EXPLANATORY MEMORANDUM TO

THE LOCAL JUSTICE AREAS (No. 2) ORDER 2014

2014 No. 1899

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 The Order will create five new Local Justice Areas (LJAs) which come into being on 1st January 2015. The changes to the existing Local Justice Areas, including the names of the newly combined areas, are set out in the Order.

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 areas known as Local Justice Areas. The areas are specified by an Order made by the Lord Chancellor under Section 8 of the Courts Act 2003; the Lord Chancellor may also make Orders altering LJAs.

4.2 In accordance with section 8(6) of the Courts Act 2003, consultation has been undertaken through Her Majesty's Courts and Tribunals Service (HMCTS) about altering the LJAs set out in the Order.

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 HMCTS keeps under review its structures and working practices. HMCTS aims to maintain or improve upon the current level of service that it provides to the judiciary, stakeholders, and court users. In doing so, HMCTS takes into account the available resource, and the need to use resources in an efficient manner, whilst continuing to provide access to justice. A decline in the work of the magistrates' courts provides the context in which such decisions are made because the existing LJA structure may no longer suitable or sustainable.

7.2 Local consultations on the creation of the LJAs set out in the Order, provided an opportunity for interested parties to comment on the structure of their local justice areas. The consultations enabled respondents to comment on whether the size and number of LJAs was commensurate with the location and workload of

the local magistrates' courts, and whether it would be more efficient to organise the local magistracy over fewer and larger areas.

8. Consultation outcome

8.1 **Neath Port Talbot & Swansea** - The merger of the of Neath Port Talbot and Swansea LJAs, and closure of Neath Magistrates' Court were proposed in a single consultation which ran from 26 September 2013 to 7th November 2013. The local judiciary, Members of Parliament, the Crown Prosecution Service, defence practitioners, local authorities, the Police and Crime Commissioner, Trade Unions, amongst other stakeholders, were consulted. The majority of the respondents opposed the proposals, but, a decision was subsequently taken by the Lord Chancellor to close Neath Magistrates' Court. As a consequence of this decision both benches now sit at Swansea Magistrates' Court necessitating the merger of the two benches.

8.2 **Flintshire & Wrexham Maelor –** The consultation on the proposal for the merger of the Flintshire and Wrexham Maelor benches ran from 4th February to 18th March 2014. This merger has the support of the officers of the benches concerned. Both courthouses will remain open. There were a total of 12 responses to the consultation, of these, 6 were from the magistracy, 2 MPs and 4 from local individuals, organisations and committees. A majority of the responses were supportive of the merger. The local Judicial Business Group (JBG) decided to recommend that the proposed merger be submitted to the Minister for approval.

8.3 **Suffolk** - A formal consultation ran from 14th February 2014 to 30th March 2014. All magistrates in the county received a copy of the consultation document. As part of the consultation process, each of the three benches held meetings to consider the same. In response to the consultation paper, 13 responses were received. Of these, 7 were from the magistracy and the remaining from Norfolk and Suffolk Probation Trust, the Chief Constable of the Suffolk Constabulary, the local District Council, the Criminal Justice Board, the Police and Crime Commissioner and the local MP. The majority of magistrates were supportive of the proposal as were the Police, Probation Service and District Council. The JBG met and considered responses and voted unanimously in favour of the proposal.

8.4 **Cumbria -** The four benches in Cumbria were each asked to vote on the proposed mergers and each bench voted by a majority to support the proposal to create two local justice areas for the County. A consultation on the mergers ran from 30th April to 28th May 2014. No objections to the proposed merger were received and it has the support of the judiciary, HMCTS and stakeholders.

9. Guidance

9.1 It unnecessary to publish guidance relating to these mergers as the Order would bring about mergers of local justice areas about which stakeholders are fully aware from the consultation exercise.

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 Preeya Sahni at the Ministry of Justice Tel. 0121 681 3227 (or e-mail preeya.sahni@hmcts.gsi.gov.uk) can answer any queries regarding this instrument.