



.....
LORD CHIEF JUSTICE
OF ENGLAND AND WALES

THE RT HON THE LORD JUDGE, LORD CHIEF JUSTICE OF ENGLAND AND WALES

THE POLICE FOUNDATION'S JOHN HARRIS MEMORIAL LECTURE

SUMMARY JUSTICE IN AND OUT OF COURT

DRAPERS HALL, LONDON

7 JULY 2011

This version is as written, not as delivered.

It is 650 years since Parliament embodied the magnificent concept of our Plantagenet Kings into statute. This was the “King’s Peace”. The Justices of the Peace Act 1361 provided:

“...they shall have power to restrain the offenders, rioters, and all other barators and to pursue, arrest, take and chastise them according to their trespass or offence; and to cause them to be imprisoned and duly punished accordingly to the law and customs of the realm, and accordingly to that which to them shall seem best to do by their discretions and good advisement...

To the intent that the people be not by such rioters or rebels troubled nor endamaged, nor the peace blemished, nor...other passing by the highways of the realm disturb nor put in the peril which may happen...”

The creation of the Magistrates Court is a moment of seminal importance in the development of our country’s belief in the rule of law. In its title it cemented the concept the King’s Peace into the future of our nation. Its application involved the completely novel proposition for those days, and still to this day, to many from other countries, the astonishing proposition, that decent members of the community, not themselves lawyers should administer justice

and be vested with power to administer justice, and where the peace had been blemished or those passing on the highways disturbed or put in peril, impose punishment. This was the start of summary justice as we know it in this country.

The concept Queen's Peace as it now is, unbreakably linked with the common law, is arguably the most cherished of all the ideas from our medieval past, still resonating in the modern world.

It is mirrored in the oath taken by police officer who promises, to the best of his or her power to

“Cause the peace to be kept and preserved and prevent all offences against people and property.”

Notice the focus on the same concept of the preservation of the peace.

You are all much more familiar with the oath taken by police officers than I am, but I am bound to point out that it is not all that dissimilar from the judicial oath. But the maintenance of the peace has been, and continues to be at the heart of every debate on law and order, crime and punishment.

All of us, every police officer from top to bottom, every magistrate and judges, again from top to bottom, are committed to its preservation. Within our professional responsibilities each of us is wholly independent, and should be independent of political influences, each of us men and women of independent judgment, fulfilling our responsibilities according to law, and each of us too, wholly independent of the other. It is a marked feature of our constitutional arrangements that they work. Like an independent press, an independent judiciary, and independent police forces fulfil different roles in those arrangements, but the preservation of the independence of each also provides support for the independence of each from political interference. These are relationships of linked independences.

So the starting point, and ultimately the end point, of the work that we all do is our concern to ensure the best arrangements for the preservation of the peace, and public quietness and tranquillity, and the entitlement of every citizen to go about his or her lawful business without interference from malevolent forces. Occasional differences of approach between us illustrate not a division or uncertainty about the objective, but a disagreement only about the means by which the objectives on which we are united may best be achieved. And indeed if there were not occasional differences, the question might reasonably be asked whether we were truly independent of each other. The difficulties are accentuated in rapidly changing times, and also when resources are much more limited than they were once thought to be, and finally, when our responsibilities are not identical. Nevertheless, and I hope that you will understand that this is a critical part of the structure of this lecture, the overwhelming feature is in the area where we make common cause to fulfil our responsibilities to the communities we serve.

The office of constable is an ancient one, but I shall not go back beyond the ground work of Robert Peel, who is credited with being the creator of the Metropolitan Police. The background for the reforms of the police is to be found in no less than 17 parliamentary committees investigating the problem of maintaining law and order. So, perhaps, nothing changes very much. No doubt each was filled with expressions of goodwill and good intention. Let us note, in 1822 the Parliamentary committee was extremely troubled about the establishment of an effective police force because it “might endanger the freedom of the individual”. Not much time then for the current demands for bobbies to be on the beat. And it was Peel’s vision, as well as his energy and commitment, that led to the establishment of the Metropolitan Police force, followed in the first few years by testing as both press and public fulminated against the new police system. In what T.A. Critchley describes in his “A History of Police in England and Wales”, it was the

“Impartiality, courage, good humour and sense of fair-play”

That finally won over Londoners and created the reputation of police officers the Metropolitan Police. Nevertheless Peel fully appreciated that not merely the establishment of the police force, but the continued value placed on it by members of the public, in turn depended on the ability of the police, and the conduct of their operations, to attract “public co-operation and goodwill”. And that remains true to this day.

Of course, police reform was not confined to London. And as I spent my entire practicing life at the Bar on circuit, and perhaps too because there is a tendency to discussions of this kind to be somewhat Londoncentric, I must visit the country and spend a moment on the Municipal Corporations Act 1835 and the County Police Act of 1839. Under the Municipal Corporations Act, 178 boroughs in England and Wales established municipal corporations and an elected town council, and the town council was required to appoint one third of its own number to form a Watch Committee, together with the mayor, who was declared to be, by the very office, a justice of the peace. This was a singular moment, underlying the continuing link, as I see it, between the mutual responsibilities of the police and the magistracy, to preserve the peace. That was the precise objective of Watch Committees, to appoint constables who would preserve the peace, and owed a duty to obey the lawful commands of a justice of the peace. There was in this legislation no indication as to police governance, or the Home Secretary, and the question was left open whether the country forces were under the control of the Watch Committee, a constable of supervising rank, or indeed the justices issuing lawful commands. The situation was confused by the County Police Act of 1839 which allowed justices of the peace, not Watch Committees, to appoint constables “for the preservation of the peace and protections of the inhabitants” in the counties where they felt that the existing system of parish constables was insufficient. So the police system varied depending on whether you happened to be in London, the Boroughs or the counties.

One inspection in January 1857 drew the attention of the Watch Committee responsible for the city of Chester to the “age and length or service of two or three of the constables whose physical powers are evidently on the wane”. It suggested that the constables should be entitled to two pairs of boots annually instead of one, and two pairs of trousers every alternate year, instead of only one annually. As Critchley observes it suited the Watch Committees of many small boroughs to “appoint as Chief Constable a local man of quiet and tractable disposition” and he comments that no one could “prevent a mischievous town council from exercising improper pressure on the police”.

So, this ill-defined relationship between police, Watch Committees and justices of the peace produced a number of clashes.

An important clash occurred in 1880 between the Chief Constable of Birmingham and the Watch Committee relating to the extent of police discretion to prosecute. I am, of course, perfectly well aware of the existence of the Crown Prosecution Service but the dispute illustrates some of the tensions.

Before 1880 the police in Birmingham would not interfere with drunks who were able to make their way home provided they were not at the same time, behaving in a disorderly fashion. Then the new Chief Constable decided that all persons found drunk should be brought before the magistrates. The magistrates criticised the new policy which was then abandoned. In the following year the Chief Constable prosecuted the manager of a music hall, alleging improper performances, and performances without a license. The case failed. The chief Constable was summoned to the Watch Committee. He claimed an independent right to institute prosecution as “the guardian of public morality and order”. The Watch committee passed a resolution that he should not take special proceedings “likely to affect a number of rate payers, or to provoke public comment” without previously reporting to the Watch Committee that he intended to do so. The Chief Constable refused to give any such

undertaking unless required to do so by the Home Secretary. The Home Secretary refused to interfere. The justices of the peace were similarly reticent, saying they could not divest themselves of authority and control over the police, but in the interests of public order, they had no desire to interfere in the arrangements between the Watch Committee and the Chief Constable. The end was that under the threat of a requirement that he must resign, the Chief Constable gave way. That was not a happy story.

The system was tested again in Margate in 1902. The Boer War was over. The mayor and ex-mayor acting as ex-officio magistrates, granted license extension to local publicans. The borough justices regarded this as a usurpation of their authority, maintaining that extensions could only be granted in open court. So far so good. They ordered the Chief Constable to take proceedings against any publicans who kept extended licensing hours. When he tried to do so the Watch Committee refused to allow summonses to be issued, and the borough justices, announced that the Chief Constable would be suspended and summoned him to appear before them for neglect of duty. The proceedings were adjourned, but the chief Constable resigned because of the impossible position in which he found himself. Another unhappy story. And you have to remember that none of these issues had been examined in any court, let alone the High Court

And so we come to one of the most important decisions of the last century in the High Court, *Fisher v Oldham Corporation* in 1930. Cutting a long story, involving false pretences, in Oldham, to the quick, the end result was the arrest, in London of the wrong man who, after journeying in custody to Manchester by train, was then taken in a car to Oldham, where it emerged that a mistake had been made. He brought an action against the Corporation of Oldham, claiming damages for false imprisonment.

The judge held that

“The defendants are not responsible in law for the arrest or detention of the plaintiff. The police, in effecting that arrest and detention, were not acting as the servants or agents of the defendants. They were fulfilling their duties as public servants and officers of the Crown who were sworn to “preserve the peace by day and by night and ...to apprehend offenders against the peace”.

First, notice the obligation, and notice that these police officers were officers of the Crown. The judge used that description to encapsulate the independence of police officers. The significance is this. Judges are not answerable to the Prime Minister, or the Government of the day for their decisions. the judge was seeing the police in the same way, public servants who were officers of the Crown.

Then came a further important observation.

“If the local authorities are to be liable in a case such as this for the acts of the police... then it would indeed be a serious matter and it would entitle them to demand that they ought to secure a full measure of control over the arrest and prosecution of all offenders. To give any such control would, in my view, involve a grave and most dangerous constitutional change”.

In other words, once a case enters the court process, police officers are independent of the Watch Committee and the justices of the peace. That led to something which none of you will remember, but I do, for many years in which police inspectors would prosecute minor offences in the magistrates courts. It is a pity they were called “police courts”. Largely they worked very well. In my early days I was sometimes very well prosecuted by a police inspector, but I was never prosecuted unfairly, and no prosecuting officer ever played a dirty trick on me. Standards were very high. I believe that integrity in the process was assured. But, as my story about Peter Taylor illustrates, the perception grew and grew that if the courts were called police court, then the magistrates might somehow be doing less than independent justice. And in the criminal justice field, as you all know, and this is true of just

about every aspect of the work we both do, there are the facts, and there is the public perception about the facts, and we are all foolish if we do not remember that public perception is itself a fact, sometimes an absolutely crucial fact.

The Royal Commission 1962 described how this form of control over the police although unrepealed by Parliament had simply fallen into disuse.

“As a result, a situation has gradually come about, unregulated and probably unrecognised by Parliament, in which Chief Constables, able and intelligent men, growing in professional stature and public esteem, have assumed authority and powers which their predecessors would formerly have sought from justices...”

In the end all these matters were clarified in the Police Act of 1964. But it is apparent from this brief analysis that the relationship between the administration of justice in courts, and in particular in magistrates courts, and the responsibilities of Chief Constables and their officers have been linked for a very long time indeed, and that what is happening now, and will happen in the immediate future, simply represents a continuing development of that working relationship. It is clear that it has not always been sweetness and light, but largely it has been so, and I suspect that on the rare occasions when it has not been, you might very well have been finding a personality clash. What matters, in the end, at any rate in relation to the criminal justice system is that we do have an efficient administration of criminal justice, which is impartial and independent.

Before I turn to consider some broad areas of summary justice as it is administered today, I want to emphasise that the areas of concern which I identify are raised for your consideration. I am not intending to trespass on the areas in which you have independent responsibilities. Rather I am addressing some of those topics where our responsibilities may impinge on each other.

One problem in recent years is that the law, the legislation, and the procedures have led to increased cost and complexity of proceedings before the magistrates. These are, after all, intended to be courts of summary jurisdiction. Summary not in the sense of unjust or unfair, but summary in the sense of brief, without needless formality. Of course, if an individual is to be convicted of an offence, or may be sent to prison, justice must be done. Process must be fair, and proper opportunity provided for the evidence against the defendant to be tested, and for the defendant to give evidence on his own behalf. But sometimes I wonder whether we tend to forget that although a Rolls Royce will carry us with great comfort and dignity from London to Birmingham, an efficient little Mini will do the same, at much lower cost. And linked to the same problem, although not identical with it, we live in an age which is increasingly paper orientated, and the bulk of paper can lead to a confusion between activity and action. Activity is busyness, busyness in the form of directives and processes, Blackberry and email, and protocol compliance, and action, real action which has to start by overcoming the funereal, burying effect of bumph, before we arrive at the heart of the matter.

I shall not ask how long it takes for a young police officer making an arrest of a drunken hooligan committing an offence of public disorder to carry out all the necessary processes, and how many other officers then become involved in it. That is a matter for your processes, not mine, although the disclosure issues have become hugely complex, and I have asked Lord Justice Gross to look closely into yet another manifestation where the problem of process has had a knock on effect on efficiency for the police and the courts. And I do however suggest that I appreciate, and am profoundly concerned about the amount of time police officers spend in courts (and I include the Crown Court here) when their evidence, in the end, is unchallenged and could be admitted, or is for any reason not required to be given orally. That is part of my responsibilities.

For these reasons we launched the national roll out of CJSS in the magistrates' courts – Criminal Justice, Simple, Speedy and Summary – on February 2007. The objective was to increase efficiency and effectiveness, by reducing the number of unnecessary hearings in which case, and reducing the overall time taken for such cases to reach their conclusion. The results are not unimpressive. In March 2007 60% of cases were completed within 6 weeks of the charge: that has now increased to 69%. Putting the figures slightly differently, it used to take 8.8 weeks on average from charge to completion of a case in March 2007, and this is now just over 6 weeks. More effective case management by the magistrates, encouraging them to get to grips with the issues, asking pointed questions of the prosecution and the defence is essential. The result of this process is that an average of 3.02 hearings per defendant per case in March 2007 has been reduced to 2.14 hearings. It is still not perfect. But we are making progress. And I am very grateful to Lord Justice Goldring the present Senior Presiding Judge, and Lord Justice Leveson who was Senior Presiding Judge before him, and the magistrates' court and their clerks for achieving what has already been achieved. The advantages are obvious. One simple one is a reduction in the number of officers warned to attend court, who are thus able to continue with their ordinary duties. In Hertfordshire alone this more robust approach has on current estimates saved, I am told, between three and four thousand police attendances annually.

My ambition, publicly expressed before, is that in the interests of everyone, including the defendant, and all witnesses, not exclusively police witnesses, we need a changed attitude and understanding of the role of the court. Dealing with it superficially, the judge or magistrates are referees. But until recently the role of this particular type of referee has been to wait on the pitch until the teams turn up. Wait for as long as they wished. That is no good. We need referees who will go into the changing rooms beforehand, tell each side how the game will be played, warn the players who may go offside that they are being watched, and as for those who foul, that they will be sent off. And having prepared the teams for the kind of refereeing they will expect, to lead the teams out on to the pitch and put the ball down

in the middle of the centre circle at the time when the kick-off is supposed to take place. And the proceedings played once.

I think that this change of attitude is beginning to be apparent, and that it is starting to work.

Modern technology must be used to improve the court system. That is easily said. But again, it costs money. Nevertheless prison to court video links enable prisoners to appear in court hearings without being produced physically. The benefits are huge. The MOJ does not have to pay for the transport of prisoners to court. The prison benefits from less disruption. The prisoner benefits from not having two separate searches before leaving the prison, and finding at the end of the day that he or she will have to be transferred to a new prison establishment. This is a general problem, but for the police, the time and cost of ensuring high security for prisoners who require high security is huge. In other words, the investment in the technology ends up by saving money.

We also need to address the problem of prosecution witnesses who are needed, but who should be able in appropriate cases to give evidence in summary trials by video link from a police station instead of coming personally to court. This is a step in the reduction of police officers waiting at court. Live links will generate benefits by allowing police officers to be carrying on their duties until they are required to give evidence, instead of them waiting at or travelling to and from the courts. I do not anticipate any reduction in the rights of defendants to cross examine: merely a different means for the same purpose.

Further thought about these uses of modern technology include, of course, the possibility that children and vulnerable witnesses would, in appropriate cases, also avoid attendance at court, at any rate at those courts where the facilities for them are less good than they should be.

Now I know perfectly well that not everyone will agree with me. The way in which trials are conducted has been hallowed over the ages. But I wanted to reflect with you the potential advantages and improvements to the system of summary justice which modern technology can provide.

Essentially what I am saying is that provided that we are supplied with efficient technology, that is technology which works when it is needed, we should consider using it. On one occasion in 2008 the Court of Appeal Criminal Division to hear live evidence from a witness in Northern Cyprus using Skype. At the same time the appellants were present via live link from prison. And that exemplifies the approach we must take.

And then we come to virtual courts, not, I appreciate, yet the flavour of the month. Pilots have been running since May 2009 in two magistrates' court, Camberwell, which is linked to fifteen police stations in London, and Chatham, with a link to Medway and North Kent police stations. Set up and running costs have been high, and there are additional burdens placed on police custody officers. And sometimes it is more difficult for the advocates to communicate with, in the case of the defendant, their solicitors, and the CPS when prosecuting. Moreover some judges and magistrates think that the authority of the courts is more difficult to impose from a remote location, and concerned that the defendant involved in the process might take it less seriously than if they were required to come to court.

On the other hand there are advantages. First, there is no need for defendants to be transferred from police custody to court. Second, CPS costs are reduced because files are transferred electronically rather than by couriers. Third, the defendant's failure to appear at court is reduced to negligible proportions, so that cases are finished. Fourth, custody cases can be heard on the day of arrest, saving time on overnight police cell accommodation.

I know that the senior presiding judge visited Medway in February. He has told me how impressed he was with its performance. In particular the pilot now uses the existing police PNN link, which is far more reliable than the cable and wireless system. He observed a number of hearings at Chatham Magistrates Court. There has been a huge increase in thoroughness and speed. Hearings have become much quicker, for example, the Christmas drink-drive campaign led to hearings in seventeen cases, where justice was done in eleven of them at the first hearing within hours of the defendants being charged and properly convicted, with eleven disqualifications at those first hearings. In the meantime the electronic transfer of file by secure email was working well. All this is positive.

There are remaining problems. One, for example, is that legal aid forms cannot be signed off at the police station, although an electronic signature ought to do. Nevertheless a “wet signature” is said by the Legal Services Commission to be a requirement. If it is, this is just the kind of processing point – an activity, rather than an action point - to which I was referring earlier. So the future of virtual courts remains for decision. But the use of live links and modern technology needs to be encouraged and hastened to all our advantages.

In the context of summary justice in and out of court, we have of course to move from the legal processes delivered in magistrates’ courts to the exercise of the discretion given to police officers to deal with offences, in effect, without any formal court process.

I have, of course, come to out of court disposals.

There has always been, and I strongly support the continuation, of a discretion in the police whether or not to prosecute. The sensible exercise of the discretion is valuable.

A system of informal warnings makes sense. The metaphorical clip behind the ear is all well and good, but the problem with the not so metaphorical clip is that if administered

nowadays, the police officer and his or her Chief Constable will be taken into the civil courts to face a claim for damages – because that is the way of society today. However all this means, obviously, that a thirteen year old caught pinching a packet of sweets for the very first time can properly be dealt with by a formal warning. So too, with parking infringements and speeding, and fixed penalty notices, and failure to pay television license fees, and dealing with motorists who have gone just a little over the speed limit by way of training and education, all are to the public advantage. But, and it is a important but, I have to tell you of a degree of unease developing in my mind at the number of cases of criminal behaviour which are not brought to court when perhaps they should be. I understand the imperatives. Police resources are limited. From the police point of view the process in the magistrates' courts is less efficient than it should be. So the way to save police resources is to limit the number of cases taken to court.

Since 2003 the total number of out of court disposals each year has increased by 135%, from 241,000 in 2003 to 567,000 in 2008. Although the number of convictions in the courts has remained stable, the proportion of offences dealt with outside the court system has increased from 23% in 2003 to just under 40% in 2008 – that is 40% of all crimes solved by the police. I suspect it may have increased further since then. Just over 290,000 cautions were issued – that is cautions alone; the highest volume offences for which offenders were cautioned were theft and handling stolen goods, and common assault. Some 170,000 penalty notices for disorder were issued in 2009. Very many for retail theft. None of these cases went before the courts, unless the penalty notice for disorder was left unpaid or the conditions of the conditional caution were not met. All this represents a fundamental shift in the administration of summary justice. Now whether we agree or disagree, we must not blind ourselves to the fact that that is what it amounts to.

First I want to address what I believe to be first principles. First principles. I have before expressed the view and I repeat it in this lecture persistent offenders should be brought to a

public court, and a judgment and sentence made by a court, even if the instant offence happens to be at the lower end of the criminal scale. The persistent offender should not normally escape court proceedings.

Next, other than children, assuming the evidence is available, anyone who commits an offence of violence which causes injury should normally be brought to court. Of course offences of violence, like all other offences, vary in their seriousness. But in a system which, surprisingly in my view, often treats an offence which results in injury as common assault, the unlawful infliction of an injury will, in the vast majority of cases, have not only been a painful experience for the victim, but a frightening one. This is what courts are for. And I am back, am I not? to the preservation of the Queen's Peace.

Now I recognise that there are many such cases where the victim apparently is content with an out of court disposal. That begs two questions. First, how easy it must be for the victims to be persuaded that the court process would be cumbersome and inconvenient. The second is that, with particular emphasis on offences of violence, but not ignoring a second or third or fourth or repeated offence of dishonesty, there is a public element to crime. The individual victim is not the only victim. Crime damages the community as a whole. As to the offender, of course an out of court disposal is much more attractive than a court hearing. The reasons are self-evident. But occasionally I wonder whether the convenience of avoiding the court process altogether may lead to an offender to admit to something for which he or she would have a defence.

So we must be very careful about the creation of two separate systems of providing summary justice: the one in the hands of the magistrates, and the other in the hands of the police, who effectively act as prosecutor, and jury, and judge. Just as judges are not police officers, so police officers are not judges.

My concerns have been underlined, and in a sense fortified, by the latest inspector's report on the use of out of court disposals. In the context of 190 such disposals, the Chief Inspector found 64 did not appear to comply with the standards set out in the available guidance. That is an alarming proportion, particularly compared to an analysis of 50 cases involving charges, where one such failure was noted. In many of the out of court disposals the offender had a number of previous convictions, or the offence was more serious than the guidance envisaged as appropriate for out of court disposal. That precisely reflects my long standing concern.

If the figures are transposed, and I recognise the danger of doing what appears to be simple maths, something like 180,000 out of court disposals were not appropriately dealt with. The other problem is that the use of this system varies widely across the 43 force areas. Depending on the force, between 26% and 49% of all offences brought to justice are dealt with out of court. This is a lack of consistency, which is troubling. We have spent a number of years training judges and magistrates to avoid what was rightly criticised as "postcode sentencing". The entire purpose of the Sentencing Guidelines Council and the Sentencing Council is to produce consistency of approach across the country. And I believe that such consistency of approach has been established in the Crown and magistrates courts. Applied to different police forces, this present arrangement almost certainly means that the arrival of a new Chief Constable may have a significant impact on whether the particular force increases or reduces its out of court disposals. Finally, there is no supervisory mechanism. The public has no real knowledge of what is happening. And then there is the complication. In relation to out of court disposals there seem to be separate national policy for each type of out of court disposal, policies brought in at different times, and then tailored by individual police forces as part of local guidance. Then, Office for Criminal Justice Reform published national guidance which was added to the mix and forms part of all the many policies and guidance which are now in existence.

This is not a question of turf wars. The issue is the public interest in the open and transparent administration of justice. This is why the courts are open to the public, and the press. They are open, and that means they are open to criticism. And whether or not in an individual case criticism is justified, the principle that they should be open to criticism is one to which I adhere very strongly.

I have years advocated, and I continue to advocate that in relation to out of court disposals there should be a reporting system, so that the public appreciates, perhaps monthly, perhaps quarterly, with the information being provided to the local magistrates' court by a senior police officer, precisely what has been happening in its own area. As it is we are left with the general publication of statistics by the MOJ. At least if my suggestion is adopted it would add an element of transparency and the link between two different bodies exercising the responsibility of summary justice will be maintained. And that will reveal to you that I am not antagonistic about out of court disposals: merely troubled that it may have become too widespread. I understand that National Guidance will be issued on this subject, with a single national framework. Well I have contributed to the debate, even if the views I have expressed would not carry universal acclaim.

Now we are approaching the idea of neighbourhood justice panels. The object is to use restorative and reparative approaches to criminal justice, and bring local volunteers victims and those who are described as criminal justice professionals together to decide on the action to be taken to deal with low level crime and disorder. The end result remains an "out of court" disposal of the case. I understand that it is not intended to create another tier of justice between the magistrates courts and the out of court arrangements, simply that the panels will be one of several out of court options that police and local agencies have at their disposal. At present there are three such panels. Each operates differently. There is not now time for me to address all the issues which may arise. Restorative justice has much to commend it: so has reparation. These ideas can be supported. It is however sensible for me

to issue a warning that experience leads me to wonder whether by the time all the necessary steps have been taken, the operation of the system would soon become rather more complicated and protracted than its adherents currently believe. And that is the question that needs to be addressed. Support for the idea may be universal but we really must not end up with three systems of summary justice. So while I am perfectly happy to accept that neighbourhood justice panels may have their role in some parts of the country, the arrangements by which they are created, the ways in which they work, and their jurisdiction and powers need to be very carefully examined so as to ensure that they are either directly linked to the magistrates court system or directly linked to the police out of court disposal system. As an extension of one or the other, in an appropriate place, well and good: but a third distinctive and separate method for the administration of summary justice has no appeal for me, and I suspect that if you are required to think about it, it may have no appeal for you. The devil will be in the detail, and the availability of resources, whether police or community resources, and how these panels should be assimilated into our existing structures.

But I must come to an end.

Go out tonight, or tomorrow morning, and talk to any of your friends or acquaintances and ask them what they believe they want most from society. Of course they will want good health, reasonable comfort and so on. But I believe that most of them would say to you that what they really want from society is to be allowed to live at peace, to be undisturbed and safe in their homes, to be able to walk the streets without fear, to let their children out to play, to just get on with their lives, and their family's lives, without interference. That is the Queen's Peace, and in the exercise of independent functions of both magistrates and police, we are all committed to its preservation.

Please note that speeches published on this website reflect the individual judicial office-holder's personal views, unless otherwise stated. If you have any queries please contact the Judicial Communications Office.