



Ministry of
JUSTICE

Public Bodies Bill: reforming the public bodies of the Ministry of Justice

CCRC and MCRC consultation
responses

17 May 2012

CCRC online questionnaire responses:

1. Anonymous
2. A Magistrate
3. Chris Bell
4. Edward Clarke
5. Anonymous
6. Anonymous
7. Kevin Burdekin

CCRC – other responses

8. Durham Constabulary and Durham Police Authority
9. Law Society

MCRC online questionnaire responses:

1. Anonymous
2. A Magistrate
3. Chris Bell
4. Edward Clarke
5. Anonymous
6. Kevin Burdekin

MCRC – other responses

7. Durham Constabulary and Durham Police Authority
8. Law Society
9. Magistrates Association
10. Council of District Judges

Stakeholders notified of the publication of the consultation document (excluding agencies of the Ministry of Justice and other government departments)

These stakeholders were identified as having a specific interest in one or more of the department's bodies in the Public Bodies Bill. Responses were not limited to those listed here and views from others with an interest in one or more of the bodies were welcomed.

Statutory consultees

The body or holder of the office to which the proposal relates

Such other persons appearing to the minister to be representative of interests substantially affected by the proposal (see other consultees below)

Scottish Ministers if the proposal relates to any matter, so far as applying in or as regards Scotland in relation to which the Scottish Ministers exercise functions

A Northern Ireland Department if the proposal relates to any matter, so far as applying in or as regards Northern Ireland, in relation to which the department exercises functions

Welsh Ministers, if the proposal relates to any matter so far as applying in or as regards Wales, in relation to which the Welsh Ministers exercise functions

The Lord Chief Justice where the functions affected by the proposal relate to the administration of Justice

Such other persons as the ministers considers appropriate (see other consultees below)

Other consultees

General

Departmental Trade Union Side

Administrative Justice and Tribunals Council

British and Irish Ombudsmen Association

Senior President of Tribunals

Courts Boards

Justices' Clerks' Society

The Bar Council

The Law Society

The Magistrates' Association

Crown Court Rule Committee

The Bar Council

The Law Society

Magistrates' Courts Rule Committee

Council of District Judges (Magistrates' Courts)

Justices' Clerks' Society

The Bar Council

The Law Society
The Magistrates' Association

Office of the Chief Coroner
Action against Medical Accidents
Association of Chief Police Officers
British Lung Foundation
Cardiac Risk in the Young
Coroners' Court Support Service
Coroner Officers Association
Coroners' Society
Cruse Bereavement Care
INQUEST
Local Government Association
The Royal British Legion
Victim Support

Public Guardian Board
Action for Advocacy
Age UK
Alzheimer's Society
Council for Healthcare Regulatory Excellence
Mental Health Lawyers' Association
Mental Health Media Alliance
Mental Health Provider Forum
Nursing and Midwifery Council
Social Care Institute for Excellence
Solicitors for the Elderly Association
Solicitors' Regulation Authority
The Law Society

Victims' Advisory Panel
Advocacy After Fatal Domestic Abuse
Assist Trauma Care
Brake
Eaves Housing
Escaping Victimhood
Justice After Acquittal
Mothers Against Murder and Aggression UK
National Victims' Association
Rape Crisis (England and Wales)
Support After Murder and Manslaughter
The Survivors' Trust

Victim Support

Victims' Voice

Voice UK

Youth Justice Board

Action for Children

Association of Chief Police Officers

Association of Directors of Children's Services

Association of Panel Members

Association of Welsh YOT Managers

Barnado's

Care Quality Commission

Howard League for Penal Reform

INQUEST

Local Government Association

NACRO

National Society for the Prevention of Cruelty to Children

OFSTED

Prison Reform Trust

Restraint Accreditation Board

Secure Estate for Young People

Standing Committee for Youth Justice (and Association of Youth Offending Team Managers)

The Children's Commissioner

The Children's Society

The Magistrates' Association

Welsh Local Government Association

Youth Offending Teams

q8 - What are your views about the proposal to abolish the Crown Court Rule Committee?	q9 - Do you consider that the proposals to abolish the Crown Court Rule Committee and transfer functions to the Lord Chief Justice and the other rule committees will ensure that the Crown Court Rule Committee's existing remit can be taken forward?	Please explain your reasons if not.	q12 - What are your views about the proposal to abolish the MCRC?	q13 - Do you consider that the proposals to abolish the MCRC and transfer its consultative functions to the other rule committees will ensure that the MCRC's existing remit can be taken forward?	Please explain your reasons if not.	Contact Details	Contact Details	Representative Of Group?
agree will make design making more simple	Yes		Good idea	Yes		Public	15-07-11	
None			None			Magistrate	15th July 2011	
	Yes		I have no objection to the abolition of the MCRC.	Yes				

I have no objection to their abolition.	Yes		opposed to abolition	No	I believe MCRC functions will not be properly exercised by any alternative means particularly in the face of financial restrictions. Expertise in this area will be lost and confidence in the courts reduced. I have no confidence in the consultation paper.	POLICY ADVISOR	19 JULY 2011	
opposed to abolition	No	I believe the Committee functions will not be properly exercised by any alternative means particularly in the face of financial restrictions. Expertise in this area will be lost and confidence in the courts reduced. I have no confidence in the consultation paper.	THIS COMMITTEE (MCRC) WAS ESTABLISH BY NORTHER IRELAND ORDER 1981. THIS COMMITTEE CONSIDERS WHICH FORMS SHOULD BE USED. "PPS" FORM TO INCLUDE PERSON'S NAME AND COURT DATE. NOT ALL INFORMATION APPEARS ON JUST THE ONE FORM. EITHER FORM 110B OR FORM 6/6A TO BE USED AS AN ACKNOWLEDGEMENT OF SERVICE IN A PLEA OF GUILTY BY POST CASE.		ONLY IF YOU HAVE THE RELEVANT BODIES SUITED TO THEIR JOBS AND CARRYING OUT THEIR FUNCTIONS, TO THE BEST OF THEIR ABILITY, CAN THE MCRC'S EXISTING REMIT BE TAKEN FORWARD.		19/08/11	

NOW THEN, THE CROWN RULES COMMITTEE IS AN EXECUTIVE STATUTORY BODY ESTABLISHED UNDER THE JUDICATURE (NORTHERN IRELAND) ACT 1978 ("the 1978 Act")	No	THIS BODY WAS ESTABLISH UNDER THE JUDICATURE OF NORTHERN IRELAND. IT WOULD BE FOOLISH NOT TO CONSULT WITH THEM IN THE CASE OF ABOLISHMENT. LORD CHIEF JUSTICE, LORD JUDGE, WILL HAVE TOO MUCH ON HIS PLATE TO DEAL WITH AND COULD HAVE A BREAKDOWN. JUST LIKE THE PRISON SYSTEM BEING OVERCROWDED CAUSING RIOTS AND MURDERS.	Victim Support is neither opposed to or in support of the abolition of this body.			LEGAL EXECUTIVE SECRETARY	03 OCTOBER 2011	I WOULD LIKE TO BELIEVE THAT I REPRESENT: SUN (SUN USER NETWORK), K&C FORUM (MIND), CARERS ASSOCIATION, AND PRISONERS FAMILY AND FRIENDS SOCIETY (SWAN CENTRE).
Victim Support is neither opposed to or in support of the			Do not abolish the MCRC	No	Purely a cost cutting exercise			
Do not abolish the Crown Court Rule Committee	No	The proposed abolition will not, adequately, cover all the necessary functions				Member of the public	11/10/2011	N/A



Consultation on reforms proposed in the Public Bodies Bill

Reforming the public bodies' landscape of the Ministry of Justice.

List of questions for response

We would welcome responses to the following questions set out in this consultation paper. Please feel free to answer only those in which you have a specific interest. Please email your completed form to: PBB.Consultation@justice.gsi.gov.uk, or fax to: 020 3334 6452.

Crown Court Rule Committee

Question 1. **What are your views about the proposal to abolish the Crown Court Rule Committee?**

Comments: From the information provided it would seem sensible to abolish the Committee although it is disappointing that this does not result in any financial saving.

Question 2. **Do you consider that the proposals to abolish the Crown Court Rule Committee and transfer functions to the Lord Chief Justice and the other rule committees will ensure that the Crown Court Rule Committee's existing remit can be taken forward? Please explain your reasons if not.**

Comments: If the Crown Court Rule Committee has only reviewed one instance in 6 years then we feel that it is appropriate that Lord Chief Justice takes the remit.

Magistrates' Courts Rule Committee (MCRC)

Question 3. **What are your views about the proposal to abolish the MCRC?**

Comments: It appears sensible to abolish a committee that duplicates the work of others.

Question 4. **Do you consider that the proposals to abolish the MCRC and transfer its consultative functions to the other rule committees will ensure that the MCRC's existing remit can be taken forward? Please explain your reasons if not.**

Comments: Yes

About you

Please use this section to tell us about yourself

	L. Green
Full name	L Davies
Job title or capacity in which you are responding (e.g. member of the public etc.)	T/Chief Inspector Crime and Justice Chief Executive
Date	11/10/11
Company name/organisation (if applicable):	Durham Constabulary Durham Police Authority
Address	Aykley Heads, Durham, DH1 5TT Co Hall, Durham,
Postcode	DH1 5TT DH1 5UL
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a

summary of the people or organisations that you represent.

Public Bodies Bill Team
Ministry of Justice
Post point 3.18
102 Petty France
London
SW1H 9AJ



10 October 2011

Dear Sirs

Re: Consultation on reforms proposed in the Public Bodies Bill

The Law Society is the representative body of over 140,000 solicitors qualified in England and Wales. The Society negotiates on behalf of the profession and makes representations to regulators, governments and others.

We are grateful for the opportunity to comment. We have focussed on areas of particular concern to solicitors in their daily practices.

Crown Court Rule Committee

Question 8: What are your views about the proposal to abolish the Crown Court Rule Committee?

Given that rules relating to criminal proceedings have already been transferred to the Criminal Procedure Rules Committee and the residual rules for civil matters in the Crown Court can be transferred to the Civil Procedure Rule Committee and the Family Procedure Rule Committee, we do not object to the proposed abolition of the Crown Court Rule Committee.

Question 9: Do you consider that the proposals to abolish the Crown Court Rule Committee and transfer functions to the Lord Chief Justice and the other rule committees will ensure that the Crown Court Rule Committee's existing remit can be taken forward? Please explain your reasons if not.

Yes.

Magistrates' Courts Rule Committee (MCRC)

Question 12: What are your views about the proposal to abolish the MCRC?

The principal function of the Magistrates' Courts Rule Committee has already passed to the Criminal Procedure Rule Committee and the family Procedure Rule Committee. The remaining civil non-family proceedings in the Magistrates' Court are very narrow and rules are rarely made. We therefore have no objection to the abolition of the Magistrates' Courts Rule Committee.

Question 13: Do you consider that the proposals to abolish the MCRC and transfer its consultative functions to the other rule committees will ensure that the MCRC's existing remit can be taken forward? Please explain your reasons if not.

Yes.



Date or paper number	11/44 (October 2011)
Committee	Judicial Policy and Youth Courts Committees
Document title	The Public Bodies Bill
Document type	Response to consultation
Link to consultation	www.justice.gov.uk/consultations/reform-public-bodies.htm

Magistrates' Courts Rule Committee The MCRC is consulted by the Lord Chief Justice before rules are made under S144 of the Magistrates' Courts Act 1980 regulating and prescribing the procedure and practice to be followed in magistrates' courts and by justices' clerks and designated officers.

Current role

- The Courts Act 2003 created the Criminal Procedure Rule Committee (CPRC) and the Family Procedure Rule Committee (FPRC), reducing the functions of the MCRC.
- The remaining function is to be consulted by the LCJ before he makes rules, with the concurrence of the Lord Chancellor, relating to civil non-family proceedings in the magistrates' courts. This covers a very narrow range of proceedings and rules are rarely made.

Justification for abolition

- LCJ and Lord Chancellor will continue to be able to make these rules and the LCJ would be able to consult the CPRC, FPRC or Civil Procedure Rule Committee, as appropriate.
- The MCRC, along with the CPRC and FPRC, is consulted before certain rules are made relating to JPs and Justices' Clerks including training courses, procedure for bench elections, approval of JPs and delegated powers. The CPRC and FPRC would continue to be consulted before any amendments to such rules are made. Both these bodies contain members with particular magistrates' courts expertise.
- The scope of work of the MCRC is much reduced and it would be difficult to recruit members of the requisite calibre. The work of the committee is consultative and other existing rule committees possess the expertise necessary to advise the LCJ before rules are made.
- The LCJ agrees in principle with the proposal to abolish the MCRC.

Magistrates' Association comments and concerns

The existing rule committees are well placed to advise the LCJ and have the expertise to deal with the limited rules currently under the remit of the MCRC.

RESPONSE TO THE CONSULTATION ON REFORMS PROPOSED IN THE
PUBLIC BODIES BILL.

SUBMITTED ON BEHALF OF THE LEGAL COMMITTEE OF THE COUNCIL
OF DISTRICT JUDGES (MAGISTRATES COURTS)

Westminster Magistrates Court
181 Marylebone Road
London NW1 5BR

This response is on behalf of the District Judges (Magistrates Courts) There are about 125 district judges sitting across England and Wales. We welcome the opportunity to comment on the Ministry of Justice's consultation on the reforms proposed in the Public Bodies Bill currently before Parliament. The response focuses on matters which are of particular relevance to the District Bench and which are within our area of expertise.

We recognise that the government is obliged to make efficiency savings in public spending and we support measures which avoid waste and eliminate duplication where it exists.

The consultation paper identifies the Council of District Judges (Magistrates Courts) as being a stakeholder having specific interest only in the proposed abolition of the Magistrates Courts Rule Committee and our comments on that are set out below. In addition though, we wish to add our submissions in respect of the abolition of the Youth Justice Board.

The Magistrates Courts Rules Committee (MCRC) was established under the section 144 Magistrates Courts Act 1980. Its function was to regulate and prescribe practices and procedures to be followed in Magistrates Courts. We agree that the creation of the Criminal Procedure Rule Committee and the Family Procedure Rule Committee has diminished the role of the MCRC.

We do not agree that the remaining limited role of the MCRC can be dealt with by the Lord Chief Justice in consultation with those alone suggested in the consultation paper, namely the Criminal Procedure Rule Committee and the Family Procedure Rule Committee. We would urge the Lord Chief Justice also be required to consult with the Justices Clerks Society and the Chief Magistrate. Consultation with those who have the specialist experience and expertise relating to Magistrates Courts is essential.

There is one major obstacle to abolishing the MCRC.

The Family Proceedings Court is consulted by the MCRC before rules are made affecting family proceedings.

The definition of "family proceedings" contained in section 75(3) of the Courts Act 2003 is as follows:

“Family Proceedings” in relation to a court, means proceedings in that court which are family proceedings as defined by either-

(a) Section 65 of the 1980 Act, or

(b) Section 32 of the Matrimonial and Family Proceedings Act 1984

That restrictive definition of family proceedings means at present that rules relating to enforcement and variation of orders have to be made by the MCRC.

See for example the Magistrates Courts (Enforcement or Variation of Orders Made in Family Proceedings) Rules 2011; S.I.2011/1329.

There will have to be primary legislation correcting this lacuna in the Courts Act 2003 before the MCRC can be abolished in relation to family proceedings.

District Judge (Magistrates Courts) Margot Coleman
On behalf of the legal committee

7th October 2011.