

THE MAGISTRATES' ASSOCIATION
JUDICIAL POLICY & PRACTICE COMMITTEE
FAMILY COURTS COMMITTEE
RESPONSE

The Way Forward for Civil Business

The Magistrates' Association notes that the paper on the way forward for civil business has little to say about the work of the magistrates' courts in this area and what it does say, in paragraph 3.3, might be described as disparaging.

We note that in family work, Family Proceedings Courts do excellent work and that more work has been passed to them in many areas. Family Proceedings Courts should be rooted in communities and not centralised in locations that are often difficult to reach. The Magistrates' Association believes that a Key Performance Indicator (KPI) related to travelling time for court users is an important consideration of the provision of civil justice, and especially family work, in the same way as it is for criminal justice.

Magistrates' courts are a natural home for appeals from the administrative decisions of local authorities and this has been recognised in the 2003 Licensing Act and other legislation. Indeed, it may well be that work for this source may increase over the next few years.

The growing use of ancillary orders including Football Banning Orders, Anti Social Behaviour Orders (ASBOs), Violent Offender Orders and alcohol-related orders presage a potential increase in the work of the magistrates' courts in this aspect of civil work. There are other orders, such as those for gangs proposed in current legislation that might more usefully be dealt with in the magistrates' courts.

With magistrates and district judges (magistrates' courts), better trained than ever, there may well be other areas of mediation and community based civil cases where magistrates' courts would be a better venue than the county court. However, this would also need legislation. It does, however, serve to highlight that there is more than one approach to the use of magistrates' courts for civil court work. Such a use might fit more rationally with the single 'county court' model where work that requires a local solution is dealt with locally.

The notion of those who sit in judgement in magistrates' courts as just dealing with criminal work is both short-sighted and unrepresentative of the many skills possessed by judicial officers serving in magistrates' courts whether as magistrates or district judges (MC).

The Magistrates' Association believes that the discussion paper focuses too narrowly on the need to save money, important though that is, and does not consider the important aspect of how many civil matters impinge on the lives of ordinary citizens.

We would welcome a discussion as to how our courts can play a larger part in dealing with civil business.