

1990 No. 1265

JUVENILE COURTS AND OFFENDERS

**The Inner London Juvenile Courts (Selection of
Chairmen) Order 1990**

Made - - - - - *15th June 1990*
Coming into force - - - - - *1st September 1990*

The Lord Chancellor, in exercise of the power conferred on him by paragraph 15 of Schedule 2 to the Children and Young Persons Act 1933(a), hereby makes the following Order.

Title, commencement and interpretation

1. This Order may be cited as the Inner London Juvenile Courts (Selection of Chairmen) Order 1990 and shall come into force on 1st September 1990.

2. In this Order—

“court chairman” means any justice who has been nominated as a chairman by the Lord Chancellor under paragraph 15(b) of Schedule 2 to the Children and Young Persons Act 1933;

“justice” means a justice who is a member of the Panel;

“the Panel” means the panel of justices nominated by the Lord Chancellor under the said paragraph 15(b);

“Rota Group” means one of the Rota Groups into which the Panel is divided;

“Senior Chief Clerk” means the Senior Chief Clerk for the inner London juvenile courts appointed under section 37(1) of the Justices of the Peace Act 1979(b); and

“special course” means a special course of juvenile court chairmanship training.

Qualifications for nomination as court chairman

3.—(1) The Lord Chancellor may, on a recommendation made in accordance with this Order, nominate as a court chairman any justice who—

(a) has undergone the chairmanship course provided by the Inner London Magistrates’ Courts Service;

(b) has served for at least six years as a justice of the peace, including at least five years in a juvenile court (not necessarily in inner London);

(c) has thereafter successfully completed a special course; and

(d) has thereafter sat as a chairman under training on at least six occasions and for a total of not less than twenty hours, on each occasion with and at the request of a court chairman (who should not always be the same one) approved for this purpose by the Chairman of the Panel.

(a) 1933 c.12; Schedule 2 was substituted by the Children and Young Persons Act 1963 (c.37), section 17(1) and Schedule 2; and paragraph 15 of Schedule 2 as so substituted was amended by the Administration of Justice Act 1964 (c.42), section 12.

(b) 1979 c.55; section 37 was amended by the Criminal Justice Act 1988 (c.33), section 165.

The special course

4. Any justice who satisfies the requirements of paragraphs (a) and (b) of article 3 may if he so wishes take the special course when a course is available for the purpose.

5. There shall be a Course Assessment Panel, which shall be responsible for deciding whether a justice has successfully completed the special course.

6.—(1) The Course Assessment Panel shall have as its chairman a stipendiary magistrate nominated by the Chief Metropolitan Stipendiary Magistrate; and as its members—

- (a) one court chairman from each Rota Group elected by the members of that Group; and
- (b) either the Senior Chief Clerk, or a clerk not below the rank of senior deputy chief clerk nominated by the Senior Chief Clerk.

(2) Elections for the purposes of paragraph 1(a) shall be held for each Rota Group once every three years, but shall not be held for all Rota Groups in the same year.

7. A quorum of the Course Assessment Panel shall consist of its chairman, two court chairmen and the clerk member.

Selection of court chairmen

8. There shall be a Selection Committee responsible for deciding whether justices eligible under article 3 should be recommended to the Lord Chancellor for nomination as court chairmen.

9.—(1) The Selection Committee shall have as its chairman the Chairman of the Panel; and, as its members—

- (a) The Chief Metropolitan Stipendiary Magistrate or a stipendiary magistrate nominated by him;
- (b) the Vice-Chairmen of the Panel;
- (c) the Chairman of each Rota Group; and
- (d) four justices, who are not and have not been court chairmen, one elected by each Rota Group.

(2) Elections for the purposes of paragraph (1)(d) shall be held for each Rota Group once every three years, but shall not be held for all Rota Groups in the same year.

10. The secretary of the Selection Committee shall be the Senior Chief Clerk.

11. A justice elected to the Selection Committee under article 9(1)(d) shall not be eligible to be recommended for nomination as a court chairman within one year of his ceasing to be a member of the Selection Committee.

12. A quorum of the Selection Committee shall consist of the Chairman of the Committee, the stipendiary magistrate, two Rota Group Chairmen and two other members.

13. In reaching its decision on any candidate, the Selection Committee shall take into account his personal qualities, performance and potential to undertake the duties of a court chairman.

Re-Nomination of court chairmen

14. To be eligible for recommendation to the Lord Chancellor for re-nomination as a court chairman, a serving or former court chairman must have undertaken a refresher course of juvenile court chairmanship within the previous six years, unless he has successfully completed a special course within that time.

15. The Selection Committee may recommend the re-nomination of a serving or former court chairman if-

- (a) he is eligible under article 14; and
- (b) the Committee is satisfied that he is suitable for further service as a court chairman.

16. The Selection Committee shall not decide not to recommend the re-nomination of an eligible court chairman without first telling him the grounds of the Committee's doubts as to his suitability and then giving him the opportunity to be heard by the Committee as to those grounds and any other matters which he wishes the Committee to take into account.

Suspension or Revocation of a Nomination

17. The Selection Committee may at any time recommend to the Lord Chancellor that the nomination of a justice as a court chairman should be suspended or revoked.

Miscellaneous

18. A justice nominated or elected to the Course Assessment Panel or the Selection Committee shall take office from the 1st January next after the date of his nomination or election.

19. No justice shall be a member of the Course Assessment Panel and the Selection Committee at the same time.

Dated 15th June 1990

Mackay of Clashfern, C.

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order places on a statutory footing for the first time the process for selecting chairmen of juvenile courts in the inner London area. The new process follows, with minor modifications, the non-statutory process which has been in use for the past five years.

2. Article 3 prescribes the four qualifications which a person must have before he can be nominated by the Lord Chancellor as a juvenile court chairman. This article also has the effect of requiring that a nomination may only be made on the recommendation of a Selection Committee.

3. Articles 4 to 7 provide that a justice who already possesses the first two of the requirements prescribed by article 3 may proceed to take a special course (i.e. the third of the article 3 qualifications), and establish a Course Assessment Panel as the authority which is to determine whether the course has been successfully completed.

4. Articles 8 to 13 establish a Selection Committee to decide which justices who are eligible under article 3 should be recommended to the Lord Chancellor for nomination. Articles 14 and 15 allow present or past juvenile court chairmen to be re-nominated if the Selection Committee considers them suitable; and article 16 requires that an eligible chairman whom the Committee is minded not to recommend for re-nomination shall be given an opportunity to be heard before a final decision is taken.

5. Article 17 enables the Selection Committee to recommend to the Lord Chancellor at any time that a nomination of a justice as a court chairman should be suspended or revoked.