EXPLANATORY MEMORANDUM TO

THE LOCAL JUSTICE AREAS (No. 2) ORDER 2013

2013 No. 1878

1. This explanatory memorandum has been prepared by The Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This order combines the Local Justice Areas of Mansfield and Worksop and Nottingham and Newark to create a single Local Justice Area (LJA) called Nottinghamshire.

2.2 This order combines the LJAs of Dudley and Halesowen, Sandwell, Walsall and Aldridge and Wolverhampton to create a single LJA called Black Country.

2.3 This order combines the LJAs of Birmingham and Solihull to create a single LJA called Birmingham and Solihull.

2.4 This order combines the LJAs of Coventry District and Warwickshire to create a LKA called Coventry and Warwickshire.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 England and Wales is divided into LJAs, for the purpose of allocating lay justices. The Lord Chancellor can, under section 8, of The Courts Act 2003, make orders altering LJAs.

4.2 In accordance with section 8(6) of the CA 2003 a consultation has been undertaken through HM Courts and Tribunal Service about altering the local justice areas referred to in paragraph 2 above.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 As part of the review of services HMCTS provides a review of the organisation of Benches is undertaken. The drivers for change can be changes to - the court estate, workload, and the size and the work available to Benches. The aim is to

support the work of lay justices by matching the workload and resources available to number and experience of lay justices.

8. Consultation outcome

8.1 The consultation on the proposal for a single Nottinghamshire Local Justice Area had 6 responses. 5 were from magistrates and 1 from the local Lord Chancellor's Advisory Committee on Justices. Together the responses have been analysed as 4 no issue or objection, 1 opposed and a collective response as a "fait accompli". A total of 509 magistrates would be affected by the proposed merger. The reasons that HMCTS sought approval for the proposed merger from the Lord Chancellor are set out in the response paper which is available from the Justices' Clerk at Nottingham magistrates' court, Carrington Street, Nottingham, NG2 1EE.

8.2 The consultation on the proposals for a single LJA for the Black Country, Birmingham and Solihull and Coventry and Warwickshire had 37 responses. The majority (30) were from magistrates. Five respondents specifically stated that they supported the proposals, four had no objection, or thought it was sensible or logical and four opposed the proposal. Several respondents expressed the view that they thought it was inevitable. The reasons that HMCTS sought approval for the proposed merger are set out in the response paper which is available from the Justices' Clerk at The Law Courts, North Street, Wolverhampton, West Midlands, WV 1 1RA.

9. Guidance

9.1 None required.

10. Impact

10.1 There is no impact on business, charities, voluntary bodies or the public sector, therefore no Impact Assessment has been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Management of the merged Bench is undertaken by the Justices' Clerk, and it would fall to the Justices' Clerk in consultation with the HMCTS Delivery Director and Bench chair to review the mergers.

13. Contact

13.1 Chris Folkmans at the Ministry of Justice Tel. 020 3334 6286 or e-mail Chris.folkmans@hmcts.gsi.gov.uk can answer any queries regarding this instrument.