

2024

# Justice of the Peace Recruitment Candidate Information



HM Judiciary  
Falkland Islands

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## Introduction

Thank you for your interest in applying to become a Justice of the Peace. Her Excellency the Governor is grateful to all candidates who apply for appointment. Justices of the Peace are an essential part of the justice system in the Falkland Islands and do deal with the majority of the workload in the Court.

Applicants are asked to note that Justices of the Peace will be selected and appointed strictly on merit and that submitting an application does not guarantee appointment.

The number of vacancies is limited and if, following the selection process, there are more suitable candidates than vacancies; those who performed to the highest standard at interview will be appointed.

This guidance provides information on the role of Justice of the Peace, eligibility to apply, qualities you need to be selected for appointment and how the selection process works.

Please submit your application form either by email to [headofcourtservice@courts.gov.fk](mailto:headofcourtservice@courts.gov.fk)

or by post to:

Courts, Town Hall, Ross Road, Stanley

**The closing date is 30<sup>th</sup> August 2024 and we are not able to accept late applications.**

Should you have any questions about the application process, the application form or the role of a Justice of the Peace, please contact Aisha de Four, Head of Court and Tribunals Service, by e-mail at [headofcourtservice@courts.gov.fk](mailto:headofcourtservice@courts.gov.fk) or by telephone on 27271

**Please read this document in full before deciding to apply.**

# Equality and Diversity Statement

Justices of the Peace will be selected and appointed solely on merit.

The composition of the Bench of Justices of the Peace should aim to reflect the community in which they sit.

Applications are welcome from anyone who meets the eligibility criteria for appointment and who believes they have the necessary qualities.

Applications are particularly welcome from members of groups currently under-represented amongst the Bench. That includes members of minority national identity communities and people between the age of 20 and 30.

## The role of a Justice of the Peace

- The role of Justice of the Peace (JP) has existed for hundreds of years. Justices of the Peace are an essential part of judiciary of the Falkland Islands and over the past 3 years have dealt with over 80% of all criminal work.
- Today, there are 12 JPs in the Falkland Islands and they all give their time and expertise, voluntarily.
- In court, JPs usually sit as a panel of three and they are supported by a trained legal adviser who provides advice on the law and procedure.

## The work of a Justice of the Peace

### Summary Court

JPs sit in the summary court which is the first tier within our justice system. It comprises:

- The Adult Court – for criminal cases involving people over 18.
- The Youth Court – for criminal cases involving young people aged from 10-17.
- Licensing- to authorise the sale of liquor.
- The Family Proceedings Court – where some family disputes are settled.

### Criminal Cases

Criminal cases make up the bulk of the work dealt with in the summary court. All criminal cases start in the summary court and the majority of cases dealt with to conclusion in this court.

JPs deal with a range of offences including assault, drink driving, theft and road traffic offences. The decisions made by JPs include whether someone is innocent or guilty of an offence, the sentence to be imposed for someone convicted of an offence and bail decisions.

More serious cases are then referred to the Magistrate's Court or Supreme Court and JPs decide whether the defendant will be granted bail in the meantime or kept in custody.

JPs can impose a maximum sentence of 6 months' imprisonment and/or a fine of £5000.

## Family and Civil Cases

JPs can hear cases in the family court which involve the welfare and upbringing of children.

This can include whether children are removed from the care of their parents and also disputes between separated parents and the arrangements for their children.

## Licensing

JPs are responsible for granting or refusing licences to people who want to sell alcohol to the public. This includes the annual renewal of licences.

## Questions to consider before you apply

Becoming a Justice of the Peace is a serious commitment, where you will be depended upon to make decisions and sit in court regularly.

It is important to carefully consider whether you have the right qualities and time to commit to the role.

<b>Do you meet the eligibility criteria?</b>	<p>Aged 18-70</p> <p>You must be at least 18 years old to apply. Justices ordinarily retire from the bench at the age of 70 and it is normally expected that a period of five years' service will take place before retirement. For this reason we would not generally look to appoint anyone who is aged over 65. However, applications are dealt with on a case by case basis and if you feel you have skills and time you can offer for a lesser period or are over 65 then you will of course be considered.</p> <p>A Commonwealth citizen and be willing to take the oath of allegiance.</p>
<b>Do you have the necessary key qualities?</b>	<p>You do not need any formal or academic qualifications or any legal training or experience.</p> <p>There are six key qualities which are regarded as vital if you are to perform successfully in the role of a JP. It doesn't matter how or where you developed these qualities. It could be through your current</p>

or previous employment, involvement in community or voluntary activities, public appointments, leisure activities, family life or academic study. The most important thing is that you can demonstrate these in the selection process and, if appointed, apply them to the role. They are:

**1. Good Character**

Personal integrity – respect and trust of others – respect of confidences – absence of any matter which might bring them or the Judiciary into disrepute – willingness to be circumspect in private, working and public life.

**2. Understanding and communication**

Ability to understand the law and legal documents with training and advice – ability to identify and comprehend relevant facts, to follow evidence and arguments – ability to concentrate – ability to communicate effectively.

**3. Social awareness**

Appreciation and acceptance of the rule of law – understanding of society in general – respect for people from different ethnic, cultural or social backgrounds.

**4. Maturity and sound temperament**



	<p>Ability to relate to and work with others – regard for the views of others – willingness to consider advice – decisiveness – confidence – a sense of fairness – courtesy.</p> <p><b>5. Sound judgement</b></p> <p>Ability to think logically, weigh arguments and reach a balanced and just decision – openness of mind – objectivity – absence of bias.</p> <p><b>6. Commitment and reliability</b></p> <p>Reliability – commitment to serve the community – willingness to undertake the required training – ability to offer the requisite time.</p>
<p><b>Have you been convicted or cautioned for a criminal offence or subject to a civil order?</b></p>	<p>The Governor will not appoint anyone whom the public would be unlikely to have confidence in.</p> <p>A conviction or civil order will not necessarily disqualify you and the Governor will consider:</p> <ul style="list-style-type: none"> <li>• The nature and seriousness of the matter</li> <li>• When it occurred</li> <li>• The penalty or order imposed</li> </ul>

**Will your employment affect your eligibility?**

There are certain occupations that could present a possible conflict of interest if you were selected as a JP. For this reason, the Governor is highly unlikely to appoint anyone in the following occupations:

- A serving police officer or a civilian employee of a police force or their spouse or partner.
- A Reserve Police Officer or their spouse or partner.
- Anyone who has a close relative (father, mother, son, daughter, brother or sister or in-law, step child or similarly close relatives of a partner) who is employed as a police officer, reserve police officer or a civilian employee with the Royal Falkland Islands Police.
- A full time member of HM Forces.
- Anyone whose work involves them attending court, e.g. persons employed in the Attorney General's Chambers, the Social Work Department, and the Courts Service.

If you or a close family member has been employed in any occupation which may require you or them to attend court as part of employment you must also disclose this.

<p><b>Can you commit enough time to the role?</b></p>	<p>There is no prescribed minimum number of sittings you are expected to fulfil; any acceptance of an appointment will be on the basis of providing an undertaking to sit regularly.</p> <p>JPs are on a rota which is produced quarterly, on which they are on call for a week, roughly one week each month. This involves being available throughout the week to sit in court when required, deal with out of hours applications for warrants or to sign paperwork.</p> <p>In addition to this, you are expected to play an active role in the life of the Bench, attending training events, and meetings as necessary.</p> <p>Justices should be able to offer at least five years of service. However, this is not a mandatory commitment.</p>
<p><b>Has your employer agreed that you can take necessary time off work?</b></p>	<p>If you are employed, you must establish with your employer that you will be allowed to take reasonable time off work to undertake the duties of a JP.</p> <p>Justices are on a rota system, placing them “on call” for a week at a time. This rota is based upon information given to the Court by JPs as to when they are available. Being “on call” does not mean that you will need to be available each day and therefore cannot go into work; it means that you will be the first person to be contacted in the event that there are matters in the Summary Court.</p> <p>Under Section 33 of the Employment Protection Ordinance, an employer is required to give you time off to undertake your JP duties. The application pack will contain a leaflet, “Employing a Justice of the Peace,” which you can pass to your employer for information.</p>
<p><b>Have you visited a court?</b></p>	<p>The work of a JP can be very rewarding and also challenging and to help you decide whether the role is right for you we strongly encourage attending to observe proceedings.</p>

	<p>The summary court usually sits on a Wednesday morning and you can check court listings on the court website <a href="http://www.courts.gov.fk">www.courts.gov.fk</a> where case information for the following week is usually published by 4pm on a Friday.</p>
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
## The recruitment and selection process

Her Excellency the Governor is responsible for the appointment of Justices of the Peace.

The process takes several months from start to finish because of the number stages to go through.

We will notify you at each stage whether or not you will proceed to the next stage.

The number of appointments made will be based on the business needs of the court at the time the selection process takes place.

<b>1. Application form</b> 	You need to complete an application form. These are available from the open day event or from the Court website.
<b>2. Acknowledgement and initial checks</b> 	We will acknowledge receipt of your application form and carry out an initial check to make sure you are eligible to apply.
<b>3. References</b> 	We will contact your two referees at this stage and ask them to provide a reference by a set date. It is the applicant's responsibility to ensure they are submitted in time.
<b>4. Shortlisting</b> 	Where the number of eligible applicants exceeds the number of interviews it is viable to hold, candidates will be invited to interview on merit.
<b>5. Interviews</b> 	Interviews will be carried out by a panel of up to three members, including the Governor.  The interview will focus on the contents of your application form, knowledge of social issues and scenario based questions aimed at providing an opportunity to demonstrate the six key qualities.

<p><b>6. Recommendations and confirmation of appointments</b></p> <p style="text-align: center;">↓</p>	<p>Once recommendations for appointment are made we will notify the candidates of this and undertake police checks.</p> <p>If more candidates are assessed as suitable for appointment than are needed to fill the available vacancies, the candidates who achieved the highest scores will be recommended for appointment.</p>
<p><b>7. Swearing-in and training</b></p>	<p>If you are selected you will be appointed by Her Excellency the Governor. You will then be trained and sworn into office before being able to sit.</p>

# Application form guidance notes

## Personal information

### Age

You must be aged between 18 and 70 to become a Justice of the Peace.

### Nationality

All candidates must be Commonwealth Citizens and be willing to take the oath of allegiance.

### Immigration Status

We ask about this because of the minimum commitment we ask for from an appointed Justice of the Peace. The answer will not preclude you from being shortlisted for interview and it may be something that is explored in more detail at interview.

### Employment History

There are certain occupations that could present a possible conflict of interest if you were selected as a JP. For this reason, the Governor is highly unlikely to appoint anyone in the following occupations:

- A serving police officer or a civilian employee of a police force or their spouse or partner.
- A Reserve Police Officer or their spouse or partner.
- Anyone who has a close relative (father, mother, son, daughter, brother or sister or in-law, step child or similarly close relatives of a partner) who is employed as a police officer, reserve police officer or a civilian employee with the Royal Falkland Islands Police.
- A full time member of HM Forces.
- Anyone whose work involves them attending court, e.g. persons employed in the Attorney General's Chambers, the Social Work Department, and the Courts Service.

If you or a close family member have been employed in any occupation which may require you or them to attend court as part of employment you must also disclose this.

**Please also note:**

Former employees may be ineligible until two years have elapsed since leaving the role.

## References

You must provide the names of two referees and they do not necessarily have to be resident in the Falkland Islands. Your referees should know you well enough to be able to give their opinion on how you meet each of the key qualities.

**Please note:**

- You should have known your referees for at least three years
- Do not nominate a relative or anyone you are currently living with
- If you are in employment, one of your referees should be from your employer; for example, your current manager
- Do not nominate a referee who might appear before the courts; for example, a police officer
- You can nominate a Justice of the Peace (but only one) as a referee

Information provided by a referee is confidential and will be considered when assessing the evidence of the six key qualities. Details of the contents of references will not be disclosed to applicants.

## Criminal convictions, cautions or civil proceedings

You must disclose:

**Any proceedings you are currently involved in and this includes:**

- If you are currently subject to investigation by the Police
- If you are currently involved in any form of civil or criminal court proceedings, including as a witness. (This includes divorce proceedings where the custody of children is contested)



- If you are currently subject to professional disciplinary proceedings or disciplinary proceedings at work

You must also inform us straightaway if you become subject to any of the above during the selection process.

## Past proceedings:

### All Criminal Convictions and Police Cautions

You must declare all convictions or cautions irrespective of when they were received.

A historical conviction or caution is not an automatic bar to appointment. The Governor will consider:

- The nature and seriousness of any offence disclosed;
- How long ago it was committed;
- The penalty or order; and
- Any subsequent offences.

Anyone who the Governor does not think the public would have confidence in as a Justice of the Peace will not be eligible for appointment.

### Civil orders

You must declare:

- If you are currently bankrupt (in which case you are ineligible to be appointed)
- If you have been discharged from bankruptcy within the last **5 years**
- If you have been the Director of a company that has become insolvent within the last **5 years**
- If you have received a civil court judgement within the last **6 years**

### Spouses, Partners and children

In most cases, the actions of another person will not mean that you are disqualified for appointment, but you must declare any relevant information known to you, so that the

Governor can consider:

- The nature and seriousness of the issue
- Your relationship to, and the extent of your contact with, the person
- Whether or not you appear to condone the offence
- Whether the circumstances could undermine your credibility and standing as a magistrate if they became known to the public

### **Good character question**

Candidates are required to answer the 'good character' question on the application form. A 'Yes' answer will not necessarily prevent you from being appointed. However, there may be details which we need to know about so as to avoid embarrassment later on. Examples might include having a close relative in prison, or having aspects of your private life exposed in a newspaper.

If you have any concerns about answering this question, please feel free to discuss the matter with the Head of Courts and Tribunals Service who will treat your enquiry in total confidence.

## Reasons for applying to become a Justice of the Peace and personal qualities

There are six key qualities which are regarded as vital if you are to perform successfully in the role of a JP. They are:

### **1. Good Character**

Personal integrity – respect and trust of others – respect of confidences – absence of any matter which might bring them or the Judiciary into disrepute – willingness to be circumspect in private, working and public life.

### **2. Understanding and communication**

Ability to understand the law and legal documents with training and advice – ability to identify and comprehend relevant facts, to follow evidence and arguments – ability to concentrate – ability to communicate effectively.

### **3. Social awareness**

Appreciation and acceptance of the rule of law – understanding of society in general – respect for people from different ethnic, cultural or social backgrounds.

#### **4. Maturity and sound temperament**

Ability to relate to and work with others – regard for the views of others – willingness to consider advice – decisiveness – confidence – a sense of fairness – courtesy.

#### **5. Sound judgement**

Ability to think logically, weigh arguments and reach a balanced and just decision – openness of mind – objectivity – absence of bias.

#### **6. Commitment and reliability**

Reliability – commitment to serve the community – willingness to undertake the required training – ability to offer the requisite time.

Use your strongest examples in your application form.

Use a continuation sheet if necessary.

Consider how your own experience relates to or is transferable to the key qualities. Your best examples could be from past or present employment, from voluntary, community or leisure activities or from your home life.

## Declaration

The final part of the application is declaring the information you have provided is true and complete.

This part also asks you to confirm your commitment to sit regularly in court and undertake the required training. Law and procedure changes and as do local issues and it is important Justices maintain their competences and capability.