

Date **22 June 2017**

Position statement **Statement on utility warrants**

The Magistrates' Association, having consulted representatives of its branches, found mixed impressions and considerable variation across England and Wales. A majority of branches did not perceive a problem in respect of utility warrants, and magistrates were clear that if applications were made to court without sufficient information, the courts rejected said applications. An important point was made around training, with some areas saying it was vital new magistrates received sufficient training to be confident in dealing with warrants. However, a substantial minority of branches who responded to us did highlight some issues.

Of those who did experience problems, a number of issues were cited, including:

- a lack of information given to the court about defendants' circumstances
- a lack of clear information presented to consumers which could limit their opportunity to make representations to the court, such as:
 - letters from utility companies saying warrants would be put before court at 10am but actually being put before court at 9.45am
 - no calls over the tannoy at court for consumers to attend if they were present.
- some variation in practice between different utility companies:
 - in South West London, some magistrates said very different processes were used in different courts and by different companies
 - conversely, in North East London, magistrates said that where there was a small team of officers from each company that dealt with warrants in courts, this provided consistency.

While the picture seems to be mixed across England and Wales, the MA would say that further guidance to utility companies to ensure they itemise the steps taken before seeking a warrant and the relevant information would be likely to assist in reducing disparities and inconsistency of practice, while also reducing the incidence of inappropriate applications. The MA would emphasise that we are confident sentencers in England and Wales can deal with inappropriate applications when they are made.