

EXPLANATORY MEMORANDUM TO
THE LOCAL JUSTICE AREAS ORDER 2015
2015 No. 1506

1. This explanatory memorandum has been prepared by Her Majesty's Courts and Tribunals Service and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 The Order will rearrange the organisation of Local Justice Areas (LJAs) in Northumbria and North Yorkshire from 01 January 2016, and provide for transitional arrangements in relation to the new areas.
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 inserted 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 continually reviews its structures and working practices, taking into account available resources and the need to use resources in an efficient manner, whilst continuing to provide access to justice. In relation to these proposals, the local Judicial Business Groups (JBGs) (the local body responsible for ensuring that the judicial business of the courts is conducted effectively and efficiently, in the interests of justice) have decided that the mergers will enable their business to be managed more efficiently.

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 **Berwick-upon-Tweed, Mid and South East Northumberland, North Tyneside District, Newcastle & Tynedale, Gateshead District, South Tyneside District and City of Sunderland** - The merger of the LJAs in Northumbria was proposed in a single consultation which ran from 20th October 2014 to 1st December 2014. <https://consult.justice.gov.uk/digital-communications/merger-of-the-local-justice-areas-in-northumbria>

8.2 The local judiciary, local authorities, and the Police and Crime Commissioner, and a wide range of other interested parties, including local members of Parliament, the Crown Prosecution Service, defence practitioners, National Probation Service were consulted. The consultees were invited to comment on the following three options:

(1) One Local Justice Area, which combines the seven Local Justice Areas (LJAs) in Northumbria to form a single Local Justice Area.

(2) Two Local Justice Areas, which combine the 4 Local Justice Areas in North Northumbria, namely Berwick-upon-Tweed, Mid & South East Northumberland, North Tyneside District and Newcastle & Tynedale to form a single Local Justice Area, AND to combine the three Local Justice Areas in South Northumbria, namely Gateshead District, South Tyneside District and City of Sunderland to form a second Local Justice Areas.

(3) To retain the existing seven Local Justice Areas in Northumbria.

8.3 In total 55 responses were received (the majority from individual magistrates, Bench Chairs, defence practitioners, Local Authorities and from lay members of Northumbria Advisory Committee). The Police, PCC, CPS and National Probation service along with one bench and three individual magistrates were all in favour of a merger of benches to create one LJA. The Honorary Recorder for Newcastle and the designated family judge, both branches of the Magistrates' Association, a lay member of the Advisory committee, three benches and seven individual magistrates supported the creation of two LJAs (option 2 in the consultation paper). Additionally, two benches and one individual magistrate, whilst opposed to any merger, would prefer this option over the single LJA if that were the only choice. An MP, the local defence practitioner community, a number of city councils and Youth Offending Teams, one lay member of the Advisory Committee, three benches and 11 individual magistrates were in favour of retaining the existing seven LJAs.

8.4 Those who preferred to retain seven LJAs cited local justice, community links and travel time between court centres, whereas those who supported the mergers cited more efficient listing, better use of court time, and more opportunity for magistrates to undertake a variety of work. Having considered all the responses

the Judicial Business Group (JBG) took the view that option two (2 LJAs, one North and one South) was on balance the preferred option.

8.5 **Harrogate and Skipton, Northallerton and Richmond, Scarborough, and York and Selby** - The merger of the LJA's in North Yorkshire was proposed in a single consultation which ran from 1st October 2014 to 31st December 2014. <https://consult.justice.gov.uk/digital-communications/north-yorkshire-lja-merger>

8.6 The local judiciary, local authorities, and the Police and Crime Commissioner, and a wide range of other interested parties, including local members of Parliament, the Crown Prosecution Service, defence practitioners, National Probation Service were consulted. A total of 37 responses were received. Of these, 21 were from individual magistrates, the rest from Benches in North Yorkshire, councils including North Yorkshire County Council, defence solicitor, North Yorkshire Police and the HMCTS North East Regional Head of Civil, Family and Tribunals. Of the 21 responses from individual magistrates, 11 were fully supportive, one described the proposal as inevitable, five wished to retain the status quo, two were opposed but did not suggest an alternative and two were ambiguous in terms of whether they supported or opposed the proposal.

8.7 Concerns were raised about travelling distances for offenders and witnesses if local courthouses were to close, however the benefits of merging the Benches so that courts could be managed centrally and use their expertise across the whole County were also appreciated. The JBG reviewed the responses carefully and concluded that the majority view of respondents is that the merger to a single LJA should proceed. Most respondents, including some who opposed the proposals, accepted the identified benefits.

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 Benjamin Wood, Head of Crime (Summary Justice) at HM Courts and Tribunals Service (020 3334 2582, benjamin.wood@justice.gsi.gov.uk) can answer any queries regarding this instrument.