

EXPLANATORY MEMORANDUM TO
THE LOCAL JUSTICE AREAS (No.3) ORDER 2014
2014 No. 2867

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 two new Local Justice Areas (LJAs) which come into being on 1st April 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(2) of the Courts Act 2003 (the Act); the Lord Chancellor may also make Orders altering LJAs under Section 8(4) of the Act but must consult with the Lord Chief Justice, as provided for by Section 8(5A) of the Act (as amended by the Constitutional Reform Act 2005). This function has been delegated to the Senior Presiding Judge under Section 8(8) of the Act.

4.2 In accordance with section 8(6) of the Act, 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. 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 LJA merger decisions are made because the existing LJA structure may no longer be 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 **Huntingdonshire, North Cambridgeshire and South Cambridgeshire** - The merger of the Huntingdonshire, North Cambridgeshire and South Cambridgeshire LJAs, was proposed in a single consultation which ran from 27th May 2014 to 8th July 2014. The consultation paper was sent to all statutory consultees i.e. local judiciary, local authorities, and the Police and Crime Commissioner, and to a wide range of other interested parties, including local members of Parliament, the Crown Prosecution Service, defence practitioners, National Probation Service. 16 responses were received (the majority from magistrates, the rest from local authorities, the Crown Prosecution Service and the Police). Of these responses, 10 were in favour of the changes, two expressly opposed the changes and 4 were ambivalent. The ambivalent ones stated that, whilst they did not oppose the merger and appreciated the rationale behind it, they had concerns about certain aspects. Having considered all the responses the Judicial Business Group (a decision making group at a Local Justice Area level, responsible for ensuring that the judicial business of the courts is conducted effectively and efficiently, in the interests of justice) has recommended to the Lord Chancellor that he amalgamates the three benches to create a single Cambridgeshire Local Justice Area.
- 8.2 **East Dorset and West Dorset** – The consultation on the proposal for the merger of the East Dorset and West Dorset benches ran from 16th May to 27th June 2014. The consultation paper was sent to all statutory consultees and to a wide range of other interested parties, as abovementioned in paragraph 8.1. A total of 10 responses were received. Of these, six were from magistrates, the rest from the Dorset Probation Trust; the Chief Executive Designate of the Dorset, Devon and Cornwall Community Rehabilitation Company; the Police and Crime Commissioner; and from the Witness Service. All ten responses indicated unequivocal support for the merger. Having received support for the proposal the Judicial Business Group has recommended to the Lord Chancellor that he amalgamates the two benches to create a single Dorset Local Justice Area.

9. Guidance

- 9.1 It is not necessary to publish guidance relating to these mergers as the Order will 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 or voluntary bodies.
- 10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring and 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.