

EXPLANATORY MEMORANDUM TO
THE CIVIL COURTS (AMENDMENT) ORDER 2016

2016 No. 974

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Justice (MoJ) in conjunction with HM Courts and Tribunals Service (HMCTS) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Civil Courts (Amendment) Order 2016 (“the 2016 Order”) amends the Civil Courts Order 2014 (S.I. 2014/819) (“the 2014 Order”) by updating the location and names of the district registries of the High Court to reflect changes made to the court estate. The Order will come into force on 31 October 2016.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage

4. Legislative Context

4.1 Both the 2014 and 2016 Orders are made under section 99(1) of the Senior Courts Act 1981, the Lord Chief Justice having been consulted in accordance with that section, which provides that the Lord Chancellor may, by order, direct that there shall be district registries of the High Court at such places and for such districts as specified in the order.

4.2 A district registry is part of the High Court. District registries deal with High Court civil business and are situated in various locations in England and Wales. They are often co-located at County Court hearing centres. The locations and names of the district registries are specified in the first column of the Schedule to the 2014 Order. The district served by a district registry is defined by reference to the areas served by those corresponding County Court hearing centres specified in the second column of the Schedule to the 2014 Order.

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

5.2 This instrument applies to England and Wales.

6. European Convention on Human Rights

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

7. Policy background

What is being done and why

- 7.1 On 16 July 2015 the then Parliamentary Under Secretary of State for Justice, Shailesh Vara, announced a consultation on proposals to close 91 courts and tribunals in England and Wales. These responses to the consultation document are included in the Response to the proposal on the provision of court and tribunal estate in England and Wales¹.
- 7.2 In a written Ministerial Statement dated 11 February 2016, the Government announced the outcome of the consultation, and its intention to close 86 of the 91 courts and tribunals. 64 sites will close as proposed in the consultation. A further 22 closures will take place but with changes to the original proposals. These changes, many suggested by respondents, include the identification of suitable alternative venues, such as local civic buildings; or different venues in the HMCTS estate to those originally proposed.
- 7.3 In consequence of these changes, the 2016 Order amends the 2014 Order, first, by removing from the Schedule references to those districts served by district registries which have now closed, secondly, by removing references to those County Court hearing centres which have also closed and, thirdly, by inserting in the Schedule two new districts where district registries will be established. Since the closure of the relevant district registries and County Court hearing centres are not subject to any legislative requirements, any amendments to the 2014 Order in this regard are purely consequential.
- 7.4 In addition, the 2016 Order corrects the spelling of the district registry at Bury St *Edmunds* and removes a now redundant reference to the district registry at Brecknock in article 2(2) of the 2014 Order.
- 7.5 A further series of County Court hearing venues will be closed in future tranches requiring further consequential amendments to the 2014 Order.

Consolidation

- 7.6 The Department has no plans to consolidate any legislation as a result of this legislation.

8. Consultation outcome

- 8.1 The consultation lasted for twelve-weeks (16 July 2015 to 08 October 2015) and it invited comments from anyone with an interest in justice to ensure that courts and tribunals continue to be aligned to customer requirements, that communities continue to have access to court buildings where they need to attend or through alternative methods and that cases are heard in buildings with suitable facilities. Copies of the consultation paper were sent to:
- Judicial and legal bodies including the including the Senior Judiciary, the Council of HM Circuit Judges, the Association of District Judges, The Law Society, The Bar Council, and the Institute of Legal Executives.

¹ Which is available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/499518/national-consultation-document.pdf

- Consumer bodies, representative bodies and business organisations for example Civil Court Users Association, Police service, National Association of local Councils.

8.2 The consultation sought views on proposals to reduce surplus capacity by closing courts and tribunals that are unused or underused, or that are simply unsuitable for the services we need to deliver in future. To provide users with an overview of all proposed change to the estate, the consultation also included information on where we plan to relocate courts within the same town or city and where there is limited impact on service provision. We did not consult on our plans to integrate courts. Integration plans cover 31 buildings and updates are provided in each regional response.²

8.3 The consultation generated over 2,100 individual responses. In addition, 13 petitions were submitted containing approximately 10,000 signatures. The majority of the responses related to individual courts. In total, 110 responses were received that related specifically to the national consultation paper³. Of the overall responses, 15 were supportive of the closure proposals nationally and 39 had neutral views. The main themes were:

- the estate is underused and utilisation should be increased
- in the current financial climate it is important that efficiencies are made where possible, and
- we should explore new ways of delivering our services wherever possible.

56 responses were opposed to the closure proposals. The main themes were:

- Access to Justice (the availability and cost of transport to alternative venues), and,
- concerns over the accuracy of the data in the consultation document and Impact Assessment

8.4 For each proposal in the consultation, we considered access to justice; value for money; and efficiency. The decision to close a court or tribunal must never be taken lightly. For each location, we considered whether the closure would still allow for effective access to justice, whether it offers a significant saving, and whether it would allow HM Courts & Tribunals Service to maintain high quality service provision. We made a decision to close 86 court and tribunal buildings and retain five. 64 sites will close as proposed in the consultation, with a further 22 closures taking place but with changes to the original proposals, which include the establishment of suitable alternative venues

9. Guidance

9.1 Information about the Order and the locations of courts and tribunals will be published on the MoJ, Judicial and HMCTS channels of the Government website, alerting the Judiciary, court staff and court users of the changes.

² Which are available at; <https://www.gov.uk/government/consultations/proposal-on-the-provision-of-court-and-tribunal-estate-in-england-and-wales>

³ Which is available at; <https://www.gov.uk/government/consultations/proposal-on-the-provision-of-court-and-tribunal-estate-in-england-and-wales>

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 We do not envisage that the Order will create significant additional workload for county court hearing centres text.

13. Contact

- 13.1 John Sweeney at the Estates Reform Project, HM Courts and Tribunal Service
Telephone: 07500 066372 or email: john.sweeney3@hmcts.gsi.gov.uk email address
can answer any queries regarding the instrument.