

**EXPLANATORY MEMORANDUM TO**  
**THE COURTS BOARDS AREAS (AMENDMENT) ORDER 2007**

**2007 NO. 1022**

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 This Order changes Courts Boards areas so that they are consistent with newly created administrative areas in Her Majesty's Courts Service and therefore realigned so that they are more able to perform their prime role of advising and helping Area Directors.

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

3.1 None

**4. Legislative Background**

4.1 The Courts Boards Areas Order 2004 specifies the Areas of England and Wales for which there is a Courts Board. That Order is made by the Lord Chancellor in accordance with powers under section 4 of the Courts Act 2003. This Order, which is made by the Lord Chancellor in accordance with powers in section 4(4) of the Courts Act 2003, amends the Courts Boards Areas Order 2004 by substituting the Schedule to that Order with a new Schedule which describes the boundaries of new Courts Boards areas in England and Wales. The Order also revokes the Courts Boards Areas (Amendment) Order 2004. In accordance with section 4(6) of the Courts Act 2003 the Lord Chancellor has consulted those Courts Boards which will be affected by this Order.

**5. Extent**

5.1 The Order applies to England and Wales.

**6. European Convention on Human Rights**

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

**7. Policy Background**

7.1 The role of Courts Boards is to work in partnership with HMCS to achieve effective and efficient administration of the courts by giving advice and making constructive

recommendations to foster improvements in the administrative services provided. Each Courts Board works with the Area Director to achieve this.

7.2 Proposed changes to police force boundaries provided an early catalyst for change in HMCS but there were a number of other key important drivers for HMCS to proceed with its own proposals to restructure. These were:

- Budgetary pressures, which requires HMCS to reduce its costs.
- Efficiency agenda, which requires HMCS to examine, among other things, the scale of its management overheads and their added value, and to put funds, wherever possible, into frontline services in the courts.
- HMCS' Business Strategy, which requires substantial changes to its services, to bring about improvements to its administration, buildings and technology.
- The availability of additional Treasury funding specifically to support the reduction in management overheads.

7.3 The new HMCS administrative structure that will come into effect by April 2007 reduces the number of areas from 42 to 25, reducing the number of Area Directors accordingly. It is important that an appropriate and complementary Courts Boards area structure is established (there will be 3 administrative areas in London but only 1 Courts Board).

7.4 The Lord Chancellor has the power under section 4 of the Courts Act 2003 to make orders altering Courts Boards areas but must consult Courts Boards affected by the proposed order before doing so.

7.5 The consultation on Courts Boards areas commenced with a letter to all Courts Boards Chairs from the Secretary of State that was sent on 10 May 2006, and initially discussed at the national Courts Boards Chairs conference on 11 and 12 May. The consultation period closed on 9 August 2006. The Secretary of State's letter proposed two leading options for Courts Boards to consider:

- To align Courts Boards areas with the new proposed police force areas
- To align Courts Boards with the new HMCS areas

7.6 The majority of respondents felt that Courts Boards should ideally be aligned with both the police force areas and the new HMCS administrative areas. However, if this was not possible, it was more important that Courts Boards be aligned with the new HMCS administrative areas.

7.7 The responses to the consultation paper have reassured us that we have been focussed on the right issues in our planning for the new Courts Boards.

7.8 A draft version of the Schedule that now forms the essential part of this Courts Boards Areas (Amendment) Order was sent to all Chairs of Courts Boards to offer them

the opportunity to comment more specifically on the boundaries described. They were given a further 5 weeks to comment (until 15 December 2006).

7.9 We have not received any further representations on the boundaries.

## **8. Impact**

8.1 No Regulatory Impact Assessment has been prepared because there is no regulatory impact on any part of the private or voluntary sector or charities. Furthermore, comprehensive consultation has specifically been held with the Courts Boards community.

## **9. Contact**

9.1 Any enquiries about the contents of this memorandum should be addressed to: Colin Orchard, Department for Constitutional Affairs, Planning and Performance Management Division, Courts Boards Sponsorship Team, 9<sup>th</sup> Floor, Selborne House, London SW1H 9LH. Tel: 020 7210 1770

Email: [colin.orchard@dca.gsi.gov.uk](mailto:colin.orchard@dca.gsi.gov.uk)