



*The Rt. Hon. Lord Justice Thomas
Senior Presiding Judge for England and Wales*

5 May 2006

To Chairmen of the Bench, Chairmen of Justices Issues Group, Justices Clerks Society, the Magistrates Association and the Chief Magistrate

Listing of defendants in custody and waiting time for solicitors

As you know, we have been making efforts to try to ensure that the performance by the PECS Contractors of their obligations to deliver prisoners to Court on time is improved.

In our discussions with them, they have raised the issue of the times at which prisoners in the Magistrates Courts are required at Court. It has been pointed out to us that in some Magistrates Courts all prisoners are listed for 10am even though they may not be required until late morning or afternoon. They tell us that they would be able to improve their service if prisoners who are not needed until say 12 noon or 2pm were in fact not listed until those times. This would enable them to ensure that prisoners in those cases listed at 10 am were delivered to the Court well before that in accordance with the contractual commitment, and the other prisoners were delivered well in time for the subsequent hearings.

We understand that some Courts are very reluctant to list cases later in the day, because they fear that the PECS Contractor would fail to deliver and they would lose the hearing. They assured us that this would not happen.

I am therefore writing to ask you to consider adjusting the practice at your Courts, if you have not already done so, to see whether it is possible to list those cases that will not realistically be reached until 12 noon or 2pm at those times; the present Contractors have been told that if you do this and they fail on any one occasion to deliver, they can expect you to return to the former practice.

Coincidentally with this request, the Legal Services Commission has made public the very significant costs incurred by Solicitors waiting. As you may know they are paid £26.30 per hour for waiting. If all the cases are listed at a particular time and solicitors have to wait, they are entitled to be paid at this rate. The total costs incurred in waiting time at Magistrates Courts were £28.7m over the last financial year for which figures are available. The figure for each area is annexed to this letter.

It is obviously of paramount importance to ensure that cases are dealt with in the timely manner at all Courts. It may well be that you take the view that your current practices are a proper balance of the various interests, but I would very much hope that you could consider the particular issues raised in this letter and at the next meeting of the Justices Issues Group or, if the matter has been delegated to your Court, at the next meeting that you have, to discuss these issues.

If the delays in the delivery of prisoners and the costs to the Legal Aid fund can be reduced, it can only rebound to the advantage of everyone concerned with the efficient administration of justice.

Magistrate Court waiting costs by CJS region for England & Wales 2004/05

CJS REGION	CLAIMS	CASES	waiting cost		
			£	£ avge per claim	
LONDON	103,000	84,948	7,288,563	71	86
SURREY	6,887	5,522	315,002	46	57
DERBYSHIRE	10,699	9,552	539,419	50	56
LEICESTERSHIRE	11,956	10,251	540,531	45	53
WEST MIDLANDS	52,892	47,210	2,386,869	45	51
THAMES VALLEY	19,958	15,900	794,297	40	50
GWENT	7,865	6,596	321,723	41	49
SOUTH WALES	23,990	20,756	1,006,130	42	48
GREATER MANCHESTER	49,108	44,136	2,129,657	43	48
SUSSEX	15,067	12,735	612,121	41	48
STAFFORDSHIRE	15,270	13,552	650,027	43	48
BEDFORDSHIRE	8,822	7,593	358,800	41	47
ESSEX	14,195	11,834	549,077	39	46
HERTFORDSHIRE	7,603	6,310	292,333	38	46
NOTTINGHAMSHIRE	16,725	14,648	666,057	40	45
AVON & SOMERSET	17,568	14,824	672,159	38	45
KENT	14,793	12,061	527,580	36	44
HAMPSHIRE	22,134	18,223	783,061	35	43
NORTHUMBRIA	24,323	21,597	894,614	37	41
NORTH WALES	9,498	7,537	311,673	33	41
LANCASHIRE	24,694	21,002	821,421	33	39
MERSEYSIDE	27,137	24,412	952,306	35	39
WARWICKSHIRE	3,296	2,545	99,052	30	39
CAMBRIDGESHIRE	7,147	6,136	230,304	32	38
WEST YORKSHIRE	35,095	30,768	1,097,729	31	36
NORTHAMPTONSHIRE	6,795	5,908	210,660	31	36
DEVON & CORNWALL	15,227	12,613	445,321	29	35
NORTH YORKSHIRE	8,074	6,444	226,876	28	35
WEST MERCIA	12,137	10,088	342,179	28	34
GLOUCESTERSHIRE	5,078	4,432	144,182	28	33
SUFFOLK	7,652	6,264	201,675	26	32
HUMBERSIDE	11,447	10,181	324,261	28	32
DORSET	7,069	5,532	175,757	25	32
CHESHIRE	9,449	7,985	251,900	27	32
LINCOLNSHIRE	7,013	5,755	178,307	25	31
DYFED-POWYS	5,198	4,290	130,148	25	30
NORFOLK	8,870	7,157	214,986	24	30
DURHAM	7,615	6,059	171,920	23	28
WILTSHIRE	6,331	5,049	136,999	22	27
CUMBRIA	6,570	5,490	148,772	23	27
SOUTH YORKSHIRE	17,905	15,603	384,280	21	25
CLEVELAND	11,823	10,980	262,004	22	24