

# POLITEIA

## A Forum for Social and Economic Thinking

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### Magistrates Work! Restoring Local Justice

New proposals for restoring magistrates courts consistent with cost savings, say Politeia authors in Politeia's new publication

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As the political parties prepare for the 2015 general election, much work still remains in restoring the public finances, and another round of cuts is inevitable. In the case of justice, the authors of *Magistrates Work!* explain how savings can be made and the principles governing the operation of a fair justice system can be protected. The proposals are welcomed in the appendix by serving magistrate, Edna Murphy, who explains how they could ensure local justice would continue to play its part in our court system despite continuing funding constraints.

**The co-authors, Simon Reeve MP, Professor John Howson and Stanley Brodie QC**, take stock of the recent closure of the magistrates' courts, cut from 330 courts in 2009 to 240 in 2014. The consequences have been lamentable:

- Access to justice has suffered; transparency is the loser and costs to the public purse have rocketed. The upshot, says Simon Reeve, MP for Dewsbury and a barrister by profession, is that 'the rule of law now operates from a select few hubs'. Because many offences are heard away from the local communities where they were committed, 'no one will hear anything about the case, no lessons to be learned, there will be no deterrent effect'.
- Stanley Brodie warns that recent court closures not only threaten the fundamental rights of access to justice and to a fair trial before an independent court, but they will do little to curb rising costs. These, he explains, rocketed in the wake of the Courts Act 2003 which replaced the running of the courts under voluntary magistrates by a civil servant bureaucracy, the number of which rose from around 8,400 to 25,000, with an extra cost to the public purse estimated as around £1.5bn.

**For the future, the authors propose how local justice can be restored, and how visible working courts can return the rule of law to the community.**

With little extra cost, additional buildings should be adapted, smaller, specialist courts should be used and there should be a move away from out of court disposals and overuse of police powers, says **Professor John Howson**:

- A courtroom in every community: many public buildings, including local council offices, can be converted or adapted for a wider use as summary justice courtrooms incurring little expense.
- Different courts, different roles and a court for all purposes. Large centralised courts should be supplemented by smaller specialist courts dealing with such issues as domestic violence, drugs, traffic matters – where a volume of cases exists.
- An end to official justice and a return to judicial outcomes. Instead of placing enormous power in the police, e.g. 'out of court' disposals, a return to local courts would allow 'the power to recognise a rehabilitated citizen by "wiping the slate clean"'.
- A return to locally funded justice. The courts' independence from central management could be guaranteed by local funding through precepts or using fines and court costs.

**Simon Reeve MP** looks to the new Community Justice Panels which are evolving and welcomes proposals for more powers for the magistrates' courts:

- Community Justice Panels may evolve into magistrates' courts, though there must be safeguards to ensure the overall legality of what takes place.
- Magistrates' courts should have a stronger role, and Reeve welcomes proposals to increase their sentencing powers from six to twelve months and to allow them to take on some additional work currently dealt with by the Crown Court.

Not only do the authors show how the magistrates courts can be restored locally with little extra cost, but there can be greater savings, says Stanley Brodie QC 'across the full range of the Ministry of Justice's work' if magistrates can also run their own courts:

- Restoring the independence and autonomy of the magistrates would save over £1bn annually by the removal of many thousands of unnecessary civil servants.

David Howarth, the former Liberal Democrat Shadow Justice Secretary, explains that if adopted these proposals would mean that the magistracy 'could be restored along with the special advantages it brings to the criminal justice system'.

*Magistrates Work! Restoring Local Justice* is published by Politeia. A digital copy is available [here](#).

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