



PRESS RELEASE

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The Magistrates' Association reacts to the publication of the Legal Aid, Sentencing and Punishment of Offenders Bill

The Magistrates' Association is pleased that the government has responded positively to some of our real concerns and proposals submitted in our response to the Green Paper. We support the principles of delivering sentences which contribute effectively to reducing re-offending.

We welcome proposals to:

- strengthen and extend the provision of community programmes;
- widen judicial discretion in dealing with breaches of community orders;
- extend the powers in the use of curfews and electronic monitoring;
- ensure community payback is more rigorous and effective with an emphasis on early starts and longer working hours and days;
- widen judicial discretion in imposing community programmes such as mental health treatment;
- develop greater transparency in sentencing, sentence delivery and reporting;
- reinstate conditional discharge for all first time offenders in the youth court;
- keep youngsters out of the youth justice system where appropriate (although we are still studying closely the proposals to replace reprimands and final warnings).

We appreciate that the proposal to create a clear national framework recognises the issues the Association raised over eighteen months ago in relation to the inconsistent and inappropriate imposition of out of court disposals. However we believe that extending the powers of the police to administer conditional cautions is trespassing on judicial discretion, although we support the wider use of educational programmes.

John Thornhill, Chairman of the Magistrates' Association said, "We are disappointed that the government has not understood our arguments for maintaining the right to remand in custody as a bail option for every defendant. Whilst the 'no real prospect test' provides for a degree of discretion it requires a presumption as to sentence at a very early stage, which is not in the interests of justice."

We appreciate that the proposal to repeal Section 154 of the 2003 Criminal Justice Act giving magistrates twelve months custody for a single offence is based on the principle that it is inextricably connected with the concept of custody plus which has never been implemented for financial reasons. However we have always believed that the extension of magistrates' custodial powers would bring significant financial benefits by reducing delays and costs of proceedings in Crown Courts. We expect the Prime Minister to keep his pre – election promise to increase magistrates' powers.

END

PATRON: Her Majesty the Queen
PRESIDENT: The Lord Chief Justice

CHAIRMAN: John Thornhill JP

DEPUTY CHAIRMEN: John Fassenfelt JP & Malcolm Richardson JP

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EXECUTIVE DIRECTOR & ASSOCIATION SECRETARY: Patrick Cracroft-Brennan
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Further information from Ann Flintham 07812 038889

John Thornhill is available from 4-6.30 pm this evening and tomorrow morning.