Written evidence from David Smith, Solicitor, Frame Smith & Co

Question

What have been the effects on defendants of the introduction of the criminal courts charge? Has the criminal courts charge been set at a reasonable and proportionate level? Is the imposition and collection of the charge practicable and, if not, how could that be rectified?

Comments

I am a Partner in a firm that specialises in Criminal law and appear at various magistrates’ courts in Surrey, Sussex and Hampshire on a daily basis and have done for nearly 20 years.

The criminal court charge has had no positive effect whatsoever and should be reconsidered.

Deterrent Effect

It does not act as a deterrent to persistent offenders as they rarely pay their fines anyway and simply don’t care or put off any repercussions of their behaviour to another day. It therefore does not weed out weaker or more speculative not guilty pleas for this category.

Pressure to enter the wrong plea

It does encourage the less entrenched but more vulnerable, aswell as those in work to plead when perhaps they should not have done. The consequences of losing a case, especially an either way matter of £1000, which could be a straightforward allegation of theft of a penny sweet, means people are pleading to things they probably should not as it is clearly set at a rate that puts extreme pressure on them to do so.

Lack of Judicial discretion

The magistrates clearly disagree with the fact that there is no discretion in relation to the charges imposed and a number have resigned or made their views quite obvious throughout the country. Whilst they should not they are also clearly lowering or tailoring their sentence to reflect this often disproportionate sum.

Costs Implications

I would be amazed if this actually brings in any money once the cost of implementing and enforcing these charges is taken into account in the long run. And if they are being paid at all in some cases.

Overall

This was a policy that was brought in without any consultation or sensible thinking through of the effects it was going to have, whether it was worthwhile and sends out an appalling message that you can only afford to plead not guilty if you have sufficient money.

25 September 2015