

THE MAGISTRATES' ASSOCIATION

JUDICIAL POLICY & PRACTICE COMMITTEE

National response to consultations on court closures

The Magistrates' Association (MA) is the national body representing magistrates. Since the last round of major closures of magistrates' courts, responsibility for the administration of our courts has been transferred to a national body, HMCS, under the provisions of the 2003 Act. However, rightly, consultations are still conducted on a local basis. Nevertheless, there are some over-arching principles that should underpin any debate; these have not been discussed in detail prior to the current round of closures.

The MA feels it right that some general points should be made in relation to closures. The Association's general views were most recently expressed in response to consultations on [Engaging Communities in Criminal Justice](#)* and the [Green Paper on Rights and Responsibilities](#)*. The MA is also aware of a policy paper by the All Party Local Government Group at Westminster issued in July 2009 that commended the principle of local justice.

The MA firmly believes that whether it is as a criminal or a civil court, a magistrates' court has to serve a community. There is an inevitable tension between organisational efficiency and throughput of work on the one hand, where larger courts are seen as more cost effective, and the level of facilities and frequency of sittings available at an individual court house. At the same time, there is insufficient funding to bring all courts up to the highest modern standards. However, this tension between size and perceived cost effectiveness and a notion of summary justice located within communities is at the heart of the debate about the shape of the estate required to deal with summary justice across communities in England and Wales.

In seeking to reach a balance, the MA recognises that many who find themselves in our courts whether as parties to a dispute, witnesses or defendants, are neither the most wealthy nor adaptable in society. A justice system that fails to take these factors into account risks losing the confidence of a large section of society.

The success of CJSSS has brought this issue into focus because it has reduced the need for many sittings in magistrates' courts as cases are disposed of more quickly. It would be a real irony if that success, along with a reduction in crime rates, were to deprive many communities of a basic service provided by their court.

Less than five per cent of those appearing before magistrates' courts are in custody and many are immediately sent to the Crown Court under the new accelerated procedures for indictable offences. This means there is a real possibility to consider what facilities are actually required in a magistrates' court.

Earlier this year, the MA proposed as a principle that no court user should be expected to undertake a journey of more than an hour of travel time by public transport especially as many users have to make childcare arrangements before leaving for court or sacrifice working time as witnesses. Even in urban areas, including London, it can be difficult, if not impossible, to reach some courts in that time. The increased costs of such travel time for police, CPS, legal advisers, court staff, probation and magistrates is a very important factor. In addition the loss of police time from operational duties due to the extra time travelling longer distances is also a factor. A lack of local courts should not drive decisions on how to deal with crime in a particular area.

The MA also believes that if a virtual court is one solution being currently investigated to save resources, so a community court located in a building capable of becoming a court house when required, and perhaps not owned by HMCS, but able to deal with the majority of cases brought before our courts, should also be considered. The MA appreciates that uneconomic court houses cannot be sustained. It also believes that such buildings should either be employed for multi-judicial purposes – civil and/or crown court work, tribunals and the coroners court – thus providing a wider range of local services, or, if this is not achievable, then the MA believes that such local services in the civil and criminal jurisdictions should not be removed, but alternative venues sought to continue the delivery of local justice.

A lack of sufficient work to provide for ten sessions a week per courtroom should not be a reason to deprive a community of its court. A magistrates' court has a significant place in the overall handling of justice for communities, as was recognised by the creation of North Liverpool, Salford and the other community justice courts. Rural areas and smaller communities need the same access to justice as large conurbations.

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