

ELIZABETH II



MAGISTRATES  
ASSOCIATION



ELIZABETH II



Criminal Justice Act 2003

2003 CHAPTER 44

Courts Act 2003

2003 CHAPTER 39

ELIZABETH II



Sexual Offences Act 2003

2003 CHAPTER 42

**ANNUAL REPORT**

**AND ACCOUNTS**

**2003–2004**

## The Magistrates' Association

### National Office

28 Fitzroy Square  
London  
W1T 6DD

Telephone:

Secretariat 020 7387 2353

Membership 020 7388 5558

Fax 020 7383 4020

E-mail: [secretariat@magistrates-association.org.uk](mailto:secretariat@magistrates-association.org.uk)  
[finance@magistrates-association.org.uk](mailto:finance@magistrates-association.org.uk)  
[communications@magistrates-association.org.uk](mailto:communications@magistrates-association.org.uk)  
[training@magistrates-association.org.uk](mailto:training@magistrates-association.org.uk)

Website [www.magistrates-association.org.uk](http://www.magistrates-association.org.uk)

### Auditors

Messrs BDO Stoy Hayward LLP  
Emerald House  
East Street  
Epsom  
Surrey  
KT17 1HS

### Bankers

National Westminster Bank Plc  
Bloomsbury Parr's Branch  
PO BOX No 158  
214 High Holborn  
London  
WC1V 7BX

### Investment Advisers

Tilney Investment Management  
36 Queen Street  
London  
EC4R 1BN

## Chairman's Report



The past year has been very important to magistrates and judges, as streams of detailed work have been developed to reshape the administration and delivery of justice in England and Wales. The committee reports highlight the nature and extent of the work on which members have been engaged, regularly

seeking the advice of Council, and consulting with the wider membership in responding to government papers and proposals.

Throughout the year the Association has kept magistrates up to date on the latest developments in all aspects of the Unified Administration, criminal and family justice and on the constitutional proposals for the judiciary and the Association. The *Magistrate* magazine goes from strength to strength and is the mainstay of communication but increasing numbers are using the website, receiving information and responding electronically to consultation and requests for information. Many branch and bench visits have been undertaken by the Chairman, Deputy and Chief Executive.

The most fundamental change from our point of view has been the developing relationship between the senior judiciary and the magistracy. It was always anticipated that unifying the administration of the courts would bring all judges and magistrates closer together but this has happened more quickly and more completely than might have been foreseen. In every way, we as magistrates have been warmly and fully welcomed into the judicial family. Consultation across the different branches of the judiciary, from the Lord Chief Justice and his colleagues, the circuit bench, the district bench and the Justices' Clerks' Society has been comprehensive and effective. Working together, whether developing criminal case management, liaison with the probation service or consulting over legislation, has led to even stronger and effective representations on matters of concern. Most importantly of all this helps to underline the judicial principles and recognises the importance of local justice. In particular, our representation on the Judges Council, its Executive sub-committee, and working parties, ensures that the views and opinions of magistrates are represented and have helped to shape responses on:

- Constitutional Reform Bill
- Criminal Defence Service proposals
- Spending Review 2004

- Estates Strategy
- Department for Constitutional Affairs Strategic Plan.

In addition, the Association has submitted its own written evidence followed by oral evidence to Select Committees on constitutional reform, environmental crime and the Criminal Defence Service

While this work has been our main external focus, internally one of the priorities has been to improve the links and communication between benches and branches. A second conference for bench and branch chairmen on the future administration of the courts took place in February. Shortly after, a small group of bench chairmen met at Fitzroy Square to establish a National Bench Chairmen's Forum within the Association. From January 2005, the forum, whose membership will be elected by bench chairmen, will meet regularly to discuss bench management issues. Regional conferences are taking place in September and October to discuss area liaison structures with Her Majesty's Courts Service and practical arrangements and support for magistrates.

While all this is going on, we must never forget that recruitment and retention of magistrates are arguably the most important matters of all relating to the long-term future of the magistracy. The numbers have been falling over the last six years, the average age of magistrates has increased and legislative proposals coupled with *Narrowing the Justice Gap* will increase the workload of the courts.

This is why at the end of last year we very much welcomed the launch of a National Recruitment Strategy for magistrates. It has not moved forward as quickly as we had hoped but I am pleased to say that the funding is now in place for a properly structured programme. The Association is represented on the Project Board by Ann Flintham. The campaign on the buses in designated areas *Are you Magistrate Material?* has resulted in a much increased level of enquiries about becoming a magistrate to the recruitment hot line, particularly from the under 50s and those in full-time employment. It is crucial that an active recruitment policy continues to be pursued over the next year.

I am very much pleased to report that the Mock Trial Competition, Magistrates in the Community (MIC) and Local Crime Community Sentence (LCCS) have continued to make excellent progress. All three projects are important aspects of the Association's work to raise public confidence in criminal and family justice.

The Constitutional Reform Bill, which proposes to establish a Judicial Appointments Commission, a Supreme Court and abolish the role of the Lord Chancellor, is fundamental to the balance of responsibilities between the judiciary and the executive and has important implications for magistrates. The proposals were examined in detail by a Select Committee of the House of Lords over three months. The Association contributed to the Judges Council response, submitted a paper on issues relating to magistrates and gave oral evidence. The essential aim throughout has been to safeguard the rule of law and the independence of the judiciary. Lengthy discussions between the Lord Chief Justice and the Lord Chancellor eventually resulted in the 'Concordat'. Until now the guarantee of judicial independence has rested on understandings, conventions and self-restraint. In the future it would be enshrined in the proposed legislation together with a distinct separation of powers and responsibilities. For magistrates, this means that the Lord Chief Justice would take over ultimate responsibility for the training framework devised by the Judicial Studies Board and the authorisation of family and youth panel magistrates. The Judicial Appointments Commission will put forward the names of magistrates recommended by Advisory Committees for appointment by the Lord Chancellor on behalf of the Queen. Disciplinary matters will be the responsibility of the Lord Chief Justice in agreement with the Lord Chancellor. What this means is that all this work has finally brought arrangements for magistrates into line with those of the judges.

However, one outstanding matter still to be resolved is safeguards to protect the judicial independence of our justices' clerks when giving advice or delivering training to magistrates. We must hope that this is shortly concluded in a satisfactory manner.

The work is far from complete, so I am delighted to say that on all the new boards and bodies such as:

- Judicial Appointments Commission
- Sentencing Guidelines Council
- Criminal Rules Procedure Committee
- Family Justice Council
- Family Procedure Rules Committee

there is a magistrate member representing your views and interests and at the heart of decision making.

One other issue that magistrates have raised in many parts of the country has been the provision of pre-sentence reports. There is an urgent need for more effective liaison and feedback from the probation service. The new combined service of the probation and prison services will be known as the National Offender Management Service. I am pleased to say that a national liaison group has now met and the focus of its work will

be on very much improved communication for all magistrates on the programmes available and their outcomes. Significant delays and staff shortages have caused concern and it is essential that the wider range of community and custodial options in the Criminal Justice Act are properly resourced before they are implemented. We shall continue to be active in this area.

Turning to our own internal constitution, the Charter Working Party has met throughout the year and will present the final version to Council in July 2004 following consultation with the membership. The proposed new Charter follows the 1962 Charter but provides for a smaller Board of Trustees responsible for the management and administration of the Association. Council would continue to debate and consider legislation and matters relating to magistrates and their duties, as an advisory body. It would also be responsible for electing the Chairman and Trustees, advising them on policy and monitoring their role. Alongside the Charter are updated Bye-Laws. Both documents take into account the requirements of the Charity Commissioners and meet current standards of governance. I am very grateful to the working party for the commitment they have shown in preparing this important piece of work on our governance.

In conclusion, this year has been filled with challenges and opportunities. The tools are now in place for a strong and vigorous magistracy delivering a high standard of justice with the wholehearted support of the judges. I would like to thank all those who have played a part in bringing this about.

Finally, I would especially like to thank the team at Fitzroy Square for their exceedingly hard work. Their commitment has been remarkable. They achieve high standards across an extraordinary range of subjects. We are much indebted to them.

**Rachel Lipscomb**

*Chairman of Council*

22 July 2004

# Committee Reports

## Executive Committee

Although the Council members are the trustees of the Association, this committee takes a lead role in discussing all organisational issues. The Executive considers, for example, funding, staffing, premises and property and makes recommendations on these matters to the Council. However, during 2003–2004 it has also led the discussions on the following subjects:

- the National Bench Chairmen's Forum;
- protection and indemnification of magistrates;
- the roles of the bench chairman and deputy bench chairman;
- constitutional reform – including the new arrangements for the appointment of magistrates;
- the future structure of the Magistrates' Association;
- the National Recruitment Strategy for magistrates;
- justices' allowances; and
- appointment of district judges.

Many of these issues are discussed in more detail elsewhere in this Annual Report.

## Communications Committee

- The Association website continues to improve and is a valuable source of information for members, particularly with the introduction of the password protected *Members' Page*.
- The e-mail forum *Off the Bench* is well established and generates some interesting discussions.
- It has been accepted that e-mail will become the standard form of communication with branch secretaries from January 2005.
- Telephone conferencing has been used successfully and all committees will use this method for at least one meeting each year.
- Results of the WebSurveyor survey which was run last year showed a high level of satisfaction with the website, the *Magistrate* and communications in general.
- The format of *Branch Briefing* has been changed to differentiate it from *Noticeboard* and make clearer the action required by branches.
- The committee has arranged for the production of pens bearing the Association logo to be given as gifts to visitors or for purchase by branches.
- The Branch Officers' Conference held last autumn was a successful day and highlighted the importance of communications at local level.
- The rolling screen presentation used at the Branch Officers Conference was successfully adapted for use at the AGM.
- Input into the editorial board of the *Magistrate*, including the suggestion of a technical hints box.
- A questionnaire was sent to all branch secretaries and results showed that all branches are now equipped to receive e-mail. Around half of branch secretaries are able and willing to act as the main point of distribution for documents being sent to branches. Post will, for the time being, continue to be used for the remainder.
- Members have monitored and supported the MIC project, the LCCS project and media and press relations throughout the year.

## Youth Courts Committee

- The committee is pleased to report that many of its recommendations are being incorporated to help prevent reoffending and improve the care and control of young offenders. The proactive approach has resulted in beneficial changes to custodial accommodation, education and escort arrangements.
- The committee remains concerned about 14–16 year olds in inappropriate accommodation and the need for designated bail units while the acute shortage of placements is addressed.
- The committee has responded to numerous consultations, meetings and papers from the Home Office, Youth Justice Board (YJB) and Department of Constitutional Affairs.
- The annual meeting with the YJB provides an excellent opportunity to improve working arrangements.
- Improvements have been made in communicating with youth panels resulting in better information exchange.
- The committee continues to monitor various sentences and responded accordingly.
- The committee has responded to numerous requests for information including the senior policy adviser for Western Australia.
- All committee members have been part of the Youth Court Issues Group; working parties on supervision orders, sentencing reviews, strengthened referral orders, sentencing, curfew and tagging and court reports.
- Committee members have attended numerous conferences and seminars.
- The committee has contributed to the planning of the conference for youth panel chairmen and legal advisers to be held in Warwick in July 2004. The subject is the mental health and the well being of young offenders.

## Sentencing Committee

- The Sentencing Committee has had presentations on enhanced community punishments, intensive control and change programmes (ICCP) and the Criminal Justice Act.
- The Committee continues to review how the magistracy can usefully use statistics, and a joint MA/Home Office Sentencing Statistics Working Group is currently reviewing options.
- Standardised means forms have continued to excite comment. A revised form has now been introduced, into pilot areas, which meets most needs of the courts.
- The committee had been represented on the Fast Track Prosecution Steering Group relating to school non-attendance. Guidance had been produced and Basil Wood and Rachel Lipscomb delivered key speeches at a series of regional conferences.
- The committee, in conjunction with the Criminal Justice System Committee, agreed the Association's response to the independent inquiry into alternatives to custody, sponsored by the Esmee Fairburn Foundation.
- The committee established a working party to review the use of curfew orders as statistics suggested substantially different patterns of use around the country. Subsequently a survey questionnaire was widely distributed and results will be published later in 2004.
- Discussions continue on liaison between the magistrates and the probation services. The MA had proposed a new clause in the Criminal Justice Bill that required probation to establish consultation arrangements with the magistracy. Concerns have been raised on the varied provision of reports and OASys is eagerly awaited.
- The revised *Magistrates' Court Sentencing Guidelines* were published in January 2004. It was noted that a working group had been set up to review 'Pronouncements in Court' by the Judicial Studies Board, the revised pronouncements to be included in the final publication.
- The committee still awaits a meeting to discuss low level community penalties for people on low or no income for persistent petty offences.
- The committee responded to consultations on the Anti Social Behaviour Bill, Draft Code of Practice and Reduction in Sentencing for a Guilty Plea, football banning orders, restriction on bail for drug misuse and the Sexual Offences Act 2003.
- The committee has and is continuing to be involved with consultations with other bodies on the new sentencing provisions in the Criminal Justice Act 2003.

## Family Proceedings Committee

- The Protocol for Judicial Case Management in Public Law Children Act Cases came into force in November. The committee is participating in the examination of the impact of the protocol on performance and advising on the issues that arise. Concern continues about the timely provision of guardians and experts.
- The majority of the provisions of the Adoption and Children Act 2002 will not come into effect until 2005, but the committee has continued to participate in the drafting of the rules which will govern its working.
- Meetings have been held with the chief executive, new chairman and new board of CAF/CASS to explain members' concerns about the delays in both public and private law.
- With the objective of increasing two-way communication with family panel members the Committee created the *Forum* newsletter. This is sent to all family panel chairmen and is also available to all through the website.
- The Early Resolution Pilots announced earlier this year are welcomed, but the committee has expressed concerns about their implementation and their limited scope.
- The announcement of the Family Justice Council was welcomed and the committee intends to build a working relationship with it once established.
- The committee was invited to speak to the President's Spring Conference of all care centre and family liaison judges on the impact of unified administration on family proceedings courts.
- All opportunities have been utilised to lobby on the Association's policy, adopted at the 2003 AGM, to provide power for youth courts to order welfare enquiries and ultimately to transfer matters to the family proceedings court.
- A speaker was provided to the Joseph Rowntree Foundation seminar in June 2004 on post-separation parenting.
- The committee continues to work to ensure that training for family magistrates is properly funded and resourced across the whole country.
- The Child Support Agency has met with representatives of the committee to address issues of mutual concern, particularly with regard to enforcement proceedings.
- The committee participated in the development and launch of a curriculum aimed at all professionals working in child welfare and protection who come into contact with the family justice system.
- The committee chairman meets regularly with the President of the Family Division, with Lord Filkin (Minister with family justice responsibility) and with senior members of Her Majesty's Courts Service to discuss matters of mutual concern.
- The committee has representatives on the President's Interdisciplinary Family Law Committee and its Training and Development sub-committee; the Criminal/Family Interface Committee; the Family Appeals Review Group; the Domestic Violence Advisory Group and the Family/Magisterial Sub-Committee of the Judicial Studies Board.
- Members of the committee have represented the Association at many conferences and seminars, and have sent letters and submissions to various parts of the media (some of which are available on the website).

## Training and Development Committee

- The committee's main area of work this year has revolved around MNTI2 introduction and implementation as well as involvement on competences and materials following pilots conducted in 2002-2003. The committee is also represented on the project board for MNTI2 competences and on the Judicial Studies Board (JSB) Magisterial Committee.
- In co-operation with the JSB, the Association has developed training for new and existing mentors and appraisers as well as courses for training for trainers.
- The committee has been represented on a working party to update the *Adult Court Bench Book* and continues to feed in comments for future updates.
- The committee contributed to the development of the JSB domestic violence training and the training the trainer courses for this were administered by the Association.
- The last of the diversity training courses were delivered early in 2004, leaving a legacy in the courts system.
- The committee consulted and lobbied on other training issues such as the reforms brought about by the Criminal Justice Act.
- The committee has been involved with consultations for initial plans on the future role of the JSB and Rachel Lipscomb sits on the Strengthened Role Project Board.

## Criminal Justice System Committee

A great deal of work has been done by the committee with regard to the unified administration (UA) and in particular:

- The achievement of a very significant amendment, s21 of the Courts Act, established the principle on which all future liaison will be built.
- The committee initiated *Recommendations for Liaison Structures under Unified Administration*; the structures outlined have achieved acceptance and will be of vital importance for the future.
- A cross-committee Unified Administration Task Force has been set up in order to gather and disseminate information, and act as a point of contact for each of the UA's seven regions.

Other major work for the committee has included:

- Effective trial management and the production of a *Criminal Case Management Framework* document, a guide to case management procedures and the expectations of the court.
- Initiatives in relation to anti-social behaviour and the introduction of bolt-on anti-social behaviour orders and specialist prosecutors.
- Increased focus on domestic violence and developments in domestic violence courts.
- A number of measures on fine enforcement including the piloting of a standard means enquiry form and new legislative measures.
- Close monitoring of consultation arrangements for local criminal justice boards.
- Pressing for the introduction of a new low level community order for low level offenders who have committed offences that are serious enough for community penalties.
- Pressing for consistency in the use of pre-sentence reports and specific sentence reports.
- Arrangements for the piloting of intermittent custody, and evaluation of the pilots.
- Comments on changes to legal aid.
- Concern remains over the issue of medical certificates and the British Medical Association are working on possible alternative certification systems to the current GP based system.
- A final confirmation from the Department for Constitutional Affairs that there is no longer any possibility of magistrates' courts being involved in asylum bail hearings.
- Representation on the Criminal Procedure Rule Committee Working Group.
- Guidelines for effective security arrangements *Safe and Secure*, have now finally been published.

The committee has responded to a great many consultation papers, including the Home Office consultation paper on domestic violence, *Safety and Justice; Delivering Value for Money in the Criminal Defence Service*; joint response with the Sentencing Committee to the Coulsfield enquiry into *Alternatives to Custody; Compensation and Support for Victims of Crime* which proposed changes to the Criminal Injuries Compensation Scheme and the setting up of a Victims Fund to be financed by a surcharge on fines; the Government's response to the Carter Review, *Reducing Crime – Changing Lives*, which introduced a radical change in the management of offenders, and the establishment of the National Offender Management Service (NOMS) and response to *Review of Code for Crown Prosecutors*.

## Road Traffic Committee

- The committee has dealt with road traffic issues arising from the finalisation and publication of the *Magistrates' Court Sentencing Guidelines*. Matters dealt with include the changes to the guidelines for no insurance and driving whilst disqualified. In particular, the introduction of a pilot scheme – Project Laser in 23 police force areas in the country where £200 fixed penalty tickets can be issued for no insurance has occupied the committee's time.
- Other matters which the committee has discussed in the year include unsigned s172 notices, digital cameras for traffic police, DVLA licence mismatches, driver disqualification for any offence under the Powers of Criminal Courts (Sentencing) Act 2000, the review of fixed penalty levels and the cloning of number plates.
- The committee has responded to consultation papers including the *Future of the Counterpart to the Photocard Driving Licence*, amendments to Drink Drive Rehabilitation legislation and the draft School Transport Bill.
- The committee is pleased to see the introduction of a specific offence for hand held mobile phone use while driving and looks forward to the time when the offence attracts three penalty points. The committee was pleased to see the introduction by the DVLA of continuous registration for vehicles in January 2004.
- The committee continues to press for mandatory carriage of a driving licence when driving, the revocation of the driving licences of new drivers if disqualified for any period and the lowering of the drink drive alcohol limit.
- The committee continues to be concerned at the ever increasing number of new drivers who have had their licences revoked by the DVLA but have not taken the driving test again. The Department for Transport is aware of our concerns.
- Conferences attended include The Road to Recovery from Brake, the Westminster Lecture on Transport Safety by Professor Begg, a PACTS conference, No Room for Complacency, the Association of British Insurers conference on Uninsured Drivers, an Ogwr DASH Drink Drive Seminar and the Department for Transport's Safer Roads for Everyone.
- The committee has asked the DVLA to review its policy of wiping a driver's record clean after four or, when appropriate, 11 years.
- The committee made submissions to John Halliday for his review of serious road traffic offences and to Professor David Greenaway's review of motor insurance. The publication of both reviews is awaited with interest.
- The committee has liaised with government throughout the year and with agencies associated with road traffic matters including the Transport Research Institute, the Road Haulage Association, the Freight Transport Association, the Association of British Insurers, the Traffic Industry Research Foundation, PACTS and ADDAPT – the Association of Drink Drive Approved Providers of Training.
- The committee is represented on the DVLA/Courts Liaison Group, the Home Office Fixed Penalty Procedures Working Group, PACTS Road User Behaviour Working Party and the Project Laser Working Group.
- The committee has responded to numerous media requests.

## Licensing Committee

- The committee has been concerned with the Licensing Act 2003 as it follows its tortuous path towards implementation. Guidance appeared in the spring and committee members have continued to attend numerous meetings at the Department of Culture, Media and Sport (DCMS) to discuss the details. Final hand over dates may be as far ahead as 2006.
- The committee has also been concerned about the establishment of new appeals panels to deal with the civil and administrative functions, as well as offences arising out of the Licensing Act 2003.
- With regard to the Betting and Gaming Bill, the committee provided written evidence to the scrutiny committee. The final version of the Bill is expected later in 2004 and as with licensing, magistrates' powers will transfer to local authorities and the Gaming Board.
- The committee has taken great interest in the Securities Industry Act being introduced during 2004–2005 as this will provide work for magistrates in hearing appeals against refusals to grant a licence.
- Training materials are being prepared by the JSB to cover magistrates' new roles under the Licensing Act 2003.
- Committee members have attended meetings at Department for Culture, Media and Sport, for the Parliamentary All-party Beer Group and the National Licensing Forum.

## Members of Council

Honorary Chairman of Council	Mrs RE Lipscomb JP
Deputy Chairmen of Council	Mrs LJ Barnett JP Mr PW Blackwell JP ( <i>resigned 31 December 2003</i> )
Honorary Treasurer	Mrs FH Kaufmann JP

### Council members serving at 30 June 2004

Mr T Allchin JP*	Mrs AH Evans JP	Mr FC Manning JP*+	Mrs A Smith JP*
Mr CE Amos JP	Mrs PM Evans JP	Mrs JA Matthew JP*+	Mr G Smith JP
Mr K Ashmore JP*	Mr RA Evans JP	Mr DC Mattocks JP*	Mr RM Smith TD JP
Mr RK Attiwell JP*	Mrs MAJ Everard JP	Mrs PM Mayer JP*	Mrs PAD Southby- Tailyour JP*
Mrs JM Bacon JP*	Mr JA Fassenfelt JP*	Mrs AJ McGarry JP*	Mrs RN Stell JP*+
Mr CH Bagot JP	Mrs A Foot JP*	Mr A Muncaster JP *	Mrs FML Street JP*
Lady FBM Banham JP	Mr SS Forster JP	Mr JJ Murphy JP*	Mrs L Thornber JP*
Mrs EA Barnett JP*	Mrs M Garstang JP*	Mrs PA Naylor JP*	Mr RP Tilt JP*
Mrs JV Bennett JP	Dr IJ Grayson-Smith JP*	Mr JOH Norman JP*	Mr D Vause JP
Mr JHB Berry JP	Mr E Griffiths JP*	Dr JJ Phillipson JP	Mrs D Waddell JP*
Dr SP Berry JP	Mr C Groom JP	Mr JC Pleeth JP*+	Mr RA Westcott JP
Mr RA Brickell JP*	Mr J Henderson JP	Mr MD Prevezer JP*+	Mr EHC Weston JP*
Mr PS Buckley JP	Dr J Higgins JP*	Mr RT Pye JP*	Mr CJ Wheeler JP
Mrs JA Burton JP	Professor J Howson JP*	Mrs RM Rand JP*	Mrs JM Wibberley JP*
Mrs AB Chadwick JP*	Mr D Hughes JP*	Mrs R Reece JP*	Mrs GM Wild JP
Mrs JF Chapman JP	Mrs PA Hunt JP*	Mr JDL Richardson JP	Mrs A Williams JP
Mr RW Childs JP*	Mrs LA Jackson JP*	Mr M Richardson JP*	Mrs AA Williamson JP*
Mr BG Cooper JP	Mrs PA Jackson JP	Mrs AR Roberts JP	Mrs M Wilson JP*
Revd GR Curry JP*	Mr B James JP*	Mr B Rosenfield JP	Mr JA Winnington JP*
Mrs PNJ Curry JP*	Mrs IE Kent JP	Mr KH Sach JP*	Mr SV Wolfensohn JP*
Mrs MM Darg JP	Mrs HN Langabeer JP*	Mr P Sanderson JP*	Mr AB Wood JP*
Mrs AM Darke JP	Mrs BPM Large JP DL*+	Mrs PDM Seaton MBE JP DL+	
Mr JMR Davies JP*	Mr DH Longbottom JP*	Mr MS Sharp JP*	
Mr RA Davies JP*	Mr FK Lyness JP*	Mr P Sloman JP*	
Mr R Davy JP*	Mrs J Males JP*	Mr AJE Smith JP	

### Council members appointed during 2003–2004

Mr BJ Castle JP	Mr SJ Matthews JP*	Mr KC Robinson JP	Mrs SV Swan JP
Mr JP French MBE JP*	Mr K Moller JP	Mrs FMJ Smith JP	Mrs MM Wilson JP
Mr G Jones JP	Mrs YH Powell JP		

\*Current committee involvement  
+Executive Committee

### Council members leaving during 2003–2004

Mr JE Baldwin JP	Mr FJB Kenyon JP	Mrs V Royce JP	Mr KW Taylor JP
Miss CT Bell JP	Mr GM King BEM JP	Mrs AL Ruoff JP	Mrs GM Young JP
Mrs LFH Cullis JP			

# Trustees' Report

## Legal and administrative details

The full name of the charity is The Magistrates' Association. Founded on 26 October 1920, it was incorporated by Royal Charter on 12 November 1962. It is registered as charity number 216066 with the Charity Commissioners. The Charter and the Bye-laws as approved by Privy Council on 18 August 1993 and incorporating revisions approved on 26 January 2000, govern the operation of the Association.

The governing body of the Association is its Council, which consists of representatives nominated by our 59 branches. The number of representatives from each branch varies between one and four, determined by a formula laid down in the constitution that takes into account the number of members attached to each branch. The members of the Council are the trustees of the Association and their names are appended to this report.

Details of the Association's address, bankers and investment advisers can be found inside the front cover of this document.

The investment powers of the trustees are laid down in the Charter and give the trustees power to invest in those investments authorised under the Trustees Investment Acts, plus broad powers to invest in Commonwealth and USA government and municipal securities and mortgages; UK bonds, mortgages and equities; unit trusts; real estate and mortgages.

## Association objects and organisation

The objects for which the Association is established and incorporated are to educate and instruct magistrates in the law, the administration of justice, the treatment of offenders and the best methods of preventing crime, so as to help them to perform their public duties in the most competent and efficient manner and to that end (but not otherwise) to issue publications, promote conferences and keep well informed of developments in the law and the administration of justice and take part in discussions on such subjects.

The policy of the Association is to aim to achieve the aforementioned objects by the dissemination of topical news to members through its journal; organising training initiatives in consultation with the Department of Constitutional Affairs; compilation and publication of

reference documents for the use of magistrates; engaging in dialogue on judicial matters by responding to the national media and sending delegates to conferences, seminars and working parties.

No material changes of policy have taken place since the publication of our last report.

The Bye-laws specify that the Council of the Association must meet at least twice per year. Current practice is for it to meet three times a year, electing a chairman and two deputy chairmen at the first Council meeting following the Annual General Meeting each October. The Annual General Meeting appoints the honorary treasurer. Collectively, these officers are referred to as the honorary officers. They are ex-officio members of Council and are listed on page 9.

The Bye-laws require the Council to appoint an Executive Committee to be responsible for managing the affairs of the Association, subject to the supreme control of the Council, and empowers Council to appoint such other committees as it shall think fit. During the period under review the committees, referred to as standing committees, were as follows: Communications, Criminal Justice System, Family Proceedings, Licensing, Road Traffic, Sentencing, Training and Development and Youth Courts. Membership of the standing committees is drawn from Council, plus co-opted members and observers as appropriate. The Council, honorary officers and committee chairmen are supported by a staff of 11 people based at the national office, plus the freelance editor of our journal.

## Association activities and achievements

Communication with members continues through the *Magistrate* magazine, the *Annual Report*, the Association's website, news bulletins to branch officers, notices to bench representatives and meetings of the committees, Council and the Annual General Meeting and with the raft of proposed legislation, letters and bulletins to bench chairmen and specialist panel chairmen.

Representation on government working parties, strategy groups and panels continues alongside regular liaison with other organisations in the criminal justice system. A great deal of work has continued with regard to legislation and implementation as the Courts Act, the Criminal Justice Act and the Licensing Act attained Royal Assent late in 2003. As the unified administration

unfolds, the Association has played a key role in ensuring magistrates will be fully consulted and involved in the future. Consultation documents have covered a wide area and most committees have been involved in collating members' views and submitting responses on a variety of subjects. The summaries from the committees on pages 5–8, give some indication of the quantity and variety of ongoing work across the many different areas of justice.

Advice and information continues to be given to individual members, to branches and benches and, with more and more members having access to the internet, the Association's website hosts an increasing amount of material. This year, a confidential members' site has been introduced and the youth site is in the process of being updated. Media interest continues to increase keeping the honorary officers and designated spokesmen busy. The Association's local public relations project – Magistrates in the Community (MIC) – continues to expand with ever increasing requests from schools and community groups. The winning MIC team of the year from Coventry delivered a most impressive programme but there are many other teams doing excellent work. For the first time, the Association held a competition for primary schools to design a Christmas card and this was most successful. The Local Crime Community Sentence initiative, developed with the Probation Boards' Association, is making progress albeit slower than hoped as the probation service undergoes another reorganisation with the introduction of the National Offender Management Service (NOMS).

The Association continues to support training and has been responsible to the Judicial Studies Board for the delivery of mentor and appraisal training as MNTI2 moves towards implementation.

## Accounts

The attached Statement of financial activities and Balance sheet are a summary of information extracted from our audited accounts. They contain the information we are obliged to supply to all our members to comply with our obligations as a registered charity.

As these accounts are a summary of information extracted from our audited accounts they may not contain sufficient information to allow for full understanding of the financial affairs of the Association. For further information, the full accounts and auditor's report may be obtained (free of charge to members) from The Finance Manager, The Magistrates' Association, 28 Fitzroy Square, London, W1T 6DD.

## Financial review

During the year, the Association has received income principally from membership subscriptions, grants, tax recoveries, investments and advertising revenue. Those funds have been applied to finance the activities detailed above, as well as expenses of Council and committees, publication of the *Magistrate*, and general administration and management of the organisation.

No material changes to accounting policies have taken place during the year.

The cash assets of the Association are all held in order to finance ongoing activities.

## Risk management

The trustees continue to monitor potential risks to the organisation and to take appropriate steps to mitigate them on an ongoing basis.

## Reserves

The policy of the trustees is to maintain sufficient reserves to fund the fixed assets of the Association, make sufficient provision for life members' future subscriptions and provide adequate working capital. The appropriate level at present has been determined to be three months' expenditure of unrestricted income. At 30 June 2004 this would amount to £239,698 and the actual figure carried forward was £239,760.

In addition there is set aside a sum to meet the current value of future subscriptions of life members. This is represented on the Balance sheet by the aggregate of the Designated funds and the Creditors: amounts falling due after more than one year. The optimum level for this figure as at 30 June 2004 is calculated at £2,061,360 but at the current market value of investments this figure is reduced to £1,828,040. The trustees anticipate that this shortfall will be eliminated over the remaining term of the life membership scheme.

Funds not immediately required are invested either on short-term deposit or by our investment advisers, who have discretionary powers of investment within the terms laid down in the Charter.

## Rachel Lipscomb

*Chairman of Council*

# Honorary Treasurer's Report for the year ended 30 June 2004



## Income and expenditure

Although I have to report that the Statement of financial activities shows a decrease in income compared to the previous year, virtually the whole of the reduction was attributable to a drop in restricted funds income as we

did not receive a donation from the Duchy of Lancaster pending the transfer of its responsibilities in 2005.

Unrestricted income was virtually unchanged in total although this was some £25,000 below our budgeted target. Sadly, and contrary to my optimistic report last year, I have to report that the initial increase in advertising revenue following the appointment of new agents at the beginning of 2003 has not been maintained and was approximately £23,000 below expectations. This was offset by a recovery in investment income and additional publications sales income which benefited from the introduction of a new edition of sentencing guidelines.

A limited appeal to those life members who paid a relatively low sum for their membership many years ago has met with an encouraging response whilst the Gift Aid scheme continued to generate a significant part of our total income and at £111,000 slightly exceeded our budget forecast.

Expenditure on running the Association has once again generally been contained below budget, with significant savings on staffing costs, insurance, administration, printing and stationery, Council and committees and representation.

The remedial works to the property following on from the professional survey in 2003 have continued, with the first major element, painting of the rear elevation and roof repairs, completed within budget in June 2004. The work to the front of the building was undertaken in July and this expenditure will fall into the 2004-2005 accounting year.

After including reductions in the cost of producing the magazine consequent on the lower advertising income and an increased recovery of staff time against restricted fund expenditure, we finished the year with a net movement in unrestricted funds some £15,000 better than the budgeted figure.

## Investments and designated funds

During the year our investment managers disposed of a number of under-performing investments, whose market value decline was reflected in the portfolio valuation at the end of last year.

Although the amount set aside as a designated fund for future life membership subscriptions remains below the optimum, the gradual recovery in our portfolio resulted in a net gain on investment assets for the year of £36,000 and enabled the shortfall to be reduced.

Continued careful monitoring of our cash flow has enabled cash assets to be reduced to the minimum required to cover expenditure.

## Reserves

We have continued with a reserves policy as prescribed by the Charity Commissioners, with the aim of spending our resources on projects to fulfil our objectives rather than building up our balances.

Our reserves policy continues to be set at the level of three months' gross expenditure of unrestricted funds after excluding designated funds set aside for life members' future subscriptions, as approved by Council in March 2002.

## Membership

Despite a continuation of the decline in numbers in the first part of the year, we ended the year on a small upward trend, finishing with 27,940 members, a net loss of 60 over the year. The number of life members reduced in line with expectations and the closing figure was 6,425, down from 6,572 at the end of the previous year and, encouragingly, the number of ordinary members increased from 21,161 to 21,269.

## Conclusion

Given the lack of growth in unrestricted funds income, I consider the results to be satisfactory. As usual, I would like to thank our auditors, BDO Stoy Hayward and our investment advisers, Tilneys, for their support and advice. And, of course special thanks to my fellow honorary officers and the staff at Fitzroy Square for all the expertise and support that they have provided throughout the year.

**Flo Kaufmann JP**

*Honorary Treasurer*

22 July 2004

## Statement of financial activities for the year ended 30 June 2004

	Unrestricted Funds £	Restricted Funds £	Total 2004 £	Total 2003 £
<b>Income and expenditure</b>				
<b>Incoming resources</b>				
Donation from Duchy of Lancaster	-	-	-	10,000
Grant from Esmee Fairbairn Trust	-	5,000	5,000	-
Grant from Lloyds TSB	-	-	-	15,000
Grant from Department for Constitutional Affairs	-	209,500	209,500	216,513
<i>Activities in furtherance of the Charity's objects:</i>				
Annual and life subscriptions	671,189	-	671,189	667,106
Net release of deferred income	40,715	-	40,715	47,213
Publications and other income	13,282	-	13,282	8,141
Magistrate – advertising and sales	71,221	-	71,221	91,339
Investment income	99,344	-	99,344	83,406
<b>Total incoming resources</b>	<b>895,751</b>	<b>214,500</b>	<b>1,110,251</b>	<b>1,138,718</b>
<b>Costs of generating funds</b>	<b>9,827</b>	<b>-</b>	<b>9,827</b>	<b>9,797</b>
<b>Charitable expenditure</b>				
Costs of activities in furtherance of the objects of the charity	907,518	242,065	1,149,583	1,091,857
Managing and administering the charity	41,446	-	41,446	42,951
<b>Total resources expended</b>	<b>958,791</b>	<b>242,065</b>	<b>1,200,856</b>	<b>1,144,605</b>
<b>Net outgoing resources</b>	<b>(63,040)</b>	<b>(27,565)</b>	<b>(90,605)</b>	<b>(5,887)</b>
<b>Net gains/(losses) on investment assets</b>	<b>36,847</b>	<b>-</b>	<b>36,847</b>	<b>(88,257)</b>
<b>Net movements in funds</b>	<b>(26,193)</b>	<b>(27,565)</b>	<b>(53,758)</b>	<b>(94,144)</b>
<b>Fund balance brought forward</b>	<b>1,996,142</b>	<b>57,785</b>	<b>2,053,927</b>	<b>2,148,071</b>
<b>Fund balance carried forward</b>	<b>1,969,949</b>	<b>30,220</b>	<b>2,000,169</b>	<b>2,053,927</b>
The above fund balance is analysed as to:				
Designated funds	1,589,156	-	1,589,156	1,623,123
Unrestricted funds	380,793	-	380,793	373,019
Restricted funds	-	30,220	30,220	57,785
	<b>1,969,949</b>	<b>30,220</b>	<b>2,000,169</b>	<b>2,053,927</b>

All amounts relate to continuing activities.

## Balance sheet at 30 June 2004

	2004		2003	
	£	£	£	£
<b>Fixed assets</b>				
Tangible assets		141,033		140,684
Investments		1,977,560		1,975,933
		<hr/>		<hr/>
		2,118,593		2,116,617
<b>Current assets</b>				
Stock	4,217		292	
Debtors	78,869		68,297	
Cash at bank and in hand	90,064		199,800	
	<hr/>		<hr/>	
	173,150		268,389	
<b>Creditors: amounts falling due within one year</b>		52,690		51,480
		<hr/>		<hr/>
<b>Net current assets</b>		120,460		216,909
<b>Total assets less current liabilities</b>		<hr/>		<hr/>
		2,239,053		2,333,526
<b>Creditors: amounts falling due after more than one year</b>		(238,884)		(279,599)
		<hr/>		<hr/>
<b>Net assets</b>		2,000,169		2,053,927
		<hr/>		<hr/>
<b>Unrestricted funds</b>				
– Designated funds		1,589,156		1,623,123
– Other				
Tangible assets		141,033		140,684
Free reserves		239,760		232,335
<b>Restricted funds</b>		30,220		57,785
		<hr/>		<hr/>
		2,000,169		2,053,927
		<hr/>		<hr/>

The financial statements were approved by the Trustees on 22 July 2004 and signed on their behalf by:

**Mrs RE Lipscomb JP**  
*Chairman*

**Mrs FH Kaufmann JP**  
*Honorary Treasurer*

## Auditors' statement to the trustees of the Magistrates' Association

We have examined the summarised financial statements of the Magistrates' Association.

### Respective responsibilities of trustees and auditors

The trustees are responsible for preparing the summarised financial statements in accordance with the recommendations of the charities SORP. Our responsibility is to report to you our opinion on the consistency of the summarised financial statements and trustees annual report. We also read the other information included in the *Annual Report* and consider the implications for our report if we become aware of any apparent misstatements or material inconsistencies with the summary financial statements.

Our report on the statutory accounts has been prepared pursuant to the requirements of the Charities Act 1993 and for no other purpose. No person is entitled to rely on this report unless such a person is a person entitled to rely upon this report by virtue of and for the purpose of the Charities Act 1993 or has been expressly authorised to do so by our prior written consent. Save as above, we do not accept responsibility for this report to any other person or for any other purpose and we hereby expressly disclaim any and all such liability.

### Basis of opinion

We conducted our work in accordance with Bulletin 1999/6 "The auditors statement on the summary financial statement" issued by the Auditing Practice Board for use in the United Kingdom

### Opinion

In our opinion the summarised financial statements are consistent with the full financial statements for the year ended 30 June 2004.

### **BDO Stoy Hayward LLP**

Chartered Accountants and Registered Auditors

Epsom

Surrey

8 September 2004

The Magistrates' Association  
28 Fitzroy Square  
London W1T 6DD  
Telephone 020 7387 2353  
Fax 020 7383 4020  
Website [www.magistrates-association.org.uk](http://www.magistrates-association.org.uk)

**MAGISTRATES**  
A S S O C I A T I O N

---

