

**EXPLANATORY MEMORANDUM TO
THE LOCAL JUSTICE AREAS ORDER 2007**

2007 No. 2284

1. This explanatory memorandum has been prepared by The Ministry of Justice and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 This Order combines the Mendip and South Somerset local justice areas into a new area named South Somerset and Mendip.
- 2.2 The Order makes consequential and transitional provision for the appointment and election of justices to various posts in the context of the new area.
- 2.3 The Order also makes minor drafting amendments to two previous Orders: The Local Justice Areas (No. 1) Order (S.I. 2006/1839) and the Local Justice Areas (No. 2) Order 2006 (S.I. 2006/2315).

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

- 3.1 The amendments to S.I. 2006/1839 and S.I. 2006/2315 contained in articles 5 and 6 of the Order are made in accordance with comments received by the Joint Committee on Statutory Instruments during the passage of the aforementioned Instruments. The amendments are included in the Local Justice Areas Order 2007 which provides an opportune legislative vehicle for effecting them.

4. **Legislative Background**

- 4.1 The Local Justice Areas Order 2005 (S.I. 2005/554), made under section 8(1) of the Courts Act 2003 (“CA 2003”), specifies the local justice areas into which England and Wales is divided. Section 8(4) of the CA 2003 confers powers on the Lord Chancellor to make orders altering local justice areas. Under section 8(5A), and 8(6) of the CA 2003 the Lord Chancellor must consult the Lord Chief Justice (or his nominee: section 8(8)) and the justices of the peace assigned to the local justice area, any courts board whose area includes the local justice area or part of the local justice area, and any local authorities whose area includes the local justice area.
- 4.2 In accordance with section 8(6) of the CA 2003 a consultation has been undertaken through Her Majesty’s Court Service about altering the local justice areas referred to in paragraph 2, above. In addition, consultation has taken place in accordance with section 21 of the CA 2003 which provides that the Lord Chancellor and the Lord Chief Justice or his nominee must take all reasonable and practicable steps to ensure that lay justices in a local justice area are kept informed of matters affecting the performance of their duties and to ascertain their views.

5. Extent

5.1 This instrument applies to England and Wales

6. European Convention on Human Rights

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

7. Policy background

7.1 The key business reasons for the merger to take place are set out below:-

- To allow existing Magistrates (within Mendip) to meet the level of sittings required to maintain their necessary competencies (they are struggling to do so under the current structure);
- To find a long-term solution to the practical difficulties of filling the various positions, committees and panels within the Mendip bench which is too small to function as an independent bench. The merger with South Somerset is seen locally as the most beneficial option for providing a combined bench which would be large enough to fill all the necessary offices, committees and Panels and ensuring that diversity goals are met (e.g. achieving an appropriate gender and ethnicity balance).
- A combined and larger bench will allow for a greater rotation of magistrates on the various groups they are required to form within the local justice area. This will help to resolve the following difficulties which have been experienced in the past by the Mendip Bench in terms of being able to rotate members between groups:-
 - Rules prevent magistrates from being members of certain panels or committees at the same time.
 - The workload is not large enough to justify an increase in the number of magistrates under the present Mendip Bench.
- A combined bench and therefore one Youth Panel will allow cases involving young persons to be heard at the weekly court at Yeovil in addition to the fortnightly youth court at Mendip (the latter youth court is the only option available under the existing local justice area set up). The advantages of this include:-
 - The increased potential for cases to be dealt with consistently and efficiency (under one Youth Panel the young person would be assessed or supervised by the same Youth Offending Team);
 - Shorter adjournments for Persistent Young Offenders (PYO) e.g. to minimize delay a case concerning a Mendip PYO could be adjourned to the weekly court in Yeovil rather than the fortnightly Youth Court in Mendip.
 - A merger will achieve significant savings in time and expense. For example in respect of the number of meetings which would otherwise be required.

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.

9. Contact

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paul.brunton@hmcourts-service.gsi.gov.uk can answer any queries regarding the instrument.