

# West Dartmoor U3A

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| Meeting Report for February 2010 | Prepared by: Brian Gibson                  |
| Speaker: Ted Sherrell            | Subject: Tales from the Magistrates' Court |

February's speaker needed no introduction. He has lived in our area for decades and has commented publicly on many matters. Today however Ted was wearing his magistrate's hat. He came to talk about his time as a lay magistrate. He was made up in 1981 and served as a magistrate until 2011, continuing after Okehampton court was joined with Tavistock in 1991. When Tavistock court was closed after he had served for 20 years he continued as a magistrate in Plymouth.

He explained that it was in the twelfth century that Henry II introduced the Common Law which gave all citizens a right to be part of how the country was run and the system of magistrates' courts eventually developed from this.

Ted was approached and asked whether he would like to become a magistrate, a duty which would take up his time about once a month. He accepted but it was many months before he was called. There was no training. He watched the whole of one session of the proceedings then next time he was on the bench. He was not expected to be an expert on law, the clerk of the court would supply advice on legal matters. He was there as a citizen to see that things were dealt with fairly. Occasionally he was able to supply good advice to the bench; for instance, when he drew on knowledge from his farming upbringing to clarify a difficulty when farmers were in dispute.

Magistrates are not paid, though they can claim reasonable expenses. They give their time out of their sense of duty to society. There are now equal numbers of men and women magistrates and they deal with about 98% of cases which come forward. Sometimes it is difficult to judge or decide on a sentence, especially, for example, when someone is killed in a traffic accident, but the golden rule is to consider the action that was taken by the defendant and not the outcome of the offence. The maximum sentence for one offence that a magistrate can give is six months' imprisonment or 12 months for 3 or more offences. The defendant has to be proved to be guilty beyond reasonable doubt before a guilty verdict is given. More serious cases are sent up to the Crown Court.

The vast majority of people behave reasonably in the court but occasionally a deliberately disruptive person turns up and requires special treatment.

Ted enjoyed his time as a magistrate and was glad that he could give something back to society. We enjoyed his talk and found that the hour had passed very quickly.