

UK 11 JANUARY 2019

Why ageism in the justice system means we're running out of magistrates

The number of magistrates has halved in a decade, because they're forced to retire too early.



JOHN WILLIAMS RUS / SHUTTERSTOCK.COM

Last year, a solicitor from Cambridge called Jacqui Appleton was told that her client's trial, having been postponed for six months,

would be postponed for at least another six months. Outraged, she told Cambridge Magistrates' Court that the city's criminal justice system was "on its knees". On the day of Appleton's speech, 14 hours' worth of cases were booked to be heard in a six-hour session. Hearings now typically sit with two magistrates, rather than three. One of the reasons for this crisis is that the UK has lost 15,000 magistrates in ten years, and we have lost them to a policy that discriminates against older people.

In 1993, the government introduced legislation that all magistrates would have to retire at age 70. Many magistrates are retirees, who work unpaid and volunteer their services to use their training in the interests of justice. More than half of the UK's remaining magistrates are already over age 60; this is causing a severe shortage in our justice system, and it is one which will quickly get worse.

At the recent annual meeting of the Magistrates' Association, members decided to step up pressure on the government to allow magistrates to stay on past age 70. They are right to do so; this arbitrary age discrimination has no place in the modern workforce. Judges can work up to age 75 if needed, and the maximum age for jurors is 75. From this May, two out of three leaders of the UK's main political parties will be too old to work as a magistrate, but not, should they be elected, too old to work as prime minister.



How Far Does £1 Million Go in Retirement?

Fisher Investments UK



ADVERTISEMENT

Among magistrates it is the most senior justices, who chair court hearings, who are in particularly short supply; these are often older, more experienced people. In a country that is reducing immigration and has an ageing population, we urgently need to update practices regarding employing older people. If someone is perfectly capable of working and wishes to do so, the law should not force them to stop.

Our justice system is hugely respected and valued throughout the world, and it relies on unpaid magistrates to offer their time. It is an insult to the work ethic, public spirit and lifelong experience of our legal experts to force them to retire when they do not wish to.

Of course, there has to be an impartial appraisal system to assess their ability, but that applies in other areas of working life and the judiciary should not be excluded. With improvements in healthcare and life expectancy, it should no longer be acceptable to discriminate against the over-70s, any more than it would be to require people to retire just because they are of a particular race, religion or gender.

Such discrimination is socially and economically damaging and, in the case of magistrates, it threatens the fabric of **our justice system**.