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STATUTORY INSTRUMENTS

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**2005 No. 584**

**POLICE, ENGLAND AND WALES**

**The Police Authorities (Lay Justices  
Selection Panel) Regulations 2005**

<i>Made</i>	- - - -	<i>9th March 2005</i>
<i>Laid before Parliament</i>		<i>10th March 2005</i>
<i>Coming into force</i>	- -	<i>1st April 2005</i>

The Secretary of State, in exercise of the powers conferred upon him by paragraph 5 of Schedule 3A to the Police Act 1996<sup>(1)</sup> hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Police Authorities (Lay Justices Selection Panel) Regulations 2005 and shall come into force on 1st April 2005.

**Interpretation**

2. In these Regulations—

“the 1996 Act” means the Police Act 1996;

“panel” means a selection panel established under Schedule 3A to the 1996 Act;

“lay justice member” means a member of a police authority appointed (or to be appointed) under paragraph 8 of Schedule 2 to the 1996 Act<sup>(2)</sup> or paragraph 5 of Schedule 2A to that Act<sup>(3)</sup>.

**Notifications by clerk**

3.—(1) Not less than four months before the term of office of a lay justice member is due to expire, the clerk to the police authority shall notify the members of the panel of this fact.

(2) Where—

(a) a person ceases to be a lay justice member otherwise than on the expiry of his term of office, or

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(1) 1996 c. 16; Schedule 3A was inserted by paragraph 376 of Schedule 8 to the Courts Act 2003 (c. 39).

(2) Paragraph 8 of Schedule 2 was substituted by paragraph 373(3) of Schedule 8 to the Courts Act 2003.

(3) Schedule 2A was inserted by Schedule 26 to the Greater London Authority Act 1999 (c. 29); paragraph 5 of that Schedule 2A was substituted by paragraph 374(3) of Schedule 8 to the Courts Act 2003.

(b) the term of office of a lay justice member is due to expire less than four months after these Regulations come into force,  
the clerk to the police authority shall notify the members of the panel of this fact.

### **Requirement to issue notice**

4.—(1) Subject to paragraph (3), where a panel are required to prepare a short-list of candidates to be appointed as lay justice members of a police authority, they shall issue a notice stating the matters referred to in paragraph (2) and shall cause that notice to be disseminated to all lay justices who are assigned to a local justice area wholly or partly within the authority's area.

- (2) The matters to be included in a notice referred to in paragraph (1) are—
- (a) the name of the police authority and police area;
  - (b) that a vacancy exists, or will exist, amongst those members of that authority to which lay justices are eligible for appointment;
  - (c) that the duties of such a member may include—
    - (i) attendance at meetings of the police authority and its committees;
    - (ii) keeping abreast of developments in both local and national policing;
    - (iii) representing the police authority in discussions with interested parties;
    - (iv) attendance at local police consultative groups, and
    - (v) liaising with representatives of the local community on policing issues;
  - (d) that persons are only eligible for appointment if—
    - (i) in accordance with paragraph 7 of Schedule 2 to the 1996 Act<sup>(4)</sup> they are assigned to a local justice area wholly or partly within the authority's area; and
    - (ii) they are not otherwise disqualified;
  - (e) that, if a person wishes to have his name put forward, he must apply to the panel for an application form, and
  - (f) the date, not being less than one month after the date when the notice is issued, by which the application form must be completed and returned to the panel if it is to be considered by them in connection with a particular vacancy.
- (3) This regulation shall not apply where—
- (a) either of the conditions specified in paragraph (4) is satisfied, and
  - (b) the panel have decided to exercise the discretion conferred on them by regulation 8(1), and
  - (c) on completion of the procedure required by regulation 8(2), the panel have the names of a sufficient number of persons willing to be included on a short-list for appointment as lay justice members.
- (4) The conditions referred to in paragraph (3)(a) are that, at the date when the vacancy occurred or, as the case may be, is expected to occur—
- (a) less than two years have passed since the coming into force of this regulation;
  - (b) less than two years have passed since the date of the issue of the last notice previously issued in accordance with paragraph (1).
- (5) In paragraph (3) “sufficient number” means a number four times greater than the number of appointments that are to be made under paragraph 8 of Schedule 2 or paragraph 5 of Schedule 2A (as the case may be) to the 1996 Act.

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(4) Paragraph 7 of Schedule 2 was substituted by paragraph 373(3) of Schedule 8 to the Courts Act 2003.

### **Applications to be considered for appointment of lay justices to police authority**

5.—(1) A person who wishes to be considered for appointment as a lay justice member shall submit an application to the panel setting out—

- (a) his name and address;
- (b) his age;
- (c) his current occupation, if any, and any positions held by him up to ten years before the date of the application;
- (d) his relevant skills and experience;
- (e) his academic, professional and vocational qualifications, if any; and
- (f) the reasons why he wishes to be so considered.

(2) The panel shall supply free of charge to any person not disqualified for membership a form for the purposes of an application under paragraph (1).

(3) Together with a form supplied under paragraph (2) there shall be supplied information about the office of lay justice member including a statement setting out paragraphs 11, 13 and 14 of Schedule 2 or paragraphs 7, 8 and 9 of Schedule 2A to the 1996 Act<sup>(5)</sup> (disqualification) as they apply to such members.

(4) An application made before the coming into force of this regulation which satisfies the requirements of paragraph (1) shall have effect as if made under that paragraph.

### **Consideration of applications by panel**

6.—(1) A panel shall consider any application for appointment as a lay justice member which has been duly made under regulation 5.

(2) In considering any such application the panel—

- (a) shall have regard to guidance produced jointly by the Home Office and the Association of Police Authorities;
- (b) may interview any candidate who has submitted an application.

(3) Where an application has been received at a time when no appointment under paragraph 8 of Schedule 2 or paragraph 5 of Schedule 2A (as the case may be) to the 1996 Act is required to be made, the panel may delay considering it until such time as the panel are required to prepare a short-list of candidates for appointment.

(4) Subject to paragraph (6), a panel may consider applications under paragraph (1), may interview candidates under paragraph (2)(b) and may prepare a short-list under paragraph 4 of Schedule 3A to the 1996 Act only if all of their members are present.

(5) A decision of a panel to include a candidate in a short-list under paragraph 4 of Schedule 3A to the 1996 Act may be taken by a majority of their members.

(6) A panel may act if two of their three members are present if—

- (a) not less than one week's notice was given of the meeting in question; or
- (b) the member of the panel who is not present has previously consented in writing to the other members acting in his absence; or
- (c) the member of the panel who is not present has died; or

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(5) Paragraph 11 of Schedule 2 and paragraph 7 of Schedule 2A were each amended by paragraph 20 of Schedule 4 to the Insolvency Act 2000 (c. 39) and by paragraph 7 of the Schedule to the Company Directors Disqualification (Northern Ireland) Order (S.I.2004/1941); paragraphs 13 and 14 of Schedule 2 were amended by section 106 of the Criminal Justice and Police Act 2001 (c. 16); paragraph 14 of Schedule 2 and paragraph 9 of Schedule 2A were respectively amended by paragraphs 373(4) and 374(4) of Schedule 8 to the Courts Act 2003.

- (d) the meeting is held for the purpose of making the appointment referred to in paragraph 1(2)(c) of Schedule 3A to the 1996 Act.

#### **Record maintained by panel**

7.—(1) The members of a panel shall maintain a record of the persons who have applied to be considered for appointment as lay justice members.

(2) The record maintained under this regulation shall state—

- (a) the name and address of every applicant;
- (b) such details about the application as the members of the panel consider appropriate;
- (c) in the case of a person included on a short-list under paragraph 4 of Schedule 3A to the 1996 Act, that fact; and
- (d) in the case of a person who is disqualified as a lay justice, the grounds of the disqualification.

(3) An entry in the record maintained under this regulation may be deleted on the expiry of four years from the date when it was made.

#### **Inclusion on short-list by panel from names listed in record**

8.—(1) Where—

- (a) a panel are required to prepare a short-list of candidates to be appointed as lay justice members, and
- (b) either of the conditions in regulation 4(4) is satisfied,

the panel may consider the names of the persons previously listed in the record maintained under regulation 7, except those disqualified, with a view to including on the short-list persons included in that record without complying with regulation 4(1).

(2) Where a panel propose to include on a short-list any such person they shall give that person a notice—

- (a) stating their proposal, and
- (b) requiring him to reply not later than three weeks after the date of that notice stating whether or not he continues to be willing to be included on a short-list for appointment as a lay justice member.

Home Office  
9th March 2005

*Hazel Blears*  
Minister of State

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Following amendments to the Police Act 1996 by the Courts Act 2003, lay justice members replace magistrate members as the third category of member of a police authority (in addition to councillor members and independent members). Lay justice members are appointed by councillor members and independent members from among candidates included on a short-list prepared by a selection panel in accordance with Schedule 3A to the 1996 Act. These Regulations provide for the procedures to be followed in relation to the preparation of such a short-list, and the conduct of the proceedings of the selection panel.

Regulation 3 requires the clerk to the police authority to notify the panel of a vacancy or impending vacancy for lay justice members. Regulation 4 provides for the selection panel to issue a notice advertising such a vacancy. Regulation 5 provides for the content of applications from lay justices wishing to be considered for inclusion on short-list. Regulation 6 requires the panel to consider such applications and provides for majority voting and for decisions to be taken when only two members of a panel are present. Regulation 7 requires the panel to make a record of applicants, and regulation 8 allows such a record to be used for the preparation of future short-lists without issuing a notice.