

Title: A Single County Court for England and Wales and the deployment of High Court Judiciary to the County Courts Lead department or agency: Ministry of Justice Other departments or agencies:	Impact Assessment (IA)
	IA No: MoJ 070
	Date: 29 March 2011
	Stage: Consultation
	Source of intervention: Domestic
	Type of measure: Primary legislation
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Summary: Intervention and Options

What is the problem under consideration? Why is government intervention necessary?

Anecdotal evidence suggests that there are long waiting times in the County Courts due to inefficiencies in case allocation and transfer processes. This often results in case hearing delays and customer dissatisfaction. The proposals within this Impact Assessment seek to address these problems by enabling more administrative work to be processed in the County Courts, and by simplifying the process by which cases are allocated and transferred between court centres. The proposals also seek to provide flexibility in the deployment of High Court judges to the County Courts. Government intervention is necessary because the proposed changes would require legislation.

What are the policy objectives and the intended effects?

These proposals aim to improve the efficiency and effectiveness of the County Courts by removing County Court geographical jurisdictional boundaries, and by streamlining and simplifying sitting arrangements for the judiciary. This should enable better utilisation of court and judicial resources. The proposals also intend to provide improved customer service in particular by reducing waiting times in the County Courts.

What policy options have been considered? Please justify preferred option (further details in Evidence Base)

The following options have been considered:

Option 0: Do nothing (base case)

Option 1: Establish a single County Court that would apply to the civil and family jurisdictions.

Option 2: Abolish the need for the Lord Chancellor's concurrence to High Court Judges sitting in the County Court

The preferred option is to implement Options 1 and 2.

When will the policy be reviewed to establish its impact and the extent to which the policy objectives have been achieved?

It will be reviewed three years from date of implementation.

Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?

Yes

Ministerial Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:.....



..... Date: 22.02.2011

Summary: Analysis and Evidence

Policy Option 1

Description: Establish a Single County Court for England and Wales

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low:	High:	Best Estimate:
COSTS (£m)					
	Total Transition (Constant Price)		Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low					
High					
Best Estimate					
Description and scale of key monetised costs by 'main affected groups'					
<p>Other key non-monetised costs by 'main affected groups'</p> <p>HMCS would face costs associated with changing the case allocation procedure, and users would incur costs when making an application to request case transfers to alternative County Courts. County Court users may face increased travel costs and / or the cost of requesting a transfer. Legal Service providers may also face additional travel costs – these may be passed on the County Court users, or potentially to the Legal Services Commission where cases are legally aided.</p>					
BENEFITS (£m)					
	Total Transition (Constant Price)		Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low					
High					
Best Estimate					
Description and scale of key monetised benefits by 'main affected groups'					
<p>Other key non-monetised benefits by 'main affected groups'</p> <p>HMCS would benefit from greater flexibility in the allocation and listing of cases, and through a more efficient process by which cases can be transferred from the High Court to the County Court. The proposal might generate efficiency benefits in HMCS Business Centres which have been set up to undertake the administration of the early stages of County Court money claims.</p> <p>County Court users may benefit from reduced waiting times when their case is allocated to a non-local court with a shorter waiting time than their local court.</p>					
Key assumptions/sensitivities/risks					Discount rate (%)
<p>Evidence relating to waiting times and the impact the proposal would have on waiting times is anecdotal only. It is not clear at this stage how many cases would be allocated to non-local courts, or how often applications would be made against such decisions. The scale of the impacts is largely driven by the distance between the local and non-local court chosen, which has not been quantified. It is assumed that the proposal would have no impact on the volume of cases being pursued through the County Court, nor on the ability or willingness of court users to gain legal representation. It is assumed that the proposal would have no impact on case outcomes, nor on the perception of the fairness of case outcomes.</p>					
Impact on admin burden (AB) (£m):			Impact on policy cost savings (£m):		In scope
New AB:	AB savings:	Net:	Policy cost savings:		No

Summary: Analysis and Evidence

Policy Option 2

Description: Abolish the requirement for the Lord Chancellor's concurrence to High Court Judges sitting in the County Courts

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low:	High:	Best Estimate:
COSTS (£m)		Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)	
Low					
High					
Best Estimate					
Description and scale of key monetised costs by 'main affected groups'					
<p>Other key non-monetised costs by 'main affected groups'</p> <p>The judiciary may need to engage in extra judge allocation reassurance activity to replace the safeguards provided by the current approval system which is being removed. Costs of cases may rise if High Court judges are paid at higher hourly rates compared to County Court judges or if they are more costly for other reasons. The allocation of judges would be subject to less high level accountability. These impacts are likely to be minor as the existing control process is currently very rarely used in practice.</p>					
BENEFITS (£m)		Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)	
Low					
High					
Best Estimate					
Description and scale of key monetised benefits by 'main affected groups'					
<p>Other key non-monetised benefits by 'main affected groups'</p> <p>Improved listing arrangements as a result of a more effective judicial deployment in the County Courts would provide ongoing efficiency benefits for HMCS and the Judiciary. HMCS may also benefit from increased HMCS resource utilisation. County Court users may benefit if more efficient judicial allocation resulted in reduced County Court waiting times. As above these impacts are likely to be minor as the existing control process is currently very rarely used in practice.</p>					
Key assumptions/sensitivities/risks					Discount rate (%)
<p>There is no available data on the scale of current waiting times at either the County or High Court. It is also unclear what direct impact the proposed changes would have on waiting times; there would only be an impact if there is spare High Court judicial capacity that can be reallocated. It is assumed that the proposal would have no impact on the volume of cases being pursued through the County Court, nor on the ability or willingness of court users to gain legal representation. It is assumed that the proposal would have no impact on case outcomes, nor on the perception of the fairness of case outcomes, nor on case duration.</p>					
Impact on admin burden (AB) (£m):			Impact on policy cost savings (£m):		In scope
New AB:	AB savings:	Net:	Policy cost savings:		No

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?	England and Wales				
From what date will the policy be implemented?	April 2014				
Which organisation(s) will enforce the policy?	HMCS and the Judiciary				
What is the annual change in enforcement cost (£m)?	N/A				
Does enforcement comply with Hampton principles?	Yes				
Does implementation go beyond minimum EU requirements?	No				
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded: N/Q		Non-traded: N/Q		
Does the proposal have an impact on competition?	No				
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?	Costs: N/A		Benefits: N/A		
Annual cost (£m) per organisation (excl. Transition) (Constant Price)	Micro N/Q	< 20 N/Q	Small N/Q	Medium N/Q	Large N/Q
Are any of these organisations exempt?	No	No	No	No	No

Specific Impact Tests: Checklist

Does your policy option/proposal have an impact on...?	Impact	Page ref within IA
Statutory equality duties¹	Yes	12
Economic impacts		
Competition	No	12
Small firms	No	12
Environmental impacts		
Greenhouse gas assessment	Yes	12
Wider environmental issues	Yes	12
Social impacts		
Health and well-being	Yes	12
Human rights	No	13
Justice system	No	13
Rural proofing	No	13
Sustainable development	No	13

¹ Race, disability and gender Impact assessments are statutory requirements for relevant policies. Equality statutory requirements will be expanded 2011, once the Equality Bill comes into force. Statutory equality duties part of the Equality Bill apply to GB only. The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

Evidence Base (for summary sheets) – Notes

References

No.	Legislation or publication
1	The Brooke Report http://www.judiciary.gov.uk/publications_media/general/brooke-report.htm
2	Transforming Civil Justice in England and Wales: A flexible, simple and proportionate approach http://www.justice.gov.uk/consultations/consultations.htm
3	
4	

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Evidence Base (for summary sheets)

1. Introduction

- 1.1 This Impact Assessment accompanies a Ministry of Justice (MoJ) consultation paper entitled: *Transforming Civil Justice in England and Wales: A flexible, simple and proportionate approach*². The consultation paper sets out a number of proposals for reforming the way in which the Civil Justice System delivers its services in England and Wales. The reforms are designed to improve the experience of those using the justice system by improving processes and targeting cases towards the most appropriate services for resolution.
- 1.2 The aim of the consultation paper is to seek public views on proposals to provide a more streamlined, responsive and efficient civil justice system that better supports users by preventing the unnecessary escalation of legal problems or disputes where possible. Where judicial intervention is required, the proposals seek to ensure that courts are able to offer a range of quick and efficient services that meet the needs of the court user whilst delivering an effective and proportionate route to justice.
- 1.3 The proposals within this Impact Assessment seek to ensure that there is increased ability to process more administrative work in the County Court, and to simplify the case allocation and transfer processes which determine the particular court at which a case is heard. The proposals also seek to provide greater flexibility in the deployment of High Court judges at the County Court.
- 1.4 This Impact Assessment examines two proposals. The first proposal seeks to amalgamate the separate district-based County Court jurisdictions to create a single County Court jurisdiction. The second proposal seeks to enable High Court Judges to sit in the County Court without the need for a specific request from the Lord Chief Justice after consulting the Lord Chancellor. These proposals are more fully set out in the consultation paper under in the "Structural Reforms" section.

Background

- 1.5 In January 2008, the Judicial Executive Board (JEB) commissioned Sir Henry Brooke, a retired Lord Justice of Appeal, to conduct an inquiry into the question of civil court unification. In August 2008, Sir Henry Brooke published his report entitled: "Should the Civil Courts be Unified?"³ In the report, Sir Henry Brooke concluded that while it was not necessary to unify the civil courts, there were a number of areas in which the administration of civil justice could be improved. He proposed a series of recommendations which included making changes to the administration of the judiciary by abolishing the need to seek the Lord Chancellor's concurrence to High Court Judges sitting in the County Courts. The report also recommended that consideration should be given to whether the County Court should have a single national jurisdiction and whether it should be re-named the civil court.
- 1.6 The JEB endorsed this report and approved the recommendations. It suggested that the most significant practical benefit of a single national County Court jurisdiction, which would involve amalgamating the separate district-based County Court jurisdictions, would be an increased ability to process more administrative work through HM Court Service (HMCS) Business Centres located away from court centres and a simplification of the task of allocating those cases that require judicial intervention to the appropriate courts. The JEB also suggested that the abolition of the requirement to seek the Lord Chancellor's concurrence to High Court Judges sitting in the County Courts would be welcomed as it would provide greater flexibility in the deployment of High Court Judges at the County Courts.

Problem under consideration

Single County Court

- 1.7 County Court cases are often subject to long waiting times before they are heard. This may in part be due to the current restrictions on case allocation. Cases must be allocated to a court with

² This will be published on 31 March 2011 at <http://www.justice.gov.uk/consultations/consultations.htm>.

³ The Report "Should the Civil Courts be Unified" can be found at:
http://www.judiciary.gov.uk/publications_media/general/brooke-report.htm

jurisdiction over the specific geographical location in which the claimant or defendant lives, depending on the nature of the case. This means cases are usually allocated to a particular County Court simply because that court has the relevant geographical jurisdiction, even though it may have longer waiting times than other, geographically adjacent courts. This can also occur when cases are transferred from the High Court to a County Court. Although the current rules provide for discretion as to where a case should be dealt with, this discretion is not always exercised. Currently, court resources could possibly be used more efficiently.

- 1.8 HMCS Business Centres have been established at HMCS sites at Haywards Heath in West Sussex and Salford, Greater Manchester. They have been operating for several months as back offices for courts in London and parts of the South East and North West regions. The operation consists of money claims being passed to the Business Centres by the courts prior to issue where they are processed on behalf of the individual courts. Subsequent proceedings such as defences or requests for judgment are sent directly to the Business Centres but as soon as judicial advice or intervention is required the files are passed to the "local" court where the case then remains for case management. The aim of the Business Centres is to remove County Court money claims processes that do not require judicial intervention from the courts. This is because doing so should be more efficient in terms of the resources used, might also be quicker, and might also provide a more consistent service than if this was undertaken at local court level.
- 1.9 Whilst use of the Business Centres is considered to be more efficient than standard HMCS processes. However, for each case being processed, there is a requirement to seal every claim form with the individual seal of the specific County Court being represented. This requires the Business Centres to hold multiple seals, which is considered inefficient. Establishing a single County Court jurisdiction would remove the need to do this as there would be a single County Court seal.

Removing Lord Chancellor discretion

- 1.10 Delays and backlogs of cases may also occur in the County Courts when a judge is not readily available to hear a case. Currently, High Court Judges may only hear cases in the County Courts if the concurrence of the Lord Chancellor is obtained, even though the judge may already have the relevant jurisdiction. The requirement to gain the Lord Chancellor's concurrence means High Court Judges cannot quickly be deployed to hear cases in the County Court when necessary. Transferring the case to the High Court is not considered feasible as the case would then have to go through the listing procedure of the High Court, which would also take time.
- 1.11 Removing the need to obtain the Lord Chancellor's concurrence would provide additional flexibility in the deployment of judicial resources. Judicial allocation would be the responsibility of the Judiciary, who would need to provide the safeguards and accountability which would otherwise be provided by the current Lord Chancellor approval process. For example High Court judges might be more expensive to use than County Court judges, or might have less recent relevant experience in the work involved, hence using a High Court judge might not always be appropriate.

Policy objective

- 1.12 The proposal to establish a single County Court aims to increase case listing efficiency in the County Court, in the transfer of proceedings between court centres, and in the transfer between the High Court and the County Court. The proposal also aims to increase the ability to process more administrative work through Business Centres located away from court centres, and to simplify the task of allocating those cases that require judicial intervention to the appropriate courts. This would deliver efficiency savings for HMCS, which would enable County Court waiting times to be reduced. Any efficiency savings are not expected to translate into reduced court fees.
- 1.13 Similarly, the proposal to abolish the need for the Lord Chancellor's concurrence to High Court Judges sitting in the County Court would provide additional flexibility in judicial deployment by removing one administrative element of the judicial allocation process. This too would deliver efficiency savings for HMCS, which would enable County Court waiting times to be reduced.

Economic rationale

- 1.14 The conventional economic approach to government intervention to resolve a problem is based on efficiency or equity arguments. The Government may consider intervening if there are strong enough failures in the way markets operate (e.g. monopolies overcharging consumers) or if there are strong enough failures in existing government interventions (e.g. waste generated by misdirected rules). In both cases the proposed new intervention itself should avoid creating a further set of disproportionate costs and distortions. The Government may also intervene for equity (fairness) and re-distributional reasons (e.g. to reallocate goods and services to the more needy groups in society).
- 1.15 Intervention in this case would be justified on efficiency grounds. Removing geographical jurisdictional boundaries from the County Court should allow more efficient case allocation where appropriate, which should improve HMCS resource utilisation. It should also deliver efficiency savings in the HMCS Business Centres. Removing the requirement for Lord Chancellor consent in order for High Court judges to sit in the County Court should further improve HMCS efficiency by removing an administrative element of the judicial allocation process.
- 1.16 The proposal would also provide economic welfare benefits to court users if County Court waiting times fell as a result, although there might be an increase in resource costs for users e.g. from travelling further to court.. The proposal would seek to minimise any economic welfare costs imposed on users by ensuring that users could make an application to have their case allocated to their local County Court if desired, although this system would generate administrative costs for HMCS and for users.
- 1.17 There is also a risk that removing Lord Chancellor consent could lead to greater HMCS costs per case e.g. if High Court judges sit in a greater volume of County Court cases. The proposals would be only be justified if the efficiency benefits outlined above were considered to outweigh these additional costs and risks.

Affected stakeholder groups, organisations and sectors

- 1.18 The following individuals/sectors are likely to be affected by the proposals:
- *County Court users*: May be affected by the proposals through increased travel costs and adjustments to new travel arrangements. This may happen if, due to the removal of geographical jurisdictional boundaries, cases are transferred to courts outside their locality. On the other hand, they may benefit from reduced waiting times. Users would include individuals and businesses.
 - *Legal service providers*: Lawyers representing County Court users may also be affected through increased travel costs and reduced waiting times.
 - *HMCS*: Would be affected as the proposals seek to amend HMCS processes.
 - *Judiciary*: Would be affected as the proposals seek to amend the judicial allocation process.
 - *Legal Services Commission*: The proposals may have some legal aid implications given the proposals may result in changes to legal costs, and some County Court users may be legally aided.

2. Costs and benefits

- 2.1 This Impact Assessment identifies impacts on individuals, groups and businesses in the UK, with the aim of understanding what the overall impact to society might be from implementing these options. The costs and benefits of each option are compared to the do nothing option. Impact Assessments place a strong emphasis on valuing the costs and benefits in monetary terms (including estimating the value of goods and services that are not traded). However there are important aspects that cannot sensibly be monetised. These might include how the proposal impacts differently on particular groups of society or changes in equity and fairness, either positive or negative.

Option 0: Base case (do nothing)

Description

- 2.2 Under the do-nothing option, the current County Court structure would be left unchanged. The requirement for the Lord Chief Justice to seek the concurrence of the Lord Chancellor each time a High Court Judge is required to sit in the County Court would also remain in place. The current situation is outlined in more detail in the introduction section above.
- 2.3 Because the do nothing option is compared against itself its costs and benefits are necessarily zero, as is its Net Present Value (NPV)⁴.

Option 1a - Establish a single County Court for England and Wales

Description

- 2.4 Under this option, a single County Court would be established. There would be no geographical jurisdictional boundaries: there would be only one County Court exercising jurisdiction over the whole of England and Wales. This would provide County Court users with the opportunity to use any County Court.

Costs

- 2.5 There may be a one off adjustment cost for all affected parties associated with familiarisation with the new County Court structures and processes. These costs are not expected to be significant.

HMCS

- 2.6 There are likely to be some one off costs for HMCS associated with changing the case allocation procedure, given cases are currently allocated to specific courts based on their geographical jurisdiction only. These costs may be significant, but are unclear at this stage.
- 2.7 Further, County Court users can make applications to request case transfers to alternative County Courts. This is likely to require additional HMCS resources, although the number of applications that would be made is unknown.
- 2.8 In theory, hearing cases locally may provide efficiency benefits for HMCS if judges are better able to make decisions e.g. if they are able to use local knowledge. Therefore, moving cases to non-local courts may involve an efficiency risk for HMCS.
- 2.9 There would be no plans to change the signs in each County Court if a single County Court were established. Therefore, there would be no HMCS costs in relation to signage. There may be very minor costs associated with introducing and using a new single County Court seal.

County Court users

- 2.10 County Court users would face additional travel costs in the event that their case was allocated to a non-local court. These costs would be determined by the distance between the local and non-local court chosen.
- 2.11 If using privately funded legal representation, users would also face any additional legal costs as a result of the proposal. These would be due to increased travel costs suffered by their legal representatives, which would be passed on in legal costs.
- 2.12 If users were unhappy with the allocated County Court, they could apply for a transfer under existing rules, which would impose costs on County Court users regardless of whether the allocation request was successful.

⁴ The Net Present Value (NPV) shows the total net value of a project over a specific time period. The value of the costs and benefits in an NPV are adjusted to account for inflation and the fact that we generally value benefits that are provided now more than we value the same benefits provided in the future.

Legal service providers

2.13 Lawyers may face increased travel costs when cases are transferred to non-local courts. These costs would be determined by the distance between the local and non-local court chosen.

Legal Services Commission

2.14 There may be additional legal aid costs if legally aided court users have their cases transferred from local to non-local courts. These would be due to increased travel costs suffered by their legal representatives, which would be passed on in legal costs.

Benefits

HMCS

2.15 A single County Court jurisdiction would improve flexibility in allocating and listing cases. This should generate efficiency savings for HMCS.

2.16 A single County Court jurisdiction might also provide efficiency savings in HMCS Business Centres if this enabled the transfer of cases to be organised more efficiently.

County Court users

2.17 Users would benefit from shorter waiting times in instances when their case is allocated to a non-local court with a shorter waiting time than their local court. The reduction in waiting time would depend on the specific courts on a case by case basis.

Risks and assumptions

2.18 The proposal seeks to reduce waiting times through more efficient case allocation. However, evidence that waiting times are a problem is based on anecdote. There is no available data on the scale of current waiting times. It is also unclear what direct impact the proposed changes would have on waiting times.

2.19 All costs associated with the application to transfer cases that would be incurred by parties are at this stage unclear. It is not clear at this stage how many cases would be allocated to non-local courts, or how many transfer applications would be made.

2.20 The impacts outlined above are largely generated by cases moving from a local County Court to a non-local County Court, and the magnitude of these impacts will be driven by the distance between the two courts. It is unclear what this distance will be on average.

2.21 It is assumed that the proposal would have no impact on the volume of cases being pursued through the County Court, nor on the ability or willingness of court users to gain legal representation.

2.22 It is assumed that the proposal would have no impact on case outcomes, nor on the perception of the fairness of case outcomes.

2.23 It is assumed that court fees would remain unchanged, and that HMCS business centres might be able to operate more efficiently as a result of introducing a single national County Court jurisdiction.

2.24 It is assumed that the level of HMCS and judicial court resources would remain unchanged following the implementation of the proposal, and that any efficiency savings would be translated into reduced waiting times and improved use of judicial and administrative resources.

Option 2 - Abolish the need for the Lord Chancellor's concurrence to High Court Judges sitting in the County Court

Description

- 2.25 Under this proposal, the requirement for the Lord Chief Justice to seek the concurrence of the Lord Chancellor when permitting High Court Judges to sit in the County Court, would be abolished. Judicial allocation would be the responsibility of the Judiciary. This procedure may involve costs but provides a safeguard (with associated accountability) that judicial resources are being deployed appropriately, including in relation to judicial costs and judicial experience. If this procedure was removed then we would expect the judiciary to ensure that their own systems provide equivalent safeguards.
- 2.26 It is unclear how many times per year the concurrence of the Lord Chancellor is sought, how often it is not provided, and what the costs of this process are.

Costs

HMCS

- 2.27 There might be some costs to HMCS in relation to reduced accountability and reduced safeguards regarding the allocation of High Court judges to the County Court, but this would depend upon how any additional safeguards provided by the judiciary operate.
- 2.28 There may be increased court operating costs if High Court judges were used more often in County Court cases and if High Court judges were more expensive to use.

The judiciary

- 2.29 The judiciary might incur costs as a result of ensuring that their own processes provide equivalent safeguards that judges are being allocated appropriately.

Benefits

HMCS

- 2.30 Removing this administrative element of the judicial allocation process should generate efficiency savings for HMCS as the processes required to achieve Lord Chancellor concurrence would no longer need to be undertaken.
- 2.31 It is possible that the new arrangements might lead to more High Court judges being used in the County Court. This may lead to reduced County Court waiting times and may enable HMCS County Court fixed resources to be used more efficiently.

The judiciary

- 2.32 The judiciary may benefit if the new process enables judges to be allocated more quickly and more flexibly whilst retaining current safeguards.

County Court users

- 2.33 Waiting times for litigants and delays in proceedings may be reduced through quicker deployment of High Court Judges to undertake County Court hearings when necessary. This would benefit the County Court users.

Risks and assumptions

- 2.34 The proposal seeks to make the process by which High Court Judges can be allocated to the County Court more efficient. This may reduce County Court waiting times. However, there is no available data on the scale of current waiting times at either the County or High Court. It is also unclear what direct impact the proposed changes would have on waiting times: there would only be an impact if there is spare High Court judicial capacity that can be reallocated.

- 2.35 It is assumed that the judiciary would provide equivalent safeguards that judges are being allocated appropriately.
- 2.36 It is assumed that more High Court judges are likely to be allocated to County Court cases. If this was not the case the reform would simply provide benefits in terms of removing the process of seeking Lord Chancellor concurrence.
- 2.37 It is assumed that the absence of Lord Chancellor concurrence might lead to reduced high level accountability in relation to the allocation of judges.
- 2.38 It is assumed that the proposal would have no impact on the volume of cases being pursued through the County Court or High Court, nor on the ability or willingness of court users to gain legal representation.
- 2.39 It is assumed that the proposal would have no impact on case outcomes, nor on the perception of the fairness of case outcomes.
- 2.40 It is assumed that the level of HMCS and judicial court resources would remain unchanged following the implementation of the proposal, and that any efficiency savings would be translated into reduced waiting times instead of reduced fees.
- 2.41 It is assumed that all impacts are likely to be minor in scale as the volume of requests made to the Lord Chancellor is considered to be small, as are the costs of the concurrence procedure, and it is assumed that the Lord Chancellor currently approves the vast majority of requests.

3. Enforcement and Implementation

- 3.1 HMCS and the Judiciary will be responsible for implementing and enforcing these proposals, which would take effect from April 2014.

4. Specific Impact Tests

Statutory Equality Duties

- 4.1 A draft Equality Impact Assessment is attached. It identifies some potential impacts on people with a disability.

Competition assessment

- 4.2 These proposals are not expected to have a significant impact on competition.

Small Firms Impact Test

- 4.3 These proposals are not expected to have a significant impact on small businesses.

Carbon Assessment

- 4.4 Depending on where a case is allocated or transferred, they may reduce or increase travelling distances for litigants, thereby reducing or increasing carbon emissions.

Wider Environmental Impacts.

- 4.5 As above, the possible change in travelling requirements may have an impact on noise pollution, air quality and other associated environmental factors.

Health Impact Assessment

- 4.6 These proposals are not expected to have a significant impact on lifestyle or health and social care services. Reduced case waiting times might have a positive impact on some health matters, e.g. anxiety.

Human rights

4.7 These proposals are compliant with the Human Rights Act (1998).

Justice Impact Test

4.8 The impacts on the justice system are contained in the main body of this Impact Assessment.

Rural proofing

4.9 These proposals are not expected to affect litigants based in rural areas.

Sustainable Development

4.10 The proposals are not expected to have a significant impact on sustainable development.

Annex 1: Post Implementation Review (PIR) Plan

<p>Basis of the review: To review the new procedures against existing procedures to check whether the proposals are more efficient and sustainable.</p>
<p>Review objective: To check whether the proposals have provided increase efficiency and effectiveness in the County Court. In particular whether listing arrangements and transfers between courts have improved and there is more flexibility in judicial sitting arrangement.</p>
<p>Review approach and rationale: Qualitative data and anecdotal evidence will be obtained from the courts to assess whether there have been improved listings and transfers between courts. Data will be obtained from Economists to assess trends in the volume of transfers between courts.</p>
<p>Baseline: Judicial statistics do not currently include a detailed enough breakdown of listings, transfers and sitting arrangements annually. Therefore our review will focus on other quantitative data that we are able to obtain through other means and qualitative evidence from stakeholders.</p>
<p>Success criteria: The proposals will have been successful if there are quicker hearings due to easier transfers and listing arrangements as well as a more flexible sitting arrangement in the County Court.</p>
<p>Monitoring information arrangements: A bi-annual report on the volume of transfer of cases between County Court and between the High Court and the County Court will be obtained and compared with the volume of such transfers of the previous years so as to ascertain whether there have been any improvements.</p> <p>Information on whether listings are quicker and more efficient will be obtained from the courts.</p>
<p>Reasons for not planning a PIR: N/A</p>