



PRESS RELEASE

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22 September 2010

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Magistrates' Courts and Crown Court expenditure 1999-2009

Yesterday's report by the Centre for Criminal Justice Studies entitled **Magistrates' Courts and Crown Court expenditure 1999–2009** raises a number of questions about the role of magistrates' courts in the justice system. It vindicates the Association view that the current proposals for court closures cannot be based solely on a financially driven policy for the court estate. The Association has proposed that the driving force should be a summary justice system that responds to the needs of communities in the context of devolved management as expressed in the 'Big Society'. The Association agrees that any re-structure must take account of the impact on victims, witnesses, defendants, and other stakeholders, as well as significant factors such as crime statistics and demographic developments.

The report also suggests that the rising use of 'out of court' disposals is a contributory factor in the reduction of work in magistrates' courts. However, the research undertaken by the Association in 2009 found that there was alarming inconsistency and inappropriateness in the use of such disposals and that they do not best serve the public and victims. It showed that a large number of offences which in court would attract either a custodial or strong community sentence were dealt with out of court. Some 37,000 offences of assault occasioning actual bodily harm were dealt with by a simple caution and so no compensation for the victim. Public confidence could be enhanced by ensuring that such offences are dealt with in a magistrates' court.

Magistrates' courts are fundamental to the system of justice and sustain a tradition of legal decision-making by ordinary citizens acting in their role as members of an independent judiciary – a hallmark of any democratic society. Indeed this principle was emphasised by the Minister of Justice, Jonathon Djanogly, when he said that magistrates were the 'bedrock' of the justice system dealing with over 95% of all criminal matters brought to court and a significant amount of civil work. In addition, figures the Minister gave in the Commons on 9th September indicate that magistrates make a very cost effective contribution to the justice system.

The Association agrees with the report that the indicated cost savings claimed by through creating a large and centralised HMCS have not seemed to bring changes to the level of total expenditure and that we should prevent major changes occurring solely 'under the grinding ratchet of efficiency savings.'

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The Association appreciates that savings must be made and its proposals offer a number of short and medium term approaches for reducing costs and raising court utilisation: by transferring work from crown courts; improving collection of court fines, costs and compensation; reducing the number of out of court disposals and costs incurred in administering them; rationalising the court estate through boundary developments and shared use with other jurisdictions and other measures.

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Notes for Editors

2011 will be the 650 anniversary of the institution of the office of Justice of the Peace (JP) and a senior judge recently stated that *its members have served the justice system with distinction ever since*. Currently nearly 29,000 men and women - known as JPs or magistrates - deal with 95% of all criminal cases brought before courts and a significant number of civil matters including family work. Magistrates are not paid for attending court, receiving only modest expenses, subsistence and small recompense for any loss of earnings. They have to attend training, are mentored and regularly appraised and work within guidelines.