

EXPLANATORY MEMORANDUM TO
THE LOCAL JUSTICE AREAS ORDER 2014
2014 No. 322

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:

- a. Bromsgrove and Redditch, Kidderminster and South Worcestershire to create a new LJA named Worcestershire,
- b. Preston and South Ribble to create a new LJA named Preston and South Ribble,
- c. High Peak and North East Derbyshire and Dales to create a new LJA named Northern Derbyshire, and
- d. Shrewsbury and North Shropshire and Telford and South Shropshire to create a new LJA named Shropshire.

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 local justice areas, and the Lord Chief Justice assigns lay justices to one or more LJAs. 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 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 that 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 proposal for Worcestershire was put forward by the West Mercia Justices' Issues Group. The consultation asked respondents to consider two options for change; the majority of respondents (12 from 19) favoured the option of a single LJA. The reasons for this were increased flexibility in listing, and to ensure the consistency of support for magistrates.
- 8.2 The consultation for Shropshire was also put forward by the West Mercia Justices' Issues Group. The consultation was part of the same consultation that considered Worcestershire. The respondents, by a majority of 12 from 19, favoured the option for a single LJA for Shropshire.
- 8.3 The consultation on the proposal for Preston and South Ribble was put forward by HM Courts and Tribunals Service. The proposal for change was for a single LJA. There were 14 responses of which nine were from the judiciary. There were four responses from magistrates on the Preston bench which supported the proposal. Three responses from the South Ribble bench were supportive of the proposal; one magistrate opposed the proposed merger on the ground that the morale of the bench would be made worse by a merger. The proposal was put forward on the basis that it would lead to greater flexibility in the listing of cases, benefiting all criminal justice agencies, as well as greater opportunity for magistrates to meet their judicial competences.
- 8.4 The consultation for Northern Derbyshire was put forward by HM Courts and Tribunals Service. The consultation was on two options for change. There were 23 respondents who supported a single LJA for the county, 71 respondents supported two LJAs for Derbyshire whilst 12 supported retaining the current number.

9. Guidance

- 9.1 None required.

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 & 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 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.