

*These notes refer to the Access to Justice Act 1999  
(c.22) which received Royal Assent on 27th July 1999*

# ACCESS TO JUSTICE ACT 1999

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## EXPLANATORY NOTES

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### **MAGISTRATES AND MAGISTRATES' COURTS (PART V - SECTIONS 74-97)**

#### *Background*

#### *Organisation and management of the magistrates' courts service*

#### *Altering territorial units*

243. The administration of the magistrates' courts service is based on three organisational units - the magistrates' courts committee (MCC) area, the commission area and the petty sessions area.
244. New powers to change organisational units reflect the Government's intention to develop a more coherent geographical structure for the criminal justice system as a whole. Common boundaries should enable the various criminal justice agencies to co-operate more effectively.
245. The **MCC area** is the unit on which the administration of the courts is based. MCCs are the bodies responsible for the administration of the magistrates' courts service. There are currently 84 MCCs in England and Wales. Each MCC appoints a justices' chief executive to manage the courts in its area.
246. The Justices of the Peace Act 1997 already provides power to change the boundaries of MCC areas. The Government believes that a structure with fewer and larger areas would be more efficient and effective. The number of MCCs has been reduced in recent years, and will continue to reduce as part of the policy of a greater alignment of boundaries between criminal justice agencies.
247. The **commission area** is the unit on which the appointment of magistrates and the jurisdiction of the magistrates' courts to hear summary cases is based. Magistrates are appointed to a particular commission area, on the basis of where they reside; and most summary offences must be tried in the commission area where the alleged offence took place.
248. Historically, MCC and commission areas have aligned with one another and with county and metropolitan county borders. However, most commission areas are defined in primary legislation, and can be changed by secondary legislation only to reflect changes in local government boundaries. Increasingly there are MCCs that cover two or more commission areas. These MCCs can only transfer magistrates or cases between those areas in strictly prescribed circumstances. The ability to change commission area boundaries is intended to enable MCCs to allocate cases and deploy magistrates between the courts in their MCC area more effectively and efficiently.

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249. MCC areas consist of one or more petty sessions areas. Petty sessions areas are defined in terms of local authority boundaries, and some are broken down into smaller areas called petty sessional divisions. These are the benches, the basic unit of local court organisation.. The definition of these areas in terms of local authority boundaries can limit an MCC's ability to organise its internal structure effectively, particularly where an amalgamation of MCCs has occurred. As a result, the full benefits of amalgamation may not be realised.
250. The Act redefines the basis of these units, to allow MCCs to decide the most appropriate and efficient structure for their area. It also removes the artificial distinction of terminology between a petty sessions area and a petty sessional division.