



The Chartered Institute of Legal Executives (CILEX) –
Consultation Response:

Reform of Local Justice Areas

June 2025

Introduction

CILEX would like to take the opportunity to respond to the Ministry of Justice and Judicial Office's proposals in relation to the reform of Legal Justice Areas. CILEX represents a substantial number of members who either appear before magistrates, or who work as legal advisers. As a result, these proposals will impact on their work, as well as on the public.

The Chartered Institute of Legal Executives (CILEX) is the professional association and governing body for Chartered Legal Executive lawyers (commonly known as 'CILEX Lawyers'), other legal practitioners and paralegals. Under the Legal Services Act 2007, CILEX acts as the Approved Regulator (AR) and delegates these regulatory powers to the independent regulator, CILEx Regulation Ltd (CRL).

CILEX represents over 17,000 members of which 76% of the membership are female, 16% of members are from an ethnic minority background, 4% are LGBTQA+ and 7% have a disability. Additionally, in terms of social mobility, 65% of CILEX members attended a non-selective state-run or state-funded school and 41% have an undergraduate university degree. 15% of members come from households which received free school meals."

Overall CILEX recognises the vital need to increase efficiency within the judiciary - to limit increases in expenditure and to deliver justice faster, whilst ensuring that justice is delivered fairly. However, CILEX has concerns that this efficiency will not deliver swift or fair justice and may instead lead to delay and the collapse of local justice.

CILEX is aware that it has limited first-hand evidence in relation to the vast majority of questions. As a result, CILEX only answers those questions with which it can assist the consultation.

Question 1: Do you agree that the wider aspects of the magistrates' system likely to be affected by LJA abolition are: recruitment; deployment; leadership; and training? If you think other areas are likely to be affected, please list these.

CILEX has concerns with removing the current system for organising magistrates and replacing them with benches. These concerns are namely:

- Recruitment: CILEX fears the end of local justice, with judges no longer assisting their own communities, and instead assisting other areas which they are less invested in. This in turn will decrease the number of volunteers who are willing to become magistrates.

- Deployment: The difference between a home court and another court within the same bench can be geographically spread over a large area, especially in rural regions and in Wales. CILEX therefore has concerns about whether magistrates will be able to be effectively deployed.
- Leadership: CILEX believes that strong leadership is needed for magistrates, and therefore CILEX does not advocate for the two-leader system and instead believes that deputies should be better utilised. This will ensure that legal advisers and those who come into contact with Bench Chairs can get authoritative answers on crucial issues.
- Training: The importance of training for magistrates ensures that the courts can function properly and deliver justice in accordance with the law. CILEX believes that some benefits can be gained from reducing the TAAAC system but that very few benefits will be achieved through slimming the system down to 7 or 14 TAAACs.

Overall CILEX agrees with the introduction of the bench system, and for some regions this will work well – e.g. London. However, CILEX does not believe that all local justice areas should be converted to the ‘circuit’ style. CILEX agrees with the views of the Magistrates’ Association that:

“[...] in other places the rationale breaks down. A single structural model risks ignoring major differences in geography, culture, and working practices. That risk is already evident in factual errors in the consultation, particularly around Welsh court locations and boundaries. This is a good example of how a structure designed by the centre overlooks local factors.”¹

Question 6: Do you agree that magistrates should be assigned to a ‘home court’, where they would be expected to spend between 60% and 80% of their sittings? If not, what do you think the percentage range should be? Please give reasons for your answer.

CILEX believes that it is crucial that magistrates be assigned to a ‘home court’. However, CILEX believes that a figure of 40% of a magistrate’s time being spent away from that court is too high. CILEX instead believes that a figure between 0-20% of sittings would be more appropriate. CILEX recognises that this provides less flexibility amongst benches, however this high figure is unnecessary where appropriate recruitment and retention occurs. CILEX does not believe that the loss of community justice which will occur if magistrates do not sit at their home bench regularly, is merited.

One CILEX member, a legal adviser, has outlined that moving magistrates frequently between courts will prevent them from utilising the local knowledge which a magistrate

¹ Magistrates’ Association, Reforms to Local Justice Areas (MA 2025) p4

can supply to a case. This often helps given the high prevalence of road traffic cases which magistrates hear, and the high case turnover expected of magistrates.

Additionally, operationally, CILEX notes that when magistrates attend courts which are not their home court, they often experience different systems. For example, some courts use dedicated calculators for sentences provided by one body, whereas other courts use a different calculator provided by a different body. This lack of cohesion will only increase if magistrates sit more often at courts which are not their home court.

Lastly, CILEX also values the voluntary nature of magistrates and the value which is derived from members of the community giving up their time to adjudicate on deeply personal matters. CILEX notes that this often comes at great cost to magistrates, and CILEX believes that if magistrates are not regularly deployed within their own local communities, then many will be unlikely to continue in that role and will instead seek out ways to support their own communities in other ways.

CILEX supports the recommendations from the Magistrates' Association, namely:

- The 20-40% away-from-home sitting guidelines should be dropped or optional;
- No magistrates should be expected to travel more than 60 minutes away from home;
- Rota and listing systems should be upgraded and adequately staffed;
- The 2025 expenses system review must assess how fair the travel system is and how magistrates can be promptly reimbursed.²

CILEX has concerns that if the above recommendations are not complied with, then the number of magistrates will deteriorate further. Given the current state of the criminal court backlog, CILEX believes that further loss of magistrates will harm complainants and the wider public.

Question 14: Do you agree that existing magistrates should be assigned a home court based on where they have sat most over the past 12 months? If you disagree, how do you think existing magistrates should be deployed?

CILEX generally believes that magistrates should be assigned a home court based on where they have sat most over the past 12 months. However, this assumption should be checked with each magistrate and they should have the option to opt for a different home court. The reasons available to magistrates to change their home court should include:

- Cases where magistrates have sat extensively at other courts recently to assist them, however they wish for their home court to be closer to them,

² Ibid, p6

- Cases where magistrates have had personal circumstances change within the last year or are anticipated within the next year. This change to how benches are formed presents a good opportunity for judges to change their home court owing to their personal circumstances.

Question 17: Do you think that the leadership role should be split into two roles: one managing court business and the other overseeing welfare and pastoral matters? Please give reasons for your answer.

CILEX does not believe that the leadership role should be split into two roles. CILEX is of the view that court leadership is best retained by having one focus point for both managing court business as well as welfare and pastoral matters. CILEX believes that these roles are intrinsically linked and where one is effected, the other often is as well.

CILEX believes that having one individual allows for legal advisers to appropriately contact the correct individual on all matters – especially when issues frequently overlap.

As a result, CILEX supports a greater role for Deputy Bench Chairs. This will allow the workload to be similarly shared on a day-to-day basis, but it ensures that one individual is responsible for issues which occur and can address them effectively.

Question 19: Do you have a preferred option from options i and ii, above? I.e. do you think it would be better to split the Bench Chair role into court business and pastoral roles, or to make better use of deputies to share out the workload? Please give reasons for your answer.

As stated above, CILEX prefers option 2. CILEX believes that more support should be provided to Bench Chairs and deputies to ensure that their roles are carried out effectively and swiftly, and without too much additional pressure being placed on these roles.

Question 26: Do you agree that the 45 TAAACs should be reduced to 14, with one JTAAAC and one FTAAAC for each of the seven judicial circuits and London? Please give reasons for your answer. If you disagree, how do you think TAAACs should be organised geographically?

CILEX has concerns about reducing the figure so sharply from 45 TAAACs to 14 or 7. Having only 1 or 2 TAAACs covering the entirety of Wales, or the entirety of the South-West as large geographic regions, will prevent appropriate training from being accessed.

Question 31: Should the Justices' and Family TAAACs for each area be combined further into one TAAAC per circuit, which would cover both family and criminal matters? Please give reasons for your answer.

CILEX sees value in retaining the distinct and separate forms of TAAAC. CILEX notes that not only the law, but the systems used, are different and specialist training, approval, authorisation, and accreditation is needed.

One legal adviser has however highlighted that there may be occasions where joint training is appropriated. Especially on issues of safeguarding, on how to access translators and interpreters, and on issues effecting the general legal system.

Kian Hearnshaw

Kian.Hearnshaw@CILEX.org.uk

The Chartered Institute of Legal Executives