

Title: Overarching Impact Assessment for the Ministry of Justice's provisions within the Crime and Courts Bill IA No: Lead department or agency: Ministry of Justice Other departments or agencies: Home Office	Impact Assessment (IA)
	Date: 26/04/2012
	Stage: Final
	Source of intervention: Domestic
	Type of measure: Primary legislation
Contact for enquiries: Steven Jarman, Deputy Bill Manager, Steven.Jarman2@justice.gsi.gov.uk	

Summary: Intervention and Options	RPC Opinion: RPC Opinion Status
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Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as One-Out?
£32m	NA	NA	No
			NA

What is the problem under consideration? Why is government intervention necessary?

Government intervention is necessary to promote efficiencies within the operations of courts and tribunals, tackle the noncompliance with court imposed financial penalties and provide greater transparency to the judicial appointment process and promote judicial diversity. Individual impact assessments have been prepared (where appropriate) for each Ministry of Justice provision within the Bill. These individual impact assessments provide greater detail on each problem under consideration, why government intervention is necessary and the overall impact of the provision.

What are the policy objectives and the intended effects?

The Ministry of Justice's provisions within the Bill aim to: establish the Single County Court and Single Family Court, create a data sharing gateway to allow for the swift processing of fee remission applications, remove barriers to facilitate court broadcasting, reduce the cost of enforcing court fines and reform the judicial appointments and deployment process. Ultimately, these measures aim to create a swifter, more open and effective court and tribunal system, deliver savings to the Ministry of Justice and introduce greater transparency in the judicial appointments process and improve judicial diversity.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1: Retain the current position. Do nothing

Option 2: Introduce the court and judicial reforms and modernisations detailed in the Bill. Do everything.

Option 2 is the preferred option as it is intended to create a more efficient, transparent and effective court and tribunal system, deliver savings to the Ministry of Justice and introduce greater transparency in the judicial appointments process and improve judicial diversity.

Will the policy be reviewed? It will/will not be reviewed. If applicable, set review date: Month/Year					
Does implementation go beyond minimum EU requirements?				N/A	
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.		Micro No	< 20 No	Small No	Medium No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)				Traded: N/A	Non-traded: N/A

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.

Signed by the responsible Minister:  Date: 07/05/2012

Summary: Analysis & Evidence

Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2012	PV Base Year 2012	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low:	High:	Best Estimate: £32m

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low			
High			
Best Estimate			£4m

Description and scale of key monetised costs by 'main affected groups'

Key monetised costs by 'main affected groups' are detailed in individual impact assessments. In summary the key monetised costs fall primarily to the Ministry of Justice and relate to the implementation and development of each provision. Several provisions require changes to the court's IT system.

Other key non-monetised costs by 'main affected groups'

There are various key non-monetised costs to the Ministry of Justice's provisions. These non-monetised costs by 'main affected groups' are detailed in individual impact assessments.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low			
High			
Best Estimate			£35m

Description and scale of key monetised benefits by 'main affected groups'

Key monetised benefits by 'main affected groups' are detailed in individual impact assessments. The bulk of the key monetised benefits primarily fall to Her Majesty's Courts and Tribunal Service who will benefit from a reduction in the net cost of compliance and enforcement activities, by imposing a charge on offenders to recover compliance and enforcement costs.

Other key non-monetised benefits by 'main affected groups'

Key non-monetised benefits by 'main affected groups' are detailed in individual impact assessments. Ultimately, these reforms aim to enhance the public's experience, and confidence in, Her Majesty's Courts and Tribunal Service and Ministry of Justice while improving efficiency.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5%

The above monetised and non-monetised costs and benefits are based on the key assumptions outlined in the individual impact assessments which contain a breakdown of the risks and benefits in further detail.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs:	Benefits:	Net:	No	NA

Evidence Base (for summary sheets)

Introduction

The Crime and Courts Bill brings together provisions from both the Home Office and the Ministry of Justice to deliver commitments outlined in the Business Plans for both Departments. This overarching impact assessment has been developed to provide an overview of the costs and benefits of the Ministry of Justice's provisions within the Bill. Some of the Ministry of Justice's provisions have little or minor impact and therefore require no impact assessment. However, individual impact assessments have been prepared for the following provisions –

- The Single County Court.
- The Single Family Court.
- An Information Sharing Gateway for Fee Remission applications.
- Judicial Appointments and Diversity (including judicial deployment)
- Fines Enforcement

For each provision, the rationale, problem under consideration, policy objectives and options have been considered in separate impact assessments. The overarching problems under consideration are the current inefficiencies within the operations of courts and tribunals, the noncompliance with court imposed financial penalties and the lack of transparency in elements of the judicial appointments process. Due to the complex nature of these problems and their strong ties into primary legislation, they cannot be addressed without government intervention. However, in summary the Ministry of Justice's package of provisions in the Crime and Courts Bill aims to collectively deliver:

- A swifter, more open and effective court and tribunal system,
- Long term savings to the Ministry of Justice,
- Greater transparency in the judicial appointments process and improve judicial diversity.

Options Considered

Option 1: Retain the current position. Do nothing

Option 2: Introduce the court and judicial reforms and modernisations via the Crime and Courts Bill. Do everything.

Summary of Provisions

The Single County Court

The Bill creates one county court exercising a national jurisdiction over the whole of England and Wales. This will replace the current system whereby each county court maintains its own geographical jurisdictional boundaries. The intended effects are to reduce waiting times, to enable court users to make more informed choices over court location and to improve overall resource efficiency.

The Single Family Court

The Bill will simplify and improve the family court system by creating a single family court thus providing users with a single point of entry to the system. All levels of the judiciary (including magistrates) will sit in the family court and work will be allocated to the appropriate level of judiciary on a case by case basis.

Information Sharing Gateway

The Bill will establish a specific data sharing gateway between HM Courts and Tribunals Service, UK Supreme Court, the Public Guardian and HM Revenue and Customs, the Department for Work and

Pensions and a Northern Ireland Department which will allow eligibility for fee remissions to be checked electronically. This will replace the current paper evidence system.

Judicial Appointments and Diversity (including Judicial Deployment)

The Bill aims at increasing judicial diversity via introducing part time working into the High Court and Court of Appeal, and allowing positive action to promote diversity where two candidates are of equal merit. Changes will also be made to the appointments process to address the balance of judicial, executive and independent responsibilities, and to make the process more transparent and streamlined allowing a more flexible response to business needs. Flexible deployment will allow judges to be deployed between Courts and Tribunals.

Fines Enforcement

The Bill will look to clarify the law around the enforcement functions of the courts' fines officers. It is the ambition of Her Majesty's Courts and Tribunal Service (HMCTS) to continue to move to a compliance rather than enforcement regime, as set out in the HMCTS Criminal Compliance and Enforcement Blueprint. Legislation is therefore needed to remove the ambiguity in current legislation to reduce the risk of successful legal challenge if at any point HMCTS were to contract out the role. Secondly, the Bill will enable the imposition and recovery of a charge imposed on offenders for the costs of collecting or pursuing financial impositions. This would mean that costs incurred can be recovered rather than being subsidised by the Government / taxpayer as is currently the case.

Summary of Costs and Benefits

Table 1: costs and benefits of option 2 (rounded to nearest £1m)

Transition costs (present value)	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Single Family Court	£2m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Single County Court	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Information Sharing (Fee Remissions)	£0m	£1m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Judicial Appointments and Deployment	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Enforcement	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Total transition costs	£2m	£1m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m

On-going costs (present value)	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Single Family Court	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Single County Court	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Information Sharing (Fee Remissions)	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Judicial Appointments and Deployment	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Enforcement	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Total on-going costs	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m

Benefits (present value)	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Single Family Court	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Single County Court	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Information Sharing (Fee Remissions)	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Judicial Appointments and Deployment	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Enforcement	£0m	£3m	£4m	£4m	£4m	£4m	£3m	£3m	£3m	£3m	£3m
Total benefits	£0m	£3m	£4m	£4m	£4m	£4m	£4m	£4m	£3m	£3m	£3m

Summary (present value)	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Total costs	£2m	£1m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m	£0m
Total benefits	£0m	£3m	£4m	£4m	£4m	£4m	£4m	£4m	£3m	£3m	£3m
Net benefits	-£2m	£2m	£4m	£4m	£4m	£4m	£4m	£3m	£3m	£3m	£3m
NPV	£32m										

Base year for discounting is 2012/13

* Zeros indicate no cost, negligible cost or non-quantified cost

The key monetised **costs** by 'main affected groups' are detailed in separate impact assessments. However, in summary the key monetised costs fall primarily to the Ministry of Justice and relate to the implementation and development of each provision. Several provisions require changes to the

court's IT system. There are also various key non-monetised costs to the Ministry of Justice's provisions in the Crime and Courts Bill. These non-monetised costs by 'main affected groups' are detailed in individual impact assessments.

The key monetised **benefits** by 'main affected groups' are detailed in separate impact assessments. However, the bulk of the key monetised benefits primarily fall to Her Majesty's Courts and Tribunal Service who will benefit from a reduction in the net cost of compliance and enforcement activities, by imposing a charge on offenders to recover compliance and enforcement costs. There are also various other non-monetised benefits which are detailed in individual impact assessment. Ultimately, these reforms aim to enhance the public's experience, and confidence in, Her Majesty's Courts and Tribunal Service and Ministry of Justice while improving efficiency.

The above table aggregates the costs and benefits of each Ministry of Justice provision within the Bill. The key **risks** and **underlying assumptions** used to calculate the costs and benefits for each provision are clearly set out in individual impact assessments.

Preferred Option

For the reasons detailed in each individual impact assessment, and above, the Ministry of Justice intends to proceed with option 2 (Do everything).

Specific Impact Tests

Specific impact tests have been undertaken (where required) for each Ministry of Justice provision and included within the relevant individual impact assessment. A list of specific impact tests considered is set out below for references. In line with statutory obligations all Ministry of Justice provisions within the Bill have prepared equality impact assessments.

- Competition Assessment
- Small Firms Impact Test
- Carbon Assessment
- Other Environment
- Health Impact Assessment
- Human Rights
- Rural Proofing
- Sustainable Development

One in One Out

All five separate impact assessments are out of scope.