

EXPLANATORY MEMORANDUM TO

The Local Justice Areas (No. 2) Order 2006 2006 No. [2315]

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This order combines the North West Gwent and South East Gwent Local Justice Areas (LJAs) into a new area named Gwent LJA.

2.2 The Order also makes consequential and transitional provision for the appointment of justices to various posts in the context of the new LJAs that will apply from 1 January 2007.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1. The Local Justice Areas Order 2005 (SI 2005/554), made under Section 8 (1) of the Courts Act 2003, specifies the Local Justice Areas into which England and Wales is divided. Section 8(4) of the Courts Act 2003 confers powers on the Lord Chancellor to make orders altering Local Justice Areas. Under Section 8(5A) and (6) the Lord Chancellor must consult the Lord Chief Justice and the justices of the peace assigned to the Local Justice area, any courts board whose area includes the local justice area or part of the local justice area and any local authorities whose area includes the local justice area.

5. Extent

5.1 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 it does not amend primary legislation, no statement is required.

7. Policy Background

7.1 A summary of the Business reasons behind this order is provided below:-

- The merger will allow magistrates to sit at any of the six courthouses in Gwent. This will provide greater opportunity for magistrates to gain experience of a wider range of cases as there are currently restrictions on the type of work that can be assigned to some courthouses due to lack of proper facilities;

- The ability to be able to choose to sit at court locations and to deal with workload currently unavailable to them will enable magistrates to become fully engaged in the whole range of court business.
- Given the location of the courthouses and the geographical size of Gwent, any increase in travelling costs is likely to be minimal. No magistrates will be expected to sit at a location which is inconvenient for them;
- The previous amalgamation of the Youth Panels and Family Panels has required those magistrates to sit at locations throughout Gwent. The size of those panels (84 and 68 respectively) means that almost half the total number of magistrates already work together as though there was a single bench.

7.2 A consultation paper on the proposal to merger the LJAs was issued on 2 May 2006. The responses to the consultation indicated a general agreement to the changes proposed.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

9.1 Any enquiries about the contents of this memorandum should be addressed to: Paul Brunton at Her Majesty's Courts Service (Tel: 020 7210 0417 or e-mail paul.brunton@hmcourts-service.gsi.gov.uk)