

## Prisons and Courts Bill

### Abolition of Local Justice Areas

#### Introduction

1. Local justice areas govern three areas of magistrates' court business: (i) initiating and listing cases; (ii) the payment and enforcement of fines and community orders; and (iii) the leadership and management arrangements of magistrates. Local justice areas currently divide England and Wales into 104 separate areas. When appointed, all magistrates are currently assigned to a local justice area, although every justice is capable of acting as such in any local justice area (whether or not assigned to it), but may do so only in accordance with arrangements by the Lord Chief Justice.
2. Changes to the management of business in the magistrates' courts means that local justice areas are now restricting efficient operations because work and magistrates cannot be moved between them easily.
3. These provisions will remove restrictions that currently mean cases must be dealt with in a specific geographical location, which can cause delays and inconveniences for victims and witnesses. Cases will be heard quicker and in more convenient places.

#### What is the current problem?

4. Retaining local justice areas in legislation will continue to cause operational problems. The boundaries of local justice areas make it difficult to transfer cases to a court in another area. Court staff are often frustrated by the fact that they cannot cut waiting times for court users by transferring cases to a court in a nearby local justice area where they could be given an earlier listing date.
5. In addition, as a result of changes to the organisation of the court estate and improvements in transport infrastructure, the court within a local justice area may no longer be the most convenient for court users to travel to.
6. The enforcement of community penalties and fines is currently tied to local justice areas which causes unnecessary bureaucracy and delays. It means that where a defendant who is arrested for an offence in Manchester, for example, also has outstanding warrants in Somerset for non-payment of other fines, the Manchester court cannot deal with these additional financial penalties without a transfer of fine order.

#### What are the proposed changes?

7. Through the Bill, the Government will:
  - Remove local justice areas with the effect that magistrates will be appointed on a national basis across England and Wales, rather than to a specific local justice area: Magistrates will still be assigned to a particular area, but will have the option of working in other areas. This will enable more flexible arrangements like that in London which already has a centralised bench support team and provides for an agreement whereby vacancies for Magistrates to sit will be offered across all nine local justice areas if the vacancies are not filled a week before the sitting.
  - Amend the provisions for the assignment of work and the deployment of magistrates across magistrates' courts: Allocation decisions will be made in accordance with local

needs taking into consideration various factors such as where the offence took place, convenience, for victims and witnesses, or the relative speed at which a trial can be arranged.

To take one example, Thames Magistrates' Court serves Stoke Newington Police Station in the East London local justice area. Highbury Corner Magistrates' Court is closer to the police station but it is located in another (the North London) local justice area. If Thames Magistrates' Court is very busy and unable to schedule a first hearing for several weeks, but there is capacity at Highbury Corner to hear cases sooner, these changes will remove the current restrictions which can prevent the Justices' Clerk from making temporary arrangements at Highbury Corner to minimise delays.

Restrictions which can currently cause delays and inconveniences for court users will be removed. Court users in Glossop, for example, will no longer have to travel twice as far to their local justice area court in Chesterfield and can, instead, attend nearby Manchester court. Similarly, residents in the northern fringes of North Yorkshire will be able to attend Middlesbrough court which is significantly more convenient than a journey to their own local justice area courts in Northallerton or Scarborough.

Courts will have the freedom and flexibility to manage their caseloads and ensure that cases are dealt with fairly and efficiently in the most appropriate location. This may, for example, be at the court closest to where the victim and witnesses live or at a location further away where they feel safe. They will be have the ability to deal with any case whilst retaining a practical oversight of how their business is managed. They will be able to work collaboratively across regions to reduce trial delays.

- Remove restrictions on the transfer of fines, community orders and suspended sentence orders, and the requirements that orders must specify the local justice area in which the offender resides or will reside: These changes mean that it will no longer be necessary to employ the equivalent of 20 full time court employees to process Transfer of Fine Orders. Any magistrates' court will have the powers to enforce a fine, community order or suspended sentence order irrespective of where it was issued. HMCTS will create a single national view of offenders, allowing back office staff to provide better information about past financial impositions and payment history. Offenders will be able to pay fines more conveniently, or serve community orders supervised by the nearest court. Youth Offending Teams will no longer have to make an application to the court to alter the local justice area specified in a youth rehabilitation order when a young person moves home, which will help strengthen the management of young people serving sentences in the community.
- Repeal the provisions regulating the organisation and management of the magistracy: Arrangements for the recruitment, training and management of magistrates will be brought in line with that of the rest of the judiciary and will be more closely aligned to the leadership structure of the Crown Court. In common with similar arrangements for other judges, the formal aspects of these arrangements will be put into practice directions ensuring that the magistracy can be organised more flexibly and the size and makeup of benches can be adapted to meet local needs. The senior judiciary will have clearer oversight of business across the criminal courts.