



LORD CHIEF JUSTICE  
OF ENGLAND AND WALES

THE RIGHT HONOURABLE THE LORD BURNETT OF MALDON

**Magistrates Association AGM  
17 October 2020**

**Looking forward – another century of excellence**

Thank you for inviting me to your annual general meeting. Today ought to have formed part of wider celebrations to mark the first century of the Magistrates Association. An online gathering is a poor substitute for the magnificent events that were planned. I hope that the time will come when a belated celebration in the normal way will be possible.

Today's meeting is very close to the 100<sup>th</sup> anniversary of the first meeting of the Magistrates Association in Methodist Central Hall on October 28 1920, following an earlier gathering in the Guildhall hosted by the Lord Mayor which resolved to establish it. The Magistrates Association remains true to its original purpose of ensuring that Justices of the Peace are properly trained and to represent their interests. It is the independent voice of Magistrates. Happy birthday.

Today is also the last meeting at which John Bache will be your chairman. A magistrate since 1989, he has taken a leading role within the Association since 2006, first as Bench Representative to the Executive Committee to the Cheshire Branch, then variously as a member and chair of its Youth Courts Committee, to most recently being its national deputy chair and then from 2017 its Chairman. His contributions both to the Association and the Magistracy in general cannot be underestimated. He will be a very hard act to follow. It has been a pleasure to work with him and

listen to his wise counsel. May I thank him, on behalf of us all, for his dedication to the administration of justice and his work in support of Magistrates.

Anniversaries, and particularly centenaries, are a good time to reflect on what has been achieved, and to think of what is to be achieved. Let me start by considering what has been achieved.

The Magistracy has been a constant throughout the course of our legal history. While we can trace your history back to the Anglo-Saxon moot court, you properly came into your own when during the reign of Edward III in 1361 Parliament enacted the Justices of the Peace Act. It required the appointment in every County of England of one Lord and three or four of the most worthy, only some of whom needed to be learned in the law, to keep the peace. And they – that is to say you – were given ‘Power to restrain the Offenders, Rioters, and all other Barators, and to pursue, arrest, take, and chastise them according their Trespass or Offence; and to cause them to be imprisoned and duly punished according to the Law and Customs of the Realm’. The Act remains in force today. Although I doubt you have much cause for restraining barators now, as the offence was abolished in 1967. That was the offence of persistently stirring up litigation before the courts. It seems vexatious litigants have been with us for a long time.

Edward III may have required you to keep the peace. But that is not all you have done. Nor is it all that you do. Over time you gained responsibility for county administration, for highway maintenance, licensing public houses, and for making provision for orphans and the poor. The exact contours of your role have been refined over the centuries, but a constant has been your responsibility for maintaining law and order.

Magistrates became the subject of caricature in novels in the 18<sup>th</sup> and 19<sup>th</sup> century, and it is fair to say that over the centuries there were some lapses in standards and in behaviour. In the 18<sup>th</sup>

century some magistrates in Middlesex used their office for profit. As Walpole described London's magistrates, '*the greatest criminals of this town are the officers of justice*'.<sup>1</sup>

Well, reform came. The pace of change was perhaps a little slow at the time. The mid-1800s still furnished writers like Dickens with material for satire. Oliver Twist's police magistrate, Mr Fang, being but one example. Satire to one side, it is fair to say that the 19<sup>th</sup> century saw substantial change. Dickensian characters would soon become a thing of the past. We should not forget Henry and Sir John Fielding, both of whom were Chief Magistrates in the late 1700s. Their Bow Street Runners would lead to the creation of the modern police force by Sir Robert Peel. They and other magistrates would help to mould our modern criminal justice system. They would ensure that the Magistracy, and particularly the lay magistracy, became a fundamental feature of our criminal justice system; a position it maintains today.

It is worth noting that so important a role did the Victorian and early 20<sup>th</sup> century magistrates ensure they played in the delivery of justice, that when the question was raised in 1946 whether the time had come for the lay Magistracy to be consigned to history, the answer from the Royal Commission on Justices of the Peace was a resounding no – and quite right too.

It must be admitted though that one member of the Commission, Lord Merthyr was not so confident. He thought the days of the magistracy were numbered. Not in terms of abolition. No, he concluded that time would see the gradual decline of the lay magistracy. For him the future was one where the only magistrate was a stipendiary magistrate. That is a pattern that one sees in many Commonwealth countries, but we all know what happened to that prediction.

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<sup>1</sup> <https://www.bl.uk/georgian-britain/articles/crime-and-punishment-in-georgian-britain>

The Magistracy as a whole, and the lay magistracy in particular, is as important now as it ever has been. There are now more than 13,000 magistrates<sup>2</sup>, a figure which must be increased, and increased rapidly. For the majority of people who come before the courts you will be the only judges they see, whether in criminal proceedings or in family proceedings. For them you are the administration of justice. It is no surprise then that the late Lord Bingham once and very rightly described you as '*a democratic jewel beyond price*'<sup>3</sup> Your value cannot and must not be underestimated. I remain absolutely committed to the magistracy and emphasise your central role in the administration of justice. The possibility of lay participation, not only as jurors in the Crown Courts, but just as much in the Magistrates' Court, in deciding questions of guilt or innocence secures public participation in the criminal justice system and cements public confidence. That is especially so, too, in the Youth Courts and increasingly in the Family Courts, where the involvement of Magistrates is bound to grow.

What of the future though? For that I think we can draw lessons from your seven centuries of history. At one time the Magistracy was drawn from a narrow base within society. Local gentry, wealthy merchants, professionals, retired military and the clergy for example.

The 20<sup>th</sup> century saw all that change. In 1919, Ada Summers became an *ex officio* Justice of the Peace upon her election as Mayor of Stalybridge. She was the first female member of the judiciary. Following the Sex Disqualification (Removal) Act 1919, she was appointed a magistrate in her own right. She was soon followed by many others, including Sybil Campbell, who in 1945 became the

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<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/918529/diversity-of-the-judiciary-2020-statistics-web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918529/diversity-of-the-judiciary-2020-statistics-web.pdf)

<sup>3</sup> Cited in <https://www.theguardian.com/politics/2001/dec/02/britainand911.humanrights>

first female stipendiary magistrate: the first full-time female member of the salaried judiciary. By the end of the 1940s, nearly a quarter of the Magistracy were women.<sup>4</sup> Today that figure is 56%<sup>5</sup>. The Magistracy did not just lead the way in respect of gender diversity. In 1962, Eric Irons was appointed as the first black magistrate. With great distinction he dispensed justice until 1991, having been awarded the OBE for his services in 1978. Today, 13% of magistrates are from ethnic minorities<sup>6</sup>. The magistracy is representative of the society it serves in a way that neither the legal profession nor the paid judiciary has yet achieved.

Steps are being taken to improve recruitment through the new Magistrates' Recruitment and Attraction Steering Committee. The Magistrates Association is at the forefront of encouraging applications from a wide range of suitable candidates. The Senior Presiding Judge has overall oversight of its programme of work. It is something that has my wholehearted support, as it does the Lord Chancellor and Ministry of Justice. Next year will see the development of a targeted, and evidence-based, national recruitment campaign. I hope to see it launch in the Spring.

We must do all we can to ensure that we can attract engaged and committed members of the public to join you, and those who you followed, in dispensing justice. It is particularly important that we not only have sufficient numbers to enable you to carry out your work effectively. It is equally important that we continue to build on your work and on the legacy of Ada Summers and Eric Irons. By increasingly reflecting the diversity in our society, by drawing on the strength of different perspectives, of different experiences, of the whole of our community, our Magistracy continues and will continue to be, the democratic jewel without price.

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<sup>4</sup> T. Skyrme, *History of the Justices of the Peace*, (1994) (Barry Rose).

<sup>5</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/918529/diversity-of-the-judiciary-2020-statistics-web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918529/diversity-of-the-judiciary-2020-statistics-web.pdf)

<sup>6</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/918529/diversity-of-the-judiciary-2020-statistics-web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918529/diversity-of-the-judiciary-2020-statistics-web.pdf)

I am sure that with your help we will succeed in this endeavour, and that the Magistracy, aided by your Association's hard work and expertise, will contribute another century of outstanding support for the administration of justice and continue to be central to our joint endeavours in upholding the rule of law.

Thank you.