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**2000 No. 2148**

**JUSTICES OF THE PEACE, ENGLAND AND WALES**

**The Code of Conduct (Magistrates' Courts Committees  
and Selection Panels) Order 2000**

*Made - - - - - 3rd August 2000*

*Laid before Parliament 8th August 2000*

*Coming into force - - 1st September 2000*

The Lord Chancellor, in exercise of the powers conferred on him by section 39A(1) and (4) of the Justices of the Peace Act 1997<sup>(a)</sup>, having undertaken consultation in accordance with section 39A(3) of that Act, makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Code of Conduct (Magistrates' Courts Committees and Selection Panels) Order 2000 and shall come into force on 1st September 2000.

**Code of Conduct**

2. The code of conduct set out in the Schedule to this Order shall come into force.

Signed by the authority of the Lord Chancellor

3rd August 2000

*Jane Kennedy*  
Parliamentary Secretary,  
Lord Chancellor's Department

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<sup>(a)</sup> 1997 c. 25. Section 39A was inserted into the Justices of the Peace Act 1997 by section 86 of the Access to Justice Act 1999 (c. 22).

**SCHEDULE**

Article 2

**Code of Conduct****Definitions**

1. In this Code—
  - (a) “the Code” means the code of conduct set out in this Schedule;
  - (b) “a member”, unless the context otherwise requires, means a person who is either a member of a magistrates’ courts committee or a member of a selection panel for choosing members of a magistrates’ courts committee;
  - (c) reference to a member’s partner means a person with whom that member lives as a couple and includes a person with whom that member is not currently living but from whom he is not living separate and apart;
  - (d) reference to a member’s private interests means the interests that he has a duty to disclose under paragraph 3 (even if the time for making the disclosure under paragraphs 3(3) and 11 has not expired).

**Integrity**

- 2.—(1) A member must in the performance of his duties act—
  - (a) solely in the public interest; and
  - (b) in accordance with the public trust placed in him.
- (2) A member must at all times comply with the law and uphold the administration of justice.
- (3) A member must not—
  - (a) place himself in a position where his integrity might reasonably be called into question by reason of any financial or other obligation;
  - (b) take any action which could bring discredit on the magistrates’ courts committee or on the selection panel of which he is a member.
- (4) A member must not use his position as a member to obtain or confer benefits, preferential treatment or advantage improperly for or on himself or others.
- (5) A member must take reasonable steps to ensure that any papers or information received in the performance of his duties are kept safe.
- (6) A member must not use any papers or information received in the performance of his duties for any purpose other than the performance of his duties as a member.

**Duty to disclose interests**

- 3.—(1) A member must disclose in writing to the justices’ chief executive details of all—
  - (a) relevant personal direct and indirect pecuniary interests;
  - (b) relevant direct and indirect pecuniary interests of a member’s partner of which the member could reasonably be expected to be aware;
  - (c) relevant personal non-pecuniary interests; and
  - (d) relevant non-pecuniary interests of a member’s partner of which the member could reasonably be expected to be aware.
- (2) In sub-paragraph(1)—
  - (a) references to a relevant interest, whether pecuniary or non-pecuniary, and whether direct or indirect, means any interest which may, or which may be perceived (by a reasonable member of the public) to, influence his judgment as a member; and
  - (b) references to an indirect pecuniary interest means an interest which arises from connection with bodies which have a direct pecuniary interest or from being a business partner of, or employed by anyone with such an interest.
- (3) Subject to paragraph 11, a member must make the disclosure required by this paragraph—
  - (a) within a period of one calendar month commencing with the date that he becomes a member;
  - (b) if the interest is acquired after he becomes a member, within a period of one calendar month commencing with the date that the interest was acquired; and
  - (c) if the interest becomes subject to the duty to disclose contained in this paragraph after it is acquired, as soon as reasonably practicable after it becomes subject to that duty.

**Conflict of interests**

- 4.—(1) A member must ensure that he does not act in any way in which there is or might reasonably supposed to be a conflict of interest between his duties as a member and his private interests.

(2) If a member has a private interest in a topic to be discussed at a meeting that member must—

- (a) disclose his interest before the discussion;
- (b) take no part in the discussion of and decision on that topic; and
- (c) request that his disclosure be recorded in the minutes of the meeting.

(3) A member of a magistrates' courts committee complies with his duty of disclosure under sub-paragraph (2) if he gives a notice to the justices' chief executive that he has an interest in a specified firm, company, body or organisation and is to be regarded as interested, after the date of the notice, in any contract that has been or may be made with the firm, company, body or organisation until he withdraws the notice.

(4) A notice referred to in sub-paragraph (3) may be given orally at a meeting or in writing addressed to the justices' chief executive.

(5) If a conflict of interest arises between a member's duties as a member and his private interests, that member must—

- (a) ensure that the conflict does not have, and could not be perceived (by a reasonable member of the public) to have, any influence on his decision-making as a member; and
- (b) take steps to resolve the conflict in a way that protects the public interest.

### **Objectivity**

5. A member must make choices solely on merit when acting in the performance of his duties and making appointments or recommending individuals for rewards or benefits, or, in the case of a member of a magistrates' courts committee, when awarding contracts.

### **Accountability**

6. A member is accountable to the magistrates' courts committee or selection panel of which he is a member and must submit himself to whatever scrutiny of his decisions, actions and lack of action as is reasonable for his office.

### **Gifts, hospitality and services**

7.—(1) A member must not accept gifts, hospitality or services that might reasonably be thought to influence, or to be intended to influence, him in the performance of his duties.

(2) The following gifts and hospitality will not be regarded as influencing or intending to influence a member in the performance of his duties—

- (a) gifts that are occasional and inexpensive, such as calendars; and
- (b) conventional hospitality provided it is normal and reasonable in the circumstances.

(3) A member must report in writing to the justices' chief executive details of offers of gifts, hospitality or services made in connection with his membership.

(4) The details required to be reported in sub-paragraph (3) are—

- (a) description of the gift, hospitality or services;
- (b) the name, occupation and any position held, of the person who offered to make the gift or provide the hospitality or services;
- (c) the estimated value of the gift, hospitality or services;
- (d) whether the offer was accepted or not; and
- (e) in the case of a gift, where that gift is now.

### **Openness**

8. A member must—

- (a) be as open as possible about all decisions, actions and lack of action that he takes in the performance of his duties;
- (b) give reasons for those decisions, actions and lack of action when called upon to do so; and
- (c) restrict supplying information only when the public interest clearly demands such restriction.

### **Leadership**

9. A member must—

- (a) promote and support the Code by leadership and example, always acting in such a way that preserves public confidence in the magistrates' courts committee or in the selection panel of which he is a member; and
- (b) treat everyone he encounters in the performance of his duties as a member in a way that engenders mutual respect at all times.

**Duty to report breaches of the Code**

**10.** A member must report to the justices' chief executive any breaches of the Code of which he is aware, whether by himself or any other member.

**Transitional provisions**

**11.—(1)** In this paragraph, an "existing member" means a member who is a member on the date the Code comes into force.

(2) If, on the date the Code comes into force, an existing member has an interest that has to be disclosed under paragraph 3, he must make the disclosure required by that paragraph within a period of three months commencing with the date the Code comes into force.

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**EXPLANATORY NOTE**

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

This Order contains a code of conduct to be observed by members of magistrates' courts committees and members of selection panels for choosing members of such committees.

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