

FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.



CONFIDENTIAL

HOUSE OF LORDS,
SW1A 0PW

Prime Minister

*Mr Whitclaw will be
minuting you shortly
with proposals (concessions?)
for settling the dispute.*

Mr Whitclaw

Prime Minister

R 1379


As promised orally in Cabinet this morning I am circulating
colleagues with an up to date report on the state of work in
Magistrates Courts in Inner London as the result of current
industrial action.

We are getting on better than might have been expected. But
the underlying situation is serious and potentially damaging to
the Government in the administration of justice and the maintenance
of law and order. I think colleagues should be kept informed of
the position.

H: of S: M.

13 September 1979

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INNER LONDON MAGISTRATES' COURTS STAFF STRIKEThe Present Effect of the Strike on the Courts

The situation with regard to the amount of work being carried on in the courts during the strike varies from court to court. Multicourtroom courthouses have greater flexibility in their ability to deploy the small staff available effectively. The quality of the senior staff in the courthouses is also a variable factor.

The position in respect of the various classes of judicial work varies, but can be summarised as follows.

Charges

Remands of arrested persons, and issues of bail, are so far being dealt with fairly normally. This also applies to contested cases, but sentencing is effectively limited to custodial sentences, served or suspended, absolute or conditional discharges, or small fines with the alternative of one day custody. Except in a very limited number of cases, where it has been possible to collect fines on the spot, the imposition of fines has thus become virtually impossible. This is due to lack of staff to operate any accounting procedures. For the same reason, the courts are not able to order compensation, unless the money is immediately available. Even this gives rise to difficulties about the custody of money. It is generally possible to remand defendants for Social Enquiry and Probation Reports, although there is the possibility that at a later stage the Social Service and Probation Departments may "black" this work. This would be particularly deplorable, because the work now being done is being performed almost exclusively by persons who are not covered by the



unions who are on strike.

Overall some 40% of charges on arrest cannot be dealt with, and are therefore being adjourned. Even of those which are being dealt with, many are the subject of distortion of ordinary sentence patterns, because the courts are giving conditional discharges where a fine would be the normal appropriate sentence.

Committals

In some courts it is possible for committals to be made to the Crown Court. In others this is not possible, and the defendants have to be remanded, and as in custody cases they have to come up at intervals of eight days with the possibility of fresh arguments about bail this can delay other work. In the light of the present delays in the Crown Court in Inner London, the delays in committing will not create short-term difficulties, but are bound to increase the backlog of work later.

Traffic Summonses

Some 90% of all traffic summonses are not being dealt with, otherwise than by adjournment, which means that in this field matters are largely at a standstill.

Legal Aid

Very limited legal aid applications are being processed.

Matrimonial Cases

In the magistrates' courts matrimonial cases are mainly concerned with money, and the bulk of this work is therefore

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at present paralysed. Women are unable to obtain payment under existing maintenance orders, and as a result some will be compelled to seek Supplementary Benefit. Even where orders can be made, their implementation may later be "blacked".

Means Inquiries

No summonses are being issued in this field, and the hearing of present cases is largely paralysed, which means that existing fines or money payments are not being enforced.

Juvenile Courts

This is probably the field which is worst affected. Only ten out of the twenty-five normal weekly juvenile court sittings are operating. Even the courts that are sitting are only able to adjourn cases, except for the very urgent care cases. There is again the risk of subsequent "blacking" by social workers of court orders now being made in the juvenile courts.

Licensing

This is almost totally paralysed. Applicants whose applications are adjourned will in some cases suffer serious financial consequences.

Post

Postmen are not crossing the picket lines, and as a result no postal payments or other correspondence is reaching the courts.

The Effect of Prolongation of the Strike

The general level of the present restriction on work being disposed of would continue as now, provided that the senior staff are able to maintain the very heavy extra work load which they have accepted, but the huge backlog of work will steadily accumulate.

The Eventual Disposal of the Backlog

In the light of the heavy backlog of work which existed in many Inner London courts before the strike, the disposal of the backlog will pose very large problems. Factors that have to be considered are:

- (a) The degree of co-operation of the staff on return to work. This would be a vital factor in terms of overtime, and cannot at present be estimated.
- (b) The deplorable possibility of "blacking" the implementation of orders made during the strike, as mentioned above.
- (c) Lack of additional courtrooms, or the staff to operate them.
- (d) The willingness of the police, the probation services and other court services to co-operate.

Having regard to the above factors, it would be unrealistic to think that we would be able to dispose of much of the backlog by longer sittings, or more sittings on Saturdays. The present arrangement for Saturday sittings is that those court staff who participate on Saturday have time off during the week. Further sittings would be

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dependent on their willingness to work the extra time, although in most cases overtime rates would be applicable. There is also the question of obtaining the co-operation of the other court services, the police and the legal profession.

Although it is impossible to evaluate the relevance of the various factors identified above when it comes to disposing of the backlog of work, the general picture is not encouraging. Each Chief Clerk will have to work out a plan for his own court, and I would expect fairly wide variations.

I do not think that there would be any difficulties as far as the magistrates themselves are concerned in getting their full co-operation in applying themselves to the backlog. The practical restrictions are those mentioned above. The magistrates could no doubt expedite much of the backlog by taking short cuts, but this will mean distorting sentencing consistencies considerably. The position may prove so difficult that the police will have to contemplate some sort of amnesty in certain classes of case, and may even have to withhold prosecution.