

Keeping local justice

The case for keeping local justice areas



Briefing paper

By Torrin Wilkins, February 2nd, 2022

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About Centre

We are an independent non-profit foundation and cross-party think tank. Our mission is to rebuild the centre ground and to create a more centrist and moderate politics. We support better public services and a strong economy inspired by policies from the Nordic countries.

To achieve these goals, we work with people from across the UK and party politics. This includes engaging with politicians and our networks, which include academia, politics, and law.

Our work includes creating new conversations by hosting events and conducting interviews. We also produce new policy ideas to better inform debate, publish papers, and release articles. We aim to build consensus, shape public opinion, and work with policymakers to change policy.

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Summary



Local Justice Areas (LJAs) ensure that Magistrates' Courts deal with cases in their local area. These are spread across England and Wales.



The UK government plans to abolish these areas in the Judicial Review and Courts Bill. These plans should be opposed.



We must make it easier and simpler to transfer cases to different LJAs when requested by those involved.



We should also create a new funding program for LJAs that are struggling to meet case demand in their area.

Introduction

The Judicial Review and Courts Bill is currently progressing through Parliament, specifically in the House of Lords. This is a wide-ranging bill, changing both how courts function and how they alter quashing orders. There are some welcome changes in this bill; for instance, it sets some groundwork to increase the use of online technology in the court system.

However, one area that needs more attention is the abolition of Local Justice Areas (LJAs). LJAs help to decide which cases Magistrates' Courts deal with. This paper discusses how the current LJAs work, the arguments put forward in favour of the change by the government, and finally some issues with the reform.

Chapter one

Local Justice Areas today



Magistrates' Courts deal with almost all criminal cases in England and Wales unless they need to be passed up to the Crown Court. About 95% of criminal court cases are completed in Magistrates' Courts. They are a core aspect of the justice system.

LJAs decide which cases go to which Magistrates' Court. These are described as:

1. A place in the LJA in which the offence is alleged to have been committed;
2. A place in the LJA in which the person charged with the offence resides;
3. A place in the LJA in which the witnesses, or the majority of the witnesses, reside;
4. A place where other cases raising similar issues are being dealt with.

Within England and Wales, there are "75 local justice areas." The idea behind them is that if a crime is committed in a certain area, then it should also be the people in that area who decide the case. As a result, they are more likely to know the local area, who lives there, and the difficulties they may face.

Although the system was almost abolished in 2017 under Theresa May, it survived, but it is now set to be abolished under the Judicial Review and Courts Bill.

Chapter two

How they are changing



Rather than changing how LJAs function or how their boundaries are drawn, the government has instead decided to abolish these areas under the Judicial Review and Courts Bill.

For the government, the thinking behind this move is that it “...will give magistrates' courts the flexibility to manage cases more efficiently and list cases where they can be heard with the least delay and at the most convenient location for court users.”⁶ This flexibility could then be used to help tackle the backlog in court cases due to COVID-19 or where areas have higher demand for magistrates' courts.

This change leads to two questions:

- Will this reform help to clear the backlog that courts are facing?
- Is this reform worth removing local justice areas for?

Chapter three

Better alternatives



The main impact of the abolition of local justice areas is how it will shape where justice takes place. Magistrates' Courts in England and Wales will no longer deal with cases that are only within their local area. This will mean that cases would be less likely to be dealt with by people who know the local area, have lived there, and understand the crime levels in that area. Magistrates making decisions out of the area are less likely to understand the socio-economic struggles in the area or the issues that a particular community faces.

The reforms also try to use the limited number of Magistrates and Magistrates' Courts available more efficiently; however, this will come with multiple consequences. Firstly, this will require Magistrates and staff to spend more time travelling, reducing the time available for dealing with cases. If LJAs are merged, there may be less incentive to volunteer for magistrate sittings or support court work due to the long commutes. Secondly, rather than dealing with the backlog of cases, this change will not increase the number of Magistrates involved or reduce the workload. Instead, it will just change where they work. This is counterproductive as this reform does not address the core issue, which is the lack of currently available resources in the justice system.

Instead of these reforms, the government can use both existing powers more effectively and introduce a new set of policies to reform the justice system. To use the current laws more effectively, the government should consider combining LJAs where it is necessary and supported by magistrates. This would involve the Lord Chancellor consulting with magistrates, court boards, and local authorities in the area if an LJA needs to be merged. While this is a solution if there is no other way to meet the demands of one area, it should only be a last resort if all else has failed.

Two main policies could improve the current system. The first is to create a new funding program for local justice areas that are struggling to meet the demand in their area. This funding will allow local areas to meet demand without having to merge with other LJAs or abolish them altogether.

The second policy involves handing down more power to LJAs. It also means creating a more flexible system than the current one without removing the principle of local justice. The policy options proposed are:

- Giving Magistrates' Courts a vote on specific boundaries or possible mergers of LJAs. This would mean that every Magistrate in the LJAs under consideration would have a vote.
- Making it easier and simpler for cases to be transferred to different LJAs if requested by those involved in the case.
- Powers over LJAs could also be devolved to Wales to allow the Senedd Cymru to make decisions over boundaries closer to Wales.

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