

THE MAGISTRATES' ASSOCIATION
JUDICIAL POLICY & PRACTICE COMMITTEE
RESPONSE

Evidence to the Justice Committee on Justice Issues in Europe

The Magistrates' Association welcomes the opportunity to submit evidence to the committee.

1. Existing Legislation

1.1. Hearings in Absence

The initiative to rationalise the arrangements for dealing with defendants in their absence reflect procedures generally in operation in the UK already. It is important that cases are not delayed due to continued adjournment so that in the interest of justice victims do not have to wait excessive periods of time for their cases to be heard. On the other hand it is important that defendants have a clear knowledge of proceedings and that courts have the assurance that defendants have been notified of trial hearings.

The regulations agreed in this area provide this assurance.

1.2. Mutual Recognition of Financial Penalties

The European Union (EU) Framework Decision (FD) on the Mutual Recognition of Financial Penalties (MRFP) allows fines and certain other financial penalties that are imposed in one Member State to be transferred and enforced in another. It applies to fines, compensation and court costs imposed by a court or certain other authorities in criminal proceedings, including road traffic offences.

This decision has not been implemented in the UK so that penalties for offences committed in the UK may not be recovered. It is important that these arrangements are implemented across the whole of Europe so that all citizens are treated equally and fairly.

2. Proposals

2.1. Interpretation

The increasing movement of people throughout the European Union with a wide range of languages requires a professional approach for interpretation in all the stages of the criminal justice process. This includes the period from initial interviews at the police station through to the court proceedings including trial and sentencing. Defendants and other court users must be given every opportunity to ensure they fully understand all the proceedings and decisions made at every stage of the process.

Much progress has been made in recent times to apply the guidance agreed between the various parties operating in the CJS. There is a need across Europe for a common approach

so that all who may become involved in the CJS are able to understand and provide relevant evidence to any case without disadvantage due to language.

Some problems remain due to the availability of qualified interpreters.

The Magistrates' Association has prepared a practical Guidance Note for use in Magistrates' Courts to ensure procedures are followed to the benefit of all. A copy is attached to this submission.

2.2. Control of Heavy Goods Vehicles (HGVs)

The increased movement of goods across national borders in Europe has generated considerable concern over road safety. The Vehicle and Operator Services Agency (VOSA) monitors roadworthiness of commercial vehicles. It is important that all such vehicles are operated to a common standard and regulation and that the penalties imposed for offences committed are equivalent across the whole of Europe.

The restrictions that apply to drivers' hours should be operated uniformly including all cross-border journeys within the Union.

2.3. Road Traffic Penalties

There should be movement towards mutual recognition of driving disqualifications and a uniform system of penalty points.

1 June 2009