



**District Judge (Magistrates' Courts)
2024**

Shortlisting Assessment Test

Feedback Booklet

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Shortlist Assessment Test
22 May 2024

Instructions

The test contained 10 multiple-choice questions.

The questions were based on scenarios that may be encountered in the role of a District Judge (Magistrates' Courts).

There were ten questions, each question attracted a maximum score of 5, and only one answer attracted the 5 marks. The remaining answers attracted between 0-4 marks.

Applicants had 45 minutes to complete the test and a total of 50 marks were available.

Question 1

A Defendant appears on an overnight charge sheet for possession of class A drugs with intent to supply; the drugs are estimated to have a street value of £3000 and PSNI recover scales, bags and a 'deal list'. He has two similar previous convictions in the preceding ten years, although it has been four years since his last conviction.

He has refused to provide PSNI with the PIN to his mobile phone. His Solicitor applies for bail and a reporting restriction, citing threats made against those charged with similar offences in the area. PSNI object to bail, citing risk of the Defendant re-offending to make good his losses in addition to a risk to the safety of the Defendant – however the connecting PSNI officer attending Court (who is not the Investigating Officer) has no direct knowledge of a threat to the Defendant. The defendant has not put the press/media on notice of the application for a reporting restriction.

Do you:

- a) Grant bail and refuse the reporting restriction, indicating that you will revisit the matter on receipt of representations as to the need for same at a later date. (0)
- b) Advise Defendant that you will not grant bail until he provides his mobile PIN to PSNI and refuse reporting restriction. (1)
- c) Grant bail to an address outside the immediate area and grant reporting restriction. (2)
- d) Pass the case and seek further information as to the nature of the threat alleged by the Defendant's solicitor before considering bail and reporting restriction. (5)
- e) Grant an interim reporting restriction for a short period to allow all parties including press to make informed representations as to the granting of full order. Consider bail to an address outside the area with appropriate restrictions on liberty. (4)

Question 2

A defendant appears for contest on a self-represented basis. On considering the papers, it is apparent that he identifies as a 'Sovereign Citizen/Freeman of the Land', and has lodged voluminous paperwork with the Court, none of which has any bearing on the case at hand. Your clerk advises you that, on an earlier listing for contest (which was not reached), he and his 'advisers' were disruptive and were suspected of recording proceedings on concealed mobile phones.

Today, he produces further documentation which he insists must be considered by you prior to his contest, and furthermore indicates that he is contemplating bringing judicial review proceedings against the Chief Constable and PPS to challenge his prosecution. The charge is one of 'No Insurance' from fifteen months previously, and the case has been before the Court for eleven months.

Do you:

- a) Adjourn the case to allow him to initiate JR proceedings (0)
- b) Indicate that the matter will proceed to contest on that day (3)
- c) Consider his fresh documentation and allow the matter to adjourn for JR proceedings (1)
- d) Consider his fresh documentation and indicate that the matter will proceed to contest on that day. Advise all parties as to behaviour in Court and direct that that mobile phones are to be placed in plain sight and switched off during the hearing (5)
- e) Indicate that the matter will proceed to contest on that day and caution all parties as to the prohibition on recording proceedings (4)

Question 3

A mother (D1) and daughter (D2) attend for sentencing after a contest where both were convicted relating to an assault on D2's own daughter (in respect of whom there are ongoing Family proceedings). A PSR has been prepared in respect of each and both are represented by the same Counsel, who indicates that mother has attended, but that daughter has not, citing 'car trouble'. This Defendant lives three miles from the Court.

Over the course of the case, both Defendants have failed to attend on several occasions (including one previous listing for contest) and have also missed appointments with PBNI. The child victim has asked to observe proceedings remotely. Defence Counsel asks that you now sentence D1 and adjourn to sentence D2 at a later date.

Do you:

- (a) Grant the adjournment request in respect of D2 and proceed to sentence D1 (2)
- (b) Direct an arrest warrant for D2, adjourn sentencing on D1 to the next criminal court sitting, with the expectation that the arrest warrant can be executed by arrangement in order that both can be sentenced together (3)
- (c) Adjourn both cases to the next criminal court, advising Counsel to ensure his clients attend. (1)
- (d) Sentence D1 and direct an arrest warrant for D2 (3)
- (e) As D2 lives locally, pass the matter, and advise Counsel that D2 is required to attend for sentencing with her co-accused before the end of the list, advising that failure to do so will result in an arrest warrant. (5)

Question 4

You are sitting in the Magistrates' Court on a Monday. A bring forward application has just been handed to you for a 'reconsideration of a grant of bail.' The defendant has been charged with assault occasioning actual bodily harm and harassment on his partner. The PPS decision remains outstanding. The defendant was granted bail by another District Judge on the previous Friday subject to the defendant securing a suitable address. The defendant remains in custody having been unable to perfect bail as he does not have a suitable address.

The police officer informs you that the defendant poses a serious risk to the injured party, his partner. The officer informs you that she is not the investigating officer and did not deal with the original bail application. She states that at the time of the original application the police did not have the defendants' previous criminal convictions from England and therefore the District Judge who dealt with the original bail application would not have had the benefit of the criminal record when making his decision.

Attached to the application is the criminal record from England which show serious convictions for domestic violence including a recent custodial sentence for assault occasioning actual bodily harm on the same injured party. The Prosecution insist that the application is properly made and under the Magistrates Court Northern Ireland Order 1981 the court can deal with the 'reconsideration of bail' when it is based on information that was not available to the court at the time of the decision to grant bail.

Do you:

- a) Refuse the application outright stating that the if the police and prosecution were dissatisfied with the District Judges' decision then they should have appealed the decision at the time. (1)
- b) Reconsider the application for bail, satisfied that had the District Judge been aware of the previous convictions from England he would have denied the defendant bail based on a risk of commission of further offences and interference with the injured party. (3)

- c) Transfer the matter to the District Judge who considered the original application for bail as any reconsideration should be heard by him, directing that the investigating officer who dealt with the original bail application attend at court to provide evidence. (5)
- d) Refuse to deal with the application because it should have been listed in front of the District Judge who granted bail. (2)
- e) Invite skeleton arguments from both the defence and prosecution on the issue of the court's jurisdiction and adjourn your decision on whether to proceed to hear the application. (4)

Question 5

At the start of your day a Solicitor calls a case in which a defendant appears before you charged with possession of drugs with intent to supply on a first appearance charge sheet. The defence Solicitor applies for an anonymity order for the defendant. The basis of the defence application is that there is a 'real risk' to defendant that he may be killed by dissident republicans.

In support of the application are details of an incident in which the defendant had been subjected to a paramilitary style attack five years previously for a sexual assault on a female child. The defence say that the same or worse may happen if the defendant's name is published in the media. They say that the court can be satisfied that there is a 'real risk' to the defendant based on the previous incident and there could not be a more persuasive evidential basis for the application. Police have advised that they have no suitably briefed officer to link in to the court.

The prosecution strenuously object to the application as they say there is insufficient evidence of a risk and they have not been able to obtain police attitude. You note that there is no media presence in the court room and the usual journalist who appears in your court is not on the sight link yet. The defence request that you proceed to hear the application in the absence of the media given the sensitivity.

Do you:

- a) Pass the matter to allow the media to link in and request that more information be obtained from police. When the media are present you ask them for their opinion on the application and refuse the application based on the information to hand and no supporting information from the police being forthcoming. (3)
- b) Close the sight link given the sensitivity of the application, thereby preventing the media from linking in and proceed to hear the application. Having heard the application you are satisfied that the defence have proven there is a 'real risk' to the defendant and grant the order. (0)
- c) Pass the matter to allow media to link in and proceed to deal the application later in the presence of the media and refuse the application due to the open justice principle. (2)

- d) Wait for the media to link in and request the defence make their representations again in the presence of the media. Then proceed to adjourn it to allow more information to be obtained from police regarding how serious they consider any risk to the defendant and order skeleton arguments from defence, prosecution, and the media. You refuse to grant any interim order in the meantime. (3)
- e) Wait for the media to link in, have defence make their representations in the presence of the media. Then adjourn it requesting skeleton arguments from defence prosecution and the media and to obtain more information from the police. Order that there be limited reporting restrictions in place until a further hearing of the application. (5)

Question 6

You are sitting in the Family Proceedings Court. There are 25 cases for mention and 5 hearings. At 12 o'clock an emergency application for ex parte residence order is presented to you. The application involves a very young child of 16 weeks old. The child is to be returned from an agreed contact visit to her mother at 1pm. The father is named on the birth certificate. You hear evidence from the applicant father who avers that the mother of whom he had a brief relationship with has been misusing drugs and in a new relationship with a local drug dealer. He says a mutual friend has told him the mother's new partner has also been violent to her and that the child is being exposed to harm. He also has concerns regarding the mother's mental health.

He tells you he has been having weekly contact from the birth of the child and he has already established a bond with the child. He says he has everything at his home for the child to reside with him.

He tells you the mother was previously involved with Social Services in respect to an older child who had been subject to a Supervision Order, but that Order has now expired.

Do you:

- a) Apply the welfare of the child principle and no delay principle and grant the father's application for an ex parte residence order with a date for an inter parties hearing. (0)
- b) Refuse the fathers application for an ex parte residence order outright. (2)
- c) Adjourn the matter for the Solicitor to get in contact with Social Services and adjourn the application for an inter parties hearing, directing substituted service by the solicitor for an inter-partes hearing. (4)
- d) Pass the matter for the solicitor to get in contact with social services and the health visitor to make urgent enquiries regarding the situation on the ground and ascertain if they have any concerns with the child being returned to the care of the mother. If no concerns are forthcoming then refuse the application. (5)
- e) Refuse to deal with the matter as there is insufficient court time. (0)

Question 7

At the first directions hearing in the Family Proceedings Court in respect of a father's application for a contact order you directed a Court Children's Officer to compile a report in the case. The subject child is eighteen months old, the marriage broke down two months after the child was born with the father having regular weekly unsupervised contact for eight months after the breakdown. Problems with contact started to become apparent when the parents failed to agree which church the child should be baptised into. Thereafter contact became sporadic with the mother requesting an agreed adult be present for contact before it broke down completely shortly after the child's first birthday. None of the court papers thus far have disclosed any domestic violence issues within the marriage.

The CCO report comes back detailing a number of serious allegations raised by the mother including one incidence of sexual violence against her and one incident of physical assault against the child. All allegations were reported to the police with the PPS deciding not to prosecute. The father strongly denies any of the allegations actually happened. The mother's solicitor in these proceedings was unaware of the allegations and the CCO feels unable to make any recommendations in respect of contact until he has a factual finding in respect of the allegations.

Do you:

- a) Transfer the case immediately to the Family Care Centre given the nature of the allegations. (0)
- b) Direct simultaneous statements of evidence from the parents and list the case for a fact-finding hearing as soon as practicable as you are obliged to make a determination in respect of domestic violence allegations. (2)
- c) Direct the mother to draft a statement of evidence with the father to reply within one week of receipt with a view to moving to a hearing on the contact issue without a fact-finding hearing to avoid delay. (3)
- d) Adjourn for a short period to allow the CCO to reflect on his position that he cannot make recommendations without a finding of fact. (1)

- e) Adjourn for a short period to allow the police to provide details of their investigation and any domestic violence log relevant to the parents in the case, before case managing to the appropriate hearing. (5)

Question 8

You are sitting in the Family Proceedings Court dealing with a final hearing where the Trust is applying for a Care Order for a 9-year-old child under article 50 of the Children (NI) Order 1995. The child's parents are estranged and the application was brought following their mutual struggles with addiction issues with both prescription drugs and alcohol. Each parent accepts that they cannot care for their child and did not oppose the Trust's application for an Interim Care Order early in the proceedings. Subsequent to that order the father has sought help from a local church for his issues and is presenting at contact sober, on time and engaged. Regrettably the same cannot be said in respect of the mother who remains an abuser of pregabalin and alcohol and only sporadically attends at contact.

The child is thriving with his foster carers and contact is currently supervised by the Trust for two hours on a fortnightly basis with each parent alone.

The care plan presented at the hearing is for long-term fostering with contact being reduced for both the father and mother to two hours supervised monthly. The Trust argues that in order to stabilise the foster placement contact with the parents needs to be reduced and in order not to confuse the child the same arrangements need to be in place in respect of both the mother and father. The Guardian supports this approach.

Neither parent opposes the making of the Care Order but they do object to the care plan.

Do you:

- a) Make the Care Order, leaving the issue of on-going contact to the Looked After Child case conferences. (4)
- b) Make the Care Order after amending the Care Plan whereby the child can continue to have fortnightly contact with their father despite objections from the Trust to encourage the father's progress as a sober parent, which is in the best interests of the child. (2)

- c) Refuse to make the Care Order as you disagree with the care plan, dismiss the application and discharge the Guardian. (0)
- d) Delay the final determination by adjourning the case to monitor the father's progress for a further eight weeks under the existing interim order. (1)
- e) Make the Care Order whilst reminding each parent of their right to bring an application under article 53 of the Order if and when they are in a position to evidence real and sustained change. (5)

Question 9

You are running a busy criminal list. When one case is called a woman comes into court and advises that she will be representing herself. She faces a summons for a mixture of road traffic and assault offences. The assault offences relate to her interaction with police following her vehicle being stopped. You start to explain to the defendant the potential benefits of obtaining legal advice but at the same time explain that she is entitled to represent herself.

The defendant appears not to listen to your advice, interrupts as you address her, uses vulgar and threatening language, and is dismissive of the court. She asks the court to explain what authority the police had to arrest her and what power the court had to deal with the summons, which she describes as illegal. You advise her about the inappropriateness of her behaviour, but she continues in the same fashion displaying aggressive behaviour and a total lack of respect for the court. She takes no heed of warnings that you give about her behaviour.

Do You:

- a) Consider that the defendant's behaviour is simply due to her inexperience of the criminal process as a litigant in person and make allowance for that, letting her get her points across and do your best to answer her queries. (2)
- b) Order that G4S remove her from the court and adjourn the matter to fix a date for a contested hearing. (1)
- c) Warn the defendant that her behaviour amounts to contempt of court and, when it continues, direct that prison staff then bring the defendant to the cells. You direct the defendant remains in the cells but then give her an opportunity to return to the court and apologise for her behaviour, sentencing her to a term of imprisonment if she refuses to apologise. (3)
- d) You rise, telling the defendant that her behaviour must improve when you return to court. (1)
- e) Warn the defendant that her behaviour is disrupting the court and when that behaviour continues direct that prison staff take her to the cells, telling her as they do so she will be given an opportunity to apologise to the court later in

the day. You then give her an opportunity to explain her behaviour and make representations as to whether or not her behaviour amounts to misbehaviour in court after you explain the sanctions potentially open to the court. Advise the defendant that they can take legal advice regarding the matter and encourage this approach as her repeated behaviour could result in imprisonment, and adjourn the matter to fix a date for a contested hearing. (5)

Question 10

You are scheduled to preside over a list in the Family Proceedings Court but before the court commences the clerk alerts you to ex-parte applications for non-molestation orders. The applications are cross applications from a husband and wife and were lodged in the court office within 30 minutes of each other that morning. Both ex-parte applications contain allegations of domestic abuse. The next Domestic Proceedings court is in 2 days' time. You are advised that the solicitors for each applicant are present in the court but that neither applicant is present. You receive verified evidence as to why neither applicant can attend court on that day either in person or virtually, but that they are both available in the following days. There are ongoing family proceedings involving the couple which are before the Family Care Centre.

Do You:

- a) Dismiss both applications as neither party is present in court to substantiate the evidence in their application and direct that fresh applications are lodged urgently when both are available. (1)
- b) Refuse the applications on the evidence and on an ex-parte basis, making an assessment of the weight that can be applied to the evidence. Abridge time for service of both applications and list the case into the next Domestic Proceedings Court with directions that both parties are to attend and are at liberty to apply for interim orders where appropriate. (5)
- c) Grant the application lodged by the female applicant as violence against women is much more common and that her application was the first in time to be lodged. (0)
- d) Adjourn both applications without order to the next Domestic Proceedings court, abridging time for service and directing that both parties attend on the next date. Give warnings to both parties through their respective solicitors about their behaviour before the next court. (4)
- e) Transfer the cases to the Family Care Centre without order as the Family Care Centre case is listed in 3 days' time. (3)