

**EXPLANATORY MEMORANDUM TO  
THE LOCAL JUSTICE AREA ORDER 2012**

**2012 No. 1277**

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 North Durham Local Justice Area (“LJA”) and the South Durham LJA and names the merged LJA County Durham and Darlington.
  - 2.3 This order also combines the Halton LJA and Warrington LJA and names the merged LJA North Cheshire.
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 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 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 HMCTS as part of any review of services will also review the organisation of the local benches. The Bench size and experience governs what work can be undertaken and larger Benches provide greater flexibility in the case work that can be undertaken. Fewer benches mean less cost for HMCTS in supporting Benches. The aim of any reorganisation is to support the work of lay justices by matching resources and the workload of the court as efficiently as possible.

## **8. Consultation outcome**

8.1 The consultation for the North Durham and South Durham LJAs was carried out at meetings of the Benches, and through postal replies. The meeting with the North Durham Bench was attended by 33 magistrates and there were two postal replies. There were 24 in favour of a merger, 10 abstained, and one was against. The meeting with the South Durham Bench was attended by 30 magistrates and there was 1 postal reply. There were 30 magistrates in favour of the proposals and 1 abstained. Additionally the local chair of the Courts Board, chair of the Durham Police Authority and principal solicitor of the Durham County Council indicated there were no objections to the merger.

8.2 The consultation on the proposed merger for the Halton and Warrington LJAs was carried out at the bench Annual General Meetings. The meeting with the Halton LJA voted 35 in favour (38 attended). At the meeting with the Warrington Bench 42 voted in favour (50) attended. The local authority, police and CPS were consulted and all were in favour of the proposed merger.

## **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](mailto:Chris.folkmans@hmcts-service.gsi.gov.uk) can answer any queries regarding this instrument.