

Becoming a Justice of the Peace in Gibraltar

Introduction

The office of a Justice of the Peace is an important part of the justice system in Gibraltar. They are people from all walks of life who give their time voluntarily to make a positive difference to their community.

These particulars have been produced for people who are interested in becoming a Justice of the Peace. It provides information on the qualities you need to be selected for appointment, factors that could affect your eligibility, the amount of time you will need to commit to the role and how the selection process works. Please read it in full before deciding to apply.

Equality and Diversity Statement

Justices of the Peace will be selected and appointed solely on merit.

Applications are welcome from any person who meets the eligibility criteria for appointment and who believes they have the necessary qualities.

Applications are particularly welcome from members of groups currently under represented amongst the magistracy. That includes members of minority ethnic communities, people under the age of 45, people from non-managerial or professional occupations, and people with a disability who are able, either unassisted or with the benefit of reasonable adjustments, to carry out the full range of duties.

The Role of a Justice of the Peace

The magistracy is an integral part of the judiciary in Gibraltar – Justices of the Peace deal with around 30% of all criminal cases and some non-criminal work.

Justices of the Peace are recruited and recommended for appointment by the Judicial Service Commission. His Excellency the Governor appoints Justices of the Peace on the recommendation of the Judicial Service Commission. You do not need legal training or formal qualifications to become a Justice of the Peace.

To be appointed, you must be able to demonstrate six key qualities:

- Good Character
- Understanding and Communication
- Social and Diversity Awareness
- Maturity and Sound Temperament
- Sound Judgement
- Commitment and Reliability

In court, Justices of the Peace usually sit as a panel of three – an experienced chairman and two ‘wingers’. They are supported by either the clerk of the Magistrates’ Court or his deputy who provide advice on the law and procedures. All criminal cases start in the Magistrates’ Court. The more serious cases are then referred to the Supreme Court, either for sentencing or for trial with a judge and jury.

Justices of the Peace deal with a wide range of cases; for example:

- Offences of violence
- Criminal damage
- Drink driving
- Traffic offences
- Theft
- Drug offences

Justices of the Peace can impose a sentence of up to 12 months’ imprisonment for a single offence and 24 months in total, a fine of up to £10,000.00, or a community sentence.

A Justice of the Peace is not a paid role.

Questions to Ask Yourself Before You Apply

Becoming a Justice of the Peace is a serious commitment. Before applying, it is important to think carefully about whether you have the right qualities, whether there is anything that could affect your eligibility, and whether you can commit sufficient time to the role.

Please consider the following questions before deciding to apply:

- Applicants must be resident in Gibraltar.
- If called to interview, you will be required to demonstrate that you have some knowledge and understanding of social issues in Gibraltar.

Do you meet the basic eligibility criteria?

- You must be at least 18 years of age.
- Not older than 72 years of age.
- British subject resident in Gibraltar.

Do you have the necessary key qualities?

- Good Character
- Have personal integrity, be circumspect and able to maintain confidence.
- Have nothing in your private or working life which could bring you or the magistracy into disrepute.

Understanding and Communication

- Be able to communicate effectively with colleagues, court users and court staff.
- Be able to understand facts reasonably quickly, follow evidence and arguments, and concentrate for long periods of time.

Social and Diversity Awareness

- Appreciate and accept the need for the rule of law in society.
- Have a good knowledge and understanding of social issues in Gibraltar.
- Have respect for people from different ethnic, cultural or social backgrounds.

Maturity and Sound Temperament

- Be able to relate to, and work with, others.
- Have a sense of fairness and be considerate and courteous.
- Be open-minded and willing to consider the views and advice of others.

Sound Judgement

- Be able to think logically and reach a balanced decision.
- Be objective, and have the ability to recognise and set aside their prejudices.

Commitment and Reliability

- Be willing and able to undertake the minimum sitting requirement of 20 days, and mandatory training.
- Be able to undertake duties on a regular basis.

Have you been convicted or cautioned for a criminal offence?

- The Judicial Service Commission will not recommend for appointment anyone in whom the public would be unlikely to have confidence.
- A civil or a minor criminal offence in the past will not necessarily disqualify you. The Judicial Service Commission will consider:

- The nature and seriousness of the matter
- When it occurred
- The penalty or order imposed
- Any subsequent matters

Can you commit enough time to the role?

- Justices of the Peace must complete an average of at least 20 full day sittings per year. Sittings generally take place during normal daytime working hours, however occasionally you may be required to sit on a Saturday as part of a special sitting.
- Justices of the Peace Courts now typically organise sittings in full days and many Justices voluntarily sit for more than the 20 full days.
- Sittings are usually planned well in advance and, as far as possible, will be scheduled to take account of Justices personal circumstances such as work commitments. However, you do need to be reasonably flexible in terms of when you can sit.
- You will be required to undertake training in addition to your sittings. Some of this will be during normal daytime working hours. Justices of the Peace are required to undergo training. This will be on annual basis and over 2 days.
- You will be also expected to attend training meetings after Court; for example, bench training meetings, which often provide important information about changes to legislation and procedure, and about bench business. This will be delivered by either the Stipendiary Magistrate or the Clerk of the Magistrates' Court.

Has your employer agreed that you can take the necessary time off work?

- If you are employed, tell your employer that you are thinking about becoming a Justice of the Peace, explain how much time you will need to commit to the role and ask for their agreement to take the necessary time off work.
- Employment in some occupations would make appointment undesirable; for example, police officers; Crown Counsel, Court Service staff or lawyers.

Have you visited the Magistrates' Court?

- While serving as a Justice of the Peace can be rewarding, the work can also be challenging. You will consider evidence that might be upsetting and make decisions that have a significant impact on the lives of others, such as sending a person to prison.
- To help you decide whether the role is right for you, you must visit the Magistrates' Court to observe the proceedings at least once, preferably two or three times, before submitting your application. If you are called for an interview, the interview panel may ask you to talk about what you saw when you visited the Magistrates' Court. Contact the clerk of the Magistrates' Courts, Gibraltar Court Service, 32-36 Town Range, Gibraltar, Tel. 20076439; email maurice.turnock@gcs.gov.gi to find out when it is best to attend.