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Position statement      **Single Justice Procedure**

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The Single Justice Procedure, introduced by the Criminal Justice and Courts Act 2015, allows for a single magistrate to deal with adult, summary-only, non-imprisonable offences for guilty pleas and proof in absence cases. Cases can include motoring offences such as speeding or driving without insurance, TV license evasion and transport ticket evasion. This process sees a single magistrate sit with a legal advisor outside of a courtroom without the defendant or prosecutor being present. A growing number of cases are dealt with this way.

The Magistrates Association supports efforts to make the justice system more efficient, and we welcome the potential advantages of using the Single Justice Procedure to deal with some low-level offences. However, one of the fundamental principles of the justice system is that justice is not just done but is also seen to be done, and it is essential that openness and transparency are not compromised. Open justice instils public confidence in the justice system, and the MA is concerned that with cases not taking place in a traditional public forum, it is difficult to achieve adequate transparency. Lack of transparency is a fundamental failure of the principles of justice and was raised by the MA when the Single Justice Procedure was first introduced; this has not been satisfactorily addressed by HMCTS or the Ministry of Justice. It is important that transparency is not just linked to publishing outcomes but allows access to the process itself - public confidence is linked to public scrutiny of the process, which is not possible for the Single Justice Procedure.

With all Single Justice Procedure cases and outcomes now published online, we would like to raise concerns about the disproportionality of publishing listing details in this way, since the more serious cases heard in the magistrates' court are not similarly available online.

There is an additional risk that if the whole process is conducted without individuals being present, they may not fully appreciate its implications, which is why it is important that the Single Justice Procedure is only used for low-level offending such as speeding or non-payment of fares. Individuals may not be able to access, or realise the importance of, legal advice. This is a serious process regarding a criminal offence, but as the system may appear to be administrative rather than judicial, people may not realise the importance of responding and thus risk ending up with a criminal conviction without entering a plea. It is therefore essential that information provided to defendants about the process must be clear and accessible and must emphasise that pleading guilty will lead to a criminal conviction (and therefore a criminal record and the consequent implications of that).

It is important to note that as with cases heard in open court, magistrates treat these cases individually and on their merits. It is essential that magistrates must retain the power to deem a case unsuitable for the Single Justice Procedure and refer it for a full trial. Additionally, it is important that if the defendant wants to have a hearing in a courtroom, they can request this and the case will be referred to a traditional court and managed in the normal way.