

**EXPLANATORY MEMORANDUM TO**  
**THE LOCAL JUSTICE AREAS (NO. 2) ORDER 2015**  
**2015 No. 1870**

**1. Introduction**

- 1.1 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 Greater Manchester, Lancashire and West Sussex from 1st April 2016. 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 Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

**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. Extent and Territorial 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. 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 **Lancashire** – The merger of the Preston and South Ribble, Burnley, Pendle and Rossendale, Chorley, East Lancashire, Fylde Coast, Lancaster and Ormskirk LJAs, was proposed in a single consultation which ran from 22<sup>nd</sup> May 2015 to 10<sup>th</sup> July 2015.
- 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 and National Probation Service were consulted. The consultees were invited to comment on the following three options:
- (1) One LJA, which combines the seven Local Justice Areas in Lancashire to form a single LJA;
  - (2) Three LJAs comprising Burnley, Pendle and Rossendale and East Lancashire as the first LJA, Chorley, Ormskirk and Preston and South Ribble as the second LJA and Fylde Coast and Lancaster as the third LJA; and
  - (3) Three LJAs comprising Burnley, Pendle and Rossendale and East Lancashire as the first LJA, Chorley, Ormskirk and Preston and South Ribble and Lancaster as the second LJA and Fylde Coast as the third LJA.
- 8.3 A total of 62 responses were received. Of these 43 were from magistrates the rest were from Police, Prisoner Escort and Custody Services, Local Councils, local MPs and other members of the Judiciary. Of the 62 responses 44 supported a bench merger of some form in Lancashire with 29 supporting a single LJA. 15 respondents opposed any reduction in the number of LJAs in Lancashire and three responses were neutral. Having considered all 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 seven LJAs to create a single Lancashire Local Justice Area.
- 8.4 **Greater Manchester** – The merger of Bolton, Bury and Rochdale, Manchester and Salford, Oldham, Stockport, Tameside, Trafford, Wigan and Leigh LJAs was proposed in a single consultation that ran from 3<sup>rd</sup> August 2015 to 14<sup>th</sup> September 2015.

- 8.5 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 and National Probation Service were consulted. The consultees were invited to comment on the following three options:
- (1) One LJA which combines all eight existing LJAs in Greater Manchester; and
  - (2) Three LJAs to combine Bolton, Bury and Rochdale and Wigan and Leigh as a single LJA, Manchester and Salford as a second LJA and Oldham, Stockport, Trafford and Tameside as a third LJA.
- 8.6 A total of 43 responses were received. Of these 33 were from magistrates the rest were from the Lord Lieutenant of Greater Manchester, The High Sheriff of Greater Manchester, three MPs, the Crown Prosecution Service and the Prisoner Escort and Custody Services. Of the 43 responses 25 supported the proposal to reduce the number of LJAs in Greater Manchester with 22 supporting the proposal to create a single LJA. 11 respondents were opposed to any reduction in the number of LJAs, six recommended that any decision be deferred until the outcome of the national court estate consultation and one response was neutral. Having considered all responses the JBG has recommended to the Lord Chancellor that he amalgamate the eight LJAs to create a single Greater Manchester Local Justice Area.
- 8.7 Concerns were raised in the Lancashire and Greater Manchester consultations in relation to local justice, travel times, and the impact on victims and witnesses, defendants, and legal representatives. It was also suggested that creating such large areas, both in their geographical size and in the number of magistrates assigned to them, might create difficulties in the recruitment and retention of magistrates, in the provision of pastoral support, and in the distribution of work.
- 8.8 Whilst the proposed Greater Manchester and Lancashire LJAs will have a significantly larger complement of magistrates than other benches in England & Wales, at 1,276km<sup>2</sup> and 3,075 km<sup>2</sup> they will not be the largest by geographic area. Lincolnshire has one county-wide bench and at 6,959km<sup>2</sup> is more than twice the size of the proposed Lancashire LJA and North Yorkshire will cover 8,608 km<sup>2</sup> when it comes into being in January. The comparatively large complement of magistrates will be managed by using deputy chairmen to address the concerns about pastoral support and retention.
- 8.9 The creation of a larger LJA will not automatically result in either work or magistrates being moved. The larger LJA will however provide JBGs with greater flexibility to manage the business of the court and provide an opportunity for magistrates, if they so wish, to maintain their competence to deal with a broad range of work by sitting at alternative courts in a way that is currently not possible. Prior to any decisions being taken about the allocation of work within the LJA the JBG would have to consult interested parties and take on board any issues raised relating to local justice and excessive travel times
- 8.10 **West Sussex** – The merger of Sussex (West) and Sussex (North) LJAs was proposed in a consultation which ran from 3<sup>rd</sup> August to 14<sup>th</sup> September 2015.
- 8.11 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 and National Probation Service were consulted.

8.12 A total of 23 responses were received, with the single exception of a response from the Sussex Police and Crime Commissioner's Office all responses were on behalf of magistrates. Of the 23 responses 16 were fully supportive of the proposed merger, three proposed a more extensive Sussex wide bench merger, one proposed the inclusion of Central Sussex within the proposed merger and three were neutral. Having considered all responses the JBG has recommended to the Lord Chancellor that he amalgamate the North Sussex LJA and West Sussex LJA to create a Western Sussex LJA.

## **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 activities that are undertaken by small businesses.

## **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 Jane Wignall at Her Majesty's Courts and Tribunals Service (email: jane.wignall1@hmcts.gsi.gov.uk) can answer any queries regarding the instrument.