



Monitoring Officer Advice Note []: Lay Justices who are Councillors

This Advice note deals with the provisions of the Courts Act 2003 which provide for the disqualification of lay justices who are members of local authorities. This section comes into force on 1 April 2005. The purpose of this note is to make you aware of the section.

The Justice of the Peace Act (section 66) provides that:

(1) A justice of the peace who is a member of a local authority shall not act as a member of the Crown Court or of a magistrates' court in any proceedings brought by or against, or by way of appeal from a decision of, the authority or any committee or officer of the authority.

This Act is being revoked and will be replaced by section 41 of the Courts Act 2003 which comes into force on **1 April 2005**.

Section 41 of the Courts Act 2003 states that a lay justice who is a member of a local authority may not act as a member of the Crown Court or a magistrates' court in proceedings brought by or against, or by way of appeal from a decision of:

- (a) that local authority,
- (b) a committee or officer of that local authority or
- (c) if that local authority is operating executive arrangements
 - i. the executive of that local authority
 - ii. any person acting on behalf of that executive

This is designed to avoid conflicts of interest or the perception of a conflict.

If you have any questions as to how this may affect you please make an appointment to see me.

Terry Osborne
Monitoring Officer
23 March 2005