

**EXPLANATORY MEMORANDUM TO
THE LOCAL JUSTICE AREAS ORDER 2010**

2010 No. 1536

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 This order combines the Grantham, Local Justice Area (LJA) Bourne and Stamford LJA and Elloes LJA and names the merged LJA South Lincolnshire.
- 2.2 The order combines Lincoln LJA, Gainsborough LJA and Sleaford LJA and names the merged LJA West Lincolnshire.
- 2.3 The order combines Boston LJA, Skegness LJA and Wolds LJA and names the merged LJA East Lincolnshire.
- 2.4 The order makes consequential and transitional provision for the appointment and election of justices to various posts in the context of the new areas.

3. **Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]**

- 3.1 None.

4. **Legislative Context**

- 4.1 The Local Justice Areas Order 2005 (SI 2005/554) made under section 8(1) of the Courts Act 2003 (“CA 2003”), specifies the local justice areas into which England and Wales is divided. Section 8(4) of the CA 2003 confers the powers on the Lord Chancellor to make orders altering local justice areas, under section 8(5A) and 8(6) of the CA 2003 the Lord Chancellor must consult the Lord Chief Justice (or his nominee: section 8 (8)) and the justices of the peace assigned to the local justice area or part of the local justice area and any local authorities whose area includes the local justice area or part of the local justice area, and any Courts Board whose area includes the local justice area.
- 4.2 In accordance with section 8(6) of the CA 2003 a consultation has been undertaken through Her Majesty’s Courts Service about altering the local justice areas referred to in paragraph 2, above. In addition, consultation has taken place in accordance with section 21 of the CA 2003 which provides that the Lord Chancellor and the Lord Chief Justice or his nominee must take all reasonable and practicable steps to ensure that lay justices in local justice areas are kept informed of matters affecting the performance of their duties and to ascertain their views.

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

- *What is being done and why*

7.1 Provide increased flexibility in the deployment of all benches, giving greater scope for magistrates to do the full range of work and improved competences for magistrates.

7.2 Combining the Family Panel and Youth Panels will provide more opportunities for magistrates to gain experience in these areas.

7.3 The courthouses are already managed from three administrative centres. The legal team's structure would also mirror the new Local Justice Areas so providing a more efficient and effective management structure for the County.

- **Consolidation**

7.4 The order will amend the Schedule to the Local Justice Areas Order 2005 S.I. 2005/554.

8. Consultation outcome

8.1 The consultation consulted Magistrates, Courts Boards and Local Authorities as required by legislation as well as other stakeholders. A total of 55 replies were received 47 were for the proposal, one made no comment, and 7 others were against the proposal. The objections were on the grounds of increased costs of travelling for court users and magistrates, whether the boundaries were correctly aligned, and whether the Family and Youth Panels should be County wide. The HMCS response to the consultation explains the costs of travelling are related to the position of courthouses, which is the subject of a separate consultation. The boundaries are aligned with Police and Probation boundaries and do not divide Local Authority Boundaries. The Youth and Family panels would also be organised to follow the organisation of the Local Justice Areas. The Link to the consultation "A proposal for three Local Justice Areas instead of nine in the County of Lincolnshire" and the responses are at the link: <http://www.justice.gov.uk/consultations/three-local-justice-areas-lincolnshire.htm> .

9. Guidance

9.1 No guidance is necessary as the mergers of Local Justice Areas are administrative processes affecting magistrates, and rules regarding magistrates Bench Elections are already set out in the Justices of the Peace (Size and

Chairmanship of Bench) Rules 2005⁽¹⁾ on Bench Training and Development Committee elections in Justices of the Peace (Training and Development Committee) Rules 2007⁽²⁾ and the Youth Panel elections in the Youth Courts (Constitution of Committees and Right to Preside) Rules 2007 to which there are no changes.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public sector.
- 10.3 An Impact Assessment has therefore not 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 HMCS Area Director to review the mergers.

13. Contact

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

(1) S.I. 2005/533
(2) S.I. 2007/1609