EXPLANATORY MEMORANDUM TO

THE LOCAL JUSTICE AREAS ORDER 2013

2013 No. 1777

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 Ashby & Market Bosworth, Leicester, Market Harborough & Lutterworth and Loughborough, Melton, Belvoir & Rutland to create a single Local Justice Area (LJA) called Leicestershire and Rutland LJA,

2.2 Combines the LJAs of South Cheshire and Macclesfield to create a single LJA called South and East Cheshire, and

2.3 Combines the LJAs of East Lincolnshire, South Lincolnshire and West Lincolnshire to create a single LJA called Lincolnshire.

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.

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 proposals for a single Leicestershire and Rutland Local Justice Area was proposed by the Leicestershire and Rutland Justices' Issue Group. A total of 74 individuals responded of these 70 were magistrates (17% of active magistrates, the total membership for all 3 LJA is around 430), of whom 41 were Leicester Market Harborough & Lutterworth magistrates. 17 were Ashby and Market Bosworth magistrates and 12 were Loughborough, Melton, Belvoir and Rutland magistrates. The remaining respondents were 2 Local Authorities and 2 Lord Chancellor's Advisory Committee members.

8.2 A majority of respondents indicated agreement with the proposal to create a single Local Justice Area (65%) and for a proposed model that set out the listing, sittings rota, location of the home court for magistrates and the organisational framework for the proposed bench and training committees (57%). The consultation document is available from the Justices Clerk for Leicestershire at The Magistrates' Court, Vaughan Street, Coalville, Leicestershire LE67 3DP.

8.3 The consultation on the proposal to merge South Cheshire and Macclesfield Local Justice Areas was supported by a majority of the bench at their committee meeting.

8.4 The consultation had 10 replies from local MP's the Police and Crime Commissioner, the Chief Crown Prosecutor, Assistant Chief Executive of Probation, 2 local solicitors and 2 members from the local branch of the Magistrates Association. Nine favoured the proposal and one did not express an opinion. The document is available from Andrew Ball, HM Courts and Tribunal Service, The Law Courts, Civic Centre, Crewe, Cheshire, CW1 2DT

8.5 The consultation for Lincolnshire was endorsed by a majority of the respondents to the consultation. There were 22 respondents; 20 (91%) agreed with the proposal for a single LJA, 2 (9%) were opposed to the proposal. The Justices' Issue Group also supported the proposal.

8.6 The benefits of the proposed change to the LJAs would be greater flexibility by matching workload with judicial resources and therefore a reduction in cancelled courts and "short" sittings is also expected. The proposal would also provide greater opportunity for magistrates to sit at different courthouses giving access to a wider range of cases and so maintaining magistrates' competences. The consultation and response are available from Justices Clerk for Lincolnshire at The Magistrates' Court, Vaughan Street, Coalville, Leicestershire LE67 3DP.

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.gsi.gov.uk can answer any queries regarding this instrument.