EXPLANATORY MEMORANDUM TO

THE LOCAL JUSTICE AREAS (No. 3) ORDER 2012

2012 No. 3128

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 ("LJA") of North West Wiltshire, South East Wiltshire and Swindon and names the merged LJA County of Wiltshire.

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 to a LJA. The Lord Chancellor can, under section 8 of the Courts Act 2003 make orders altering LJAs.

In accordance with section 8(6) of the Courts Act 2003 a consultation has been undertaken through Her Majesty's Courts and Tribunals Service ("HMCTS") about altering the LJAs referred to in paragraph 2.

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 The size and experience of a bench in a LJA determines what work can be undertaken in that LJA. Larger benches provide greater flexibility in the case work that can be undertaken. Fewer benches mean less cost for Her Majesty's Courts and Tribunals Service in supporting benches. The aim of the merger is to support the work of lay justices by matching resources and the workload of the courts in the LJA as efficiently as possible.

8. Consultation outcome

8.1 The proposed merger for Wiltshire was subject to magistrate and stakeholder consultation conducted between 25 June 2012 and 2 August 2012. A total of 20

responses to the consultation were received, of which 3 were from the Crown Prosecution Service, Legal Services Commission and the Wiltshire Branch of the Magistrates' Association and the remaining 17 from the justices. Thirteen of the justices were opposed to the merger, two were in favour and one was neutral. The Crown Prosecution Service supported the proposal, the Legal Services Commission had no objection to the merger, and the Wiltshire Branch of the Magistrates' Association neither supported nor opposed the proposal. HMCTS decided to proceed with the merger having considered the response to the consultation and the listing and administrative benefits expected form the merger. The response document is available from Her Majesty's Courts and Tribunals Service, The Court House, Pewsham Way, Chippenham, Wiltshire, SN15 3BF.

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 Justice's Clerk, and it would fall to the Justice's 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-service.gsi.gov.uk can answer any queries regarding this instrument.