

LONDON BOROUGH OF BRENT

Meeting of the Standards Committee - 6 April 2005

Report from Borough Solicitor

For action

Wards affected:
All

REPORT TITLE : DISQUALIFICATION OF LAY JUSTICES

1.0 SUMMARY

- 1.1 The provisions of the Courts Act 2003 which provides for the disqualification of lay justices who are members of local authorities from dealing with a case involving the same authority comes into force on 1 April 2005.

2.0 RECOMMENDATIONS

- 2.1 That the committee note this report.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications.

4.0 STAFFING IMPLICATIONS

- 4.1 There are no staffing implications.

5.0 DIVERSITY IMPLICATIONS

- 5.1 There are no specific diversity implications arising from this report.

6.0 LEGAL IMPLICATIONS

- 6.1 Contained in the body of the report.

7.0 DETAIL

7.1 The Justice of the Peace Act 1977 (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.

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

7.3 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

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

7.5 A Monitoring Officer's Advice Note has been drafted to inform members of this provision. A copy is attached for ease of reference. Members who feel that they may be affected by the provision have been invited to discuss the matter with the Monitoring Officer. Brent Magistrates Court maintain that they have been following this procedure for some time although they have not issued formal guidance on it.

8.0 BACKGROUND INFORMATION

Any persons wishing to inspect the papers in connection with the above proposals should contact Jane Alver at jane.alver@brent.gov.uk

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