

**EXPLANATORY MEMORANDUM TO THE
LOCAL JUSTICE AREAS ORDER 2005**

2005 No.554

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty

2. Description

2.1. Section 8 of the Courts Act 2003 (c.39) places a duty on the Lord Chancellor to divide England and Wales into areas to be known as local justice areas, the areas to be specified by order. This Order sets out the local justice areas into which England and Wales is divided.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. None

4. Legislative Background

4.1. Section 8 of the Courts Act 2003 provides for the Lord Chancellor to make an Order specifying the Local Justice Areas into which England and Wales is divided. Paragraph 3 of Schedule 9 to the Courts Act requires the first such order to specify as Local Justice Areas the areas which were previously petty sessions areas.

4.2. The Local Justice Areas specified in the schedule to this order are therefore a reproduction of the existing list of PSA's. The boundaries of the areas are shown in maps held by the Department for Constitutional Affairs.

5. Extent

5.1. This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1. There are no human rights implications

7. Policy Background

7.1. Up to 31 March 2005, Petty Sessions Areas (PSAs) are the jurisdictional boundaries governing magistrates' benches. In legislation PSA references have the effect of jurisdictionally linking particular cases to the court for the area

specified. PSAs are boundaries which restrict where magistrates can sit and what cases they can hear.

7.2. On 1 April 2005, PSAs will disappear and will be replaced by Local Justice Areas. The combination of moving to Local Justice Areas and a national commission area (which means magistrates themselves have jurisdiction anywhere) will remove the restrictions outlined in paragraph 9 and will have the effect of increasing flexibility, matching resources to need, unhindered by organizational boundaries. The new system will enable cases to be heard anywhere subject to Directions by the Lord Chancellor.

7.3. In the months after 1 April 2005 the new, unified court service (called “Her Majesty's Court Service”) will establishing itself and will not look to make any immediate changes to current area boundaries. This will enable the statutory change from PSAs to Local Justice Areas to be introduced against a settled backcloth.

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2. There will be no interest outside of the Magistrates' Courts Community. We have consulted all statutory rule committees, as required under section 20 of the Courts Act 2003.

9. Contact

9.1. Mike McIver at the Department for Constitutional Affairs (Tel: 020 7210 0419 or e-mail mike.mciver@courtservice.gsi.gov.uk can answer any queries regarding the instrument.