Armagh and South Down but lives in Craigavon: the travel from his/her home to the boundary of the Armagh and South Down Division will attract the statutory deductions but

thereafter the mileage to the court sitting venue will not. It is appreciated that there may be occasions when a Lay Magistrate may have to complete both a yellow and blue travel claim in respect of the same journey. The yellow claim form will cover the journey from home to the boundary division and the blue travel claim form will cover the journey from the boundary division to the court venue within the Division.

Lay Magistrates should contact LMLOs if they have any enquiries. The NICTS has the discretion to refuse to pay late claims.

- 8.10 Lay Magistrates should send a copy of their valid certificate of car (or other vehicle) insurance with their first claim for travel expenses. If the travel relates to court attendance, the certificate should be submitted to the LMLO. If for attendance at a training event, the certificate should be sent to Judicial Studies Board. Further copies should be submitted annually thereafter. The certificate of insurance should permit the Lay Magistrate to use the vehicle in connection with their business. Where such cover is not in force, claims for travel expenses incurred will not be paid. Full details regarding the completion of claim forms and entitlements are included in the Induction Booklet for Lay Magistrates.

Banking Automated Clearance System (BACS)

- 8.11 All fees and expenses will be paid directly into the Lay Magistrate's bank account via BACS. It is therefore essential that bank account details (or any changes) are notified to Judicial Studies Board and the relevant LMLO at the earliest opportunity.

Change of Address

- 8.12 All changes of address must be notified to Judicial Studies Board. Where a change of address makes a Lay Magistrate eligible for appointment to another County Court Division, and the Lay Magistrate would like to transfer to this Division, he must make such a request in writing to Judicial Studies Board. Each request will be considered on its own merits and will take account of the residence eligibility criteria and business needs of the Division to which the Lay Magistrate wishes to transfer.

Period of Absence

- 8.13 If a Lay Magistrate is unable to undertake his/her duties for a period of time due to his/her employment or ill health he/she must notify the LMLO for his/her Division and Judicial Studies Board in writing as soon as practicable. Repeated or extended absence or inability to sit may give cause for concern as to the individual's commitment to the office which could lead to non-renewal of the appointment or removal from office.

- 8.14 If a Lay Magistrate has been on extended sick absence, the Lord Chief Justice may seek a view on his/her overall health to enable him to establish whether the Lay Magistrate will be able to provide full and effective service.