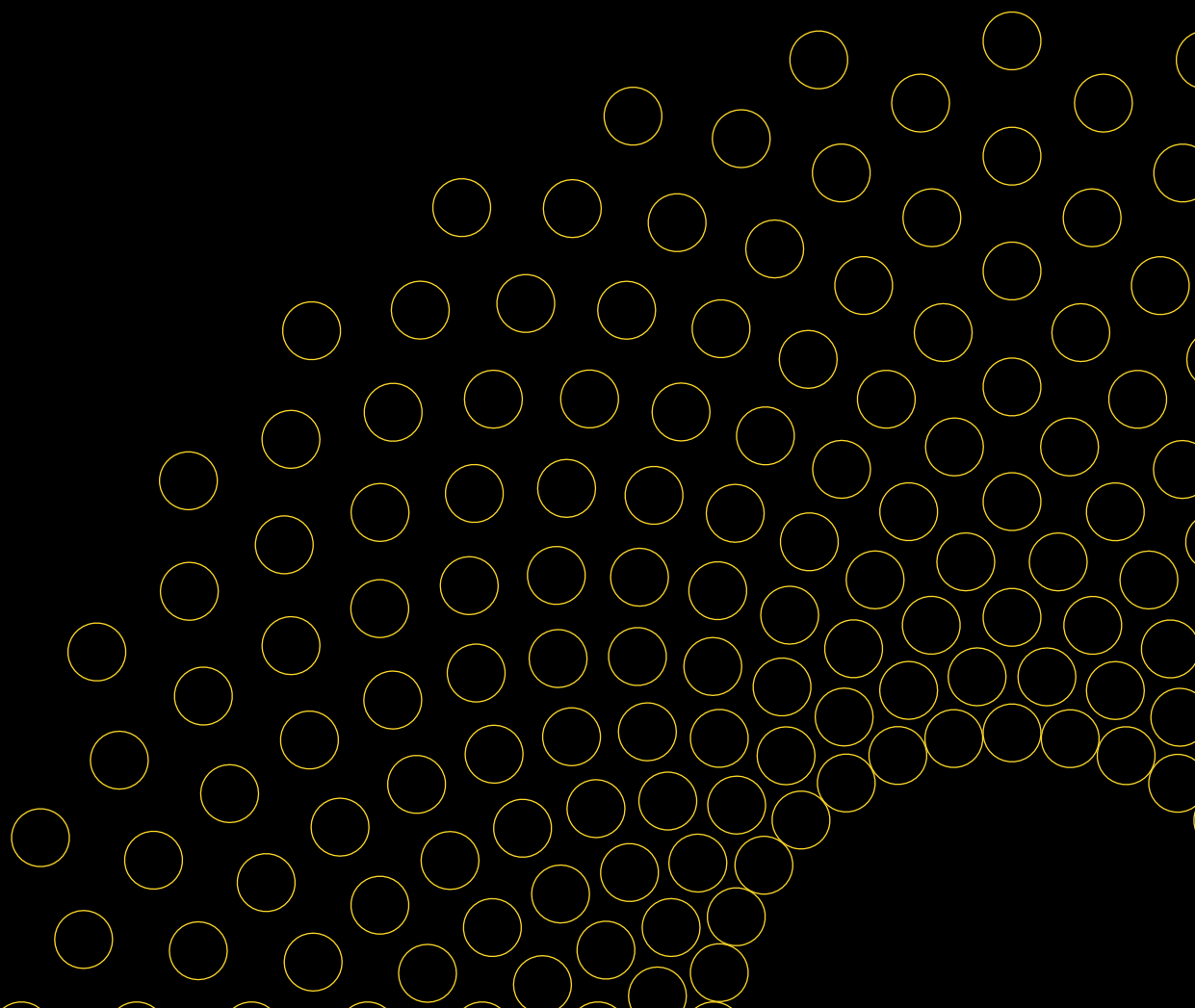




Ministry of
JUSTICE

Judicial and Court Statistics 2008



Ministry of Justice

Judicial and Court Statistics 2008

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ERRATUM

Table 6.15, page 130

It has been identified that in Cm 7697 Judicial Court Statistics 2008, an error was made in the extraction of data from the Crown Court case recording system when these statistics were produced for the years 2004 to 2008.

This has now been corrected (see following page).

Small revisions have also been made to the number of defendants dealt with having been sent for trial in the timeliness statistics, which simply reflect updates to the live case recording system since the data were previously produced. The average waiting time statistics for "sent for trial" cases, and all the waiting time statistics for other Crown Court case types, were not affected by this error.

January 2010
LONDON: THE STATIONERY OFFICE

Table 6.15
Crown Court
Average waiting times for defendants dealt with¹ having been sent for trial, by plea and remand type, England and Wales, 2000-2008

Year	All defendants dealt with						By Plea						By Remand status ³																	
	Defendants pleading not guilty ²			Defendants pleading guilty (to all counts)			Defendants remanded in custody			Defendants remanded on bail			Defendants pleading not guilty ²			Defendants pleading guilty (to all counts)			Defendants remanded in custody			Defendants remanded on bail								
	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks						
2004 (r)	31,575	19.2	76%	13,541	24.7	63%	18,034	15.0	86%	14,986	16.4	84%	16,589	21.7	70%	30,584	19.5	76%	11,936	26.3	61%	18,648	15.1	86%	14,681	16.7	83%	15,903	22.0	70%
2005 (r)	30,584	19.5	76%	11,936	26.3	61%	18,648	15.1	86%	14,681	16.7	83%	15,903	22.0	70%	31,959	20.5	73%	11,349	28.6	53%	20,610	16.0	84%	15,657	17.3	82%	16,302	23.5	65%
2006 (r)	31,959	20.5	73%	11,349	28.6	53%	20,610	16.0	84%	15,657	17.3	82%	16,302	23.5	65%	34,631	19.2	76%	10,980	28.6	54%	23,651	14.9	86%	17,571	15.3	86%	17,060	23.2	66%
2007 (r)	34,631	19.2	76%	10,980	28.6	54%	23,651	14.9	86%	17,571	15.3	86%	17,060	23.2	66%	35,948	18.6	78%	10,902	28.7	55%	25,046	14.2	88%	19,003	15.1	87%	16,945	22.5	68%
2008 (r)	35,948	18.6	78%	10,902	28.7	55%	25,046	14.2	88%	19,003	15.1	87%	16,945	22.5	68%															

Source

HM Courts Service CREST system

Notes

- 1 - Excludes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results
- 2 - Includes cases where defendants plead not guilty to all counts and also cases where defendants plead not guilty to some counts
- 3 - This is represented by a defendant's remand status at the start of the first main hearing



Judicial and Court Statistics 2008

Presented to Parliament

by the Lord Chancellor and Secretary of State for Justice

by Command of Her Majesty

September 2009

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Introductory Note

This Ministry of Justice report “Judicial and Court Statistics 2008”, presents a comprehensive set of statistics on judicial and court activity in England and Wales during 2008. This report was formerly entitled “Judicial Statistics” (for the 2005 edition and earlier years) and was published by the Department for Constitutional Affairs and its predecessors.

Please direct any feedback or questions you may have about “Judicial and Court Statistics 2008” to the contact point given at the start of Annex A.

Statistics on the work of the Tribunals Service and the Tribunals judiciary are not included in this report. Detailed information can be found separately in Tribunals Service annual report, available at the following website:

<http://www.tribunals.gov.uk/Tribunals/Publications/publications.htm>

If you have a specific query regarding statistics for the Tribunals Service, please contact: TSStats@tribunals.gsi.gov.uk

Appellate Courts

Key findings for 2008

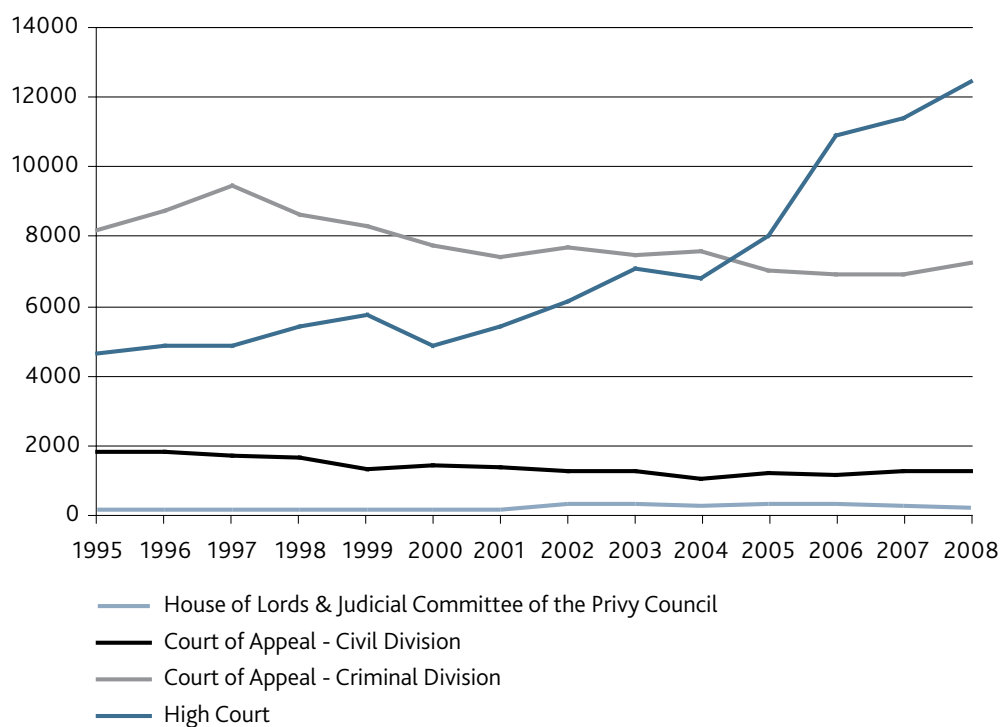
- A total of 33 appeals were entered, and 58 disposed of by the Judicial Committee of the Privy Council during the year, compared to 97 and 71 for 2007 respectively (Table 1.1).
- 71 appeals were presented to, and 96 disposed of by the House of Lords (Table 1.4).
- Of the appeals heard by the Court of Appeal Criminal Division, 43% against conviction and 75% against sentence were allowed (Table 1.7).
- In the Civil Division of the Court of Appeal 1,215 final appeals were disposed of, 44% of which were allowed (Table 1.8).
- In the High Court Queen's Bench Division, of the 462 substantive applications for judicial review disposed of in 2008, 43% (199) were allowed (Table 1.12).
- In the High Court Family Division, of the 43 appeals disposed of in 2008, 30% (13) were allowed or varied (Table 1.15).

Chapter 1: Appellate Courts

The various appellate courts are:

- **The Judicial Committee of the Privy Council** – the final Court of Appeal for 23 Commonwealth territories and 4 independent Republics within the Commonwealth
- **The House of Lords** – the supreme Court of Appeal in the United Kingdom
- **The Court of Appeal** – divided into the *Criminal Division* hearing appeals from the Crown Court and Courts Martial, and the *Civil Division* hearing appeals mainly against decisions in the High Court and county courts
- **The High Court** – has three Divisions, Chancery Division (Chapter 2), Queen’s Bench Division (Chapter 3) and Family Division (Chapter 5), each of which handles different types of civil work. It exercises an appellate jurisdiction through its three Divisions in such matters as bankruptcy, judicial review, ‘case stated’ (ruling whether a court or tribunal was wrong in law or in excess of its jurisdiction) and appeals from magistrates’ courts in domestic matters including orders involving children.

Appellate Courts: Appeals entered, 1995–2008



The Judicial Committee of the Privy Council

The Judicial Committee of the Privy Council was given its name and established on its present statutory footing by the Judicial Committee Act 1833. However, the origins of its overseas jurisdiction go back to medieval times when the Sovereign sought his Privy Council's advice on disputes arising in the Channel Islands. Today, the Judicial Committee of the Privy Council has both a Commonwealth and a domestic jurisdiction.

In its Commonwealth jurisdiction, which is by far the largest part of its work, the Judicial Committee hears appeals from those independent Commonwealth countries which have retained the appeal to Her Majesty in Council or, in the case of Republics, to the Judicial Committee itself. It also hears appeals from the United Kingdom overseas territories. By agreement with the Sultan of Brunei, the Committee can hear appeals from the Brunei Court of Appeal, but in civil matters only, and gives its advice to the Sultan.

The Judicial Committee's domestic jurisdiction has four main elements:

- (a) appeals and references under the devolution statutes of 1998, which give the Judicial Committee jurisdiction to hear and determine "devolution issues", i.e. issues as to the functions and powers of the devolved legislative and executive authorities established in Scotland, Northern Ireland and Wales
- (b) appeals from the Channel Islands and Isle of Man, which are analogous to Commonwealth appeals and are dealt with under the same rules
- (c) appeals under the Veterinary Surgeons Act 1966 from decisions of the Disciplinary Committee of the Royal College of Veterinary Surgeons; until April 2003, appeals also lay from the professional conduct and other committees of the bodies governing the medical, dental and other health-care professions as well, but these now lie to the High Court
- (d) appeals against pastoral schemes under the Pastoral Measure 1983.

Leave to appeal to the Judicial Committee of the Privy Council is usually required. For Commonwealth civil appeals, leave can in many cases be granted by the Court of Appeal of the country or territory concerned. For Commonwealth criminal appeals, leave to appeal cannot be given by the Court of Appeal except where a question of constitutional interpretation arises. Leave to appeal is not required for devolution appeals from the Inner House of the Scottish Court of Session or appeals under the Veterinary Surgeons Act 1966. Where leave to appeal is required and cannot be given or has been refused by the Court of Appeal, the would-be appellant may apply by way of petition to the Judicial Committee for special leave to appeal. All petitions are dealt with on the papers unless they are referred for an oral hearing.

Commonwealth appeals and devolution appeals and references are normally heard by a board of five members of the Judicial Committee; other appeals and petitions are normally dealt with by a Board of three, which is the quorum.

More information about the Judicial Committee and its work, including the full text of recent judgments and statistics for 1996–2008, can be found on the Privy Council Office website, at <http://www.privy-council.org.uk>.

There may be an eventual decline in the Judicial Committee's volume of work. New Zealand, one of the largest single sources of appeals, legislated in 2003 to abolish appeals to the Privy Council. The Caribbean Court of Justice, which has now been established will take over the Judicial Committee's appellate jurisdiction in respect of some of the Commonwealth countries in the Caribbean. Finally, under the Government's proposals for a new Supreme Court for the United Kingdom, the devolution jurisdiction of the Judicial Committee will be transferred to the Supreme Court, although the Judicial Committee and its jurisdiction will otherwise be unaffected. However, the Judicial Committee still receives a substantial number of appeals from its constituent jurisdictions and sits nearly every day during term-time.

Summary caseload statistics on the work of the Judicial Committee of the Privy Council are shown in [Tables 1.1](#) and [1.2](#).

The House of Lords

The House of Lords is the final court of appeal in the United Kingdom. The judicial function of the House is exercised by twelve Lords of Appeal in Ordinary ("law lords"), together with other Lords of Appeal as required. The law lords are full time professional judges who alone carry out the House's judicial function, and their work must be distinguished from that of the House in its legislative capacity.

The House hears appeals on arguable points of law of general public importance which ought to be considered by the House at that time, bearing in mind that the causes will have already been the subject of judicial decision.

Practice directions and Standing Orders governing the procedures applicable to civil and criminal appeals in the House of Lords are set out in the Red and Blue Books, which are published by the House of Lords and provided free of charge by the Judicial Office. They can also be found on the website of the United Kingdom Parliament at www.parliament.uk.

The judicial business of the House is administered by the Judicial Office, which is part of the House of Lords administration. Judgments of the House can be found on the internet at www.parliament.uk. Further information about the role and work of the law lords can also be found on this site.

On 12 June 2003, the Government announced its intention to transfer the judicial function of the House of Lords to a new Supreme Court. Statutory provision for this change, which is due to come into effect in autumn 2009, was made by the Constitutional Reform Act 2005.

Civil appeals

An appeal lies to the House of Lords:

- (1) from any order or judgment of the Court of Appeal in England and Wales, with the permission of that court or, if refused, by leave of the House of Lords, subject to restrictions in respect of specific matters;
- (2) subject to statutory restrictions, direct from a decision of the High Court of Justice in England and Wales by leave of the House of Lords;
- (3) from any order or judgment of the Court of Appeal in Northern Ireland, with the permission of that court or, if refused, by leave of the House of Lords, subject to restrictions in respect of specific matters;
- (4) subject to statutory restrictions, direct from a decision of the High Court of Justice in Northern Ireland by leave of the House of Lords,
- (5) from the Inner House of the Court of Session in Scotland against a judgment on the whole merits of a cause. No leave required;
- (6) from the Inner House of the Court of Session against an interlocutory judgment where there is a difference of opinion among the judges. No leave required;
- (7) from the Inner House of the Court of Session where the interlocutory judgment is one sustaining a dilatory defence and dismissing the action. No leave required;
- (8) from the Inner House of the Court of Session against any other interlocutory judgments (excluding those listed in (6) and (7) above) with the leave of the Inner House of the Court of Session;
- (9) from an interlocutor of the Court of Session granting or refusing a new trial. No leave required;
- (10) from an interlocutor of a Lord Ordinary after review by the Inner House of the Court of Session;
- (11) from judgments of the Court of Session under section 27 of the Court of Session Act 1988 relating to special cases (subject to certain restrictions); and
- (12) from any order or judgment of any court in Scotland from which error or appeal lay on or immediately before 1 November 1876 by common law or by statute.

Criminal appeals

An appeal lies, with leave, to the House of Lords at the instance of the defendant or the prosecutor:

- (1) from any decision of the Court of Appeal Criminal Division in England and Wales or the Court of Appeal in Northern Ireland on an appeal to that court;
- (2) from any decision of the Courts-Martial Appeal Court on an appeal to that court; and
- (3) from any decision of the High Court of Justice in England and Wales or of the High Court of Justice in Northern Ireland in a criminal cause or matter.

Leave may be granted by the court below or, if refused, by the House of Lords. Leave to appeal in a criminal cause or matter may only be granted if it is certified by the court below that a point of law of general public importance is involved in the decision of that court – and if it appears to that court or to the House that the point is one that ought to be considered by the House.

A certificate is not required for an appeal from a decision of the High Court in England and Wales or in Northern Ireland on a criminal application for habeas corpus, an appeal under s 5(4) of the Human Rights Act 1998, or in contempt of court cases where the decision of the court below was not a decision on appeal.

No appeal lies to the House of Lords from the High Court of Justiciary in Scotland.

Petitions for leave to appeal

Petitions for leave to appeal (i.e. applications for permission to appeal) are referred to an Appeal Committee of three Lords of Appeal in Ordinary. Leave to appeal is usually determined on the basis of written submissions by the parties, but the Committee may decide to hold a hearing so that counsel can make oral submissions, also before the Appeal Committee makes a final decision on the application for leave.

During 2008, 207 petitions for leave to appeal were presented, and 207 were disposed of, of which 52 were allowed outright. See [Table 1.3](#) for more information.

Petitions of appeal

Appeals are heard by Appellate Committees, usually consisting of five Lords of Appeal sitting in a committee room of the House. Appeals can be heard in the House itself but this happens very rarely. Hearings typically last two days. After the hearing, each member of the Committee writes his or her opinion, and the Committee reports these to the House at a sitting for judicial business, with counsel attending at the bar.

During 2008, 71 appeals were presented, of which 51 were from the Civil Division of the Court of Appeal of England and Wales. A total of 96 appeals were disposed of, of which 86 received judgment. See [Tables 1.4](#) and [1.5](#) for more information.

Court of Justice of the European Communities

During 2008, four cases were referred to the Court of Justice of the European Communities for a ruling and one determination was received. By the end of the year, there were seven references pending.

Days sat

The total number of days sat for judicial business was 127 in 2008 (compared to 122 in 2007). 123 days were sat to hear appeals, and 4 days were sat to hear petitions for leave. (Note: More than one judicial Committee may sit at the same time. This means that on a single sitting day the House may hear more than one petition for leave to appeal, may hear two appeals concurrently, or may hear an appeal as well as petitions for leave to appeal.)

The Court of Appeal

The Court of Appeal is divided into two Divisions, criminal and civil. Its courtrooms and offices are situated in the Royal Courts of Justice in London. The judges of the Court of Appeal are the Lord Chief Justice, the Master of the Rolls and 37 Lords Justices. The President of the Family Division and the Vice-Chancellor of the Chancery Division also sit there for part of their time.

The Criminal Division, presided over by the Lord Chief Justice and the Vice-President of the Criminal Division, hears appeals in criminal matters from the Crown Court. Courts are constituted from the Lord Chief Justice, Vice-President and Lords Justices, assisted by High Court judges as required.

The Civil Division, presided over by the Master of the Rolls, hears appeals mainly against decisions of the High Court and county courts and also of tribunals and certain other courts, such as the Patents Court. In the Civil Division, courts of two or three judges are normally constituted from the Master of the Rolls and the Lords Justices.

Criminal Division

During 2008, a total of 7,240 applications for leave to appeal were received, of which 1,588 were against conviction in the Crown Court and 5,422 against the sentence imposed. Of the applications for leave to appeal which were considered by a single judge, 21% (212) of those seeking to appeal against conviction were granted as were 33% (1,204) against sentence (25% and 33% respectively in 2007). 400 conviction applications and 670 sentence applications were renewed to the full Court. See [Table 1.6](#) for more information.

Of the appeals heard by the Full Court during 2008, 43% (188) appeals against conviction were allowed and 75% (1,567) appeals against sentence were allowed. See [Table 1.7](#) for more information.

Civil Division

The court has seen an increase in the number of final appeals issued from 1,145 in 2007 to 1,225 in 2008. There has also been an increase in the number of applications issued from 3,006 in 2007 to 3,294 in 2008. See [Tables 1.8 to 1.10](#) for more information.

The High Court

The three Divisions of the High Court exercise appellate jurisdiction in the following manner:

- (a) the Divisional Court of the Chancery Division hears appeals in revenue matters from the Commissioners of Taxes. All bankruptcy appeals from the county courts and from the High Court Registrars under the Insolvency Act 1986 are heard by a single judge of the Chancery Division.
- (b) the Divisional Court of the Queen's Bench Division and the Administrative Court nominated judges, exercise jurisdiction in respect of:
 - (i) Judicial Review
 - (ii) appeals by way of 'case stated'
 - (iii) habeas corpus
 - (iv) committal for contempt committed in an inferior court or elsewhere (but not in connection with proceedings in the High Court)
 - (v) appeals and applications under various statutory provisions including those on planning matters under the Town and Country Planning Acts
 - (vi) appeals and applications in disciplinary matters concerning healthcare professionals and others.
- (c) the Divisional Court of the Family Division hears appeals from magistrates' courts in a wide variety of domestic matters including orders involving children. The appeals are entered at the Principal Registry in London.

In the Administrative Court, supervisory jurisdiction, by way of judicial review, is exercised over the Crown Court (for matters not relating to trial on indictment), inferior courts and tribunals, and the actions and decisions of public bodies, Government ministers or other persons charged with the performance of public acts and duties. The remedy of judicial review is concerned with the legality and propriety of the decision-making process, as distinct from the merits of the decision in question. It is only appropriate when all other avenues of appeal have been exhausted. The Court exercises control when deemed appropriate by making what are known as 'prerogative orders'. These may for example command a person or body to perform a duty, prohibit an inferior court or tribunal from exceeding its jurisdiction, or quash the decision under challenge.

Appeals by way of case stated arise when a person is dissatisfied on a point of law with a decision of the Crown Court (for matters not relating to trial indictment), a magistrates' court or other tribunal. The court or tribunal concerned is required to 'state a case' by preparing a statement for the opinion of the High Court, giving the facts and the reason for the decision and setting out the question for the High Court.

An application for a writ of habeas corpus is usually made to the Divisional Court, but if no court is sitting a single judge may hear the matter. This procedure provides for a person detained in custody (e.g. in prison, police cell or elsewhere) to challenge the legality of his detention. If the imprisonment is found to be unlawful the court will order release, but otherwise the person concerned is returned to custody.

In 2005 a new jurisdiction was added by s103A of the Nationality Immigration and Asylum Act 2002 – power to order the Asylum and Immigration Tribunal to reconsider an appeal against a decision refusing asylum or other decision of the Border and Immigration Agency (previously known as the UK Immigration and Nationality Directorate).

Chancery Division

There was a large drop in the overall number of bankruptcy appeals after 2006 because, with effect from October 2006, all bankruptcy cases now require permission to appeal. The number of bankruptcy appeals from county courts (35) accounted for 66% of disposals in 2008. See [Table 1.11](#) for more information.

Administrative Court

A total of 7,169 applications for permission to apply for judicial review were received in the Administrative Court in 2008. 19% (914) of the total applications for permission to apply for judicial review considered in 2008 were granted. Of the 462 substantive applications for judicial review disposed of in 2008, 43% (199) were allowed, 53% (245) were dismissed and 4% (18) were withdrawn (see [Table 1.12](#)).

A total of 95 appeals by way of case stated were received in 2008, a decrease of 11% on the number received in 2007 (107). The vast majority of these, 76% (72) were appeals from magistrates' courts. Of the cases disposed of in 2008 (78), 49% (38) were allowed and 49% (38) were dismissed (see [Table 1.13](#)).

A total of 5,052 appeals and applications other than by way of judicial review and case stated were received in the Administrative Court during 2008, an increase of 12% on the total number received in 2007. 83% (4,201) of these were Reconsideration (s103a NIAA 2002) appeals (see [Table 1.14](#)).

Family Division

In the Family Division, 4 appeals against orders made on domestic matters were disposed of in 2008. Of these, one was allowed, two were dismissed and one was withdrawn or struck out – see [Table 1.15](#). During 2008, there were 51 appeals made under section 94 of the Children Act 1989, and 39 disposals. Of those disposed, 12 were allowed, 19 were dismissed and 8 were withdrawn or struck out.

Cases 'pending' for more than one year can be dismissed at the discretion of the President of the Family Division.

Table 1.1
Judicial Committee of the Privy Council
 Appeals entered and disposed of, showing results, 2008

Courts from which appeals were brought	Number of appeals						Appeals pending at end of year
	Number of appeals entered	Appeals disposed of, by result				Total	
		Dismissed after hearing	Varied after hearing	Allowed after hearing	Disposed without a hearing ¹		
<u>Overseas:</u>							
Anquilla	1	-	-	-	-	-	2
Antigua and Barbuda	4	2	-	1	-	3	2
The Bahamas	2	3	-	1	-	4	4
Belize	1	-	-	1	-	1	2
Bermuda	1	-	-	1	-	1	1
British Virgin Islands	3	1	-	3	-	4	2
Cayman Islands	-	1	-	-	-	1	1
Dominica	1	-	-	1	-	1	1
Gibraltar	2	1	-	-	-	1	2
Jamaica	4	3	-	2	-	5	3
Mauritius	1	6	-	6	-	12	-
New Zealand	1	-	-	-	-	-	1
St Christopher & Nevis	-	1	-	1	-	2	-
St Lucia	1	1	-	3	-	4	1
St Vincent and the Grenadines	-	2	-	-	-	2	-
Trinidad and Tobago	7	3	-	9	-	12	4
Turks & Caicos	1	-	-	-	-	-	2
<u>United Kingdom:</u>							
Appeals under the Scotland Act 1998	3	3	-	1	-	4	-
Appeals under the Veterinary Surgeons Act 1966	-	1	-	-	-	1	-
Total	33	28	-	30	-	58	28

Source:

Judicial Committee of the Privy Council

Notes:

1 Dismissed for non-prosecution or withdrawn

Table 1.2
Judicial committee of the Privy Council
 Petitions for special leave to appeal heard, granted and refused, 2008

Country or jurisdiction of origin	Number of petitions		
	Granted	Refused	Total number heard
Antigua and Barbuda	1	2	3
The Bahamas	2	-	2
Bermuda	-	1	1
British Virgin Islands	1	-	1
Cayman Islands	1	1	2
Dominica	1	-	1
Gibraltar	1	1	2
Grenada	8	-	8
Isle of Man	-	1	1
Jamaica	2	2	4
Jersey	1	-	1
Mauritius	2	3	5
Scotland Act 1998	4	3	7
St Lucia	-	1	1
Trinidad and Tobago	1	9	10
Turks and Caicos Islands	1	-	1
Total	26	24	50

Source:
 Judicial Committee of the Privy Council

Table 1.3
House of Lords
 Petitions for leave to appeal presented and disposed of, showing results, 2008

Courts from which appeals were brought	Number of petitions presented	Appeals disposed of, by result					Total disposals of
		Withdrawn	Allowed	Allowed on terms	Refused	Dismissed	
England and Wales							
<u>Court of Appeal</u>							
Civil	163	4	40	-	115	4	163
Criminal	19	-	8	-	11	-	19
<u>High Court</u>							
Civil	-	-	-	-	-	-	-
Criminal	8	-	2	-	6	-	8
Scotland							
Court of Session	-	-	-	-	-	-	-
Northern Ireland							
<u>Court of Appeal</u>							
Civil	14	-	2	1	11	-	14
Criminal	1	-	-	-	1	-	1
<u>High Court</u>							
Civil	2	-	-	-	2	-	2
Criminal	-	-	-	-	-	-	-
Other							
Courts Martial Appeal Court	-	-	-	-	-	-	-
Attorney General's reference	-	-	-	-	-	-	-
Total	207	4	52	1	146	4	207

Source:
House of Lords

Table 1.4
House of Lords
 Appeals presented and disposed of, showing results, 2008

Courts from which appeals were brought	Appeals presented	Appeals disposed of, by result			Total disposals
		Disposed without a judgment	Allowed	Dismissed	
		Number of petitions			
England and Wales					
<u>Court of Appeal</u>					
Civil	51	7	34	22	63
Criminal	7	-	7	3	10
<u>High Court</u>					
Civil	-	-	-	1	1
Criminal	4	1	2	5	8
Scotland					
Court of Session	3	2	2	4	8
Northern Ireland					
<u>Court of Appeal</u>					
Civil	3	-	3	3	6
Criminal	-	-	-	-	-
<u>High Court</u>					
Civil	3	-	-	-	-
Criminal	-	-	-	-	-
Other					
Courts Martial Appeal Court	-	-	-	-	-
Attorney General's reference	-	-	-	-	-
Total	71	10	48	38	96

Source:
House of Lords

Table 1.5
House of Lords
 Civil appeals (England and Wales) presented from the Court of Appeal, disposed of by judgment, by subject matter in 2004–2008

Subject matter	Number of appeals determined				
	2004	2005	2006	2007	2008
Administrative	6	10	3	1	13
Arbitration	-	-	-	1	-
Asylum/Immigration	-	-	-	4	5
Commercial	2	2	1	3	3
Company	2	1	-	1	2
Contract	-	2	-	3	3
Crime	-	3	-	2	17
Discrimination	-	3	1	3	-
Employment	4	-	7	-	-
European Law	-	-	1	1	2
Family	1	4	6	-	1
Finance & Credit	-	-	-	1	-
Human Rights	13	19	14	9	10
Intellectual Property	4	1	-	1	1
International	-	3	5	-	-
Land	1	2	3	1	1
Landlord and Tenant	-	-	-	1	6
Planning	2	-	1	1	-
Practice & Procedure	1	2	3	2	2
Revenue	4	10	5	2	3
Sale of Goods	-	-	-	-	-
Tort	5	4	9	8	5
Trusts	-	2	-	-	-
Total	45	68	59	45	74

Source:
House of Lords

Table 1.6
Court of Appeal (Criminal Division)
 Applications for leave to appeal, by type and result 2004–2008

	Number of applications				
	2004	2005 ¹	2006	2007	2008
Applications received					
Conviction	1,782	1,661	1,596	1,508	1,588
Sentence	5,809	5,178	5,082	5,087	5,422
Other Receipts ¹	-	184	259	305	230
Total	7,591	7,023	6,937	6,900	7,240
Applications considered by single judge					
<u>Conviction</u>					
Granted	348	360	291	288	212
Refused	1,187	1,111	843	881	774
<u>Sentence</u>					
Granted	1,740	1,541	1,261	1,363	1,204
Refused	3,634	3,092	2,503	2,763	2,468
Total	6,909	6,104	4,898	5,295	4,658
Applications renewed					
Conviction	545	557	481	520	400
Sentence	890	824	831	845	670
Total	1,435	1,381	1,312	1,365	1,070
Applications to renew granted by Full Court					
Conviction	144	141	137	125	146
Sentence	283	326	425	519	663
Total	427	467	562	644	809

Source:

Court of Appeal (Criminal Division)

Notes:

- 1 Other Receipts, reported from 2005 onwards, include the following applications:
- Applications under s159 Criminal Justice Act 1988
 - Interlocutory Appeals under s6 Criminal Justice Act 1987
 - Appeals against Minimum Terms for mandatory life sentences set by the High Court under schedule 22 Criminal Justice Act 2003
 - References from the Attorney General under s36 Criminal Justice Act 1988
 - Prosecution Rights of Appeal
 - Confiscation and Restraint Order appeals under Proceeds of Crime Act 2002
 - Appeals against Wasted Costs Orders under section 3(c) of the Costs in Criminal Cases (General) (Amendment) Regulations 1991

Table 1.7
Court of Appeal (Criminal Division)
 Results of appeals heard by Full Court, 2004–2008¹

	Number of appeals				
	2004	2005	2006	2007	2008
Conviction					
Allowed	240	228	181	196	188
Dismissed	384	386	391	327	250
Sentence					
Allowed	1,348	1,534	1,391	1,632	1,567
Dismissed	589	619	575	619	527
Number of retrials ordered¹	66	77	58	83	72

Source:

Court of Appeal (Criminal Division)

Notes:

1 The number of conviction appeals allowed includes the number of re-trials ordered

Table 1.8
Court of Appeal (Civil Division)
 Final appeals filed and disposed of, showing court appealed from and results, 2008

Court or tribunal appealed from	Total appeals filed	Appeals disposed of, by result					Total disposals
		Allowed	Dismissed	Dismissed by consent	Struck out ¹	Otherwise disposed of	
Chancery	114	26	62	28	3	3	122
Revenue	14	2	10	1	-	-	13
Bankruptcy	22	4	13	2	-	-	19
Family Division	25	16	4	1	-	1	22
Queen's Bench	83	29	45	21	-	3	98
Queen's Bench Administrative Court	161	36	68	15	-	7	126
Queen's Bench Commercial	94	17	24	18	-	6	65
Queen's Bench Admiralty	2	2	2	1	-	-	5
County Court	196	80	97	33	-	6	216
County Court Family	38	24	11	1	-	1	37
County Court Admiralty	-	-	-	-	-	-	-
Lands Tribunal	3	-	4	-	-	-	4
Employment Appeal Tribunal	40	13	17	11	-	2	43
Asylum & Immigration Tribunal	395	276	67	40	-	18	401
Patents Court	20	7	8	8	2	1	26
Social Security Commissioner	7	2	5	2	-	-	9
Other Tribunals	11	2	6	1	-	-	9
Total	1,225	536	443	183	5	48	1,215

Source:

Court of Appeal (Civil Division)

Notes:

1 For failure to provide documents

Table 1.9
Court of Appeal (Civil Division)
 Interlocutory appeals filed and disposed of, showing court appealed from and results, 2008

Number of appeals

Court or tribunal appealed from	Total appeals filed	Appeals disposed of, by result					Total disposals
		Allowed	Dismissed	Dismissed by consent	Struck out ¹	Otherwise disposed of	
Chancery	1	-	-	-	-	-	-
Revenue	-	-	-	-	-	-	-
Bankruptcy	1	-	1	-	-	-	1
Family Division	6	4	2	-	-	1	7
Queen's Bench	23	6	9	6	-	2	23
Queen's Bench Administrative Court	5	1	2	-	-	1	4
Queen's Bench Commercial	-	1	-	-	-	-	1
Queen's Bench Admiralty	-	-	-	-	-	-	-
County Court	-	-	-	-	-	-	-
County Court Family	24	18	6	-	-	-	24
County Court Admiralty	-	-	-	-	-	-	-
Lands Tribunal	-	-	-	-	-	-	-
Employment Appeal Tribunal	-	-	-	-	-	-	-
Asylum & Immigration Tribunal	1	1	-	-	-	-	1
Patents Court	-	-	-	-	-	-	-
Social Security Commissioner	-	-	-	-	-	-	-
Other Tribunals	-	-	-	-	-	-	-
Total	61	31	20	6	-	4	61

Source:
 Court of Appeal (Civil Division)

Notes:

1 For failure to provide documents

Table 1.10
Court of Appeal (Civil Division)
 Applications set down and disposed of, 2004–2008

	Number of applications				
	2004	2005	2006	2007	2008
Full Court¹					
Filed	225	291	230	201	249
Disposed	251	264	245	215	243
Single Judge					
Set down	260	286	251	152	213
Disposed	261	274	247	150	195
Permission to Appeal					
Set down	2,430	2,579	2,397	2,574	2,759
Disposed	2,402	2,495	2,530	2,416	2,579
Registrar / Master					
Set down	97	122	87	79	73
Disposed	92	121	87	83	77
Total					
Filed / Set down	3,159	3,278	2,965	3,006	3,294
Disposed	3,116	3,154	3,109	2,864	3,094

Source:

Court of Appeal (Civil Division)

Notes:

1 Includes new 'leave to appeal' cases

Table 1.11**High Court – Chancery Division**

Appeals and special cases from inferior courts and tribunals set down and determined, showing subject matter and results, 2008

Subject matter	Number of appeals				
	Total set down for hearing	Appeals disposed of, by result			Total disposals
		Allowed after hearing	Dismissed after hearing	Withdrawn or struck out	
Bankruptcy					
County courts	36	7	10	18	35
High Court Registrars	21	7	4	7	18
Total	57	14	14	25	53
Tribunals					
County courts & Chancery Masters	19	8	4	4	16

Source:
High Court – Chancery Division

Table 1.12**High Court – Administrative Court**

Summary statistics on Judicial Review applications 2008

Nature of Review	Number of applications								
	Applications for permission to apply for Judicial Review			Applications for Judicial Review disposed of, by result				Withdrawn	Total
	Received	Granted	Refused	Determined by a Single Judge		Determined by the Divisional Court			
				Allowed	Dismissed	Allowed	Dismissed		
Immigration / Asylum	4,643	353	2,677	46	88	-	-	10	144
Criminal	298	81	208	-	-	31	18	2	51
Others	2,228	480	1,001	119	127	3	12	6	267
Total	7,169	914	3,886	165	215	34	30	18	462

Source:
High Court – Administrative Court

Table 1.13
High Court – Administrative Court
 Summary statistics on appeals by way of case stated 2008

	Number of appeals						
	Total Received	Appeals disposed of, by result				Withdrawn	Total
		Determined by a Single Judge		Determined by the Divisional Court			
	Allowed	Dismissed	Allowed	Dismissed			
<u>Court or Tribunal appealed from</u>							
Crown Court	23	-	3	8	8	-	19
Magistrates' court	72	9	7	21	20	2	59
Other	-	-	-	-	-	-	-
Total	95	9	10	29	28	2	78

Source:
 High Court – Administrative Court

Table 1.14
High Court – Administrative Court
 Summary statistics on applications and appeals other than for Judicial Review or by way of case stated, 2008

	Number of appeals / applications						
	Total Received	Appeals / applications disposed of, by result				Withdrawn	Total
		Determined by a Single Judge		Determined by the Divisional Court			
	Allowed	Dismissed	Allowed	Dismissed			
<u>Nature of appeal / application</u>							
<u>Statutory</u>							
Planning and related	211	22	63	-	-	1	86
Others	609	155	73	16	56	8	308
Habeas Corpus	29	-	-	-	-	-	-
Committal for contempt	1	-	-	-	-	-	-
Statutory Review under s101 NIAA 2002*	1	-	1	-	-	-	1
Reconsideration under s103a NIAA 2002*	4,201	461	3,474	-	-	-	3,935
Total	5,052	638	3,611	16	56	9	4,330

Source:
 High Court – Administrative Court

Notes:

* NIAA 2002 refers to the Nationality, Immigration and Asylum Act of that year

Table 1.15
High Court – Family Division
 Appeals set down and disposed of showing subject matter and results, 2008

Number of appeals

Appeals to Divisional Court from orders made by magistrates' courts	Total set down for hearing	Appeals disposed of, by result			Total disposals
		Allowed or varied	Dismissed	Withdrawn or struck out	
<u>Domestic matters</u>					
Matrimonial Proceedings and Magistrates' Act 1960	2	-	-	1	1
Maintenance Orders Act 1958 and Matrimonial Cause Act 1973	2	-	1	-	1
Domestic Proceedings & Magistrates' Court Act 1978	2	1	-	-	1
Section 47(7) of the Adoption Act	1	-	1	-	1
Appeals under Section 94 of the Children Act 1989	51	12	19	8	39
Total	58	13	21	9	43

Source:
 High Court – Family Division

Table 1.16
Appellate courts
 Summary statistics on overall caseload, 2004–2008

Court	Number of cases				
	2004	2005	2006	2007	2008
Judicial Committee of the Privy Council	71	71	105	97	33
House of Lords					
from Courts in England & Wales	102	73	61	57	62
from elsewhere	9	14	12	15	9
Court of Appeal					
Civil Division	1,077	1,239	1,184	1,248	1,286
Criminal Division ¹	7,591	7,023	6,937	6,900	7,240
High Court					
Chancery Division (Bankruptcy appeals only)	152	137	148	29	57
Administrative Court ²	6,619	7,872	10,700	11,293	12,316
Family Division ³	50	33	59	72	58
Total	15,671	16,462	19,206	19,711	21,061

Sources:

Individual appellate courts as shown

Notes:

- 1 Court of Appeal (Criminal Division) figures include applications for leave to appeal
- 2 Administrative Court figures include applications for permission to apply for Judicial Review, appeals by way of case stated and statutory appeals; and in addition:
 - from 2003, statutory Reviews under s101 of the Nationality, Immigration and Asylum Act (NIAA) 2002
 - from 2006, Reconsideration under s103a of the NIAA 2002
- 3 Family Division figures include appeals under s94 of the Children Act 1989 from 2002 onwards

High Court – Chancery Division

Key findings for 2008

- The total number of proceedings started increased by 14% to 51,946 from 45,541 in 2007 (Table 2.1).
- Applications filed at the Bankruptcy court increased by 7% to 22,166 from 20,740 in 2007 (Table 2.5).
- The number of originating proceedings started in the Companies Court in London increased by 27% to 11,586 from 9,099 in 2007 (Table 2.6).

Chapter 2: High Court – Chancery Division

In England and Wales civil justice is administered mainly by the High Court and county courts (Chapter 4), the former handling the more substantial and complex cases.

Although there is some overlap with the Queen's Bench Division, certain matters are specifically assigned to the Chancery Division. The core business of the Chancery Division is the resolution of disputes involving property in all its forms, ranging from commercial, business, intellectual property and competition disputes, through taxation of all sorts to its traditional work relating to companies, partnerships, mortgages, insolvency, land and trusts.

The Chancery Division of the High Court comprises the Chancellor of the High Court (the Head of Division since October 2005) and 18 High Court judges. Most Chancery business is dealt with in the Royal Courts of Justice in London and in eight provincial High Court centres which have Chancery jurisdiction.

Chancery

Most actions begin with the issue of a claim or originating proceedings by the claimant against the defendant and some are disposed of without a trial. Before an action comes to trial there may be a number of interlocutory hearings which are heard by judges and masters (in London) and district judges (outside London). Both masters and district judges are appointed by the Lord Chancellor and are solicitors or barristers of at least seven years standing. Trials come before High Court judges or deputy High Court judges (i.e. approved practitioners, retired High Court judges or circuit judges).

There was an increase of 14% in the total number of proceedings started, from 45,541 in 2007 to 51,946 in 2008. See [Table 2.1](#) for more information.

Information on the work by masters in London is given in [Table 2.2](#), while [Tables 2.3](#) and [2.4](#) give breakdowns on the proceedings issued, and the cases disposed of, in London during 2008.

Bankruptcy

Bankruptcy is a term applied to insolvency (inability to pay debts) of individuals. Proceedings are started with a petition for bankruptcy. Bankruptcy work is carried out in the High Court at the Royal Courts of Justice, with actions heard by registrars, and in those county courts with bankruptcy jurisdiction where matters are heard by district judges (see Chapter 4 for more information).

The number of bankruptcy petitions issued in the High Court in London during 2008 decreased by 3% to 12,144 from 12,479 in the previous year. The number of other originating applications increased by 21% from 8,261 to 10,022 in 2008.

See [Table 2.5](#) for more information.

Companies Court

The Companies Court in London deals predominantly with the compulsory liquidation of companies and other matters under the Insolvency Act 1986 and Companies Acts. Unlike an individual, a company cannot be made bankrupt but may, because of insolvency or if there is some other reason it should cease to exist, be wound up instead. In addition to winding up proceedings, the Court exercises other powers in relation to registered companies. For example, a company can only reduce its capital with the approval of the Court.

The Court also deals with an increasing number of claims to prevent individuals from being a director, liquidator, administrator, receiver or manager of a company or to take part in the running of a company under the Company Directors Disqualification Act 1986. Most proceedings in the Companies Court are dealt with by registrars but certain applications are heard by judges. The Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester, Newcastle-upon-Tyne and Preston District Registries have concurrent jurisdiction with the Companies Court in London.

The number of originating proceedings started in the Companies Court in London increased by 27% from 9,099 in 2007 to 11,586 in 2008. Of the latter 56% (6,484) were company winding up petitions compared to 58% in 2007. The total number of orders made increased by 35% to 19,673 from 14,560 the previous year.

See [Table 2.6](#) for more information.

Patents Court

The Patents Court deals only with matters concerning patents, registered designs and appeals against the decision of the Comptroller General of Patents.

The Patents Court diary and judgment, together with a list of all trials and applications set down for hearing, can be found at: www.hmcourts-service.gov.uk/cms/courthearings.htm

During 2008:

- 61 actions, which included trials and appeals, were listed. Of these 29 were withdrawn due to settlement or by order resulting from an interlocutory hearing. The hearings took 197 court days, not taking into account judgment writing time.
- 64 interlocutories, which included case management conferences, applications for directions, summary judgment, applications to strike out etc, were listed and 25 withdrawn by consent. In the majority of cases of those withdrawn the terms of the order sought were agreed by the parties. The average time for this type of hearing is 1 hour and the total time taken throughout the year is about 35 court days.
- 5 appeals against the decision of the Comptroller General of Patents were listed. The total time taken in court was 6 court days.

Table 2.1
Chancery Division
 Summary of proceedings started, 2006–2008

Nature of originating proceedings	Number of cases		
	2006	2007	2008
<u>Claims issued and other originating proceedings</u>			
London	4,528	3,534	3,779
Outside London ¹	2,025	3,762	5,558
<u>Bankruptcy Court proceedings²</u>			
Bankruptcy petitions	13,559	12,479	12,144
Other Originating applications	6,550	8,261	10,022
<u>Companies Court proceedings²</u>			
London	9,696	9,099	11,586
Outside London	8,303	8,403	8,852
Patents Court appeals received	2	3	5
Total	44,663	45,541	51,946

Source:

Chancery Division (multiple data sources)

Notes:

1 Contains estimated originating summonses as follows: 185 in 2006, 349 in 2007 and 568 in 2008

2 Excluding transfers from the Chancery Division

Table 2.2
Chancery Division
 Matters dealt with in chambers by masters in London, 2004–2008

	Number of cases				
	2004	2005	2006	2007	2008
<u>Orders made by masters¹</u>					
Drawn up by drafting section	7,356	7,560	6,927	7,040	6,429
Not drawn up	1,872	1,982	2,556	2,555	2,119
Drawn up by solicitors	11	33	15	2	-
Transfers Out	252	301	261	355	276
<u>Enforcement Issues</u>					
Possession	41	39	15	23	36
Writs of fi-fa ²	72	53	35	49	74
<u>Appointments before the masters</u>					
On notice	4,499	5,438	5,945	6,303	4,557
Without Notice	807	920	1,102	1,034	960

Notes:

- 1 Includes final and interlocutory orders
- 2 Writ of fieri facias, to enforce a judgment obtained for debt or damages. Renamed a "writ of control" by the Tribunals, Courts and Enforcement Act 2007

Table 2.3**Chancery Division**

Claims and originating proceedings issued in London by nature of proceedings, 2004–2008

Nature of proceedings	Number of cases				
	2004	2005	2006	2007	2008
<u>Land</u>					
Contracts of sale and purchase	31	31	10	10	127
Landlord and Tenant	197	2	3	5	28
Mortgages and charges	26	12	-	-	7
Squatters and trespassers	5	-	1	2	10
Restrictive covenants	-	1	1	1	3
Other Proceedings	1,324	788	1,114	924	413
<u>Business and industry</u>					
Partnership	54	41	28	82	54
Business fraud claims	5	1	-	3	1
Contracts of sale & purchase of shares & business	59	28	14	1	42
Other Disputes	620	716	301	246	348
<u>Intellectual property</u>					
Confidential information	5	11	3	21	23
Passing off and trade marks	66	105	50	118	142
Patents and registered designs ¹	153	54	57	111	111
Copyright and design right ¹	195	148	120	172	286
<u>Professional negligence</u>					
Claims against solicitors	12	52	30	31	80
Claims against accountants	1	1	2	-	-
Claims against surveyors and estate agents	-	-	-	-	1
Claims against members of other professions	8	13	10	31	66
<u>Trusts, wills and probate</u>					
Contentious probate actions	80	115	73	185	106
Disputes relating to Trust property	20	27	10	3	13
Variation of Trusts	4	8	2	-	19
Inheritance (provision for dependants)	8	15	10	43	80
Guardianship of minors' estate	-	-	-	8	5
Charities	2	-	1	-	3
Other applications concerning wills and trusts	175	318	214	237	365
<u>Other</u>					
Other debts, damages and accounts	995	1,701	1,102	343	876
Revenue appeals	4	16	-	12	71
Solicitors	-	15	10	9	47
Originating process not otherwise classified	-	-	1,362	936	452
Total	4,049	4,219	4,528	3,534	3,779

Source:

Chancery chambers, bespoke contribution for this publication

Notes:

1 These matters are dealt with in the Patents Court

Table 2.4
Chancery Division
 Cases listed in London disposed of, by listing type, 2008

	Number of cases			
	Total cases	Number disposed of		Total
		After trial or hearing	Otherwise ¹	
Trial list	598	237	361	598
General list	817	915	113	1,028
Interim hearing list ²	2,503	2,482	246	2,728
Total	3,918	3,634	720	4,354

Source:

High Court combined workload return

Notes:

- 1 Settled out of court
- 2 These figures comprise the number of cases which are set down in the Interim Hearings List (which come from previous hearings before a Master or a Judge) and applications which are issued directly to the Interim Applications Judge. The figures relate to all applications before a Judge, and do not include hearings before a Master. They now also include the Interim Applications List

Table 2.5
Chancery Division
 Originating proceedings in Bankruptcy court, 2004–2008

Applications filed	Number of cases				
	2004	2005	2006	2007	2008
<u>Bankruptcy petitions¹</u>					
By creditors	9,567	10,339	9,846	8,730	8,610
By debtors and legal representatives of deceased debtors	1,966	2,810	3,713	3,749	3,534
Other Originating applications	890	2,256	6,550	8,261	10,022
Total	12,423	15,405	20,109	20,740	22,166

Source:

Chancery Division business returns

Notes:

- 1 Figures are for the Royal Courts of Justice only. See Chapter 4 for details of bankruptcy petitions issued in the county courts

Table 2.6
Chancery Division
 Summary of Companies Court proceedings,¹ London, 2004–2008

	Number of cases				
	2004	2005	2006	2007	2008
Applications filed					
Winding-up petitions	4,429	4,749	5,152	5,313	6,484
Other petitions, applications and summonses					
Originating	3,086	3,326	4,544	3,786	5,102
Non-originating	4,191	3,026	4,708	4,732	5,033
Claims transferred in	244	470	469	510	782
Orders made					
On winding-up petitions:					
Winding-up orders made	1,995	1,924	2,371	2,136	2,982
Dismissed/Withdrawn	2,416	2,387	2,555	2,270	3,165
On other petitions, applications and summonses	10,495	10,171	11,552	10,154	13,526
Transfers to county courts	1,433	1,228	1,858	1,437	2,681
Applications before registrar					
Listed	12,221	12,395	13,455	12,724	16,466
Unlisted	494	435	558	513	555

Source:

Chancery Division business returns

Notes:

1 Figures are for the Royal Courts of Justice only

High Court – Queen’s Bench Division

Key findings for 2008

- 18,253 claims and originating proceedings were issued, compared to 18,505 in 2007 (Table 3.1).
- In London (Royal Courts of Justice) 51% of claims were for an unspecified amount of money and 39% were for amounts in excess of £50,000. Of all claims, 21% were for debt and a further 23% were for personal injury (Table 3.2).
- In London (RCJ) the number of judgments given either in default of a response by the defendant or as summary judgments during 2008 totalled 592 (Table 3.3).
- 251 trials were concluded in 2008, with an average length of 4.3 days (Table 3.4)
- The number of enforcement proceedings issued in London decreased by 12% to 8,185 from 9,254 in 2007. Almost all proceedings were for writs of fi-fa (Table 3.6).
- There were 114 Admiralty actions started in the Royal Courts of Justice. Of the claims issued in London, 24 (21%) related to damaged cargo (Table 3.8).
- 786 (78%) of the 1,003 Commercial Court claims were unspecified. The majority (68%) of claims issued (682) was for breach of contract (Table 3.10).
- The number of claims received by the Technology and Construction Court decreased by 11%, from 409 in 2007 to 366 (Table 3.11).

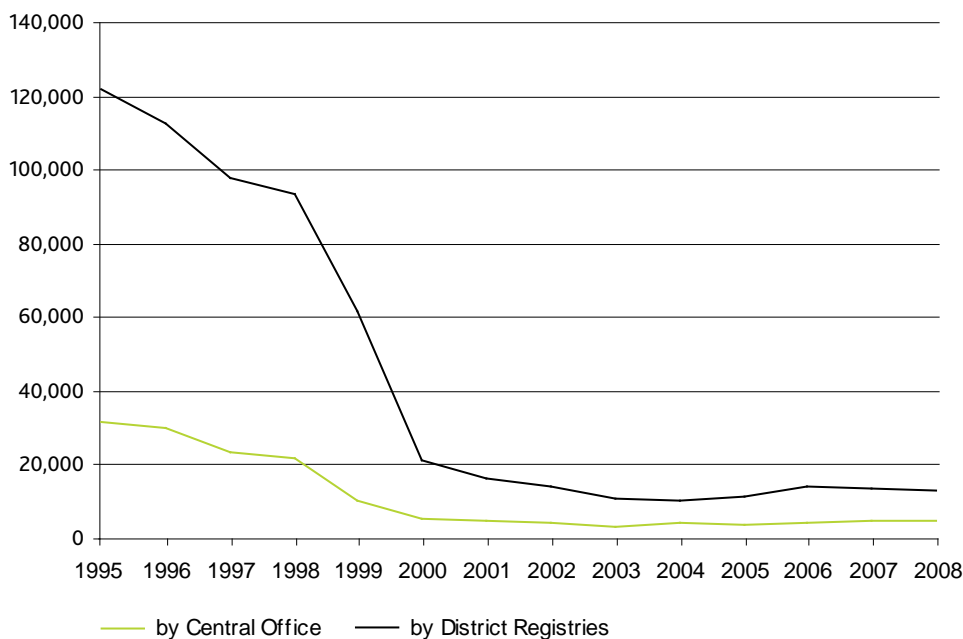
Chapter 3: High Court – Queen’s Bench Division

The Queen’s Bench Division deals mainly with civil actions in contract and tort (civil wrongs) and also hears more specialist matters, such as applications for judicial review.

It contains within it the Commercial Court and the Admiralty Court (dealing with shipping matters such as damage to cargo and collision of ships) and administers the Technology and Construction Court (formerly the Official Referees Court) which hears cases involving prolonged examination of technical issues, such as construction disputes.

At the end of 2008, the Queen’s Bench Division comprised the President of Queen’s Bench Division and 69 High Court judges. Judges of the Queen’s Bench Division also hear the most important criminal cases in the Crown Court (Chapter 6) and they also sit on the Employment Appeals Tribunal.

Queen’s Bench Division: Writs & Originating Proceedings issued, 1995–2008



The above graph illustrates the sharp decline in the number of proceedings issued in the Queen’s Bench Division in the late 1990s. This was a consequence of the High Court and County Courts Jurisdiction (Amendment) Order 1999,

introduced in April 1999 as part of a major package of reforms to civil justice. This imposed a minimum value of £15,000 on claims issued in the High Court, which was raised to £25,000 from April 2009.

Queen's Bench Division work is dealt with at the Royal Courts of Justice in London and at district registries of the High Court, located at many of the county courts throughout England and Wales. Each registry covers a defined district consisting of one or more county court districts.

A new table (Table 3.4) has been included as of this year's report giving figures on the number of originating receipts and trials concluded in the year, as well as the average length of those trials.

Queen's Bench

The Queen's Bench Division deals with common law business, that is, actions relating to contract (except those specifically allocated to the Chancery Division – see Chapter 2) and tort. Examples of contract cases dealt with in the Queen's Bench Division are failure to pay for goods and services and breach of contract.

There are several types of tort (civil wrongs) including wrongs against the person only (e.g. defamation of character, libel) wrongs against property only (e.g. trespass) and wrongs which may be against people or property (e.g. negligence or nuisance). Some matters may involve both contract and tort, e.g. personal injury cases which show negligence and breach of a contractual duty of care. Others may be crimes as well as torts (e.g. assault).

Actions are normally started by way of a claim or an originating summons. A claim is the most common method and is used, for example, when a claim is based on an allegation of fraud or tort; it informs defendants what is claimed against them. An originating summons is used in certain cases, such as applications under specific Acts; it outlines the nature of the case. The hearing of an originating summons is usually before a master or district judge (for descriptions of masters and district judges see Chapter 2).

If a defendant fails to respond to a claim, a claimant may be entitled to a judgment in default. If a defendant responds any of the following may result:

- (a) the claimant discontinues the action
- (b) the parties settle (i.e. reach agreement)
- (c) the court decides that the defendant has no real defence to the action and gives summary judgment under order 14 of the Rules of the Supreme Court
- (d) a trial.

There is a right of trial by jury for fraud, libel, slander, and malicious prosecution or false imprisonment cases. In all other cases the judge has discretion to allow trial by jury but it is only used exceptionally. A trial may result in an award of damages or a non-pecuniary remedy such as an injunction (an order to do or not do something). In jury trials the jury decides the amount of damages to be awarded.

Judgments may be enforced in many ways, the following being the most frequently used:

- (a) a writ of fieri facias (fi-fa) directing the sheriff (the equivalent of the bailiff in the county courts) by his officers to seize and if necessary sell the debtor's goods to raise money to pay off the debt
- (b) a writ of possession of land (eviction takes place if necessary to ensure that possession of property or land is recovered)
- (c) a writ of delivery of goods which is an order to hand over specific goods
- (d) a charging order on land, securities or funds in court (usually on land – this has the same effect as a mortgage, so that if the property is sold the amount of the charge (debt) must be paid out of the proceeds of the sale)
- (e) a third party debt (formerly garnishee) order, which orders that a third party, normally a bank, holding money for the judgment debtor pay it to the judgment creditor direct
- (f) appointment of a receiver who will manage the judgment debtor's property or part of it in such a way as to protect the judgment creditor's interest in it.

An order to attend court for questioning (formerly an oral examination) is a procedure used in connection with enforcement. The debtor is required to attend court to give details of his earnings, expenses, savings, etc., so that the creditor can decide how best to enforce the judgment. Often the debtor will pay before he can be questioned. Alternatively, a High Court judgment for money may be enforced in a county court as if it were a judgment of that court.

Although Queen's Bench Division cases are only tried at the Royal Courts of Justice and first tier centres outside London, interlocutory proceedings (applications preparatory or incidental to the main proceedings) are dealt with at all district registries and at the Royal Courts of Justice. This area of work (applications to masters in London) increased in 2008 by 33% to 11,660 (Table 3.5). The court determines what, if anything, must be done before a case can be set down for trial, gives directions as to when this is to be done and where the trial is to take place. If either party is dissatisfied with an order of a master, an appeal may be made to a judge in chambers (a private hearing). Summary caseload statistics are shown in Tables 3.1 to 3.6.

Admiralty Court

The Admiralty Court deals with shipping matters. The two most common matters dealt with are damage to cargo and collision of ships. Most cases are dealt with at the Royal Courts of Justice in London but some are disposed of in district registries upon transfer from London. There is one Admiralty Judge who hears all admiralty cases and a number of interlocutory matters. The Judge is supported by the Admiralty Registrar who hears interlocutory matters and post judgment applications. The Admiralty Marshal is responsible for the detention and sale of ships which are the subject of proceedings in the Admiralty Court. Summary caseload statistics are shown in [Tables 3.7 to 3.9](#).

Commercial Court

The Commercial Court also deals with shipping matters but is largely concerned with matters regarding contracts related to ships, insurance, carriage of cargo and the construction and performance of mercantile contracts. Other matters dealt with involve banking, international credit, contracts relating to aircraft, the purchase and sale of commodities and the practice of arbitration and questions arising from arbitrations. There are fifteen Commercial Judges who hear all commercial cases and interlocutory applications. Summary caseload statistics are shown in [Table 3.10](#).

Technology and Construction Court

The Technology and Construction Court deals with building and engineering disputes and computer litigation. Other matters dealt with include professional negligence, sale of goods, valuation disputes, landlord and tenant (especially dilapidations), torts relating to the occupation of land and questions arising from arbitrations and adjudications in building and engineering disputes.

The business of the court also includes any cases in the Chancery or the Queen's Bench Divisions which involve issues or questions which are technically complex or for which trial by TCC judges is for any reason desirable.

During 2008 there were five full-time senior circuit judges and two High Court judges based in London assigned to the TCC. Other High Court judges sit in the London TCC as necessary. Outside London, nominated circuit judges deal with TCC business on each of the circuits, with further full-time designated TCC judges at Birmingham, Manchester and Liverpool. Summary caseload statistics are shown in [Table 3.11](#).

Table 3.1
Queen's Bench Division
 Summary statistics on proceedings started, 2004–2008

Nature of proceedings	Number of cases				
	2004	2005	2006	2007	2008
<u>Claims and originating summonses</u>					
Issued by Royal Courts of Justice	4,292	3,841	4,246	4,794	5,173
Issued by district registries ^{1,2}	10,538	11,476	14,118	13,711	13,080
Total	14,830	15,317	18,364	18,505	18,253

Source:

Queen's Bench Division (compilation from multiple sources)

Notes:

- 1 Figures for district registries contain annual estimates of the numbers of originating summonses as follows: 1,115 in 2004; 1,195 in 2005; 1,288 in 2006; 1,619 in 2007; and 1,337 in 2008
- 2 Figures for district registries also include those cases which were issued for enforcement only

Table 3.2
Queen's Bench Division
 Proceedings started,¹ by nature and value of claim, 2008

Nature of claim	Value of claim			Number of claims
	£15,000 – £50,000	Over £50,000	Unspecified	Total
	Debt (goods sold & delivered, work carried out etc)	244	510		311	1,065
Breach of contract	87	285	338	710
Clinical Negligence	70	157	318	545
Personal Injury Actions	100	340	765	1,205
Other Negligence (inc. professional negligence)	31	71	92	194
Defamation (libel, slander)	43	77	139	259
Tort (e.g. nuisance, trespass, assault, wrongful arrest, etc.)	17	13	35	65
Recovery of land / property	-	-	15	15
Miscellaneous	284	207	624	1,115
Total	876	1,660	2,637	5,173

Source:
 High Court combined workload return

Notes:
 1 Figures given are for the Royal Courts of Justice only

Table 3.3
Queen's Bench Division¹
 Judgment without trial, by type² and value of judgment, 2008

Type of judgment	Value of judgment			Total
	£15,000 – £50,000	Over £50,000	Unspecified	
	By default	101	268		183	552
Order by summary judgment (including order 14)	4	31	5	40
Total	105	299	188	592

Source:

High Court combined workload return

Notes:

- 1 Figures given are for the Royal Courts of Justice only
- 2 Judgments without trial can be by default (i.e. with no response from the defendant) or by summary judgment (under Order 14 of the Rules of the High Court)

Table 3.4
Queen's Bench Division¹
 Originating receipts and trials concluded in the year, 2004–2008

Year	Number of originating receipts	Number of trials concluded	Average length of trials concluded (days)
2004	4,292	240	3.9
2005	3,841	224	4.1
2006	4,246	199	3.6
2007	4,794	221	4.1
2008	5,173	251	4.3

Source:

High Court combined workload return

Notes:

- 1 Figures given are for the Royal Courts of Justice only

Table 3.5
Queen's Bench Division¹
 Interlocutory applications² for masters in London, 2004–2008

Year	Number of applications
2004	9,446
2005	9,335
2006	7,626
2007	8,794
2008	11,660

Source:

High Court combined workload return

Notes:

1 Figures given are for the Royal Courts of Justice only

2 Excludes applications for directions or for summary judgment under Order 14 of the rules of the High Court

Table 3.6
Queen's Bench Division¹
 Enforcement proceedings issued, 2008

Nature of Enforcement	Number of cases		
	London	Outside London	Total
Writs of fi-fa ²	7,958	45,164	53,122
Writs of possession	15	-	15
Writs of Delivery	-	-	-
Charging orders	178	-	178
Final Third Party Debt Orders	34	-	34
Application for orders to attend court for questioning	-	1	1
Total	8,185	45,165	53,350

Source:

High Court combined workload return

Notes:

1 Figures given are for the Royal Courts of Justice only

2 Writ of fieri facias, to enforce a judgment obtained for debt or damages. Renamed a "writ of control" by the Tribunals, Courts and Enforcement Act 2007

Table 3.7
Admiralty Court¹
 Summary statistics on admiralty proceedings, 2004–2008

Nature of proceedings	Number of cases				
	2004	2005	2006	2007	2008
Claims issued	158	102	105	89	114
<u>Summonses issued</u>					
Judges	52	37	43	33	37
Registrars	16	47	99	96	70
Applications heard	82	84	142	60	107
References to registrar	2	2	1	1	1
Warrants of arrest executed ²	36	22	50	34	43
Sales by the Court	8	1	4	2	1

Source:

Admiralty Court

Notes:

1 Figures are for the Royal Courts of Justice only

2 Vessels or property arrested

Table 3.8
Admiralty Court¹
 Admiralty claims issued by nature of action, 2004–2008

Nature of action	Number of cases				
	2004	2005	2006	2007	2008
Collision	29	19	25	13	18
Damage to cargo	13	27	21	19	24
Personal injury (including fatal)	11	5	4	2	1
Mortgage	1	2	1	1	5
Limitation of liability	23	1	-	1	1
Others	81	48	54	53	65
Total	158	102	105	89	114

Source:

Admiralty Court

Notes:

1 Figures are for the Royal Courts of Justice only

Table 3.9**Admiralty Court¹**

Admiralty actions for trial in the High Court set down, tried or otherwise disposed of, 2004–2008

Actions for trial	Number of claims				
	2004	2005	2006	2007	2008
Total set down	18	25	10	12	13
Tried during year	3	3	4	3	4
Otherwise disposed of	19	19	11	10	9
Total tried	22	22	15	13	13

Source:

Admiralty Court

Notes:

1 Figures are for the Royal Courts of Justice only

Table 3.10**Commercial Court¹**

Claims issued showing nature and value of claim, 2008

Nature of claim	Number of claims			
	Value of claim			Total
	£15,000 – £50,000	Over £50,000	Unspecified	
Debt ²	-	2	2	4
Breach of contract	4	200	478	682
Miscellaneous	-	11	306	317
Total	4	213	786	1,003

Source:

Commercial Court

Notes:

1 Figures are for the Royal Courts of Justice only

2 Goods sold and delivered, work carried out, etc.

Table 3.11
Technology and Construction Court¹
 Summary caseload statistics, 2004–2008

	Number of actions				
	2004 ²	2005 ²	2006	2007	2008
Received					
Claims and originating summonses issued in Registry	265	274	337	376	341
By transfer	76	66	53	33	25
Total	341	340	390	409	366
Disposed of					
Tried	7	3	32	33	39
Struck out, settled or discontinued	71	23	153	160	140
Transferred	25	18	2	7	6
Default judgments entered	12	7	5	16	13
Total	115	51	192	216	198
Number of Interlocutory Applications <u>heard</u>³	668	496	454	397	374

Source:

Technology and Construction Court

Notes:

1 Figures are for the Royal Courts of Justice only

2 Figures for cases tried and cases struck out / settled or discontinued in 2004 and 2005 are believed to be an undercount. A complete set of correct figures from the TCC are not available

3 Many other Interlocutory Applications were disposed of before hearing, or on the basis of written submissions

County courts (non-family)

Key findings for 2008

- The total number of civil (non-family) cases started in 2008 was 2,064,000, an increase of 3% compared with 2007.
- The number of “money” claims with specified claim amounts in 2008 was 1,426,000, an increase of 1% from 2007. 41% of these claims had a claim value of up to £500, as in 2007.
- The total number of “money” claims with unspecified claim amounts was 160,000 in 2008, an increase of 11% compared with 2007.
- The number of mortgage repossession claims issued in 2008 was 143,000, an increase of 4% from 2007. The number of landlord possession claims increased by 1% compared with 2007.
- The number of defences was 12% lower and the number of allocations to track 6% lower than in 2007.
- There were 20,000 trials, a 9% rise on 2007, and 47,000 small claim hearings, a 13% decrease on 2007.
- Trials took place on average 48 weeks following issue, down from 49 weeks in 2006, while small claim hearings took place 29 weeks following issue, up from 27 weeks in 2007.
- The total number of properties repossessed by county court bailiffs was 63,000, a decrease of 16% from 2007. 31,000 properties related to mortgage repossession cases approximately, up from 22,000 in 2007.
- The number of charging orders to obtain security for a payment against a property owned by a debtor increased by 25% compared with 2007.

Chapter 4: County courts (civil non-family)

The vast majority of civil (non-family) proceedings take place in the county courts, all of which have jurisdiction to deal with contract and tort cases and recovery of land actions. In addition, some county courts deal with bankruptcy and insolvency matters, equity and contested probate actions (where the value of the trust, fund or estate does not exceed £30,000), matters under the Race Relations Act 1976, and actions which all parties agree to have heard in a county court (e.g. defamation cases). Generally, only the most complex, substantial or important cases are dealt with by the High Court.

All county courts are assigned at least one District Judge and some, at least one Circuit Judge. For the period covered by this report Circuit Judges generally heard cases worth over £15,000¹ or involving greater importance or complexity. District Judges hear many of the cases worth over £5,000 but not over £15,000. In addition to hearing other cases, District Judges generally case manage proceedings, deal with repossession matters, and make contested and uncontested assessments of damages.

Some of the figures for 2000–2007 have been revised due to new processes for removing outliers – more information is provided in Annex A.

Commencing a case

Historically, the normal method of taking someone to court is for the person doing so (the claimant) to complete a claim form and take it in to a county court. However, the creation of electronic services has meant that claims for a specified amount of money or repossession of property can be completed via the internet. Money Claim Online (www.moneyclaim.gov.uk) was launched in February 2002 and issues claims in the name of Northampton County Court. Possession Claim Online (www.possessionclaim.gov.uk) was launched in October 2006 and issues claims in the name of the court relating to the postcode of the property. With both, the claimant can pay the court fee by credit or debit card. In addition, for Possession Claim Online large issuers can pay by Direct Debit.

These services remove time consuming and repetitive administrative work from the court, reducing the cost of litigation and freeing up resources to do other work.

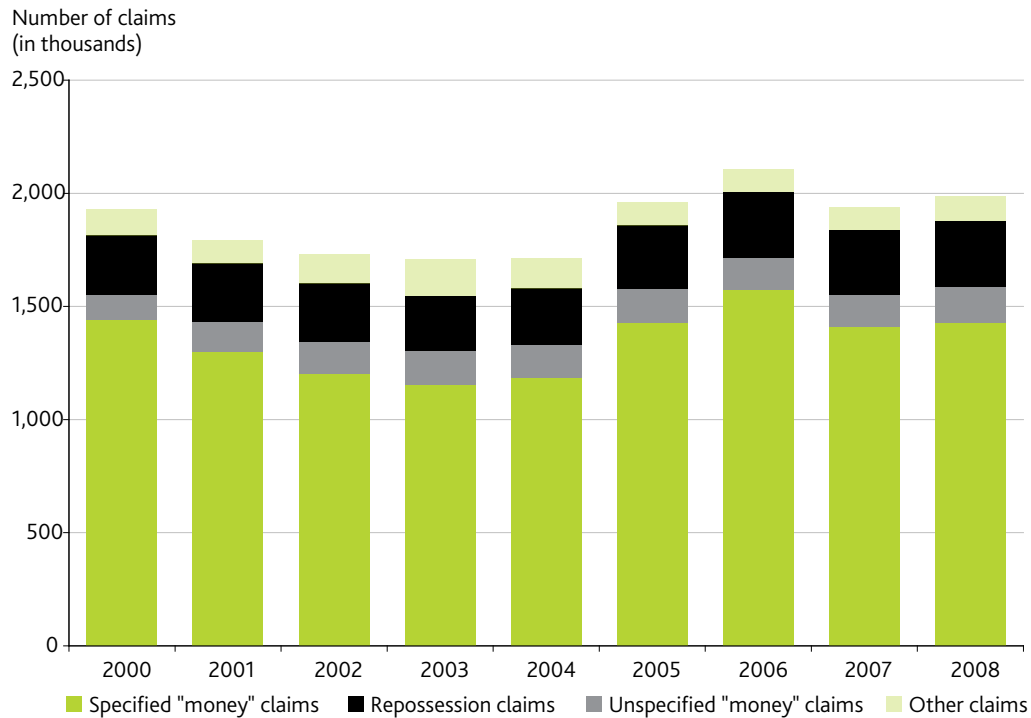
¹ The lower limit of the multi-track, which claims are generally heard by a Circuit Judge was increased from £15,000 to £25,000 with effect from 6 April 2009.

For those claimants that issue a large number of claims each year (e.g. banks, credit card and storecard issuers, utilities and solicitors specialising in debt recovery), this can be done through the Claim Production Centre (CPC). The CPC, set up in January 1990, guarantees issue and dispatch of claims within 24–48 hours. Most of the work of the CPC is done by the County Court Bulk Centre (CCBC), a central processing unit attached to Northampton County Court which was set up in March 1992.

In total, there were 2,064,000 civil (non-family) proceedings started in 2008, an increase of 3% compared to 2007. This comprised the following types of cases:

- 1,426,000 “money” claims with specified claim amounts, an increase of 1% compared with 2007 although a decrease of 9% compared with 2006. The latter reflects a much lower number of claims issued on behalf of the Driver and Vehicle Licensing Agency and HM Revenue and Customs which had large numbers issued in 2005 and 2006. Overall, 66% of these claims were issued through the County Court Bulk Centre or Money Claim Online with 41% having a value of up to £500 and just 15% a value over £5,000.
- 160,000 “money” claims with unspecified claim amounts, an increase of 11% compared with 2007. 48% of these had a value of over £1,000 and up to £5,000, 31% a value over £5,000 and up to £15,000, and 14% a value of over £15,000.
- 143,000 mortgage repossession claims, an increase of 4% compared with 2007.
- 104,000 social landlord repossession claims, an increase of 1% compared with 2007.
- 44,000 private landlord repossession claims (including accelerated procedure claims), ½% more than in 2007.
- 70,000 insolvency petitions, 5% more than in 2007.
- 116,000 non-“money” claims excluding those for mortgage and landlord repossession, 8% higher than in 2007. In June 2004 amendments were made to the Landlord and Tenant Act which resulted in a large reduction in the number of housing claims (excluding mortgage or landlord repossession) from 61,000 in 2003 to 6,000 in 2008.

Number of claims issued, by type of case, 2000–2008



Claim issue statistics are shown in [Tables 4.1](#) to [4.9](#).

Case Progression

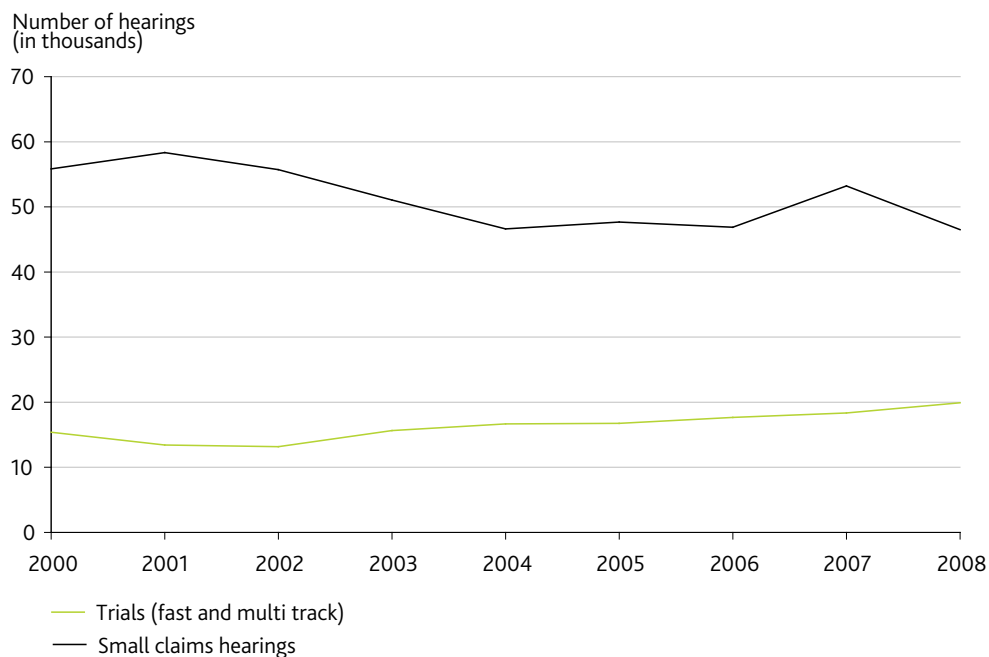
On receipt of the claim, the claim form and a response pack is sent to (served on) the defendant who has a specific time limit to reply. The options given to the defendant are to pay, dispute the claim, or admit the claim and ask for more time to pay. In 2008, 299,000 defences were made, 12% fewer than in 2007. If the claim is defended, the usual procedure is for it to be allocated by a judge to one of three case management tracks. In total, there were 164,000 allocations to track in 2008, 6% fewer than in 2007. This was made up of, in ascending order of case complexity and degree of judicial involvement:

- 84,000 allocations to the small claims track (generally for cases with a value up to £5,000), down 13% from 2007
- 53,000 allocations to the fast track (generally for cases with a value over £5,000 and up to £15,000 during 2008), 4% more than in 2007
- 27,000 allocations to the multi track (generally for cases with a value over £15,000 during 2008), 1% more than in 2007.

Around 41% of cases allocated to track reached a trial or small claim hearing in 2008, with most settling or being withdrawn. In total, there were 66,000 trials and small claim hearings, 7% lower than in 2007. This comprised:

- 20,000 fast and multi track trials, 9% more than in 2007. More than two thirds (70%) of these related to unspecified “money” cases. On average, trials occurred 48 weeks following issue, a reduction from 49 weeks in 2007. They lasted 3 hours and 52 minutes on average, similar to the 4 hours and 42 minutes in 2007.
- 47,000 small claim hearings, 13% lower than in 2007. The vast majority (95%) of these related to specified “money” cases. On average, small claim hearings occurred 29 weeks following issue, up from 27 weeks in 2007. They lasted 85 minutes on average, up from 83 minutes in 2007.

Number of hearings, by type, 2000–2008



Case progression statistics are shown in [Tables 4.10 to 4.14](#).

Judgments

There are many types of county court judgments. In specified “money” cases the majority follow either no response from the defendant within the allotted time period (a default judgment) or the claimant accepting the defendant’s offer to pay all or part of the amount owed (a judgment by acceptance or determination). These judgments are entered as an administrative function and generally don’t involve a judge. Overall, 1,067,000 judgments by default, acceptance and determination were made in 2008, almost all relating to specified “money” claims. In total, they accounted for around 75% of specified “money” claims issued in 2008.

In possession cases, the usual procedure is for the claim being issued to be given a hearing date before a District Judge. Overall, 213,000 possession orders were made in 2008, 112,000 of which were mortgage related. 54% of all orders were not suspended (possession given immediately or by a given date), down from 56% in 2007. 53% of mortgage possession orders were not suspended, down from 54% in 2007.

Registry Trust Limited (a private non-profit making company limited by guarantee) administers the statutory public register of Judgments, Orders and Fines. Overall, 1,020,000 county court judgments were registered with Registry Trust (excluding those made for the non-payment of road tax) in 2008 with 81% relating to consumers, as in 2007. During the year, 116,000 entries were satisfied, the judgments having been paid in full after one month of the date of judgment. A further 77,000 entries were cancelled, the judgment having been made in error, set aside, reversed, or paid in full within one month of the date of judgment. All entries are automatically removed at the end of the sixth calendar year after the date of judgment. The Register is open for public inspection on payment of a statutory fee, and is used in particular by credit reference agencies to assist lenders in making responsible credit granting decisions, for the benefit of both consumers and businesses.

39,000 searches of the Registry were performed in 2008, mainly by individuals searching for themselves or others or by agents acting for law firms. This was 6% higher than in 2007, with internet search requests rising from 6,000 in 2005 to 29,000 in 2009.

Judgment statistics are shown in [Tables 4.16 to 4.18](#).

Enforcement

There are various methods of enforcing judgments in the county courts. The most common method is the warrant of execution against a debtors goods, where unless the amount due under the warrant is paid, saleable items owned by a defendant can be recovered by the court and sold. During 2008, 295,000 warrants of execution were issued, 5% lower than in 2007. Overall 18 pence in the pound was recovered, with 83 pence in the pound being recovered from warrants of execution where the creditor had provided a correct address for the debtor.

Where repossession of property or the return of particular goods or items is sought, the claimant can apply for a warrant of possession or warrant of delivery. In 2008, there were 159,000 warrants of possession issued, 9% higher than in 2007. In total, bailiffs repossessed 63,000 properties, with 31,000 of these on behalf of mortgage lenders. There were 2,500 warrants of delivery issued, 6% higher than in 2007.

To enforce an order for which the penalty for failure to comply is imprisonment, it is possible to apply for a warrant of committal which authorises the bailiff to arrest and deliver the person to prison or the court. There were 1,400 warrants of committal issued in 2008, 18% lower than in 2007.

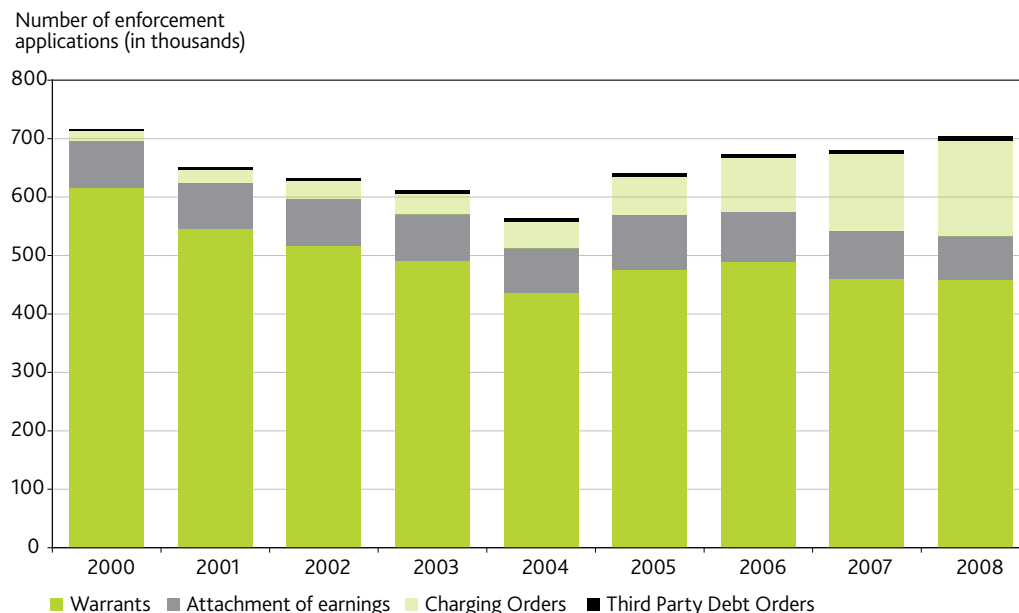
A judgment amount can also be enforced through the claimant applying for:

- An attachment of earnings order obliging the debtor's employer to deduct a set sum from the debtor's pay and forward it to the court. 74,000 applications were made for attachment of earnings orders in 2008, 10% less than in 2007 with around 82% of these resulting in orders being made.
- A charging order enabling the creditor to obtain security for the payment against a property owned by the debtor. 165,000 applications were made for charging orders in 2008, 25% higher than in 2007.
- A third party debt order enabling the creditor to secure payment by freezing and then seizing money owed or payable by a third party to a debtor. 8,000 applications were made for third party debt orders in 2008, 17% higher than in 2007.

- In certain circumstances a debtor may apply to county court to combine debts into an administration order. The debtor must have a judgment debt and at least one other that he is unable to pay with the total indebtedness not exceeding £5,000. Once the debts have been examined and found to be correctly calculated a District Judge can make an order for the debtor to make regular payments to the court. The court will then distribute the money in the appropriate proportions to the creditors listed by the debtor. There were 2,800 administration orders made in 2008, 24% less than in 2007. Provisions in Chapter 1 of Part 5 of the Tribunals, Courts and Enforcement Act (TCEA) 2007 significantly amend the administration order, amongst other matters, removing the need for a judgment. Ministers are currently considering the implementation of Part 5 of the TCEA and are expected to make an announcement shortly.

To assist in determining the most appropriate method of enforcing a judgment, the claimant can apply for an order to obtain information from the judgment debtors. This involves debtors being ordered to attend court to provide details of their means. There were 30,000 orders made to obtain information from debtors, 11% higher than in 2007.

Number of enforcement applications, by type, 2000–2008



Enforcement statistics are shown in Tables 4.19 to 4.22.

Table 4.1
County courts (non-family work)
 Summary statistics on claims issued in England and Wales, 2004–2008

Year	Number of claims / petitions								
	Specified "money" claims ¹	Unspecified "money" claims ²	Total "money" claims	Claims for recovery of land ³	Claims for return of goods	Other non-"money" claims	Total non-"money" claims	Total insolvency petitions ⁴	Total proceedings started
2004	1,185,688r	143,166r	1,328,854r	251,259r	8,798r	134,460r	394,517r	38,279	1,761,650r
2005	1,429,613r	147,120r	1,576,733r	280,422r	9,079r	102,835r	392,336r	51,875	2,020,944r
2006	1,572,044r	145,195r	1,717,239r	289,408r	9,852r	100,074r	399,334r	66,966r	2,183,539r
2007	1,408,499r	144,128r	1,552,627r	284,782r	8,430r	99,024r	392,236r	66,951	2,011,814r
2008	1,426,389	160,248	1,586,637	290,958	8,652	107,605	407,215	70,272	2,064,124

Source:

HMCS CaseMan system, Claim Production Centre, Money Claim Online, Possession Claim Online and manual returns

Notes:

- 1 Claims issued for a specified amount of money, including those made through the Claim Production Centre, County Court Bulk Centre and Money Claim Online
- 2 Claims issued for an unspecified amount of money
- 3 Includes claims made via Possession Claim Online
- 4 Includes petitions heard in the District Registries of the High Court
- 5 The revisions for 2000–2007 reflect new procedures put in place to remove 'duplicate' observations for claims issued at the local county courts

Table 4.2
County courts (non-family work)
 Summary statistics on claims issued by HMCS area,¹ 2008

Area	Number of claims / petitions								
	Specified "money" claims ²	Unspecified "money" claims ³	Total "money" claims	Claims for recovery of land ⁴	Claims for return of goods	Other non-"money" claims	Total non-"money" claims	Total insolvency petitions ⁵	Total proceedings started
Avon and Somerset	12,780	3,538	16,318	5,129	185	2,324	7,638	3,602	27,558
Bedfordshire, Essex and Herts	27,055	5,267	32,322	16,109	608	4,639	21,356	4,385	58,063
Birmingham, Coventry, Solihull and Warwickshire	17,200	6,229	23,429	14,720	391	3,994	19,105	4,168	46,702
Black Country, Staffordshire & West Mercia	30,786	4,834	35,620	16,665	553	4,681	21,899	4,222	61,741
Cambridgeshire, Norfolk and Suffolk	21,160	2,805	23,965	9,567	284	2,033	11,884	3,260	39,109
Cheshire and Merseyside	24,411	35,977	60,388	14,736	447	10,209	25,392	3,414	89,194
Cleveland, Durham and Northumbria	23,571	6,623	30,194	15,787	488	4,996	21,271	4,414	55,879
Cumbria and Lancashire	10,773	4,629	15,402	8,822	234	2,901	11,957	2,319	29,678
Derbyshire and Nottinghamshire	15,454	5,295	20,749	10,454	235	3,628	14,317	2,297	37,363
Devon and Cornwall	9,620	2,795	12,415	5,995	212	2,396	8,603	3,201	24,219
Dorset, Gloucestershire and Wiltshire	17,456	2,245	19,701	6,894	272	2,800	9,966	2,699	32,366
Greater Manchester	34,251	23,424	57,675	19,659	492	11,267	31,418	4,300	93,393
Hampshire and Isle of Wight	17,820	4,264	22,084	7,451	237	3,649	11,337	1,797	35,218
Humber and South Yorkshire	25,617	6,524	32,141	12,077	333	8,220	20,630	3,401	56,172
Kent	16,988	2,067	19,055	9,620	366	1,831	11,817	2,187	33,059
Lincolnshire, Leicestershire & Rutland and Northamptonshire	15,749	2,864	18,613	10,068	341	2,495	12,904	3,150	34,667
London	59,107	18,084	77,191	59,086	1,350	17,909	78,345	2,904	158,440
Mid and West Wales	6,425	1,276	7,701	4,240	169	917	5,326	986	14,013
North and West Yorkshire	40,053	10,219	50,272	12,992	442	6,155	19,589	5,295	75,156
North Wales	4,834	1,479	6,313	3,147	93	1,547	4,787	884	11,984
South East Wales	11,222	4,248	15,470	9,087	315	3,150	12,552	1,800	29,822
Surrey and Sussex	22,649	2,851	25,500	9,169	301	3,311	12,781	2,619	40,900
Thames Valley	26,192	2,711	28,903	9,484	304	2,553	12,341	2,968	44,212
County Court Bulk Centre ⁶	793,774	0	793,774	0	0	0	0	0	829,108
Money Claim Online ⁶	141,442	0	141,442	0	0	0	0	0	141,442
Total	1,426,389	160,248	1,586,637	290,958	8,652	107,605	407,215	70,272	2,064,124

Source:

HMCS CaseMan system, Claim Production Centre, Money Claim Online, Possession Claim Online and manual returns

Notes:

- 1 From April 2007, HMCS underwent a restructuring from 42 to 25 geographic areas. This table uses the new structure that was in place during the period it covers
- 2 Claims issued for a specified amount of money, including those made through the Claim Production Centre, County Court Bulk Centre and Money Claim Online
- 3 Claims issued for an unspecified amount of money
- 4 Includes claims made via Possession Claim Online
- 5 Includes petitions issued in the District Registries of the High Court
- 6 These claims are issued in the name of Northampton County Court

Table 4.3
County courts (non-family work)
 Summary statistics on recovery of land actions in England and Wales, 2004–2008

Year	Number of claims / orders														
	Mortgage repossessions			Social landlord repossessions ¹			Private landlord repossessions ²			Accelerated repossessions ³			Total		
	Claims issued	Suspended orders made	Orders made	Claims issued	Suspended orders made	Orders made	Claims issued	Suspended orders made	Orders made	Claims issued	Suspended orders made	Orders made	Claims issued	Suspended orders made	
2004	76,993	25,778	19,578	136,918	60,308	29,519	17,047	1,917	8,274	20,301	5	14,776	251,259	88,003	72,147
2005	114,733	37,043	31,879	126,333	54,872	27,985	18,287	2,131	9,394	21,069	11	15,518	280,422	94,046	84,776
2006	131,248	43,199	44,819	116,152	46,936	28,212	19,002	1,759	9,609	23,006	7	16,912	289,408	91,894	99,552
2007	137,725	41,474	49,180	103,214	40,563	27,120	19,347	1,354	11,026	24,496	8	18,546	284,782	83,391	105,872
2008	142,741	52,094	59,669	104,165	43,972	26,184	21,004	1,118	11,906	23,048	10	17,623	290,958	97,184	115,382

Source:

HMCS CaseMan system and Possession Claim Online

Notes:

- 1 Actions by local authorities and housing associations
- 2 Actions by all landlords except local authorities and housing associations
- 3 Landlord actions via the accelerated procedure enabling orders to be made solely on the basis of written evidence for assured shorthold tenancies, when the fixed period of the tenancy has come to an end
- 4 The figures in this table match those provided in the 2009Q2 mortgage and landlord possession statistics bulletin.
See <http://www.justice.gov.uk/publications/mortgagelandlordpossession.htm>

Table 4.4
County courts (non-family work)
 Summary statistics on recovery of land actions by HMCS¹ area and region, 2008

Area / region	Mortgage repossessions						Social landlord repossessions ²			Private landlord repossessions ³			Accelerated repossessions ⁴			Total		
	Claims issued	Suspended orders	Orders made	Claims issued	Suspended orders	Orders made	Claims issued	Suspended orders	Orders made	Claims issued	Suspended orders	Orders made	Claims issued	Suspended orders	Orders made	Claims issued	Suspended orders	Orders made
London County Court Group	19,470	6,928	7,720	23,644	6,351	6,547	5,851	239	3,235	10,121	3	7,951	59,086	13,521	25,453			
London	19,470	6,928	7,720	23,644	6,351	6,547	5,851	239	3,235	10,121	3	7,951	59,086	13,521	25,453			
Birmingham, Coventry, Solihull and Warwickshire	7,357	2,795	3,214	6,008	2,548	1,622	739	31	386	616	-	447	14,720	5,374	5,669			
Black Country, Staffordshire and West Mercia	9,089	3,554	3,930	6,043	3,387	1,425	770	58	435	763	-	592	16,665	6,999	6,382			
Derbyshire and Nottinghamshire	5,530	1,921	2,601	4,051	1,990	1,125	479	31	279	394	-	297	10,454	3,942	4,302			
Lincolnshire, Leicestershire & Rutland and Northamptonshire	5,864	2,057	2,684	3,141	1,538	762	561	31	334	502	1	360	10,068	3,627	4,140			
Midlands	27,840	10,327	12,429	19,243	9,463	4,934	2,549	151	1,434	2,275	1	1,696	51,907	19,942	20,493			
Cleveland, Durham and Northumbria	8,526	3,105	3,686	5,948	2,979	1,264	778	31	424	535	-	374	15,787	6,115	5,748			
Humber and South Yorkshire	6,500	2,383	2,861	4,240	2,243	1,208	770	53	477	567	-	438	12,077	4,679	4,984			
North and West Yorkshire	8,191	3,017	3,438	3,324	1,671	1,045	854	52	510	623	-	511	12,992	4,740	5,504			
North East	23,217	8,505	9,985	13,512	6,893	3,517	2,402	136	1,411	1,725	-	1,323	40,856	15,534	16,236			
Cheshire and Merseyside	7,983	3,048	3,379	5,343	2,604	1,157	812	48	460	598	-	424	14,736	5,700	5,420			
Cumbria and Lancashire	5,126	1,909	2,172	2,575	996	757	532	23	304	589	-	417	8,822	2,928	3,650			
Greater Manchester	9,975	3,603	4,252	7,449	3,469	1,577	1,300	153	704	935	1	624	19,659	7,226	7,157			
North West	23,084	8,560	9,803	15,367	7,069	3,491	2,644	224	1,468	2,122	1	1,465	43,217	15,854	16,227			

Bedfordshire, Essex and Herts	8,107	2,958	3,409	5,631	2,225	1,286	1,295	41	781	1,076	-	805	16,109	5,224	6,281
Cambridgeshire, Norfolk and Suffolk	4,661	1,656	2,012	3,606	1,835	804	616	17	358	684	-	554	9,567	3,508	3,728
Kent	4,960	1,705	1,937	2,733	946	731	1,161	94	596	766	-	525	9,620	2,745	3,789
Surrey and Sussex	4,480	1,485	1,657	2,690	1,149	664	994	36	602	1,005	-	800	9,169	2,670	3,723
Thames Valley	4,135	1,496	1,609	3,979	1,680	844	747	33	423	623	1	478	9,484	3,210	3,354
South East	26,343	9,300	10,624	18,639	7,835	4,329	4,813	221	2,760	4,154	1	3,162	53,949	17,357	20,875
Avon and Somerset	2,799	1,086	1,088	1,571	850	417	340	15	184	419	-	293	5,129	1,951	1,982
Devon and Cornwall	2,994	1,120	1,226	1,945	879	396	450	19	292	606	-	461	5,995	2,018	2,375
Dorset, Gloucestershire and Wiltshire	3,634	1,295	1,454	2,162	1,006	479	579	31	331	519	-	435	6,894	2,332	2,699
Hampshire and Isle of Wight	3,620	1,246	1,309	2,669	1,220	490	650	53	364	512	1	367	7,451	2,520	2,530
South West	13,047	4,747	5,077	8,347	3,955	1,782	2,019	118	1,171	2,056	1	1,556	25,469	8,821	9,586
Mid and West Wales	2,356	879	1,002	1,587	658	506	149	4	84	148	1	111	4,240	1,542	1,703
North Wales	2,027	667	853	827	410	227	163	9	83	130	-	118	3,147	1,086	1,281
South East Wales	5,357	2,181	2,176	2,999	1,338	851	414	16	260	317	2	241	9,087	3,537	3,528
Wales	9,740	3,727	4,031	5,413	2,406	1,584	726	29	427	595	3	470	16,474	6,165	6,512
Total¹	142,741	52,094	59,669	104,165	43,972	26,184	21,004	1,118	11,906	23,048	10	17,623	290,958	97,194	115,382

Source:
HMCS CaseMan system and Possession Claim Online

Notes:

- 1 From April 2007, HMCS underwent a restructuring from 42 to 25 geographic areas while the number of regions remained at 7. This table uses the new structure
- 2 Actions by local authorities and housing associations
- 3 Actions by all landlords except local authorities and housing associations
- 4 Landlord actions via the accelerated procedure enabling orders to be made solely on the basis of written evidence for assured shorthold tenancies, when the fixed period of the tenancy has come to an end
- 5 Claims made via Possession Claim Online are issued in the name of the local court relating to the postcode of the property
- 6 The figures in this table match those provided in the 2009Q2 mortgage and landlord possession statistics bulletin. See <http://www.justice.gov.uk/publications/mortgagelandlordpossession.htm>

Table 4.5**County courts (non-family work)**

Summary statistics on other non-“money” claims issued in England & Wales, 2004–2008

Year	Number of claims					
	Housing (not Landlord or Mortgage possession) ¹	Injunctions ²	Enforcement ³	Pre action disclosure applications ⁴	Other ⁵	Total
2004	30,395r	6,025r	31,394r	15,771r	50,875r	134,460r
2005	6,889r	7,559r	29,962r	14,941r	43,484r	102,835r
2006	6,544r	8,419r	29,199r	14,059r	41,853r	100,074r
2007	6,270r	9,699r	24,302r	15,553r	43,200r	99,024r
2008	6,164	10,198	26,028	14,616	50,599	107,605

Source:

HMCS CaseMan system

Notes:

- 1 Includes landlord and tenancy applications generally for a new tenancy agreement, claims to evict trespassers and claims for interim possession orders
- 2 To make somebody do something or to stop them doing it
- 3 Enforcement of Tribunal awards and orders made in magistrates' courts
- 4 To obtain an order for disclosure of information prior to issue of a claim
- 5 Includes orders for costs only
- 6 The revisions for 2004-2007 reflect new procedures put in place to remove 'duplicate' observations for claims issued at the local county courts

Table 4.6
County courts (non-family work)
 Summary statistics on other non-“money” claims issued by HMCS area,¹ 2008

Area	Number of claims					
	Housing (not Landlord or Mortgage possession) ²	Injunctions ³	Enforcement ⁴	Pre action disclosure applications ⁵	Other ⁶	Total
Avon and Somerset	124	163	464	260	1,313	2,324
Bedfordshire, Essex and Herts	202	373	1,661	263	2,140	4,639
Birmingham, Coventry, Solihull and Warwickshire	224	253	959	905	1,653	3,994
Black Country, Staffordshire and West Mercia	275	237	1,982	490	1,697	4,681
Cambridgeshire, Norfolk and Suffolk	247	154	579	166	887	2,033
Cheshire and Merseyside	245	1,043	854	2,349	5,718	10,209
Cleveland, Durham and Northumbria	97	271	1,612	692	2,324	4,996
Cumbria and Lancashire	129	354	565	324	1,529	2,901
Derbyshire and Nottinghamshire	134	212	1,832	352	1,098	3,628
Devon and Cornwall	79	175	503	615	1,024	2,396
Dorset, Gloucestershire and Wiltshire	146	147	1,242	257	1,008	2,800
Greater Manchester	213	1,838	1,976	2,585	4,655	11,267
Hampshire and Isle of Wight	185	223	1,318	453	1,470	3,649
Humber and South Yorkshire	183	907	1,189	1,379	4,562	8,220
Kent	114	117	673	57	870	1,831
Lincolnshire, Leicestershire & Rutland and Northamptonshire	113	120	969	248	1,045	2,495
London	2,356	2,173	3,180	865	9,335	17,909
Mid and West Wales	53	41	307	89	427	917
North and West Yorkshire	406	659	988	1,067	3,035	6,155
North Wales	61	70	312	257	847	1,547
South East Wales	69	237	859	646	1,339	3,150
Surrey and Sussex	279	282	1,216	169	1,365	3,311
Thames Valley	230	149	788	128	1,258	2,553
TOTAL	6,164	10,198	26,028	14,616	50,599	107,605

Source:
HMCS CaseMan system

Notes:

- 1 From April 2007, HMCS underwent a restructuring from 42 to 25 geographic areas. This table uses the new structure
- 2 Includes landlord and tenancy applications generally for a new tenancy agreement, claims to evict trespassers and claims for interim possession orders
- 3 To make somebody do something or to stop them doing it
- 4 Enforcement of Tribunal awards and orders made in magistrates' courts
- 5 To obtain an order for disclosure of information prior to issue of a claim
- 6 Includes orders for costs only

Table 4.7**County courts (non-family work)**Summary statistics on insolvency petitions¹ issued in England and Wales, 2004–2008

Year	Number of petitions			
	Company windings-up ²	Individual bankruptcy ³		Total
		Creditor's petition	Debtor's petition	
2004	5,577	7,892	24,810	38,279
2005	7,350	10,438	34,087	51,875
2006	6,956	11,045	48,965	66,966
2007	6,296	11,327	49,322	66,945
2008	6,075	12,068	52,129	70,272

Source:

HMCS manual returns

Note:

1 Includes petitions issued in the District Registries of the High Court

2 'Winding up' is the process by which a company's existence is terminated, whether due to insolvency or for another reason

3 Where an individual has debts that he/she is unable to pay

4 The figures in this table match those provided in the 2009Q2 company winding up and bankruptcy petition statistics bulletin. See <http://www.justice.gov.uk/publications/companywindingupandbankruptcy.htm>**Table 4.8****County courts (non-family work)**

"Money" claims issued for a specified amount in England and Wales, with percentage breakdown by claim value, 2004–2008

Year	Total number of claims issued	Percentage							
		Value of claim							
		<i>Lower bound (>)</i>	£0	£500	£1,000	£5,000	£15,000	£50,000	Other ¹
		<i>Upper bound (<=)</i>	£500	£1,000	£5,000	£15,000	£50,000	n/a	
2004	1,185,688r	50.4%	15.3%	23.4%r	7.7%	2.4%	0.4%	0.4%	
2005	1,429,613r	53.3%r	14.3%	21.6%	7.7%	2.5%	0.4%	0.4%	
2006	1,572,044r	48.6%	15.4%r	23.6%r	8.6%	2.9%	0.4%	0.3%	
2007	1,408,499r	40.8%r	15.4%	28.2%r	10.9%	3.9%	0.5%	0.3%	
2008	1,426,389	41.1%	14.9%	28.2%	11.3%	3.7%	0.5%	0.3%	

Source:

HMCS CaseMan system, Claim Production Centre, Money Claim Online

Notes:

1 Includes claims with no recorded claim values

2 The revisions for 2004–2007 reflect new procedures put in place to remove 'duplicate' observations for claims issued at the local county courts

Table 4.9
County courts (non-family work)
 “Money” claims issued for an unspecified amount in England and Wales, with percentage breakdown by claim value, 2004–2008¹

Year	Total number of claims issued	Value of claim							Percentage
		<i>Lower bound (>)</i>	£0	£500	£1,000	£5,000	£15,000	£50,000	Other ²
		<i>Upper bound (<=)</i>	£500	£1,000	£5,000	£15,000	£50,000	n/a	
2004	143,166r		1.6%	1.6%	42.9%	32.3%	11.9%	5.6%	4.1%
2005	147,120r		1.4%	1.2%	46.5%	30.9%	11.2%	4.3%	4.6%
2006	145,195r		1.2%	1.0%	47.8%r	30.3%	10.8%	4.5%	4.5%
2007	144,128r		1.3%	1.1%	47.9%r	30.2%	10.9%	4.3%	4.3%
2008	160,248		1.0%	0.8%	48.5%	31.0%	10.4%	4.0%	4.4%

Source:

HMCS CaseMan system

Notes:

- 1 The claim value breakdown is derived from the claim issue fee paid
- 2 Includes claims with either no recorded issue fee paid or with a recorded issue fee paid that doesn't correspond to one of the claim value ranges shown
- 3 The revisions for 2004-2007 reflect new procedures put in place to remove 'duplicate' observations for claims issued at the local county courts

Table 4.10
County courts (non-family work)
 Summary statistics on claims defended and allocated to track in
 England and Wales, 2004–2008¹

Year	Number of defences ²	Number of defences / allocations			
		Number of allocations to track ³			
		Small claims	Fast track	Multi track	Total
2004	258,096r	72,398r	50,342r	28,787r	151,527r
2005	275,138r	74,527r	50,704r	28,097r	153,328r
2006	292,115r	76,821r	50,723r	27,605r	155,149r
2007	338,616r	96,417r	50,970r	26,364r	173,751r
2008	298,796	83,928	53,255	26,720	163,903

Source:

HMCS CaseMan system

Notes:

- 1 Where a claim is defended, further information is gathered before it is allocated to one of the three case management “tracks” shown depending on the value, complexity and importance of the case and the consequential level of judicial involvement required. There may be more than one defence or allocation to track in a case
- 2 The number of defences excludes those recorded on the grounds of the defendant having already paid the amount claimed. Despite some cases involving more than one defendant, it is much lower than the number of claims issued (see Table 4.1) because the vast majority of claims are not disputed
- 3 The number of allocations to track is lower than the number of defences primarily because defended cases are often settled / withdrawn before they are allocated to track
- 4 The revisions for 2000–2007 reflect new procedures put in place to remove ‘duplicate’ observations for defences and allocations made at the local county courts

Table 4.11
County courts (non-family work)
 Number of trials and small claim hearings¹ in England and Wales, as a percentage of allocations made to the relevant track, 2004–2008

Year	Trials (fast and multi track)		Small claim hearings		Total hearings	
	Number	as % of allocations made to these "tracks" ²	Number	as % of allocations made to this "track" ²	Number	as % of total allocations
2004	16,668	21%	46,617	64%	63,285	42%
2005	16,766	21%	47,680	64%	64,446	42%
2006	17,675	23%	46,872	61%	64,547	42%
2007	18,353	24%	53,232	55%	71,585	41%
2008	19,916	25%	46,519	55%	66,435	41%

Source:

HMCS CaseMan system and manual returns

Notes:

- 1 There may be more than one trial or small claim hearing in a case
- 2 The numbers of trials and small claim hearings are much lower than the respective numbers of allocations to track in each year (see Table 4.10) because a large proportion of cases are settled/withdrawn between allocation to track and a small claim hearing or trial
- 3 The revisions to the percentage figures are due to those in the numbers of allocations (see Table 4.10)

Table 4.12**County courts (non-family work)**

Small claim hearings in England and Wales, by claim type, 2004–2008

Year	Type of case			Number of hearings
	Specified "money" ¹	Unspecified "money" ²	Other	Total
	2004	42,962	3,267	388	46,617
2005	44,594	2,718	368	47,680
2006	44,202	2,328	342	46,872
2007	50,725	2,179	328	53,232
2008	44,359	1,900	260	46,519

Source:

HMCS CaseMan system

Notes:

- 1 Cases which were issued for a specified amount of money
- 2 Cases which were issued for an unspecified amount of money

Table 4.13**County courts (non-family work)**

Fast and Multi-Track trials in England and Wales, by claim type, 2004–2008

Year	Type of case			Number of hearings
	Specified "money" ¹	Unspecified "money" ²	Other	Total
	2004	2,754	11,609	2,305	16,668
2005	2,922	11,337	2,507	16,766
2006	3,164	12,203	2,308	17,675
2007	3,353	12,750	2,250	18,353
2008	3,696	14,018	2,202	19,916

Source:

HMCS CaseMan system

Notes:

- 1 Cases which were issued for a specified amount of money
- 2 Cases which were issued for an unspecified amount of money

Table 4.14
County courts (non-family work)
 Average time taken to reach trials / small claim hearings, and estimates of their duration, England and Wales, 2004–2008¹

Year	Small Claim cases			Fast and Multi Track cases				
	Time between issue and start of small claim (weeks) ²	Duration of small claim hearings	Sample size	Time between issue and allocation to track (weeks) ²	Time between allocation to track and trial (weeks) ^{2,3}	Time between issue and trial (weeks) ^{2,3}	Duration of trials	Sample size
2004	27	76 Mins	940	21	33	52	3 Hours 52 Mins	1,030
2005	27	76 Mins	960	22	32	52	3 Hours 40 Mins	880
2006	27	84 Mins	840	21	32	50	4 Hours 37 Mins	980
2007	27	83 Mins	592	21	32	49	3 Hours 42 Mins	492
2008	29	85 Mins	1,421	21	32	48	3 Hours 52 Mins	794

Source:

HMCS CaseMan system and case "samplers" for small claims hearings and trials

Notes:

- 1 Figures for time intervals between major case milestones (issue, allocation and hearing) are taken from full population data
- 2 Figures only for cases that reach trials / small claim hearings in the relevant year
- 3 These figures are different to the sums of the average times between issue and allocation to track and between allocation to track and trial as not all allocation to track details are known

Table 4.15**County courts (non-family work)**

Number of judgments by default,¹ acceptance and determination^{2,3} in England and Wales by case type, 2004–2008

Year	Number of judgments			
	Type of case			Total
	Specified "money" ⁴	Unspecified "money" ⁵	Other	
2004	757,378r	949r	666r	758,993r
2005	1,019,437r	960r	565r	1,020,962r
2006	1,102,687r	870r	629r	1,104,186r
2007	997,342r	898r	589r	998,829r
2008	1,065,422	1,000	527	1,066,949

Source:

HMCS CaseMan system, Claim Production Centre and Money Claim Online

Notes:

- 1 Following no response from the defendant within the allotted time period
- 2 Judgments by acceptance and determination which follow the claimant accepting the defendant's offer to pay all or part of the amount owed
- 3 Includes judgments by default, acceptance and determination made in the County Court Bulk Centre and via Money Claim Online
- 4 Cases which were issued for a specified amount of money
- 5 Cases which were issued for an unspecified amount of money
- 6 The revisions for 2004–2007 reflect new procedures put in place to remove 'duplicate' observations for judgments made at the local county courts

Table 4.16
County courts (non-family work)
 Number of judgments by default,¹ acceptance and determination² by HMCS area,³ 2008

Area	Number of judgments			
	Type of case			Total
	Specified "money" ⁴	Unspecified "money" ⁵	Other	
Avon and Somerset	8,327	47	6	8,380
Bedfordshire, Essex & Herts	18,878	60	53	18,991
Birmingham, Coventry, Solihull and Warwickshire	11,788	27	18	11,833
Black Country, Staffordshire and West Mercia	19,229	37	33	19,299
Cambridgeshire, Norfolk and Suffolk	12,650	24	6	12,680
Cheshire and Merseyside	13,790	93	4	13,887
Cleveland, Durham and Northumbria	20,705	65	23	20,793
Cumbria and Lancashire	7,611	31	14	7,656
Derbyshire and Nottinghamshire	10,742	22	2	10,766
Devon and Cornwall	6,518	35	16	6,569
Dorset, Gloucestershire and Wiltshire	11,911	19	11	11,941
Greater Manchester	22,083	112	67	22,262
Hampshire and Isle of Wight	11,278	17	20	11,315
Humber and South Yorkshire	14,296	32	13	14,341
Kent	11,663	21	51	11,735
Lincolnshire, Leicestershire & Rutland and Northamptonshire	10,731	24	14	10,769
London	38,901	129	91	39,121
Mid and West Wales	4,476	24	9	4,509
North and West Yorkshire	24,642	56	16	24,714
North Wales	3,568	7	10	3,585
South East Wales	9,378	33	10	9,421
Surrey and Sussex	15,784	60	14	15,858
Thames Valley	17,488	25	26	17,539
County Court Bulk Centre ⁶	677,562	-	-	677,562
Money Claim Online ⁶	61,423	-	-	61,423
Total	1,065,422	1,000	527	1,066,949

Source:

HMCS CaseMan system, Claim Production Centre and Money Claim Online

Note:

- 1 Following no response from the defendant within the allotted time period
- 2 Judgments by acceptance and determination which follow the claimant accepting the defendant's offer to pay all or part of the amount owed
- 3 From April 2007, HMCS underwent a restructuring from 42 to 25 geographic areas. This table uses the new structure
- 4 Cases which were issued for a specified amount of money
- 5 Cases which were issued for an unspecified amount of money
- 6 These judgments by default, acceptance and determination are made in the name of Northampton County Court

Table 4.17
Registry of County Court Judgments in England and Wales
 Number of judgments registered, satisfied and cancelled, by type, 2004–2008¹

Year	Number of judgments								
	Consumer judgments (i.e. individuals)			Commercial judgments (i.e. businesses)			Total		
	Registered	Satisfied ²	Cancelled ³	Registered	Satisfied ²	Cancelled ³	Registered	Satisfied ²	Cancelled ³
2004	538,383	98,967	44,538	161,882	14,287	31,102	700,265	113,254	75,640
2005	635,222	93,443	54,277	167,664	15,476	32,011	802,886	108,919	86,288
2006	843,853	108,079	55,626	178,313	20,586	33,994	1,022,166	128,665	89,620
2007	796,528	106,151	49,905	185,395	22,195	35,523	981,923	128,346	85,428
2008	827,880	95,676	41,618	192,056	20,708	35,341	1,019,936	116,384	76,959

Source:

Registry Trust Ltd

Notes:

- 1 Excludes judgments made for the non-payment of road tax between September 2004 and 2007 (these amounting to 72k in 2004, 216k in 2005, 83k in 2006 and 6k in 2007)
- 2 The judgment debt has been paid in full
- 3 A judgment registration can be cancelled when it is made in error, set aside, reversed, paid before the court date in full within one month

Table 4.18
Registry of County Court Judgments in England and Wales
 Number of register searches made,¹ by search method, 2004–2008

Year	Number of searches			
	Postal	Personal	Internet ²	Total
2004	18,710	3,613		22,323
2005	17,368	3,570	6,252	27,190
2006	16,228	4,376	16,205	36,809
2007	11,097	3,784	22,220	37,101
2008	7,726	2,521	29,080	39,327

Source:

Registry Trust Ltd

Notes:

- 1 These searches were mainly carried out by individuals searching for themselves or others or by agents acting for law firms
- 2 Internet searches were not available until 2005

Table 4.19**County court (enforcement work)**Number of warrants issued¹ in England and Wales, by type, 2004–2008

Year	Number of warrants			
	Execution ²	Delivery ³	Possession ⁴	Committal ⁵
2004	311,151	3,384	118,788	2,198
2005	341,097	2,382	131,510	1,844
2006	340,078	2,121	144,990	1,757
2007	310,178	2,359	146,120	1,647
2008	294,823	2,500	159,337	1,353

Source:

HMCS CaseMan system, Claim Production Centre, Money Claim Online and Possession Claim Online

Note:

- 1 Includes warrants issued in the County Court Bulk Centre and via Money Claim Online and Possession Claim Online
- 2 Allows saleable items owned by the debtor to be sold unless the amount due under the warrant is paid
- 3 For the return of goods or items
- 4 For the repossession of property
- 5 For enforcing an order where the penalty for failing to comply is imprisonment. It authorises the bailiff to arrest and deliver the person to prison or the court

Table 4.20**County court (enforcement work)**Amounts issued and recovered from warrants of execution¹ in England and Wales, 2004–2008

Year	Amount issued in correctly directed ² warrants (£)	Amount received in correctly directed ² warrants (£)	Amount issued in all warrants (£)	Amount received in all warrants (£)	Pence-per-pound recovered on correctly directed ² warrants	Pence-per-pound recovered on all warrants
2004	50,145,502	45,237,677	195,831,506	48,550,116	90.2	24.8
2005	47,730,253	44,301,929	200,347,628	47,417,447	92.8	23.7
2006	47,151,671	42,905,286	211,262,049	46,173,497	91.0	21.9
2007	44,191,558	39,570,109	204,649,725	42,592,414	89.5	20.8
2008	40,838,478	34,035,170	210,876,807	36,927,906	83.3	17.5

Source:

HMCS CaseMan system

Note:

- 1 Allows saleable items owned by the debtor to be sold unless the amount due under the warrant is paid
- 2 Warrants for which the creditor has specified the correct address

Table 4.21
County court (enforcement work)
 Number of repossessions of property by bailiffs in England and Wales,
 by type of case, 2004–2008

Year	Type of case					Number of repossessions	
	Mortgage repossession	Social landlord repossession	Private landlord repossession	Accelerated repossession	Other	Total	
2004	6,868r	25,164r	3,583r	5,110r	1,969r	42,694r	
2005	12,488r	23,714r	3,873r	5,872r	2,240r	48,187r	
2006	20,401r	22,583r	4,021r	6,657r	2,193r	55,855r	
2007	21,769r	19,356r	4,086r	7,426r	2,006r	54,643r	
2008	31,148	18,556	4,109	7,463	2,023	63,299	

Source:

HMCS CaseMan system and Possession Claim Online

Note:

- 1 Includes warrants issued in the County Court Bulk Centre and via Money Claim Online and Possession Claim Online
- 2 The vast majority of warrant of repossession outcomes are repossession, the warrant being suspended by an order made by the court and the warrant being withdrawn
- 3 The revisions for 2004–2008 reflect new procedures put in place to remove 'duplicate' observations for defences and allocations made at the local county courts

Table 4.22
County court (enforcement work)
 Enforcement-related orders applied for and made in England and Wales, 2004–2008

Year	Attachment of earnings orders ^{1,2}										Orders to obtain information from judgment debtors ⁷
	Third party debt orders ³		Charging orders ⁴		Administration orders ⁵		Orders made ⁶		Orders made ⁶		
	Applications	Orders made ²	Applications	Orders made	Applications	Orders made	Applications	Orders made	Applications	Orders made ⁶	
2004	76,051	70,106	6,385	1,836	45,516	33,235	2,952	3,925	3,925	3,925	34,758
2005	92,559	71,089	6,597	1,826	65,780	49,218	3,177	3,700	3,700	3,700	31,512
2006	85,328	66,477	6,554	1,828	92,933	67,090	3,181	4,480	4,480	4,480	28,462
2007	82,019	62,125	6,474	1,813	131,637	97,026	2,407r	3,683r	3,683r	3,683r	27,148
2008	73,845	60,588	7,564	2,041	164,812	135,702	2,065	2,795	2,795	2,795	30,261

Source:

HMCS CaseMan system and manual returns

Note:

- 1 Attachment of earnings orders oblige the debtor's employer to deduct a set sum from the debtor's pay and forward it to the court
- 2 Includes the making of varied orders and suspended orders enabling the debtor to make payments into court directly but upon failure to do so will result in the debtor's employer being contacted
- 3 Third party debt orders secure payment by freezing and then seizing money owed or payable by a third party to a debtor
- 4 Charging orders obtain security for the payment against a property owned by the debtor
- 5 Administration orders enable a debtor to combine a judgment debt and at least one other debt (with total indebtedness not exceeding £5,000) into a single order for the making of regular payments into court to be distributed to the creditors in the appropriate proportions listed by the debtor
- 6 Multiple orders may be made following an application e.g. where an original order is revoked and then re-instated
- 7 Formerly known as the oral examination procedure which was changed on 26 March 2002, the process being streamlined and standardised to enable information to be obtained faster

Family matters

Key findings for 2008

- Total public law applications decreased by three per cent in 2008 compared with 2007. Within this, applications for care orders increased by five per cent and applications for emergency protection orders increased by twenty-five per cent. Applications for discharge of a care order decreased by 7 per cent.
- Total private law applications have increased by six per cent in 2008 compared with 2007. Within this, applications for special guardianship orders have increased by thirty-one per cent, applications for prohibited steps orders have increased by nineteen per cent, applications for residence have increased by eight per cent and applications for contact have increased by five per cent.
- There were 128,800 petitions filed for dissolution of marriage in 2008, a decrease of five per cent compared with the previous year. The number of decrees absolute granted for dissolution of marriage also fell by five per cent.
- The number of applications in county courts for domestic violence remedies increased by three per cent in 2008 compared with 2007. Within this, applications for non-molestation orders increased by eight per cent, while applications for occupation orders decreased by seven per cent.

Chapter 5: Family matters

This chapter refers to family proceedings across all tiers of court

Family law is the area of law that deals with:

- parental disputes concerning the upbringing of children
- local authority intervention to protect children
- decrees relating to marriage
- financial provisions for children after divorce or relationship breakdown
- domestic violence remedies
- adoption.

Family matters are dealt with in the Family Division of the High Court, in county courts and in family proceedings courts (those magistrates' courts that hear family cases). Magistrates undergo specialist training before they sit in Family Proceedings Courts where procedures are very different from the criminal courts. Most matters affecting children are dealt with under the Children Act 1989 in all three levels of courts.

Matters affecting children: Public Law

Public law cases are those brought by local authorities or an authorised person (currently only the NSPCC) and include matters such as care, supervision and emergency protection orders.

Care orders

A care order brings the child into the care of the applicant local authority and cannot be made in favour of any other party. The care order gives the local authority parental responsibility for the child and gives the local authority the power to determine the extent to which the child's parents and others with parental responsibility (who do not lose their parental responsibility on the making of the order) may meet their responsibility. The making of a care order with respect to a child who is the subject of any section 8 order discharges that order.

Supervision orders

A supervision order places the child under the supervision of the local authority or probation officer. While a supervision order is in force, it is the duty of the supervisor to advise, assist and befriend the child and take the necessary action to give effect to the order including whether or not to apply for its variation or discharge.

Emergency Protection Orders

An emergency protection order is used to secure the immediate safety of a child by removing the child to a place of safety, or by preventing the child's removal from a place of safety. Anyone, including a local authority, can apply for an emergency protection order if, for example, they believe that access to the child is being unreasonably refused.

Under the relevant allocation of proceedings rules for family law, public law cases must start in the Family Proceedings Courts but may be transferred to the county courts in the following circumstances:

- to minimise delay
- to consolidate with other family proceedings
- where the matter is exceptionally grave, complex or important.

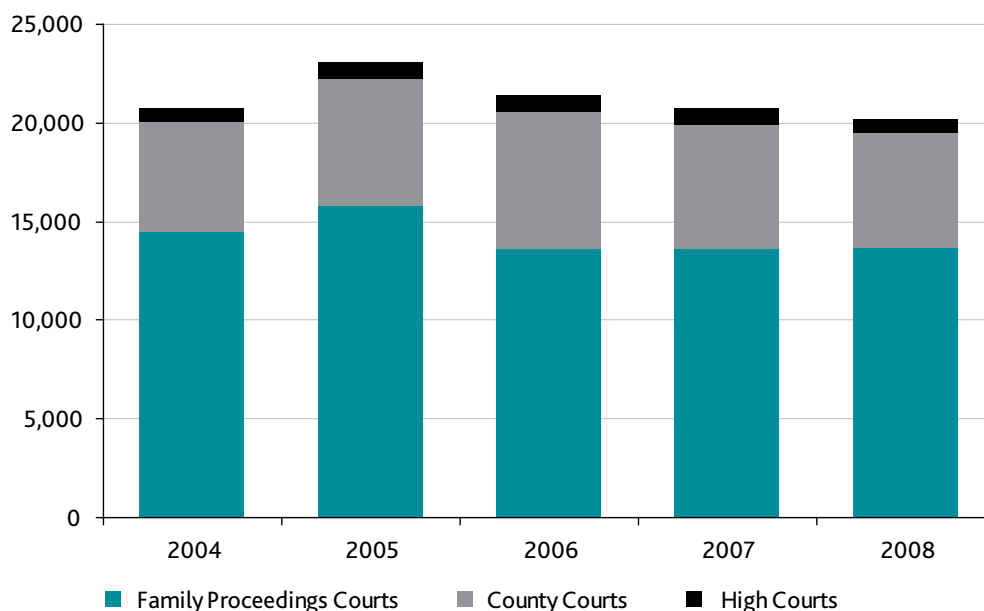
There are known data quality issues with figures provided by Family Proceeding Courts thus they should be used with caution. A new method of data collection was introduced to Family Proceedings Courts in April 2007 which is likely to have improved the quality and level of recording on previous years.

Figures in [Tables 5.1 to 5.3](#) have been produced using a new methodology to calculate the number of applications. See Annex A for further details.

In 2008 public law applications decreased by three per cent compared with 2007. Within this, applications for care orders increased by five per cent and applications for emergency protection orders increased by twenty-five per cent. Applications for discharge of a care order decreased by seven per cent.

Public Law Applications, by tier of court, 2004–2008

Number of applications



Public law caseload statistics are shown in [Tables 5.1](#) to [5.4](#).

Matters affecting children: Private Law

Private law cases are those brought by private individuals, generally in connection with divorce or the parents' separation. Order types include parental responsibility, "Section 8" orders (referring to the relevant section of the Children Act 1989), financial applications and special guardianship orders.

Section 8 orders include:

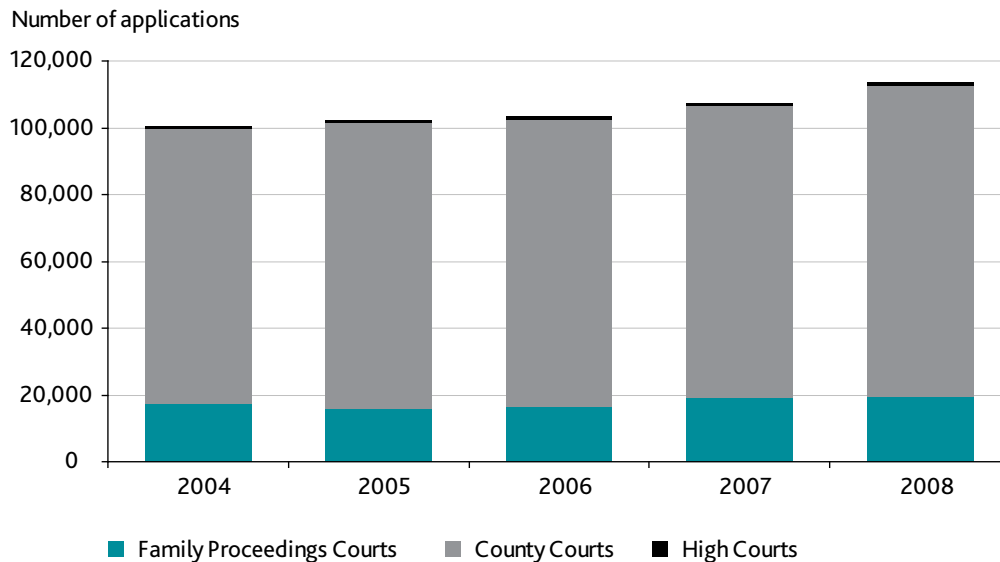
- residence – settles where the child should live and can be made in favour of anyone except a local authority. A residence order also gives the person named in the order parental responsibility for the child.
- contact – this order requires the person with whom the child lives to allow the child to have contact with the person named on the order. It can be granted to anyone except a local authority.
- prohibited steps – this order can be used to direct someone not to take specific action in relation to the child without the consent of the court. It could be used, for example, to stop a parent from moving the child to another country.
- specific issue – this order determines specific aspects as to the child's upbringing, for example, which religion s/he should be brought up in.

Special Guardianship

The Adoption and Children Act 2002 introduced special guardianship orders, which give the special guardian legal parental responsibility for the child without taking away parental responsibility from the birth parents. This means that the child is no longer the responsibility of the local authority. The special guardian takes responsibility for all the day to day decisions and only needs to consult with the birth parents in exceptional circumstances.

Total private law applications increased by six per cent in 2008 compared with 2007. Within this, applications for special guardianship orders have increased by thirty-one per cent, applications for prohibited steps orders have increased by nineteen per cent, applications for residence have increased by eight per cent and applications for contact have increased by five per cent.

Private Law Applications, by tier of court, 2004–2008



Private law caseload statistics are shown in [Tables 5.1](#) to [5.4](#).

Disposal of applications

There are four ways in which an order can be disposed of:

- withdrawn applications – applications can only be withdrawn by order of the court
- order refused – in public law proceedings an order is refused if the grounds are not proved and the court has dismissed the application. In private law proceedings the court may refuse to make an order or make an order of no order
- order of no order – this is made if the court has applied the principle of non-intervention under section 1(5) of the Act. This provides that the court shall not make an order unless it considers that doing so would be better for the child than not making an order at all
- order made.

In 2008, there were 24,600 disposals in public law cases and 134,000 disposals in private law cases.

Adoption

An adoption order made by a court extinguishes the rights, duties and obligations of the natural parents or guardian and vests them in the adopters. On adoption the child becomes, for virtually all purposes in law, the child of its adoptive parents and has the same rights of inheritance of property as any children born to the adoptive parents.

The Adoption and Children Act 2002 was implemented on 30 December 2005, replacing the Adoption Act 1976. The key changes resulting from the new act are:

- alignment of adoption law with the Children Act 1989 to ensure that the child's welfare is the most important consideration when making decisions
- provision for adoption orders to be made in favour of unmarried couples
- the introduction of Special Guardianship Orders, intended to provide permanence for children for whom adoption is not appropriate.

The Office for National Statistics will publish adoption figures for 2008 later in 2009.

Matrimonial matters

There are two ways to dissolve a marriage. The most usual is a decree absolute of divorce, which ends a valid marriage. The other is a decree of nullity, which declares that the marriage itself is void, i.e. no valid marriage ever existed, or voidable, i.e. the marriage was valid unless annulled. No petition may be made for divorce within the first year of marriage.

Divorce

To obtain a decree of divorce the marriage must be proved to have broken down irretrievably. This must be done on proof of one or more of the following facts:

- (a) adultery
- (b) behaviour with which the petitioner cannot reasonably be expected to live
- (c) desertion of at least two years
- (d) two years separation where the respondent consents
- (e) five years separation without consent.

Nullity

A void marriage is one that is legally invalid because, for example:

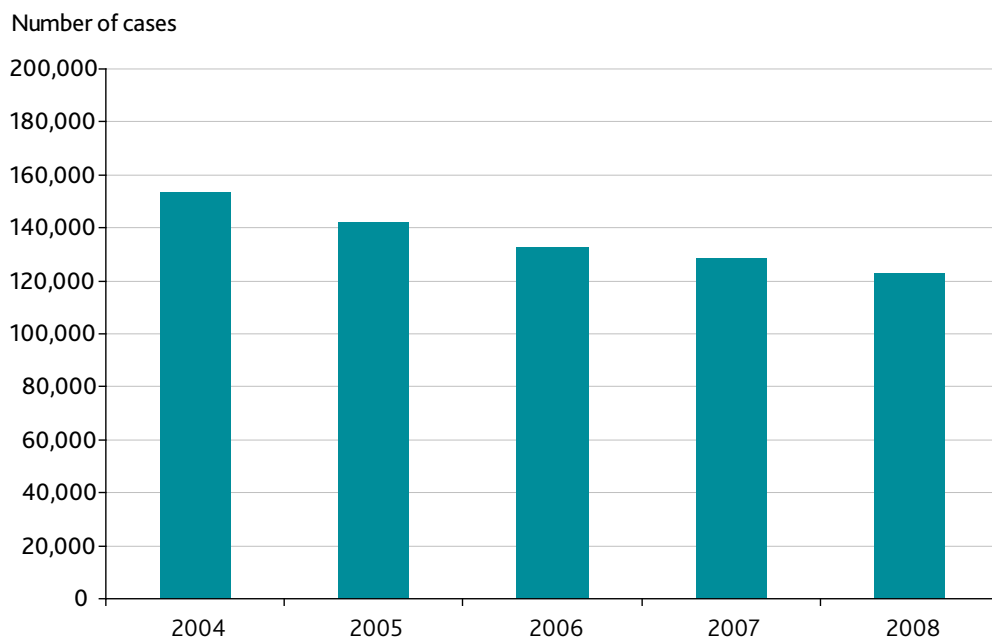
- (a) either party was under the age of sixteen at the time of the marriage
- (b) either party was already married
- (c) the parties are prohibited from marrying, for example father and daughter.

Examples of voidable marriages are those:

- (a) not consummated due to incapacity or willful refusal (most nullities are on these grounds)
- (b) where one party was suffering from a venereal disease in a communicable form, or was pregnant by someone else at the time of marriage.

There were 128,800 petitions filed for dissolution of marriage in 2008, a decrease of five per cent compared to 2007. The number of decrees absolute granted for dissolution of marriage also fell by five per cent.

Dissolution of Marriage: Decrees Absolute Granted, 2004–2008



Judicial Separation

An alternative to divorce is a decree of judicial separation. This does not dissolve the marriage but absolves the parties from the obligation to live together. This procedure might, for instance, be used if religious beliefs forbid or discourage divorce.

In 2008 there were over 400 petitions filed for judicial separation, a decrease of 16 per cent compared with the previous year.

Table 5.5 shows the number of matrimonial suits each year from 2004 to 2008. The figures differ to those previously published due to duplicate records being removed from the counts of cases of petitions filed, decrees nisi and decrees absolute.

Ancillary relief

During or after a divorce, the annulment of a marriage (nullity) or judicial separation, there may still be a need for the court to settle disputes over money or property. The court can make a financial order. This is known as ancillary relief and may deal with the sale or transfer of property, maintenance payments (e.g. weekly or monthly maintenance), a lump sum payment and/or a pension sharing or attachment order.

In 2008 there were almost 29,600 property adjustment orders and 30,200 lump sum orders. The majority of orders (70%) were not contested. A further 23 per cent of orders were made by consent after initially being contested.

The numbers of disposals for ancillary relief applications are shown in Table 5.6 and Table 5.7.

Other financial orders in family matters

Other orders for financial provision are not dependent upon divorce proceedings and may be made for children.

Child Maintenance Enforcement Commission

The Child maintenance and Other Payments Act 2008 led to the creation of the Child Maintenance Enforcement Commission (CMEC) which replaced the Child Support Agency (CSA), although the CSA retained its existing caseload. The Act also removed the requirement for all parents in receipt of benefit to go through the CMEC even if they could reach agreement. Parents who were not on benefit were previously allowed to come to courts for consent orders. This change is likely to increase the number of parties that come to court for maintenance consent orders.

Domestic violence

Part IV of the Family Law Act 1996 provides single and unified domestic violence remedies in magistrates' courts and county courts. Two types of order can be granted:

- a non-molestation order, which can either prohibit particular behaviour or general molestation
- an occupation order, which can define or regulate rights of occupation of the home.

A range of people can apply to the court: spouses, cohabitants, ex-cohabitants, those who live or have lived in the same household (other than by reason of one of them being the other's employee, tenant, lodger or boarder), certain relatives (e.g. parents, grandparents, in-laws, brothers, sisters), and those who have agreed to marry one another.

Where the court makes an order and it appears to the court that the respondent has used or threatened violence against the applicant or child, then the court must attach a power of arrest unless it is satisfied that the applicant or child will be adequately protected without such a power. In July 2007 the Domestic Violence, Crime and Victims Act 2004 came in to force and this made breaching a non-molestation order a criminal offence.

The court may also add an exclusion requirement to an emergency protection order or interim care order made under the Children Act 1989. This means a suspected abuser may be removed from the home, rather than the child.

The number of applications to the county courts for domestic violence remedies increased by three per cent in 2008 compared with 2007. Within this, applications for non-molestation orders increased by eight per cent, while applications for occupation orders decreased by seven per cent.

Sixty-nine per cent of applications were for non-molestation orders and seventy-seven per cent were *ex parte* (in the absence of the respondent).

Statistics on the number of domestic violence orders are shown in [Table 5.8](#) and [Table 5.9](#).

The Forced Marriage (Civil Protection) Act 2007 came into force on 25 November 2008. The Act amended Part IV of the Family Law Act to enable 15 designated county courts to make Forced Marriage Protection Orders to prevent forced marriages from occurring and to offer protection to victims who might have already been forced into a marriage.

Probate

The Probate Service forms part of the Family Division of the High Court. It deals with 'non-contentious' probate business (i.e. where there is no dispute about the validity of a will or entitlement to take a grant), and issues grants of representation – either probate (when the deceased person left a valid will) or letters of administration (usually when there is no valid will). These grants appoint people – known as personal representatives – to administer the deceased person's estate.

The Probate Service is currently made up of the Principal Registry in London, 11 District Probate Registries and 18 Probate Sub-Registries throughout England and Wales. There are also a number of Probate offices which are opened between once a week and once every two months to provide a local service for personal applicants.

In 2008, 267,500 grants of representation were issued (286,200 in 2007). Of these, 86,100 were personal applications and 181,400 were made by solicitors. In 215,000 of these cases the deceased left a will.

Table 5.1
Family Courts
 Matters affecting children: Public and Private Law applications
 made in each tier of court, 2004 to 2008^{1,2}

Year	Public law				Private law ³			
	FPC ^{4,5}	CC ⁶	HC	Total	FPC ^{4,5}	CC ⁶	HC	Total
2004	14,480	5,550r	710r	20,750r	17,460	82,210r	810r	100,470r
2005	15,830	6,440r	840r	23,110r	15,820	85,600r	910r	102,330r
2006	13,660	6,870r	840r	21,370r	16,410	86,270r	990r	103,670r
2007	13,640r	6,260r	900r	20,790r	19,190r	87,210r	780r	107,180r
2008	13,680	5,800	740	20,220	19,360	93,390	850	113,590

Source:

HMCS FamilyMan system and summary returns

Notes:

Abbreviations: FPC = Family Proceedings Court, CC = county court, HC = High Court

- 1 Applications figures have been produced using a new method. See Annex A for further details
- 2 Figures relate to the number of children subject to each application. Figures have been rounded
- 3 Private Law applications exclude adoptions
- 4 There are known data quality problems with the figures for the Family Proceedings Courts. A new data collection method, introduced in April 2007, has made some improvements to the completeness of data
- 5 Special Guardianship Orders figures in the Family Proceedings Courts are only available for those courts which share premises and administrative systems with county courts. The total has therefore been estimated based on the proportion of the total public law and private law applications made in each tier of court
- 6 Research undertaken on behalf of Ministry of Justice has identified that some cases that have transferred from the Family Proceedings Court to a county court have been incorrectly recorded as new applications in the county court, thus inflating the number of new applications (see Masson et al, 2008). Work is in progress to improve the accuracy of county court records

Table 5.2**Family Courts**Matters affecting children: Public and Private Law applications made in each tier of court, by HMCS region, 2008^{1,2}

Region	Number of applications							
	Public law				Private law ³			
	FPC ^{4,5}	CC ⁶	HC	Total	FPC ^{4,5}	CC ⁶	HC	Total
London	2,240	750	150	3,150	1,840	15,000	340	17,180
Midlands	2,400	770	100	3,270	5,540	14,410	110	20,060
North East	2,310	910	140	3,360	1,670	15,980	110	17,760
North West	1,840	1,360	100	3,300	3,490	12,350	40	15,880
South East	2,370	980	50	3,400	2,070	19,340	60	21,460
South West	1,660	670	150	2,480	2,950	11,270	150	14,360
Wales	860	360	40	1,270	1,790	5,050	50	6,890
England & Wales	13,680	5,800	740	20,220	19,360	93,390	850	113,590

Source:

HMCS FamilyMan system and summary returns

Notes:

Abbreviations: FPC = Family Proceedings Court, CC = county court, HC = High Court

1 Applications figures have been produced using a new method. See Annex A for further details

2 Figures relate to the number of children subject to each application. Figures have been rounded

3 Private Law applications exclude adoptions

4 There are known data quality problems with the figures for the Family Proceedings Courts. A new data collection method, introduced in April 2007, has made some improvements to the completeness of data

5 Special Guardianship Orders figures in the Family Proceedings Courts are only available for those courts which share premises and administrative systems with county courts. The total has therefore been estimated based on the proportion of the total public law and private law applications made in each tier of court

6 Research undertaken on behalf of Ministry of Justice has identified that some cases that have transferred from the Family Proceedings Court to a county court have been incorrectly recorded as new applications in the county court, thus inflating the number of new applications (see Masson et al 2008). Work is in progress to improve the accuracy of county court records

Table 5.3**Family Courts**Matters affecting children: Applications made, by whether Private or Public law, type and tier of court, 2008¹

Number of applications

Application type	Public Law					Private Law				
	FPC ^{2,3}	CC ⁶	HC	Total ²	% Change ⁴	FPC ^{2,3}	CC	HC	Total ²	% Change ⁴
Secure accommodation	290	78	6	380	+1%	-	-	-	-	-
Care	9,560	1,870	360	11,790	+5%	-	-	-	-	-
Discharge of care	340	1,030	45	1,410	-7%	-	-	-	-	-
Substitute Supervision Order for a Care Order	16	10	1	27	-44%	-	-	-	-	-
Supervision order	470	250	18	730	-31%	-	-	-	-	-
Supervision order – discharge	6	5	-	11	-61%	-	-	-	-	-
Contact with a child in care	180	420	34	630	+6%	-	-	-	-	-
Authority to refuse Contact with a child in care	110	400	52	560	-19%	-	-	-	-	-
Education Supervision	210	5	-	210	-4%	-	-	-	-	-
Child assessment orders	22	22	-	44	-24%	-	-	-	-	-
Emergency protection order	1,680	71	5	1,760	+25%	-	-	-	-	-
Extension of emergency protection order	82	-	-	82	-14%	-	-	-	-	-
Discharge of emergency protection order	-	-	-	-	-	-	-	-	-	-
Recovery orders	140	81	12	230	-24%	-	-	-	-	-
Parental responsibility	43	140	11	200	-28%	2,570	6,690	26	9,280	-9%
Section 8										
Residence	240	470	44	760	-30%	5,430	32,380	270	38,080	+8%
Contact	210	740	110	1,060	-24%	9,350	31,350	200	40,900	+5%
Prohibited steps	16	24	13	53	-12%	800	13,630	140	14,570	+19%
Specific issue	46	180	30	250	+7%	810	7,560	190	8,560	-0%
Financial applications	-	-	-	-	-	210	880	18	1,110	-13%
Special Guardianship Orders ⁵	24	10	1	35	-65%	190	900	11	1,090	+31%
Total	13,680	5,800	740	20,220	-3%	19,360	93,390	850	113,590	+6%

Source:

HMCS FamilyMan system and summary returns

Notes:

Abbreviations: FPC = Family Proceedings Court, CC = county court, HC = High Court

1 Applications figures have been produced using a new method. See Annex A for further details

2 Figures relate to the number of children subject to each application. Figures have been rounded

3 There are known data quality problems with the figures for the Family Proceedings Courts. A new data collection method, introduced in April 2007, has made some improvements to the completeness of data

4 Compared with 2007 based on unrounded data. Percentage changes are not provided where there are less than 20 observations in the past period

5 Special Guardianship Orders figures in the Family Proceedings Courts are only available for those courts which share premises and administrative systems with county courts. The total has therefore been estimated based on the proportion of the total public law and private law applications made in each tier of court

6 Research undertaken on behalf of Ministry of Justice has identified that some cases that have transferred from the Family Proceedings Court to a county court have been incorrectly recorded as new applications in the county court, thus inflating the number of new applications (see Masson et al 2008)

Table 5.4
Family Courts
Matters affecting children: Disposals in all tiers of court, by type of disposal and whether Private or Public law, 2008¹

Order type	Number of disposals									
	Public Law					Private Law				
	Type of disposal					Type of disposal				
	Applications withdrawn	Orders refused	Orders no orders	Orders made	Total disposals ^{2,3}	Applications withdrawn	Orders refused	Orders no orders	Orders made	Total disposals ^{2,3}
Secure accommodation	34	1	8	530	573	-	-	-	-	-
Care	298	20	245	7,077	7,640	-	-	-	-	-
Discharge of care	185	13	21	768	987	-	-	-	-	-
Substitute Supervision Order for a Care Order	1	-	-	130	131	-	-	-	-	-
Supervision order	56	4	27	3,663	3,750	-	-	-	-	-
Supervision order – discharge	3	-	-	1	4	-	-	-	-	-
Contact with a child in care	106	17	16	300	439	-	-	-	-	-
Authority to refuse Contact with a child in care	29	6	2	629	666	-	-	-	-	-
Education Supervision	18	1	-	176	195	-	-	-	-	-
Child assessment orders	4	3	-	12	19	-	-	-	-	-
Emergency protection order	242	23	26	1,118	1,409	-	-	-	-	-
Extension of emergency protection order	7	1	2	89	99	-	-	-	-	-
Discharge of emergency protection order	-	-	-	5	5	-	-	-	-	-

Recovery orders	12	-	2	244	258	-	-	-	-	-	-	-
Parental responsibility	1	-	-	778	779	503	108	90	7,072	7,773		
Section 8												
Residence	73	20	9	2,735	2,837	1,223	126	383	24,873	26,605		
Contact	112	22	24	2,568	2,726	2,243	338	828	76,759	80,168		
Prohibited steps	4	1	-	375	380	370	39	127	12,961	13,497		
Specific issue	13	1	-	209	223	290	22	69	4,434	4,815		
Financial applications	-	-	-	-	-	35	7	8	464	514		
Special Guardianship Orders ⁴	-	-	-	1,483	1,483	16	-	-	572	588		
Total	1,198	133	382	22,890	24,603	4,680	640	1,505	127,135	133,960		

Source:

HMCS FamilyMan system and summary returns

Notes:

- Figures relate to the number of children subject to each application
- The number of disposals shown in the table above are not equal to the corresponding number of applications made during the year, because:
 - disposals in 2008 may relate to applications made in earlier years, and
 - an application of one type may lead to an order of a different type being made
- There are known data quality problems with the figures for the Family Proceedings Courts. A new data collection method, introduced in April 2007, has made some improvements to the completeness of data
- Special Guardianship Orders figures in the Family Proceedings Courts are only available for those courts which share premises and administrative systems with county courts. The total has therefore been estimated based on the proportion of the total public law and private law applications made in each tier of court

Table 5.5
Family Courts
 Summary statistics on matrimonial proceedings, 2004 to 2008^{1,2}

	Number of cases					
	2004	2005	2006	2007 ³	2008 ³	% Change ⁴
Dissolution of marriage						
Petition filed	166,010r	150,424r	147,236r	136,187r	128,837	-5%
Decrees nisi	155,123r	141,144r	135,233r	132,987r	120,868	-9%
Decrees absolute	153,282r	142,116r	132,782r	128,953r	122,661	-5%
Nullity of marriage						
Petition filed	480r	425r	388r	336r	331	-1%
Decrees nisi	299r	257r	239r	189r	214	13%
Decrees absolute	244r	251r	244r	193r	200	4%
Judicial separation						
Petition filed	740r	691r	605r	499r	421	-16%
Decrees granted	379r	359r	324r	304r	214	-30%

Source:

HMCS FamilyMan system

Notes:

- 1 Figures differ to those previously published due to duplicate records being removed from the counts of cases of petitions filed, decrees nisi and decrees absolute
- 2 More detailed statistics on divorces in England and Wales are available from the Office for National Statistics annual publication "Marriage, Divorce and Adoption Statistics". This publication is based on statistics compiled by the General Register Office
- 3 The 2007 and 2008 figures includes dissolutions of civil partnerships
- 4 Compared with 2007

Table 5.6**Family Courts**

Disposal of applications for ancillary relief made in county courts, by type and whether contested or uncontested, 2008

Disposal	Number of disposals			
	Uncontested ¹	Initially contested, subsequently consented	Contested	Total
Periodical payments	10,353	2,896	1,036	14,285
Lump sum orders	22,327	6,526	1,361	30,214
Property adjustment orders	20,487	7,282	1,843	29,612
Pension sharing or attachment orders	7,811	1,997	609	10,417
Secure Provision Order	4,104	695	447	5,246
Maintenance pending suit	1,488	288	609	2,385
Application dismissed	-	1,846	426	2,272
Total Disposals²	66,570	21,530	6,331	94,431

Source:

HMCS FamilyMan system

Notes:

1 Uncontested applications do not have a court hearing

2 Figures relate to the number of disposals for each type of ancillary relief order. One case may include more than one type of ancillary relief

Table 5.7**Family Courts**

Disposal of ancillary relief applications made in county courts, by whether or not application made in respect of a child, 2008¹

Disposal	Number of cases		
	In respect of child(ren)	Not in respect of child(ren)	Total
Periodical payments	2,629	1,303	3,932
Lump sum orders	3,486	4,401	7,887
Property adjustment orders	4,297	4,828	9,125
Pension sharing or attachment orders	1,007	1,599	2,606
Secure Provision Order	371	771	1,142
Maintenance pending suit	301	596	897
Application dismissed	1,003	1,269	2,272
Total Disposals²	13,094	14,767	27,861

Source:

HMCS FamilyMan system

Notes:

- 1 Figures include contested and initially contested cases only
- 2 Figures relate to the number of disposals for each type of ancillary relief order. One case may include more than one type of ancillary relief

Table 5.8**Family Courts**Domestic violence: Applications made in the county courts, 2004 to 2008^{1,2}

Number of applications

Year	Non-molestation Applications			Occupation Applications			Total Applications		
	Ex parte	On notice	Total	Ex parte	On notice	Total	Ex parte	On notice	Total
2004	12,809r	4,765r	17,574r	6,920r	3,319	10,239r	19,729	8,084r	27,813r
2005	13,035r	4,297r	17,332r	6,880r	3,162r	10,042r	19,915r	7,459r	27,374r
2006	13,041r	3,844r	16,885r	6,555r	2,829r	9,384r	19,596r	6,673r	26,269r
2007	12,402r	3,469r	15,871r	5,842r	2,509r	8,351r	18,244r	5,978r	24,222r
2008	13,888	3,253	17,141	5,392	2,346	7,738	19,280	5,599	24,879

Source:

HMCS FamilyMan system

Notes:

1 Applications for arrest warrants not included

2 Does not include applications made in Family Proceedings Courts

Table 5.9**Family Courts**Domestic violence: Orders made in the county courts, 2004 to 2008¹

Number of orders

Year	Non-molestation Orders			Occupation Orders			Total Orders ¹		
	With power of arrest attached	Without power of arrest attached	Total	With power of arrest attached	Without power of arrest attached	Total	With power of arrest attached	Without power of arrest attached	Total
2004	22,290r	1,433r	23,723r	8,248r	920r	9,168r	30,538r	2,353r	32,891r
2005	21,649r	1,202r	22,851r	8,078r	807r	8,885r	29,727r	2,009r	31,736r
2006	20,860r	1,160r	22,020r	7,283r	696r	7,979r	28,143r	1,856r	29,999r
2007 ²	19,264r	555r	19,819r	5,647r	1,298r	6,945r	24,911r	1,853r	26,764r
2008			19,367	3,375	1,724	5,099			24,466

Source:

HMCS FamilyMan system

Notes:

1 Does not include orders made in Family Proceedings Courts

2 The Domestic Violence, Crime and Victims Act 2004 made breach of a non-molestation order a criminal and arrestable offence as of July 2007

Table 5.10**The Probate Service**

Grants of representation in non-contentious probate proceedings issued, re-sealed and revoked, by type of application and type of registry, 2008

	Number of cases		
	On personal Application	On Application by Solicitors	Total
Grants issued¹			
<u>Probates</u>			
Principal Registry	9,287	3,582	12,869
District Probate Registries	54,589	132,624	187,213
<u>Letters of Administration with will annexed</u>			
Principal Registry	740	327	1,067
District Probate Registries	3,816	10,005	13,821
<u>Letters of Administration</u>			
Principal Registry	2,657	2,506	5,163
District Probate Registries	14,962	32,385	47,347
Total grants issued	86,051	181,429	267,480
Grants Revoked	-	-	643
Grants re-sealed	47	511	558
Standing Searches²	-	-	11,700

Source:

The Probate Service

Notes:

1 Grants are awarded in the following circumstances

Probate – when the deceased person left a valid will and an executor is acting

Letters of administration with will annexed – when a person has left a valid will but no executor is acting

Letters of administration – usually when there is no valid will

2 The figures on standing searches are not comparable to figures up to 2006 due to improved recording from 2007

Table 5.11
The Probate Service
 Summary statistics on grants of representation issued, and contentious probate cases, England and Wales, 2004 to 2008

	Number of cases				
	2004	2005	2006	2007	2008
Grants of representation¹					
<u>Numbers</u>					
Probate	196,707	198,363	196,748	195,084	200,082
Letter of administration with will annexed	13,115	13,683	14,172	14,398	14,888
Letter of Administration	84,196	87,169	100,207	76,693	52,510
<u>Percentages (of all grants)</u>					
Probate	66.9%	66.3%	63.2%	68.2%	74.8%
Letter of administration with will annexed	4.5%	4.6%	4.6%	5.0%	5.6%
Letter of Administration	28.6%	29.1%	32.2%	26.8%	19.6%
Total grants of representation	294,018	299,215	311,127	286,175	267,480
Contested probate cases²	80	115	73	185	106

Source:

The Probate Service

Notes:

1 Grants are awarded in the following circumstances:

Probate – when the deceased person left a valid will and an executor is acting

Letters of administration with will annexed – when a person has left a valid will but no executor is acting

Letters of administration – usually when there is no valid will

2 Where a probate case is contested, the Chancery Division of the High Court deals with the matter

The Crown Court

Key findings for 2008

- The number of cases committed/sent for trial to the Crown Court increased by 9% to 90,040. The number of disposals for cases committed/sent for trial increased by 6% to 87,735 (Table 6.1).
- The number of cases committed to the Crown Court for sentence increased by 3% to 41,656, while the number of appeals increased by 6% to 14,019 (Table 6.1).
- Guilty pleas as a proportion of all cases where a plea was entered rose by 2% to 70% in 2008 (Table 6.6).
- The cracked and ineffective trial rates both fell by half a percent to 41.1% and 11.6% respectively (Tables 6.11 and 6.12).
- The average waiting time for defendants committed for trial on bail was 15 weeks and 8.9 weeks for those held in custody (Table 6.14).
- The average waiting time for defendants sent for trial on bail was 22.5 weeks and 15.1 weeks for those held in custody (Table 6.15).
- The average hearing time for defendants who pleaded not guilty rose from 17.6 to 20.3 hours in sent for trial cases and 8.0 to 8.1 in committed for trial cases (Table 6.18).

Chapter 6: The Crown Court

The Crown Court sits in a number of different locations across England and Wales. It deals with serious criminal cases which include:

- cases sent for trial by magistrates' courts in respect of 'indictable only' offences (i.e. those which can only be heard by the Crown Court)
- 'either way' offences committed for trial (i.e. those which can be heard in either a magistrates' court or the Crown Court)
- defendants committed from magistrates' courts for sentence
- appeals against decisions of magistrates' courts.

The Crown Court is the only court which has the jurisdiction to hear criminal trials on indictment. It also exercises the appellate and other jurisdictions which had been exercised, prior to its establishment in 1972, by Quarter Sessions. It is a unitary court, but is currently based at 77 centres across England and Wales. There are three different types of centre based on the type of work they deal with. They are as follows:

- First-tier centres are those visited by High Court Judges for Crown Court and High Court Civil work. (Crown Court work includes all classes of offence in criminal proceedings.)
- Second-tier centres are those visited by High Court Judges for Crown Court work only. (Crown Court work includes all classes of offence in criminal proceedings.)
- Third-tier centres are not normally visited by High Court Judges and handle Crown Court work only. (Crown Court work includes class 2 and 3 offences in criminal proceedings.)

Circuit Judges and Recorders deal with Crown Court work in all three types of centre.

Seriousness of Offences

For the purpose of trial in the Crown Court, offences are divided into three classes of seriousness according to directions given by the Lord Chief Justice, with the concurrence of the Lord Chancellor. From 6 June 2005, the method of classifying offences was amended such that all class 4 offences were reclassified to class 3 offences.

Class 1 – Generally heard by a High Court Judge, these are the most serious offences which include treason and murder.

Class 2 – Offences which include rape that are usually heard by a Circuit Judge under the authority of the Presiding Judge.

Class 3 – Includes all other offences, such as kidnapping, burglary, grievous bodily harm and robbery, which are normally tried by a Circuit Judge or Recorder.

Sent for Trial – ‘Indictable Only’ Offences

Since 15 January 2001 all ‘indictable only’ cases have been ‘sent for trial’ to the Crown Court after they have had their first appearance in a magistrates’ court. This procedure under Section 51 of the Crime and Disorder Act 1998 replaced committal proceedings and reduces the number of hearings these cases have at magistrates’ courts. While the time that ‘indictable only’ cases spend in the Crown Court will increase, the overall time spent in the Criminal Justice System from arrest to sentence will decrease.

Committals for Trial – ‘Either Way’ Offences

‘Either way’ offences may be committed by magistrates’ courts to the Crown Court for trial. The magistrates are required to ask defendants to indicate their plea to the charge. Where a guilty plea is indicated, the summary trial procedure is deemed to have been complied with and the defendant is deemed to have pleaded guilty under it. The defendant can then be sentenced or committed to the Crown Court for sentence.

Where a defendant indicates a not guilty plea or gives no indication of their plea, the court, having considered various factors, including representations by the prosecution and the defence, indicates whether it considers the offence more suitable for a summary trial or an indictment. A court may only proceed to summary trial with the consent of the defendant who may elect to be tried by a jury in the Crown Court.

Committals for Sentence

Provisions in the Magistrates’ Courts Act 1980 allow magistrates to commit defendants who have been summarily convicted of an ‘either way’ offence to the Crown Court for sentence. The magistrates must be of the opinion that the offence or the offence combined with one or more associated offences is so serious that a greater punishment should be imposed than they have the power to enforce or, in the case of a violent or sexual offence, that a sentence of imprisonment for a longer term than they have power to impose is necessary to protect the public from serious harm. Committals may also arise from breaches of the terms of, for example, Community Orders or suspended sentences of imprisonment where the Crown Court Judge did not reserve any breach to the Crown Court.

Appeals

In its appellate jurisdiction the Crown Court deals mainly with appeals against conviction and/or sentence in respect of criminal offences, including consequential orders, e.g. disqualification from driving, and against the making of certain stand alone orders, e.g. Anti-Social Behaviour Orders. The Crown Court may dismiss or allow the appeal and vary all or any part of the sentence. Appeals are usually heard by a Circuit Judge sitting with no more than four lay magistrates (normally two).

Plea and Case Management

The Criminal Procedure Rules 2005 introduced new principles of case management for cases sent or committed for trial. On receipt to the Crown Court, such cases have a Plea and Case Management Hearing (PCMH) at which directions may be given for the future conduct of the case including, if appropriate, the fixing of the date for trial or the warned period for its listing. The first hearing in a sent for trial case may be a preliminary hearing which is then followed by a PCMH.

Bench Warrants

A bench warrant is issued for a person deemed to be in contempt of court – usually as a result of that person’s failure to appear at their court appearance. For reporting purposes once a bench warrant is issued the case is considered disposed of. A bench warrant can also be issued in a magistrates’ court for breaches of police bail.

A person is not held under the warrant, but has to be produced before the court within 24 hours of arrest. At this point they may be remanded in custody or re-bailed by the court once the bench warrant is executed and the defendant is brought before the court for the original offence. Often, if a person is arrested on a bench warrant, they are held without bail until they appear in court for whatever incident they originally failed to appear for.

Findings for 2008

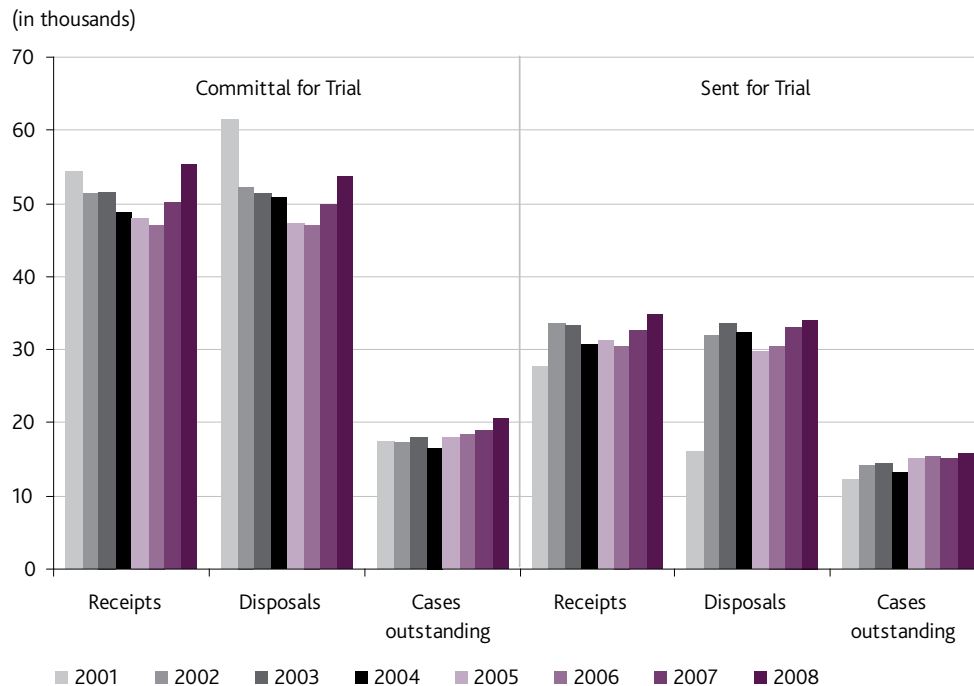
The information contained within Chapter 6 was produced using a Management Information System (MIS) data warehouse which provides the Ministry of Justice with access to more complete data than previously possible. MIS receives monthly updates from the Courts Record System (CREST), a computer-based data collection facility used by staff at each court to record case details. CREST is a live-system which allows court staff to enter late information and update previously submitted information. As such, published figures are subject to subsequent revisions in later volumes of this publication.

Receipts, Disposals and Outstanding Workload

A number of changes to court procedures over the last ten years have contributed to a shift in workload between magistrates' courts and the Crown Court.

- The plea before venue procedure, which was introduced in 1997 for triable 'either way' offences, substantially reduced the number of trials received in the Crown Court. It also doubled the number of cases committed for sentence to the Crown Court. These do, however, require much less resource.
- The number of trials received in the Crown Court increased upon the introduction of sent for trial cases in 2001. These are 'indictable only' cases which are sent under section 51 of the Crime and Disorder Act 1998 to the Crown Court because the offence is so serious that only the Crown Court has jurisdiction to deal with it.

Crown Court Trial Workload, 2001 to 2008



In 2008, 90,040 cases were received for trial in the Crown Court, an increase of 9% on 2007. The number of trial cases disposed of in 2008 totalled 87,735, an increase of 6%. Fewer trial cases were disposed of than received. Therefore, the number of outstanding trial cases increased by 7% to 36,312.

In 2008 the number of cases committed for sentence to the Crown Court increased by 3% to 41,656, while the number of disposals increased by 5% to 41,337. The number of outstanding cases at the end of 2008 decreased by 4% to 5,270.

The number of appeals received in 2008 increased by 6% to 14,019. Similarly the number of appeals disposed of increased by 6% to 14,008. The number of outstanding appeals at the end of 2008 increased by 1% to 2,873.

Summary statistics on receipts, disposals and outstanding cases in the Crown Court for England and Wales are presented in [Table 6.1](#). Regional and area level figures can be found in [Table 6.2](#).

Judge Caseload

High Court Judges deal with the more complex and difficult cases. In 2008 they sat in 2% of all trial cases dealt with in the Crown Court. They try the most serious criminal cases in the Crown Court and in 2008 they sat in 26% of all Class 1 cases compared to only 2% and 1% of Class 2 and Class 3 cases respectively.

Most Crown Court cases are heard by Circuit Judges. In 2008 they sat in 90% of all trial cases dealt with in the Crown Court. Less complex or serious cases can be heard by Recorders and in 2008 they sat in 8% of all trial cases dealt with in the Crown Court.

Summary statistics on judge caseloads in the Crown Court at regional and national levels are presented in [Tables 6.3](#) and [6.4](#).

Defendants

In 2008 the Crown Court dealt with 161,520 defendants in total. This represents an increase of 5% on the 2007 total. The average number of defendants involved in Crown Court cases has remained constant over the last few years. In 2008 there were, on average, 1.21 defendants per case committed/sent for trial, 1.01 defendants per case committed for sentence and 1 defendant per appeal.

Summary statistics on defendants in the Crown Court for England and Wales are presented in [Table 6.5](#).

Pleas and Convictions

[Tables 6.6](#) to [6.9](#) illustrate how defendants involved in cases committed/sent for trial to the Crown Court were dealt with according to plea. [Table 6.10](#) illustrates how appellants involved in appeals against decisions of magistrates' courts were dealt with.

Guilty Plea

A guilty plea is recorded when a defendant:

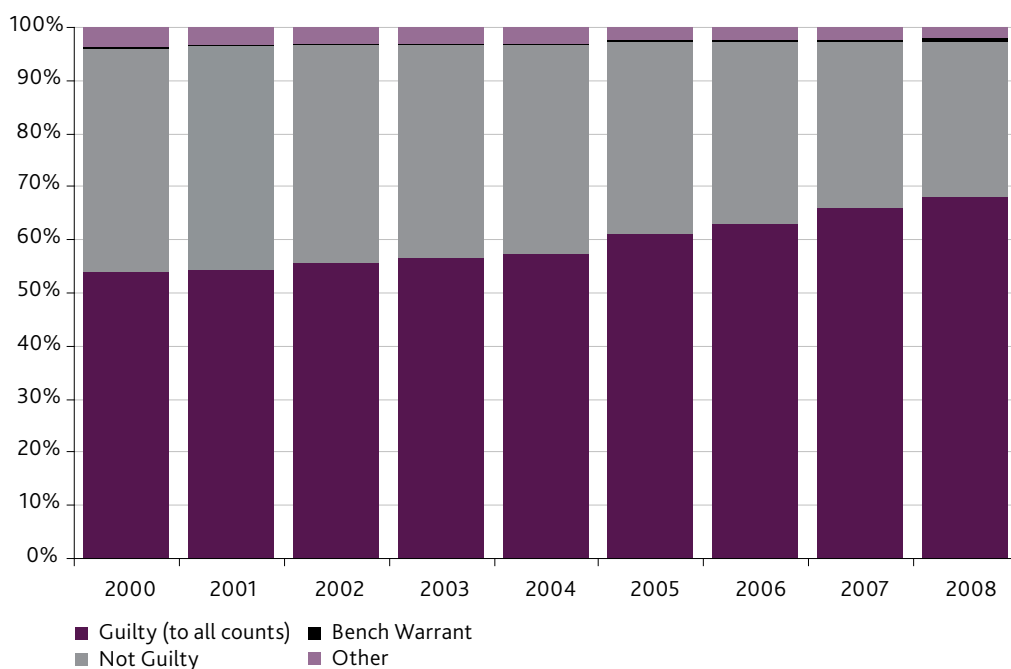
- pleads guilty to all counts
- pleads guilty to some counts and not guilty to others and no jury is sworn in respect of the not guilty counts
- pleads not guilty to some or all counts but offers a guilty plea to alternatives which are accepted (providing no jury is sworn in respect of other counts).

A case is treated as a guilty plea only if pleas of guilty are recorded in respect of all defendants.

The proportion of all defendants (including those who did not enter a plea) who entered a not guilty plea in committed/sent for trial cases which were dealt with in 2008 fell by 2% to 29%. The guilty plea rate (the number of guilty pleas as a proportion of all defendants who pled) rose by 2% to 70%. Since 2001 the guilty plea rate has steadily risen from 56% to the current rate of 70%.

Recent initiatives in the Crown Court and other agencies, such as offering an early plea discount and providing early charging advice from the Crown Prosecution Service at police stations, have helped to increase the guilty plea rate. Moreover, other initiatives have not only helped to reduce the number of extraneous hearings, but promote early guilty plea decisions.

Defendants dealt with by plea, 2000 to 2008



Acquitted

60% of defendants who pleaded not guilty in cases dealt with in 2008 were acquitted. These defendants represent 18% of all those who entered a plea and were dealt with in 2008. Of those who were acquitted, 61% were discharged by the judge, 9% were acquitted on the direction of the judge, 29% were acquitted by the jury and 1% were acquitted by other means.

Convicted

40% of defendants who pleaded not guilty in cases dealt with in 2008 were convicted. Of these, 81% were convicted by a jury who reached a unanimous verdict and the remainder by a jury who reached a majority verdict.

Appeals

42% of the appellants dealt with in 2008 had their appeals allowed or their sentence varied, 30% were dismissed and 28% were abandoned or otherwise disposed.

Listing of Cases

The listing of cases is done, in most instances, months in advance. Good listing practice, inter-agency communication and efficient case progression inevitably lead to a higher number of effective trials. Where a case does not proceed on the day, the case will either 'crack' or be ineffective:

- Cracked Trial – on the trial date the defendant offers acceptable pleas or the prosecution offers no evidence. A cracked trial requires no further trial time, but, as a consequence, the time allocated has been wasted and witnesses have been unnecessarily inconvenienced thus reducing confidence in the system.
- Ineffective Trial – on the trial date the trial does not go ahead due to action or inaction by one or more of the prosecution, the defence or the Court and a further listing for trial is required.

Cracked Trials

A defendant entering a late guilty plea has consistently been the main reason for a cracked trial and in 2008 this represented 62% of all cracked trials. Other reasons for cracked trials included the prosecution accepting a plea of guilty to an alternative charge (19%) and the prosecution ending the case (17%).

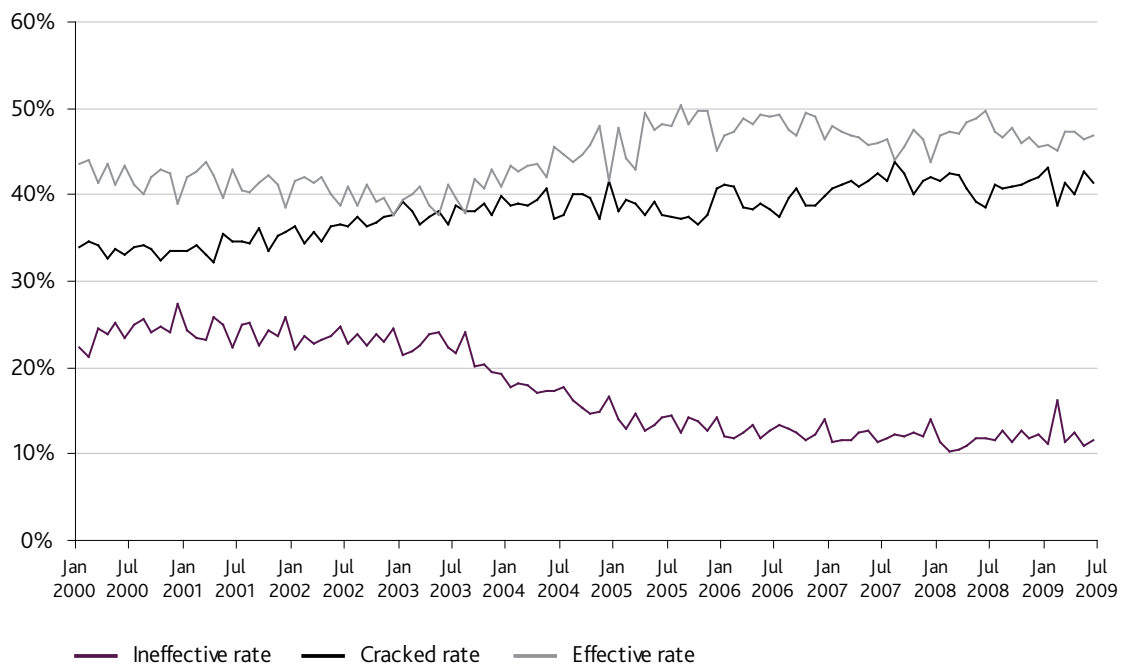
The cracked trial rate decreased by ½% to 41% in 2008.

Ineffective Trials

Over the last few years an absent defendant/one that is unfit or the absence of a prosecution witness have been the main reasons for an ineffective trial. In 2008 these represented 25% and 21% respectively of all ineffective trials. Other reasons for ineffective trials included the defence not being ready (19%), the prosecution not being ready (19%) and court administrative problems (15%).

The ineffective trial rate also decreased by ½% to 11.6% in 2008.

Effective, Ineffective and Cracked Trial Rates, 2000 to 2008



Over the last ten years various new initiatives have been introduced with the aim to reduce the number of ineffective trials.

- In 2003 the Ineffective Trial Monitoring Scheme was launched to formalise procedures on identifying the reasons for ineffective trials and enable focused action to be taken on improving performance.
- In 2004 the Effective Trial Management Programme (ETMP) was put in place to reduce the number of ineffective trials by improving case preparation and progression from the point of charge through to trial or earlier disposal. The ETMP introduced the role of the case progression officer – an individual nominated to the court and each party with the responsibility for progressing the case. Certificates of Readiness were also introduced under ETMP, which are in use in some courts. This requires that each party, acting under the judge's instruction, confirm in writing that they are ready to proceed with the trial as planned and that the trial will take no more than previously estimated.

- The Criminal Procedure Rules 2005 set out the procedures to be followed in case management by the courts, prosecution and defence teams.

All these initiatives have helped to bring about a fall in the ineffective trial rate – since 2000 it has fallen by 13% to the current rate of 12% in 2008. The biggest factor contributing to this fall was a reduction in court administrative problems which has dropped by 5% since 2000 to 15% in 2008.

Summary statistics on cracked and ineffective trials in the Crown Court for England and Wales are presented in [Tables 6.11](#) and [6.12](#). Regional and area level figures can be found in [Table 6.13](#).

Waiting Times

In this publication, the waiting time for a defendant or appellant is defined as the length of time between a committal or the lodging of an appeal and the start of the substantive Crown Court hearing. (For reporting purposes a bench warrant execution is considered as a new trial receipt. Therefore, any subsequent waiting time is taken from the date of execution.)

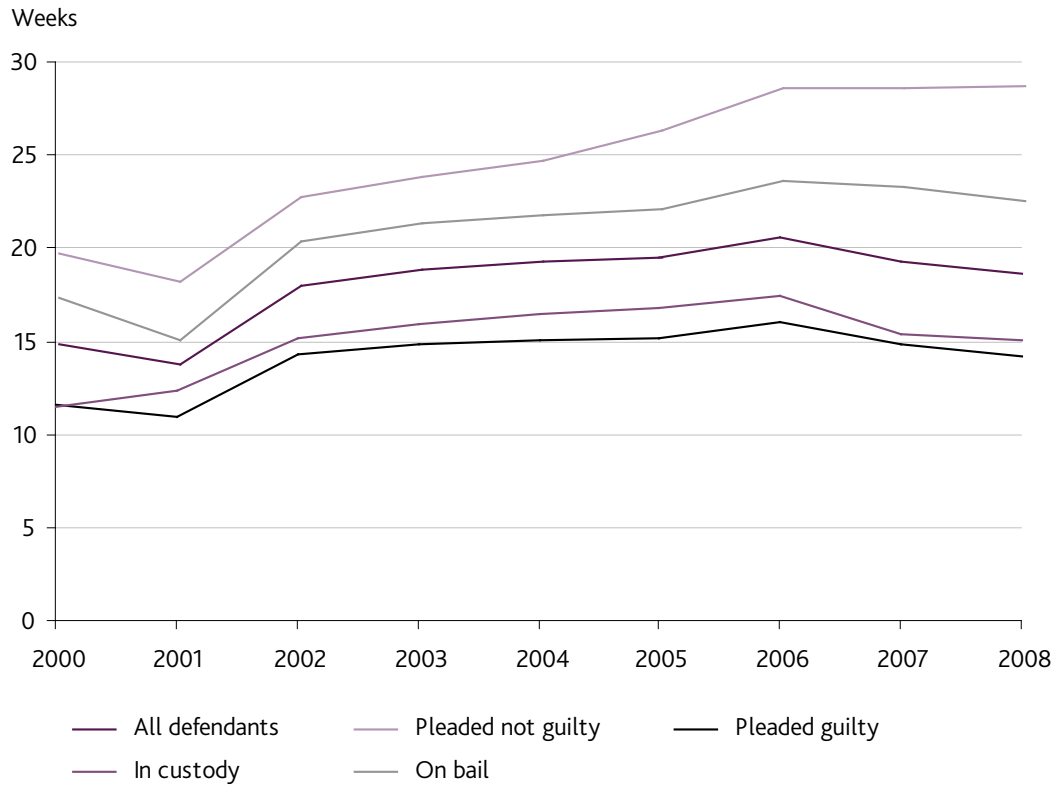
Waiting times for defendants committed or sent for trial tend to vary according to the plea they enter and whether the defendant is on bail or in custody.

Sent for Trial

In cases sent for trial defendants who pleaded guilty in 2008 waited, on average, 14 weeks. This represents a decrease of 1 week compared to 2007. No change was seen for those who pleaded not guilty – in 2008 the average waiting time remained at 29 weeks. In 2008, those who pleaded not guilty, i.e. those who elected for a trial by jury, waited, on average, 15 more weeks than those who pleaded guilty. This is not unusual as, where a defendant has pleaded not guilty, extra time is required by both parties to prepare for the case before the trial commences.

Average waiting times in 2008 for defendants remanded on bail and remanded in custody remain unchanged at 23 and 15 weeks respectively. In 2008 those who were remanded in custody waited, on average, 7 weeks less than those remanded on bail.

Sent for Trial Average Waiting Times, 2000 to 2008



Committal for Trial

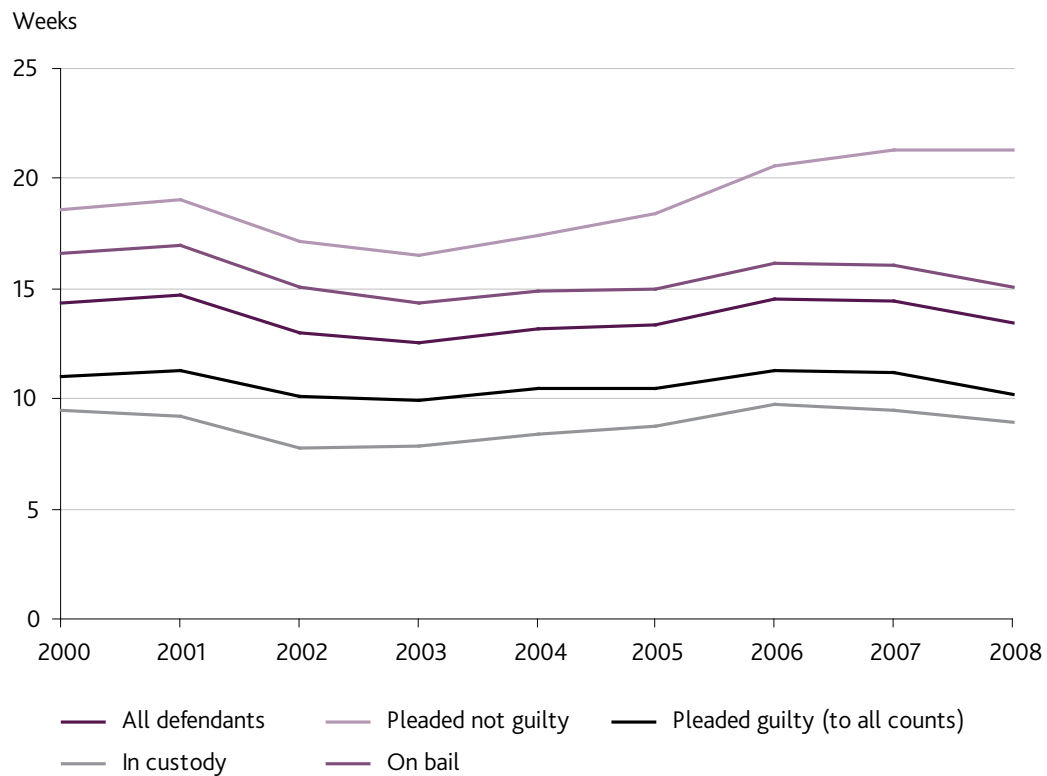
In cases committed for trial defendants who pleaded guilty in 2008, on average, waited 10 weeks. This represents a decrease of 1 week compared to 2007. No change was seen for those who pleaded not guilty – in 2008 the average waiting time remained at 21 weeks. In 2008 those who pleaded not guilty, on average, waited an extra 11 weeks compared to those who pleaded guilty

The average waiting time in 2008 for defendants remanded in custody remained unchanged at 9 weeks. For defendants remanded on bail the average waiting time fell by 1 week to 15 weeks in 2008.

The reasons which explain the differences between the various waiting times for cases sent for trial apply here as well.

Cases which are sent for trial involve serious offences that take longer to process and require more court time. Therefore, their average waiting times tend to be higher than average waiting times for cases committed for trial.

Committed for Trial Average Waiting Times, 2000 to 2008



Sentences and Appeals

In 2008 the average waiting time for defendants in cases committed for sentence remains unchanged at 6 weeks. Since 2000 this has only seen an overall drop of 1 week.

In 2008 the average waiting time for defendants appealing the decision of a magistrates' court remains unchanged at 9 weeks. Since 2000 this has only seen an overall drop of 1 week.

Summary statistics on average waiting times in the Crown Court for England and Wales are presented in [Tables 6.14 to 6.17](#).

Hearing Times

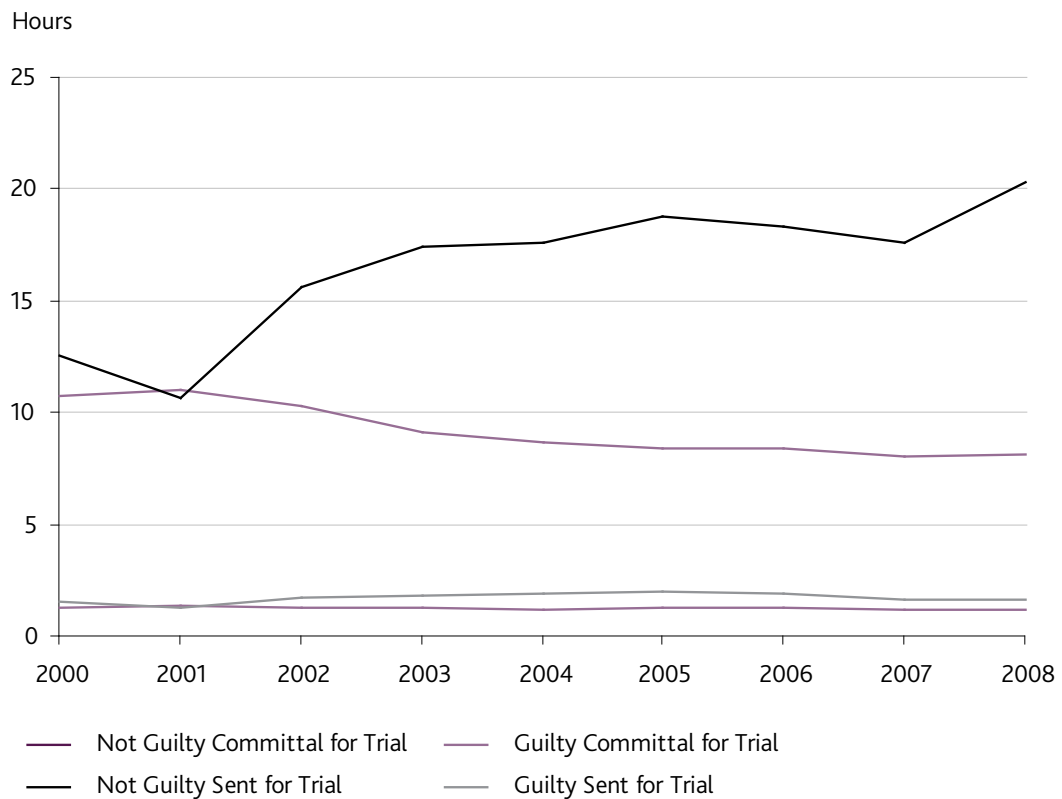
Sent for Trial

Where a defendant pleaded not guilty, the average hearing time for cases sent for trial increased by 2 hours and 40 minutes in 2008, the largest increase seen in the last 5 years, to 20 hours and 18 minutes. In contrast, where a defendant pleaded guilty, the average hearing time for cases sent for trial has remained fairly static over the last few years – it increased by a few minutes only in 2008 to 1 hour and 39 minutes.

Committal for Trial

Where a defendant pleaded not guilty, the average hearing time for cases committed to trial increased by a few minutes only in 2008 to 8 hours and 7 minutes. Where a defendant pleaded guilty, the average hearing time for cases committed to trial remained the same in 2008 at 1 hour and 10 minutes.

Average Hearing Times, by case type and plea type, 2000 to 2008



Sentences and Appeals

The average hearing time in 2008 was 33 minutes for a case committed for sentence and 1 hour for an appeal.

Summary statistics on average hearing times in the Crown Court for England and Wales are presented in [Table 6.18](#).

Juror Statistics

In 2008 416,689 juror summons were issued, this is an increase of 1% on 2007. Of these 108,534 were excused. 4% were excused as they had already served in the last 2 years and 96% were excused for other reasons including childcare, work commitments, medical, language difficulty, student, moved from area, travel difficulties and financial hardship.

The number of people who failed to reply to their summons together with the number which were returned as undelivered increased in 2008 by 7% in 2008 to 62,795. Over the last 6 years, this figure as a proportion of the total number of juror summons issued remains fairly static at around 15%.

The juror utilisation rate has increased steadily over the last 3 years to reach its current value of 60.5% in 2008. This represents an increase of 1.3% on 2007.

Summary statistics on jurors in the Crown Court for England and Wales are presented in [Tables 6.19](#) and [6.20](#).

Other Efficiency Statistics

Information concerning waiting times for cases involving persistent young offenders (PYO) can be found in the magistrates' courts section in Chapter 7.

Table 6.1
Crown Court
Receipts,¹ Disposals² and Outstanding³ cases in England and Wales, by case type, 2004–2008

Year	Committed for trial			Sent for trial			Committed for sentence			Appeals against Mags' decisions			Number of cases outstanding
	Receipts	Disposals	Cases outstanding	Receipts	Disposals	Cases outstanding	Receipts	Disposals	Cases outstanding	Receipts	Disposals	Cases outstanding	
	2004	48,668	50,734	16,508	30,808	32,380	13,304	29,964	29,583	4,373	12,622	12,369	
2005	47,980	47,239	18,054	31,234	29,756	15,192	32,452	31,475	5,223	12,647	12,629	2,446	
2006	47,088	47,032	18,456	30,469	30,407	15,397	35,964	35,943	5,055	13,470	13,133	2,838	
2007	50,143	49,823	18,870	32,738	33,063	15,117	40,311	39,385	5,497	13,242	13,226	2,854	
2007	55,302	53,654	20,553	34,738	34,081	15,759	41,656	41,337	5,270	14,019	14,008	2,873	

Source:

HM Courts Service CREST system

Notes:

- 1 Receipts include committals direct from a magistrates' court, bench warrants executed (trial and sentence only) and cases transferred in, less cases transferred out
- 2 Disposals are total cases dealt with
- 3 Outstanding cases at end of the period

Table 6.2
Crown Court
 Receipts,¹ Disposals² and Outstanding³ cases, by case type, region and HMCS area, 2008

Region	Committed for trial			Sent for trial			Committed for sentence			Appeals against Mags' decisions		
	Receipts	Disposals	Cases outstanding	Receipts	Disposals	Cases outstanding	Receipts	Disposals	Cases outstanding	Receipts	Disposals	Cases outstanding
England and Wales	55,302	53,654	20,553	34,738	34,081	15,759	41,656	41,337	5,270	14,019	14,008	2,873
<u>HMCS Region</u>												
London	11,120	10,621	5,542	7,709	7,727	4,023	6,234	6,335	1,022	2,112	2,128	544
Midlands	8,569	8,613	2,672	5,888	5,879	2,542	8,497	8,558	934	2,475	2,521	435
North East	9,358	8,913	2,844	5,549	5,176	2,146	6,350	6,197	825	2,065	2,079	327
North West	9,110	8,923	2,958	5,216	5,261	2,369	7,071	6,998	750	2,293	2,292	439
South East	9,427	9,125	3,956	5,609	5,385	2,655	6,625	6,510	967	2,789	2,704	664
Wales	2,834	2,699	747	1,946	1,901	672	2,662	2,603	301	709	686	136
Western	4,884	4,760	1,834	2,821	2,752	1,352	4,217	4,136	471	1,576	1,598	328
<u>HMCS Area</u>												
Avon and Somerset	1,041	1,064	373	730	779	347	915	929	94	414	445	67
Bedfordshire, Essex & Hertfordshire	2,689	2,492	1,066	1,582	1,573	767	2,289	2,298	282	901	836	220
Birmingham, Coventry, Solihull & Warwickshire	2,310	2,418	733	1,908	1,909	856	2,643	2,626	306	587	614	94
Black Country, Staffordshire & West Mercia	2,655	2,650	861	1,675	1,623	775	2,378	2,454	258	882	889	153

Cambridgeshire, Norfolk & Suffolk	2,166	1,976	673	1,081	961	419	1,424	1,329	239	506	472	110
Cheshire & Merseyside	3,219	3,156	895	1,543	1,564	634	2,204	2,189	252	757	754	127
Cleveland, Durham & Northumbria	3,723	3,621	1,098	1,933	1,854	734	1,844	1,824	244	915	938	108
Cumbria & Lancashire	2,558	2,476	913	1,351	1,368	646	1,906	1,905	188	658	680	123
Devon and Cornwall	1,076	1,025	444	485	468	261	898	862	106	328	320	90
Dorset, Gloucestershire & Wiltshire	1,130	1,054	393	738	674	304	1,116	1,091	136	386	372	87
Greater Manchester	3,333	3,291	1,150	2,322	2,329	1,089	2,961	2,904	310	878	858	189
Hampshire and Isle of Wight	1,637	1,617	624	868	831	440	1,288	1,254	135	448	461	84
Humber & South Yorkshire	2,618	2,453	762	1,799	1,666	655	2,517	2,458	252	486	453	91
Kent	1,393	1,336	673	896	829	422	706	683	109	351	343	70
Leicestershire, Lincoln & Northamptonshire	1,633	1,606	540	1,046	1,075	437	1,408	1,415	141	514	505	107
London Central & South	5,771	5,046	2,780	4,267	4,001	2,206	2,916	2,908	544	1,079	1,118	271
London North & West	5,349	5,575	2,762	3,442	3,726	1,817	3,318	3,427	478	1,033	1,010	273
Mid & West Wales	700	665	155	402	385	127	517	511	47	164	168	25
North & West Yorkshire	3,017	2,839	984	1,817	1,656	757	1,989	1,915	329	664	688	128
North Wales	518	532	98	327	300	99	421	427	35	155	149	22
Nottingham & Derbyshire	1,971	1,939	538	1,259	1,272	474	2,068	2,063	229	492	513	81
South East Wales	1,616	1,502	494	1,217	1,216	446	1,724	1,665	219	390	369	89
Surrey & Sussex	1,800	1,903	833	1,068	1,074	553	1,135	1,140	166	563	608	135
Thames Valley	1,379	1,418	711	982	948	494	1,071	1,060	171	468	445	129

Source:

HM Courts Service CREST system

Notes:

- 1 Receipts include committals direct from magistrates' courts, bench warrants executed (trial and sentence only) and cases transferred in, less cases transferred out
- 2 Disposals are total cases dealt with
- 3 Outstanding cases at end of the period

Table 6.3
Crown Court
 Number of cases¹ dealt with,² and proportion heard by High Court judges, by class and HMCS region, 2008

Region	Class 1				Class 2				Class 3			
	Number of cases	As % of all cases heard	Number heard by a High Court judge	% heard by High Court judge	Number of cases	As % of all cases heard	Number heard by a High Court judge	% heard by High Court judge	Number of cases	As % of all cases heard	Number heard by a High Court judge	% heard by High Court judge
<u>HMCS Region</u>												
London	340	1.8%	16	4.7%	469	2.5%	4	0.9%	17,831	95.7%	143	0.8%
Midlands	181	1.2%	55	30.4%	609	4.1%	10	1.6%	14,079	94.7%	187	1.3%
North East	186	1.3%	54	29.0%	507	3.5%	6	1.2%	13,725	95.2%	104	0.8%
North West	189	1.3%	84	44.4%	452	3.0%	10	2.2%	14,182	95.7%	197	1.4%
South East	147	1.0%	20	13.6%	506	3.4%	24	4.7%	14,222	95.6%	226	1.6%
Wales	51	1.1%	30	58.8%	186	4.0%	9	4.8%	4,431	94.9%	160	3.6%
Western	94	1.2%	45	47.9%	385	5.1%	12	3.1%	7,108	93.7%	89	1.3%
England & Wales	1,188	1.3%	304	25.6%	3,114	3.5%	75	2.4%	85,578	95.2%	1,106	1.3%

Source:

HM Courts Service CREST system

Notes:

- 1 Includes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results
- 2 Includes a small number of cases heard by judges in the relevant deputy grade

Table 6.4
Crown Court
 Number of cases¹ dealt with,² by type of judge and HMCS region, 2008

Region	High Court judge		Circuit judge		Recorder	
	Number	Percentage	Number	Percentage	Number	Percentage
<u>HMCS Region</u>						
London	163	1%	16,866	90%	1,611	9%
Midlands	252	2%	12,888	87%	1,729	12%
North East	164	1%	12,769	89%	1,485	10%
North West	291	2%	13,751	93%	781	5%
South East	270	2%	13,532	91%	1,073	7%
Wales	199	4%	4,143	89%	326	7%
Western	146	2%	6,916	91%	525	7%
England & Wales	1,485	2%	80,865	90%	7,530	8%

Source:
 HM Courts Service CREST system

Notes:

- 1 Includes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results
- 2 Includes a small number of cases heard by judges in the relevant deputy grade

Table 6.5
Crown Court
 Number of cases disposed¹ of in England and Wales, by case type and number of defendants involved, 2004–2008

Year	Committed / Sent for trial				Committed for sentence				Appeals			
	Disposals	Number of defendants involved	Cases with > 1 defendant	Average number of defendants per case	Disposals	Number of defendants involved	Cases with > 1 defendant	Average number of defendants per case	Disposals	Number of defendants involved	Cases with > 1 defendant	Average number of defendants per case
2004	83,570	101,862	12,005	1.22	29,583	29,803	203	1.01	12,369	12,369	0	1.00
2005	77,495	94,234	10,790	1.22	31,475	31,730	222	1.01	12,629	12,629	0	1.00
2006	77,902	94,845	11,073	1.22	35,943	36,292	316	1.01	13,133	13,133	0	1.00
2007	82,887	100,885	11,814	1.22	39,385	39,680	268	1.01	13,226	13,226	0	1.00
2008	87,735	105,820	11,970	1.21	41,337	41,692	310	1.01	14,008	14,008	0	1.00

Source:

HM Courts Service CREST system

Notes:

1 Includes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results

Table 6.6
Crown Court
 Defendants dealt with in cases committed or sent for trial,¹ by plea, England and Wales, 2004–2008

Year	Total number of defendants disposed of	Plea entered						No plea entered			Guilty pleas as % cases with plea
		Guilty (to all counts)		Not Guilty ²		Bench warrant		Other ²			
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage		
2004	84,183	48,408	58%	32,934	39%	301	0.4%	2,540	3%	60%	
2005	80,772	49,261	61%	29,323	36%	229	0.3%	1,959	2%	63%	
2006	83,730	52,817	63%	28,709	34%	239	0.3%	1,965	2%	65%	
2007	90,720	59,997	66%	28,299	31%	303	0.3%	2,121	2%	68%	
2008	96,027	65,571	68%	27,923	29%	444	0.5%	2,089	2%	70%	

Source:

HM Courts Service CREST system

Notes:

- 1 Includes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results
- 2 Includes cases where defendants plead not guilty to all counts and also cases where defendants plead not guilty to some counts

Table 6.7**Crown Court**

Defendants dealt with in cases committed or sent for trial¹ showing result according to plea, England and Wales, 2004–2008

Year	Total number of defendants entering plea	Plea entered					
		Guilty to all counts Total	Not Guilty ²				Percentage Acquitted
			Total	Acquitted ³	Convicted ³		
2004	81,342	48,408	32,934	16,379	16,555	50%	
2005	78,584	49,261	29,323	15,587	13,736	53%	
2006	81,526	52,817	28,709	17,031	11,678	59%	
2007	88,296	59,997	28,299	17,226	11,073	61%	
2008	93,494	65,571	27,923	16,786	11,137	60%	

Source:

HM Courts Service CREST system

Notes:

1 Includes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results

2 Includes cases where defendants plead not guilty to all counts and also cases where defendants plead not guilty to some counts

3 Acquitted or convicted on those counts to which defendant pleaded not guilty

Table 6.8**Crown Court**

Defendants¹ acquitted after a not guilty plea, by manner of acquittal, England and Wales, 2004–2008

Year	Manner of acquittal					Total	% of acquittals by jury verdict
	Discharged by judge	Acquittal directed by judge	Jury verdict	Other Acquittal ²			
2004	9,036	1,536	4,487	1,320		16,379	27%
2005	8,598	1,638	4,577	774		15,587	29%
2006	9,919	1,698	5,165	249		17,031	30%
2007	10,360	1,660	5,024	182		17,226	29%
2008	10,245	1,497	4,844	200		16,786	29%

Source:

HM Courts Service CREST system

Notes:

1 Includes cases where defendants plead not guilty to all counts and also cases where defendants plead not guilty to some counts

2 Other acquittals include where no plea is recorded, autrefois acquit and autrefois convict

Table 6.9
Crown Court

Defendants convicted¹ after a not guilty plea in cases committed or sent for trial, by number of jurors dissenting to the verdict, England and Wales, 2004–2008

Year	Total convicted after a not guilty plea	Unanimous verdict	1 dissenting juror (11–1 majority)	2 dissenting jurors (10–2 majority)	Percentage of convictions by unanimous verdict
2004	16,555	14,344	873	1,338	87%
2005	13,736	11,730	766	1,240	85%
2006	11,678	9,569	855	1,254	82%
2007	11,073	9,049	832	1,192	82%
2008	11,137	9,076	817	1,244	81%

Source:

HM Courts Service CREST system

Notes:

1 Convicted on at least one count to which the defendant pleaded not guilty

Table 6.10
Crown Court
 Appeals (against decisions of magistrates' courts) dealt with, by appeal type and result, England and Wales, 2004–2008

Year	Total appellants dealt with	Appeals against verdict					Appeals against sentence					Total other appeals ³
		Total	Allowed	Dismissed	Abandoned ¹ or otherwise disposed ²	% allowed	Total	Allowed	Dismissed	Abandoned ¹ or otherwise disposed ²	% allowed	
2004	11,975	4,751	1,926	1,429	1,396	41%	6,506	2,927	1,932	1,647	45%	718
2005	12,318	5,127	2,017	1,565	1,545	39%	6,418	2,992	1,789	1,637	47%	773
2006	12,545	5,346	1,958	1,704	1,684	37%	6,533	3,071	1,826	1,636	47%	666
2007	12,446	5,531	2,029	1,749	1,753	37%	6,288	2,830	1,802	1,656	45%	627
2008	13,251	5,915	2,322	1,889	1,704	39%	6,568	2,955	1,802	1,811	45%	768

Source:

HM Courts Service CREST system

Notes:

- 1 Includes both abandoned in court and abandoned before court appearance
- 2 Includes those remitted back to magistrates' court
- 3 Includes those for non-Criminal matters including licensing or care proceedings in juvenile cases

Table 6.11
Crown Court
 Proportion of listed trials which "cracked", by reason for the crack, England and Wales, 2004–2008

Year	Total cases listed for trial	Total cracked trials	Cracked trial rate	Reasons for crack ¹									
				Defendant enters late guilty plea		Defendant pleads guilty to alternative charge, accepted by prosecution		Defendant bound over		Prosecution end case		Other reason	
				Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
2004	46,856	18,305	39.1%	11,051	60.4%	3,461	18.9%	357	2.0%	3,413	18.6%	23	0.1%
2005	38,244	14,575	38.1%	9,105	62.5%	2,648	18.2%	333	2.3%	2,430	16.7%	59	0.4%
2006	36,659	14,398	39.3%	9,157	63.6%	2,550	17.7%	344	2.4%	2,289	15.9%	58	0.4%
2007	37,285	15,507	41.6%	9,707	62.6%	2,754	17.8%	322	2.1%	2,653	17.1%	71	0.5%
2008	35,985	14,772	41.1%	9,223	62.4%	2,805	19.0%	272	1.8%	2,436	16.5%	36	0.2%

Source:

HM Courts Service CREST system

Notes:

- 1 From September 2005 the reasons for cracked trials were aligned with magistrates' courts. The previous six reasons were replaced with twelve and these have been categorised as above

Table 6.12
Crown Court
Proportion of listed trials which were “ineffective”, by reason, England and Wales, 2004–2008

Year	Total cases listed for trial	Total ineffective trials		Reasons for ineffective trial ¹							
		Number	Percentage	Prosecution not ready	Prosecution witness absent	Defence not ready	Defence witness absent	Defendant absent / unfit to stand	Court administrative problems		
2004	46,856	7,859	16.8%	1,351	1,868	1,562	228	1,903	947	12.0%	
2005	38,244	5,216	13.6%	990	1,141	1,110	116	1,269	590	11.3%	
2006	36,659	4,571	12.5%	721	1,024	955	117	1,147	607	13.3%	
2007	37,285	4,511	12.1%	819	915	853	98	1,211	615	13.6%	
2008	35,985	4,169	11.6%	771	856	782	90	1,029	641	15.4%	

Source:
 HM Courts Service CREST system

Notes:

1 From September 2005 the reasons for cracked trials were aligned with magistrates' courts. The previous twenty four reasons were replaced with twenty eight and these have been categorised as above

Table 6.13
Crown Court
 Summary statistics on effectiveness of cases listed for trial, by HMCS area and region, 2008

Region	Total number cases for trial	Number of listings for trial	Ineffective trials		Cracked trials		Effective trials	
			Number	Percentage	Number	Percentage	Number	Percentage
England and Wales	22,873	35,985	4,169	11.6%	14,772	41.1%	17,044	47.4%
<u>HMCS Region</u>								
London	6,735	9,284	1,299	14.0%	2,868	30.9%	5,117	55.1%
Midlands	3,120	4,827	442	9.2%	2,108	43.7%	2,277	47.2%
North East	2,683	5,983	724	12.1%	3,426	57.3%	1,833	30.6%
North West	2,998	5,579	587	10.5%	2,813	50.4%	2,179	39.1%
South East	4,123	5,850	701	12.0%	1,953	33.4%	3,196	54.6%
Wales	1,053	1,600	128	8.0%	635	39.7%	837	52.3%
Western	2,161	2,862	288	10.1%	969	33.9%	1,605	56.1%
<u>HMCS Area</u>								
Avon and Somerset	488	728	110	15.1%	229	31.5%	389	53.4%
Bedfordshire, Essex & Hertfordshire	1,160	1,575	170	10.8%	524	33.3%	881	55.9%
Birmingham, Coventry, Solihull & Warwickshire	1,083	1,576	115	7.3%	676	42.9%	785	49.8%
Black Country, Staffordshire & West Mercia	858	1,396	103	7.4%	611	43.8%	682	48.9%
Cambridgeshire, Norfolk & Suffolk	717	1,034	96	9.3%	368	35.6%	570	55.1%
Cheshire & Merseyside	1,071	1,877	158	8.4%	876	46.7%	843	44.9%
Cleveland, Durham & Northumbria	1,027	2,432	294	12.1%	1,527	62.8%	611	25.1%
Cumbria & Lancashire	798	1,530	214	14.0%	831	54.3%	485	31.7%
Devon and Cornwall	410	486	37	7.6%	147	30.2%	302	62.1%
Dorset, Gloucestershire & Wiltshire	455	633	53	8.4%	227	35.9%	353	55.8%
Greater Manchester	1,129	2,172	215	9.9%	1,106	50.9%	851	39.2%
Hampshire and Isle of Wight	808	1,015	88	8.7%	366	36.1%	561	55.3%
Humber & South Yorkshire	679	1,531	148	9.7%	919	60.0%	464	30.3%
Kent	591	833	106	12.7%	235	28.2%	492	59.1%
Leicestershire, Lincoln & Northamptonshire	588	922	109	11.8%	425	46.1%	388	42.1%
London Central & South	3,290	4,461	667	15.0%	1,283	28.8%	2,511	56.3%
London North & West	3,445	4,823	632	13.1%	1,585	32.9%	2,606	54.0%
Mid & West Wales	289	418	26	6.2%	133	31.8%	259	62.0%
North & West Yorkshire	977	2,020	282	14.0%	980	48.5%	758	37.5%
North Wales	159	260	14	5.4%	91	35.0%	155	59.6%
Nottingham & Derbyshire	591	933	115	12.3%	396	42.4%	422	45.2%
South East Wales	605	922	88	9.5%	411	44.6%	423	45.9%
Surrey & Sussex	900	1,309	177	13.5%	448	34.2%	684	52.3%
Thames Valley	755	1,099	152	13.8%	378	34.4%	569	51.8%

Source:
 HM Courts Service CREST system

Table 6.14
Crown Court
 Average waiting times for defendants dealt with¹ having been committed for trial, by plea and remand type, England and Wales, 2004–2008

Year	By Plea										By Remand status ³					
	Defendants pleading not guilty ²					Defendants pleading guilty (to all counts)					Defendants remanded in custody			Defendants remanded on bail		
	Number dealt with	Waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Waiting time (weeks)	% dealt with in 16 weeks	
2004	50,405	13.2	72%	19,482	17.5	57%	30,923	10.5	81%	13,374	8.4	88%	37,031	14.9	66%	
2005	48,256	13.3	71%	17,481	18.4	54%	30,775	10.4	81%	12,615	8.8	88%	35,641	14.9	65%	
2006	49,732	14.5	68%	17,372	20.6	46%	32,360	11.3	79%	12,578	9.8	85%	37,154	16.1	62%	
2007	53,661	14.5	69%	17,331	21.3	47%	36,330	11.2	80%	13,135	9.5	87%	40,526	16.1	63%	
2008	57,653	13.5	73%	17,037	21.3	48%	40,616	10.2	84%	14,839	8.9	89%	42,814	15.0	68%	

Source:

HM Courts Service CREST system

Notes:

- 1 Excludes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results
- 2 Includes cases where defendants plead not guilty to all counts and also cases where defendants plead not guilty to some counts
- 3 This is represented by a defendant's remand status at the start of the first main hearing

Table 6.15
Crown Court
 Average waiting times for defendants dealt with¹ having been sent for trial, by plea and remand type, England and Wales, 2004–2008

Year	By Plea											By Remand status ³			
	All defendants dealt with			Defendants pleading not guilty ²			Defendants pleading guilty (to all counts)			Defendants remanded in custody			Defendants remanded on bail		
	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks
2004	31,328	19.2	73%	13,481	24.7	63%	17,847	15.1	81%	14,860	16.5	77%	16,468	21.7	70%
2005	30,328	19.5	73%	11,842	26.3	65%	18,486	15.2	78%	14,560	16.8	76%	15,768	22.1	70%
2006	31,717	20.5	66%	11,296	28.6	57%	20,421	16.1	72%	15,531	17.4	68%	16,186	23.6	65%
2007	34,593	19.2	65%	10,976	28.6	59%	23,617	14.9	68%	17,553	15.3	64%	17,040	23.2	66%
2008	35,841	18.6	64%	10,886	28.7	58%	24,955	14.2	67%	18,956	15.1	61%	16,885	22.5	68%

Source:

HM Courts Service CREST system

Notes:

- 1 Excludes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results
- 2 Includes cases where defendants plead not guilty to all counts and also cases where defendants plead not guilty to some counts
- 3 This is represented by a defendant's remand status at the start of the first main hearing

Table 6.16**Crown Court**

Average waiting times for defendants dealt with¹ having been committed for sentence, England and Wales, 2004–2008

Year	Total number of defendants dealt with	Waiting time (weeks)	% within 10 weeks
2004	23,136	6.0	89%
2005	24,647	6.1	89%
2006	25,903	6.0	89%
2007	24,209	5.8	91%
2008	24,611	5.7	92%

Source:

HM Courts Service CREST system

Notes:

1 Excludes committals after breach, 'bring backs' and deferred sentences

Table 6.17**Crown Court**

Average waiting times for appellants dealt with¹ having appealed the decision of a magistrates' court, England and Wales, 2004–2008

Year	Total number of appellants dealt with	Waiting time (weeks)	% within 14 weeks
2004	10,810	7.7	87%
2005	10,863	7.5	89%
2006	11,171	7.9	87%
2007	10,933	8.6	86%
2008	12,107	8.7	86%

Source:

HM Courts Service CREST system

Notes:

1 Excludes cases abandoned before appearance in court

Table 6.18
Crown Court
 Average hearing times in cases dealt with,¹ by case type and plea, England and Wales, 2004–2008

Year	Committed for trial			Sent for trial			Committed for sentence			Appeals against Mags' decision		
	Not guilty plea		Guilty plea	Not guilty plea		Guilty plea	Number of cases dealt with		Average hearing time (hours)	Number of cases dealt with		Average hearing time (hours)
	Number of cases dealt with	Average hearing time (hours)	Number of cases dealt with	Number of cases dealt with	Average hearing time (hours)	Number of cases dealt with	Number of cases dealt with	Average hearing time (hours)	Number of cases dealt with	Average hearing time (hours)	Number of cases dealt with	Average hearing time (hours)
2004	14,800	8.7	29,427	1.2	8,612	17.6	17,207	1.9	27,059	0.6	10,881	1.0
2005	14,280	8.4	28,803	1.3	8,220	18.8	16,713	1.9	29,464	0.6	11,153	1.0
2006	14,587	8.4	28,291	1.3	8,750	18.4	17,694	1.9	33,360	0.6	11,594	1.1
2007	14,489	8.0	31,142	1.2	8,823	17.6	20,263	1.6	36,085	0.5	11,439	1.1
2008	14,533	8.1	35,840	1.2	8,876	20.3	22,118	1.7	39,381	0.5	12,235	1.0

Source:
 HM Courts Service CREST system

Notes:

¹ Excludes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results

Table 6.19
Crown Court
 Jury Central Summoning Bureau figures, 2004–2008

	Number of cases				
	2004	2005	2006	2007	2008
Total number of summons issued	431,432	388,154	390,671	412,666	416,689
Total number of jurors supplied to the court	187,114	185,193	181,966	182,661	183,506
Deferred to serve at a later date	65,754	63,741	61,254	66,174	66,806
Number refused deferral	288	286	172	122	103
Excused by right having served in past 2 years	14,887	4,333	4,277	4,518	4,244
Excused for other reasons ¹	102,301	93,141	95,559	103,064	104,290
All excused	117,188	97,474	99,836	107,582	108,534
Number refused excusal	4,344	3,585	2,053	1,641	1,515
Disqualified – residency, mental disorders, criminality	89,112	77,364	85,061	94,171	96,325
Disqualified – on selection	55,410	49,765	53,031	58,900	72,854
Disqualified – failed Police National Computer (PNC) check	148	193	185	207	103
Failed to reply to summons	45,318	38,322	39,223	40,635	45,192
Summons undelivered	19,417	15,911	18,394	18,325	17,603
Postponed by Jury Central Summoning Bureau	11,613	10,691	6,379	7,274	9,621

Source:

Jury Central Summoning Bureau

Notes:

1 Including childcare, work commitments, medical, language difficulty, student, moved from area, travel difficulties, financial hardship

Table 6.20
Crown Court
 Juror sitting days and juror utilisation, England and Wales, 2004–2008

Year	Juror sitting days	Juror non-sitting days	Juror non-attendance days	Juror utilisation rate
2004	862,244	301,727	321,422	58.0%
2005	841,143	292,908	366,676	56.0%
2006	830,567	279,601	295,260	59.1%
2007	811,937	305,986	252,611	59.2%
2008	846,875	298,485	254,008	60.5%

Source:

HM Courts Service Performance Database (OPT)

Notes:

1 Juror utilisation rate is the number of sitting days divided by the sum of sitting, non-sitting and non-attendance days

Table 6.21**Crown Court**

Summary statistics on hearing times, waiting time, plea rates and juror utilisation, by HMCS area and region, 2008

Region	Average Hearing Time (hours)				Guilty plea Rate	Average Waiting Time (weeks)				Juror Usage
	Not Guilty plea Trials	Guilty plea Trials	Committal for Sentence	Appeal		Not Guilty plea Trials	Guilty plea Trials	Committal for Sentence	Appeal	
England and Wales	12.7	1.4	0.5	1.0	71%	24.2	11.7	5.7	8.7	75%
<u>HMCS Region</u>										
London	14.3	1.7	0.7	1.4	59%	29.0	14.2	5.8	10.1	82%
Midlands	10.3	1.2	0.5	0.9	76%	21.7	11.0	5.4	7.6	68%
North East	8.6	1.1	0.4	0.8	79%	17.4	9.8	5.3	7.3	68%
North West	9.4	1.3	0.5	0.9	76%	21.0	11.6	5.6	7.5	68%
South East	12.6	1.5	0.6	1.2	69%	28.2	13.0	7.0	10.2	78%
Wales	10.2	1.2	0.5	1.1	75%	16.5	8.2	4.8	7.7	72%
Western	11.7	1.4	0.5	1.1	68%	22.3	12.5	5.3	9.6	76%
<u>HMCS Area</u>										
Avon and Somerset	11.1	1.6	0.5	1.0	70%	24.0	14.1	5.6	7.4	76%
Bedfordshire, Essex & Hertfordshire	11.8	1.8	0.7	1.3	68%	24.9	12.4	5.7	7.5	78%
Birmingham, Coventry, Solihull & Warwickshire	10.7	1.3	0.4	1.1	72%	21.8	11.4	5.4	8.3	67%
Black Country, Staffordshire & West Mercia	11.0	1.1	0.5	0.9	78%	20.6	10.9	5.4	7.9	69%
Cambridgeshire, Norfolk & Suffolk	13.7	1.4	0.6	1.0	73%	20.1	9.7	6.1	8.7	75%
Cheshire & Merseyside	9.2	1.4	0.5	0.9	75%	17.4	9.8	6.5	6.6	66%
Cleveland, Durham & Northumbria	6.8	1.1	0.4	0.8	79%	16.3	10.5	5.5	5.6	60%
Cumbria & Lancashire	9.5	1.4	0.6	1.0	76%	21.8	13.0	5.3	8.8	62%
Devon and Cornwall	10.9	1.0	0.5	0.8	69%	27.5	13.5	6.0	10.9	73%
Dorset, Gloucestershire & Wiltshire	10.4	1.3	0.5	1.3	71%	19.6	10.9	5.1	10.2	73%
Greater Manchester	9.6	1.3	0.5	1.0	77%	23.7	12.1	4.9	7.3	74%
Hampshire and Isle of Wight	13.2	1.5	0.6	1.2	64%	20.2	11.7	4.9	10.1	79%
Humber & South Yorkshire	8.8	0.9	0.3	0.6	82%	17.1	8.6	4.0	7.6	64%
Kent	13.4	1.4	0.7	1.2	70%	29.0	12.8	7.8	9.6	82%
Leicestershire, Lincoln & Northamptonshire	10.9	1.2	0.5	1.0	76%	26.3	11.9	5.4	6.5	66%
London Central & South	16.6	1.8	0.7	1.3	60%	28.6	13.5	6.3	10.6	84%
London North & West	12.0	1.7	0.8	1.5	59%	29.3	14.9	5.4	9.6	80%
Mid & West Wales	10.7	1.2	0.6	1.2	70%	13.7	7.2	5.6	7.7	73%
North & West Yorkshire	10.8	1.1	0.5	1.0	76%	18.7	10.1	6.7	9.4	78%
North Wales	7.9	1.0	0.5	1.0	79%	11.5	6.7	4.6	9.6	73%
Nottingham & Derbyshire	8.2	1.0	0.4	0.6	80%	18.7	10.0	5.4	7.4	73%
South East Wales	10.7	1.3	0.5	1.0	75%	18.9	9.1	4.6	6.8	72%
Surrey & Sussex	10.7	1.2	0.5	1.2	67%	33.7	16.2	9.0	16.2	78%
Thames Valley	14.4	1.5	0.6	1.1	65%	33.6	14.4	8.1	9.4	76%

Source:

HM Courts Service CREST system

Magistrates' courts

Key findings for 2008

- An estimated 1.92 million defendants were proceeded against in criminal cases in magistrates' courts in 2008. (NB this figure is not directly comparable with figures for previous years as a different data source has been used.)
- 184,000 trials were recorded in magistrates' courts in 2008 (down from 190,000 in 2007). Of those trials, 38 per cent were recorded as cracked (unchanged from 2007), with 18 per cent recorded as ineffective (down from 19 per cent in 2007).
- The estimated average time taken from offence to completion in 2008 was 143 days for defendants in completed criminal cases in magistrates' courts (down from 147 days in 2007).
- The estimated average time taken from charge to completion in 2008 for adult charged cases, excluding cases sent or committed to the Crown Court, was 7.0 weeks (down from 8.3 weeks in 2007).
- The average time from arrest to sentence in 2008 for Persistent Young Offenders in magistrates' and Crown Court cases was 57 days (down from 65 days in 2007); this meets the PYO Pledge target of 71 days.
- Enforcement of financial penalties: the amount paid in England and Wales in 2008 was £251 million (down from £255 million in 2007).

Chapter 7: Magistrates' courts

This chapter refers to criminal proceedings in magistrates' courts. Information on family proceedings can be found in Chapter 5.

Virtually all criminal court cases start in a magistrates' court. The less serious offences are handled entirely in magistrates' courts, with over 90 per cent of all cases being dealt with in this way. The more serious offences are passed on to the Crown Court, either for sentencing after the defendant has been found guilty in a magistrates' court, or for full trial with a judge and jury.

Magistrates deal with three kinds of cases:

- Summary offences. These are less serious cases, such as motoring offences and minor assaults, where the defendant is not usually entitled to trial by jury. They are generally disposed of in magistrates' courts.
- Either-way offences. As the name implies, these can be dealt with either by magistrates or before a judge and jury at the Crown Court. Such offences include theft and handling stolen goods. A defendant can insist on their right to trial in the Crown Court. Similarly, magistrates can decide that a case is sufficiently serious that it should be dealt with in the Crown Court – which can impose tougher sentences if the defendant is found guilty.
- Indictable-only offences, such as murder, manslaughter, rape and robbery. These must be heard at a Crown Court.

If the case is an indictable-only offence, the involvement of a magistrates' court is generally brief. A decision will be made on whether to grant bail, and other legal issues such as reporting restrictions will be considered. The case will then be passed to the Crown Court.

If the case is to be dealt within a magistrates' court, the defendant(s) are asked to enter a plea. If they plead guilty or are later found to be guilty, the magistrates can impose a sentence, generally of up to 6 months' imprisonment, or a fine, generally of up to £5,000. If found not guilty ('acquitted'), defendants are judged innocent in the eyes of the law and will be free to go – provided there are no other cases against them outstanding.

Cases are either heard by two or three lay magistrates or by one district judge. The lay magistrates, or 'Justices of the Peace', as they are also known, are local people who volunteer their services. They do not require formal legal qualifications, but will have undertaken a training programme, including court and prison visits, to develop the necessary skills. They are given legal and procedural advice by qualified clerks. On the other hand, district judges are legally qualified, paid, full-time professionals and are usually based in the larger cities. They normally hear the more complex or sensitive cases.

There are approximately 30,000 magistrates, 140 district judges and 170 deputy district judges operating in the roughly 330 magistrates' courts throughout England and Wales.

Defendants Proceeded Against

NB: figures for 2008 are derived from the HMCS Performance Database 'OPT' whereas earlier years' data came from the OCJR Court Proceedings Database. These data sets are not identical, and cannot be directly compared. Therefore no comparison to earlier years is made in this section on caseload, and no data for years prior to 2008 are included in Table 7.1.

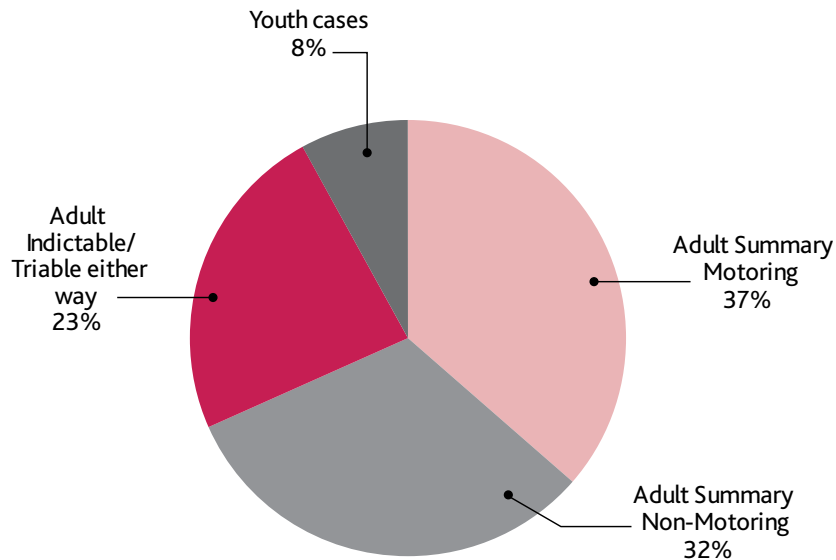
An estimated 1.92 million defendants were proceeded against for criminal offences (excluding breaches) in magistrates' courts during 2008. However, not all criminal offences reach magistrates' courts, as there has been an increasing use of out-of-court disposals, such as cautions and penalty notices for disorder in recent years.

There were 450,000 defendants in adult indictable / triable-either-way cases; this represents just under a quarter (23 per cent) of defendants in criminal cases. The number in adult summary non-motoring cases was 613,000, comprising 32 per cent of defendants. Adult summary motoring cases constituted the largest group with 696,000 defendants (37 per cent). There were 155,000 youth defendants, representing 8 per cent of all defendants in criminal cases.

These figures consider cases completed in magistrates' courts, and are case-based, so where a case has more than one offence, only the most serious offence is counted.

Statistics on the number of defendants proceeded against in magistrates' courts are shown in [Tables 7.1](#) and [7.2](#).

Defendants proceeded against in magistrates' courts, by offence type, 2008



Trials

A trial in a magistrates' court is a hearing at which the prosecution produces evidence to prove the case against the defendant. If a defendant pleads not guilty, or does not give a plea for a summary offence, then there is a trial. Similarly, for either-way offences, a trial may occur in a magistrates' court.

Magistrates' courts record the number and outcome of trials. Trial outcomes are listed as 'Effective', 'Ineffective' or 'Cracked', according to the following definitions:

Effective Trial – a trial that commences on the day it is scheduled, and has an outcome in that a verdict is reached or the case is concluded.

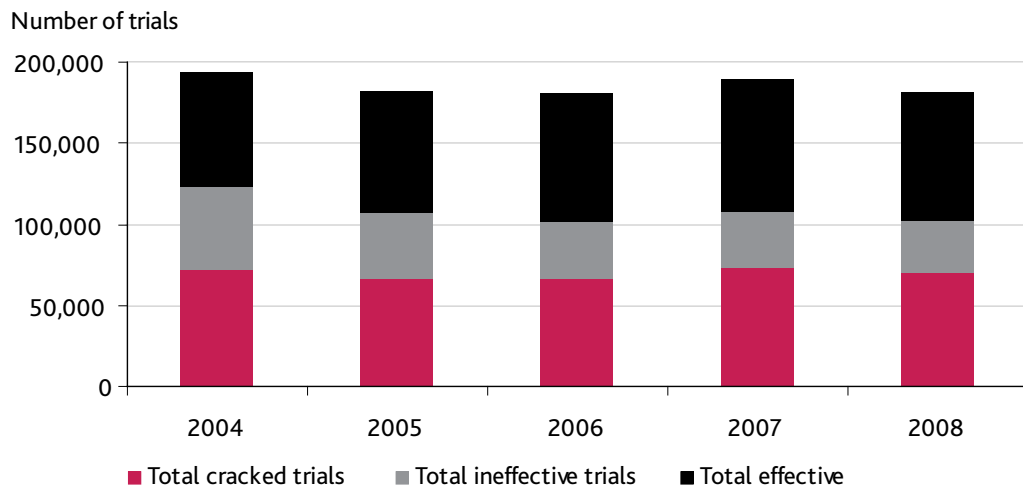
Cracked Trial – on the trial date, the defendant offers acceptable pleas or the prosecution offers no evidence. A cracked trial requires no further trial time.

Ineffective Trial – on the trial date, the trial does not go ahead due to action or inaction by one or more of the prosecution, the defence or the court and a further listing for trial is required.

If a trial was recorded as either ineffective or cracked, the main reason why the trial did not take place is also recorded. Efficient case progression and good inter-agency communication will lead to higher numbers of effective trials and lower numbers of ineffective and cracked trials. Ineffective and cracked trials waste court time, create additional costs to the justice system and cause inconvenience and delay to witnesses and other court users; therefore this is an important measure for court management.

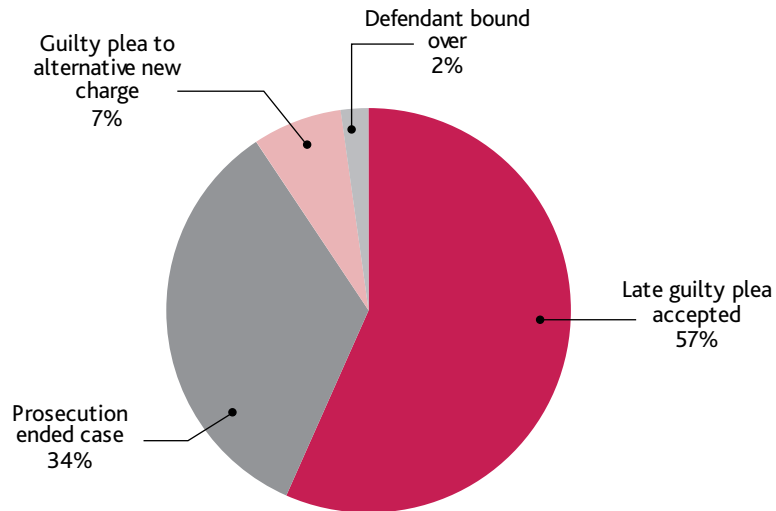
In 2008, 184,000 trials were recorded in magistrates' courts, compared to 190,000 in 2007 (a 3 per cent decrease). Of the total trials, 43 per cent were recorded as effective, 38 per cent were recorded as cracked, with 18 per cent recorded as ineffective.

Number of trials in magistrates' courts by outcome, 2004–2008



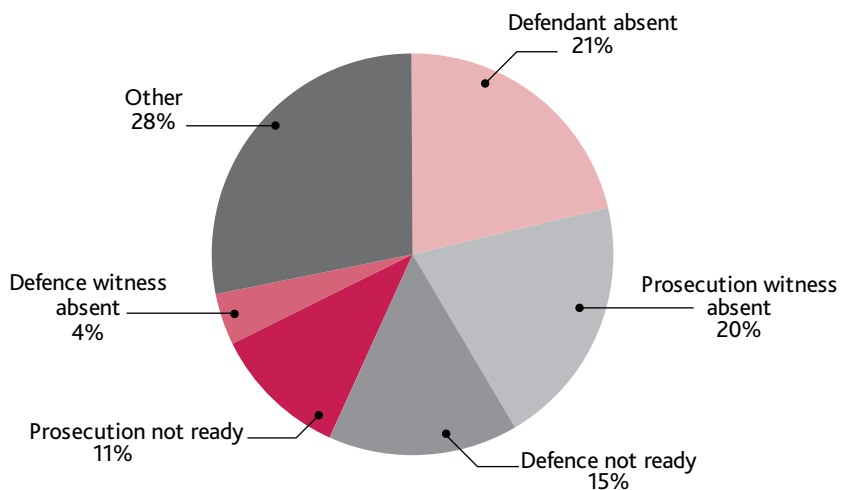
The proportion of cracked trials has remained fairly constant over the last 5 years. In 2008, 57 per cent of cracked trials (22 per cent of all trials) were cracked due to a late guilty plea being accepted, and 34 per cent of cracked trials (13 per cent of all trials) were cracked due to the prosecution ending the case.

Cracked trials: reasons for cracked trials in 2008



The proportion of ineffective trials has reduced in recent years. The main reasons for ineffective trials in 2008 included absence of defendant (21 per cent of all ineffective trials, 4 per cent of all trials) and absence of prosecution witness (20 per cent of all ineffective trials, 4 per cent of all trials).

Ineffective trials: reasons for ineffective trials in 2008



Statistics on trials in magistrates' courts are shown in [Tables 7.3](#), [7.4](#) and [7.5](#).

Timeliness

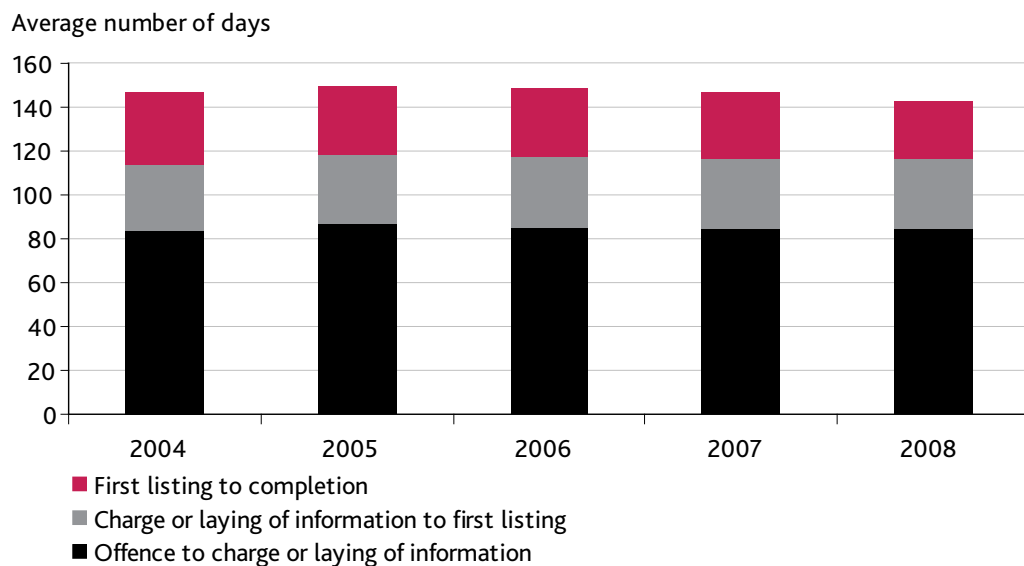
One way in which the efficiency of magistrates' courts can be measured is through the timeliness of cases proceeded against in magistrates' courts. Information on the average time taken between stages of proceedings for defendants in completed criminal cases in magistrates' courts is available from the Time Intervals Survey.

Information on completed adult indictable / triable-either-way cases and charged summary cases is collected over one week in the final month of each calendar quarter. Information on completed adult summonsed summary offences is additionally collected in March and September surveys. Information on youth defendants in both indictable / triable-either-way and summary completed cases is collected in four weeks of each quarter.

For further information on the Time Intervals Survey please see: <http://www.justice.gov.uk/publications/timeintervals.htm>

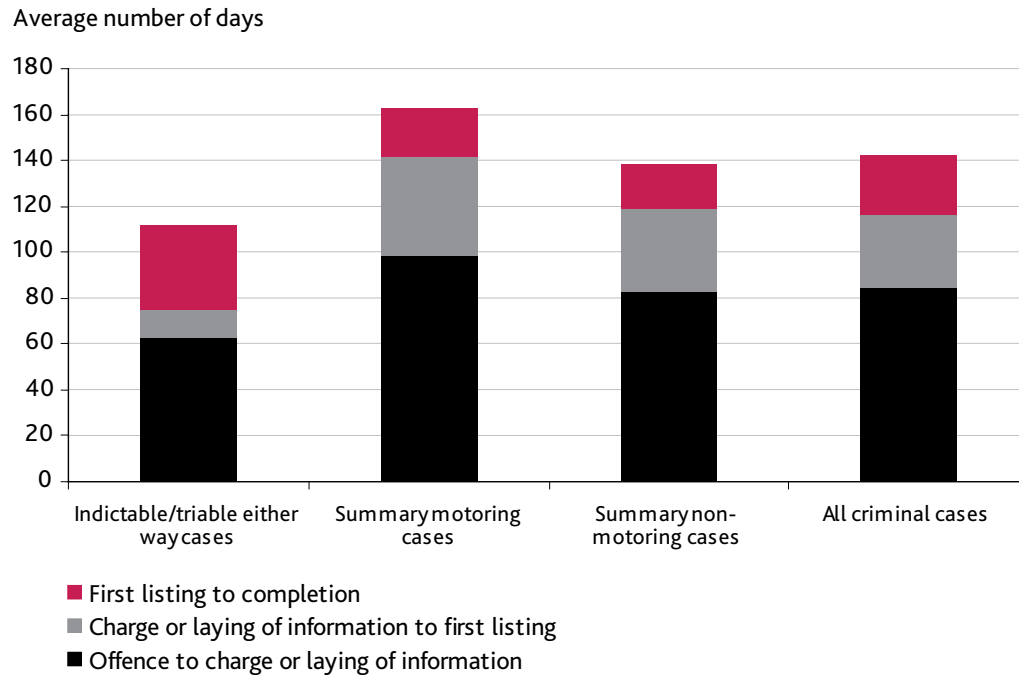
In 2008, the estimated average time taken from offence to completion in magistrates' courts was 143 days for all criminal cases. This compares to 147 days in 2007.

Average number of days for all criminal cases proceeded against in magistrates' courts, by stage of proceedings, 2004–2008



The estimated average time from offence to charge or laying of information was 84 days in 2008, unchanged from 2007. The estimated average time from charge / laying of information to first listing was 33 days in 2008, an increase from 32 days in 2007. The estimated average time from first listing to completion in magistrates' courts in 2008 was 26 days, a decrease from 31 days in 2007.

Average time by stage of proceedings – defendants in all criminal cases, 2008

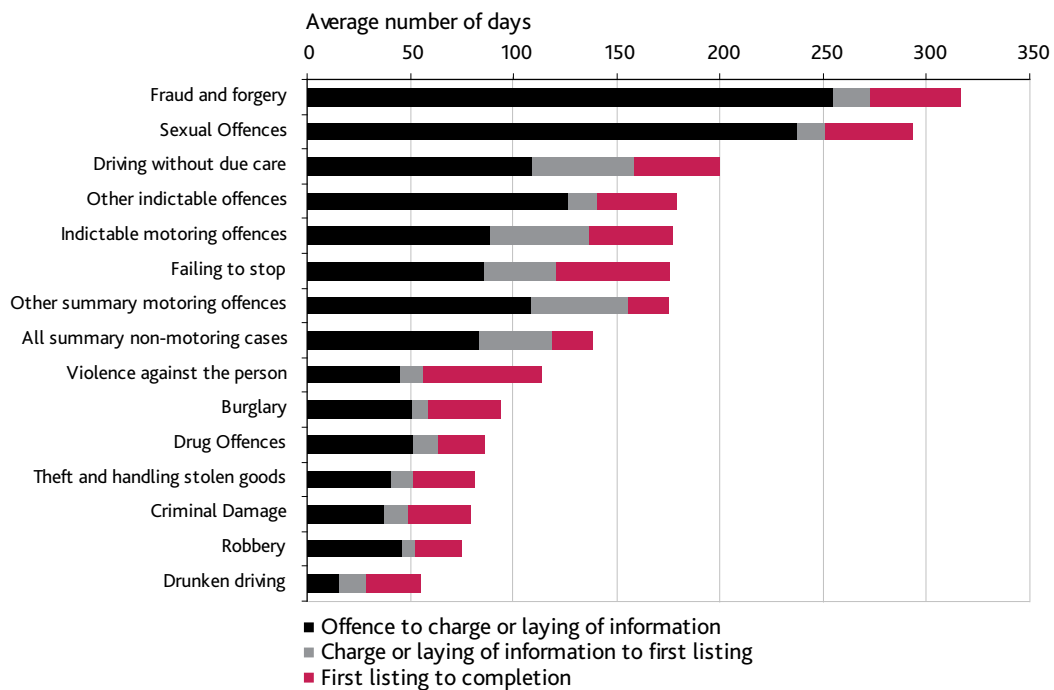


The estimated average time between offence and completion for indictable / triable-either-way cases was 112 days in 2008, a decrease from 118 days in 2007. For summary motoring cases the estimated average time taken between offence and completion was 163 days, an increase from 162 days in 2007. In 2008, there was an estimated average of 138 days between offence and completion for summary non-motoring cases, a decrease from 144 days in 2007.

The estimated average time between offence and charge / laying of information was the stage that showed the greatest variation between offence groups. This is likely due to the nature of certain offences, and how they are reported and detected. In 2008 the longest estimated average time taken from offence to charge / laying of information occurred in Fraud and Forgery cases, which took on average 255 days. Sexual Offence cases took the second longest time on average between offence and charge/ laying of information at 238 days. Drunken Driving offences took, on average, the shortest time from offence to charge / laying of information at 16 days.

Compared to summary cases, indictable / triable-either-way cases took less time from charge or laying of information to first listing (an estimated 12 days, as opposed to 36 and 43 days for summary non-motoring and motoring cases respectively). On the other hand, indictable / triable-either-way cases took more time from first listing to completion (37 days as opposed to 20 and 21 days for summary non-motoring and motoring cases respectively).

Average time taken by offence group and stage of proceedings for defendants in all criminal cases, 2008



The timeliness of adult charged cases, excluding cases sent or committed to the Crown Court, was targeted in the CJSSS initiative (Criminal Justice: Simple, Speedy, Summary), which was rolled out nationwide over 2007 and early 2008.

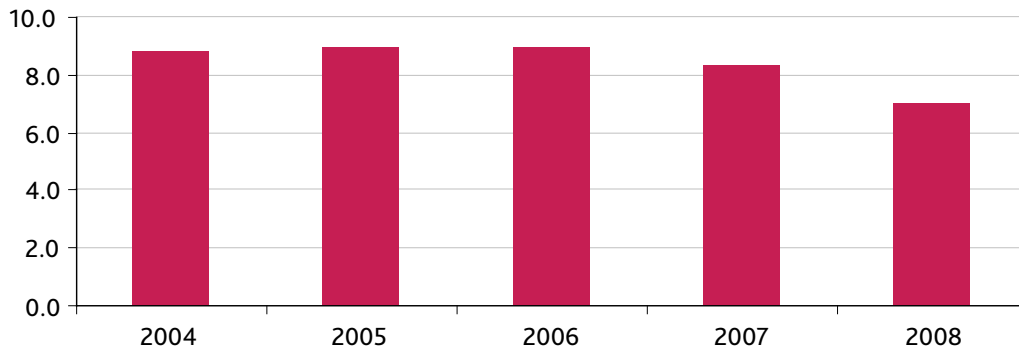
In 2008 the estimated average time from charge to completion for adult charged cases, excluding cases sent or committed to the Crown Court, was 7.0 weeks, a decrease from 8.3 weeks in 2007.

In 2008 the estimated average number of hearings per case was 2.38 hearings, a decrease from 2.88 hearings in 2007.

Statistics on the timeliness of cases in magistrates' courts are shown in [Tables 7.6 to 7.9](#).

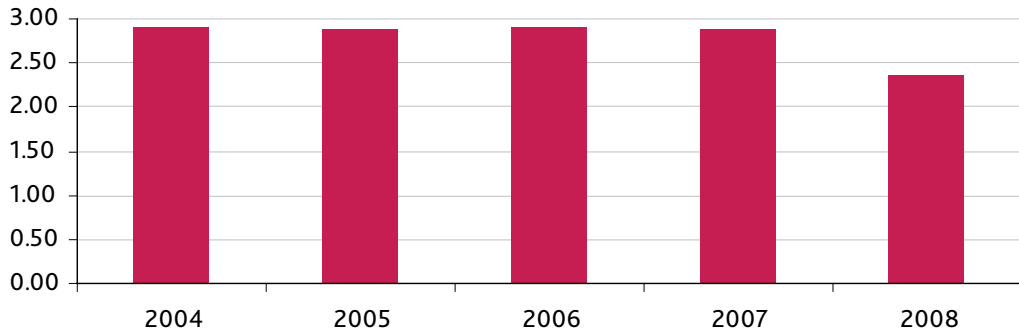
Average time from charge to completion for adult charged cases, 2004–2008

Average number of weeks



Average number of hearings per defendant for adult charged cases, 2004–2008

Average number of hearings



Persistent Young Offenders (Timeliness)

The category of Persistent Young Offenders was defined in the inter-Departmental circular 'Tackling Delays in the Youth Justice System', issued on 15 October 1997:

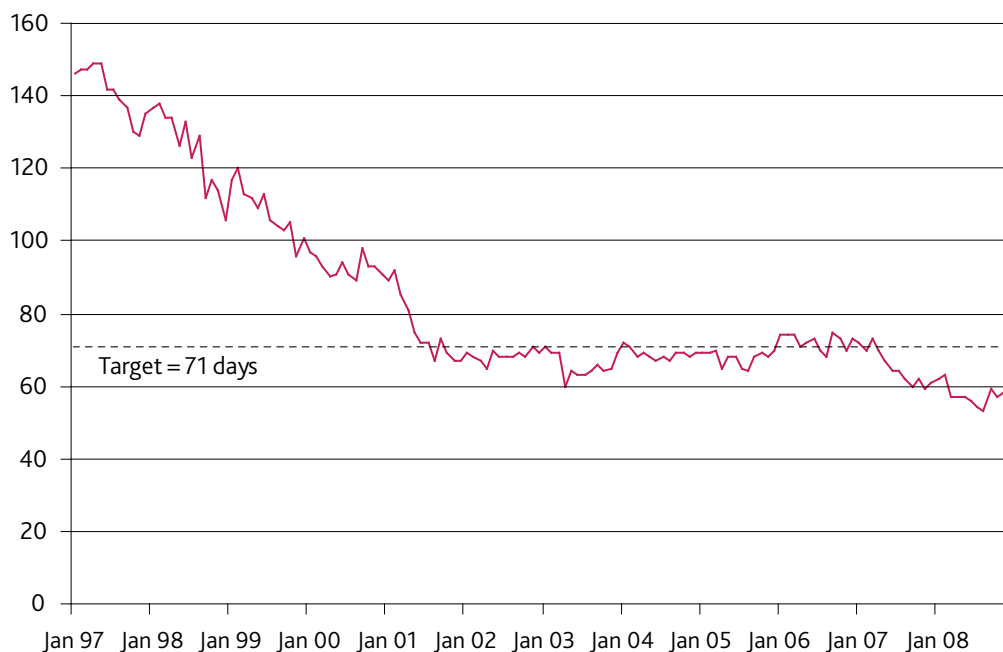
"A Persistent Young Offender is a young person aged 10–17 who has been sentenced by any criminal court in the UK on three or more separate occasions for one or more recordable offences, and within three years of the last sentencing occasion is subsequently sentenced for a further recordable offence."

There has been a target to maintain the average time from arrest to sentence for Persistent Young Offenders at or below 71 days at national level. Responsibility for the delivery of this PYO Pledge was devolved to Local Criminal Justice Boards (LCJBs) in 2002. Performance against this target was assessed using data from the Police National Computer (PNC). The PNC holds the police's own operational data, derived from forces' management information systems, covering all or most of the time from arrest to sentence for recorded cases.

The overall level of performance – that for Persistent Young Offender cases heard in either magistrates' or Crown courts – decreased from 146 days in January 1997 to 69 days in January 2002. In 2008, performance was 57 days; this was a decrease from 65 days in 2007.

Persistent Young Offender cases: performance against the timelines target (71 days), all courts, 1997–2008

Average number of days
from arrest to sentence



For further information on performance, please refer to the primary publication:
<http://www.justice.gov.uk/publications/averagetimearresttosentencepyo.htm>

Overall performance is mainly determined by timeliness in magistrates' courts, where at least nine tenths of all of the cases are heard. The average time from arrest to sentence in magistrates' courts was 47 days in 2008, a decrease from 56 days in 2007. The corresponding time for Crown Court PYO cases was 206 days in 2008, unchanged from 2007; however Crown Court figures have less impact on the headline figure, owing to the smaller number of cases involved.

Persistent Young Offender cases: performance in magistrates' and Crown courts, 2002–2008

Average number of days from arrest to sentence



Statistics on the timeliness of Persistent Young Offender cases are shown in [Table 7.10](#).

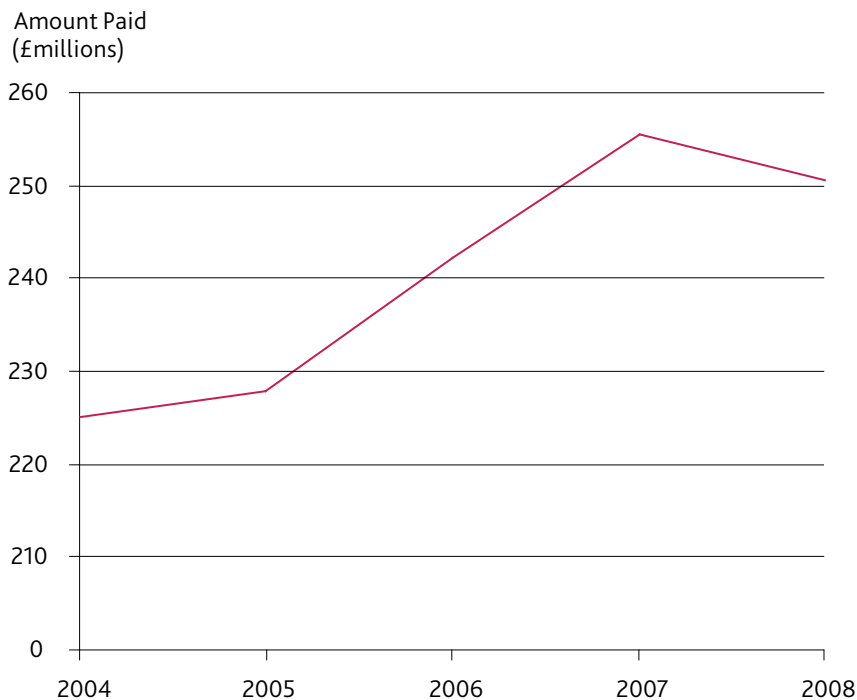
Conclusion of the Persistent Young Offenders pledge: The quarterly statistical publication on persistent youth offenders was discontinued at the end of 2008. Therefore this section on persistent young offenders will not be included in future editions of this publication. For more information see the following link: <http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm081210/wmstext/81210m0002.htm#08121029000071>

Enforcement

Fines are the most commonly used sentence in magistrates' courts. The Courts Act 2003 provided a number of new enforcement sanctions (e.g. clamping, registration) which have since been subject to national rollout by HMCS, and which have contributed to the total value of fines paid in recent years.

The amount paid in England and Wales in 2008 was £251 million, a 1.9 per cent decrease from the previous year.

Enforcement of financial penalties in magistrates' courts in England and Wales, 2004–2008



Statistics on enforcement of financial penalties in magistrates' courts are shown in [Table 7.11](#).

Table 7.1
Magistrates' courts
 Magistrates' courts criminal workload, by offence type,
 England and Wales, 2008

	Number of cases (in thousands)
Adult Summary Motoring Proceedings	696.3
Adult Summary Non-Motoring Proceedings	613.4
Adult Indictable / Triable Either Way Proceedings	449.9
Youth Proceedings	155.4
Total criminal proceedings (excluding breaches)	1,915.0
Adult Breach Proceedings	116.2
Total completed criminal proceedings (including breaches)	2,031.1

Source:

Completed Proceedings, HM Courts Service Performance Database ('OPT')

Notes:

- 1 The figures presented here are derived from a different data source (OPT) to previous bulletins and are not therefore directly comparable with data published in previous bulletins
- 2 These figures are case-based, so where a case has more than one offence, only the most serious offence is counted
- 3 Number of cases are presented in thousands (000s) in the table. For example, 1,915 thousand cases is equivalent to 1.92 million cases

Table 7.2**Magistrates' courts**

Number of defendants proceeded against for criminal offences (excluding breaches), by offence type and HMCS area, England and Wales, 2008

Number of defendants (thousands)

HMCS Area	Adult		Summary motoring offences	Youth	Total defendants proceeded against
	Indictable / triable either way offences	Summary non-motoring offences		All offence types	
Avon and Somerset	14.2	15.0	21.3	3.8	54.3
Bedfordshire, Essex and Hertfordshire	19.7	33.7	43.2	7.5	104.1
Birmingham, Coventry, Solihull and Warwickshire	22.0	25.9	34.1	6.0	88.1
Black Country, Staffordshire and West Mercia	26.5	32.6	46.3	8.9	114.3
Cambridgeshire, Norfolk and Suffolk	12.9	18.0	29.7	5.1	65.6
Cheshire and Merseyside	24.8	37.3	29.8	7.4	99.4
Cleveland, Durham and Northumbria	27.5	40.8	31.9	11.5	111.8
Cumbria and Lancashire	18.9	22.0	32.4	7.8	81.2
Devon and Cornwall	11.4	12.3	17.7	4.2	45.5
Dorset, Gloucestershire and Wiltshire	12.3	13.2	26.2	4.2	55.8
Greater Manchester	27.7	32.6	38.2	11.5	110.0
Hampshire and Isle of Wight	15.2	16.8	18.2	5.7	55.9
Humber and South Yorkshire	18.4	29.7	25.4	7.9	81.4
Kent	10.6	14.4	17.5	4.0	46.6
Lincolnshire, Leicestershire, Rutland and Northamptonshire	15.6	16.9	32.7	5.3	70.6
London (Central and South)	26.0	37.5	30.1	5.6	99.2
London (North and West)	43.3	95.6	65.7	16.1	220.6
Mid and West Wales	7.5	8.3	11.3	1.9	29.0
North and West Yorkshire	28.8	27.5	46.8	9.9	113.0
North Wales	4.0	7.6	11.5	1.8	24.9
Nottingham and Derbyshire	17.4	18.3	21.2	5.8	62.7
South East Wales	16.7	22.8	20.1	4.4	64.0
Surrey and Sussex	13.1	20.6	21.5	4.4	59.7
Thames Valley	15.3	14.2	23.2	4.6	57.4
England and Wales	449.9	613.4	696.3	155.4	1,915.0

Source:

Completed Proceedings, HM Courts Service Performance Database ('OPT')

Notes:

- 1 The figures presented here are derived from a different data source to previous bulletins and are not therefore directly comparable with data from previous years
- 2 These figures are case-based, so where a case has more than one offence, only the most serious offence is counted
- 3 Number of defendants are presented in thousands (000s) in the table. For example, 1,915.0 thousand defendants is equivalent to 1.92 million defendants

Table 7.3
Magistrates' courts
 Effectiveness of recorded trials, by HMCS area, England and Wales, 2008

HMCS Area	Total number of trials	Effective trials		Ineffective trials		Cracked trials	
		Number	Percentage of total trials	Number	Percentage of total trials	Number	Percentage of total trials
Avon and Somerset	2,751	1,472	54%	398	14%	881	32%
Bedfordshire, Essex and Hertfordshire	10,981	5,003	46%	2,482	23%	3,496	32%
Birmingham, Coventry, Solihull and Warwickshire	8,851	3,407	38%	1,603	18%	3,841	43%
Black Country, Staffordshire and West Mercia	12,543	5,049	40%	2,551	20%	4,943	39%
Cambridgeshire, Norfolk and Suffolk	4,297	2,302	54%	577	13%	1,418	33%
Cheshire and Merseyside	8,936	3,594	40%	1,104	12%	4,238	47%
Cleveland, Durham and Northumbria	11,483	4,165	36%	2,198	19%	5,120	45%
Cumbria and Lancashire	8,208	3,126	38%	1,273	16%	3,809	46%
Derbyshire and Nottinghamshire	8,617	3,499	41%	1,902	22%	3,216	37%
Devon and Cornwall	2,615	1,223	47%	448	17%	944	36%
Dorset, Gloucestershire and Wiltshire	5,508	2,345	43%	1,341	24%	1,822	33%
Greater Manchester	10,658	4,878	46%	1,603	15%	4,177	39%
Hampshire and IoW	5,462	2,558	47%	1,049	19%	1,855	34%
Humber and South Yorkshire	6,826	2,900	42%	1,115	16%	2,811	41%
Kent	5,123	2,160	42%	1,005	20%	1,958	38%
Lincolnshire, Leicestershire, Rutland and Northamptonshire	6,902	2,946	43%	1,216	18%	2,740	40%
London (Central and South)	10,195	4,856	48%	1,928	19%	3,411	33%
London (North and West)	22,078	10,503	48%	3,632	16%	7,943	36%
Mid and West Wales	1,873	998	53%	232	12%	643	34%
North and West Yorkshire	8,751	3,244	37%	2,010	23%	3,497	40%
North Wales	2,194	1,079	49%	289	13%	826	38%
South East Wales	5,452	2,031	37%	929	17%	2,492	46%
Surrey and Sussex	6,943	3,414	49%	1,314	19%	2,215	32%
Thames Valley	6,264	2,970	47%	1,224	20%	2,070	33%
England and Wales	183,511	79,722	43%	33,423	18%	70,366	38%

Sources:

Cracked and ineffective trial monitoring form, Business Information Division, HM Courts Service
 HM Courts Service Performance Database ('OPT')

Notes:

- 1 The figures presented here are based on the 25 HMCS areas, as per the 2007 restructuring of administrative arrangements. The area not shown is London (Civil and Family), which covers non-criminal caseload. Figures at LCJB level are available on request via the contact details given in Annex A

Table 7.4
Magistrates' courts
 Numbers of trials which were "cracked", by reason grouping, England and Wales 2004–2008

Year	Number of trials							Percentage of total cracked trials				
	Total cracked trials	Main reasons for cracked trials			Main reasons for cracked trials				Prosecution ended case	Defendant bound over	Prosecution ended case	Other
		Late guilty plea accepted	Guilty plea to alternative new charge	Guilty plea to alternative new charge	Late guilty plea accepted	Prosecution ended case	Defendant bound over	Other				
2004	72,070	34,260	5,926	4,344	25,215	2,325	48%	8%	6%	35%	3%	
2005	67,193	34,114	5,010	3,435	23,545	1,089	51%	7%	5%	35%	2%	
2006	66,858	35,368	4,737	2,802	23,889	62	53%	7%	4%	36%	0%	
2007	72,565	39,490	5,134	2,220	25,669	52	54%	7%	3%	35%	0%	
2008	70,366	39,820	5,108	1,621	23,770	47	57%	7%	2%	34%	0%	

Sources:

Cracked and ineffective trial monitoring form, Business Information Division, HM Courts Service
 HM Courts Service Performance Database ('OPT')

Notes:

- 1 The main reason for each cracked trial is recorded, and grouped into the summary reasons as shown; the list of reasons available to recorders was modified in 2006. See Annex A for details and groupings
- 2 If further details of reasons / groupings are required, please direct any queries via the contact details given in Annex A

Table 7.5
Magistrates' courts
Numbers of trials which were "ineffective", by reason grouping, England and Wales, 2004–2008

Year	Number of trials						Percentage of total ineffective trials						
	Main reasons for ineffective trials						Main reasons for ineffective trials						
	Total cracked trials	Prosecution not ready	Prosecution witness absent	Defendant absent	Defence not ready	Defence witness absent	Other	Prosecution not ready	Prosecution witness absent	Defendant absent	Defence not ready	Defence witness absent	Other
2004	50,386	4,543	12,865	12,574	6,037	2,215	12,152	9%	26%	25%	12%	4%	24%
2005	39,634	3,984	10,222	8,802	5,289	1,879	9,458	10%	26%	22%	13%	5%	24%
2006	35,044	3,907	8,550	7,223	4,129	1,696	9,539	11%	24%	21%	12%	5%	27%
2007	35,150	3,684	7,774	7,407	4,855	1,500	9,930	10%	22%	21%	14%	4%	28%
2008	33,423	3,611	6,712	7,117	5,137	1,371	9,475	11%	20%	21%	15%	4%	28%

Sources:

Cracked and ineffective trial monitoring F, Business Information Division, HM Courts Service
 HM Courts Service Performance Database ("OPT")

Notes:

- 1 The main reason for each ineffective trial is recorded, and grouped into the summary reasons as shown; the list of reasons available to recorders was modified in 2006. See Annex A for details and groupings
- 2 If further details of reasons / groupings are required, please direct any queries via the contact details given in Annex A

Table 7.6
Magistrates' courts
 Average time taken by stage of proceedings and percentage of proceedings dealt with on first listing for defendants in criminal cases in magistrates' courts, by offence type, England and Wales, 2004–2008

Year	Average number of days from:								Percentage completed at first listing (i.e. no adjournments)	Sample size (number of defendants)
	Offence to charge or laying of information	Margin of error (+/- days)	Charge or laying of information to first listing	Margin of error (+/- days)	First listing to completion	Margin of error (+/- days)	Offence to completion	Margin of error (+/- days)		
<u>Indictable/triable either way cases</u>										
2004	54	2	9	0	55	1	118	2	30%	28,493
2005	59	2	10	0	54	1	122	2	31%	28,127
2006	61	2	10	0	52	1	123	2	30%	27,730
2007	61	2	10	0	47	1	118	2	32%	28,756
2008	62	2	12	0	37	1	112	2	39%	29,608
<u>Summary motoring cases</u>										
2004	101	1	39	0	26	1	166	1	62%	32,145
2005	99	1	39	0	24	1	162	1	63%	29,530
2006	94	1	41	0	25	1	160	1	63%	26,707
2007	96	1	41	0	25	1	162	1	65%	26,396
2008	99	1	43	0	21	1	163	1	65%	22,782
<u>Summary non-motoring cases</u>										
2004	82	1	33	0	26	1	140	2	69%	17,473
2005	90	1	34	0	24	1	148	2	70%	18,825
2006	85	1	37	0	24	1	146	2	71%	18,976
2007	83	1	37	1	24	1	144	2	70%	18,231
2008	83	2	36	1	20	1	138	2	73%	16,838
<u>All criminal cases</u>										
2004	84	1	30	0	33	1	147	1	56%	65,578
2005	87	1	31	0	31	1	149	1	58%	63,153
2006	85	1	32	0	31	1	148	1	58%	60,200
2007	84	1	32	0	31	1	147	1	58%	59,353
2008	84	1	33	0	26	1	143	1	60%	54,637

Source:

Time Intervals Survey, Ministry of Justice

Notes:

- 1 Results are based on proceedings in one sample week in March, June, September and December for indictable / triable-either-way offences, and the March and September surveys only for summary offences and all criminal cases. Hence, the sum of the number of defendants by offence type does not equal the total number of defendants
- 2 The margin of error is a measure of the precision of a result based on a survey. The true value is likely to fall within the range of the sample result plus or minus the margin of error
- 3 Both adult and youth defendant data from the quarterly TIS one-week survey periods are included
- 4 More detailed results and notes from the Time Intervals Survey are published in a National Statistics Bulletin, available at: <http://www.justice.gov.uk/publications/timeintervals.htm>

Table 7.7
Magistrates' courts
 Average time taken by stage of proceedings and percentage of proceedings completed at first listing for defendants in criminal cases in magistrates' courts, by offence group, England and Wales, 2008

Offence group	Average number of days from:						Percentage completed at first listing (i.e. no adjournments)	Sample size (number of defendants)		
	Offence to charge or laying of information	Margin of error (+/- days)	Charge or laying of information to first listing	Margin of error (+/- days)	First listing to completion	Margin of error (+/- days)			Offence to completion	Margin of error (+/- days)
All indictable / triable either way cases										
Burglary	51	6	8	1	35	3	94	7	32%	1,772
Criminal Damage	37	4	12	1	30	2	80	5	46%	2,381
Drug Offences	52	3	12	0	23	2	86	4	52%	3,895
Fraud and forgery	255	27	18	1	43	5	316	28	38%	956
Indictable motoring offences	88	8	48	4	41	8	177	12	45%	867
Robbery	46	7	6	1	23	3	75	8	55%	777
Sexual Offences	238	42	13	2	42	8	293	43	42%	620
Theft and handling stolen goods	41	2	11	0	30	2	81	3	43%	9,522
Violence against the person	45	2	11	0	58	2	114	3	23%	6,544
Other indictable offences	126	13	15	1	38	2	179	13	40%	2,274
All summary motoring cases										
Drunken driving	16	2	13	1	26	4	55	4	66%	2,424
Driving without due care	109	6	49	4	42	5	200	9	44%	563
Failing to stop	86	12	35	6	55	17	176	24	39%	105
Other summary motoring offences	109	1	47	0	20	1	175	1	66%	19,690
All summary non-motoring cases	83	2	36	1	20	1	138	2	73%	16,838
All criminal cases	84	1	33	0	26	1	143	1	60%	54,637

Source:

Time Intervals Survey, Ministry of Justice

Notes:

- 1 Results are based on proceedings in one sample week in March, June, September and December for indictable/triable-either-way offences, and the March and September surveys only for summary offences and all criminal cases. Hence, the sum of the number of defendants by offence type does not equal the total number of defendants
- 2 The margin of error is a measure of the precision of a result based on a survey. The true value is likely to fall within the range of the sample result plus or minus the margin of error
- 3 Both adult and youth defendant data from the quarterly TIS one-week survey periods are included
- 4 More detailed results and notes from the Time Intervals Survey are published in a National Statistics Bulletin, available at: <http://www.justice.gov.uk/publications/timeintervals.htm>

Table 7.8
Magistrates' courts
 Average time taken from offence to completion for defendants in all criminal cases in magistrates' courts, by offence type and HMCS area, England and Wales, 2008

Area	Average number of days from offence to completion:					Number of defendants					
	Indictable/ triable either way cases	Margin of error (+/- days)	Summary motoring cases	Margin of error (+/- days)	Summary non-motoring cases	Margin of error (+/- days)	All cases	Indictable/ triable either way cases	Summary motoring cases	Summary non-motoring cases	All cases
Avon and Somerset	121	16	158	8	118	9	138	773	692	316	1,403
Bedfordshire, Essex and Hertfordshire	114	11	171	7	154	11	153	1,383	1,243	707	2,668
Birmingham, Coventry, Solihull and Warwickshire	100	11	159	5	116	9	135	1,427	1,098	625	2,417
Black Country, Staffordshire and West Mercia	110	9	157	6	185	31	152	1,654	1,451	816	3,073
Cambridgeshire, Norfolk and Suffolk	91	8	150	5	111	9	123	1,061	810	445	1,775
Cheshire and Merseyside	139	14	172	8	127	7	142	1,558	881	1,131	2,809
Cleveland, Durham and Northumbria	107	8	150	5	105	5	124	2,005	1,179	1,186	3,403
Cumbria and Lancashire	96	8	163	6	115	12	132	1,387	1,096	784	2,624
Devon and Cornwall	105	10	143	8	85	16	123	571	395	130	824
Dorset, Gloucestershire and Wiltshire	132	15	217	7	137	12	180	889	936	369	1,752
Greater Manchester	121	12	160	6	102	5	123	1,753	1,169	973	3,027
Hampshire and Isle of Wight	134	11	159	16	160	12	152	940	398	558	1,453
Humber and South Yorkshire	88	9	157	6	140	6	135	1,152	978	1,029	2,606
Kent	130	14	188	9	154	10	168	710	602	407	1,368

Lincolnshire, Leicestershire, Rutland and Northamptonshire	117	8	156	5	149	75	144	4	1,130	1,493	357	2,503
London (Central and South)	113	10	155	8	145	9	138	6	1,714	902	802	2,587
London (North and West)	113	8	172	6	168	3	161	4	3,238	1,751	3,380	6,670
Mid and West Wales	96	11	156	8	104	11	131	7	464	506	193	929
North Wales	104	14	151	7	104	17	131	8	401	327	78	628
North and West Yorkshire	105	7	144	4	113	10	128	4	1,638	1,516	621	2,960
Nottingham and Derbyshire	111	10	167	7	132	8	143	5	941	779	672	1,918
South East Wales	111	13	145	7	117	13	129	8	813	535	305	1,243
Surrey and Sussex	111	10	169	7	139	12	147	5	1,085	1,081	498	2,110
Thames Valley	111	11	182	6	138	16	152	6	921	964	456	1,887
England and Wales	112	2	163	1	138	2	143	1	29,608	22,782	16,838	54,637

Source:

Time Intervals Survey, Ministry of Justice

Notes:

- 1 Results are based on proceedings in one sample week in March, June, September and December for indictable/triable-either-way offences and March and September surveys only for summary offences and all criminal cases. Hence, the sum of the number of defendants by offence type does not equal the total number of defendants
- 2 The margin of error is a measure of the precision of a result based on a survey. The true value is likely to fall within the range of the sample result plus or minus the margin of error
- 3 The figures presented here are based on the 25 HMCS areas, as per the 2007 restructuring of administrative arrangements. The area not shown is London (Civil and Family), which covers non-criminal caseload
- 4 Both adult and youth defendant data from the quarterly TIS one-week survey periods are included
- 5 More detailed results and notes from the Time Intervals Survey are published in a National Statistics Bulletin, available at: <http://www.justice.gov.uk/publications/timeintervals.htm>

Table 7.9**Magistrates' courts**

Adult charged cases (excluding cases sent or committed to the Crown Court): average time taken from charge to completion and average number of hearings per case, England and Wales, 2004–2008

Year	Average number of weeks from charge to completion		Average number of hearings per case		Sample size
	Number of weeks	Margin of error (+/- weeks)	Number of weeks	Margin of error (+/- weeks)	Number of defendants
2004	8.8	0.1	2.91	0.03	34,091
2005	9.0	0.2	2.90	0.03	32,704
2006	8.9	0.2	2.92	0.03	32,952
2007	8.3	0.1	2.88	0.03	34,549
2008	7.0	0.1	2.38	0.02	34,249

Source:

Time Intervals Survey, Ministry of Justice

Notes:

- 1 Results are based on proceedings in one sample week in March, June, September and December
- 2 The margin of error is a measure of the precision of a result based on a survey. The true value is likely to fall within the range of the sample result plus or minus the margin of error
- 3 The figures cover adult charged cases, excluding cases sent or committed to the Crown Court
- 4 More detailed results and notes from the Time Intervals Survey are published in a National Statistics Bulletin, available at: <http://www.justice.gov.uk/publications/timeintervals.htm>

Table 7.10
Magistrates' and Crown courts
 Average time from arrest to sentence for Persistent Young Offenders (PYOs), by court type, England and Wales, 2004–2008

Year	All Courts		Magistrates' Courts		Crown Courts	
	Number of cases	Average number of days from arrest to sentence	Number of cases	Average number of days from arrest to sentence	Number of cases	Average number of days from arrest to sentence
2004	26,363	69	24,698	61	1,653	186
2005	27,037	68	25,498	61	1,526	192
2006	28,252	72	26,529	63	1,704	214
2007	30,683	65	28,904	56	1,769	206
2008	28,834	57	26,900	47	1,904	206

Sources:

Police National Computer; Arrest to Charge Survey data, Ministry of Justice

Notes:

- 1 All figures are based on the amended PYO accounting rules of June 2007 applied retrospectively. The methodology removes the double-counting of all time from arrest to charge. The figures are consistent with those in the monthly National Statistics bulletin on the MoJ website: <http://www.justice.gov.uk/publications/averagetimearresttosentencepyo.htm>

Table 7.11
Magistrates' courts
 Enforcement of financial penalties in magistrates' courts,
 England and Wales, 2004–2008

Year	Amount Paid (£ millions)
2004	225
2005	228
2006	242
2007	255
2008	251

Source:

Debt Analysis Return (DAR), Business Information Division, HM Courts Service

Notes:

- 1 Magistrates' courts submit information on the enforcement of financial penalties using the Debt Analysis Return. National figures are collated by the Business Information Division in HMCS
- 2 The amount paid represents the amount of financial penalties collected by the courts in the given year
- 3 Information prior to 2004 has not been provided. The collection of enforcement information (DAR) was revised in April 2003 so that it no longer contained confiscation or civil amounts, and is therefore not available prior to that date in a similar format

The Mental Capacity Act

Key findings for 2008:

- There were 22,583 applications made to the Court of Protection under the Mental Health Act 2005 in 2008. 45% of these (10,218) were for appointment of a property and affairs deputy (Table 8.1).
- A total of 16,407 final orders under the Mental Health Act 2005 were made in 2008 (Table 8.2).
- During 2008, 72,998 powers of attorney were received by the Office of the Public Guardian, of which 72% were for Lasting Power of Attorney (Table 8.3).

Chapter 8: The Mental Capacity Act

The Mental Capacity Act 2005 provides a statutory framework to empower and protect vulnerable people who are not able to make their own decisions. It makes it clear who can take decisions, in which situations, and how they should go about this. It enables people to plan ahead for a time when they may lose capacity.

The Act created two new public bodies to support the statutory framework, both of which are designed around the needs of those who lack capacity:

1. a new **Court of Protection**
2. the Public Guardian, supported by the **Office of the Public Guardian (OPG)**.

When the Mental Capacity Act 2005 came into force on 1 October 2007, the role and function of the Court of Protection changed, and in addition, the OPG was established. As there was a change in the type of data collected from October 2007, the data reported on previously for the old Court of Protection and Public Guardianship Office is no longer relevant, and therefore figures presented in this report are not fully comparable with figures published in earlier reports.

The data presented in this chapter covers the first 15 months since this change, and so is presently on a quarterly basis.

The Court of Protection

The Court of Protection is a specialist court created under the Mental Capacity Act 2005. It makes specific decisions, and also appoints other people (called deputies) to make decisions for people who lack the capacity to do this for themselves. These decisions are related to their property, financial affairs, health, and personal welfare.

The new Court of Protection replaced the office of the Supreme Court with the same name which only dealt with property and financial affairs. Under the Mental Capacity Act, the new court also deals with serious decisions relating to health and personal welfare. Previously, such matters were the preserve of the High Court, who could make declarations under its inherent jurisdiction as to whether an act was lawful in the best interests of an adult who lacked capacity. The new Court of Protection is a superior court of record with the same rights, privileges and authority as the High Court.

The Court of Protection now has powers to:

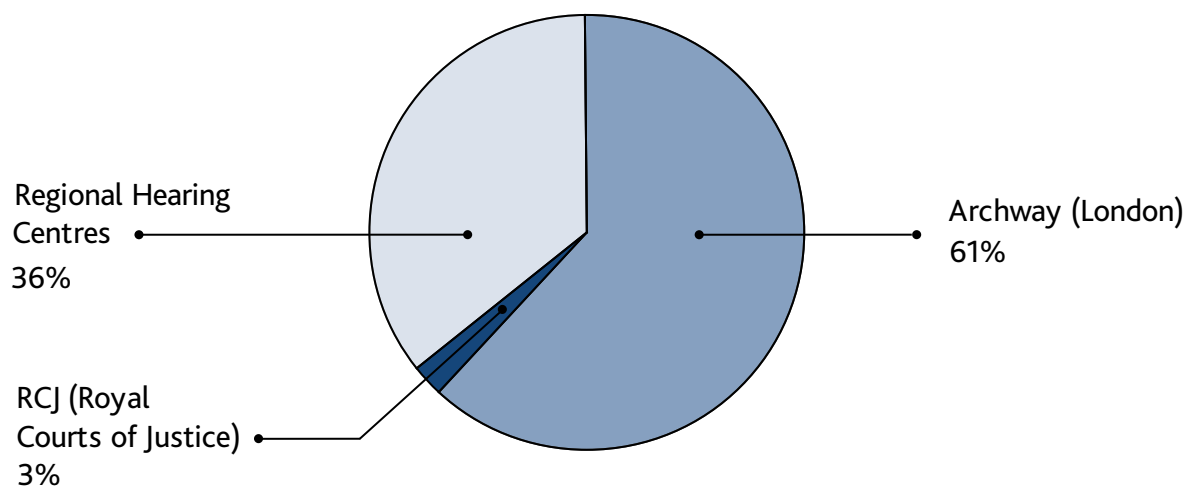
- decide whether a person has the capacity to make a particular decision for themselves
- make declarations, decisions or orders on financial or welfare matters affecting people who lack capacity to make these decisions
- appoint a deputy to make ongoing decisions for people lacking capacity to make those decisions
- decide whether a Lasting Power of Attorney (LPA) or Enduring Power of Attorney (EPA) is valid
- remove deputies or attorneys who fail to carry out their duties
- hear cases concerning objections to the registration of an LPA or EPA.

The majority of applications to the court are decided on the basis of paper evidence without holding a hearing. In around 95% of cases, the applicant does not need to attend court.

Some applications such as those relating to personal welfare, or large gifts or settlements for Inheritance Tax purposes may be contentious and it may be necessary for the court to hold a hearing to decide the case.

The Court of Protection operates from its central registry in Archway, North London, but it also hears cases in various regional hearing centres including Birmingham, Preston, Bristol and Cardiff. Cases can be heard by nominated High Court, Circuit and District Judges. There are 4 full time Judges in Archway and a further 38 Circuit and District Judges have been nominated to hear cases in the regions. The diagram below shows the breakdown of hearings between Archway, the Royal Courts of Justice and the regions.

Court of Protection Hearings (October 2007 to December 2008)



During the five quarters from October 2007 to December 2008, just under half of applications to court were for orders relating to property and affairs, including the appointment of a deputy to manage the person's property and affairs. The court will appoint a deputy to manage someone's financial affairs in similar circumstances to those in which it would have appointed a receiver under the Mental Health Act; that is where it is necessary for the person's finances to be managed on an on-going basis. A deputy order authorises the deputy to take possession or control of the person's property and affairs and to exercise the same powers of management as if they were beneficial owner, although the court will limit the powers of the deputy if it considers it appropriate to do so.

In the first three months of its operation, the court received fewer than expected applications relating to its health and personal welfare jurisdiction. This can be explained partly by unfamiliarity with the new law. However, the Mental Capacity Act and the supporting Code of Practice¹ both anticipate that personal welfare applications should only be made as a last resort. Section 50 of the Act imposes a general requirement for the applicant to seek the permission of the court before making an application. The Act and the Court of Protection Rules 2007 also exempt certain people from having to seek permission, with the result that permission is almost always required for personal welfare applications. The intention here is to ensure that personal welfare applications are made in the best interests of the person and this is reinforced in the Code of Practice, which provides that:

"deputies for personal welfare decisions will only be required in the most difficult cases where:

- important and necessary actions cannot be carried out without the court's authority, or
- there is no other way of settling the matter in the best interests of the person who lacks capacity to make personal welfare decisions."

From the second quarter onwards, the number of applications seeking personal welfare powers increased as the new law and procedures became established, with particular increases shown in hybrid applications where the applicant was seeking an order relating to both health and welfare and property and affairs (see [Table 8.1](#)). Experience has shown that applicants often seek personal welfare powers when it is not necessary to do so and [Table 8.2](#) shows that the court made few orders appointing a deputy for personal welfare, refusing permission in up to 80% of cases.

Where the court appoints a deputy for property and affairs, the deputy is usually required to give security before he discharges his functions, and to provide periodic reports when required to the Public Guardian. The Office of the Public Guardian is responsible for supervising and supporting court appointed deputies.

¹ Mental Capacity Act 2005 Code of Practice (TSO 2007)

From 1 October 2007 to 30 June 2008 there were transitional provisions in the Court of Protection Rules that allowed former receivers who became deputies on 1 October 2007 to apply for an order giving them new style deputy powers without paying a fee. The demand for the new orders initially overwhelmed the court, but by the end of 2008, the work was complete and over 4,000 orders giving former receivers the full powers of a deputy had been sent out.

Office of the Public Guardian

The Office of the Public Guardian (OPG), was established in October 2007, and supports the Public Guardian in registering Enduring Powers of Attorney (EPA), Lasting Powers of Attorney (LPA) and supervising Court of Protection (COP) appointed Deputies.

The OPG is an agency of the Ministry of Justice. The OPG replaced the Public Guardianship Office, the former administrative arm of the Court of Protection, on 1 October 2007, but retained responsibility for the Court's administration throughout 2008 and until 31 March 2009, at which time it passed to HMCS.

The OPG supports and promotes decision making for those who lack capacity or would like to plan for their future, within the framework of the Mental Capacity Act 2005. The role of the Public Guardian is to protect people who lack capacity from abuse.

The Public Guardian, supported by the Office of the Public Guardian (OPG), helps protect people who lack capacity by:

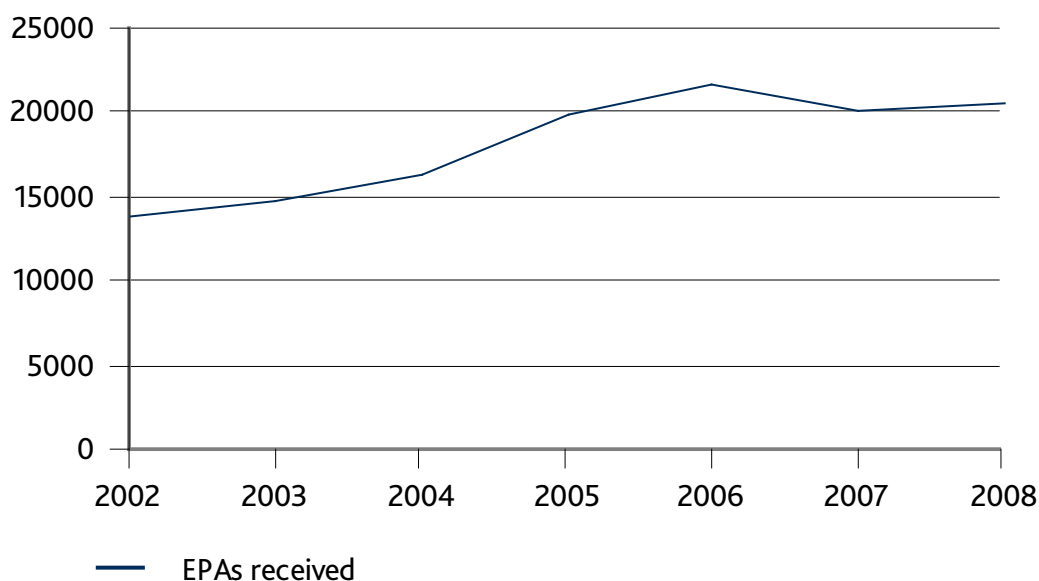
- setting up and managing a register of Lasting Powers of Attorney (LPA)
- setting up and managing a register of Enduring Powers of Attorney (EPA)
- setting up and managing a register of Court appointed Deputies, supervising Court appointed Deputies, working with other relevant organisations (for example, social services, if the person who lacks capacity is receiving social care)
- receiving reports from Attorneys acting under LPAs and from Deputies
- dealing with cases, by way of investigations, where concerns are raised about the way in which Attorneys or Deputies are carrying out their duties.

Powers of Attorney

Enduring Power of Attorney (EPA)

A Power of Attorney created under the Enduring Powers of Attorney Act 1985 appoints an Attorney to deal with the Donor's property and financial affairs. Existing EPAs will continue to operate under Schedule 4 of the Mental Capacity Act, which replaces the EPA Act 1985.

EPAs received, 2002–2008



It had been anticipated that the volume of EPAs would reduce considerably after the introduction of LPAs, but, as can be seen, volumes have merely stabilised since that time.

Lasting Power of Attorney (LPA)

A Power of Attorney created under the Mental Capacity Act appoints an Attorney to make decisions about the Donor's personal welfare (including healthcare) or deal with the Donor's property and affairs.

An LPA is a legal document that someone (the Donor) makes using a special form. It allows that person to choose someone now (the Attorney) that they trust to make decisions on their behalf at a time in the future when they either lack the mental capacity or no longer wish to make those decisions themselves.

The decisions could be about the Donors' property and affairs or about their personal welfare.

Making an LPA is the only way to make plans for a time in the future when you may lack the capacity to make decisions for yourself. An LPA can only be used after it is registered with the OPG.

There are two types of LPA:

1. The Property and Affairs LPA

A Property and Affairs LPA allows the Donor to appoint an Attorney to manage their finances and property while they still have capacity to make decisions for themselves. For example, it may be easier for them to give someone the power to carry out tasks such as paying their bills or collecting their benefits or other income. This might be easier for lots of reasons: the Donor might find it difficult to get about or to talk on the telephone, or might be out of the country for long periods of time.

Alternatively, the Donor may include a restriction that the LPA can only be used at a time in the future when they lack the capacity to make decisions for themselves – for example, due to the onset of dementia in later life or as a result of a brain injury.

An Attorney will not be able to make decisions about a Donor's personal welfare unless they have also been appointed as a Personal Welfare Attorney using a separate LPA.

2. The Personal Welfare LPA

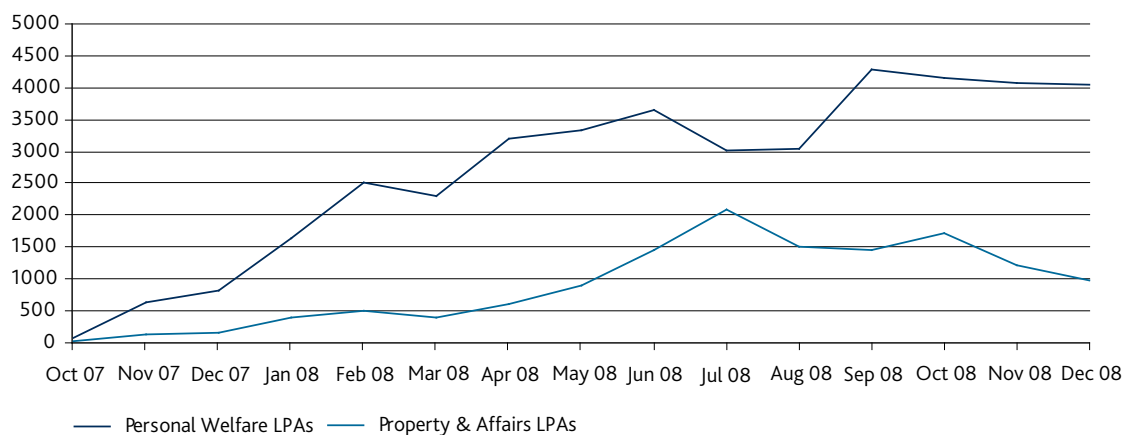
A Personal Welfare LPA allows the Donor to appoint an Attorney to make decisions on their behalf about their personal welfare. A Personal Welfare LPA can only be used when the Donor lacks the capacity to make these decisions for themselves.

An Attorney will not be able to make decisions about a Donor's property and affairs unless they have also been appointed as a Property and Affairs Attorney using a separate LPA.

The graph below shows the volumes of LPAs, by type, since their introduction in October 2007 through to December 2008.

Summary statistics for quarter 4 2007 to quarter 4 2008 are shown in [Table 8.3](#).

LPA's received, October 2007 to December 2008



Deputyships

A Deputy is appointed by the Court of Protection, and is legally responsible for acting and making decisions on behalf of a person who lacks capacity to make those decisions for themselves. The level of support and supervision the OPG allocates to a Deputy is decided after carrying out an assessment of the individual circumstances of the case, which is based on:

- complexity of the affairs of the person who lacks capacity;
- types of decisions that need to be made;
- care requirements of the person who lacks capacity; and
- the relationship between the Deputy and the person who lacks capacity;

There are three levels of supervision:

- a. Type 1 is close supervision involving regular contact with the Deputy.
- b. Type 2 is lighter touch supervision involving sample monitoring of cases.
- c. Type 3 applies to Property and Affairs Deputies who manage limited assets and who the OPG will only contact periodically.

Supervision may involve:

- the OPG providing ongoing support when carrying out the role;
- the submission of reports to the OPG when the Court directs; and
- a Court Visitor checking how the Deputyship is being managed.

The Public Guardian is also personally responsible for the management and organisation of the OPG, including the use of public money and the way it manages its assets. A separate Public Guardian Board scrutinises the work of the Public Guardian and then reports to the Lord Chancellor.

Table 8.1
Court of Protection
 Summary casework statistics: Applications by quarter, Q4 2007–Q4 2008

	Number of cases								
	2007		2008						
	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	
Applications made under the Mental Capacity Act 2005¹	4,365	6,422	7,090	4,742	4,329				
<i>of which</i>									
Applications for appointment of a property and affairs deputy <i>plus</i> applications for a 'one-off' property and affairs order	2,010 117	2,584 249	2,766 263	2,577 300	2,291 481				
Applications for appointment of a health and welfare deputy <i>plus</i> applications for a 'one-off' health and welfare order	37 9	114 25	121 30	102 43	67 33				
Applications for appointment of a hybrid deputy ² <i>plus</i> applications for a 'one-off' property & affairs and health & welfare order	39 6	131 25	186 61	179 73	93 78				
Applications for orders appointing new trustees ³	125	101	126	137	99				
Applications to execute wills, apply for gifts and orders for settlement, including those where there is an Enduring Power of Attorney or Lasting Power of Attorney	196	191	178	162	180				
Applications relating to Enduring Powers of Attorney ⁴	506	255	346	258	227				
Applications relating to Lasting Powers of Attorney ⁴	7	7	10	18	81				
Transition applications ¹	1,261	2,597	2,864	439	528				
Applications for discharge of the deputy (where P ceases to lack capacity/the deputy wishes to retire / the deputy is no longer suitable to act)	13	81	65	72	59				
Other	39	62	74	382	112				

Source:

Court of Protection

Notes:

- 1 The increase for January 2008 to June 2008 was due to existing receivers were given the opportunity to make an application free of charge to change their receivership order to a deputyship order providing them with wider powers. The deadline for such applications was the end of June 2008
- 2 Hybrid is where the applicant is applying for both a property and affairs deputy and a health and welfare deputy
- 3 Applications made under sections 36(9), 54 and 96(1)(k) of the Trustee Act 1925, and section 20(2)(c) of the Trusts of Land and Appointment of Trustees Act 1996
- 4 Includes objections to registration and the determination of the validity of the document

Table 8.2
Court of Protection
 Summary casework statistics: Orders made by quarter, Q4 2007–Q4 2008

	Number of cases								
	2007				2008				
	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	
Orders made under the Mental Capacity Act 2005 ¹	2,199	4,428	2,983	4,809	4,187				
<i>of which</i>									
Orders appointing deputy for property and affairs	1,915	3,101	1,677	3,159	2,502				
<i>plus</i> 'one-off' orders relating to property and affairs	24	65	99	64	27				
Orders appointing deputy for health and welfare	1	14	15	57	25				
<i>plus</i> 'one-off' orders relating to health and welfare	1	3	3	3	5				
Orders appointing a hybrid deputy ²	-	-	-	-	-				
<i>plus</i> 'one-off' orders relating to both property & affairs and health & welfare	-	-	-	-	-				
Orders made appointing new trustees ³	80	23	8	32	68				
Orders authorising the execution of wills, the making of gifts and the granting of settlements, including those relating to Enduring Powers of Attorney and Lasting Powers of Attorney	35	59	90	76	76				
Orders relating to Enduring Powers of Attorney ⁴	16	75	92	116	60				
Orders relating to Lasting Powers of Attorney ⁴	1	3	2	12	59				
Transition orders ⁵	112	1,007	909	1,149	1,054				
Orders discharging the deputy (where P ceases to lack capacity/the deputy wishes to retire/the deputy is no longer suitable to act)	4	5	7	11	16				
Other	10	73	79	127	295				

Source:

Court of Protection

Notes:

- 1 The Court's charter standard is for an order to be made within 21 weeks of the application being issued, although the average time is 16 weeks
- 2 Hybrid is where the Court has appointed deputy for both a property and affairs deputy and a health and welfare
- 3 Orders as a result of applications made under sections 36(9), 54 and 96(1)(k) of the Trustee Act 1925, and section 20(2)(c) of the Trusts of Land and Appointment of Trustees Act 1996
- 4 Includes upholding or dismissing objections to registration, determining the validity of the document and directing the Public Guardian to register the instrument
- 5 As a result of applications made by existing receivers. A full deputyship order is made providing the deputy with wider powers

Table 8.3
Office of the Public Guardian (OPG)
 Summary casework statistics: Powers of Attorney received and deputyships appointed, Q4 2007–Q4 2008

	Number of cases				
	2007	2008			
	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec
Powers of Attorney					
EPAs Received ¹	5,284	5,763	5,230	4,868	4,645
LPAs Received ²	1,738	7,775	13,148	15,400	16,169
Total POAs Received	7,022	13,538	18,378	20,268	20,814
Number of Deputyships appointed ³	1,959	3,186	1,748	3,357	2,812

Source:

Office of the Public Guardian

Notes:

- 1 An Enduring Power of Attorney allows the person creating it to nominate someone they trust (often a spouse or close family member) to manage their finances, should they themselves lose the mental capacity to do so in the future
- 2 An LPA allows the person creating it (the Donor) to nominate someone now (the Attorney) that they trust to make decisions on their behalf about things such as property and affairs or personal welfare at a time in the future when they no longer wish to make those decisions or they may lack the mental capacity to make those decisions themselves
- 3 Deputyships: a Deputy is legally responsible for acting and making decisions on behalf of a person who lacks capacity to make decisions for themselves. The Deputy order sets out specific powers in relation to the person who lacks capacity. They will depend on the needs of the person and is ultimately the Court's decision

Offices of the Supreme Court

Key findings for 2008

- There was a continuation of the upward trend seen in the number of new referrals to the Official Solicitor for child abduction, from 461 in 2007 to 503 cases.
- There was a drop in the number of Court of Protection cases from 646 in 2007 to 545 cases.
- The total number of executed warrants by the Tipstaff was 439, up 14% from the 386 for 2007.

Chapter 9: Offices of the Supreme Court

The Offices of the Supreme Court includes:

- The **Court Funds Office** and the **Office of the Official Solicitor and Public Trustee**, who came together as an arms length body of the Ministry of Justice on 1 April 2007. The Accountant General of the Supreme Court, Official Solicitor of the Supreme Court and Public Trustee have separate statutory and other functions but, for economies of scale, share some corporate services.
- The **Tipstaff** – whose main responsibility is the enforcement of warrants and orders issued by Judges throughout all divisions of the High Court. Much of the Tipstaff's work relates to children who either, have been or are at risk of being, abducted.

The Court Funds Office

The Court Funds Office supports the Accountant General and provides a banking service for the civil courts throughout England and Wales. It accounts for money being paid into and out of court, and where necessary administers any investments made with that money.

It administers approximately £4.7 billion of client assets. These assets can be broken down into a mixture of cash held on Special or Basic Interest bearing accounts or investments in the Equity Index Tracker Fund, an investment vehicle managed by Legal & General.

The Office of the Official Solicitor and Public Trustee

The Office of the Official Solicitor and Public Trustee supports both the Official Solicitor and the Public Trustee.

The **Official Solicitor** is a statutory office holder appointed by the Lord Chancellor under section 90 of the Supreme Court Act 1981. He:

- acts as last resort litigation friend, and in some cases solicitor, for adults who lack litigation capacity and children (other than those who are the subject of child welfare proceedings) in court proceedings because they lack decision making capacity in relation to the proceedings;
- acts as advocate to the court providing advice and assistance to the court;
- acts as last resort administrator of estates and trustee;
- acts as financial deputy of last resort in relation to Court of Protection clients;
- administers for the Lord Chancellor the International Child Abduction and Contact Unit in England and Wales (the Central Authority under the Hague and European Conventions on Child Abduction);
- administers for the Lord Chancellor the Reciprocal Enforcement Maintenance Orders Unit which acts as the Central Authority for England & Wales for international maintenance claims;
- is appointed, in place of a parent, to act as the registered contact in the administration of the Government's Child Trust Fund scheme for those children in care in England and Wales when there is no other suitable person to do so.

The **Public Trustee** (appointed under section 8 of the Public Trustee Act 1906) acts as executor or administrator of estates and as the appointed trustee of settlements. His aim is to provide an effective executor and trustee service of last resort on a non-profit-making basis; in so doing, his objective is to secure the best value for the beneficiaries.

Summary caseload statistics on the work of the Office of the Official Solicitor and Public Trustee are shown in [Table 9.1](#).

Tipstaff

The duties of the Tipstaff are many and varied but, in broad practical terms, the Tipstaff is the enforcement officer for the High Court. The principal areas of specific duties emanate from the Queen's Bench, Chancery and Family Divisions and involve issues of bankruptcy, insolvency, wardship, child abduction, contempt of court and many other miscellaneous orders which involve taking action to enforce, or prevent breach of, orders of the court. At present there is one Tipstaff and two Assistant Tipstaff to cover England and Wales, and they are based at the Royal Courts of Justice in London.

The single biggest area of work for the Tipstaff relates to Family Division cases involving missing or abducted children. The Tipstaff is responsible for executing warrants on a range of possible Orders in these circumstances, including a Collection Order (for the return of a child), a Location Order (for the whereabouts of a child to be discovered), a Passport Order (for the seizure of passports or other travel documents) and Port Alerts (to prevent a child being wrongfully removed from the UK). Orders of these types accounted for 85% of all warrants executed by the Tipstaff in 2008.

In 2008, the Tipstaff carried forward a total of 235 cases from the previous year, and a total of 923 new orders / warrants were issued, giving a total of 1,158 cases which were 'live' at some point in the year.

During the course of 2008, 439 warrants were executed (386 in 2007), and 319 were discharged or suspended (179 in 2007). The remaining 411 outstanding cases have been carried forward into 2009.

Summary caseload statistics on the work of the Tipstaff are shown in [Table 9.2](#).

Table 9.1
Office of the Official Solicitor and Public Trustee
 Summary casework statistics, 2004–2008

Case type	Number of cases				
	2004	2005	2006	2007	2008
<u>New referrals</u>					
Family Litigation, Medical, Welfare and Divorce	973	1,087	1,235	1,163	1,270
Child Abduction	404	402	432	461	503
Reciprocal Enforcement Maintenance Orders (REMO) ¹	-	777	922	704	1,092
Civil Litigation (including Contempts)	956	999	955	988	878
Court of Protection	511	618	580	646	545
Child Trust Funds ²	-	341	4,128	1,508	1,452
Estates, Trusts, Executorships, Pension & Institutional Funds	42	13	37	17	8
Total (excluding REMOs and Child Trust Funds)	2,886	3,119	3,239	3,275	3,183
Total	2,886	4,237	8,289	5,487	5,727
<u>Average number of active cases³</u>					
Family Litigation, Medical, Welfare and Divorce	1,258	1,359	1,494	1,499	1,698
Child Abduction	330	311	332	311	338
Reciprocal Enforcement Maintenance Orders (REMO) ¹	-	n/a	n/a	n/a	n/a
Civil Litigation (including Contempts)	1,154	1,183	1,294	1,266	1,251
Court of Protection	459	565	760	692	437
Child Trust Funds ²	-	n/a	1,202	3,714	5,336
Estates, Trusts, Executorships, Pension & Institutional Funds	2,133	2,004	1,759	1,058	552
Total (excluding REMOs and Child Trust Funds)	5,334	5,422	5,639	4,826	4,276
Total	5,334	5,422	6,841	8,540	9,612

Source:

Office of the Official Solicitor and Public Trustee

Notes:

- 1 Applies from 1 April 2005 only. Relates to international maintenance claims, where one of the parties lives outside the UK in a country or territory with which the UK has reciprocal arrangements for the enforcement of maintenance
- 2 Applies from 1 April 2005 only. The Official Solicitor can be appointed to act as the registered contact in the administration of the Child Trust Fund scheme for children in care in England and Wales, where there is no parent able to do so
- 3 Based on the average number of active cases month-by-month within each year shown

Table 9.2
Tipstaff
 Summary casework statistics, 2004–2008

Type of warrant	Number of warrants				
	2004	2005	2006	2007	2008
<u>Executed</u>					
Bankruptcy	5	5	21	11	18
Insolvency	-	-	8	12	23
Chancery Division	6	6	6	6	5
Queen's Bench Division	10	8	12	8	6
Family Division					
Child Abduction cases ¹	298	333	291	343	371
Other cases	15	28	20	6	16
Total	334	380	358	386	439
<u>Discharged or suspended</u>					
Bankruptcy	10	10	13	17	17
Insolvency	19	11	4	15	17
Chancery Division	-	-	26	-	6
Queen's Bench Division	2	1	26	-	3
Family Division					
Child Abduction cases ¹	2	19	65	133	263
Other cases	9	5	18	14	13
Total	42	46	152	179	319

Source:

Tipstaff

Notes:

- 1 Child Abduction work includes Collection Orders, Location Orders, Passport Orders and Port Alert Orders. These are all normally associated with cases where a child either has been, or is at risk of being, abducted and taken outside the UK

The Judiciary

Key findings for 2008

- As at 1 April 2009, there were 640 circuit judges in England and Wales, down from the 653 as at 1 April 2008. The number of recorders also dropped – by 5% (70) in the same period (Table 10.1).
- At 1 April 2009 there were a total of 29,270 justices of the peace in England and Wales, down slightly from the previous year (29,419). Of the total, 14,472 were men and 14,798 were women (Table 10.5).
- During 2008, a total of 261,929 days were sat by judges (excluding magistrates) on all types of work (excluding tribunals and other official functions) (Table 10.3).
- Days sat in the Crown Court accounted for 39%, while for the county courts and the High Court the proportions were 53% and 6% respectively (Table 10.3).
- Circuit judges sat 43% of all days during 2008, with District Judges sitting 31% and Deputy District Judges 9% (Table 10.3).

Figures on the number of days sat in court by judges, broken down by region and type of judge are also included in this chapter.

Chapter 10: The Judiciary

The Judiciary of England and Wales can be separated into the following types of judge:

- Heads of Division
- Lords Justices of Appeal
- High Court Judges
- Masters and Registrars of the Supreme Court
- Circuit Judges
- Recorders
- District and Deputy District Judges
- Tribunal Judges
- District and Deputy District Judges (Magistrates' Courts)
- Justices of the Peace (or Magistrates).

Divisional Heads

The Lord Chief Justice is the Head of the Judiciary for England and Wales, and also Head of Criminal Justice. The other Heads of Division are:

- the Master of the Rolls, who heads the civil branch of the Court of Appeal and is Head of Civil Justice
- the President of the Queen's Bench Division
- the President of the Family Division
- the Chancellor of the High Court, who heads the Chancery Division which handles cases involving large sums of money and nationally important legal financial issues.

Lords Justices

Together with the Lord Chief Justice and the Heads of Divisions, the Lords Justices are judges of the Court of Appeal. As at 1 April 2009 there were 38 Lords Justices in office.

In the Court of Appeal a bench of two or three judges sits on each case. In the Criminal Division the bench consists of the Lord Chief Justice or a Lord Justice and one or more, usually two, High Court judges. In the Civil Division the majority of cases are heard by a bench solely composed of Lords Justices.

High Court judges

There is a statutory limit of 108 High Court Judges who may sit in England and Wales to deal with the more complex and difficult cases.

High Court judges usually sit in London but they also travel to major court centres around the country. They try serious criminal cases, important civil cases and assist the Lords Justices to hear criminal appeals.

High Court judges are assigned to one of the three divisions of the High Court – the Chancery Division, the Queen’s Bench Division and the Family Division.

The Chancery Division deals with company law, partnership claims, conveyancing, land law, probate, patent and taxation cases, and consists of 17 High Court judges, headed by the Chancellor of the High Court. The Division includes three specialist courts: the Companies Court, the Patents Court and the Bankruptcy Court. Chancery Division judges normally sit in London, but also hear cases in Cardiff, Bristol, Birmingham, Manchester, Liverpool, Leeds and Newcastle (see Chapter 2).

The Queen’s Bench Division deals with contract and tort (civil wrongs), judicial reviews and libel, and includes three specialist courts: the Commercial Court, the Admiralty Court and the Administration Court. The Queen’s Bench Division consists of 72 judges, headed by the President of the Queen’s Bench Division (see Chapter 3).

The Family Division, which deals with family law and probate cases, consists of 19 judges headed by the President of the Family Division (see Chapter 5).

High Court judges are appointed by The Queen on the recommendation of the Lord Chancellor, after a fair and open competition administered by the Judicial Appointments Commission. High Court judges must have had a right of audience – the right of a lawyer to appear and speak as an advocate in a court case – for all proceedings in the High Court for at least ten years, or have been a circuit judge for at least two years.

Circuit Judges, Recorders and District Judges

The bulk of Crown Court work is undertaken by Circuit Judges and Recorders. In the county courts most of the work is undertaken by Circuit Judges, District Judges and deputy District Judges.

Circuit Judges are assigned to a particular circuit and may sit at any of the Crown and county courts on that circuit. Normally Circuit Judges can hear both criminal and civil cases, although some exercise specialist civil jurisdictions or deal wholly or mainly with criminal cases.

Recorders may sit in both the Crown Court and county courts. Most Recorders start by sitting in the Crown Court, although after about two years they might be authorised to sit in the county courts after a period of training. Some Recorders are appointed solely to deal with civil or family work

District Judges are assigned on appointment to a particular circuit and may sit at any of the county courts or District Registries of the High Court in that circuit. A District Registry is part of the High Court situated in various districts of England and Wales dealing with High Court family and civil business.

The number of Circuit Judges, Recorders and District Judges sitting as at given dates between 2004 and 2009 are shown in [Table 10.1](#).

District Judges (Magistrates' Courts)

Unification of the Stipendiary Bench took place following the implementation on 31 August 2000 of Section 78 of the Access to Justice Act 1999. The unification of the bench created a national jurisdiction throughout England and Wales and a change of title from stipendiary magistrates to District Judges (Magistrates' Courts). There is a single judicial head, the Senior District Judge (Chief Magistrate), who is responsible for the administration of the unified bench.

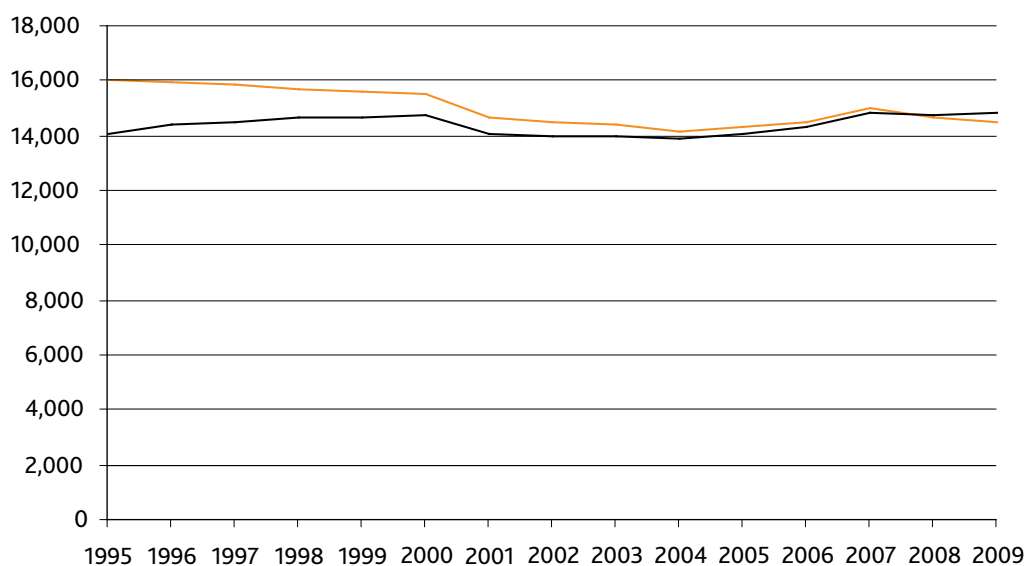
There were 134 full-time District Judges (Magistrates' Courts) in post at 1 April 2009. They are salaried members of the judiciary appointed by the Queen on the recommendation of the Lord Chancellor. Generally sitting alone in a magistrates' court, they are responsible for deciding matters of law and fact and for imposing sentences.

Their jurisdiction is wide, and covers criminal matters in the adult and youth courts and civil matters, particularly in relation to family matters in the family court, as well as prison adjudication, extradition and terrorism cases. With exactly the same jurisdiction as the magistracy, the caseload of the district judge is generally slanted towards the heavier business, with clerks often allocating the more serious, lengthy and complex cases to them.

The Magistracy (Justices of the Peace)

Justices of the Peace (magistrates) are appointed by the Lord Chancellor on behalf of the Sovereign. In magistrates' courts the Justices usually sit as a bench of three; when sitting as a Youth Court or Family Proceedings Court there must be at least one male and one female Justice on the bench. Magistrates do not need to be legally qualified, but a qualified legal adviser is available to the bench at all times. Magistrates do not require legal training. However, all magistrates must undertake a compulsory programme of practical training which prepares them to sit in court. In the Crown Court, Justices sit with a Judge to hear appeals from magistrates' courts.

Justices of the Peace, 1995–2009*



* As at 1st April of each year. From 2000 onwards figures compiled on a financial year basis.

— Men — Women

Almost all (98%) criminal cases are dealt with by magistrates. The bulk of these are purely summary offences which can only be tried in a magistrates' court and include motoring offences. The remainder are 'either way' offences which may be tried either in a magistrates' court or in the Crown Court before a judge and jury.

Criminal cases involving children and young persons up to and including the age of 17 are normally dealt with in the Youth Court. Justices sitting in the Family Proceedings Court deal with the court's family business, such as cases concerning children and young persons who are believed to be in need of care, matters concerning residence and contact with children and maintenance (see Chapter 5).

Unlike District Judges (Magistrates' Court), magistrates are unpaid but receive allowances to cover travelling expenses, subsistence and financial loss occasioned by the performance of their duties.

The numbers of magistrates in England and Wales by gender, as at 1 April from 2004 to 2009 are shown in [Table 10.5](#). [Table 10.6](#) shows a similar time series of their appointments during the financial year.

Judicial sitting days

Figures of the number of days sat in court and chambers by judges (except magistrates) are given in Tables 10.2, 10.3 and 10.4. [Table 10.2](#) gives the time series from 2004 to 2008 of the number of sitting days by judge type. [Table 10.3](#) shows the number of days sat by each category of judge according to the type of work undertaken, and [Table 10.4](#) shows the distribution of days sat by Region.

Sittings by deputy High Court judges include retired Lords Justices, retired High Court judges and Circuit Judges sitting as High Court judges under section 9(1) of the Supreme Court Act 1981 and practitioners sitting as deputy High Court judges under section 9(4) of the Act. Deputy Circuit Judge sittings refer only to sittings by retired Circuit Judges.

Judges' Sitting Days (All Courts) by judge type, 1995–2008

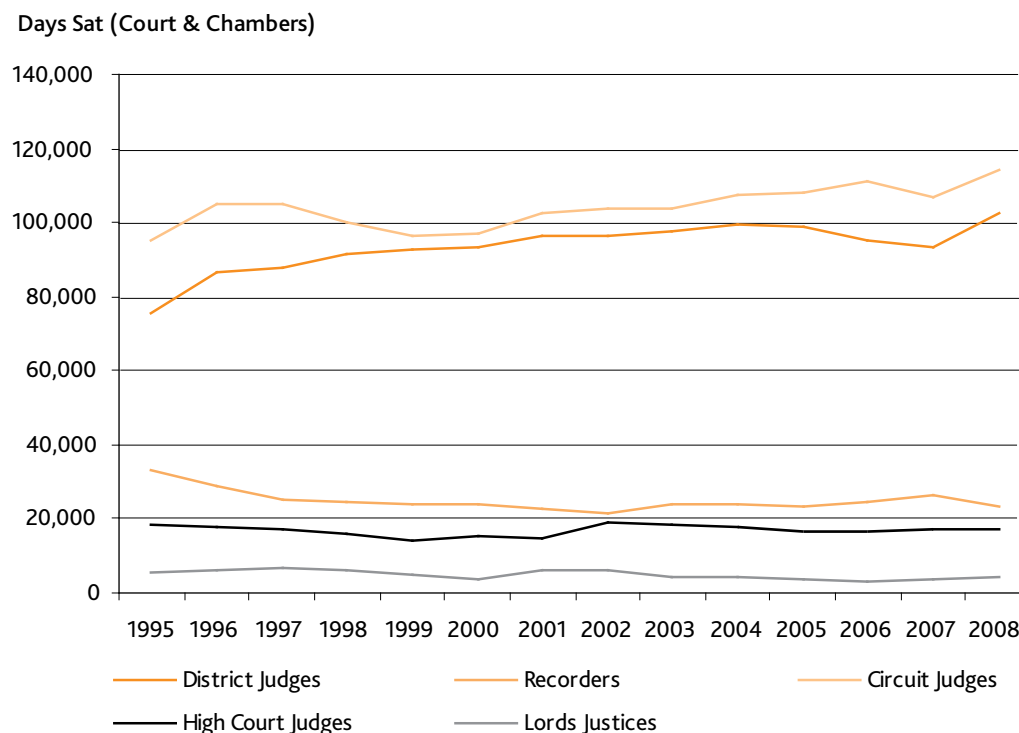


Table 10.1**The Judiciary**Circuit judges, Recorders and District judges in post in each circuit, as at given dates,¹ 2004–2009

Type of Judge	2004	2005	2006	2007	2008	2009
<u>Circuit Judges</u>						
Midland	76	89	87	88	87	91
North Eastern	75	75	76	75	78	79
Northern	87	94	88	89	104	107
South Eastern	273	285	269	262	288	270
Wales & Chester	39	41	38	36	32	32
Western	57	59	61	62	64	61
Other	2	-	-	27	-	-
Total	609	643	619	639	653	640
<u>Recorders</u>						
Midland	211	204	225	176	204	212
North Eastern	148	135	144	102	127	131
Northern	178	177	176	140	166	160
South Eastern	616	596	580	523	569	513
Wales & Chester	89	83	89	69	69	62
Western	161	155	180	166	170	157
Other	2	-	-	25	-	-
Total	1,405	1,350	1,394	1,201	1,305	1,235
<u>District Judges²</u>						
Midland	63	64	62	57	67	68
North Eastern	62	61	61	62	62	65
Northern	65	63	64	67	77	77
South Eastern	159	167	151	147	160	161
Wales & Chester	33	32	32	34	24	24
Western	47	46	49	46	48	49
Other	7	-	-	18	-	-
Total	436	433	419	431	438	444

Source:

Judicial Communications Office

Notes:¹ Figures are at 1 April in 2007, and at 1 January in earlier years² Excluding Family Division

Table 10.2
The Judiciary
 Days sat¹ by judge type, 2004–2008

Type of Judge	2004	2005	2006	2007 ²	2008
Lords Justices	4,086	3,766	3,365	3,894	4,090
High Court judges	14,755	13,563	13,452	14,257	14,129
Deputy High Court judges	3,234	3,311	3,416	3,197	3,333
Circuit judges	105,706	106,190	108,932	105,058	111,779
Deputy circuit judges	1,885	2,094	1,922	2,020	2,562
Recorders	23,979	23,487	24,291	26,191	23,490
District judges	78,424	77,362	77,737	74,212	80,204
Deputy district judges	20,842	21,798	17,430	19,118	22,343
Total³	252,911	251,571	250,544	247,946	261,929

Source:

HM Courts Service, CREST system and STATS 10 statistical return

Notes:

- 1 Days sat in court and chambers
- 2 2007 figures for Deputy Circuit Judges and District Judges published in the previous report were incorrect
- 3 These figures represent only the days sat in court or in chambers in the jurisdictions shown. Judges sit in other areas, and also undertake a range of other functions outside the courtroom that are not shown here

Table 10.3
The Judiciary
 Days sat¹ by judges showing type of work dealt with, 2008

Type of judge	Court of Appeal				High Court				County court			
	Criminal	Civil	Chancery Division	Queen's Bench Division ²	Family Division	T&C court ³	Crown Court	General List		Family Law		Total
								Public	Private	Public	Private	
Lords Justices	717	3,047	23	231	46	-	-	16	-	-	10	4,090
High Court judges	1,136	82	2,176	3,743	2,241	380	3,909	109	270	83	14,129	
Deputy High Court judges	111	-	1,002	1,209	522	163	196	82	37	13	3,333	
Circuit judges	288	-	1,494	858	250	623	77,244	10,804	13,815	6,403	111,779	
Deputy circuit judges	-	-	10	4	18	-	1,416	409	455	250	2,562	
Recorders	-	87	113	24	19	13	18,267	2,905	892	1,172	23,490	
District judges	-	-	449	36	1	-	-	53,095	4,133	22,492	80,204	
Deputy district judges	-	-	12	-	-	-	-	19,297	76	2,958	22,343	
Total⁴	2,252	3,216	5,278	6,104	3,096	1,179	101,032	86,716	19,677	33,380	261,929	

Source:

HM Courts Service, CREST system and STATS 10 statistical return

Notes:

- Days sat in court and chambers
- Admiralty Court and Administrative Court sittings are included in the Queen's Bench Division figures
- T&C court = Technology and Construction Court
- These figures represent only the days sat in court or in chambers in the jurisdictions shown. Judges sit in other areas, and also undertake a range of other functions outside the courtroom that are not shown here

Table 10.4
The Judiciary
 Days sat¹ by judges, by type of judge and HMCS region, 2008

Type of judge	London	Midlands	North		South East	South West	Royal Courts of Justice		Wales	Total ³
			East	West			West	East		
Lords Justices	-	-	-	3	-	-	4,064	23	4,090	
High Court judges	841	898	712	1,096	386	497	9,166	534	14,129	
Deputy High Court judges	-	908	125	9	186	157	1,775	174	3,333	
Circuit judges	28,303	14,969	12,274	17,118	21,556	10,904	1,197	5,419	111,779	
Deputy circuit judges	743	195	163	333	759	180	-	184	2,562	
Recorders	5,705	4,034	3,041	2,562	4,197	2,485	95	1,312	23,490	
District judges	15,076	11,325	11,864	12,005	15,724	9,135	583	4,423	80,204	
Deputy district judges	4,010	3,947	3,501	3,193	3,884	2,447	159	1,088	22,343	
Total²	54,677	36,275	31,678	36,317	46,692	25,803	17,039	13,156	261,929	

Source:

HM Courts Service, CREST system and STATS 10 statistical return

Notes:

- 1 Days sat in court and chambers
- 2 These figures represent only the days sat in court or in chambers in the jurisdictions shown. Judges sit in other areas, and also undertake a range of other functions outside the courtroom that are not shown here
- 3 Some totals include figures where the HMCS region was unknown

Table 10.5
The Magistracy
 Justices of the Peace (JPs) in England and Wales,¹ as at
 1 April 2004–2009, by gender

Year	Number of JPs		
	Men	Women	Total
2004	14,183	13,846	28,029
2005	14,273	14,027	28,300
2006	14,519	14,346	28,865
2007	15,007	14,809	29,816
2008	14,672	14,747	29,419
2009	14,472	14,798	29,270

Source:

Ministry of Justice – Magistrates Recruitment and Appointments Branch

Notes:

1 Including the areas in North-West England where magistrates were appointed by the Chancellor of the Duchy of Lancaster, rather than by the Lord Chancellor, prior to April 2005

Table 10.6
The Magistracy
 Justices of the Peace appointed in England and Wales,¹ by gender,
 2003/04–2008/09

Year	Number of JPs		
	Men	Women	Total
2003/04	777	701	1,478
2004/05	909	857	1,766
2005/06	1,132	1,080	2,212
2006/07	1,225	1,187	2,412
2007/08	927	972	1,899
2008/09	814	959	1,773

Source:

Ministry of Justice – Magistrates Recruitment and Appointments Branch

Notes:

1 Including the areas in North-West England where magistrates were appointed by the Chancellor of the Duchy of Lancaster, rather than by the Lord Chancellor, prior to April 2005

Assessment of litigation costs, and publicly funded legal services

Key findings for 2008

- The number of “between parties” costs bills that were subject to detailed assessment by the Supreme Courts Cost Office fell by 14 per cent in 2008, compared to 2007 (Table 11.1).
- The total number of cost bills assessed by the SCCO fell by 7 per cent to 12,131 in 2008 (Table 11.2).
- Around 97% of defendants in Crown Court trials receive publicly-funded legal representation, where representation was known (Table 11.6).

Chapter 11: Assessment of litigation costs, and publicly funded legal services

This chapter deals with the funding of litigation work, whether through an award of costs to a successful litigant on the completion of court proceedings, or through public Legal Aid schemes.

The detailed **assessment of litigation costs** is the process of examining, and if necessary reducing, the bill of costs of a Solicitor or Litigant-in-Person upon the conclusion of litigation proceedings. Costs include not only the solicitor's own professional fees, but also disbursements incurred including barristers' and experts' fees. The purpose of detailed assessment is to determine:

- a) how much costs a successful party in litigation is entitled to recover from his unsuccessful opponent
- b) the amount which a solicitor or barrister is to be paid out of public funds (in publicly funded cases)
- c) how much a client should have to pay his solicitor (under the Solicitors Act).

The **Supreme Court Costs Office** is responsible for the detailed assessment of costs in many civil jurisdictions, including the Court of Appeal (Civil), all three Divisions of the High Court, a number of Tribunals, the Court of Protection, and London-based county courts. It also deals with appeals against determinations of costs in the Crown Court.

Publicly-funded legal services in England and Wales are administered by the **Legal Services Commission**. Access to legal assistance is provided predominantly through two well-established Legal Aid schemes.

- a) The **Community Legal Service** (CLS) which provides civil and family legal services
- b) The **Criminal Defence Service** (CDS) which provides legal services to those arrested, charged or prosecuted in connection with a criminal offence.

Assessment of litigation costs

The office responsible for assessing litigation costs depends on the type of case, and whether or not the litigation was publicly funded. The Supreme Court Costs Office (SCCO) deals with costs assessments in the more complex and significant areas of civil litigation. It is responsible for cost assessments relating to all proceedings in the Chancery, Family and Queen's Bench Divisions of the High Court, the Court of Appeal (Civil Division) and the London County Court Group. It also deals with costs in matters involving the Court of Protection, various tribunals and assessments transferred from other county courts and district registries. It also deals with appeals against the determination of costs in the Crown Court.

However, the Judicial Committee of the Privy Council, the House of Lords, the Lands Tribunal, and (except as above) county courts are responsible for the detailed assessment of costs in their respective courts.

As noted above, the purpose of detailed assessment is to determine:

- a) how much costs a successful party in litigation is entitled to recover from his unsuccessful opponent
- b) the amount which a solicitor or barrister is to be paid out of public funds (in publicly funded cases)
- c) how much a client should have to pay his solicitor (under the Solicitors Act).

In 2008, the SCCO assessed 12,131 costs bills, 7 per cent fewer than the 13,017 it assessed in 2007. The number of "between parties" assessments of bills of costs in civil cases dropped 14 per cent from the level for 2007 (see [Table 11.1](#)).

A random sample over five years (2002–2006) of completed "between parties" assessments shows that the process led to an average reduction of 23.3% in the value of these costs bills.

Summary caseload statistics on the work of the Supreme Court Costs Office is shown in [Tables 11.1](#) and [11.2](#).

Separate statistics on costs assessments carried out by the Judicial Committee of the Privy Council and the House of Lords are shown in [Table 11.3](#).

Publicly-funded legal services

The Legal Services Commission (LSC) operates the two Legal Aid schemes in England and Wales, through which nearly all publicly-funded legal services are commissioned from independent suppliers. These schemes are described below.

The Community Legal Service (CLS) provides civil and family legal services. Work commissioned via the CLS is divided into two types:

- Legal advice and assistance (known as “Legal Help”), help at Court, and legal representation in front of the Asylum and Immigration or Mental Health Review Tribunals. This is known as “Controlled work” for contracting purposes.
- Legal representation by solicitors and barristers in civil or family cases which could go to court (other than in Very High Cost Cases which are managed individually under separate contracts). This is known as “Licensed work” for contracting purposes.

The Criminal Defence Service (CDS) which provides legal services to those arrested, charged or prosecuted in connection with a criminal offence. Work commissioned via the CDS is similarly divided into two broad types:

- Advice and / or representation in Police stations and magistrates’ courts
- Representation in the Crown Court and higher courts.

Summary statistics on the monies spent and work commissioned by the CLS and CDS are shown in [Table 11.4](#). The LSC annual report for 2008/09 is not due to be published until later in 2009, and so the expenditure-related figures in this table could not be updated for this report. The LSC annual report for 2008/09 will be available at: http://www.legalservices.gov.uk/aboutus/how/strategic_publications.asp#annual

However, for 2007/08 the gross annual legal aid expenditure was £1,062 million in the CLS, and £1,180 million in the CDS. The corresponding net figures were £844 million (CLS) and £1,179 million (CDS). It should be noted that the scope, design and operation of both legal aid schemes are subject to periodic changes. More detail on these issues is available from the website of Legal Services Commission at: www.legalservices.gov.uk.

Under the Access to Justice Act 1999, legal representation is available to anyone facing criminal proceedings before any Court where it is in the interests of justice that public funding be granted. The “Interests of Justice test” is set out in Schedule 5 of the Act, and guidance on its application is available from the Legal Services Commission website.

An accused person can be granted publicly funded representation (by means of a Representation Order) where the court decides that it is in the interests of justice to do so. In making this decision, the court will take into account, among other factors, whether the charge is so serious that the defendant may be imprisoned or lose his job if convicted, or suffer serious damage to his reputation.

A Representation Order covers all criminal proceedings, including preliminary or incidental hearings and any related bail proceedings. Where a defendant has a Representation Order in a magistrates' court or the Crown Court, the representation order covers obtaining advice on appeal and the preparation of any application for leave to appeal or giving notice of appeal against conviction or sentence. However, it does not cover the costs of an appeal itself, although an application for a further representation order can be made directly to the Court of Appeal to cover those proceedings.

Since 2 October 2006, defendants appearing before a magistrates' court have been required to pass an additional test of financial eligibility to qualify for publicly funded representation. This 'means test' takes account of a defendant's personal circumstances (e.g. size of family) as well as their basic income. As of 2 April 2007, applicants can therefore have a gross annual income of up to £21,487 and still qualify for legal aid. During the first twelve months of this scheme, just over 90% of all 'means test' applications were granted.

In 2008, around 117,000 applications were made in magistrates' courts for representation in the Crown Court (either for trial on indictment or sentencing proceedings) – see [Table 11.7](#).

Overall, around 97 per cent of Crown Court defendants facing trial on indictment, where known, were in receipt of publicly-funded legal representation, with the remainder either receiving privately-funded representation or going unrepresented ([Table 11.6](#)). The corresponding figure for defendants committed to the Crown Court for sentence after a summary trial was 91 per cent, and for those appealing against the decisions of magistrates' courts, 68 per cent.

Statistics on the funding of Crown Court representation are given in [Tables 11.5](#) to [11.7](#). Please note that the information contained in these tables was produced using a Management Information System (MIS) data warehouse which provides the Ministry of Justice with access to more complete data than previously possible. MIS receives monthly updates from the Courts Record System (CREST), a computer-based data collection facility used by staff at each court to record case details. CREST is a live-system which allows court staff to enter late information and update previously submitted information. As such, published figures are subject to subsequent revisions in later volumes of this publication.

Table 11.1
Supreme Court Costs Office
 Number of costs bills assessed, by type of case giving rise to the bill,
 2004–2008

Type of case	Number of bills				
	2004	2005	2006	2007	2008
"Between parties" assessments	3,320	3,062	2,459	2,205	1,888
Civil legal aid assessments	6,400	5,939	6,315	5,756	5,146
Receivers' costs in the Court of Protection	3,247	4,438	4,082	4,528	4,710
Appeals against determination of costs in the Crown Court	430	333	366	528	387
Total assessments	13,397	13,772	13,222	13,017	12,131

Source:
 Supreme Court Costs Office

Table 11.2
Supreme Court Costs Office
 Number of costs bills assessed and their estimated total and average values, by jurisdiction of original case, 2004–2008

Original case jurisdiction	2004			2005			2006			2007			2008		
	Cost bills assessed	Estimated total value ²	Estimated average value	Cost bills assessed	Estimated total value ²	Estimated average value	Cost bills assessed	Estimated total value ²	Estimated average value	Cost bills assessed	Estimated total value ²	Estimated average value	Cost bills assessed	Estimated total value ²	Estimated average value
Court of Appeal (Civil)	475	£12,419,364	£26,146	458	£8,198,200	£17,900	522	£11,751,850	£22,513	537	£16,791,556	£31,269	513	£7,691,000	£14,992
High Court															
Queen's Bench Division	1,625	£78,737,533	£48,454	1,430	£98,670,000	£69,000	1,550	£81,637,483	£52,669	1,394	£69,882,968	£50,131	1,301	£41,914,968	£32,218
Chancery Division	408	£25,857,912	£63,377	349	£19,195,000	£55,000	237	£25,454,000	£107,401	203	£17,117,986	£84,325	223	£14,243,000	£63,870
Family Division	4,144	£47,719,328	£11,515	3,870	£46,440,000	£12,000	4,150	£60,735,123	£14,635	4,248	£73,217,952	£17,236	3,292	£50,150,000	£15,234
Administrative Court	607	£8,103,393	£13,350	390	£8,580,000	£22,000	325	£5,414,200	£16,659	332	£3,910,931	£11,780	275	£2,534,000	£9,215
Court of Protection	3,247	£15,423,250	£4,750	4,438	£21,746,200	£4,900	4,082	£20,410,000	£5,000	4,528	£26,906,688	£5,942	4,710	£26,906,688	£5,713
Tribunals	174	£6,379,927	£36,666	114	£5,415,000	£47,500	135	£4,996,764	£37,013	62	£2,105,645	£33,962	103	£3,577,000	£34,728
County courts ¹	2,287	£55,701,676	£24,356	2,390	£59,750,000	£25,000	1,855	£60,803,875	£32,778	1,185	£30,494,538	£25,734	1,327	£25,404,000	£19,144
Crown Court (Appeals against initial cost determinations)	430	-	-	333	-	-	366	-	-	528	-	-	387	-	-
Total	13,397			13,772			13,222			13,017			12,131		

Source:

Supreme Court Costs Office

Notes:

- County court figures include assessments of bills in 60 bankruptcy cases for 2006, 21 cases for 2007, and 35 cases for 2008
- Estimated values are for "brought-in" bills (i.e. before the process of detailed assessment). A random sample over five years (2002–2006) of completed "between parties" assessments shows that this process led to an average reduction of 23.3% in the value of these bills

Table 11.3
Judicial Committee of the Privy Council and House of Lords
 Number of costs bills assessed and their total and average allowed values, 2004–2008

	2004			2005			2006			2007			2008		
	Cost bills assessed	Estimated total value	Estimated average value	Cost bills assessed	Estimated total value	Estimated average value	Cost bills assessed	Estimated total value	Estimated average value	Cost bills assessed	Estimated total value	Estimated average value	Cost bills assessed	Estimated total value	Estimated average value
<u>Judicial Committee of the Privy Council</u>															
Petitions for special leave to appeal	2	£8,255	-	5	£33,237	-	-	-	4	£18,006	-	4	£142,289	-	-
Appeals	19	£774,240	-	10	£342,526	-	10	£737,033	-	8	£442,428	-	9	£805,127	-
<u>House of Lords</u>															
Petitions for leave to appeal	32	£110,000	£3,438	25	£108,263	£4,331	25	£108,497	£4,339	30	£95,374	£3,179	26	£86,251	£3,317
Appeals	33	£1,668,752	£50,568	24	£1,235,405	£51,475	14	£1,433,752	£102,410	24	£1,652,138	£68,839	30	£2,164,421	£72,147

Source:
 Judicial Committee of the Privy Council and Judicial Office, House of Lords

Note:
 Averages are not shown where there are fewer than 20 cases in a given year

Table 11.4
Publicly-funded legal services
 Summary statistics on activity and expenditure, 2004/05–2008/09¹

	2004/05	2005/06	2006/07	2007/08	2008/09 ¹
Community Legal Service (CLS)					
<u>Civil and Family: Representation</u>					
Cash payments (£m)	£763.6	£806.8	£774.2	£801.9	..
Acts of Assistance (thousands) ²	201.9	194.8	179.5	165.8	149.9
<u>Civil and Family: Advice and Assistance ("Legal help")</u>					
Cash payments (£m)	£355.6	£284.1	£261.4	£260.4	..
Acts of Assistance (thousands) ³	654.3	801.4	884.6	834.6	927.7
CLS total					
Total cash payments (£m)	£1,119.2	£1,090.9	£1,035.6	£1,062.3	..
Operating receipts (£m)	£273.3	£259.8	£226.7	£218.2	..
Total net expenditure (£m)	£845.9	£831.1	£808.9	£844.1	..
Total Acts of Assistance (thousands)	856.2	996.2	1064.1	1000.4	1077.6
Criminal Defence Service (CDS)					
<u>Criminal: Police stations and magistrates' courts</u>					
Cash payments (£m)	£510.9	£501.9	£529.4	£486.7	..
Acts of Assistance (thousands)	1463.7	1488.9	1473.8	1378.5	1520
<u>Criminal: Crown Court and higher courts</u>					
Cash payments (£m)	£682.4	£695.5	£647.9	£693.4	..
Acts of Assistance (thousands)	115.6	121.5	120.7	123.5	124.4
CDS total					
Total cash payments (£m)	£1,193.3	£1,197.4	£1,177.3	£1,180.1	..
Operating receipts (£m) ⁴	£1.2	£0.6	£5.9	£1.1	..
Total net expenditure (£m)	£1,192.1	£1,196.8	£1,171.4	£1,179.0	..
Total Acts of Assistance (thousands)	1579.3	1610.4	1594.5	1502.0	1644.4
All publicly funded legal services⁵					
Total cash payments (£m)	£2,312.5	£2,288.3	£2,212.9	£2,242.4	..
Operating receipts (£m)	£274.5	£260.4	£232.6	£219.3	..
Total net expenditure (£m)	£2,038.0	£2,027.9	£1,980.3	£2,023.1	..
Total Acts of Assistance (thousands)	2435.5	2606.6	2658.6	2502.4	2722.0

Source:

Legal Services Commission's Annual Reports for years shown

Notes:

- Figures marked with .. were not available when this report was being produced, but will be included in table Fund 1 of LSC's annual report for 2008/09 when it is published later in the year
- The 2008/09 figure for acts of assistance for civil representation is now calculated on a different basis and therefore not directly comparable with previous years' figures
- The figures for acts of assistance for Legal Help do not include telephone triage acts of assistance. With those included, the figures for 2007/08 and 2008/09 would have been 1,004.2 and 1,163.6 respectively
- All "cash payments" figures represent gross expenditure, except for Criminal Higher payments up to 2004/05, which represent net expenditure. This is because Criminal Higher legal aid was funded directly, rather than via the Legal Services Commission, prior to April 2005. CDS operating receipts up to 2004/05 therefore exclude any income relating to Criminal Higher work
- The scope of legal work covered by both the CDS and the CLS has changed during the period covered by this table. For details of these scope changes, please see the Legal Services Commission's annual reports and other related documents

Table 11.5**Funding of Crown Court representation**Number of applications^{1,2} for public funding filed in the Crown Court, by type of proceeding and result, 2004–2008

Type of proceeding	Number of applications				
	2004	2005	2006	2007	2008
<u>Trial on indictment</u>					
Applications	2,865	2,926	2,916	5,355	4,682
Refused	..	..	..	0	0
<u>For sentence or to be dealt with</u>					
Applications	4,386	4,974	7,602	10,897	10,299
Refused	0	0	0	0	0
<u>Appeals against magistrates' courts' decision</u>					
Applications	3,229	3,185	3,567	5,379	5,342
Refused	..	..	0	0	0

Source:

CREST system, HM Courts Service

Notes:

1 Applications granted include a small number granted in magistrates' court and extended by the Crown Court

2 Numbers marked with ".." are withheld to protect the confidentiality of individuals

Table 11.6**Funding of Crown Court representation**

Defendants and appellants in the Crown Court, by type of proceeding and type of representation, 2008

Type of proceeding	Defendants			
	Represented under criminal public funding	Privately / not represented	Unknown ¹	Total
Trial on indictment	100,768	3,613	1,008	105,389
For sentence or to be dealt with	30,553	2,952	5,059	38,564
Appeals against magistrates' courts' decisions	7,165	3,296	3,371	13,832

Source:

CREST system, HM Courts Service

Notes:

1 Defendants and appellants who do not have their type of representation recorded in CREST are classified as 'Unknown'

Table 11.7**Funding of Crown Court representation**Number of applications^{1, 2, 3} filed in magistrates' courts for representation in the Crown Court, by type of proceeding, 2004–2008

Type of proceeding	Number of applications				
	2004	2005	2006	2007	2008
<u>Trial on indictment</u>					
Applications	87,662	88,404	87,588	88,255	96,593
Refused	7	12	14	5	9
<u>For sentence or to be dealt with</u>					
Applications	19,385	21,741	20,923	18,472	20,387
Refused	0	..	0	..	..
<u>Appeals against magistrates' courts' decision</u>					
Applications	4,508	4,595	4,499	1,940	1,871
Refused	0	..	..	0	0

Source:

CREST system, HM Courts Service

Notes:

1 Applications less those refused represents applications granted in magistrates' courts. This includes a small number which are extended by the Crown Court

2 Applications refused include a small number of applications refused in magistrates' courts and later granted by the Crown Court

3 Applications include those which were initially granted, but revoked at a later date

4 Numbers marked with ".." are withheld to protect the confidentiality of individuals

Data quality and sources

Annex A: Data quality and sources

This annex gives details of the sources of the figure given in this report, along with discussion of known quality limitations or metadata issues. Please note that all data in this edition of Judicial and Court Statistics relates to the calendar year 2008, unless otherwise noted.

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Chapter 1: Appellate Courts

All information within this chapter is provided specifically for this publication.

For individual queries regarding the data published within this chapter please use the contact above, who will forward the request to the relevant office.

The following are some definitions for the various sets of figures provided by the Court of Appeal – Civil:

Filed:

Cases filed/setdown within period

Allowed:

Appeals given a final result of 'Allowed' or 'Allowed with consent'

Dismissed:

Appeals given a final result of 'Refused'

Dismissed by Consent:

Appeals given a final result of 'Dismissed with consent'

Struck out for failure to provide documents:

Appeals given a final result of 'Dismissal List' or 'Struck out'

Otherwise Disposed:

Appeals given a final result of 'Not our Jurisdiction', 'Totally Without Merit', 'Varied with Consent', 'Other Result', and 'Remitted'

Chapter 2: High Court – Chancery Division

All information within this chapter is provided specifically for this publication.

For individual queries regarding the data published within this chapter please use the contact above, who will forward the request to the relevant office.

Chapter 3: High Court – Queen's Bench Division

All information within this chapter is provided specifically for this publication.

For individual queries regarding the data published within this chapter please use the contact above, who will forward the request to the relevant office.

Chapter 4: County courts (non-family)

Most data shown in the tables have been sourced from the county court administrative system CaseMan, used by court staff for case management purposes. This generally contains good quality information about the incidence and dates of major events in a case's progress through the court system. However, there remain the following data quality issues:

- Tables 4.1, 4.2, 4.7 show the number of insolvency petitions and Table 4.22 shows the number of applications for administration orders and orders made. These statistics were sourced from the Business Management System (BMS), designed for the purpose of monitoring and assessing court workloads. They are manually generated and generally less robust than the numbers of main case events generated from CaseMan.
- Table 4.9 shows a breakdown of unspecified money claims by value of claim. The value of claim was derived from the issue fee which was either not present or didn't correspond to any of the claim value ranges (sometimes due to exemption or remission) in around 4% of claims.
- Tables 4.11–13 show the numbers of small claims hearings and trials. Those for 2003–2007 were sourced from CaseMan, but are of lesser quality than the numbers of most main case events generated from CaseMan as their accuracy is dependent on Court staff entering a correct hearing outcome code which is not essential for their administrative purposes. Because a large number of hearing outcomes for 2000–2002 were not entered into CaseMan, figures for these years are provided from Stats Module, a less robust source involving a requirement for all county courts to complete a manual form each month.
- Table 4.14 shows the average times between issue, allocation to track and trial / hearing for cases with hearings / trials, and the average durations of these. All but the average times between issue, allocation to track and trial / small claim hearing for cases with trials / small claim hearings in 2003–2007 are sample estimates sourced either from the small claims sampler or the trial sampler. The small claims sampler is a manual form which 29 county courts (from a total of around 220) are required to complete for three months during the year. The trial sampler is a manual form which all county courts are required to complete for two months during the year.

In this edition, extra procedures have been put in place to remove “duplicate” observations from the counts of claims issued (Tables 4.1, 4.5, 4.8, 4.9), defences and allocations to track (Table 4.10), judgments by default, acceptance and determination (Table 4.15), and repossessions of property by county court bailiffs (Table 4.21).

Chapter 5: Family matters

The majority of information in this chapter was sourced from the county court administrative system FamilyMan, used by court staff for case management purposes.

Children Act data for the Family Proceedings Courts which share premises and administrative systems with county courts was sourced from FamilyMan. Data for other Family Proceedings Courts was provided on electronic summary returns submitted to HMCS Business Information Division on a monthly basis. The figures shown for Family Proceedings Courts pre-2007 are weighted estimates based on data from a subset of courts. There are known data quality problems with these, which are likely to be an undercount.

Figures in Tables 5.1 to 5.4 relate to the number of children subject to each application or order, meaning the volume counts each child separately even when more than one child is included in the same application or order.

Figures in Tables 5.1 to 5.3 have been revised from those previously published, primarily due to a change in methodology for calculating the number of applications. The previous methodology calculated the number of new applications by identifying the total number of recorded applications, then subtracting the number of cases reported as being transfers. It involved a pro rata of transfer numbers by order type and region. The calculation also incorporated a number of transfers that should not have been included. The new method is based on the concept of matching court-case combinations in the list of applications with court-case combinations in the list of transfers, and excluding those applications where the application date is on or before the date of transfer. This method could be considered more accurate, as only those specific applications where a transfer is also recorded for the case are excluded. The new method also excludes duplicate records of applications for care and supervision orders, because it was found these were applications for interim care and supervision orders that were incorrectly recorded.

Figures for 2004 to 2007 for county courts and the High Court and for 2007 for family proceedings courts, have been revised using the new methodology and updated data.

The total number of new applications under the new methodology has not been substantially changed by the adoption of the new methodology. However, it has resulted in a significant reduction in the number of applications for care orders, and an increase in other categories of applications. In particular, applications for public law section 8 orders and discharge of a care order have increased. The tables below summarise the revisions.

Matters affecting children: Public and Private Law applications made in each tier of court, 2004–2007

Year	Public Law					
	FPC		CC		HC	
	Previous methodology	Revised	Previous methodology	Revised	Previous methodology	Revised
2004	14,480	n/a	5,470	5,550	700	710
2005	15,830	n/a	6,710	6,440	810	840
2006	13,660	n/a	6,290	6,870	730	840
2007	14,100	13,640	5,700	6,260	790	900

Year	Private Law					
	FPC		CC		HC	
	Previous methodology	Revised	Previous methodology	Revised	Previous methodology	Revised
2004	17,460	n/a	80,750	82,210	790	810
2005	15,820	n/a	85,080	85,600	910	910
2006	16,410	n/a	86,100	86,270	1,000	990
2007	19,580	19,190	86,780	87,210	700	780

Note:

Figures have been rounded

Matters affecting children: Public Law applications made in county courts, 2007

	Previous methodology	Revised
Secure accommodation	21	47
Care	3,600	1,570
Discharge of care	430	1,070
Substitute Supervision Order for a Care Order	-	-
Supervision Order	300	350
Supervision Order – discharge	3	13
Contact with a child in care	150	360
Authority to refuse Contact with a child in care	190	460
Education Supervision	-	-
Child assessment orders	17	43
Emergency protection order	55	47
Extension of emergency protection order	-	-
Discharge of emergency protection order	-	1
Recovery orders	39	99
Parental responsibility	87	220
Section 8		
Residence	290	710
Contact	430	1,040
Prohibited Steps	17	41
Specific Issue	72	180
Special Guardianship Orders	11	29
Total	5700	6,260

Note:

Figures have been rounded

Table 5.4 does not include interim orders.

Figures for Table 5.5 have been revised from those previously published due to duplicate records being removed from the counts of cases of petitions filed, decrees nisi and decrees absolute. Some duplicates had been included in previously published figures. The table below summarises the revisions.

Summary statistics on matrimonial proceedings, 2004–2007

	Number of cases							
	2004		2005		2006		2007	
	Published in Judicial and Court Statistics 2007	Revised	Published in Judicial and Court Statistics 2007	Revised	Published in Judicial and Court Statistics 2007	Revised	Published in Judicial and Court Statistics 2007	Revised
<u>Dissolution of marriage</u>								
Petition filed	167,342	166,010	151,844	150,424	148,659	147,236	137,465	136,187
Decrees nisi	166,330	155,123	150,959	141,144	145,415	135,233	143,153	132,987
Decrees absolute	153,787	153,282	142,519	142,116	133,199	132,782	129,350	128,953
<u>Nullity of marriage</u>								
Petition filed	495	480	441	425	406	388	352	336
Decrees nisi	308	299	261	257	240	239	190	189
Decrees absolute	244	244	251	251	244	244	193	193
<u>Judicial separation</u>								
Petition filed	745	740	700	691	615	605	502	499
Decrees granted	419	379	385	359	353	324	329	304

Figures for Table 5.10 and 5.11 were provided by the Principal Registry of the Family Division, a division of the High Court.

Chapter 6: The Crown Court

The information contained in Chapter 6 has been produced using the Management Information System (MIS), a data warehousing facility drawing data directly from court-based information systems. The warehouse enables the Ministry access to more complete data than was previously possible. In some instances this has meant that previously published figures will have changed, since this facility has also enabled the Ministry to include late submitted data and also to revise erroneous data included in previous publications.

Most data shown in the tables have been sourced from the Crown Court administrative system CREST, used by court staff for case management purposes. This generally contains good quality information about the incidence and dates of major events in a case's progress through the court system.

During 2006 there were changes made to the Crown Court centres. A new Crown Court centre was created, Mold, which was a satellite court became independent and Warrington, which was independent, became a satellite of Chester. Welsh courts that were satellites of Chester (Caernarvon and Dolgellau) became satellites of Mold. These changes were made in preparation for the change in the regions which made Cheshire a part of the North West and Wales a region on its own. When Mold became independent, the information about the existing cases being dealt with was copied to the new system from Chester. This meant that some cases existed on both systems and data have been adjusted accordingly to avoid duplication in the figures.

Important note on Crown Court statistics

The Ministry of Justice publications "Criminal Statistics" (CS) and "Judicial and Court Statistics" (JCS) both contain data on the number of proceedings heard in the Crown Court. However, while both sets of figures are produced from the same core source (the CREST system used to administer Crown Court cases), they are not directly comparable as there are known differences between them. These are due to a number of factors, including differences in the data collation mechanics and the counting and validation rules used, and they reflect the different underlying drivers of the analyses being performed. By way of broad illustration, CS counts numbers of defendants and is focused on the final outcomes of criminal court proceedings, while JCS counts numbers of cases and is focused on flows through the court system.

Since the creation of the Ministry of Justice, work has commenced to investigate both collation and counting rule differences between the two publications with a view to aligning the two sets of figures in the future.

Chapter 7: Magistrates' courts

Since 2008 the HMCS Performance Database 'OPT' has been used for collecting data on most aspects of magistrates' courts activity. This is a web-based performance system which enables aggregation to national level. In most cases the 2008 data is comparable with earlier data, but this does not apply to caseload data. The data sources used within this chapter are briefly discussed below.

Defendants Proceeded Against

The figures presented here are derived from the Completed Proceedings report on the HMCS Performance Database 'OPT', which covers all cases dealt with in magistrates' courts – criminal and otherwise. The data are necessarily subject to the inaccuracies inherent in any large-scale data recording system.

In previous bulletins, figures were obtained from the OCJR Court Proceedings Database, which collected data from a variety of administrative databases held by courts and police forces. Due to a changeover in the data collection system, comparable data were not available for 2008. As the data sets in OPT and the Court Proceedings Database are not identical, results cannot be directly compared. Therefore in this bulletin no comparison is made between the caseload figures for 2008 and earlier years.

The OPT data is case-based, so where a case has more than one offence, only the most serious offence is counted.

Timeliness

Information on timeliness of cases proceeded against in magistrates' courts is taken from a sample survey, the Time Intervals Survey (TIS). TIS reports on the average (mean) time taken between stages of proceedings for defendants in completed criminal cases in magistrates' courts. Information on adult indictable / triable-either-way cases and adult charged summary cases are collected in one week of each quarter. Information on adult summonsed summary offences is additionally collected in the first and third quarters. Information on youth defendants in both indictable and summary cases is collected in four weeks of each quarter.

Each sample provides one estimate of the average time taken – different samples would produce different average times. Therefore the margin of error associated with each sample is provided to estimate the likely range within which the 'true' average time falls. This 95 per cent confidence interval lies between the sample average +/- the margin of error. The size of the margin of error and width of the confidence interval is dependent on the sample size.

The figures on timeliness are based on defendants: where a case involved more than one defendant, each defendant is considered individually.

Timeliness results are 'snapshot' estimates rather than exact measures. They are vulnerable to external factors such as sampling, human error and case-mix changes, as any such survey would be. The data undergo various levels of checking: manual verification at input stage by court managers; electronic validation by database software; and manual validation and verification by central HMCS and MoJ staff.

Further details on TIS are available at: <http://www.justice.gov.uk/publications/timeintervals.htm>

Trials

The figures presented on trials are collected and processed by the Business Information Division in HMCS. Prior to April 2007 the data was collected on the cracked and ineffective trial monitoring forms. The online HMCS Performance Database 'OPT' was introduced in April 2007 and has been used since then for data collection. The figures are vulnerable to external factors such as human error and missing data due to non-returns.

The numbers of effective, cracked and ineffective trials are monitored, as well as the reasons for cracked and ineffective trials. These individual reasons were then grouped as per overleaf (the available choice of reasons for recorders changed in 2006 as shown).

Groupings of Recordable Reasons for Cracked Trials

Grouping	Individual reasons – up to 2005	Individual reasons – 2006 onwards
Late guilty plea accepted	<ul style="list-style-type: none"> Late guilty plea, first time offered by defendant Late guilty plea, previously rejected by prosecution 	<ul style="list-style-type: none"> Acceptable guilty plea(s) entered late [...], offered for the first time by the defence Acceptable guilty plea(s) entered late [...], previously rejected by the prosecution
Guilty plea to alternative new charge	<ul style="list-style-type: none"> Guilty plea to alternative new charge – first time offered by defence Guilty plea to alternative new charge, previously rejected by prosecution 	<ul style="list-style-type: none"> Acceptable guilty plea(s) to alternative new charge [...], first time offered by defence Acceptable guilty plea(s) to alternative new charge [...], previously rejected by the prosecution
Defendant bound over	<ul style="list-style-type: none"> Defendant bound over – first time offered by defence Defendant bound over – previously rejected by prosecution 	<ul style="list-style-type: none"> Defendant bound over, [...], offered for the first time by the defence Defendant bound over, [...], previously rejected by the prosecution
Prosecution end case	<ul style="list-style-type: none"> Prosecution end case – insufficient evidence Prosecution end case – witness absent/withdrawn Prosecution end case – other 	<ul style="list-style-type: none"> Prosecution end case: insufficient evidence Prosecution end case: witness absent / withdrawn Prosecution end case: public interest grounds Prosecution end case: adjournment refused
Other	<ul style="list-style-type: none"> Other – specify in comments box 	<ul style="list-style-type: none"> Unable to proceed with trial because defendant incapable through alcohol / drugs Defendant deceased

Groupings of Recordable Reasons for Ineffective Trials

Grouping	Individual reasons – up to 2005	Individual reasons – 2006 onwards
Prosecution not ready	<ul style="list-style-type: none"> • Prosecution not ready • Prosecution not ready (disclosure problems) 	<ul style="list-style-type: none"> • Prosecution not ready: served late notice of additional evidence on defence • Prosecution not ready: specify in comments • Prosecution failed to disclose unused material
Prosecution witness absent	<ul style="list-style-type: none"> • Prosecution witness absent – police • Prosecution witness absent – other 	<ul style="list-style-type: none"> • Prosecution witness absent: police • Prosecution witness absent: professional / expert • Prosecution witness absent: other
Defendant absent	<ul style="list-style-type: none"> • Defendant absent – did not attend • Defendant absent – ill • Defendant absent not produced from custody 	<ul style="list-style-type: none"> • Defendant absent – did not proceed in absence (judicial discretion) • Defendant ill or otherwise unfit to proceed • Defendant not produced by PECS
Defendant not ready	<ul style="list-style-type: none"> • Defence not ready • Defence not ready (disclosure problems) 	<ul style="list-style-type: none"> • Defence not ready: specify in comments (inc. no instructions) • Defence not ready: disclosure problems
Defence witness absent	<ul style="list-style-type: none"> • Defence witness absent 	<ul style="list-style-type: none"> • Defence witness absent

Grouping	Individual reasons – up to 2005	Individual reasons – 2006 onwards
Other	<ul style="list-style-type: none"> • Lack of court time / magistrate availability • Overlisting • Other – specify in comments box 	<ul style="list-style-type: none"> • Another case over-ran • Judge / magistrate availability • Case not reached / insufficient cases drop out / floater not reached • Equipment / accommodation failure • No interpreter available • Prosecution advocate engaged in another trial • Prosecution advocate failed to attend • Prosecution increased time estimate – insufficient time for trial to start • Defence asked for additional prosecution witness to attend • Defence increased time estimate, insufficient time for trial to start • Defence advocate engaged in other trial • Defence advocate failed to attend • Defendant dismissed advocate

Persistent Young Offenders

Performance on timeliness of Persistent Young Offenders (PYOs) was assessed using data from the Police National Computer (PNC) and the annual Arrest to Charge Survey. The former source is the police's own operational data, derived from forces' management information systems, covering all or most of the time from arrest to sentence for recorded cases. Where there is insufficient data, this is added from the aforementioned survey.

Further details on information on PYOs are available at: <http://www.justice.gov.uk/publications/docs/pyo-december08.pdf>

Conclusion of the Persistent Young Offenders pledge:

On 10 December 2008, the Secretary of State for Justice announced to Parliament that the Persistent Young Offenders pledge would be discontinued with effect from the end of the 2008 calendar year. The full text of his statement can be seen on the UK Parliament website at the following link: <http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm081210/wmstext/81210m0002.htm#08121029000071>.

Therefore the section on persistent young offender timeliness will not be included in future editions of this publication.

Enforcement

The figures presented on fine enforcement are from the debt analysis return (DAR) collected and processed by the Business Information Division in HMCS. The information is collated to provide national figures. The online HMCS Performance Database 'OPT' was introduced in April 2007 and has been used since then for data collection. The figures are vulnerable to external factors such as human error and missing data due to non-returns.

Information prior to 2004 has not been provided. The collection of enforcement information (DAR) was revised in April 2003 so that it no longer contained confiscation or civil amounts, and is therefore not available prior to that date in a similar format.

Further information is available at: <http://lcjb.cjsonline.gov.uk/ncjb/42.html>

Chapter 8: The Mental Capacity Act

All information within this chapter is provided specifically for this publication.

For individual queries regarding the data published within this chapter please use the contact above, who will forward the request to the relevant office.

Chapter 9: Offices of the Supreme Court

All information within this chapter is provided specifically for this publication.

For individual queries regarding the data published within this chapter please use the contact above, who will forward the request to the relevant office.

Chapter 10: The Judiciary

Data on judicial sitting days (Tables 10.2–10.4) are obtained from the CREST system in the Crown Courts, and in other courts from manual statistical returns (compiled by HM Courts Service headquarters) and OPT.

Data on judicial and magistrates appointments are provided specifically for this publication. For individual queries regarding the data published within this chapter please use the contact above, who will forward the request to the relevant office.

Chapter 11: Assessment of litigation costs, and publicly funded legal services

Data on cost assessments and on overall Legal Aid expenditure are taken directly from the sources given, specifically for this publication. For individual queries regarding these data, please use the contact above, who will forward the request to the relevant office.

Statistics on decisions made in the Crown Court about the funding of representation (Tables 11.5–11.7) are taken from the CREST system.

Introduction of Management Information System Data

The information contained in this publication has been produced using the Management Information System (MIS), a data warehousing facility drawing data directly from court-based information systems such as CREST, CaseMan and FamilyMan. This facility enables the Ministry access to more complete data than was previously possible. In some instances this has meant that previously published figures will have changed, since this facility allows the Ministry to include late submitted data and also to revise erroneous data included in previous publications.



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