

Title: Magistrates' Courts Act 1980 (Automatic Online Conviction and Standard Statutory Penalty) (Specification of Offences and Penalties) Regulations 2024 IA No: MoJ068/2023 RPC Reference No: N/A Lead department or agency: Ministry of Justice (MoJ) Other departments or agencies: HM Courts & Tribunals Service (HMCTS)	Impact Assessment (IA)			
	Date: 04/12/2023			
	Stage: Final			
	Source of intervention: Domestic			
	Type of measure: Secondary legislation			
Contact for enquiries: Shreya.Masters@justice.gov.uk Zoe.Scandrett@justice.gov.uk				

Summary: Intervention and Options	RPC Opinion: N/A
--	-------------------------

Cost of Preferred (or more likely) Option (in 2023/24 prices)

Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
£0.02m	£m	£m	Non-Qualifying provision

What is the problem under consideration? Why is government action or intervention necessary?

Many processes and procedures in the courts fail to take advantage of new and emerging technologies, preventing the criminal court system from increasing the efficiency of the progression and resolution of criminal cases and from providing new and intuitive ways for people to engage with its processes. In the magistrates' court many cases that involve summary-only, non-imprisonable offences with no individual victim are eligible for the Single Justice Procedure (SJP), which allows one magistrate to handle the case on the papers rather than conduct proceedings at a hearing. In the simplest of these cases, and where the defendant pleads guilty, the government can make greater use of technology by diverting such cases through the Automatic Online Convictions and Penalties (AOC) procedure. Such cases will progress more quickly through an automated online process without the involvement of a magistrate or legal advisor, allowing their time to be devoted to more serious issues. Government intervention is needed as specifying the offences to be included under the AOC requires secondary legislation.

What are the policy objectives of the action or intervention and the intended effects?

This policy is part of a wider package of measures aimed at providing a more efficient, digitised service to defendants and prosecutors for certain low-level cases (offences will be specified in these regulations). AOC will allow defendants to resolve their cases entirely online, faster, and more easily, with certainty of the penalty imposed and the ability to pay it immediately, and without the involvement of the court. Magistrates and legal advisors will spend less time on this routine work, allowing their time to be focused on more complex cases. The policy also reflects broader departmental objectives of digitising services.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

The following options have been assessed:

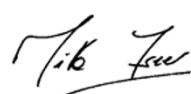
- Option 0: Do nothing:** Continue to channel all eligible cases through the Single Justice Procedure.
- Option 1: Implement the Automatic Online Conviction and Penalties procedure for appropriate cases (eligible offences will be specified in regulations).**

Option 1 is the preferred option as it best meets the policy objectives.

Will the policy be reviewed? It will be reviewed. **If applicable, set review date:** Within two years of implementation.

Does implementation go beyond minimum EU requirements?	No			
Is this measure likely to impact on international trade and investment?	No			
Are any of these organisations in scope?	Micro No	Small No	Medium No	Large No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded: N/A		Non-traded: N/A	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:  Date: 30.11.23

Summary: Analysis & Evidence

Policy Option 1

Description: Implement the Automatic Online Conviction and Penalties procedure for appropriate cases (eligible offences will be specified in regulations).

FULL ECONOMIC ASSESSMENT

Price Base Year 23/24	PV Base Year 23/24	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: 0.02

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	N/A	N/A	N/A

Description and scale of key monetised costs by 'main affected groups'

There will be an estimated £0.2m reduction in fine and victim surcharge income to the MoJ per annum because the cases proceeded through the AOCPP procedure would move from an individually means-tested fine, to a flat fine for the specified offences. This reduction in fine income is an economic transfer as it involves the transfer of resources between groups and does not involve the consumption of resources.

Other key non-monetised costs by 'main affected groups'

Costs are expected for HMCTS associated with the development and maintenance of the online conviction/standard penalty supporting IT, and ongoing costs of defendant support i.e., Assisted Digital. These costs have not been quantified because they cannot be disaggregated from the wider costs of digitising services across the court landscape.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	N/A	0.002	0.02

Description and scale of key monetised benefits by 'main affected groups'

There will be an estimated £0.2m transfer to offenders by way of a reduction in the fine and victim surcharge amounts paid by offenders per annum. HMCTS will accrue £2k efficiency savings per annum from cases being removed from the magistrate's court, resulting in the reduction in magistrates and court staff's workload.

Other key non-monetised benefits by 'main affected groups'

HMCTS will also benefit from efficiencies. These savings are likely to be relatively small given the number of cases and the efficiency of the SJP. There will be additional benefits to the defendants i.e., swifter process and certainty about outcome.

Key assumptions/sensitivities/risks	Discount rate (%)	N/A
--	--------------------------	-----

- Fines will be set at the overall median of fines currently imposed for each offence group.
- Offender behaviour regarding opt-in rates will remain constant over the appraisal period. Sensitivity analysis has been carried out to show the change in imposition loss should the opt-in rates change.
- The amount of compensation sought via the AOCPP procedure will remain consistent with compensation sought in SJP cases.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m: N/A			Score for Business Impact Target (qualifying provisions only) £m: N/A
Costs: N/A	Benefits: N/A	Net: N/A	

Evidence Base

A. Background

Modernisation of the criminal court system in England and Wales

1. There have been two notable reviews of the criminal court system in England and Wales in recent decades; Sir Robin Auld in his 'Review of the Criminal Courts (2001)' and Sir Brian Leveson in his 'Review of Efficiency in Criminal Proceedings (2015)'. Both of these reviews identified improvements that could be made to the structure, processes, and efficiency of the criminal justice system.
2. In September 2016, the then Government published a consultation paper titled 'Transforming our Justice System', which was released in tandem with a joint statement by the Lord Chancellor, Lord Chief Justice of England and Wales, and the Senior President of Tribunals. The joint statement described plans for a modern court system, shared by the Government and senior judiciary, stating 'the vision is to modernise and upgrade our justice system so that it works even better for everyone, from judges and legal professionals, to witnesses, litigants and the vulnerable victims of crime.' The statement also identified a number of 'real challenges' that still remain in the justice system through inefficient and outdated processes.
3. Approximately 980,000 criminal cases a year involve summary-only, non-imprisonable offences where there is no identifiable victim. This is 78% of all cases heard in the magistrates' courts. Many defendants in these cases already choose to enter their guilty plea by post or online and to have their case resolved outside of a court hearing in their absence via the Single Justice Procedure (SJP).
4. The SJP is initiated by sending an adult defendant a single justice procedure notice. It provides a defendant who is prosecuted for a non-imprisonable summary-only offence with an optional online service enabling them to indicate a binding guilty plea in writing/online and to subsequently opt for a single magistrate, sitting with a legal adviser, to convict and sentence the case "on the papers", without the need for a court hearing. The SJP enables the magistrates' court to deal with a higher volume of cases because they can be dealt with outside of regular court days and hours (with costs still awarded), and to save on prosecutor, magistrate, usher, and courtroom resources on account of there being no traditional courtroom hearing taking place. Should a defendant plead not guilty, request a hearing, or a magistrate decide that a case is not appropriate to be dealt with under the SJP, the case will be listed for a magistrates' court hearing.
5. Under the SJP, the magistrate ensures the prosecutor has submitted appropriate evidence to prove the charge alleged, and that the defendant has either pleaded guilty or failed to respond to the charge. The magistrate will then decide the appropriate sentence based on the seriousness of the offence and the defendant's means, up to the maximum financial penalty available for the offence. Under the SJP the magistrate can take into account aggravating and mitigating factors when determining the seriousness of the offence, in line with Sentencing Guidelines. The SJP also allows for prosecutors' costs and compensation to be altered should the justice see fit. Magistrates have oversight from a legal advisor who enters the sentence into HMCTS systems where it is sent to the defendant.
6. Defendants who plead not guilty are not dealt with by the SJP and are listed for summary trial before a bench of magistrates in open court. Magistrates can also list cases that come to them via the SJP for a court hearing should they deem it appropriate.

Problem under consideration Single Justice Procedure

7. The HMCTS Reform Programme aims to modernise the justice system to make it more straightforward, accessible, and efficient for all users. Whilst the SJP removes the simplest of cases from requiring a court hearing, the process still takes time – up to 35 days from initiation of the prosecution – and requires the attention of a magistrate and legal adviser.

8. Many court cases are relatively simple and can be resolved without the involvement of the court at all, saving time and effort for the defendant and alleviating pressure on the court system. In turn this would allow magistrates and court staff to focus on more complex cases.
9. The 'Transforming our Justice System' paper was used to consult on whether an automatic online conviction and statutory standard penalty should be introduced. The consultation asked whether respondents agreed with the principle of a statutory penalty process for those who enter an online guilty plea to summary, non-imprisonable offences, if they are content to proceed with the process. While most respondents agreed with this proposal, 20% of respondents disagreed and reasons given included concern with the lack of judicial involvement in the procedure and concern that defendants should 'have their day in court'.
10. In response, the government reiterated that primary legislation limits the offences which can be prosecuted via the procedure to summary, non-imprisonable offences only. Additionally, only defendants who chose to plead guilty, offer no mitigating circumstances and opt into the automated process could choose to be prosecuted through this procedure and it will only apply to defendants over the age of 18. On that basis, the government legislated, as part of the Judicial Review and Courts Act 2022, to enable cases specified in regulation to progress swiftly through an entirely automated process which issues a predetermined standard penalty on entering a guilty plea, so removing the need for a magistrate to be involved.
11. Under the option considered in this IA a limited group of offences can be prosecuted through this alternative AOCPP procedure. In line with the consultation noted above, the new system will initially be applied to the following offences:
 - a. failure to produce a ticket for travel on a train;
 - b. failure to produce a ticket for travel on a tram; and
 - c. fishing without a rod fishing licence.

B. Policy Rationale and Objectives

Policy Rationale

12. The conventional economic approaches to Government intervention are based on efficiency or equity arguments. Governments may consider intervening if there are strong enough failures in the way markets operate (e.g., monopolies overcharging consumers) or there are strong enough failures in existing Government interventions (e.g. waste generated by misdirected rules), where the proposed new interventions avoid creating a further set of disproportionate costs and distortions. The Government may also intervene for equity (fairness) and distributional reasons (e.g., to reallocate goods and services to more vulnerable groups in society).
13. The primary rationale for intervention in this instance is efficiency: the AOCPP will promote this by reducing the burden on magistrates' time from the simplest of cases leading to a more efficient use of their time. The intention is that by starting with a small number of offences, and following a review two years after implementation, further offences can be introduced to the AOCPP procedure, creating greater improvements to the efficiency of the court.

Policy Objectives

14. The associated policy objectives are to:
 - Provide a more efficient, quicker, digitised service to defendants and prosecutors in low-level cases: this process will allow defendants to resolve their cases entirely online, faster and more easily, with certainty of the penalty imposed and the ability to pay it immediately. Consequently, magistrates and legal advisors will spend less time on this routine work, allowing their time to be focused on more complex cases.

- Introduce a new way of administering criminal justice and constitute one of the initiatives which will contribute to modern, quick, digitised justice services.
- Provide a more proportionate way of dealing with the lowest level prosecutions which are key in modernising the justice system and bringing it into line with an increasingly digital world.

C. Affected Stakeholder Groups, Organisations and Sectors

15. Below is a list of the main parties who would be affected by the option considered in this IA:

- Defendants – individuals accused of committing a non-imprisonable and summary only offence.
- HM Court and Tribunal Service (HMCTS) - which administers the criminal justice system.
- Magistrates – individuals who administer justice in Magistrate’s Courts.
- Legal Advisers – Individuals who advise magistrates on the law.
- Prosecutors – those who prosecute criminals on behalf of public bodies or private businesses, including the police.

D. Description of Options Considered

16. The following options are considered in this Impact Assessment (IA):

- **Option 0: Do nothing (base case):** Continue to channel all eligible cases through the Single Justice Procedure.
- **Option 1: Implement the Automatic Online Conviction and Penalties procedure for appropriate cases (eligible offences will be specified in regulations).**

17. Option 1 is the preferred option as it best meets the policy objectives.

Option 0

18. Under this option, all relevant cases would continue to be convicted and sentenced through the SJP. This option would not therefore meet the policy objectives.

Option 1

19. Under this option, the AOCPP procedure will enable cases specified in regulation to progress through an entirely automated process which issues a predetermined standard penalty on entering a guilty plea and removes the need for a magistrate to be involved. In line with the Government’s commitment during the passage of the Judicial Review and Courts Act 2022, the following three offences will initially be eligible for the AOCPP procedure:

- a. failure to produce a ticket for travel on a train;
- b. failure to produce a ticket for travel on a tram; and
- c. fishing without a rod fishing licence.

20. All relevant cases will be commenced in the same way as a SJP case. If the offence is specified in regulation, and the prosecutor considers the individual case is appropriate, the defendant will have the option of resolving their case via the automated process. Defendants who plead guilty and are offered this procedure will still have to actively opt in to confirm that they wish to use it: it is not a default. The defendant will also need to progress through a decision tree to confirm that they are pleading guilty; are content to have their case resolved via the automated process; and that they understand the financial implications of taking this option.

21. There will be some financial implications for the MoJ due to the standardised nature of the penalties imposed by this procedure. This is because the standard penalty will not be individually determined on the basis of the seriousness of the offence or the offender's means in the same way as is the case via the SJP.
22. For this reason, standard penalties will mean that lower-income defendants would benefit from opting out of the automated process, as the SJP or open court would be able to take their means into account when determining the penalty: differences between the way in which penalties would be set under the AOCPP, and under the SJP, will be made clear to the defendant in the course of the process¹. Contrastingly, higher-income defendants would benefit from opting-in to the automated process as consideration of their means via the SJP would likely result in higher penalties. However, the convenience, certainty, and quicker resolution of cases under AOCPP will be beneficial for the majority of defendants charged with any of the three specified offences.
23. The defendant will be able to opt out of the automated process and have the case dealt with by the SJP, or a full court as appropriate, at any point prior to accepting the conviction. The magistrates' court will also have the power to set aside a defendant's conviction and reconsider their penalty under certain circumstances (e.g. if it appears to the court that the conviction or penalty imposed is unjust).

E. Cost & Benefit Analysis

24. This IA follows the procedures and criteria set out in the Impact Assessment Guidance and is consistent with HM Treasury Green Book guidance.
25. Where possible, IAs identify both monetised and non-monetised impacts on individuals, groups and businesses in Great Britain with the aim of understanding what the overall impact on society might be from the proposals under consideration. IAs place a strong focus on monetisation of costs and benefits. There are often, however, important impacts which cannot sensibly be monetised. Impacts in this IA are therefore interpreted broadly, to include both monetisable and non-monetisable costs and benefits, with due weight given to those that are not monetised.
26. In this instance, most of the monetised costs and benefits set out below are economic transfers – that is to say, they involve the transfer of resources between groups rather than the consumption of real resources.
27. Where there are actual monetised economic benefits, such as efficiency savings, an NPV has been calculated. These impacts have been estimated as follows:
 - Price base year of 2023/24
 - 10-year appraisal period beginning of 2023/24
 - Discounting base year of 2023/24
28. In other instances, while some economic costs are considered, such as IT costs, it has not been possible to monetise these.

Option 1: Implement the Automatic Online Conviction and Penalties procedure for appropriate cases (eligible offences will be specified in regulations).

Costs of Option 1

Monetised costs

MoJ

29. Table 1 shows the standard penalties for the initial three offences in scope of Option 1:

Table 1: Option 1 Standard Penalties

¹ The system will inform users that this procedure is unlikely to be in their best interests if they have a low income.

Offence	Rail Fare Evasion	Fishing Offences	Tram Fare Evasion
Standard Penalty	£66	£123	£80

30. Individuals who would receive a below-standard fine under the SJP, and who may therefore choose not to accept the AOCPP option, are assumed to continue to go through the SJP and to receive the fine they otherwise would have done (i.e., a fine lower than the standard penalty for the offence).
31. Conversely, individuals who would receive an above-standard fine under the SJP are assumed to opt into the automated procedure and receive the standard penalty. This is because the standard penalty will be lower than the amount they would have been ordered to pay under the SJP. This will represent a loss in the total value of impositions for the MoJ.
32. Table 2 below presents the best estimate of the opt-in rates for people who do engage, based on the assumptions described above, and the associated volumes:

Table 2: Option 1 Opt-in Rate

Offence	Rail Fare Evasion	Fishing Offences	Tram Fare Evasion	Total
Opt-in rate (amongst those that engage)	50%	50%	44%	-
Volumes of cases that opt-in	1,180	220	20	1,420

33. Table 3 below presents the estimated loss in the total value of fine impositions for each offence:

Table 3: Option 1 Fine Imposition Loss

Offence	Rail Fare Evasion	Fishing Offences	Tram Fare Evasion	Total
Annual fine imposition loss	£109,000	£9,000	£2,000	£120,000

34. In practice, some defendants who would receive a fine under the SJP which is lower than the standard fine but is within a certain margin of it, might opt in because the standard fine through AOCPP is affordable and the benefits of the speed and certainty of the automatic process is worth more to them than the time spent submitting mitigation and financial information, and waiting for the magistrates' decision and resolution of their case. If this were to occur, the loss of fine impositions to the MoJ would decrease.
35. In addition to the fine imposition, offenders pay a victim surcharge of 40% of the fines imposed. Therefore, if the total value of the fine reduces so will the victim surcharge, representing an additional loss in the total value of imposition to the MoJ. Table 4 below presents the estimated loss in the total value of victim surcharge impositions for each offence:

Table 4: Option 1 Victim Surcharge Imposition Loss

Offence	Rail Fare Evasion	Fishing Offence	Tram Fare Evasion	Total
Annual surcharge imposition loss	£43,000	£4,000	£1,000	£48,000

36. The total value of lost impositions for each offence are represented in Table 5 below:

Table 5: Option 1 total imposition loss

Offence	Rail Fare Evasion	Fishing Offence	Tram Fare Evasion	Total
---------	-------------------	-----------------	-------------------	-------

Total Imposition Loss (£)	£152,000	£13,000	£3,000	£168,000
Annual Imposition Loss (£m)	0.15	0.01	0.003	0.17

37. In summary, Option 1 will result in an annual loss of fine and victim surcharge income to HMCTS of around £0.17m.

Non-monetised costs

HMCTS

38. The AOCPS systems are already in place. Once the offences are introduced, there will be ongoing IT costs to HMCTS for operation and maintenance of the online system, and ongoing costs of defendant support i.e. Assisted Digital. However, as it is not possible to isolate these costs from the wider cost of digitising and modernisation under the HMCTS reform programme, they cannot be monetised.

39. The AOCPS will not be means tested. This benefits those with higher incomes more than those with lower incomes via the reductions in financial penalty received. Such outcomes may be perceived to be unfair. We have considered this distributional effect a non-monetisable cost of Option 1. However, the AOCPS will remain beneficial to the majority of defendants through the convenience of resolving the matter online and with certainty of the penalty from the outset. Those who cannot afford the standard penalty can opt out of the AOCPS.

Benefits of Option 1

Monetised Benefits

Defendants

40. The estimated annual reduction in fine and victim surcharge income to the MOJ due to people opting into the new AOCPS procedure would result in a transfer from the MoJ to defendants of £0.17m.

HMCTS

41. Efficiency savings, in the form of reduced staff costs, are expected as a result of sentencing approximately 1,420 offenders annually through the online system instead of the SJP. The time saved for magistrates and legal advisers from no longer processing these offenders through the SJP is estimated to save approximately £2,300 per year. These savings will not be cashable as we expect staff time to be used on other more complex cases.

Non-Monetised Benefits

HMCTS

42. The ease of access of the online system, coupled with the certainty of the fine amount to be issued, may increase the rate of engagement from defendants. Once a defendant has accepted a conviction in the knowledge of the resulting penalty, they will be given the option to pay the penalty there and then online. This simple way of resolving their case may encourage defendants to pay their penalty immediately, leading to improved fine collection rates and reduced enforcement costs. Given the uncertainty around any change in behaviour, it is not possible to monetise this impact.

Defendants

43. The AOCPS procedure will allow defendants who opt into it to resolve their case more quickly than through the SJP. SJP cases can take up to 35 days to be processed, a timeframe which is out of the defendant's control, whereas the defendant will be able to complete the proposed new online process,

including payment of the penalty as soon as they receive the written notice of the charges against them.

44. This procedure will also give defendants certainty of the penalty that will be imposed on them before they accept the conviction.
45. Therefore, while the SJP already enables defendants to resolve their case without travelling to court, the AOCPP procedure offers defendants greater choice and greater control over the process, as well as enabling them to resolve the matter immediately and with certainty of the results if they choose to plead guilty.
46. In summary, the NPV of the efficiency savings over a 10-year period is estimated to be £0.02m.

F. Risks, Assumptions & Sensitivity Analysis

47. The key assumptions behind the cost benefit analysis presented in this IA are described below. Where applicable, sensitivity analysis is also presented.

Assumptions

48. The impacts in this IA are based on the following assumptions:
 - The implementation date of Option 1 is March 2024. Any changes to implementation will not have any negative impacts.
 - Offender behaviour regarding opt-in rates, as set out in table 2, will remain constant over the appraisal period. Changes in behaviour for higher opt-in rates amongst the lower-income cohort could result in reduced income loss for the MoJ.
 - The fine element of the standard statutory penalty will be set at the overall median of fines imposed for each offence group. This level is assumed to remain constant over the appraisal period.
 - Volumes and impositions are based on 2021/22 data and are assumed to remain constant over the appraisal period. Any changes could impact the projected income loss for the MoJ.
 - Offenders who do not currently engage with the SJP would not engage with the AOCPP procedure. Changes could impact the projected income loss to the MoJ.
49. Only fines from respondents are in-scope for this analysis, as it has been assumed that this is the group that will choose to engage and use the new AOCPP. Fines from non-respondents are out of scope as they do not engage with the existing process, and it has been assumed this will continue under the new procedure.
50. Compensation orders can be imposed by courts in cases where personal injury, loss or damage has resulted from the offence, including the offences specified in this SI. Compensation can be paid to individuals or organisations and are paid directly by the offender. There is no maximum cap on the amount of compensation that can be imposed and is therefore set at the amount the court considers appropriate based on the case and means of the offender.
51. Under the AOCPP, the compensation amount sought for each case will be determined by prosecutors and must not exceed the maximum of £10 as set out in the regulation. It is assumed that the amount of compensation sought via the AOCPP will remain consistent with compensation sought in SJP cases. Therefore, regarding compensation, neither offenders nor victims are expected to be impacted under the AOCPP. However, if the decisions made by prosecutors about the amount of compensation to be

paid under the AOCPP were to differ from those made in SJP cases, then offenders paying compensation and victims receiving compensation (individuals or organisations) will be impacted.

Sensitivity Analysis

52. The key assumption in the analysis for Option 1 is the opt-in rates for each of the offence groups, based on the threshold at which a defendant would opt in or opt out. Our best estimate assumes that a defendant would not opt in if their fine under the SJP is likely to be lower than the statutory penalty. This sensitivity analysis presents several lower thresholds such that some of these defendants would choose to opt in (for the benefit of speed and certainty), demonstrating how it affects opt-in rates and total imposition loss.

53. Table 6 below shows how reducing the threshold above which defendants opt into the AOCPP procedure would increase the opt-in rate for each offence group:

Table 6: Option 1 Reduction in Fine Threshold – Opt-in Rate

Offence/Reduction in fine threshold	Rail Fare Evasion	Fishing Offences	Tram Fare Evasion
£0	50%	50%	44%
-£10	57%	55%	53%
-£30	94%	70%	58%
-£50	99%	75%	96%

54. Table 7 below illustrates how lowering the fine level at which defendants opt into the AOCPP procedure would reduce the total imposition loss.

Table 7: Option 1 Reduction in Fine Threshold – Imposition Loss

Opt-in fine reduction	£0	-£10	-£30	-£50
Total Imposition Loss (£m)	0.17	0.19	0.24	0.32

55. In practice, some defendants who would receive a fine under the SJP which is lower than the standard fine but is within a certain margin of it, might opt in because the standard fine through AOCPP is affordable and the benefits of the speed and certainty of the automatic process is worth more to them than the time spent submitting mitigation and personal financial information, and waiting for the magistrates' decision and resolution of their case. If this were to occur, the loss of total impositions to the MoJ would decrease in all scenarios of the reduction in the fine threshold.

G. Wider Impacts

Equalities

55. An Equality Statement has been published alongside this IA.

Better Regulation

56. This proposal is not considered to be qualifying regulatory provisions and are out of scope of the Small Business Enterprise and Employment Act 2015.

Environmental Impact

57. We expect there to be no environmental impacts as a result of the options within this IA.

H. Monitoring and Evaluation

58. We have taken responses to the consultation on this matter² into account and have used this feedback to help determine appropriate offences, and to help ensure our safeguards are effective.
59. We will evaluate the performance within two years of the provision being implemented with the first tranche of offences before proceeding to potentially introduce new offences to the procedure, including looking carefully at outcomes for defendants, and impact on fine income.

2

<https://www.gov.uk/government/consultations/transforming-our-courts-and-tribunals>, paras 16-38