

EXPLANATORY MEMORANDUM TO
THE LOCAL JUSTICE AREAS (No. 2) ORDER 2012

2012 No. 1555

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 Bedford and Mid Bedfordshire local justice area (“LJA”) and the Luton and South Bedfordshire LJA and names the merged LJA Bedfordshire, and
- The Bath & Wansdyke LJA, North Somerset LJA, Taunton Deane, West Somerset and Sedgemoor LJA and South Somerset & Mendip LJA and names the merged LJA Somerset.

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 LJAs, for the purpose of allocating lay justices to a LJA. 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 & Tribunals Service about altering the LJAs 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 HMCTS as part of any review of services will also review the organisation of the local benches. The Bench size and experience governs what work can be undertaken and larger Benches provide greater flexibility in the case work that can be undertaken. Fewer benches mean less cost for HMCTS in supporting Benches. The aim of any reorganisation is to support the work of lay justices by matching resources and the workload of the court as efficiently as possible.

8. Consultation outcome

8.1 The proposed merger for Bedfordshire was subject to magistrate and stakeholder consultation conducted between 17 February 2012 and 13 April 2012. A total of 20 responses to the consultation were received, of which 15 were from magistrates. Of the 20 responses, 75% were in support of the merger, 2 were opposed and 3 expressed no strong view. Additionally the Courts Board and local Police Authority both indicated they had no objection to the proposed merger.

8.2 The proposed merger for Somerset was consulted on by Avon and Somerset Justice Issues Group. A total of 41 responses were received. The majority 80% were in favour, 14 % were neutral and 6% opposed the merger. There were no objections from the other stakeholders who responded.

9. Guidance

9.1 None required.

10. Impact

10.1 There is no impact on business, charities, voluntary bodies or the public sector, therefore no Impact Assessment has 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 Justice's Clerk, and it would fall to the Justice's Clerk in consultation with the HMCTS Cluster Manager 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.