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The Telegraph

Secret court for speeding and TV licence fee offences must end, magistrates urge

Ministers face demands to allow journalists to cover prosecutions after claims of missing evidence and rushed convictions

585

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Prosecutions of speeding, TV licence fee offences and truancy must no longer be held behind closed doors, magistrates have demanded.

In a major intervention, the Magistrates' Association – representing Justices of the Peace across England and Wales – has called for an overhaul of the "secretive" Single Justice Procedure (SJP) which has resulted in vulnerable people being prosecuted behind closed doors without being present or having any legal representation.

The Magistrates' Association has urged the Ministry of Justice (MoJ) to adopt a 12-point plan that would include opening up the SJP to accredited journalists for the first time and greater transparency by publishing data on how many individuals

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are prosecuted without being present and how many plead guilty or make no pleas.

The move will intensify pressure on the MoJ to rethink the SJP, under which up to 40,000 cases a month – from non-payment of television licence fees to speeding, and truancy – are decided in private, often by a single magistrate without the defendant appearing in court.

In the past year, there have been claims of magistrates convicting and fining defendants in less than a minute, key evidence going missing or being overlooked and thousands of prosecutions conducted in secret.

Cases prosecuted using the SJP have included a 78-year-old with dementia fined for not having car insurance when she was in a care home, a 33-year-old handed a £781 legal bill after accidentally failing to pay £4 to the DVLA and an 85-year-old woman prosecuted for not paying car insurance after suffering a broken neck and admission to a care home.

Magistrates 'do not get enough time'

The call by Magistrates' Association follows a survey of its members which found they were "uncomfortable" with the way the SJP operated, felt under-trained and a "significant proportion" felt they did not "always get as much time as they need to properly consider each case".

Mark Beattie JP, the association's chairman, said the principle of SJP was right because it spared people the ordeal of court for minor offences but there were "flaws" in the way it operated that were harming "some of society's most vulnerable people".

"It is clear to us that reform, as well as additional investment in training and transparency, is needed to restore public confidence in the SJP," he said.

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Mark Beattie, chairman of the Magistrates' Association, warned that the SJP risked harming vulnerable people

The 12-point plan includes a new public interest check by prosecutors before cases come to court and for the Government to “make provision for SJP sittings to be observable by accredited journalists”.

It also recommended upgraded training for magistrates, “plain English” paperwork for defendants and a right for magistrates to put a brake on proceedings if they felt they were being rushed.

Ninety second target

A report into a pilot of the new SJP system – obtained using freedom of information requests – revealed magistrates in some parts of London were tested against a target time of 90 seconds to deal with each prosecution.

The association’s call was backed by campaign groups. Penelope Gibbs, director of Transform Justice, said: “The secretive SJP is in urgent need of being opened up. Public observers as well as journalists should be able to sit in court with the magistrate, and all the case papers should be available to anyone who requests them.

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“But the most unjust element of the SJP still remains – that most defendants are convicted without having said whether they are guilty or not guilty. We have the data on this non-plea rate, but we need to solve the mystery of why so many don’t participate.”

The Commons justice committee made similar demands. Sir Bob Neill, its chairman, urged ministers to “consider how the process could be made more open and accessible to the media and the public” to ensure “justice is seen to be delivered”.

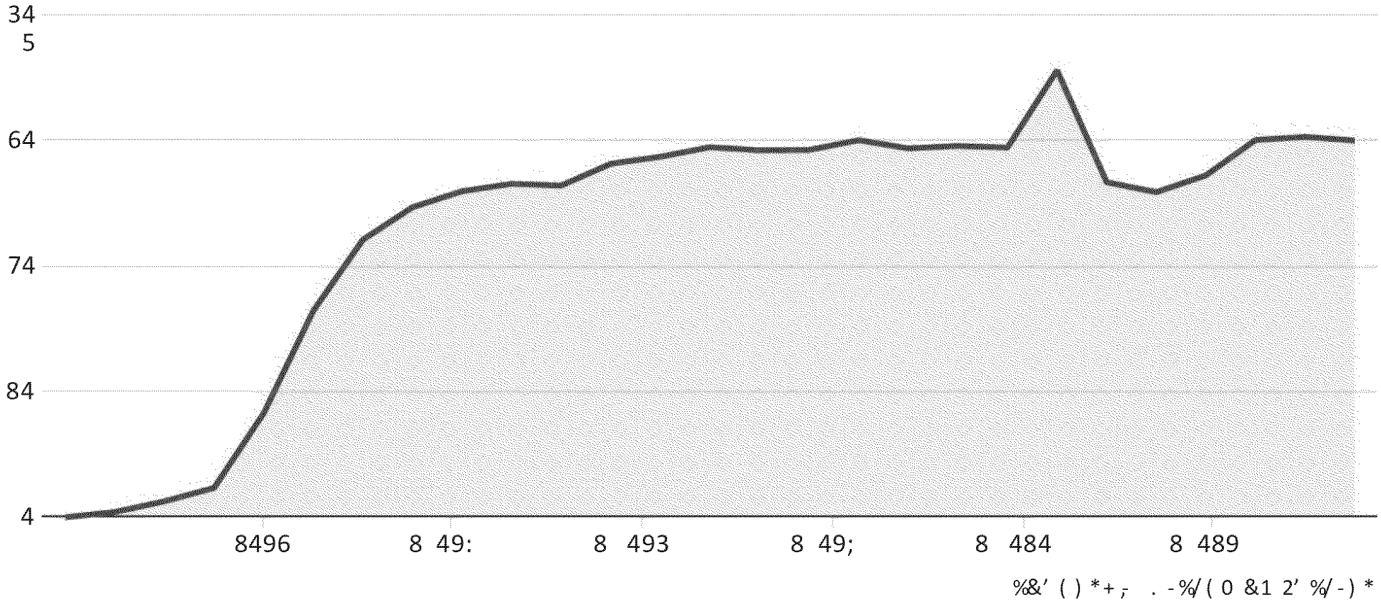
Prosecution of woman, 85, with broken neck

This month the DVLA prosecuted an 85-year-old woman from Berkhamsted, Hertfordshire, for not paying car insurance, in an SJP case brought after she suffered a broken neck and was admitted to a care home.

Her circumstances were fully outlined in a mitigation letter to the court from her son, but an investigation by the Evening Standard revealed that prosecuting bodies routinely do not see letters like this because of the speed of the system.

The DVLA did not withdraw the case, and the pensioner was subsequently issued with a criminal conviction by the magistrate.

The association’s proposed new public interest check would require prosecutors to read all mitigation letters to “give the prosecutor the opportunity to see and read the mitigation and to withdraw the case if they then believe it is no longer in the public interest to pursue it.”



The intervention by magistrates comes after the family courts were recently opened up amid calls for greater transparency.

Previously, journalists could attend hearings to determine the future care of children, but the details had to be kept secret unless a judge stepped in to allow reporting.

However, as part of an "open justice" pilot at a number of courts across England, journalists are now allowed to report cases as they happen and access documents to understand how cases are being brought.

A Ministry of Justice spokesman said: "Only uncontested and non-imprisonable offences are dealt with under the Single Justice Procedure – magistrates are always assisted by a legally qualified adviser, defendants can choose to go to court if they want to, and the details of their case are published to provide transparency.

"We have noted the Magistrates' Association's report and will carefully consider its recommendations."

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