



JUDICIARY OF
ENGLAND AND WALES

LORD JUSTICE GOLDRING, DEPUTY SENIOR PRESIDING JUDGE

OPENING SPEECH FOR THE MAGISTRATES' ASSOCIATION AGM

BIRMINGHAM

14 NOVEMBER 2009

It is a particular pleasure for me to be here. This is my first Magistrates Association AGM. I hope it will not be my last.

I see John Thornhill and Sally Dickinson every month when we meet (along side the National Bench Chairmen's Forum, Justices Clerks Society and Senior District Judge) to discuss the problems all of us who sit as judges face. If I may say so, and at risk of embarrassing him, you are very fortunate to have in these difficult times as your chairman someone of John's calibre and commitment. He follows a series of distinguished predecessors.

I have a very strict timetable so I can only deal in outline with a number of topics important to you as magistrates (and some important to all of us who sit as judges).

The term "*Justice of the Peace*" dates back to the Justice of the Peace act 1361, which describes a justices' responsibility in terms of "*keeping the peace, and the punishment of those who blemished the peace or disturbed the passing of the citizens along the highways of the realm.*" In some ways this still rings true, and like your 14th century forerunners you give your time freely to serve your communities. However the world has changed enormously since then, and the magistrates have adapted as society has changed around them. We have to continue to adapt.

It is perfectly obvious, and I am not making a political point here, that we face the most difficult times financially that for many of us we have ever experienced. No part of our

society is unaffected. It is going to get worse. It is not an option for us, any of us, to ignore it- whether in the magistrates court, or for that matter, in the Crown Court.

As you know, the Court Service has already gone through extensive cuts or “efficiency savings” as they are somewhat euphemistically called. Much fat has already been cut from HMCS. We cannot keep salami slicing, taking another 2% of here, 3% off there, whilst hoping to carry on as normal.

One thing which often comes out of facing unprecedented difficulties is that it makes us question what we do, how we do it. Whether, in other words, there are better and different- possibly very different- ways of doing what we do. One advantage that you as magistrates have when thinking about improving ways in which we do our work, is that you come from all walks of life. You have a wide range of experience to bring to bear. What is certain is that we have no choice but to make *real* change to the way we administer justice. It is crucial that we engage in the process of change if we want to avoid change being imposed on us.

Let me then turn to a number of different topics, almost in headline form.

Case management

CJSSS resulted in significant improvements. We are getting reports that some of those gains are slipping. We need to do more.

One of the shortfalls of CJSSS was that it was presented as a new procedure, rather than a means by which the parties can be ready for the court, by proper application of the Criminal Procedure Rules. Of course compliance with the CPR by the parties and the court is compulsory. The responsibility for their application is on you as magistrates. Have the confidence to refer to them, to require that they be complied with. The Criminal Procedure Rules Committee did their best to express the Rules, especially those concerned with case management, in clear, direct language so that they could be understood and applied by those without a background in law.

To help you to apply the rules in each and every case, the SPJ asked HHJ Wide QC to work with the Magistrates' Association, National bench Chairmen's Forum, Justices' Clerks' Society and a representative of the Chief Magistrate, to produce a 2 page summary on case management. This quick reference guide will be hitting your bench in the near future. The CPS is also going to adopt this document and send it to all of their staff so that they are aware of what is expected of them. We will also make sure it comes to the attention of defence

advocates, so that they too know their duties. I anticipate that there might be some local training involving both magistrates who chair courts and the local practitioners.

Ultimately, application of the rules is your personal responsibility as the judicial office holder, not that of your legal advisers. No doubt you will work together and involve yourselves in the process of case management, and not just leave it up to them.

Out of court disposals and workload

I anticipate the Lord Chancellor will say something about the review which he has ordered to take place under the auspices of the Office for Criminal Justice Reform. I want to say nothing about the review itself, save that in principle I welcome it.

Of course, we cannot anticipate what the results of the review will be. Neither can we say whether simply as a result of all the publicity on this topic, there might be a change in climate about out of court disposals, irrespective of the review. What is clear is that if there is, there will be a significant impact on the resources of HMCS and the workload of the magistrates. Is it inconceivable that there might be a topic on next year's MA meeting agenda, "How do we cope with the increased waiting times brought about by too much work?"

I would however make this final observation about out of court disposals. Many years ago the most frequent out of court disposal used by the police was a clip round the ear. That is clearly not appropriate in this day and age. But plainly there should be some way of dealing with very minor offences in order to avoid criminalising people unnecessarily, and clogging up the courts with trivial matters.

Local justice and closing courts

This is another important general area in respect of which we are seeing change. Do we need as many buildings? Should we move towards multi-use hearing centres? Might more cases be dealt with by the defendant not being physically in court, but on a screen in another building many miles away? All points that need to be thought about.

Thanks

I know that sometimes, particularly in these difficult times, you think what you do is not appreciated. Partly that may be because there has been the huge change from local administration to national. Partly it may be because communication has not always been as good as it should have been. It has been a learning curve for everyone.

But we all know this. You do over 90% of the criminal cases heard in this country as a public service on behalf of your community. You have been chosen to do so because of your individual qualities. You bring to your decisions your knowledge of the world outside the law. Do not for one moment think that the LCJ does not know all this and appreciate it. He would wish me to thank you for everything that you do.

Finally this. If you have any ideas for change, please pass them to me or to John Thornhill.

Thank you for having me.

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