

Criminal Justice and Courts Bill

Removing high volume, low level 'regulatory cases' from traditional magistrates' courtrooms: Trial by single justice on the papers

Introduction

1. The Government believes it is unacceptable that valuable time in magistrates' courtrooms is taken up by offences such as speeding, driving without insurance and TV Licence evasion when very often defendants do not attend the hearings, meaning only magistrates, prosecutors and court staff do. This is disproportionate, expensive and wasteful when compared with the seriousness of the offence and the likely penalty for the defendant. It also takes value magistrate resources away from dealing with more serious offences, such as those which have the biggest impact on communities.

What is the current position?

2. Magistrates' courts are clogged up by these types of cases, which arrive in large volumes, are usually uncontested and have predictable financial penalties.
3. In the majority of these cases defendants do not engage with the court process at all. For example, around half of defendants involved in summary motoring proceedings enter no plea and for other cases, like TV licence evasion and vehicle excise evasion offences the number of cases which no plea is entered and can proceed effectively without the defendant, is even higher
4. When cases proceed in the absence of the defendant and without the need for witnesses, the current law requires the court to conduct a trial in a courtroom. Paperwork is read aloud by lawyers and advocates and the court then announces the reasons for its decision and any sentence out loud, often to an empty courtroom. This is disproportionate, expensive and wasteful.

What are the proposed changes?

5. To allow adult defendants accused of summary-only, non-imprisonable offences to be tried and sentenced by a single magistrate, rather than a bench of two or three;
6. To enable prosecutors (subject to guidance) to identify suitable cases to be dealt with in this way;
7. To remove the usual procedural requirements for case details to be read aloud in court, therefore saving court time and expense. Prosecutors will not have to attend court in uncontested cases; and
8. To create a statutory exception to the obligation to sit in open court for these prescribed cases, providing greater flexibility as to the date and time at which these cases can be heard.

How will it work?

9. The single magistrate will have the same powers as a traditional court to impose fines and any other necessary ancillary orders, such as costs orders, endorsement of licenses and disqualification. However, given the changes will only apply to summary-only, non-imprisonable offences, they will not require the power to imprison or issue community orders.
10. This simplified process will continue to protect a defendant's right to a fair and public hearing (as guaranteed by Article 6 of the European Convention on Human Rights). The defendant will retain the right to have a full hearing in open court, but the new procedure will be available where they waive that right, either expressly or by failing to respond to the process.
11. In order to preserve open and transparent justice, magistrates' courts will continue to publish daily case lists on the day of the appointed hearings. These lists are currently, and will continue to be, available to local media. In addition the court will still be obliged to give certain case information to the public on request, as they are currently.
12. As part of a wider transparency agenda, the Government is considering further ways of making the court processes and outcomes more transparent to the public.