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The magistrates' courts closure policy in England and Wales: A study of advanced managerialism in practice

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Abstract

This study examines the mass closure of magistrates' courts in England and Wales. It tracks how the closure policy was formulated, justified and operationalised by successive governments. An advanced managerialist truth regime redefined court buildings as financial assets, identifying multiple courts as 'surplus' or 'inefficient' and ripe for closure and sale. 'Consent' was fabricated through consultation processes, premised on predetermined outcomes. This policy was overlain with government pledges to switch to a tech-justice system, improving access to justice, achieving greater efficiencies and cost effectiveness. Our findings reveal how: court buildings were sold with scant regard to the adverse impact on court users; many of the remaining buildings were allowed to deteriorate; locally accessible justice was undermined and defective technologies failed to deliver. This study contributes to a research agenda that examines the deleterious consequences of sedimenting an advanced managerialist truth regime that is resistant to critique and shielded from scrutiny and accountability.

Keywords

AI, access to justice, accountability, consultation, court closures, magistrates, managerialism, tech justice

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Introduction

This article analyses the origins and development of the court closures policy in England and Wales (2010–2019), identifying how an advanced managerialist truth regime drove it and shaped the justifications used to rationalise it. In less than a decade, half of all courts, around 295, were closed and where possible sold off to the private sector. Most were small lower courts. This article contributes to the limited existing literature on the managerialisation of criminal justice policy and is the first to analyse court closures within that framework, utilising a policy history approach to uncover its conception and implementation.

Our specific focus is on magistrates' courts, the first tier of criminal courts and the historic backbone of the criminal justice system (CJS) in England and Wales. All criminal cases begin and more than 90% conclude in these lower courts. Except for certain minor offences, those accused are obliged to attend court in person. The magistracy's traditional role and status is legitimised by unsalaried lay magistrates, recruited from the community, to adjudicate in local courthouses, because they have knowledge of local circumstances (Donoghue, 2014; Kirby, 2025; Leveson, 2025). As Lord Justice Lloyd (1988, p.384) noted 'there is one in every town of every size in England. I believe this egalitarian aspect of seeking recourse to the law in a magistrates' court to be an important sign of the availability of justice for all'.

The closure of court buildings is not specific to England and Wales. Over the last 15–20 years, there have been mass closures of smaller courts across Europe; for example, Italy (Economist, 2012), Ireland, (Law Society of Ireland, 2014), Portugal (Branco, 2019), France (Baudet-Michel et al., 2021), Greece (Mandrou, 2024) and Sweden (Kärrholm and Löfgren, 2025). Managerialist reasoning also drove these closures, foregrounding cost-effectiveness, efficiency and the shift to tech-justice, often with little regard to the effect on court users and access issues (CEPEJ, 2016; Ring and Gray, 2025). As we will see, court closures, combined with the switch to tech-justice, have profound implications for how justice is done and seen to be done across many jurisdictions.

After outlining our analytical and methodological approach, we explain the origins and initial stealth closure of court houses under New Labour administrations (1997–2010). The following section analyses how the closure policy gained momentum across the Conservative-Liberal Coalition (2010–2015) and Conservative administrations (2015–2019), highlighting three intertwined processes: closures through consultation, the attempted switch to tech-justice and the marketisation of the court estate. We conclude by discussing the implications of our findings, including the emergence of an AI-driven tech-managerialist justice system.

The managerialist imperative

Extant research on this policy in England and Wales has highlighted the adverse impact of specific local court closures, concluding that they have undermined access to local justice, are detrimental to court users and hinder the judicial process (Adisa, 2018; Cowburn, 2019; Gibbs, 2013; 2015; 2018; Newman & Dehaghani, 2023a). This study extends

existing research by analysing the history and nature of the policy itself, situating it within the broader context of the relentless managerialist restructuring of public services in England and Wales. While our analysis focuses on a specific policy, the findings connect with critical comparative scholarship on the nature of managerialist policymaking, including how: a flawed truth regime consolidates, resisting critique and accountability; consultation processes are used to neutralise opposition to pre-determined policy preferences and how technology is now a key driver of managerial reform (Dunlop, 2020; Leong and Howlett, 2022; Freedman, 2025).

Bottoms (1995) and McLaughlin et al. (2001) argued that insufficient attention had been paid to how managerialism was re-structuring the CJS in England and Wales. With notable exceptions, this remains the case (eg, Hamerton and Hobbs, 2022; Johnston and Privaty, 2023; Porter, 2018; Soubise, 2025). International research findings reveal how managerialism's resilience stems from its: centrality to neo-liberal governance; institutionalisation across numerous policy domains; ability to adapt to changing circumstances and capacity to assimilate resistance. As a result, what can now be defined as advanced managerialism, continues to drive public sector reforms (Alawattage and Elishihry, 2017; De Vaujany, 2024; Lapsley and Miller, 2024). This is especially so in the UK, which Blair and Barbour (2015) characterise as the epicentre of radical public sector reform. We focus on the key aspects of managerialism that are central to our study.

Managerialism is not simply a set of mundane functional changes to the organisation and delivery of public services. As a truth regime, it imposes its own reality, ever expanding the grip of managerial practices across institutional settings and policies and practices (Klikauer, 2025). Broadly stated, managerialism's overarching goal is to reinvent the state through the application of private sector actuarial principles and practices. Tight budgetary controls, performance target-setting and auditing will, it is claimed, produce cost-effective and efficient public services (Beer, 2016; Dan et al., 2024; Esposito et al., 2018). This constitutes the core of the 'de-politicised' managerialist truth regime (Buller and Flinders, 2006). Where possible, 'surplus' public assets are off-loaded to the private sector to generate revenue, reduce maintenance costs and 'right-size' the state. Remaining public services can find themselves subjected to marketisation and outsourcing (Christophers, 2018; Freedman, 2025). Arm's-length bodies (ALBs) and new technologies play a critical role in the intensification of managerialisation across the public sector (Haug et al., 2024). Organisational norms, values and thinking are also re-shaped as the truth regime takes effect (Yeatman and Coslea, 2018). Assessment criteria and audit results are presented as objective facts, yet despite professing to be evidence-led, there is often little to no interest in actual data. Managerialism becomes synonymous with 'no alternative' to reforming 'antiquated' thinking and practices. Accounts of sub-standard, mis-managed policy pasts and transformational policy futures are central to this truth regime (Pollitt, 2013b).

Managerialism also leverages policy failures and moments of institutional crisis (Bracci et al., 2015). As this article will reveal, regardless of the causes or specifics of such failures, further managerialisation prevails as the preferred corrective, especially so in the age of rapid technological advances (Rostron, 2022; Simcock, 2025). Consultative processes are increasingly used as a legitimising device to justify proposed

reforms and reconstitute the concept of accountability. By appearing to confer and listen, policymakers can proclaim stakeholder consent for proposed reforms. However, agenda-setting power asymmetries ensure that policy makers retain the right to implement pre-determined policy options (Arnstein, 2019; Choi and Wong, 2024). Consequently, managerialism has crept 'into every fibre of our world' (Diefenbach, 2009, p.1), becoming an inextricable part of institutional common-sense and remarkably resistant to critique (Klikauer, 2025).

Utilising the policy history approach favoured by critical managerialist researchers (see Pollitt, 2013a; 2013b), we retrieved and interrogated three decades of policy documents, across different political administrations. Lengthening the analytical timeframe allowed us to track and comprehend how managerialist thinking began to pervade criminal justice policy in England and Wales from the 1980s onwards. It enabled us to chart: the origins, formulation, operationalisation and sedimentation of the court closure policy; the continuities and shifts in the mutating justifications for the closures and the documented reactions, impacts and consequences. Close regard was paid, throughout, to the problematisation of the magistrates' courts, which is key to understanding not just the policy itself, but the changing political and institutional contexts in which it was formed and implemented.

Determining the exact number of magistrates' courts and closures was challenging. There are imprecise records, which variously refer to buildings or courtrooms, and the official numbers are inconsistent and missing data. In 1992, the stated number of magistrates' courts was 502 (Home Office, 1992). By 2010, the number had dropped to 323 (MoJ, 2010).[1] Official figures suggest that since 2010 a total of 295 court buildings, some with multiple courtrooms, have closed, comprising: 162 magistrates, 8 crown, 90 county, 18 tribunals and 17 family courts (Cowie and Sturge, 2019). Recent figures assert that 166 magistrates' courts closed under the Coalition and Conservative governments between 2010 and 2024 (Hansard, 2025), excluding mergers with nearby courts, suggesting that there are now 157 operational magistrates' courts.

To locate the policy's genesis, we examined the Home Office's first overtly managerialist critique of the magistrates' courts (Le Vay, 1989), subsequent parliamentary debates and official statements accompanying the initial wave of court closures. For the period 2010–2019, we analysed three Ministry of Justice (MoJ) closure consultations under the Coalition and Conservative governments, together with associated Impact Statements and Responses (MoJ, 2010; 2015; 2018) and the 2014 and 2016 court reform documents (Grayling, 2014; Minister of Justice et al., 2016). To understand the policy's sedimentation, we reviewed reports from Parliamentary committees, relevant Inspectorates, HM Court and Tribunals Service (HMCTS), the National Audit Office (NAO) and the reports and members' magazine of the Magistrates Association (MA), together with news media coverage of the closures.

Policy origins: Stealth closures

In 2010, a Conservative-Liberal Democrat coalition government took power in the UK and swiftly implemented austerity-driven policies, in response to the fallout from the

2008 global financial crisis. Conventional thinking dates the court closure policy's genesis to this period, assuming that it was part of their cost-cutting drive (Ames and Ellis, 2020; Cowie and Sturge, 2019; HC Justice Committee, 2016). However, our research traces the policy's roots to 1989, when it was conceived, and initially, without consultation, stealthily enacted.

An estimated 250 magistrates' courts were shut between the late 1980s and 2001, with no public consultation and little Parliamentary scrutiny (Hansard, 2002; The Lawyer, 1998). This was triggered by a Home Office review of the magistracy in 1989, the first since 1949 (Le Vay, 1989). Evaluated against basic managerialist criteria, it concluded that the administrative arrangements were 'archaic', with no clear accountability across the geographically dispersed 508 courts and 28 000 magistrates. Responsibility was spread between 105 self-governing Magistrates Court Committees (MCCs), 205 justices' clerks and local authorities, whilst the funding came primarily from central government. Mismanagement had resulted in underinvestment and 'massive waste', with many court buildings in serious disrepair. Only radical managerialisation could rectify the numerous problems affecting the magistracy (Le Vay, 1989, p36).

In response, the then Conservative government implemented a diluted version of the review's recommendations. Budgetary control of the magistracy was centralised to improve cost-effectiveness and efficiency (Home Office, 1992; Home Office, 1994). Responsibility for finance and administration was centralised under the Lord Chancellor's Department (LCD) and local MCCs were, as a result, constrained in decision-making concerning 'their' courts and were scrutinised by a new HM Magistrates' Courts' Inspectorate (Donoghue, 2014). By the time New Labour came to power in 1997, 160 magistrates' courts had been closed, piecemeal, with minimal transparency (The Lawyer, 1998).

Three subsequent New Labour administrations (1997–2010) deepened the managerialist agenda, tightening central control of the magistracy and rationalising the court estate, further undermining the principle of local justice. The imposition of stricter managerialist metrics compelled MCCs to identify 'uneconomic' courts to close (Hansard, 1997b; Hansard, 2000b). Refurbishment and maintenance planning was curtailed by budget reductions and mandatory Private Finance Initiative (PFI) contracts.[2] Consequently, more courts fell into disrepair, heightening the risk of closure. During New Labour's first term (1997–2001), local 'Save our Court' campaigns and numerous Westminster debates stressed that the principle of local justice was being systematically weakened (eg, Hansard, 1996; 1997a, 1997b, 1997c, 1997d; 2000a; 2000b; 2002; 2003). Critics highlighted the inaccurate, misleading data being deployed to close specific courts. MPs warned that the move towards fewer, larger courts dispensing 'production-line justice' would result in rural communities facing significant travel challenges in terms of expense and time (Hansard, 1997d, Cols 684, 686). To no avail. The government persistently denied responsibility for closure decisions as, officially, courts remained under local control, even though budgets and targets were centrally imposed. By the 2001 election, 90 courts had been closed (Hansard, 2002) with an additional 30 shutting by the 2010 election. These were primarily in rural, sparsely-populated areas.

Rapid managerial re-structuring of court administration continued (Auld, 2001; Bell and Dadomo, 2006; Gibbs, 2013; Home Office, 2002). The 105 MCCs were cut to 42, then replaced by centrally directed Court Boards, which were themselves abolished in 2011; the LCD was replaced with the Department for Constitutional Affairs, which in turn was folded into the new Ministry of Justice (MoJ) in 2007. The courts' inspectorate, which had previously scrutinised courts in detail, was re-organised and later abolished. In 2005, control of court buildings passed to the newly established ALB, Her Majesty's Court Service (HMCS). This semi-autonomous executive agency merged with the Tribunals Service in 2011, becoming the HMCTS. It was instructed to deliver continual efficiency savings across the court estate. From 2005, court closure decisions were totally centralised.

Between 2001 and 2010, closures continued, justified by ambitious plans for a tech-justice revolution and promises of £1 billion investment over 10 years (Cabinet Office, 1999; DCA, 2005; Home Office, 2002; Hudson, 2002; NAO, 2003). Antiquated courthouses would be replaced by state-of-the-art, hybrid justice hubs, supported by flexible, mobile courts (Ullathorne, 2004). Tech-justice would deliver timely, fairer, cheaper justice. The fall-out from the 2008 financial crisis disrupted these plans (Blyth, 2013; O'Hara, 2024). The MoJ faced a £90 million funding shortfall, a maintenance backlog of £200 million and a requirement to cut expenditure by a further £22.5 million (Gibb, 2008). Thirty magistrates' courts were closed to save an estimated £360 m (Sherman, 2008). In October 2009, the MoJ launched the first public consultation for 21 further closures (Straw, 2009). Given that it had already stopped listing cases in those courts, their closure was pre-determined. Presented as a meaningful dialogue, this first consultation barely concealed its procedural tick-box activity.

Policy sedimentation: Mass closures, 2010–2019

Severe funding cuts across the public sector defined the Coalition and Conservative administrations. The MoJ suffered the deepest capital budget cuts under the austerity programme, receiving, over the next decade, 43.3% less than it had in 2007/8 (Hoddinott, 2024). Already embedded in the managerialist cost-cutting script, closing and selling courts suited the realities of the MoJ's finances. Half of all courts, and over half of all Magistrates' courts were closed during this period. Mass closures were part of a broader detrimental policy of systematic disinvestment in the CJS in England and Wales. Relative to other departments, the MoJ fared worse and current spending now remains lower that it was in 2003/04 (Dominguez and Zaranko, 2025).[3] In a similar cost-cutting drive, courthouses across Europe were closed in the same period, yet no jurisdiction was as swingeing as England and Wales.[4] At the same time, controversial privatisation experiments targeted prisons, the probation and forensic science services (Bennett, 2024). Three further court closure programmes were rolled out (MoJ, 2010; 2015; 2018).

Three intertwined processes characterise this period. First, since the policy was now overt, the government was legally obliged to consult on closures. Second, closures were justified with the assertion that switching to tech-justice would deliver timely, more accessible and cost-effective, efficient justice. Third, increased marketisation of

the court estate, to fund tech justice, was accompanied by under-investment in the remaining buildings. Although promising that the public would retain access to local courts, the MoJ asserted that 'we must be realistic about the frequency with which most people need to visit a court, compared to other services' (MoJ, 2010, p.4). The courts were thus positioned as a non-core public service. The future of the remaining 323 magistrates' courts would be determined by managerialist metrics, not by the intrinsic value of the work conducted within, how and why it was carried out there, nor the building's own symbolic and actual manifestation of judicial and state power (Henderson and Duncanson, 2021; Mulcahy and Rowden, 2020).

Closures through consultation

The first consultation, in June 2010, targeted 103 magistrates' and 54 county courts, reinforcing the extant pro-closure policy trajectory, utilising the managerialist truth regime (MoJ, 2010). With no independent assessment, the MoJ labelled these courts as economically unviable and surplus to requirements. Cases could be transferred to neighbouring courts (which were assumed to have capacity), predicting a boost in utilisation rates to 80%. Increased travel times to court would not exceed one hour. Transitioning to tech-justice would progressively negate the need for in-person attendance at a court building, which would enhance access to justice. Geographical proximity would not be 'the sole (or even primary) concern' (Clarke, 2010; MoJ, 2010, p.4). The revenue raised from sales of surplus buildings would be used to renovate the remaining estate. Closures would not occur till the views of stakeholders had been considered (MoJ, 2010, p.5). However, the options were framed as an alternative between doing nothing or closing the courts proposed, which 'best fits the strategic vision of the HMCTS estate and delivers monetary savings' (MoJ, 2011, p.1). There was no option but to close 'surplus' courts. The scope to influence outcomes was thus limited from the outset and the needs of court users were secondary. As our analysis below shows, the MoJ/HMCTS overrode any meaningful interaction with stakeholder's views across all consultations, which were used as a tool to nullify criticism rather than genuinely engage (eg, Choi and Wong, 2024).

This consultation generated strong opposition across the political spectrum, from magistrates, legal professionals and the judiciary, prompting more local campaigns, all of whom argued that the MoJ's assumptions and calculations were inaccurate. An independent evaluation revealed that neither the MOJ, nor HMCTS, had any primary data from which to make informed decisions about the court estate (Munton et al., 2023). Facts presented in the consultation documents were contested as gravely inaccurate, for example, the (mis)calculation of utilisation, (over)estimated maintenance backlogs, the lack of evidence supporting the professed savings, or that a change in demographics affected usage or need, the impact on local access to justice and travel times (Goldring, 2010). Recycled assumptions that remaining courts could absorb the extra workload were flawed, as hearings and length of cases could often not be predicted in advance, nor spaces in court lists filled without complications (HC Justice Committee, 2018).

Despite the protestations, in December 2010, The MoJ announced that 93 courts would close (Butterworth, 2010; Gilg, 2010; Hansard, 2010). A demoralised

Magistrates Association found that legally it could not halt the closures (MA, 2011). The 10 reprieved courts were subsequently closed, together with others, even though many were newly refurbished or had been previously earmarked to receive work from those shut down in earlier decisions (MoJ, 2014; 2015; 2016a; 2016b). Thus, the MoJ appeared to consult and listen, by initially and temporarily leaving ten courts open. However, it subsequently, as had always been intended, closed all 103 magistrates' courts. As noted previously, these strategies and tactics are commonly employed to thwart effective opposition whilst appearing to engage in public consultation.[5]

Further savings were demanded of the MoJ in 2014, and instead of courthouses, influential policy proposals promoted the idea of building large multi-functional 'justice hubs', housing 50 courts apiece. An additional 10 000 magistrates could also hear cases in police stations, empty offices or shops, leisure centres or even mobile units. (McLeod et al., 2014). Instead, more courts were closed, magistrate numbers fell, court and administrative staff made redundant, and the justice hubs and alternative spaces never materialised. Remaining staff were relocated to centralised administration facilities, and much expertise of the system's functioning was lost.

Negation of alternatives was a key feature of all post-consultation decisions. For example, ignoring professional advice, the MoJ closed youth courts across south London, transferring cases to outlying courts. This led to significant problems controlling neighbouring gangs within the same court building and undermined the previous close links between local Young Offender Teams and the courts hearing the cases (HC Justice Committee, 2016). Having taken ownership of the court estate and its management, there was no need to consider objections. Consultation, as noted above, was a tokenistic procedure. The Parliamentary Justice Committee's chairman protested, seeing no policy reason for more closures and questioned 'the assumption that virtual hearings will and should increasingly take place of physical access to hearing rooms' (Neill, 2018). The manifest damage being done to local justice triggered two further emergency Parliamentary debates, to no avail (Cowie and Sturge, 2019; Gibbs, 2018; Simpson Caird and Priddy, 2018).

The tech-justice switch

Subsequent closure consultations ran in parallel with the MoJ's technological reform programme, rolled out from 2014 onwards. The official stance was that brick-and-mortar courthouses would, in the main, no longer be needed. The programme promised to spend £700 m, later over £1b, on a technological transformation of the courts system in England and Wales. This would accelerate access to timely and cost-efficient, effective justice (Grayling, 2014; Minister of Justice et al., 2016). Online hearings would enable the public to log into court proceedings from a location of their choice. This vision did not address the issue of compulsory physical attendance at magistrates' courts, which were now few and far between, or how participants would get there. The senior judiciary was now co-opted, no doubt keen to avoid the previous technology policy failures. A senior judge advised that in criminal matters, multiple safeguards should be in place before the increased deployment of technology and that trials should always take place

in person (Leveson, 2015). Yet months later, the consultation by MoJ 2015 included plans for pleading guilty to minor offences online, as if it were an administrative matter. It did not mention the importance of checking, perhaps guided by legal advice, the legality of the charge, consideration of the evidence and ramifications of the plea. Efficiency and cost were paramount. Online justice was decreed more suitable for 'transactional matters (such as the administration of probate or pleading guilty or paying a fine)' (MoJ, 2015, p.7). By 2018, the MoJ asserted that using new technology platforms 'had the potential to reduce reoffending' (p.8) and that police officers would be able to give evidence 'more reliably' (MoJ, 2018, p.7). These (arguably, fabulist) outcomes could only be achieved if unviable courts were sold off to generate the capital needed for the reform programmes.

Tech-justice was promoted zealously, even though the MoJ knew the risks of expensive failure were high.[6] An (undisclosed) independent report concluded, in its damning assessment, that the reform programme was fated to fail. It was over-ambitious, driven purely by efficiency objectives, with an imbalance between the proposed use of physical and remote hearings. It lacked data, technical expertise and understanding of user's legitimate rights. It further lacked co-operation between its architects, the MoJ and HMCTS and cultural resistance to it was enormous (Boston Consulting Group, 2016, p.5; Fouzder, 2018). The MoJ consequently spent tens of millions employing corporate management consultants to address the problems with further managerial solutions (Bowcott, 2018).

Despite this reality check, by 2016, 150 magistrates' courts had been closed, before the promised technological upgrades were in place or operational, let alone tested and evaluated (Gibbs, 2020; HC Committee of Public Accounts, 2018; Munton et al., 2023). Whilst the reforms were officially completed in March 2025, issues remain. In many courts, the provision of basic internet connectivity, video screens and microphones is unreliable (Leveson, 2025). The case management 'Common Platform' system, projected to launch in March 2019, was eventually partially introduced in 2021. It was intended to replace five existing applications, enabling all agencies within the CJS to access a case in one virtual space. It cost millions, yet the fatal flaws in the systems created overwhelming stress for those trying to operate it, driving some HMCTS staff and Magistrates to take strike action (Clarke-Ezzidio, 2022; Evenstad, 2022; Hall, 2017; Markson, 2024; Tobin, 2022). It's extremely problematic roll-out negatively affected justice outcomes (NAO, 2023). The technology/design functionality was too complex to realise, so the reduced system is now for HMCTS users alone, who will then share the information with the Crown Prosecution Service, undermining its whole purpose (House of Commons Committee of Public Accounts, 2023). A recent investigation revealed multiple system failures across the civil, family and tribunal courts, whereby evidence has been lost, large scale data breaches have occurred and, that these have been deliberately covered up and poorly investigated by HMCTS (Harte, 2025).

The COVID lockdowns accelerated the use of technology and remote hearings across all courts. The scant research into tech-justice has identified multiple problems: the lack of suitable technology, broadband width and privacy in which to 'attend' the hearing; the unreliability of audio-visual reception; inability to communicate well or at all with legal advisers; lower levels of participation in the hearings (Byrom et al., 2020; Gibbs, 2020;

HC Justice Committee, 2020; Kitzinger, 2020; NAO, 2021). In one tweet, a legal journalist described a remote hearing that he observed in 2020: 'the clerk can see the judge but can't hear him, the QC can hear the judge but can't see him, and the judge can't hear anyone' (Hyde, 2020). Regarding criminal cases, the limited research has found: a lack of Defendant participation, worse communications between Defendants and their lawyers, a tendency for judges to punish more harshly and imprison more, unreliable/poor quality video and audio links, and user fatigue from being at a computer screen for extended periods (Clark, 2021; Fielding et al., 2020; Long, 2021). One magistrate commented 'The court closure programme has already resulted in an erosion of the principle of summary justice being dispensed locally. Video links, in my opinion, serve to exaggerate that sense of remoteness further'. Another remarked 'What started as a necessary expedient now appears to be employed as a convenience, to the detriment of the court process' (MA, 2022, p.21).

Marketisation of the court estate

By the third consultation in 2018, HMCTS was targeting courts for their property value, to cover one third of the spiralling costs of the tech-justice reforms (MoJ, 2018; MoJ and HMCTS, 2018). The Shadow Justice Secretary ventured that 'sales were driven by blinkered ideology with scant regard for the impact on access to justice in whole swathes of the country' (Bowcott, 2018). The MoJ was driven by profit in 2006, when it sold the historic Bow Street Magistrates court building for £17 million (Madge, 2019). HMCTS was similarly entrepreneurial in 2015, declaring that selling off surplus courts 'would provide potential opportunities for development of residential and commercial space' (MoJ, 2015, p.9). By 2017, a further £232 m had been generated from sales, two thirds of which was from only 9 courts in and around London (Atkins et al., 2019; Madge, 2019). Hammersmith, Camberwell Green and Greenwich magistrates' courts were sold for £43 m, £13.5 m and £12 m, respectively, even though all 3 had been earmarked as receiving courts in the 2010 decision, to absorb the work of courts shut down nearby (Ames and Ellis, 2020). In 2018, having failed to repair and maintain the remaining buildings, the MoJ was now able to condemn those that were in a ruinous state and too expensive to restore or were simply too valuable to keep (MoJ, 2015; 2016b; Rozenberg, 2020). As one critic noted, the MoJ were, at this point, simply 'selling off our silver' to fund the spiralling costs of its reforms. Citing Harold Macmillan in 1985, he wrote: 'The sale of assets is common with individuals and states when they run into financial difficulties. First, all the Georgian silver goes, and then all that nice furniture…Then the Canalettos go' (Madge, 2019).

Despite promises to repair and maintain, multiple courthouses now suffer from leaking roofs, faulty heating systems and many cafeteria areas and robing rooms have closed, due to disrepair (LCJ, 2018; 2019; Leveson, 2026). Courthouses across Europe have suffered the same fate, as justice departments have been deprioritised in budget allocation (Ring and Gray, 2025). Accessibility has not been a priority. Only 15% of courthouses in England have full wheelchair access and many magistrates' courts are inaccessible, lacking proper parking, ramps, conveniences and facilities for diverse users, especially in

judicial quarters. The only study on accessibility found that, of 57 magistrates' courts surveyed, 6 did not have a public transport option near the building and concluded that the MoJ engages 'passively' with issues of disability and has no strategy to rectify these problems (MA, 2023, p.11). Recently, it emerged that HMCTS had concealed the dangerous degradation of multiple courthouses, especially those built with sub-standard building materials, which have now closed as a result (Kirk, 2024; Scheer, 2023).

The aftermath: From crisis to polycrisis

Plans to close 96 more courts were paused in 2019, as the delayed reform programme meant that courthouses were still needed (NAO, 2019). The closure policy was officially halted in 2021, after the pandemic led to an even greater backlog of unprocessed cases and a shortage of courtrooms. HMCTS had to rent temporary courts, in some cases leasing their old courts from new owners. The dramatic decline in funding across the CJS and mass closures, left courts vulnerable going into the COVID-19 crisis (HL Select Committee, 2021**)**. The court reform programme officially concluded in 2025, three years behind schedule and over budget, at an estimated cost of over £1.3b (Goodwin, 2025)**.** Critically, did the mass closure of courts and the switch to tech-justice bring about more cost-effective, efficient and timely access to justice, as promised?

In 2019, HMCTS was unclear if it would ever evaluate the impact of closures on court users (NAO, 2019, p.8) and appears never to have done so. A subsequent MoJ 'rapid evidence assessment' of the reforms indirectly considered closures. Munton et al. (2023) noted that there was neither empirical research findings nor independent data to evaluate HMCTS claims regarding cost savings. Little was known about the actual condition of the court estate, the impact of court closures on court users or the outcomes of online and traditional hearings. The managerialist thinking behind the closure policy is thus exposed, whereby policymakers remain steadfastly forward-looking, driven by the need to make continuous savings and be efficient, even if neither savings nor efficiencies are achieved. Little thought is given to outcomes and effects. The MoJ stated that any future evaluations of the reforms would be theoretical, using existing management information, published statistics and in-house HMCTS' project-level evaluations (MoJ, 2023, p.2).

More than a third of magistrates' courts in Wales closed between 2010 and 2019 and in some English counties only one active court remains. Magistrates mounted a sustained objection from 2002 onwards, but thoroughly demoralised, by 2015 they had all but abandoned it (Gibbs, 2015). Whereas the magistracy used to comprise people from the local community, with local knowledge, this is no longer the case. Magistrate numbers have more than halved since 2010, as closures led to resignations or early retirement. Recruitment is difficult, since few want to travel so far. Justice is no longer local. Victims, witnesses, Defendants and court professionals must now travel significantly longer distances at considerably more expense, and not all are able to so (Adisa, 2018; Ames, 2020; Newman and Dehaghani, 2023a; 2023b). The removal of local courts is especially hard on the more vulnerable, though this remains under-researched (Hansard, 2019). In 2010, an hours' travel time was deemed reasonable, but with each

consultation this was increased and the definition of 'reasonable' stretched, so that now a round trip to court might take a whole day (MoJ, 2018). Defendants have asked the police for lifts to court or fail to appear, so that a warrant for their arrest will ensure a police escort, as navigating transport routes to court is too costly and time consuming (Adisa, 2018; Hansard, 2019). HMCTS's data show an increase in the number of Defendants failing to appear at court (Atkins et al., 2019; Richards et al., 2022). In one third of ineffective trials in the Magistrates' courts, the hearing did not proceed due to an absent Defendant (Sturge, 2023).

Court utilisation rates did not rise to 80% as promised, but fell between 2010 and 2015, from 64% to 47% (HC Justice Committee, 2016). Between 2010 and 2020, case completion delays were up 22%. Despite dealing with fewer cases, (pre-pandemic) magistrates' case backlogs in early 2020 were already greater than in 2012 and have risen each year since (Sturge and Lipscombe, 2020; Ministry of Justice, 2025a). An excess of cases is listed in the remaining courts often resulting in users waiting all day, without having their cases called (Atkins et al., 2019; Richards et al., 2022). Those that are heard are often rushed, to meet efficiency targets, with defendants struggling to understand what is going on (Yates, 2024). Magistrates increasingly sit on benches of two, not three, as there are not enough of them (Atkins et al., 2019).

Most cases in the magistrates' courts are now heard under a Single Justice Procedure (SJP), by a single magistrate, without a formal court hearing. Cost-effectiveness and efficiency are the SJP's guiding managerialist principles. A digital case management system processes millions of cases – 'production line justice', as predicted by MPs in 1997 (Hansard, 1997d, Cols 684, 686). In the last quarter of 2024, 68% % of cases disposed of were dealt with under the SJP (Leveson, 2025). Described as a 'closed process' with no scrutiny, it deals with minor non-imprisonable crimes, but the quality of this fast-track procedure is questionable, with many cases only lasting 90 s (Kirk, 2022). There is no way to screen the vulnerability of a Defendant and there has been poor overall Defendant engagement. Under the SJP, forms assuming guilt are sent out. Pleading 'not guilty' is a more complex process, and many do not respond. In 2022, 96% of those accused of railway fare evasion did not respond. A 2024 ruling has found that prosecuting fare evasion under this procedure was unlawful, and 74 000 cases were voided and fines reimbursed (Castro, 2024). Justice in the lower courts, such as it is, is now no longer local, perfunctory, often no longer open, and in some cases, unlawful (Kirby, 2025; Hamilton and Watts, 2024; Gibbs, 2024).

In December 2024, the government tasked Lord Leveson to formulate solutions to tackle the unprecedented backlog of 80 000 cases in crown courts. Leveson was instructed to prioritise diversion and the retention of as many cases as possible in the magistrates' courts, despite the mass closures. His exhaustive review acknowledged that court closures had contributed to 'multiple overlapping crises' that had pushed a malfunctioning CJS to the point of collapse (Leveson, 2025, p.32; p.78). He concluded that case processing could only be expedited through fundamental reform of the court structure, decision-making processes, workflows and resource allocation. Leveson's review noted that technology was not working well across the CJS, despite the £1.3 + billion freshly completed reforms (eg, the digital infrastructure was fragmented, with new

tech being procured and piloted in isolation and limited integration between new and old systems and across agencies; the new Common Platform could not provide real-time access to data for listing purposes, despite the legacy technology being able to). He called for an AI reengineering of the CJS (Leveson, 2025; 2026; see also Ministry of Justice, 2025b). This was embraced by David Lammy, Minister of Justice, who at a Microsoft AI event in London in February 2026, promised significant investment in 'Justice AI' across the court system (Baker, 2026).

Conclusion

Beyond supporting existing research findings, this article adds to the existing literature in several ways. This is the first study to analyse the courts closure policy in England and Wales through the theoretical lens of advanced managerialism and exposes, step by step, the managerialist truth regime underpinning the MoJ's intentions and justifications. In so doing, it adds to the limited comparative literature on the ongoing managerialisation of criminal justice. Using a policy history approach allowed us to trace and understand how the court closures policy was formulated, implemented and justified, why it led to the radical diminution of the bricks and mortar court estate and some of the known consequences.

It is not our contention that the court estate in England and Wales should not, to some degree, have been rationalised or modernised, nor that technological innovation was undesirable, yet four main conclusions stem from our policy analysis. First, we reveal the underlying intentions of the closure policy. From its inception, the key managerialist drivers were continuous cost-cutting and later the marketisation of the court estate. The principle of locally accessible justice and the quality of hearings were secondary, despite repeated warnings from stakeholders. Recast as financial assets, the magistrates' courts served dual functions: reducing the MoJ's capital and operating expenditure and generating revenue to help fund the switch to a tech-justice system. Despite opposition, inaccurate and misleading metrics categorised many court buildings as 'uneconomic', facilitating their closure and sale. The policy's crowning 'achievement' was financial, generating substantial capital, little of which was re-invested into maintaining or improving the residual estate. A self-reinforcing closure dynamic took effect: habitual underinvestment in maintenance/renewal, led to numerous courts becoming unfit for purpose and therefore at risk of closure and sale.

Second, our case study illustrates how a problematic managerialist truth regime sedimented across political administrations, becoming impervious to critique. Policymakers repeatedly disregarded evidence that the closure policy was failing court users, as it satisfied their managerialist aims. Initially, New Labour denied the policy's very existence, even though centrally imposed budget cuts were forcing closures. Subsequent centralisation of the court estate, made the policy visible, obliging the MoJ to consult and justify it. Yet, as we have shown, consultation processes were a perfunctory contrivance, acting as a proxy for stakeholder endorsement, inferring closure decisions were both evidence-led and made with consent. The 'no alternative' framing ensured that critiques were ignored, and some courts were closed even before the consultation periods had expired. This policy has directly contributed to a crisis-ridden court system. Now officially recognised as

being on the verge of collapse, the managerialist truth regime once more prevails, as the only 'no alternative' remedy proposed is AI driven tech-managerialist reform, with more re-cycled promises of timely, fairer, cost-effective and efficient justice (Leveson, 2025; 2026).

Third, this article reveals the pressing need for independent scrutiny and democratic accountability (see also Baksi, 2022). The MoJ maintained that robust internal audit methods were in place, so independent scrutiny was not needed. However, in a 2023 Justice Committee report, the Chairman disagreed 'We do not believe that this

argument has stood the test of time' (House of Commons Justice Committee, 2023, p.14). Our findings support this conclusion. In the case of court closures, the MOJ/ HMCTS and their technology contractors operated substantively free from external oversight, even though their promises were mostly unrealised and their evaluations non-existent. To date they have failed to provide evidence of how closures have affected users, in terms of access, experience, time and costs.

Lastly**,** the MoJ has (mis)placed all its eggs in a technology basket. As we have illustrated, a catalogue of botched technology initiatives substantiates the 'iron law' of large-scale government projects – 'over budget, over time, under benefits, over and over again' (Flyvbjerg, 2017, p.321). Again, there has been little to no accountability for these extremely costly wholescale failures and the continuous transfer of scarce resources to technology corporations and management consultancies, rather than investing in the court estate and essential court services. Lessons remain unlearned. Nor has anyone questioned how far the expansion of tech-managerialist justice will go and what legal safeguards and robust forms of governance are necessary. Leveson's (2025; 2026) recommendations give us a flavour of what is intended for England and Wales: heavy investment in an AI-powered tech-managerialist system, mandated to produce cost-effective and efficient justice. This is in line with international developments, and there is a pressing need for comparative research on this fundamental re-shaping of how justice is done and seen to be done (CEPEJ, 2025; Wong, 2025). At present, in England and Wales, the sunlit tech-managerialist justice uplands, propounded by the government, are, like magistrates' courts in many parts of the country, hard to find.

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Notes

1. 125 magistrates' courts were closed under New Labour (Hansard, 2009), suggesting that 54 were closed between 1992 and 1997.
2. PFI (1992–2012) and PF2 (2012–18) spawned hundreds of long-term contracts, whereby corporate companies financed and maintained public infrastructure (eg, court buildings) in return for a unitary charge. They were discontinued in 2018, due to disputes about the inflexible contracts and the quality of maintenance/condition of the buildings handed back to the public sector (Timmins, 2024).
3. There are no figures for earlier comparison.
4. In Europe, the number of lower courts of general jurisdiction fell by 10% and specialist courthouses by 3% (Council of Europe, 2024). In France, 36% of all district courts were closed between 2000 and 2016, with 160 small cities losing a courthouse (Baudet-Michel et al., 2021). Where court management remained local or at state level, central government was less able to effect closures (see, for example, the Trump Administration's wanted to sell some state courthouses, yet the public outcry prompted an immediate withdrawal of the announcement, Raymond, 2025).
5. The MoJ repeated this tactic in 2012, when it abolished the Courts Inspectorate, set up in 2003 to oversee HMCS and the courts. Its consultation on abolition received 18 responses, only 6 in support. Concerns were that a key government body would operate under no independent scrutiny, yet the MoJ found 'no compelling argument within the consultation responses to change its proposal to abolish' (Lord McNally, 2012, Col GC109).
6. Millions had already been wasted by Fujitsu, the company behind the previous failed IT revolution across courts (and the Post Office) (NAO, 2003; HMICA, 2007). The Chairman of the Public Accounts Committee described the Libra project as 'one of the worst IT projects I have ever seen. It may also be the shoddiest PFI project ever' (Collins, 2003; Collins, 2011; House of Commons Public Administration Select Committee, 2011).

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