



Ministry of  
**JUSTICE**



# **Court Statistics Quarterly July to September 2012**

Ministry of Justice  
Statistics bulletin

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## Executive Summary

This report presents the latest statistics on type and volume of cases that are received and processed through the court system of England and Wales in the third quarter of 2012 (July to September). These statistics are divided into four main categories: civil, family, criminal matters and enforcement of financial impositions.

### **Civil (non-family) matters**

- There were 368,890 claims issued and 10,910 hearings or trials, a reduction of nine and 15 per cent respectively from Q3 2011. This continues the downward trend since 2007.
- It is estimated that around three per cent of claims issued end up in a hearing or trial.

### **Family matters**

- The number of children involved in public law applications made by local authorities jumped in 2009 from around 5,000 per quarter to 6,500 per quarter following the publicity surrounding the Baby P case. Since then, this number has increased even further to nearly 7,500 per quarter.
- The average time for the disposal of a care or supervision application in the third quarter of 2012 was 47.7 weeks, continuing the drop first seen in the previous quarter.

### **Criminal matters**

- 407,913 criminal cases completed in magistrates' courts and 34,098 completed in the Crown Court in the third quarter of 2012. This was a reduction of 7 per cent and 10 per cent respectively when compared to the same quarter in 2011.
- The magistrates' courts recorded 37,811 trials during the third quarter of 2012, of which 44 per cent were recorded as effective. During the same period, 9,292 trials were recorded in the Crown Court, of which 49 per cent were recorded as effective.
- On average (mean), the time taken between the first listing of the criminal case in a magistrates' court and the final completion in either a magistrates' court or the Crown Court was 31 days. This has remained relatively stable since the second quarter of 2010.

## **Enforcement of financial impositions**

- In the third quarter of 2012, around £99 million was imposed by the criminal courts
- The total value of financial impositions outstanding was £585 million, 4 per cent lower than Q3 2011.

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## Introduction

This report presents statistics on activity in the county, family, magistrates' and Crown courts of England and Wales. It gives provisional figures for the latest quarter (July to September 2012) with accompanying commentary and analysis.

The report also includes a detailed description for each type of jurisdiction to familiarise the reader with civil and criminal justice terms and aid overall understanding of the statistics. **Annex A** provides summary information on data sources for the figures given in this report, along with a brief discussion on data quality. **Annex B** provides high-level findings for tribunals which are administered by HMCTS. **Annex C** gives details of Civil (non-family cases'); **Annex D** is on family law and **Annex E** provides information on the criminal court system. Details of criminal proceedings relating to the Olympic are given in **Annex F**.

There is also a **Glossary** section which provides brief definitions for the terms used in this report.

Information about statistical revisions, forthcoming changes and the symbols and conventions used in the bulletin are given in the **Explanatory notes** section.

The figures themselves give a summary overview of the volume of cases dealt with by these courts over time, with statistics also broken down for the main types of case involved. The statistics are used to monitor court workloads, to assist in the development of policy, and their subsequent monitoring and evaluation.

Calendar year court statistics are published annually by the Ministry of Justice (MoJ) in the statistics report [Judicial and Court Statistics \(JCS\)](#), which contains more detailed breakdowns of the figures, along with additional data on the activity of other types of court such as the Supreme Court and High Court. The last publication of JCS was released in June 2012 and contains information from 2011. It is available at [www.justice.gov.uk/statistics/courts-and-sentencing/judicial-annual-2011](http://www.justice.gov.uk/statistics/courts-and-sentencing/judicial-annual-2011)

[www.justice.gov.uk/statistics/courts-and-sentencing/judicial-quarterly](http://www.justice.gov.uk/statistics/courts-and-sentencing/judicial-quarterly)

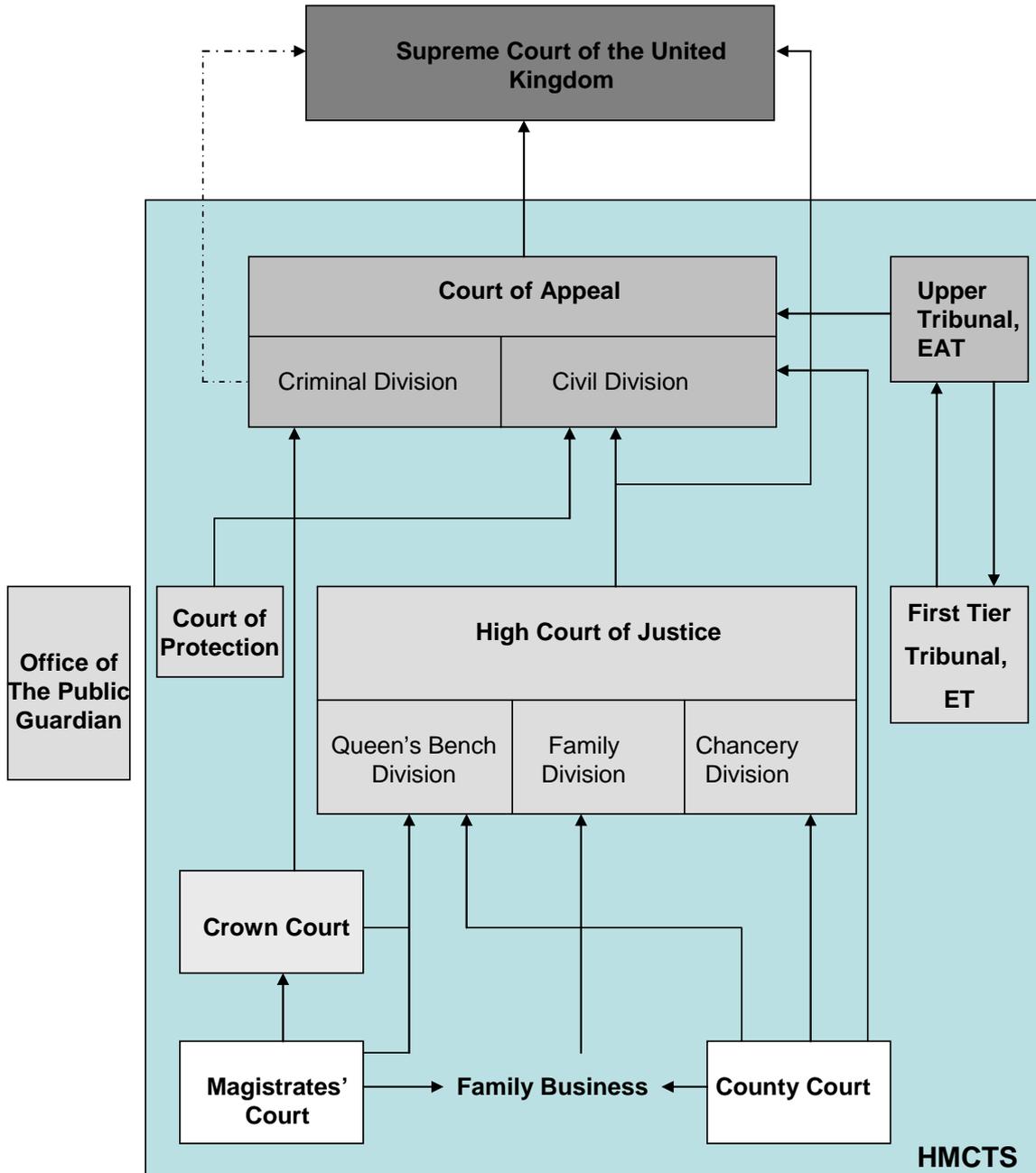
Statistics on the work of the tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland during the period April to June 2012 are also published by the MoJ at the same time as this report. These quarterly tribunals statistics, along with annual statistics, can be found in separate reports on the MoJ website, at:

[www.justice.gov.uk/statistics/tribunals/quarterly](http://www.justice.gov.uk/statistics/tribunals/quarterly) and  
[www.justice.gov.uk/statistics/tribunals/annual-stats](http://www.justice.gov.uk/statistics/tribunals/annual-stats)

## The Justice System

The vast majority of criminal and civil cases in England and Wales are dealt with at the Crown, magistrates' and county courts (see Figure 1 for an overall description of the Justice System in England and Wales).

**Figure 1: Justice System in England and Wales**



The vast majority of civil cases, which do not involve family matters or failure to pay council tax or child maintenance, are handled in the county courts. These cases are typically related to debt, the repossession of property, personal injury and insolvency. Once a claim has been served, the usual options for the defendant are to do nothing, pay up, admit the claim and ask for more time to pay up, and/or dispute the claim. The vast majority of claims are either not defended, or they are settled or are withdrawn

before a hearing or trial. Particularly important, complex or substantial cases are dealt with in the High Court.

All family matters are dealt with at Family Proceedings Courts (which are part of the magistrates' courts), at county courts or in the Family Division of the High Court. Family courts deal with matters such as: parental disputes, local authority intervention to protect children, matrimonial cases such as divorce petitions, the financial provisions for children after divorce or relationship breakdown, domestic violence remedies and adoption.

Virtually all criminal court cases start in a magistrates' court. The less serious offences are handled entirely in magistrates' courts. 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 a full trial with a judge and jury. The Crown Court also receives appeals against decisions of the magistrates' courts.

Cases in the magistrates' courts are heard by either two or three lay magistrates (local people who volunteer their services, who may not have formal legal qualifications but would have undertaken a training programme to develop the necessary skills) or by one District Judge (legally qualified, paid, full-time professionals, who are usually based in the larger cities and normally hear the more complex or sensitive cases). Crown Court cases may be heard by Circuit Judges, Recorders or a High Court Judge, depending on the seriousness of the offence.

## Results

### Section 1: Civil (non-family) matters [Tables 1.1 – 1.8]

The statistics in this section relate to civil matters dealt at county courts in England and Wales that do not involve family matters. The statistics do not include other civil matters that are dealt at magistrates' courts, such as the failure to pay council tax (see Table 3.1 in this publication for an estimate for civil matters dealt at magistrates' courts. Civil matters dealt at county courts typically relate to debt (these generally being issued for a specified amount of money), the repossession of property, personal injury (these generally being issued for an unspecified amount of money), the return of goods and insolvency. Particularly important, complex or substantial cases are instead dealt with in the High Court. All county courts are assigned at least one District Judge, and some at least one Circuit Judge.

**Annex A** contains information on the data sources used for these statistics and background information on the civil justice system can be found in **Annex C**. Explanations for some of the main terms used in this section can be found in the **Glossary**.

#### Claims issued

The process of taking a person(s) or company to court regarding a civil non-family matter begins with a person (the claimant) either completing a claim form and taking it to a court or completing a claim form online. In addition, claimants who issue a large number of claims each year, such as banks, credit card and store card issuers, utility companies and debt recovery companies, can file them to the Claim Production Centre (CPC).

In the third quarter of 2012 there were 368,890 claims issued, nine per cent less than the same quarter in 2011. Historically, the number of claims has fluctuated, with the total number falling between 2000 and 2003, then rising between 2003 and 2006, before falling again since then. The latest results continue this downward trend. The claims issued in the third quarter of 2012 included:

- 77 per cent were money claims: 285,886 money claims, a 10 per cent decrease compared to the third quarter of 2011. Nearly 85 per cent of these (242,690) were claims for specified amounts of money with the remainder (43,196) for unspecified amounts of money, 11 per cent and five per cent lower respectively compared to the same quarter a year earlier. The trends in the volumes of money claims and claims for specified amounts follow a similar pattern to the total number of claims described above.
- The numbers of money claims for unspecified amounts have generally been on an upward trend since 2000. However, there has been a decrease over the last two years, which is partly due to the introduction of new guidance for road traffic accident personal injury cases which

started for accidents on or after 6 April 2010. Since then, cases between £1,000 and £10,000 in value, where liability has been resolved but the amount of compensation hasn't, can be issued as non-money claims.

- 83,004 non-money claims, five per cent less than the third quarter of 2011. These have remained fairly constant around 80,000 per quarter since 2009 after dropping from their reasonably constant level of around 100,000 per quarter between 2000 and 2008. The decrease between 2008 and 2009 can be partially explained by the fall in mortgage and landlord possession claims. This coincided with lower interest rates, a proactive approach from mortgage lenders in managing consumers in financial difficulties, and various interventions, such as introduction of the Mortgage Pre-Action Protocol<sup>1</sup> that encouraged more pre-action contact between lender and borrower.
- 12,561 insolvency petitions were issued in the third quarter of 2012 in the county courts, District Registries of the High Court and the Royal Courts of Justice, 20 per cent less than in the same quarter of 2011. The number of insolvency petitions have almost halved since the peak in the third quarter of 2009 after more than doubling between 2000 and 2009.

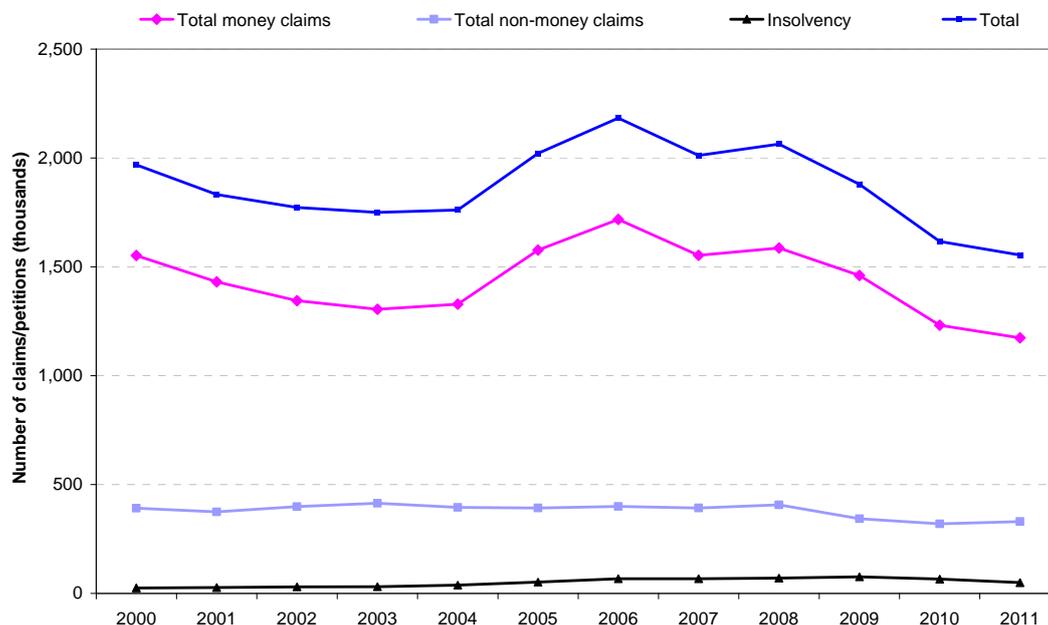
From the third quarter of 2011 onwards, the insolvency petition figures were gathered from the same source as the other claim issues data. Due to extra quality assurance procedures that were applied as a result, the figures from the third quarter of 2011 onwards are approximately three per cent lower overall than if they had been produced under the previous compilation process. Please see **Annex A** for more details.

Adjusting for the change in source of the figures from the third quarter of 2011 onwards, there was a 19 per cent decrease in bankruptcy petitions presented by debtors, a 22 per cent fall in bankruptcy petitions presented by creditors, and a 21 per cent decrease in company winding up petitions (to dissolve a company that cannot pay its debts) compared with the third quarter of 2011.

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<sup>1</sup> For more information on the Mortgage Pre-Action Protocol please see [Annex B](#) of the [Mortgage and landlord possession statistics publication](#).

**Figure 1.1: Claims issued in the county courts, by type of case, England and Wales, 2000 to 2011**



### Case progression, hearings and judgments

Whether the claim is issued online or through the county courts, a copy of the claim form along with a response pack is sent to (served on) the defendant who has 14 days to respond to the claim. The defendant can do nothing, pay up (either the full amount of the claim or in part), admit the claim and ask for more time to pay (in full or part), and/or dispute (defend) the claim (in full or part).

In the third quarter of 2012, 54,631 defences were made, 25 per cent less than the third quarter of 2011 and continuing the general downward trend since the peak in defences in 2007. The proportion of claims that led to defences has changed over time. In 2000, there were 7.8 times as many claims as defences, but by 2011 to around 5.5 times as many claims as defences. The third quarter of 2012, saw that trend reverse with 6.8 times as many claims as defences.

If the claim is defended, further information is usually provided by each of the parties, after which the case is allocated by a judge to one of three case-management tracks. In total, there were 34,259 allocations to one of these tracks in the third quarter of 2012, 23 per cent less than the same quarter in 2011. However, allocations to track have generally increased since 2000. In the third quarter of 2012 the make-up of allocations was as follows:

- 13,563 to the small claim track, 36 per cent less than the third quarter of 2011. This track is generally for cases with a claim value of up to £5,000 which do require less preparation by the parties involved than the more complex cases allocated to the fast or multi track. The hearings are designed to be accessible to people who do not have representation by a solicitor or counsel, and are dealt with in about an hour.

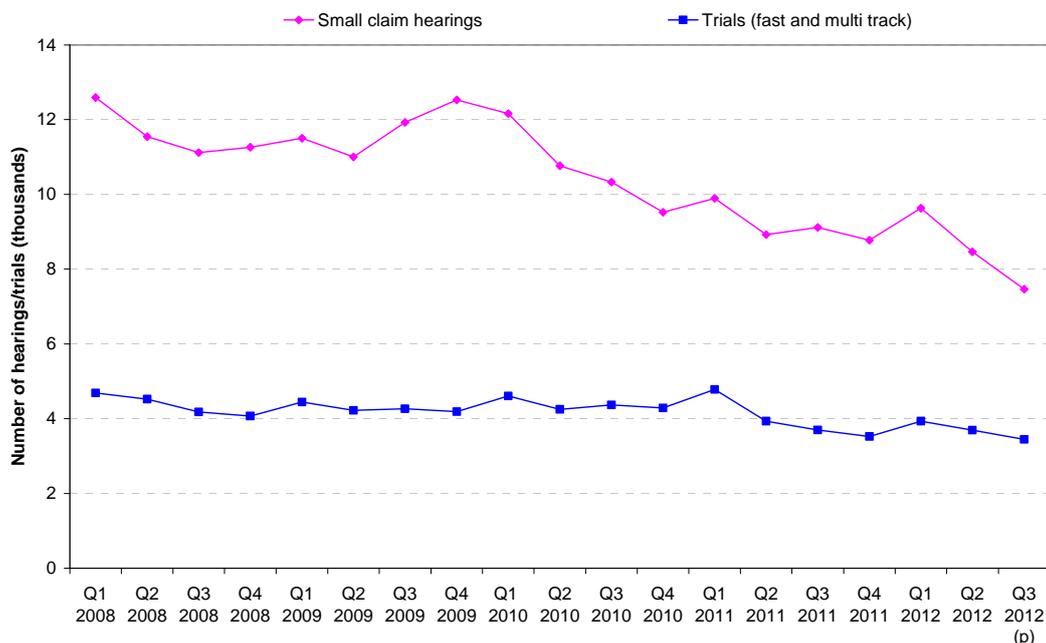
- 15,558 to the fast track, 11 per cent less than the same quarter of 2011. This track is generally for cases with a claim value of between £5,000 and not more than £25,000, with issues not complex enough to merit more than a one day trial.
- 5,138 to the multi track, 11 per cent less than the third quarter of 2011. This track is generally for cases with a claim value exceeding £25,000 with more complex issues. They generally last more than one day at trial.

Defended cases which are not settled or withdrawn generally result in a small claim hearing or trial (Figure 1.2). In total, there were 10,910 trials and small claim hearings in the third quarter of 2012, 15 per cent less than in the third quarter of 2011 and continuing the decline seen from 2007 onwards. This comprised:

- 3,446 fast track and multi track trials, seven per cent less than in the second quarter of 2011. On average, trials occurred 58 weeks after the claim was originally made, up from an average of 57 weeks in the third quarter of 2011. The increase from the third quarter of 2011 reflected rises in the average times taken to allocation (from 22 weeks to 23 weeks)
- 7,464 small claim hearings, 18 per cent less than the third quarter of 2011. On average, small claim hearings occurred 30 weeks after the claim was originally made and the time between issue and hearing has been around this level since 2008.
- 3.0 per cent of claims made went to hearing or trial<sup>2</sup>. This is at the lower end of recent results, which have ranged from 2.8 per cent to 4.3 per cent in the last four years.

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<sup>2</sup> This is a proxy estimate, which does not take account of the delay between a claim being made and a claim going to hearing or trial.

**Figure 1.2: Hearings in the county courts, by type, England and Wales, Q1 2008 to Q3 2012**

## Enforcement

There are various methods of enforcing a judgment through the county courts. The most common method of enforcing a monetary judgment is the warrant of execution against a debtor's goods. This is where, unless the amount owed is paid, items owned by the debtor can be recovered by a bailiff acting on behalf of the court and sold.

During the third quarter of 2012, 23,102 warrants of execution were issued, 33 per cent less than the third quarter of 2011. This continues the steep decline from 2009 and also the longer term downward trend from 2000.

To enforce non-monetary decisions made by the county courts, various types of warrants can be issued. During the third quarter of 2012:

- 32,486 warrants of possession were issued to repossess property, three per cent less than in the equivalent quarter of 2011 and 21 per cent less than in the third quarter of the peak year of 2008. The trends in these are generally similar to those in mortgage and landlord claims issued<sup>3</sup>.

<sup>3</sup> The numbers of warrants of possession and repossessions of property by county court bailiffs differ from those presented in [Mortgage and landlord possession statistics publication](#).. Please see Annex A for details.

- 13,958 repossessions of properties were made by county court bailiffs, 16 per cent less than the third quarter of 2011 but 27 per cent less than the same quarter of the peak year 2008. 4,691 of the properties were on behalf of mortgage lenders, 36 per cent less than in the third quarter of 2011.

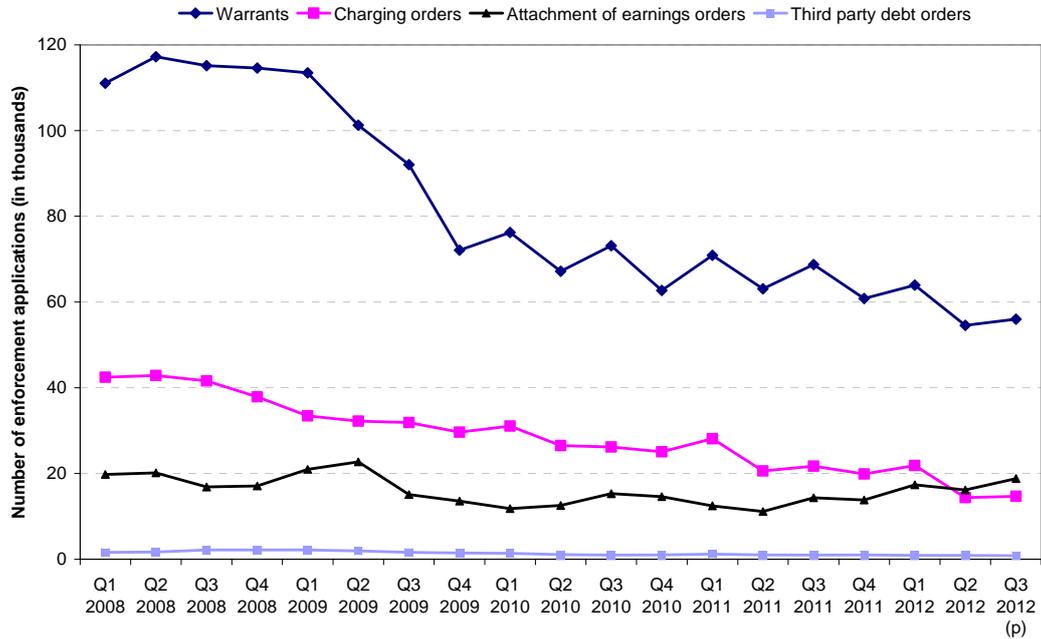
Figures for warrants of possession and repossession by county court bailiffs are presented in both this report and in [Mortgage and landlord possession statistics](#). However, the figures differ slightly. The differences arises because a single claim can lead to more than one repossession occurring. In this bulletin, the total number of warrants and repossessions is presented. This reflects this bulletin's focus on the court workload. In the possessions bulletin, the number of claims that led to a warrant of possession being issued, and the number of claims that led to repossessions are presented. This reflects the possessions bulletin's focus on the number of people who are impacted by possession and repossession actions.

Alternatively various types of court orders can be obtained (Figure 1.3). The attachment of earnings order enables payment through the debtor's employer. The third party debt order enables payment by freezing and then seizing money owed by a third party to the debtor. The charging order obtains security for the payment against the debtor's assets. This may be followed by an order for sale which forces the sale of these assets.

During the third quarter of 2012:

- 18,819 applications were made for attachment of earnings orders, 31 per cent more than the same quarter in 2011. This is the largest number since the second quarter of 2009 after a general decline over the last few years.
- 14,665 applications were made for charging orders, 32 per cent less than the third quarter of 2011, and 65 per cent less than the same quarter in 2008, the year in which they peaked following a 10 fold rise from 2000.
- 818 applications were made for third party debt orders, 15 per cent less than in the third quarter of 2011 and continuing the downward trend after peaking in 2008.

**Figure 1.3: Enforcement applications in the county courts, by type, England and Wales, Q1 2008 to Q3 2012**



In certain circumstances, a debtor may apply to a county court to combine debts with a total not exceeding £5,000 into a single administration order, which allows a District Judge to make an order for the debtor to make regular payments to the court. The court will then distribute the money to the creditors. There were 61 applications made for administration orders in the third quarter of 2012, down from 97 in the same quarter of 2011 and continuing a long downward trend from an average of 1,588 per quarter in 2000.

To assist in determining which of the above is the most appropriate method of enforcing a judgment creditors can apply for an order to obtain information from the judgment debtors. This requires debtors to provide details of their means. There were 5,179 orders made to obtain information from debtors in the third quarter of 2012, 21 per cent less than the third quarter in 2011 and continuing the long downward trend from 2000.

## Section 2: Family matters [Tables 2.1 – 2.12]

Family matters are dealt with in England and Wales under the Children Act 1989 at Family Proceedings Courts (which are part of the Magistrates' Courts), at County Courts or in the Family Division of the High Court. Family courts deal with matters such as: parental disputes, local authority intervention to protect children, matrimonial cases such as divorce petitions, the financial provisions for children after divorce or relationship breakdown, domestic violence remedies and adoption.

This section presents statistics for the following areas: Public Law, Private law, Timeliness of care proceedings, Legal representation, Matrimonial matters, Ancillary relief, Domestic violence and Forced marriage protection orders.

**Annex A** provides summary information on the data sources and quality for the figures given in this chapter. **Annex D** provides further details on the court processes involved with these family cases. There is also a section in the **Glossary** which provides brief definitions for the terms used in this chapter.

### Public Law

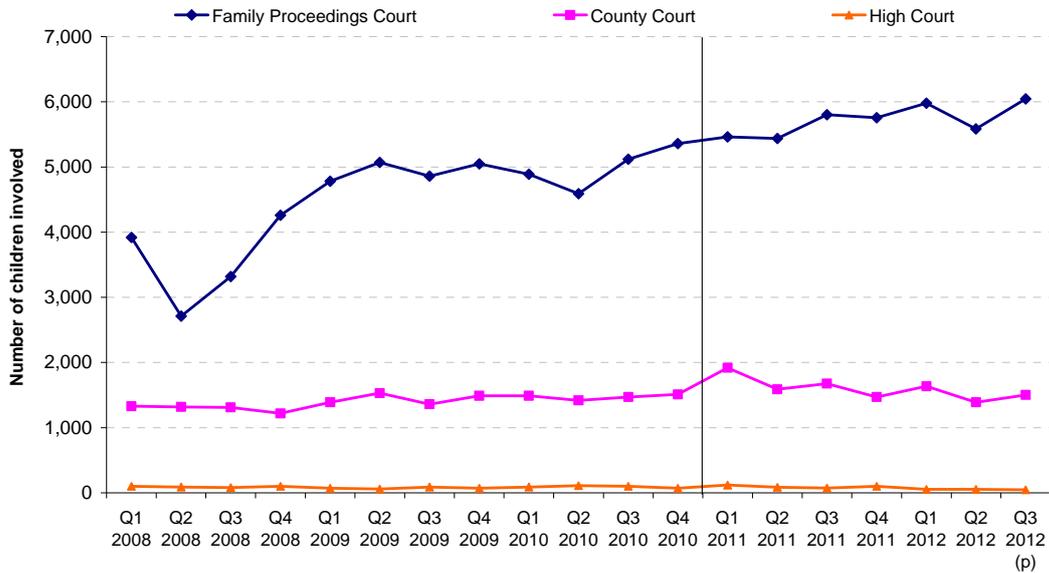
Public law cases are those brought by local authorities or an authorised person (currently only the National Society for the Prevention of Cruelty to Children) to protect the child and ensure they get the care they need. They can apply for a range of different orders. Types of order include a care or supervision order which determines whether the child should be looked after or supervised by the local authority, or an emergency protection order which allows an individual or local authority to take a child away from a place where they are in immediate danger to a place of safety.

As of this publication, figures have been included on the number of children involved in the application and disposal of additional order types, which were not previously published. These include orders relating to the return of missing or taken children.

The number of children involved in public law applications made by local authorities jumped in 2009 from around 20,000 per year to almost 26,000 per year following the publicity surrounding the Baby P case. Since 2011 the figures have stabilised at around 7,500 per quarter.

There were 7,596 children involved in public law applications made in the third quarter of 2012, a very similar number to the 7,551 children involved in the same period for 2011 (Figure 2.1). The number of applications made, which can cover more than one child, increased by 2 per cent from 4,385 in the third quarter of 2011 to 4,476 in the third quarter of 2012.

**Figure 2.1: Public Law applications made by tier of court, 2008 Q1 to 2012 Q3**

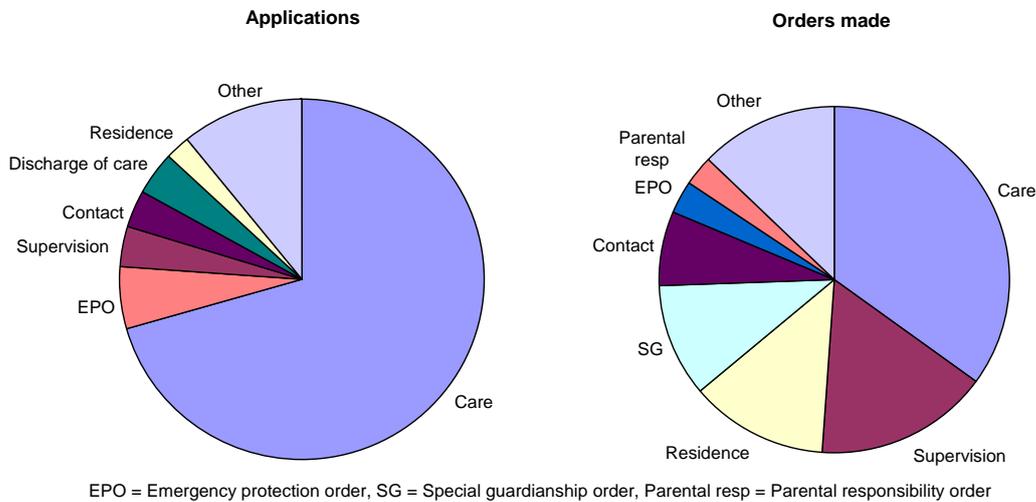


This chart shows from 2011 numbers for the full range of order types, whereas previously some minor application types were not included (See Annex A for more information)

The trend in disposals tends to lag behind that for applications, due to the time taken for a decision to be reached in cases. The number of children involved in orders made jumped in 2010 and has continued to increase. There were 10,408 children involved in public law orders made in the third quarter of 2012, up 18 per cent from the equivalent period of 2011. The number of orders made is generally higher than the number of applications made, as some orders relate to applications made in an earlier time period, and an application for one type can result in an order or orders of a different type being made.

Figure 2.2 shows that the most common types of order applied for in the third quarter of 2012 were care (70 per cent of children involved in applications), emergency protection (6 per cent) and supervision (4 per cent). The proportions for orders made were different as an application for one type can result in an order of a different type being made. Care orders were still the most common (35 per cent of children involved in orders made). The next most common was supervision (16 per cent of children involved) and the third most common was residence (13 per cent).

**Figure 2.2: Public law applications and orders made, showing proportion of children involved in each order type, 2012 Q3**



### Private Law

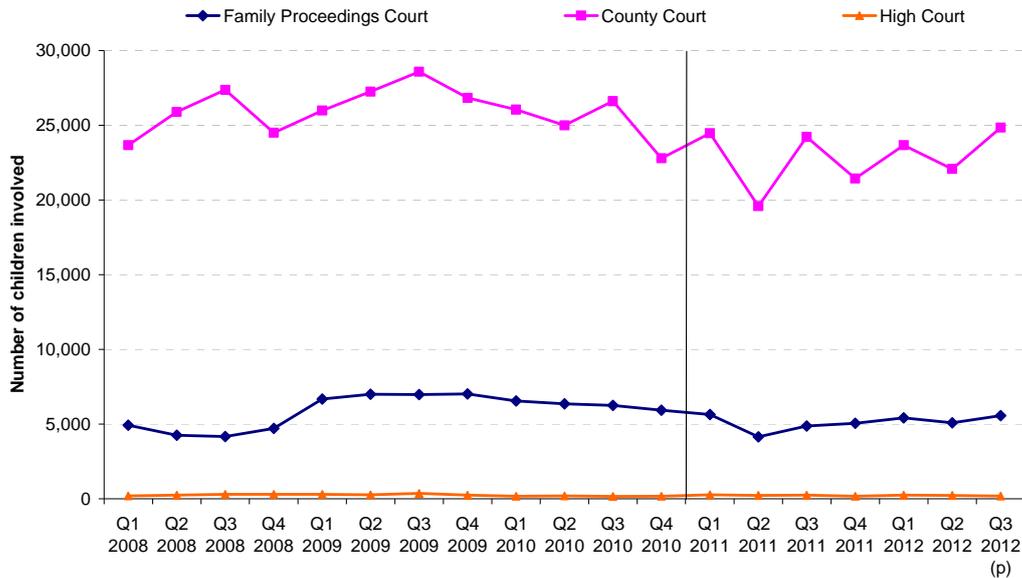
Private law cases are those court cases between two or more parties who are trying to resolve a private dispute. This is generally where parents have split up and there is a disagreement about contact with the children or with which parent they should live. A range of different types of court order can be applied for. For example, a residence order settles where the child should live, while a contact order specifies the conditions under which the divorced or separated parents may spend time with a child.

As with Public law, figures have been included in this bulletin on the number of children involved in the application and disposal of additional order types, which were not previously published. These include orders relating to the return of missing or taken children and leave to remove a child from the UK.

The number of children involved in private law applications rose to a peak in 2009 and has since fallen back to around 110,000 per year, a similar level to that last seen in 2006. More recent quarters, however, are showing a reversal of the downward trend, and this continues in the third quarter of 2012 with 30,569 children involved in private law applications, an increase of 4 per cent from 29,330 in the equivalent period of 2011 (Figure 2.3).

The number of applications made, which can cover more than one child, also rose in the third quarter of 2012 up 7 per cent to 14,429 from 13,545 in the same period of 2011.

**Figure 2.3: Private law applications made by tier of court, 2008 Q1 to 2012 Q3**

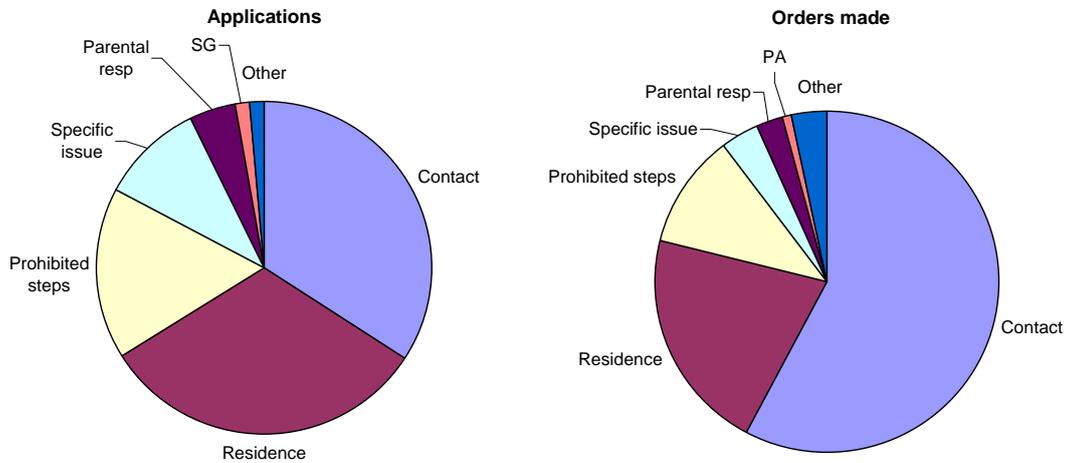


This chart shows from 2011 numbers for the full range of order types, whereas previously some minor application types were not included (See Annex A for more information)

The number of children involved in private law orders made has shown a steady increase since 2006, although this upward trend has started to level out since early 2011, with around 47,000 children involved in orders made each quarter. There were 46,704 children involved in private law orders made in the third quarter of 2012, less than 1 per cent down from the equivalent period of 2011. The number of orders made is higher than the number of applications, as some orders relate to applications made in an earlier time period, and an application for one type can result in an order or orders of a different type being made.

Figure 2.4 shows that the most common types of order applied for in the second quarter of 2012 were contact (34 per cent of children involved in applications), residence (32 per cent) and prohibited steps (17 per cent). These were also the most common orders made, although the proportions varied as an application for one type can result in an order of a different type being made. In the third quarter of 2012 a contact order was made for 58 per cent of the children involved in orders made, a residence order was made for 21 per cent and a prohibited steps order was made for 11 per cent.

**Figure 2.4: Private law applications and orders made, showing proportion of children involved in each order type, 2012 Q3**



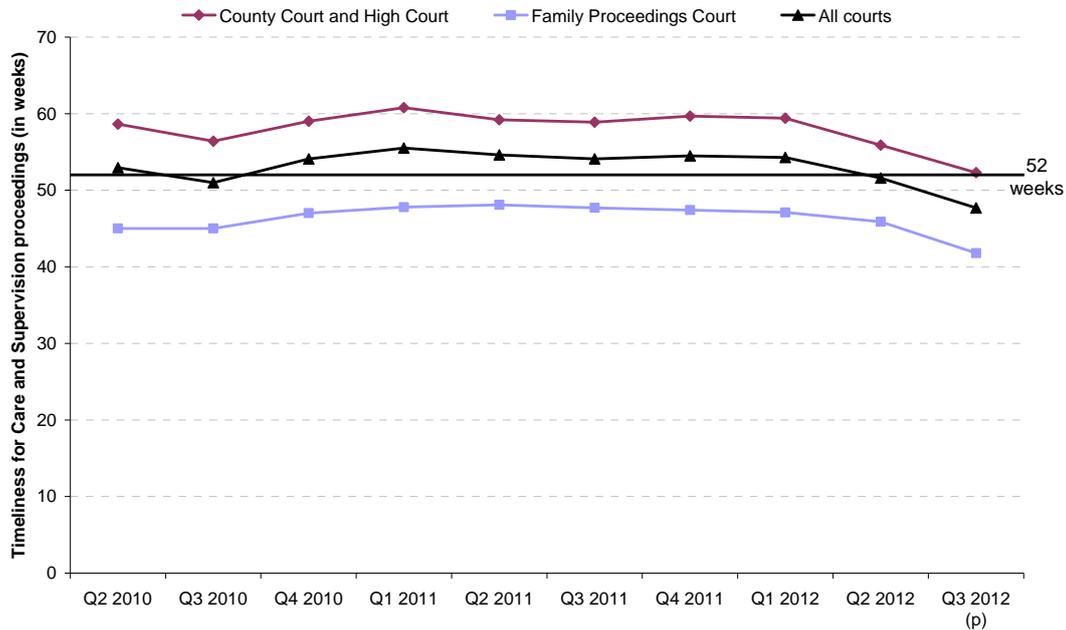
SG = Special guardianship order, Parental resp = Parental responsibility order, PA = Parental agreement

### Timeliness of care proceedings

Statistics on the time taken to complete care and supervision cases in the family courts of England and Wales are given in Table 2.5. This table presents summary statistics showing the time, in weeks, between the date an application for a care or supervision order was lodged and the date a care, supervision, or other substantive order was made in the case, for those cases disposed of during each quarter.

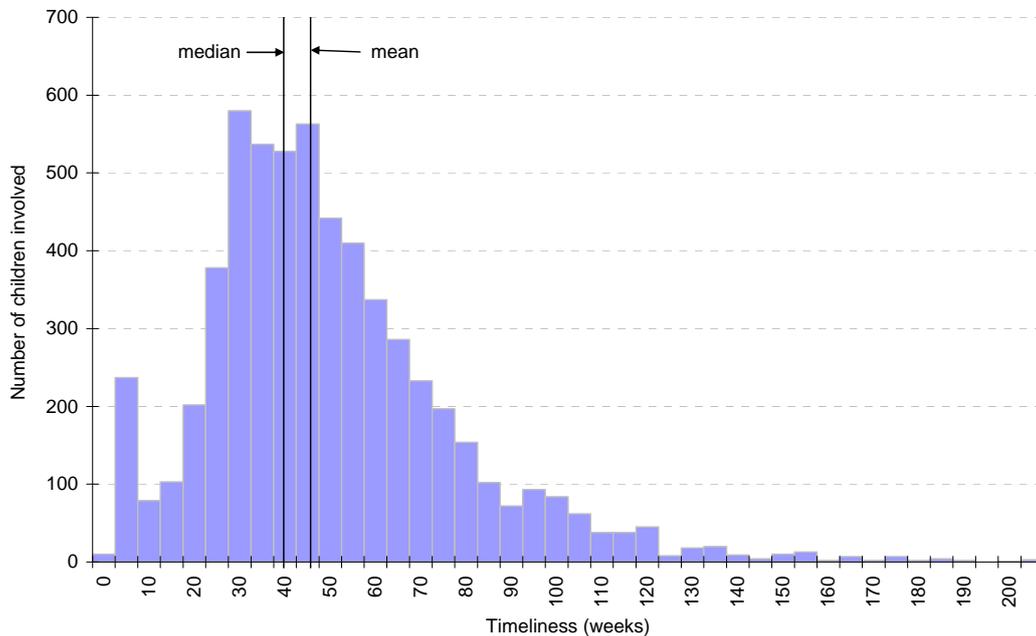
The average time for a disposal to be made was 47.7 weeks, continuing the drop first seen in the previous quarter, after timeliness had remained fairly constant for the previous 15 months. Separate figures for county and High Courts and family proceedings courts are shown in Figure 2.5.

**Figure 2.5: Timeliness for Care and Supervision proceedings by tier of court, 2010 Q2 to 2012 Q3**



The average time for a disposal can be skewed by cases that take long time, thus the median time was also calculated. The median time to make a disposal in a case was 42.7 weeks in the third quarter of 2012. This indicates that for all children involved in care and supervision proceedings where a decision was reached during the third quarter of 2012, half (or 2,961) waited 42.7 weeks or less from application to a substantive disposal, and the other half waited at least 42.7 weeks. This median value is different to the average (mean) quoted in the paragraph above as it is not influenced by the few very long case durations. Figure 2.6 shows how many children experienced each timeliness band in their case proceedings during the third quarter of 2012.

**Figure 2.6: Timeliness for Care and Supervision proceedings showing number of children involved in each timeliness band, all court tiers, 2012 Q3**



**Legal representation**

Figures on the legal representation of parties in family-related court cases are shown in Table 2.6. This gives the number of disposals made during each quarter and the average duration between application and disposal, for divorce, public law, private law and domestic violence cases, according to whether the applicant(s), respondent(s), both or neither had legal representation during the case.

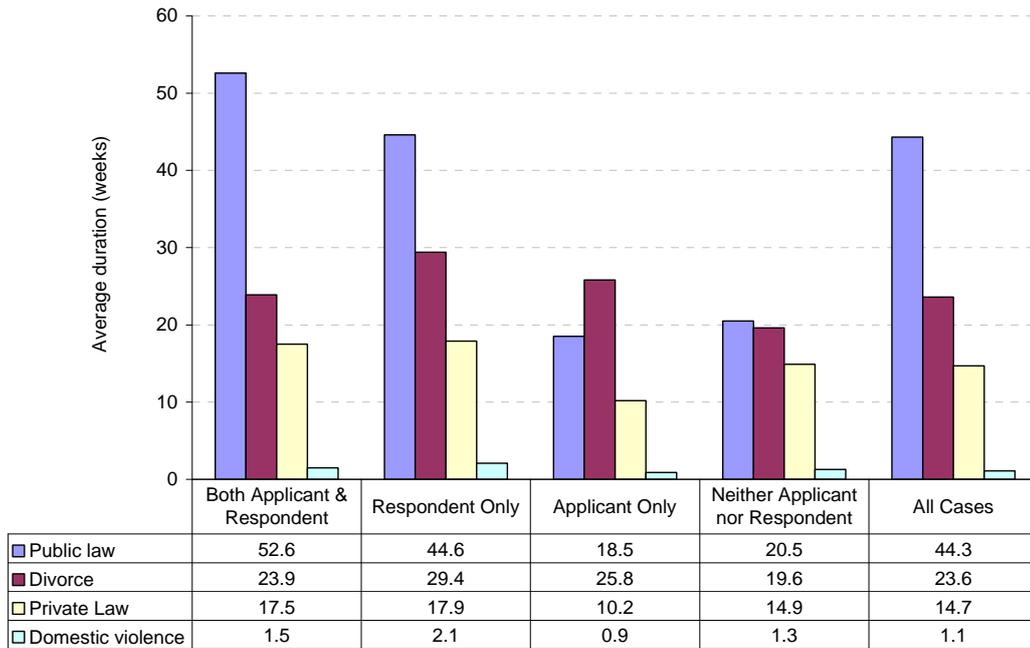
The legal representation status reflects whether the applicant/respondent's legal representative has been recorded or left blank. Therefore, parties without legal representation are not necessarily self-represented. It is important to note that whether or not a case is contested may affect the legal representation status of the parties and thus the timeliness of the case.

In general, across all case types, cases where both parties, or the respondent only, had legal representation took considerably longer than those cases where only the applicant was represented or where both parties were without legal representation.

In the third quarter of 2012 the average case duration for divorce cases varied between 20 weeks (no representation) and 29 weeks (respondent only represented) - see Figure 2.7 below. Please note that these figures have been revised since the previous publication to measure the time till decree nisi, which is the primary order, rather than decree absolute.

For public law, average case duration was between 19 weeks (applicant only represented) and 53 weeks (both parties represented). The average case duration for private law cases varied between 10 weeks (applicant only represented) and 18 weeks (respondent only represented). The average case duration for domestic violence cases was much shorter, at around one week for all representation categories.

**Figure 2.7: Timeliness of cases according to legal representation of participants, by case type, 2012 Q3**

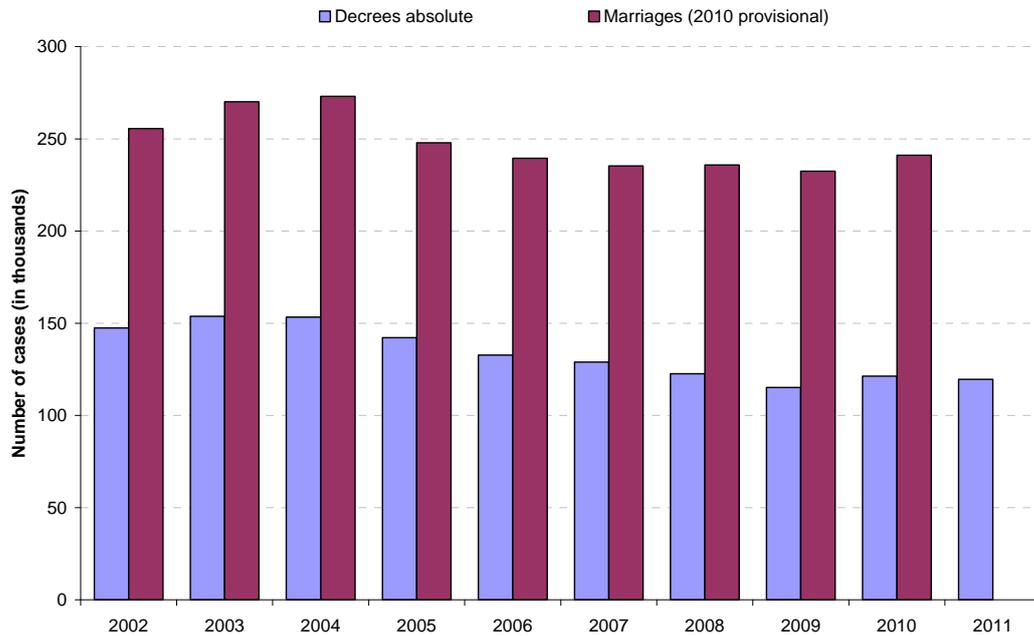


### Matrimonial matters

There are two ways to legally end a marriage: an individual can apply for a divorce which will give them a decree absolute ending a valid marriage, or a decree of nullity, which declares that the marriage itself is void. No application can be made for divorce within the first year of marriage. An alternative to divorce is a decree of judicial separation. This does not legally end the marriage but clears the parties from the obligation to live together, and allows the court to exercise all the powers which it has to divide the matrimonial property just as it can in the case of a divorce.

Divorce rates peaked in 2003, and have fallen since then, levelling off at around 120,000 divorces per year since 2008 (Figure 2.8). The decline generally reflects the smaller married population and a higher average age at marriage. The younger a person marries, the higher the probability of getting divorced so the trend to delay marriage has partly contributed to the observed general decline in divorce over the last 20 years. There were 31,067 petitions filed for dissolution of marriage in the third quarter of 2012; a decrease of 10 per cent compared with the equivalent period of 2011. The number of decrees absolute granted was virtually unchanged: 30,298 in the third quarter of 2012 compared with 30,346 for the equivalent quarter of 2011.

**Figure 2.8: Dissolution of marriage – marriages and decrees absolute granted, 2002 to 2011**



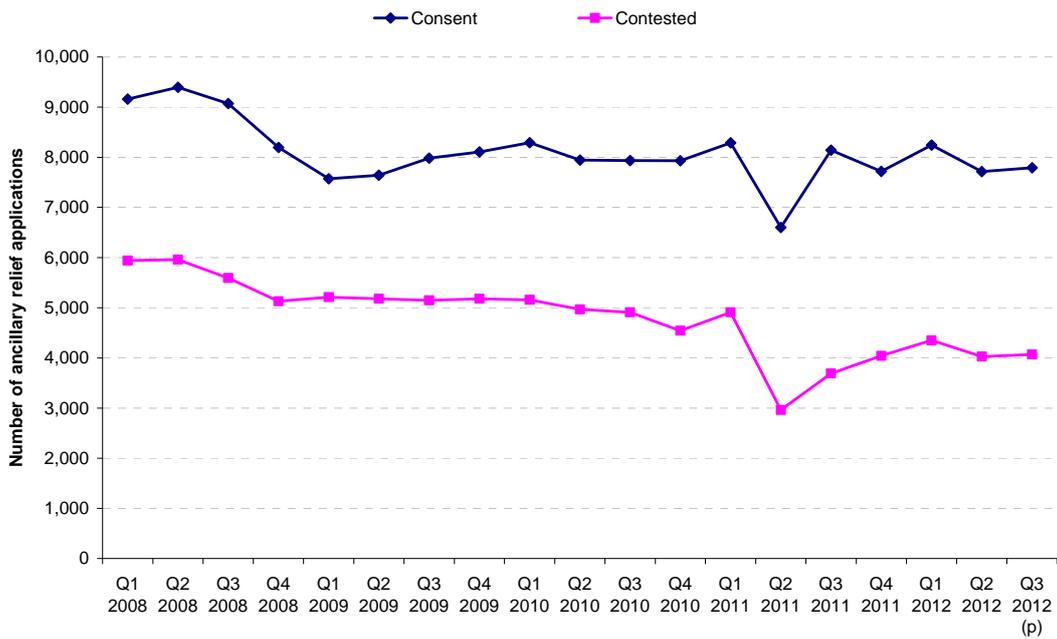
### Ancillary relief – financial disputes post-divorce / separation

During a divorce, a marriage annulment, or a 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, known as ancillary relief. These orders include dealing with the arrangements for the sale or transfer of property, maintenance payments, a lump sum payment or the sharing of a pension.

Figures on the number of applications for ancillary relief are presented in this bulletin for the first time. It should be noted that these figures are not comparable to the number of ancillary relief disposals shown below, as each type of order made is counted separately whereas an application for multiple orders is only counted once.

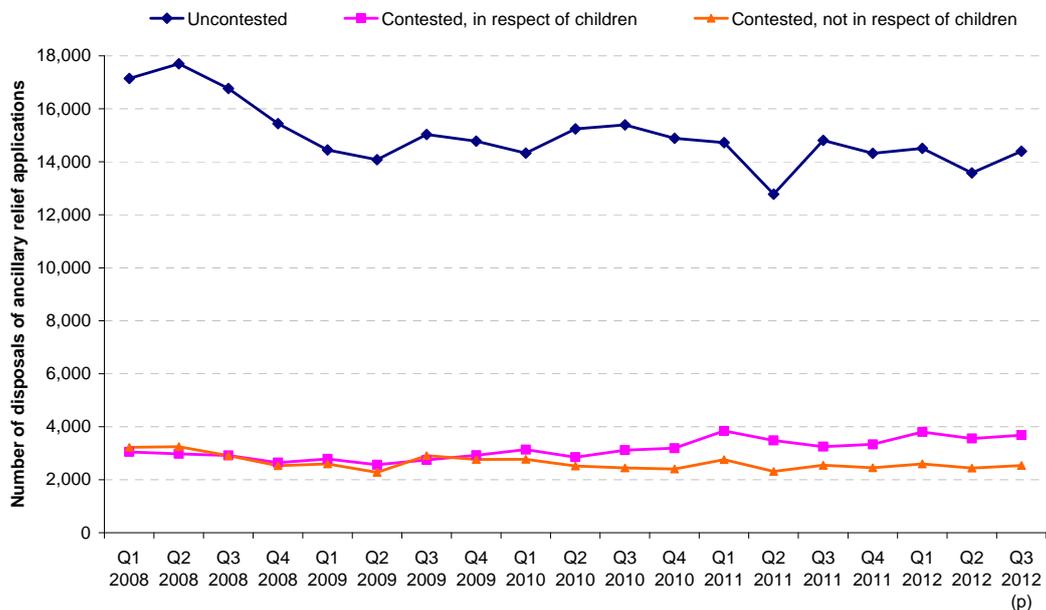
Applications for ancillary relief have been falling steadily since 2006 and recorded applications currently sit at just over 12,000 per quarter. Please note that these figures are known to under-represent the actual number of applications by at least five per cent due to data recording issues (see **Annex A** for more information). During the third quarter of 2012, 12,391 recorded applications were made, virtually unchanged from the equivalent period of 2011 (Figure 2.9). Almost half of the applications are for all six types of ancillary relief order (lump sum, maintenance pending suit, property adjustment, periodical payment, pension sharing and secure provision orders), while the others are for between one and five of these types. Almost two-thirds of applications are made with consent.

**Figure 2.9: Ancillary relief applications, 2008 Q1 to 2012 Q3**



Similarly to the trend for applications, following a decline in late 2008, there has been little change over the last four years in the number of orders made to settle financial disputes post-divorce or post-separation, at around 20,000 per quarter. During the third quarter of 2012, 20,616 orders were made, virtually unchanged from the equivalent period of 2011 (Figure 2.10). Over two-thirds of these were not contested, almost one quarter were initially contested but then consented, and only 7 per cent were contested throughout the case. Of orders that were contested at some point, nearly 60 per cent were in respect of children.

**Figure 2.10: Disposal of ancillary relief applications, 2008 Q1 to 2012 Q3**



## Domestic violence

The Family Law Act 1996 provides domestic violence remedies in county courts and family proceedings courts, with the vast majority carried out in the former. Two types of order can be applied for: a non-molestation order – which prevents the applicant and/or any relevant children from being molested by someone who has previously been violent towards them; or an occupation order – which can define rights of the occupation of the home by the parties involved.

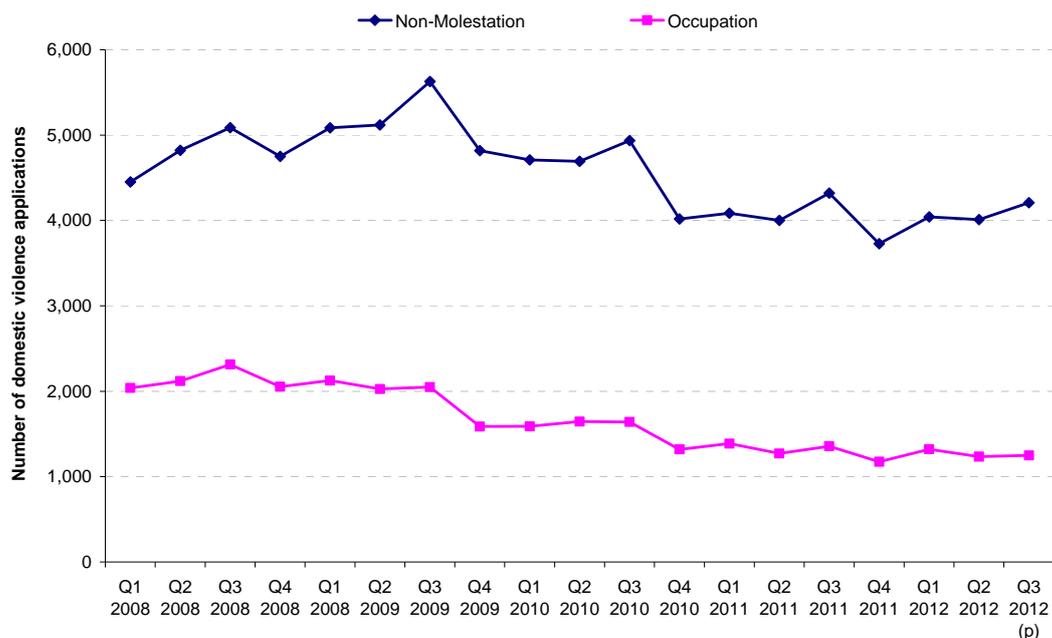
Since July 2007, failing to obey the restrictions of a non-molestation order has been a criminal offence for which someone could be prosecuted. A power of arrest is therefore no longer required on these orders.

Both applications and orders made for domestic violence have been declining since 2002. Over this time both non-molestation and occupation orders have fallen, but a greater fall has been seen in occupation orders – in 2002 these made up one-third of the orders made, but in 2011 only 14 per cent of orders were for occupation.

Please note that the figures for domestic violence applications and orders cover all tiers of court, not just county courts.

There were 5,459 applications for domestic violence remedies in the third quarter of 2012, a decrease of 4 per cent from the same quarter of the previous year. Of these applications 77 per cent were for non-molestation remedies. The majority of applications (84 per cent in Q3) were made *ex parte* – that is, the application was brought by the applicant without notifying the other party involved.

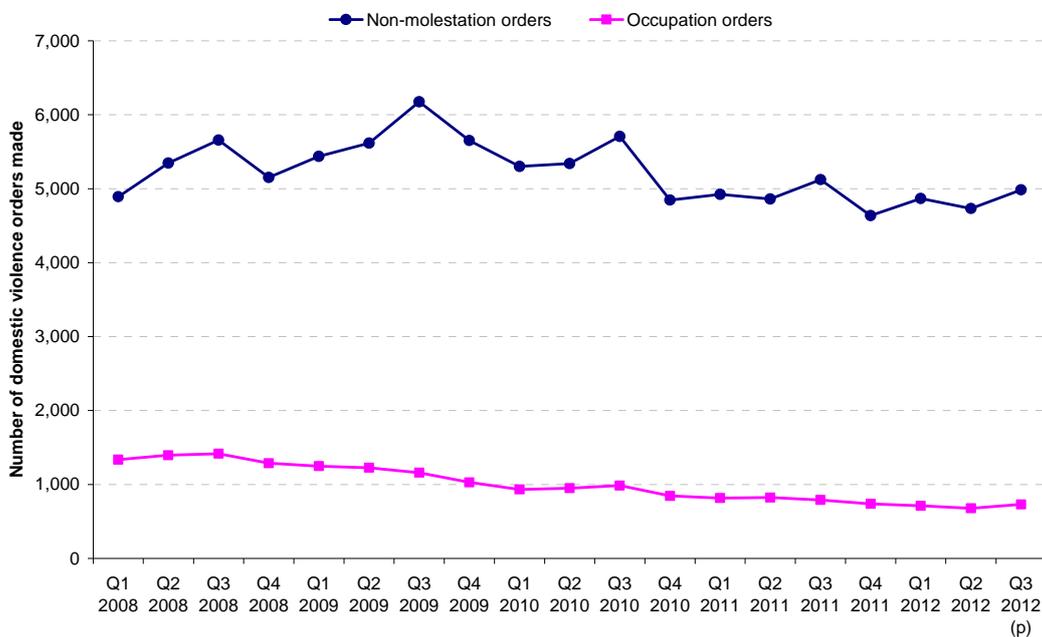
**Figure 2.11: Domestic violence applications, 2008 Q1 to 2012 Q3**



Figures 2.11 and 2.12 show that there is a seasonal pattern in the number of domestic violence applications and orders. The lowest levels are in the October-December quarter each year, then increasing each quarter through to a high in the July-September quarter. This pattern is superimposed on the overall downward trend since 2002.

The number of domestic violence orders made continued its overall downward trend, with 5,715 orders made in the third quarter of 2012, down 3 per cent from the same quarter of 2011. Of these orders made 87 per cent were for non-molestation. There were 731 occupation orders made in the third quarter of 2012 and almost half (46 per cent) of these had a power of arrest attached to the order.

**Figure 2.12: Domestic violence disposals made, 2008 Q1 to 2012 Q3**



It should be noted that the statistics presented in this bulletin relate to applications for, and grants of, the above domestic violence order types by the family courts. They do not relate to prosecutions or convictions for criminal offences regarding matters of domestic violence, nor do they cover prosecutions or convictions for breaching a non-molestation order.

**Forced Marriage Protection Orders**

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 (as well as the High Court) to make Forced Marriage Protection Orders (FMPOs) to prevent forced marriages from occurring and to offer protection to victims who might have already been forced into a marriage.

The number of applications and orders made for FMPOs is small (Figure 2.13). For the third quarter of 2012 there were 26 applications compared with 40 in the same period in 2011, while there were 28 orders made in the third quarter of 2012, down from 46 in the corresponding quarter of 2011.

**Figure 2.13: Forced marriage protection applications and orders made, 2008 Q4 to 2012 Q3**



### **Section 3: Criminal matters [Tables 3.1 – 3.14]**

This chapter presents statistics on criminal cases dealt with in the magistrates' courts and the Crown Court. Information on the data sources used for these statistics can be found in **Annex A**. Explanations for some of the main terms used in this section can be found in the **Glossary**. **Annex F** provides updated management information on the number of Olympic related criminal cases heard in the criminal courts and number of cases which have been fast tracked. Information provided in this section is based data available at 28 October 2012 and updates the previous analysis published on 28 August 2012.

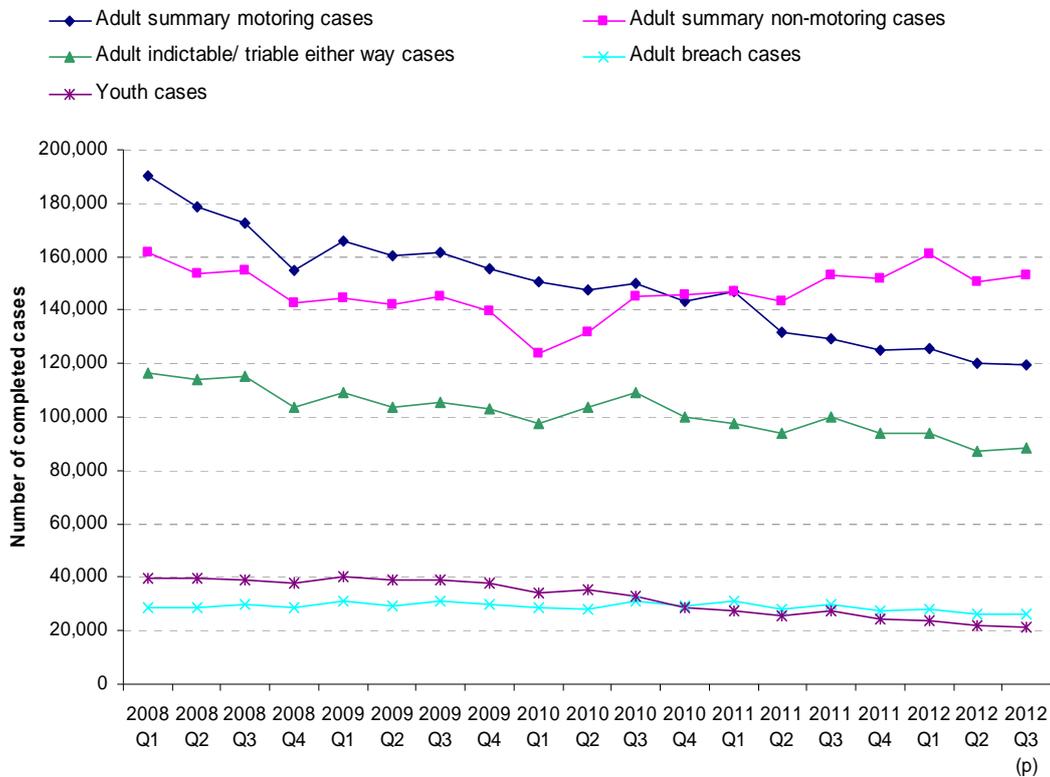
In the third quarter of 2012, there were around 250 magistrates' courts and 77 Crown Court locations across England and Wales.

#### **Completed criminal cases in the magistrates' courts**

Statistics are only available for criminal cases completing in the magistrates' courts which no longer require further administration. It should be noted that every separate offence that is dealt with during the course of a case is counted in the analysis below. However, if two or more offences from a case are dealt with on the same day, then only one is counted (generally the most serious offence is selected) for statistics by case type.

Figure 3.1 presents the number of cases completed in the magistrates' court by the type of case. 407,913 criminal cases were completed in the magistrates' courts during the third quarter of 2012. This represents a seven per cent decrease on the same quarter of the previous year and continues the general downward trend observed since 2008.

**Figure 3.1: Criminal cases completed in the magistrates' courts, 2008 Q1 to 2012 Q3**



One of the main drivers of the falling number of completed criminal cases is the decline in the number of adult summary motoring cases being dealt by the magistrates' courts. Between 2008 and 2011, the number of completed adult summary motoring cases decreased by 23 per cent (from 696,279 cases to 533,065 cases).

Adult summary cases, which includes relatively minor offences (for example, driving whilst disqualified and TV license evasion), can be dealt with entirely within the magistrates' courts, and make up around two-thirds of the total number of criminal cases completed in the magistrates' courts. In the third quarter of 2012, there were 119,225 summary motoring cases and 152,899 summary non-motoring cases completed. Since the same quarter of the previous year, summary motoring cases have fallen by eight per cent while summary non-motoring cases have remained relatively stable.

There were 88,172 indictable / triable-either-way cases completed in the third quarter of 2012, a decrease of 12 per cent compared with the same quarter of 2011, continuing the downward trend which has been seen since 2008. Just under a quarter (22 per cent) of all criminal cases completed in magistrates' courts are indictable / triable-either-way cases.

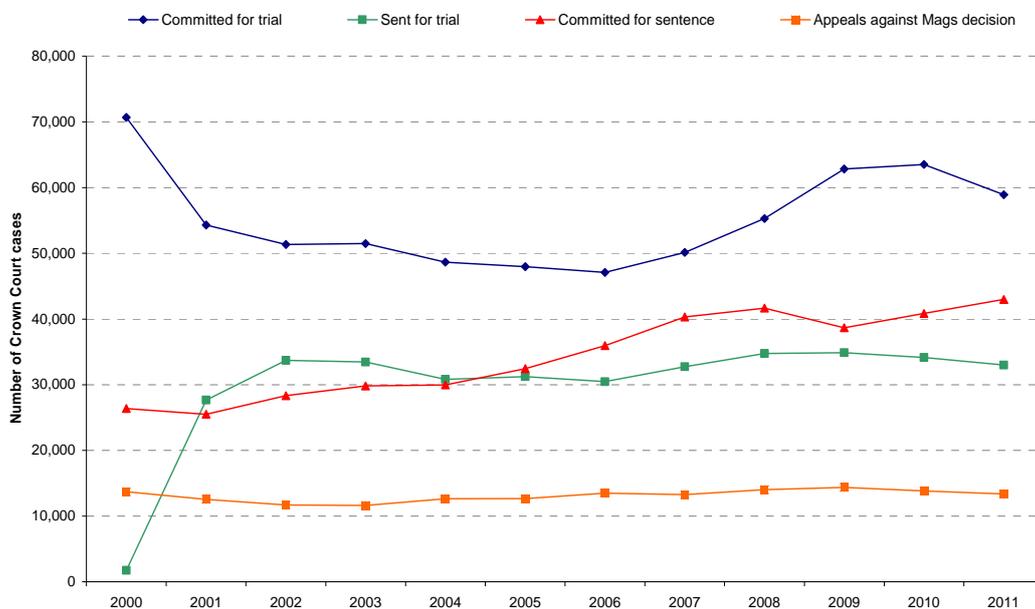
There were also 26,241 adult breach cases (six per cent of all criminal cases) and 21,376 youth proceedings (five per cent of all criminal cases) completed in magistrates' courts during the third quarter of 2012.

### Completed criminal cases in the Crown Court

Figure 3.2 shows that between 2004 and 2010 there was an increase of 25 per cent (from 122,062 cases to 152,336 cases) in the number of cases received by the Crown Court from the magistrates' courts. This was a result of a greater proportion cases being committed and sent for trial. Consequently, the number of cases completed in the Crown Court also increased over the same period as a result of the increased work load.

However, as shown in Table 3.2, since the third quarter of 2011 the volume of cases received by the Crown Court has declined, with a fall of 15 per cent when compared with the third quarter of 2012 (from 38,846 cases to 33,114 cases). The main driver of this change is the decline in the volume of either way cases being committed to the Crown Court for trial, a fall of 27 per cent.

**Figure 3.2: Crown Court receipts by case type, 2000 to 2011**



### Criminal cases committed for trial

Between 2006 and 2010, the number of cases committed for trial increased steadily, peaking in 2010. Since then a downward trend has been seen. There were 11,406 cases committed for trial in third quarter of 2012, a decrease of 27 per cent compared with the same period last year (Table 3.2).

Similarly the number of completed committed for trial cases has also seen a downward trend since 2010. This trend has continued where by 12,255 committed for trial cases were completed within the Crown Court during the third quarter of 2012, a decrease of 20 per cent compared to the same period last year.

### Criminal cases sent for trial

The number of sent for trial receipts increased steadily from 2006 and peaked in 2009 at 34,869 cases, remaining relatively stable since. In the third quarter of 2012 the number of cases sent for trial remained stable at 8,572 cases compared to the same quarter in 2011 (Table 3.2).

### Criminal cases committed for sentence

Over the past decade, the number of cases committed for sentence in the Crown Court following either a plea or trial in magistrates' courts has increased by nearly 69 per cent. However, since 2011 there has been a decline in the number of cases committed for sentence.

9,957 cases were committed for sentence to the Crown Court in the third quarter of 2012 (Table 3.2). This is a decrease of 11 per cent when compared with the same quarter of 2011. Similarly, the number of completed committed for sentence cases also saw a decline during this period, falling from 11,054 cases to 10,161 cases.

### Appeals

Over the last decade the number of appeals against magistrates' courts decisions has remained relatively stable. During the third quarter of 2012, the Crown Court received 3,179 appeals against magistrates' courts' decisions, a slight decrease of five per cent when compared with the same quarter in 2011 (Table 3.2).

Similarly, the number of completed appeal cases also saw a slight fall over this period, from 3,437 cases to 3,230.

### **Effectiveness of trial hearings**

In total 47,103 trial hearings were scheduled in both the magistrates' courts and the Crown Court during the third quarter of 2012. Of these, 45 per cent went ahead on the day they were scheduled and were effective, and 16 per cent were ineffective (i.e. did not go ahead on the day) and required re-scheduling. The remaining 38 per cent of trials were cracked, i.e. the case concluded without the need for the scheduled trial.

### Trials in the magistrates' courts

Between 2005 and 2006, there was a step change in the proportion of ineffective trials from 22 per cent to 19 per cent and since then rates of effective, cracked and ineffective trials in the magistrates' courts have remained relatively stable.

There were 37,811 trial hearings listed in magistrates' courts during the third quarter of 2012 (Table 3.4). Of these trials, 44 per cent were recorded as effective, 38 per cent were recorded as cracked and 17 per cent were ineffective.

The main reasons for ineffective trials in the magistrates' courts in the third quarter of 2012 were due to court administrative problems<sup>4</sup> (27 per cent of all ineffective trials), absence of the defendant (20 per cent of all ineffective trials) and the absence of a prosecution witness (16 per cent of all ineffective trials).

### Trials in the Crown Court

Between 2008 and 2010, the number of trials recorded in the Crown Court increased by 20 per cent as a result of the increasing number of trial receipts in the Crown Court; this increase was reversed by a fall of four per cent in 2011.

There were 9,292 trial hearings recorded in the Crown Court during the third quarter of 2012, a decrease of 11 per cent compared to the same period in 2011 (Table 3.5). Of the trials listed, 49 per cent were recorded as effective, 38 per cent were recorded as cracked and 13 per cent were recorded as ineffective. Since June 2010, the rate of effective trials has increased as a result of fewer cracked trials.

In the third quarter of 2012, absence of a prosecution witness accounted for 22 per cent of ineffective trials. Other reasons for ineffective trials included court administrative problems (20 per cent), the absence of defendants (20 per cent), the prosecution not being ready (17 per cent) and the defence not being ready (12 per cent).

### **Defendants' plea in the Crown Court**

Defendants can enter a guilty plea at various stages in a criminal case. For most defendants, the first opportunity to plea will be at the first hearing in the magistrates' courts or in the Crown Court for indictable only cases.

For defendants tried in the Crown Court, a guilty plea is recorded if a defendant either: (a) pleads guilty to all counts; (b) pleads guilty to some counts, not guilty to others and no jury is sworn in respect of the not guilty counts; or (c) 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.

In the third quarter of 2012, the Crown Court dealt with 23,203 defendants involved in committed or sent for trial cases, a decrease of 13 per cent compared with the same quarter of 2011 (Table 3.7). Of these, 64 per cent pleaded guilty to all counts, 32 per cent pleaded not guilty to at least one count, and five per cent did not enter a plea<sup>5</sup>.

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<sup>4</sup> Court administrative problems covers all trials that are ineffective due to 'Another case over-ran', 'Judge / magistrate availability', 'overlisting (insufficient cases drop out / floater / backer not reached)' and 'equipment /accommodation failure'.

<sup>5</sup> Due to rounding the percentages may not sum to 100%.

The guilty plea rate is the number of defendants pleading guilty to all counts as a proportion of all defendants with a plea. In the third quarter of 2012, the guilty plea rate was 67 per cent, a two percentage point reduction compared to the same quarter in the previous year. The guilty plea rate increased from 56 per cent in 2001 to 70 per cent in 2008 and has remained relatively stable since.

### Timeliness of criminal cases

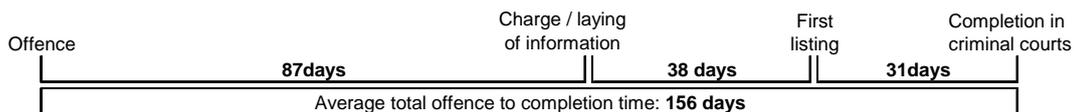
For defendants acquitted or sentenced during the third quarter of 2012, the average (mean) offence to completion time for all criminal cases was 156 days, an increase of three per cent compared to the same quarter of the previous year (Table 3.8).

However, half of defendants completed their case within 137 days of the offence. The median time provides a measure of the typical time taken by providing the time that lies exactly in the middle for all cases. Since the distribution of the time taken includes a large number of cases with a relatively shorter time between offence and completion, and a small number of longer-running cases, the median provides a useful measure for understanding how long half of these cases take to process.

On average (mean), the longest time is spent between offence to charge or summons and the shortest time is spent between first listing to completion in the courts. Of the 156 days from offence to completion, there were, on average (mean):

- 87 days between the date of the offence and the date the defendant was charged or the laying of information;
- 38 days between the date the defendant was charged or the laying of information and the first listing of the case in a magistrates' court; and,
- 31 days between the first listing of the case in a magistrates' court and the final completion of the case in either a magistrates' court or the Crown Court.

**Figure 3.3: Average offence to completion time, all criminal cases, 2012 Q3**



Note: Figures do not add to the total due to rounding

The overall average offence to completion time has been increasing over the last couple of years due to the longer time taken from offence to first listing for summary cases heard in the magistrates' courts.

Summary motoring cases take the longest time from offence to completion, followed by indictable / triable either-way and summary non-motoring cases.

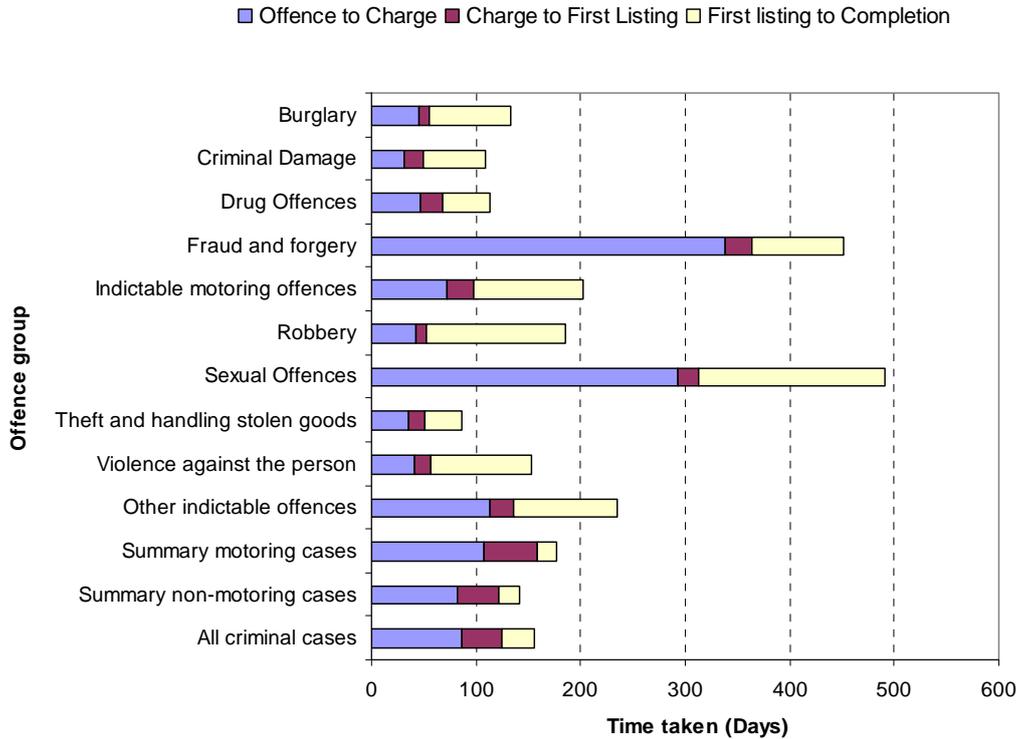
Indictable /triable either-way cases took an average (mean) of 149 days from offence to the date the defendant's case was completed at either the magistrates' or Crown Courts, a decrease of one per cent compared to the same quarter of the previous year.

Summary motoring cases took an average (mean) of 177 days from the date an offence was committed to the date the defendant's case was completed. This represents a five per cent increase on the same quarter of 2011, and is mainly driven by the increase in the average (mean) time taken from offence to first listing (an increase of 148 days to 158 days).

In comparison, summary non-motoring cases took an average (mean) of 141 days from the date an offence was committed to the date the defendant's case was completed, a three per cent increase on the same quarter of the previous year. This was also mainly driven by the average (mean) time taken from offence to first listing, from 118 to 122 days.

On average, the duration of a case from offence to completion varies substantially based on the offence committed. This is shown in Figure 3.4 where, in the third quarter of 2012, criminal cases dealing with theft and handling of stolen offences had their cases completed in the shortest time, concluding on average (mean) within 86 days of the offence being committed. On average (mean), criminal cases involving sexual offences, and fraud and forgery offences took the longest time to conclude, at 491 days and 451 days respectively. However, for both sexual offences, and fraud and forgery the majority of the additional time is spent between offence and charge. This is likely to be caused by a number of reasons, one being these offences are often being reported to the police some time after the actual offence took place or take some time to detect.

**Figure 3.4: Timeliness of criminal cases in criminal courts, by offence group, 2012 Q3**



**Average waiting times in the Crown Court**

Average waiting time refers to the average time between the date of sending or committal of a case to the Crown Court and the start of the substantive Crown Court hearing. In the third quarter of 2012, the average waiting time for defendants dealt with in ‘committed for trial’ cases was 14.0 weeks, compared to 13.8 weeks in the third quarter of the previous year (Table 3.12).

The average waiting time was 18.8 weeks for defendants who were dealt with in ‘sent for trial’ cases, compared to 19.3 weeks in the third quarter of the previous year. In the ‘committed for trial’ and ‘sent for trial’ cases where a not guilty plea was entered, the average waiting time for defendants was 24.1 weeks, a slight decrease from the same quarter of the previous year. The average waiting time was 11.9 weeks for those defendants who entered a guilty plea, no change when compared to the third quarter of 2011.

The average waiting time was 5.1 weeks for defendants who were committed to the Crown Court for sentence and 8.1 weeks for defendants appealing against the magistrates' courts decision.

**Average hearing times in the Crown Court**

The average hearing time relates to the average duration of all hearings heard in the Crown Court, including preliminary hearings, main hearings, and hearings where a sentence is given to a defendant.

In the third quarter of 2012 the average hearing time was 14 hours for cases where a not guilty plea was entered, an increase of 20 per cent compared with the third quarter of the previous year (Table 3.13). The average hearing time was one hour and 30 minutes for cases where a guilty plea was entered, only a small increase compared with the same quarter in 2011.

### **Enforcement of financial penalties**

Fines are the most commonly used sentence in magistrates' courts. They can be imposed by both the magistrates' courts and the Crown Court; however they are enforced by the magistrates' courts.

The total value of fines paid has risen over the last eight years by 23 per cent (Table 3.14). In the third quarter of 2012, the value paid in England and Wales was £68 million, a two per cent decrease compared with the same quarter of 2011.

Further information on the enforcement of financial penalties is available in section 4.

## **Section 4: Enforcement of financial impositions [Tables 4.1 – 4.3]**

This section of the report presents experimental statistics on the collection of financial impositions through the accounting centres in the magistrates' courts. The information has been collected since April 2011 and is sourced from accounting information held on the Libra Management Information System (MIS).

Financial impositions are ordered by the criminal courts for payment by offenders at sentencing and include court fines such as motoring fines, prosecutors' costs, compensation orders, penalty notices and victim surcharge. Financial penalties are the most commonly used sentence and forms a significant part of Her Majesty's Courts and Tribunals (HMCTS) business. The financial imposition statistics presented here do not include confiscation orders.

### **Financial impositions and amounts paid**

Table 4.1 presents the value of financial impositions made by the criminal courts against offenders and the amount collected against these impositions. Financial impositions, particularly court fines, are in most cases due immediately after a defendant is sentenced.

Each year there are a number of financial impositions that are cancelled, either administratively or legally. Legal cancellations can be applied after the case has been reconsidered by a judge or a magistrate, but administrative cancellations are only applied in accordance with a strict write off policy. At the end of September 2012 (within 11 months of the imposition month), around £9 million (10 per cent) of financial impositions ordered in the fourth quarter of 2011 were cancelled.

In the third quarter of 2012, around £99 million was imposed by the criminal courts against offenders. Around £12 million (12 per cent) was paid within one month of the imposition month and £29 million (29 per cent) was paid within three months of the imposition month. Due to the timing of the publication we are not able to report accurately the amount of financial impositions paid within six months. These statistics will be developed further to provide a longer time series for payments made within 18 months.

It should be noted that these figures differ from the total enforcement fine paid, shown in Table 3.14, which presents the total amount paid regardless of the age of the imposition.

### **Enforcement accounts opened and closed**

Table 4.2 presents the number of enforcement accounts opened and closed. Enforcement accounts record financial impositions against an offender and the collection of monies owed. An account is opened when an imposition is made following a court order and is closed when the imposition against the account has been paid or the imposition is cancelled. Accounts

may relate to one or more impositions and offenders may have one or more accounts. The consolidation of impositions into fewer accounts will largely depend on local practices in the accounting centres.

There were 302,725 accounts opened during the third quarter of 2012, of which, 35,310 accounts (12 per cent) were closed within one month of the imposition month and 87,816 accounts (29 per cent) were closed within three months of the imposition month. Due to the timing of the publication we are not able to report accurately the accounts closed within six months. These statistics will be developed further to provide a longer time series for payments made within 18 months.

### **Outstanding financial impositions**

Table 4.3 presents the total value of financial impositions outstanding. The amount outstanding is irrespective of the age of the imposition or the payment term, and excludes all impositions paid as well as both legal and administrative cancellations. The payment terms in some cases may include arrangements for offenders to pay amounts owed over duration of time.

At the end of the third quarter of 2012, the total value of financial impositions outstanding in England and Wales was £585 million. This represents a four per cent fall in the monies owed at the end of the third quarter of 2011.

## Annex A: Data sources and data quality

This annex gives brief details of data sources for the figures given in this report, along with a brief discussion on data quality. All data is subject to statistical quality assurance procedures, which include the identification and removal of duplicate entries for the same event in a case and checks that data have been collated for all courts to ensure completeness.

Further information can be found in [Judicial and Court Statistics 2011](#) via the MoJ website at

[www.justice.gov.uk/statistics/courts-and-sentencing/judicial-annual](http://www.justice.gov.uk/statistics/courts-and-sentencing/judicial-annual)

### **Civil (non-family) matters**

This information has principally been produced using the Management Information System (MIS), a data warehousing facility drawing data directly from court-based administrative systems. Most data shown in the tables have been sourced from the county court administrative system CaseMan, used by court staff for case management purposes.

The creation of electronic services has meant that claims for a specified amount of money (where the claim is for a set amount of money) or the repossession of property can be made via the internet ([www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk) and [www.possessionclaim.gov.uk](http://www.possessionclaim.gov.uk)). In addition, claimants who issue a large number of claims for a specified amount of money each year (e.g. banks, credit card and store card issuers, utility companies, debt recovery companies) can do so by filing them in computer readable form to the Claim Production Centre (CPC) ([www.justice.gov.uk/courts/northampton-bulk-centre](http://www.justice.gov.uk/courts/northampton-bulk-centre)).

Caseman combines data from electronic services and from the court-based administrative systems. It contains information about the incidence and dates of major events in a case's progress through the court system.

From Q3 2011 onwards, the numbers of insolvency petitions have been sourced from CaseMan. For previous quarters these figures were sourced from manual counts made by court staff. Primarily due to the removal of duplicate entries, which is possible with the CaseMan administrative data, the figures for Q3 2011 onwards are approximately three per cent lower overall (both including and excluding the Royal Courts of Justice) than if they had been sourced from the manual returns. Looking at specific categories of insolvency case, company winding up petitions are around half of one per cent lower, creditors bankruptcy petitions are approximately four per cent lower, and debtors bankruptcy petitions are around three per cent lower. This should be taken into consideration when making comparisons of insolvency figures for Q3 2011 onwards with those from previous periods.

The following data are considered to be of lower quality:

- The numbers of insolvency petitions (up to Q2 2011), applications for administration orders, administration orders made and orders for sale are sourced from manual counts made by court staff. Since April 2009 these have been recorded in the HMCTS Performance database, a web-based data monitoring system allowing direct inputting of performance data by court staff. Prior to April 2009 they were inputted into the Business Management System, designed for the purpose of monitoring and assessing court workloads. Quality assurance measures are in place to ensure that data are of sufficient quality, including querying with courts where their counts look unusually high or low and obtaining corrected figures if errors are identified.
- The numbers of small claims hearings and trials from 2003 onwards are sourced from CaseMan. The accuracy of these counts is dependent on court staff entering the correct hearing types and outcome codes onto the system. Because a large number of hearing outcomes for 2000-2002 were not entered into CaseMan, figures for these years are provided from manual returns that all county courts were required to make each month.
- The numbers of repossessions of property by county court bailiffs are sourced from the CaseMan and Possession Claim Online systems. The accuracy of these figures is dependent on court staff entering the correct warrant outcome codes onto the system.

## **Family matters**

The data on the family matters has been sourced from the family court administrative system FamilyMan, used by court staff for case management purposes and contains good quality information about a case's progress through the family courts. Some data are also sourced from the HMCTS Performance database

Some points to note about counting rules in the statistics are as follows:

- A disposal which occurs in one quarter or year may relate to an application which was initially made in an earlier period.
- An application of one type may lead to an order of a different type being made.

The statistics on matrimonial, ancillary relief and domestic violence proceedings are counted by application or disposal. The statistics on public law and private law proceedings relate to the number of children which are subject to applications: for example, if two children are the subject of a single case then the children would be counted separately in the statistics. Different types of orders may be made in respect of different children involved in a case.

**Public law and Private law figures** are given in Tables 2.1-2.4. Starting at the end of 2009, an upgrade to the administrative system in all county courts and Family Proceedings Courts was rolled out nationally. This upgrade was completed in December 2010 following a staggered rollout. As of this bulletin, figures presented for 2011 onwards include additional order types not incorporated in previously published figures. These include orders relating to the return of missing or taken children, parental orders, family assistance orders, parental agreement orders, and leave to remove a child from the UK or change surname.

**Timeliness figures for care and supervision proceedings** are given in Table 2.5. Since the start of 2011 full data is held in the HMCTS Performance database and this source is used in this publication. Median values are shown as well as average (mean) durations.

**Legal representation** data is held in the FamilyMan system. The data indicates whether or not the applicant(s) and respondent(s) in a case had a legal representative. This can be matched with data on the length of the case to determine average case duration according to whether there was legal representation for the applicant, the respondent, both or neither, and this data is shown in Table 2.6. However, the representation data held may be incomplete, and may not reflect any changes that occur as cases progress. The absence of recorded representation in the dataset therefore does not necessarily indicate a self-represented party (or 'litigant in person'). It is also important to note that whether or not a case is contested may affect the timeliness of the case, and also the legal representation status.

Figures on the number of **matrimonial proceedings** are given in Table 2.7. Statistics on the number of divorces occurring each year in England and Wales are also published by the Office for National Statistics (ONS). The MoJ's divorce statistics are sourced directly from the FamilyMan system, while the ONS data are compiled from 'D105' forms used by the courts to record decrees absolute, which are supplied to ONS for compiling the central index of decrees absolute. There are small differences between the number of divorces as recorded by the two sets of statistics. Statisticians at the MoJ and ONS worked together with HMCTS to understand these differences and reconcile them where possible. Please see the joint statement produced by the MoJ and ONS on the differences in these divorce statistics attached to the Jan-Mar 2012 edition of the Court Statistics Quarterly bulletin for further details.

Statistics on **ancillary relief** are given in Tables 2.8 and 2.9 based on data held in the Familyman court administrative system. Figures for applications are published for the first time in this bulletin. Due to data recording practices not all ancillary relief applications are recorded appropriately. Analysis of data between 2007/08 and 2010/11 suggest that the figures presented in this bulletin are at about 10 per cent lower than the actual number of applications made. It should be noted that figures on orders made for ancillary relief in table 2.9 are not comparable to the number of ancillary relief applications shown in table 2.8, as an order made for each

order type is counted once in table 2.9, whereas an application for multiple orders are only counted once in table 2.8.

The information on **Forced Marriage Protection Orders** in Table 2.12 was taken from the HMCTS Performance database. This is a regularly updated, web-based performance system which enables aggregation to national level of returns from individual courts.

As of 6th April 2011 anyone contemplating issuing proceedings in the family courts has to consider whether mediation is a better alternative. That covers all family case, including divorce, dissolution of a Civil Partnership, child contact and residence, parental responsibility, financial settlements after separation. Mediation itself is not compulsory, but it is compulsory for an applicant to attend a Mediation Information and Assessment Meeting (MIAM). Figures on the number of couples attending a MIAM, and mediation starts, broken down by Legal Services Commission (LSC) region are given in the area level transparency file that accompanies this bulletin.

## **Criminal matters**

### **Magistrates' courts**

The statistics on completed cases in Table 3.1 are sourced from the HMCTS performance database, which was rolled out across magistrates' courts during 2008 and is populated based on information contained on the Libra management information system (MIS) Data provided by the courts must be checked and verified at case level by court staff before being submitted on the HMCTS' performance database..

The MoJ's publication *Criminal Justice Statistics (CJS)* also contains data on the criminal cases in the magistrates' courts. The figures are derived from the same core source as those presented in this report (the Libra system), but 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 methods and counting methodologies used, which reflect different underlying drivers of the analyses being performed. By way of broad illustration, *CJS* counts numbers of defendants and focuses on the final outcomes of criminal court cases, whilst CSQ counts numbers of cases and focuses on flows through the court system. Work is currently under way to investigate and review the differences between the two sets of statistics and their compilation processes with a view to aligning them in the future.

The statistics on the effectiveness of recorded trials and the enforcement of financial penalties are also sourced from the HMCTS' performance database.

The statistics on the timeliness of criminal cases completed in the magistrates' courts in Tables 3.8 to 3.10 are sourced from an extract taken from the Libra MIS. More information can be found in the 'Timeliness of criminal cases' section of this Annex.

## **The Crown Court**

This information has been produced using the Crown Court management information system (MIS), a data warehousing facility drawing data directly from court-based administrative systems. Most data shown in this bulletin have been sourced from the Crown Court administrative system CREST, used by court staff for case management purposes. Statistical quality assurance procedures include the identification and removal of duplicate entries, checks of apparent anomalies and checks for completeness.

The MoJ's publication *CJS* also contains data on the criminal cases in the Crown Court. The figures are derived from the same core source as those presented in this report (the CREST system), but 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 methods and counting methodologies used, which reflect different underlying drivers of the analyses being performed. By way of broad illustration, *CJS* counts numbers of defendants and focuses on the final outcomes of criminal court cases, whilst *CSQ* counts numbers of cases and focuses on flows through the court system. Work is currently under way to investigate and review the differences between the two sets of statistics and their compilation processes with a view to aligning them in the future.

### **Timeliness of criminal cases**

Statistics on the timeliness of criminal cases completed in the criminal courts (magistrates' courts and the Crown Court) in Tables 3.8 to 3.10 are sourced from linking together extracts taken from CREST and the Libra MIS.

The datasets are produced by firstly collecting all Crown Court cases disposed of in the specified quarter and looking for a match for the defendant with the same offence in the magistrates' court data. Records are linked based on a combination of variables including given name, middle name, family name, date of birth, sex, postcode, a committal date, and two identifiers: the Arrest/Summons Number (ASN) and Pre-Trials Issue Unique Reference Number (PTIURN). Where the case is fully disposed in the magistrates' courts during the specified time period, the timeliness data for such cases is collected from the Libra MIS extract and added to the dataset.

A range of quality assurance measures have been carried out on the data. These include ensuring the data are complete, case events follow a logical date sequence with recorded offence information, and all breach cases are excluded. Times are analysed for anomalies or error, including the removal of cases with recorded durations of over ten years to ensure the average times reported are not distorted by incorrect data. Data cleaning is also carried out prior to matching the magistrates' court and the Crown Court datasets to ensure that minor differences between the recording of similar entries on the two systems do not materially affect the ability to match records.

The CREST system and Libra MIS reports provide a high rate of data linking, with typically around 95 per cent of Crown Court records on CREST being successfully linked to a defendant recorded at a magistrates' court case on the Libra MIS extract.

The statistics on the timeliness of criminal cases completed in the magistrates' courts in Tables 3.8 to 3.10 are sourced from the Libra MIS extract. Previously, statistics on the duration of criminal cases in the magistrates' courts were taken from the quarterly *Time Intervals Survey (TIS)*, which was based on a sample of cases, namely those which completed during a specified week each quarter. Due to improvements in the quality of data held on magistrates' courts administrative systems, with effect from June 2011 the *TIS* was discontinued, and replaced by these new administratively sourced statistics. The Libra MIS extract provides information on the timeliness of all criminal cases which complete in magistrates' courts, whether they are finally dealt with or passed on to the Crown Court for trial. As a result of this change in source, the statistics are now based on all criminal cases dealt with in the magistrates' courts and not a sample as previously provided in the *TIS*.

Detailed information on previous magistrates' courts' timeliness sourced from the *TIS* can be found on the MoJ website at:

[www.justice.gov.uk/statistics/criminal-justice/magistrates-times](http://www.justice.gov.uk/statistics/criminal-justice/magistrates-times)

### **Enforcement of financial impositions**

The measures reported in the CSQ have been developed by HMCTS in response to recommendations made by the National Audit Office for measuring the enforcement of financial impositions.

The management information presented in Tables 4.1 to 4.3 are sourced from the HMCTS' Performance database, and is populated based on information contained on the Libra Management Information (accounting system). This data system contains information about financial impositions and collection of monies owed for England and Wales. Although the information is available regionally, there will be some transfers of accounts across regions which can lead to inconsistencies in accounts opened and closed regionally.

Data provided by the magistrates' courts accounting centres is checked and verified at account level by court staff within three days of the date of imposition, and the centrally collated data are subject to further checks including the investigation of apparent anomalies in the data.

The total outstanding may differ slightly from previously released information on cases outstanding based on the Debt Analysis Report (DAR), due to the timing of data extraction. The DAR data is uploaded locally at the end of the month, whereas the Libra sourced information is automatically collected at the end of the period.

### **Olympic related criminal proceedings**

Management information on Olympic related criminal proceedings are sourced from the administrative data systems used in the courts – Libra Management Information System (Libra MIS) in the magistrates' courts and CREST in the Crown Court – and data collected by the courts.

The dataset used to produce figures on the number of Olympic related proceedings has been produced by collecting all information on all first hearings in the magistrates' courts related to the Olympics and their current status from Libra MIS as at 28 October 2012. Information on fast tracked Olympic proceedings is sourced from information collected by London courts. The status of proceedings in the Crown Court is obtained from the CREST system. Quality assurance measures have been carried out on the data to remove duplicates and to correct data entry errors.

## Annex B: Tribunals Statistics Quarterly

Her Majesty's Courts and Tribunals Service (HMCTS) was created on 1 April 2011. It is an agency of the MoJ and is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.

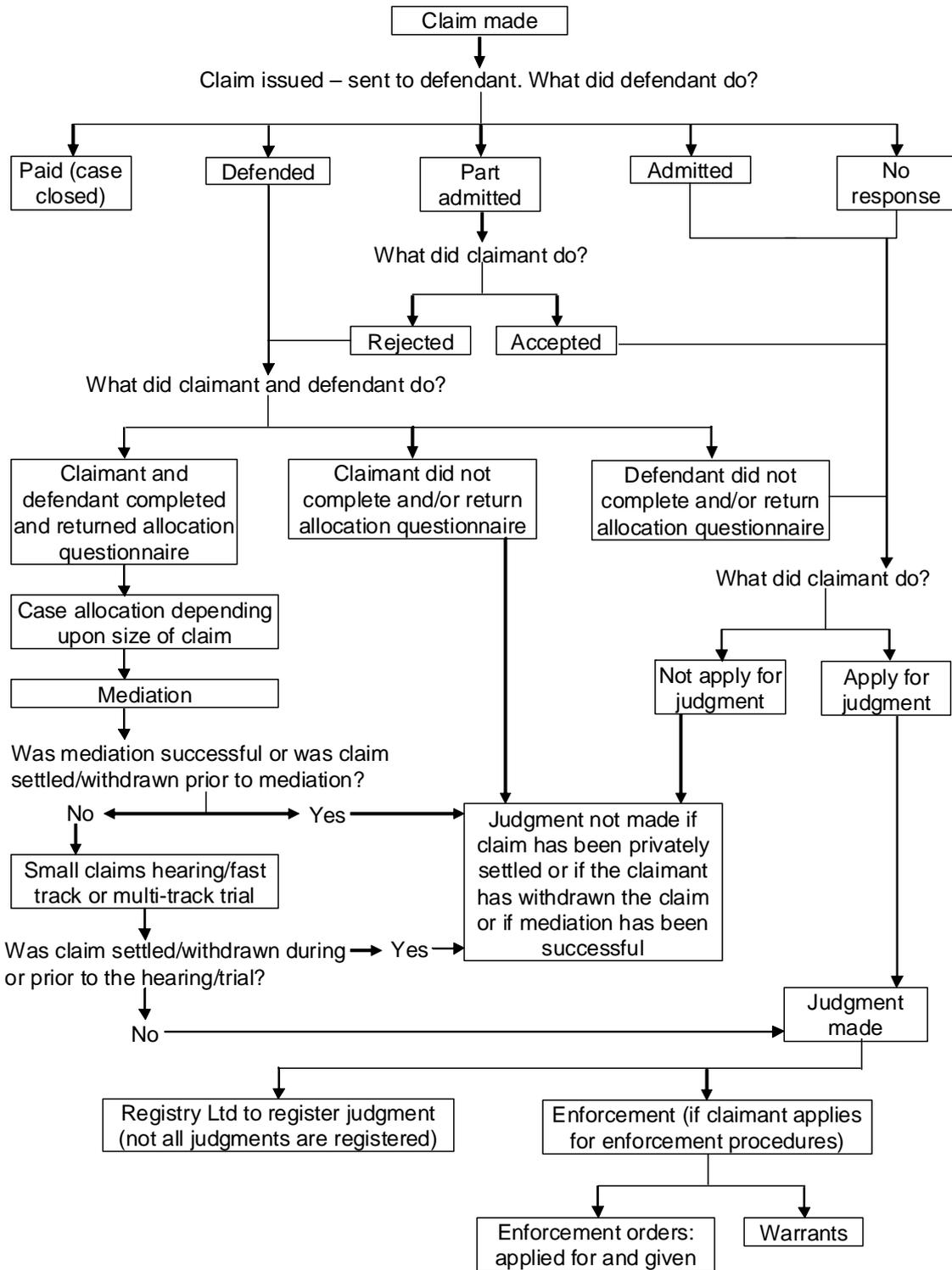
*Tribunals Statistics Quarterly: July to September 2012* have been published and are available at [www.justice.gov.uk/statistics/tribunals/quarterly](http://www.justice.gov.uk/statistics/tribunals/quarterly). The report covers all jurisdictions, including summary data on performance, receipt and disposal figures and caseload outstanding and timeliness.

## Annex C: Civil (non-family) court system

Civil cases are those that do not involve family matters nor failure to pay council tax. Civil cases are mainly dealt with by county courts and typically relate to debt (these generally being issued for a specified amount of money), the repossession of property, personal injury (these generally being issued for an unspecified amount of money), the return of goods and insolvency. Particularly important, complex or substantial cases are instead dealt with in the High Court. All county courts are assigned at least one District Judge, and some at least one Circuit Judge.

As an example of how civil cases are processed, Figure C.1 on the next page provides a schematic summary of the process that specified money cases can go through. Specified money claims constitute the most common kind of civil case, accounting for nearly two-thirds of all civil claims. Not every case will go through every stage and the process for other types of cases may vary from those shown in Figure C.1.

**Figure C.1: A simplified description of the main court processes for specified money cases**



**Claims issued**

The process of taking a person(s) or company to court regarding a civil (non-family) matter begins with a person (the claimant) either completing a claim form and taking it to a court or completing a claim form online.

In addition, claimants who issue a large number of claims each year, such as banks, credit card and store card issuers, utility companies and debt recovery companies, can file them to the Claim Production Centre (CPC) . This is a centralized claim processing service that is intended to facilitate the removal of repetitive staff-intensive work from local courts to a single, more streamlined service. After processing the claims, the relevant information is sent electronically to the court(s) selected by the claimant<sup>6</sup>.

### **Case progression, hearings and judgments**

Whether the claim is issued online or through the county courts, a copy of the claim form along with a response pack is sent to (served on) the defendant who has 14 days to respond to the claim. The defendant can: do nothing; pay up (either the full amount of the claim or in part); admit the claim and ask for more time to pay (in full or part); and/or dispute (defend) the claim (in full or part).

If the claim is defended, the usual procedure is for further information to be provided by the parties, following which the case is allocated by a judge to one of three case-management tracks:

- small claim track. This track is generally for cases with a claim value of up to £5,000. These require less preparation by the parties involved than the more complex cases allocated to the fast or multi track. The hearings are designed to be accessible to people who do not have representation by a solicitor or counsel, and are dealt with in about an hour.
- fast track. This track is generally for cases with a claim value of between £5,000 and not more than £25,000, with issues not complex enough to merit more than a one day trial.
- multi track. This track is generally for cases with a claim value exceeding £25,000 with more complex issues. They generally last more than one day at trial.

Defended cases which are not settled or withdrawn generally result in a small claim hearing or trial.

### **Enforcement**

There are various methods of enforcing a judgment through the county courts. The most common method of enforcing a monetary judgment is the warrant of execution against a debtor's goods. This is where, unless the amount owed is paid, items owned by the debtor can be recovered by a bailiff acting on behalf of the court and sold.

To enforce non-monetary decisions made by the county courts, various types of warrants can be issued.:

- warrants of possession are issued to repossess property;

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<sup>6</sup> <http://www.justice.gov.uk/courts/northampton-bulk-centre>

- warrants of delivery are issued to obtain the return of particular goods or items; or,
- warrants of committal enforce an order for which the penalty for failure to comply is imprisonment by authorising the bailiff to arrest and deliver the person to prison or the court.

Alternatively, various types of court orders can be obtained. Attachment of earnings orders enable payment through the debtor's employer. Third party debt orders enable payment by freezing and then seizing money owed by a third party to the debtor. Charging orders obtain security for the payment against the debtor's assets. This may be followed by an order for sale which forces the sale of these assets.

In certain circumstances, a debtor may apply to a county court to combine debts with a total not exceeding £5,000 into a single administration order, which allows a District Judge to make an order for the debtor to make regular payments to the court. The court will then distribute the money to the creditors

To assist in determining which of the above is the most appropriate method of enforcing a judgment, creditors can apply for an order to obtain information from the judgment debtors. This requires debtors to provide details of their means.

## Annex D: Family court system

Family law is the area of law that deals with:

- Public law – local authority intervention to protect children;
- Private law – parental disputes concerning the upbringing of children;
- Dissolution of marriages or civil partnerships;
- Ancillary relief – financial provisions for children after divorce or relationship breakdown;
- Domestic violence remedies; and,
- Adoption.

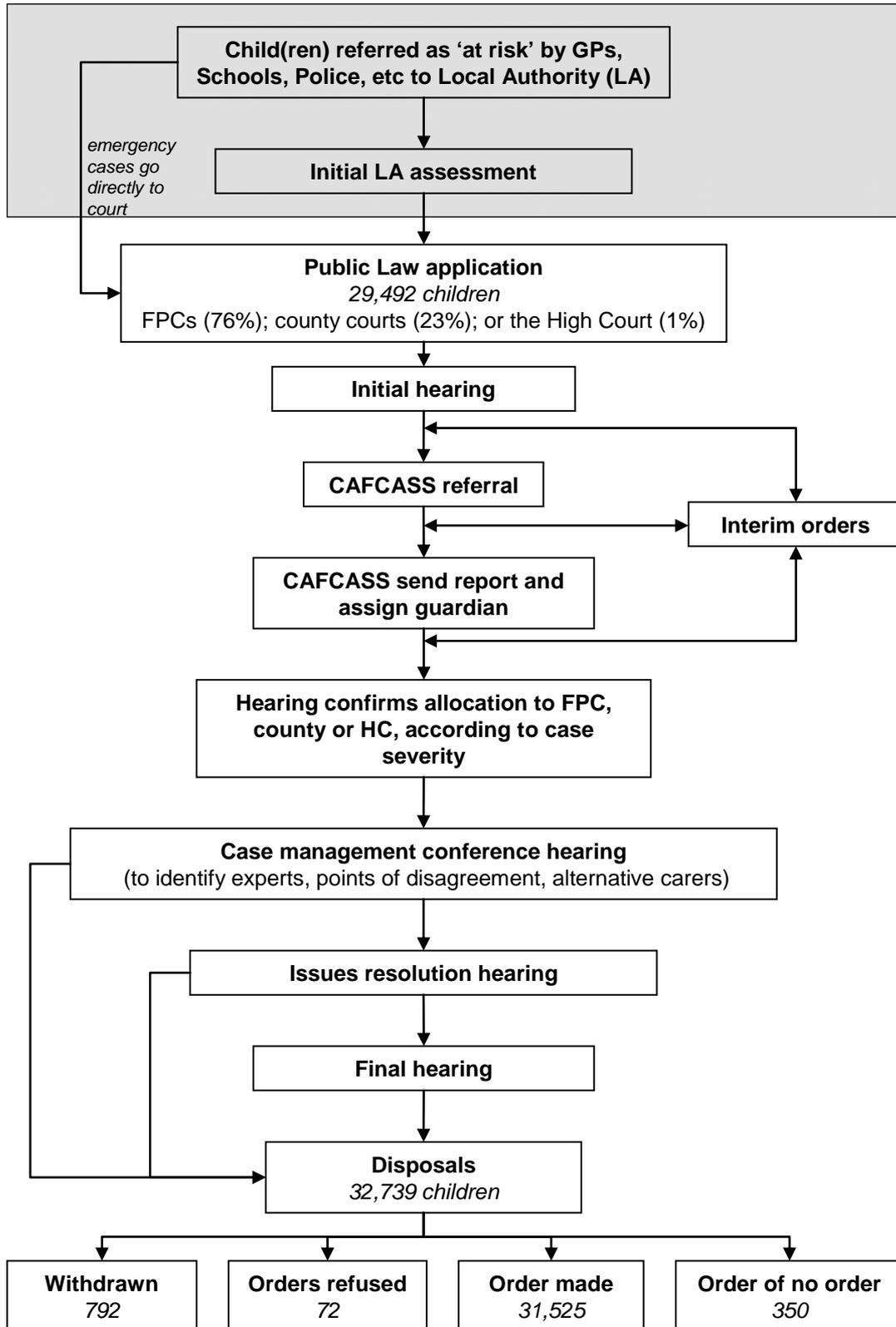
All family matters are dealt with at Family Proceedings Courts (which are part of the magistrates' courts), county courts or in the Family Division of the High Court. Magistrates undergo specialist training before they sit in Family Proceedings Courts where procedures are very different from the criminal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

### **Public Law**

Public law cases are those brought by local authorities or an authorised person (currently only the National Society for the Prevention of Cruelty to Children) to protect the child and ensure they get the care they need. In these proceedings, the child is automatically a party and is represented by a Children's Guardian appointed by the Children and Family Court Advisory and Support Service (Cafcass). The Children's Guardian is an independent person who is there to promote the child's welfare and ensure that the arrangements made for the child are in his or her best interests.

A range of different orders can be applied for. The main types of order are a care or supervision order which determines whether the child should be looked after or supervised by the local authority, and an emergency protection order which allows an individual or local authority to take a child away from a place where they are in immediate danger to a place of safety (see Table 2.2 and Glossary for more details). The majority of Public law applications are for care orders (69 per cent in 2011). Figure C1 shows the main court processes for Children Act Public Law cases.

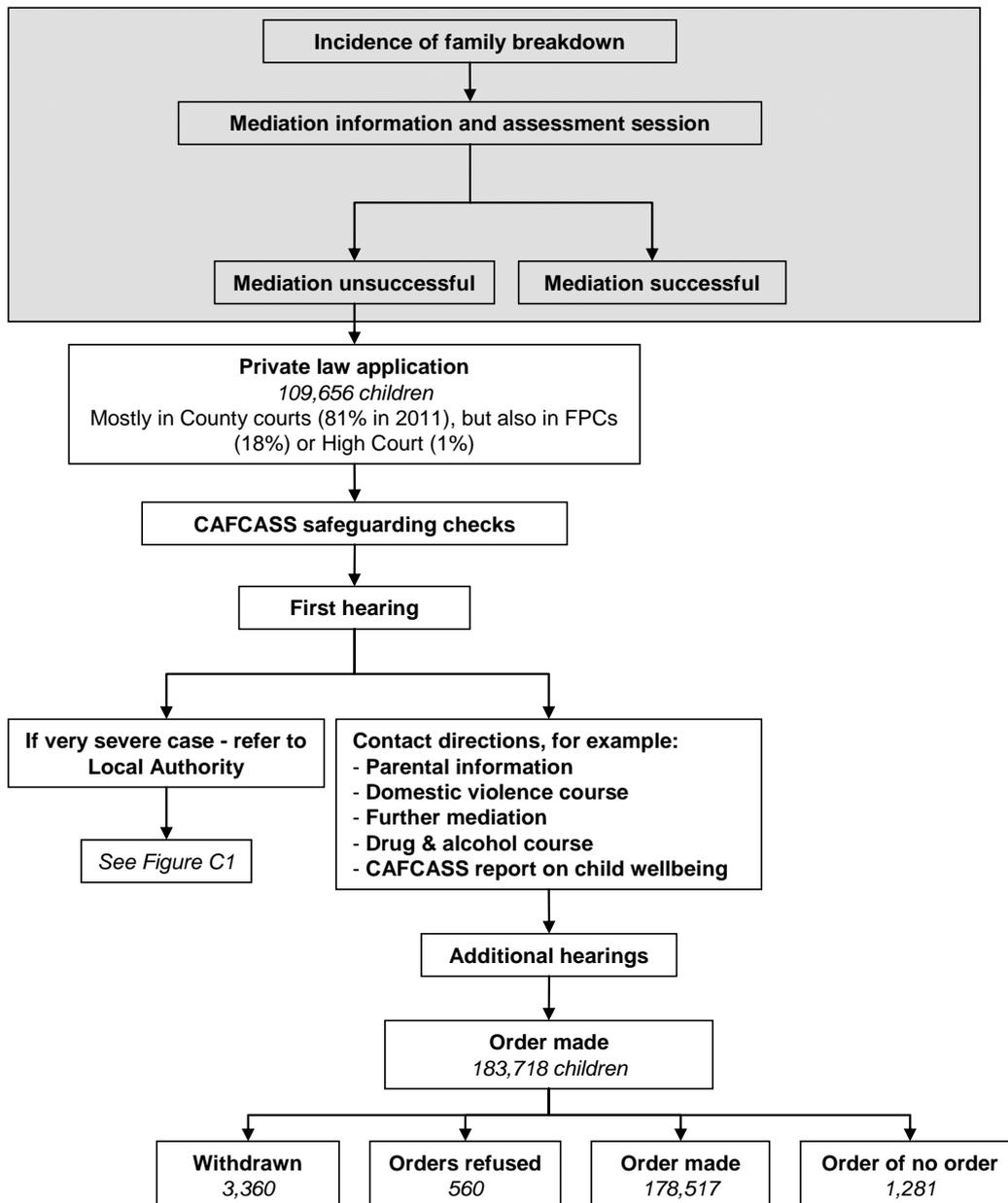
**Figure D1: The main court processes for Children Act Public Law cases with 2011 figures**



## Private Law

Private law cases are those court cases between two or more private individuals who are trying to resolve a dispute. This is generally where parents have split up and there is a disagreement about contact with the children or with which parent they should live. A range of different types of court order can be applied for, including “Section 8” orders (referring to the relevant section of the Children Act 1989), parental responsibility, financial applications and special guardianship orders. The vast majority of Private law applications (96 per cent) are for Section 8 orders, which include for example, a residence order which settles where the child should live and a contact order which specifies the conditions under which the divorced or separated parents may spend time with a child. Figure C2 shows the main court processes for Children Act Private Law cases.

**Figure D2: The main court processes for Children Act Private Law cases with 2011 figures**



## **Disposal of Public and Private Law applications**

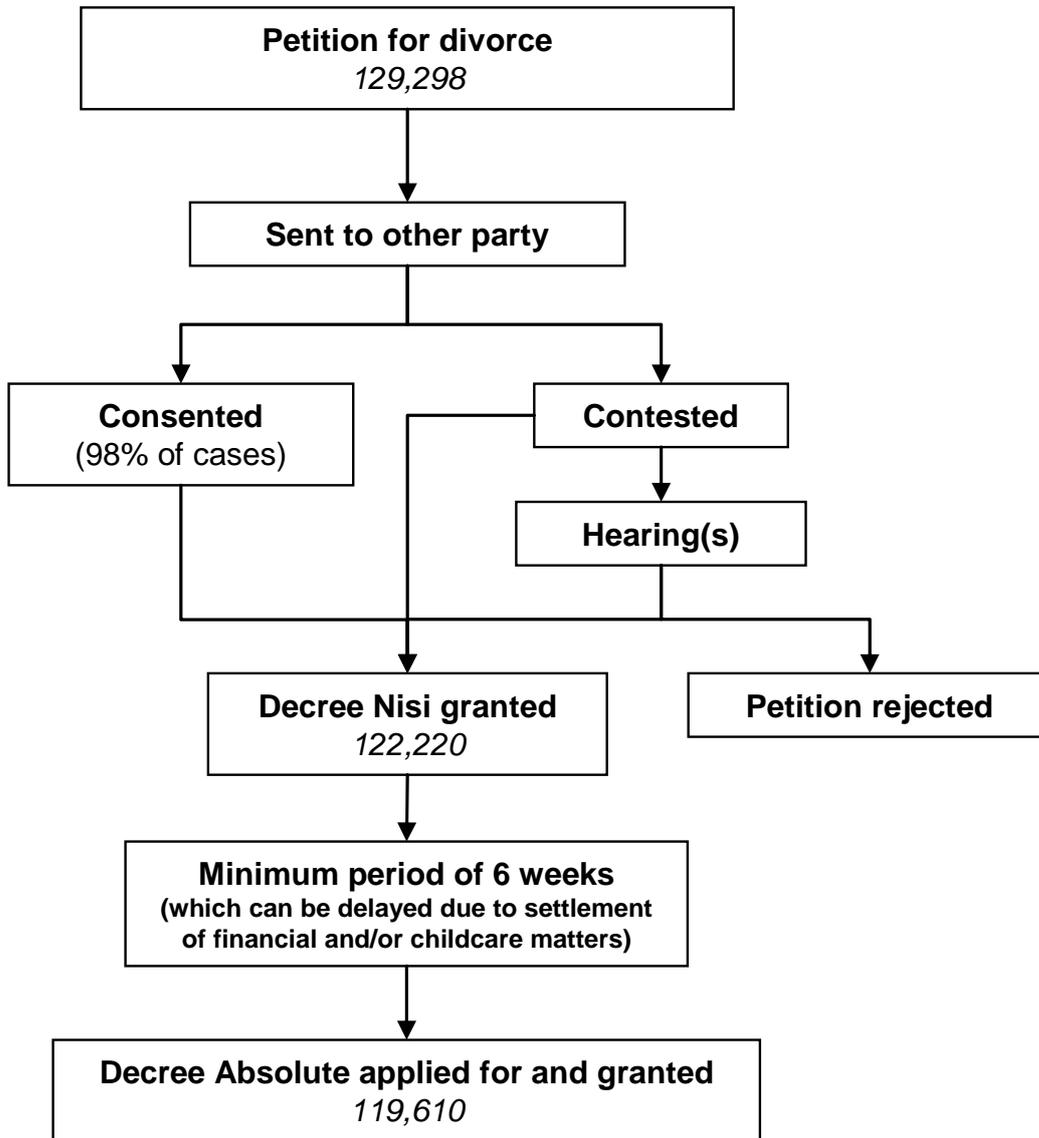
There are four ways in which an application can be disposed of:

- 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
- full order made – the type of order made may not be the same as the type of application that was originally applied for. An order is made in favour of one of the parties (Local Authority, parent or Other Guardian) however this is not recorded on the central Familyman database.

## **Matrimonial matters**

There are two ways to legally end a marriage or a civil partnership. An individual can apply for a divorce which will give them a decree absolute, ending a valid marriage or civil partnership – this occurs in the vast majority of cases. Alternatively, an individual can apply for a decree of nullity, which declares that the marriage or civil partnership itself is void, i.e. no valid marriage or civil partnership ever existed, or voidable, i.e. the marriage or civil partnership was valid unless annulled. No application can be made for divorce within the first year of a marriage or a civil partnership. An alternative to divorce is a decree of judicial separation or a decree of separation of civil partners. Figure C3 shows the main court processes for divorce or dissolution cases.

**Figure D3: The main court processes for divorce or dissolution cases with 2011 figures**



**Ancillary relief – financial disputes post-divorce/separation**

During a divorce, a marriage annulment, or a judicial separation, or the dissolution of a civil partnership there may still be a need for the court to settle disputes over money or property. The court can make a financial order, known as ancillary relief. These orders include dealing with the arrangements for the sale or transfer of property, maintenance payments, a lump sum payment or the sharing of a pension. Orders for financial provision other than for ancillary relief are not dependent upon divorce proceedings and may be made for children.

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 county courts and magistrates' courts, with the vast majority carried out in the former. Figure C4 shows the main court processes for domestic violence cases.

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.

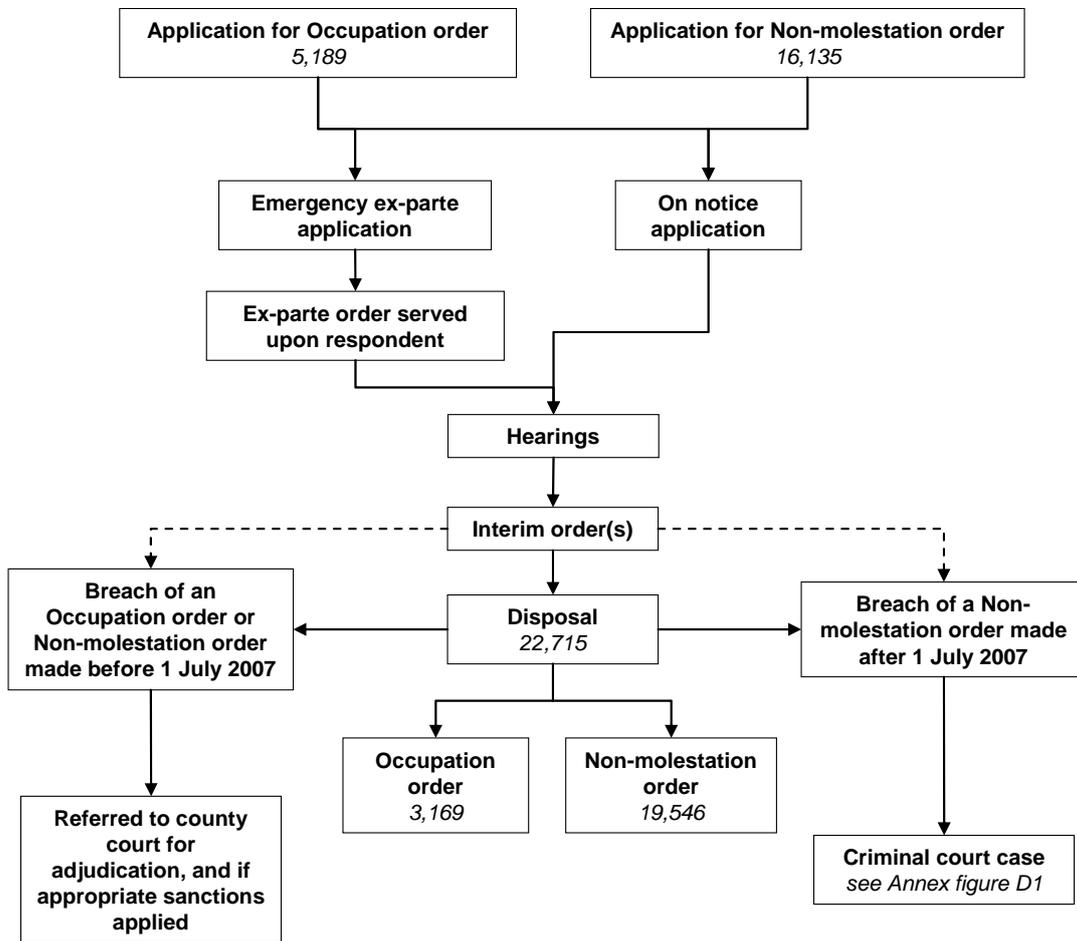
Two types of order can be granted:

- a non-molestation order, which can either prohibit particular behaviour or general molestation by someone who has previously been violent towards the applicant and/or any relevant children; and,
- an occupation order, which can define or regulate rights of occupation of the home by the parties involved.

In July 2007, section 1 of the Domestic Violence, Crime and Victims Act 2004 came into force, making the breach of a non-molestation order a criminal offence. A power of arrest is therefore no longer required on a non-molestation order but instead include a penal notice. 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.

Where the court makes an occupation 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.

**Figure D4: The main court processes for domestic violence cases with 2011 figures**



### Forced Marriage Protection Orders

Applications for a Forced Marriage Protection Order can be made at 15 designated county courts. These courts, as well as the High Court, are able 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.

### Timeliness of Public Law Care and Supervision applications

In the interests of the child, courts are concerned to minimise the length of time it takes for a case to be resolved. However a large number of factors can affect how long the case takes, such as the type of order applied for, the number of parties involved and how complex the child’s situation is. In general there is a wide spread of case durations with many straight-forward cases being completed fairly quickly, more complicated cases taking longer and a few very complex ones taking a long time. This bulletin presents the average, or ‘mean’, case duration, which can be quite heavily influenced by a few very long cases. This bulletin therefore also presents the median timeliness which is the length of time within which half of all cases were completed.

### **Legal representation and its relationship with timeliness**

Different types of cases tend to take different lengths of time to complete – in general public law cases for children take longer than private law cases and divorce cases tend to be quite lengthy due to set time limits, whereas domestic violence cases are usually completed in a fairly short time due to the nature of them. Another factor that may influence how long a case takes is whether one or both parties had a legal representative or alternatively represented themselves. This may also be affected by whether the parties consent to the application or are contesting it which in turn may reflect the complexity of the case.

### **Adoptions**

An application for adoption can be made either to a County Court or a Magistrates Court for the area in which the child is living. If the child is not in this country at the time of the application, it must be made to the High Court.

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 the conclusion of an 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.

Figures for adoption are not yet published in Court Statistics Quarterly. Some statistics on adoptions are published by the Office for National Statistics, which can be found here:

[www.ons.gov.uk/ons/rel/vsob1/adoptions-in-england-and-wales/2011/index.html](http://www.ons.gov.uk/ons/rel/vsob1/adoptions-in-england-and-wales/2011/index.html)

### **Family Justice Review**

The Family Justice Review panel was appointed to review the whole of the family justice system in England and Wales, looking at all aspects of the system from court decisions on taking children into care, to disputes over contact with children when parents divorce. It was commissioned by the Ministry of Justice, the Department for Education and the Welsh Government.

The panel's final report was published on 3 November 2011. It made a number of recommendations to improve public and private law and looked at how the agencies within the family justice system could work together more effectively to improve the experience for children and families. The report can be found here:

[www.justice.gov.uk/publications/policy/moj/2011/family-justice-review-final](http://www.justice.gov.uk/publications/policy/moj/2011/family-justice-review-final)

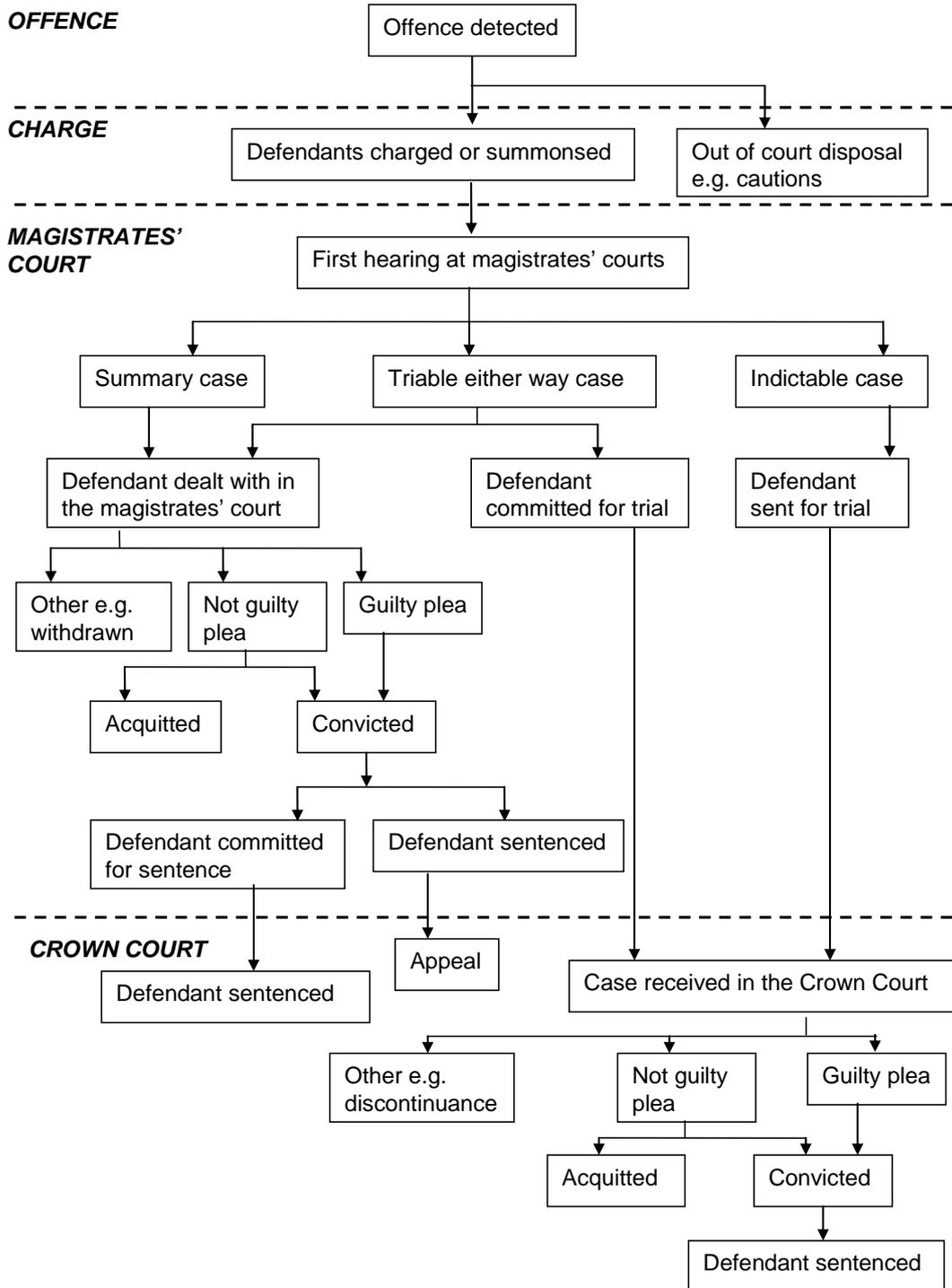
## Annex E: Criminal court system

### **Introduction**

Much of the activity in the criminal justice system starts with the police, when a crime is committed, reported and detected. Some of these crimes are dealt with by means of out of court disposals (such as penalty notices, cautions and warnings) whilst others are dealt with through the criminal court system.

The flow chart presented in Figure E1 provides an overview of the main court processes for criminal cases. The police will formally charge or lay information against a defendant if there is sufficient evidence and none of the out of court disposals are appropriate. Virtually all criminal court cases start in a magistrates' court with the law requiring the defendant to be brought before the court as soon as possible.

**Figure E1: A description of the main court processes for criminal cases**



**The magistrates' courts**

The magistrates' court is the first tier of criminal courts in England and Wales and is presided over by three justices of peace (known as lay magistrates) or by a district judge who dispenses summary justice. A criminal case can start and finish in a magistrates' court or start in a magistrates' court and finish in a higher court, normally the Crown Court. The magistrates' courts hear the less serious summary cases such as

common assault or motoring offences as well as some 'triable either way' cases such as theft.

Defendants are given the opportunity to enter their plea at the first hearing. If the defendant enters a not guilty or no plea, the case is heard summarily in a trial hearing. If a guilty plea is accepted the defendant is convicted and sentenced, and the case is completed.

The magistrates' courts also send or commit cases for trial or sentencing to the Crown Court. These cases are considered to have completed in the magistrates' court, however the cases have not concluded until the defendant is acquitted or sentenced at the Crown Court.

The magistrates' courts also deal with breaches, where the defendant breached the conditions of an order that was previously imposed by a court.

### **The Crown Court**

The Crown Court is a single court and sits in approximately 77 different locations across England and Wales. The Crown Court carries out three principal types of activity: jury trials, the sentencing of those who are convicted in either the Crown Court or magistrates' courts, and appeals from decisions of magistrates.

There are two types of cases which are suitable for a jury trial, cases which are "committed for trial" and "sent for trial". Triable either way cases are "committed for trial" to the Crown Court when a defendant decides to be tried at the Crown Court or the magistrates' court decides that the circumstances of the case are sufficiently serious that it should be dealt with in the Crown Court. Serious 'indictable only' cases such as murder or serious sexual offences, are "sent for trial" at the Crown Court as they can not be heard summarily by the magistrates' courts.

The Crown Court also deals with cases 'committed for sentence'. These cases are transferred to the Crown Court for sentencing after a defendant has been convicted (found guilty) in a magistrates' court. This would occur where a magistrate believes that their sentencing powers are insufficient to apply an appropriate sanction to the defendant. The Crown Court also deals with appeals against a conviction or sentence given by a magistrates' court.

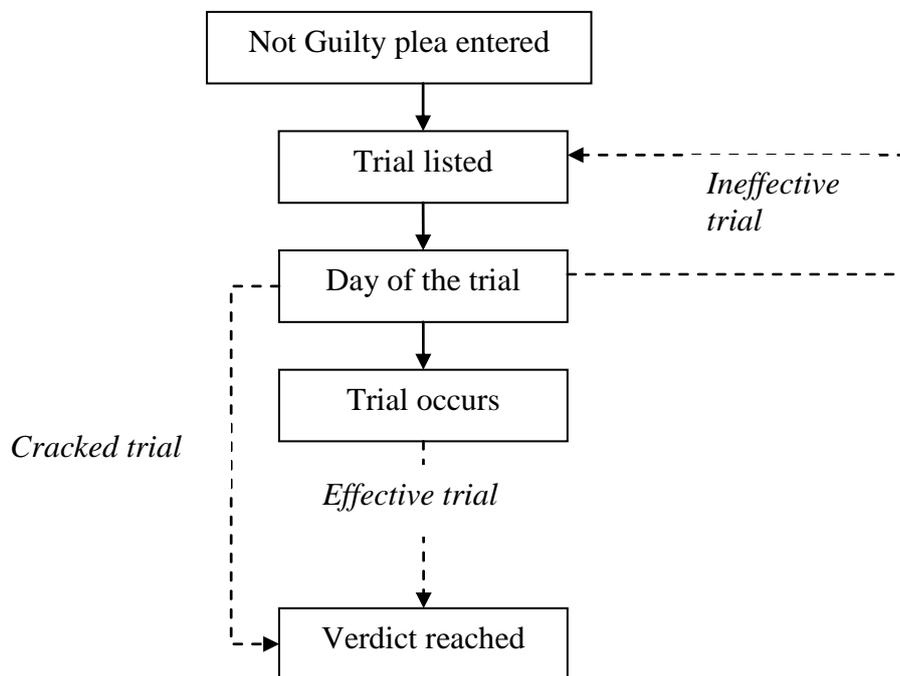
Defendants tried in the Crown Court are provided the opportunity to plea at the Plea and Case Management hearing. Similar to cases heard summarily, a defendant who enters an accepted guilty plea is sentenced, whilst those who enter a not guilty plea are scheduled (listed) for a trial hearing. A defendant can enter a guilty plea at any point in the case.

### **Effectiveness of trial hearings**

A trial in the magistrates' court or Crown Court is a hearing at which the prosecution produces evidence to prove the case against the defendant. Trial hearings conclude with a verdict of an acquittal for those found not guilty or a conviction for those found guilty. For those found guilty the case is completed once the defendant has been sentenced.

A trial hearing which commences on a scheduled date and reaches a conclusion is recorded as an effective trial. An ineffective trial does not commence on the due date and requires a rescheduling. This could be due to the absence of a defendant or a witness, the case not being ready or due to administrative reasons at the court centre. In contrast, a cracked trial does not commence on the scheduled date and the trial is not rescheduled, as a trial hearing is no longer required. Cracked trials are usually the result of an acceptable plea being entered by the defendant on the day or the case ending as the prosecution decides not to proceed (offers no evidence) against the defendant.

**Figure E2: A description of the process for trial hearings in criminal court cases**



**Appealing decisions made in the Crown Court**

Defendants can appeal against decisions made by the Crown Court at the Court of Appeal. Defendants who enter a not guilty plea may appeal a conviction and or a sentence, where as those who enter a guilty plea can appeal against sentencing decisions only. CSQ provides statistics on cases dealt with in the magistrates' courts and Crown Court. Statistics on the cases held in the court of appeal can be found in Judicial and Court statistics.

## Annex F: Olympic related criminal proceedings

### Background

The following section provides updated management information on the number of Olympic related criminal proceedings heard in the criminal courts and the number of proceedings which have been fast tracked. Information provided in this section is based on data available by 28 October 2012 and updates the previous analysis published results on 28 August 2012. The report can be found here:

[www.justice.gov.uk/downloads/statistics/ad-hoc/provisional-olympic-stats.pdf](http://www.justice.gov.uk/downloads/statistics/ad-hoc/provisional-olympic-stats.pdf)

All of the information presented is based on data recorded on the court administrative case systems – Libra Management Information System (Libra MIS) in the magistrates' courts and CREST in the Crown Court – and additional data collected by the courts. For further information on data sources, please see **Annex A**.

### Olympic related criminal proceedings

An Olympic offence refers to any crime that has or may have an impact upon the effective delivery or image of the Games – such as ticket touting – and not necessary just those occurring during the main phase of the games.

As at 28 October 2012, 166 Olympic related criminal proceedings were brought before the magistrates' courts (Table F1).

There were 101 proceedings that completed in the magistrates' courts with 89 proceedings resulting in a guilty conviction and a sentence; and 12 proceedings dismissed, acquitted or withdrawn.

There were 26 proceedings still outstanding and awaiting further hearings. The magistrates' courts committed or sent 35 proceedings to the Crown Court for trial and committed a further four proceedings to the Crown Court for sentence. Of these Crown Court hearings, 21 cases have reached conclusion: 20 being convicted and sentenced and one was withdrawn (Table F2).

Overall 122 Olympic related criminal proceedings were fully dealt with by 28 October 2012.

**Table F1: Status of Olympic related criminal proceedings in the magistrates' courts at 28 October 2012**

Olympic related criminal proceedings	Number of proceedings
Olympic related proceedings	166
<i>Of which:</i>	
Sentenced	89
Dismissed / Acquitted / Withdrawn	12
Outstanding	26
Committed / Sent to Crown Court	
<i>for trial</i>	35
<i>for sentence</i>	4

**Table F2: Status of Olympic related criminal proceedings in the Crown Court at 28 October 2012**

Olympic related criminal proceedings	Number of proceedings	
	Committed / Sent for trial	Committed for sentence
Olympic related proceedings	35	4
<i>Of which:</i>		
Sentenced	16	4
Dismissed / Acquitted / Withdrawn	1	0
Outstanding	18	0

**Fast track Olympic related criminal proceedings**

Her Majesty's Courts & Tribunal Service have been fast tracking cases through the court system .i.e. given priority over other cases, if an offence was committed and charged in the period 1 July to 30 September 2012 and stated by any court to be directly connected to the 2012 Olympic or Paralympic Games. A case is considered directly related if the offence was committed at any Olympic facilities or, the complainant or defendant was attending the Games in any capacity whatsoever. Cases can be fast tracked by the magistrates' courts, the Crown Court or both and so can occur at any point during the criminal proceedings e.g. a case could be processed normally in the magistrates' court but fast tracked by the Crown Court.

Nearly 60 per cent (95 proceedings) of all Olympic related criminal proceedings were fast tracked by the magistrates' courts and the Crown Court, all in London.

Table F3 shows the status of fast tracked Olympic related criminal proceedings in the magistrates' courts as of 28 October 2012. Of these proceedings, 43 had resulted in a guilty conviction and sentenced; 6 were dismissed, acquitted or withdrawn; and another 15 proceedings were still outstanding.

A total of 31 fast track cases were heard by the crown courts in London, of which 18 cases have concluded (Table F4).

Overall 67 fast tracked Olympic related criminal proceedings were fully dealt with as of 28 October 2012.

**Table F3: Status of fast tracked Olympic related criminal proceedings in London magistrates' courts at 28 October 2012**

Olympic related criminal proceedings	Number of proceedings
Fast tracked proceedings	95
<i>Of which:</i>	
Sentenced	43
Dismissed / Acquitted / Withdrawn	6
Outstanding	15
Committed / Sent to Crown Court	
<i>for trial</i>	29
<i>for sentence</i>	2

**Table F4: Status of fast tracked Olympic related criminal proceedings in London crown courts at 28 October 2012**

Olympic related criminal proceedings	Number of proceedings	
	Committed / Sent for trial	Committed for sentence
Fast tracked proceedings	29	2
<i>Of which:</i>		
Sentenced	15	2
Dismissed / Acquitted / Withdrawn	1	0
Outstanding	13	0

## Glossary

This glossary provides a brief description of the main terms used in the Commentary section of this report. For further information, please contact the Justice Statistics Analytical Services division using the details provided in the Contacts section at the end of this bulletin.

### County courts (non-family)

**Administration order:** Combines a debtor's debts under certain conditions (see note 6 to Table 1.8), enabling the debtor to make regular payments to the court which are then distributed to the various creditors.

**Attachment of earnings order:** Obliges the debtor's employer to deduct a set sum from the debtor's pay and forward it to the court.

**Bankruptcy petitions:** Petitions made by a debtor (who owes the debt) or one or more creditors where an individual is unable to pay his or her debt(s).

**Charging order:** Enables the creditor to obtain security for the payment against an asset(s), typically property, owned by the debtor.

**Claims for recovery of land:** These include claims for the repossession of property by a mortgage lender, social or private landlord e.g. where the mortgagee or tenant fails to keep up with mortgage or rental payments.

**Company windings up petitions:** Petitions made by a creditor, shareholder or director to wind up (or dissolve) a company which cannot pay its creditor(s), to whom debt is owed.

**Orders for sale:** A court order forcing the debtor to sell an asset(s), typically a property, following a charging order.

**Other claims:** These include, amongst others, claims for the return of goods, injunctions (to make somebody do something or to stop them doing it), and insolvency petitions (where a company or individual has debts that they are unable to pay).

**Small claim/fast track/multi track cases:** If a claim is defended, the next step is for further information to be provided by the parties following which a judge in the county court assigns the case to one of three case management tracks. The small claims track is for less complex cases, which generally have claim values of up to £5,000. The fast track is for more complicated cases, generally with a claim value of over £5,000 and up to £15,000 for proceedings issued before 6 April 2009, otherwise £25,000. The multi track is for the most complex cases which are not allocated to the small claim or fast track. Many defended cases are settled by the parties involved, or withdrawn, either before or after allocation to one of these tracks.

Around half of cases allocated to the small claims track are resolved at small claims hearings while a lower proportion of cases allocated to the fast or multi track are disposed of by trials.

**Specified money claims:** Claims made by an individual, company or organisation for a specified amount of money.

**Third party debt order:** Enables the creditor to secure payment by freezing and then seizing money owed or payable by a third party to the debtor.

**Unspecified money claims:** Claims made by an individual, company or organisation for an unspecified amount of money.

**Warrant of committal:** Enforces a judgment for which the penalty for failure to comply is imprisonment. It authorises the bailiff to arrest the person and deliver them to prison or court.

**Warrant of delivery:** Enforces a judgment for the return of particular goods or items.

**Warrant of execution:** To enforce a judgment made in a county court, where unless the amount due under the warrant is paid, saleable items owned by the debtor can be recovered by the court and sold.

**Warrant of possession:** To enforce a court order for the repossession of property.

## Family matters

**Ancillary Relief:** This refers to a number of different types of order used to settle financial disputes during divorce proceedings. Examples include: periodical payments, pension sharing, property adjustment and lump sums, and they can be made in favour of either the former spouse or the couple's children.

**Application:** The act of asking the court to make an order. Cases may be made with one or more applications, and additional applications can be made after cases have already started.

**Care order:** 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.

**Contact order:** 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.

**Decree Absolute:** This is the final order made in divorce proceedings that can be applied for six weeks and one day after a decree nisi has been given. Once this is received, the couple are no longer legally married and are free to remarry.

**Decree Nisi:** This is the first order made in divorce proceedings and is given when the court is satisfied that there are reasonable grounds for granting the divorce. It is used to apply for a decree absolute.

**Disposal:** Completion of a case, where an outcome is determined by an order being made or refused or where the application is withdrawn.

**Dissolution:** The legal termination of a marriage by a decree of divorce, nullity or presumption of death or of a civil partnership by the granting of a dissolution order. To obtain a decree of divorce the marriage or civil partnership must be proved to have broken down irretrievably. This must be done on proof of one or more of the following facts:

- adultery (for marriage only);
- behaviour with which the petitioner cannot reasonably be expected to live;
- desertion of at least two years;
- two years separation where the respondent consents; or,
- five years separation

**Divorce:** This is the legal ending of a marriage.

**Emergency Protection Order:** 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, or to consolidate with other family proceedings, or where the matter is exceptionally grave or complex.

**Ex-parte injunction application:** This is an injunction application to a District Judge as an emergency measure, where the respondent to the injunction application will not have been made aware of the injunction proceedings in advance of the hearing.

**Financial applications:** A financial application order requires one or both parents to make a lump sum or regular payments to the child or guardian.

**Judicial Separation:** This is a type of order that does not dissolve a marriage but absolves the parties from the obligation to live together and allows the court to exercise all the powers which it has to divide the matrimonial property just as it can in the case of a divorce. This procedure might, for instance, be used if religious beliefs forbid or discourage divorce.

**Non-molestation Order:** This is a type of civil injunction used in domestic violence cases. It prevents the applicant and/or any relevant children from being molested by someone who has previously been violent towards them. Since July 2007, failing to obey the restrictions of these orders has been a criminal offence for which someone could be arrested.

**Nullity:** This is where a marriage or civil partnership is ended by being declared not valid. This can either be because the marriage was void (not allowed by law) or because the marriage was voidable (the marriage was legal but there are circumstances that mean it can be treated as if it never took place).

Examples of void marriages include those where:

- either party was under the age of sixteen at the time of the marriage or civil partnership;
- either party was already married or in a civil partnership; or,
- the parties are prohibited from marrying, for example father and daughter.

Examples of voidable marriages or civil partnerships are those:

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

**Occupation Order:** This is a type of civil injunction used in domestic violence cases. It restricts the right of a violent partner to enter or live in a shared home.

**On notice:** an application (usually for an occupation or non-molestation order) made with the respondent's knowledge.

**Order:** The document bearing the seal of the court recording its decision in a case.

**Parental responsibility order:** Section 3(1) of the Children Act 1989 defines parental responsibility as "all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property". Parental responsibility allows parents to make important decisions about their children's lives.

**Petition (for divorce):** An application for a decree nisi or a judicial separation order.

**Private Law:** Refers to Children Act 1989 cases where two or more parties are trying to resolve a private dispute. This is commonly where parents have split up and there is a disagreement about contact with, or residence of, their children.

**Prohibited steps order:** 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.

**Public Law:** Refers to Children Act 1989 cases where there are child welfare issues and a local authority, or an authorised person, is stepping in to protect the child and ensure they get the care they need.

**Residence order:** This order 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.

**Section 8 orders:** These include orders for Residence, Contact, Prohibited steps and Specific issue.

**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.

**Specific issue order:** This order determines specific aspects as to the child's upbringing, for example, which religion s/he should be brought up in.

**Supervision order:** 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.

## Criminal matters

### Magistrates' courts

**Adult breach cases:** Cases against an adult defendant (aged 18 or over) who has breached an order which was previously imposed against him/her.

**Adult indictable cases:** The most serious offences, such as murder and rape, where the defendant is an adult (aged 18 or over). These cases must be heard at the Crown Court. The involvement of the magistrates' court is generally brief: a decision is made on whether to grant bail, and other legal issues, such as reporting restrictions, are considered. The case is then passed to the Crown Court.

**Adult summary cases:** The less serious offences, where the defendant is an adult (aged 18 or over). The defendant is not usually entitled to trial by jury, so these cases are completed in the magistrates' courts. Summary offences are subdivided into Summary Motoring and Summary Non-Motoring cases.

**Adult summary motoring cases:** Where the defendant is an adult (aged 18 or over) and includes offences such as driving whilst disqualified, speeding and failure to stop.

**Adult summary non-motoring cases:** Where the defendant is an adult (aged 18 or over) and includes offences such as TV license evasion, minor assaults and criminal damage where less than £5000 worth of damage is caused.

**Adult triable-either-way cases:** These are more serious than summary offences where the defendant is an adult (aged 18 or over). The cases can be dealt with either in the magistrates' court or before a judge and jury at the Crown Court. Such offences include dangerous driving and theft and handling stolen goods. A defendant can invoke his/her right to trial in the Crown Court, or the magistrates can decide that a case is sufficiently serious that it should be dealt with in the Crown Court where tougher sentences can be imposed if the defendant is found guilty.

**Cracked trial:** A trial where, on the day, an acceptable plea is offered by the defendant or the prosecution offers no evidence against the defendant.

**Criminal cases:** The administration of justice in cases involving an individual who has been accused of a crime, beginning with the initial investigation of the crime and concluding either with an acquittal or conviction.

**Effective trial:** A trial which begins on the scheduled date and reaches a conclusion.

**Ineffective trial:** A trial that does not go ahead on the scheduled trial date 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.

**Youth cases:** These are cases of any type where the defendant is a youth, i.e. aged between 10 and 17.

### **The Crown Court**

The Crown Court is a unitary court which sits in approximately 77 different locations across England and Wales. It deals with serious criminal cases, which can be classified into the following four categories:

1. **Sent for trial cases:** Cases sent for trial by the magistrates' court because they can only be heard by the Crown Court.
2. **Committed for trial cases:** Cases which can be heard in either a magistrates' court or the Crown Court. A defendant can elect to be tried in the Crown Court or a magistrate can decide that a case is sufficiently serious that it should be dealt with in the Crown Court.
3. **Committed for sentence cases:** Cases transferred to the Crown Court for sentencing where defendants are found guilty in the magistrates' court. This happens if a magistrate is of the opinion that a greater punishment should be imposed than they are allowed to impose.
4. **Appeals against the decisions of magistrates' courts.**

**Completion:** The completion of a case referred to the Crown Court by the magistrates' court.

**Guilty plea:** A guilty plea is recorded if a defendant either: (i) pleads guilty to all counts; (ii) pleads guilty to some counts and not guilty to others and no jury is sworn in respect of the not guilty counts; or (iii) 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.

**Hearing time:** The total duration of all hearings heard in the Crown Court for each case including preliminary, main and sentence hearings.

**Receipt:** A case referred to the Crown Court by the magistrates' court.

**Waiting time:** The length of time between the date of sending or committal of cases from the magistrates' court and the start of the substantive Crown Court hearing.

*Definitions of effective, cracked and ineffective trials are included in the magistrates' courts section.*

## **Timeliness of criminal proceedings**

**Charge or laying of information:** This relates to when the defendant is first charged at a police station (i.e. where an individual is arrested and formally accused of a crime at a police station) or when the information is laid (i.e. where an individual receives a written summons advising that an action has begun against them, and that they are required either to appear in person, or to respond in writing, to the court regarding the alleged offence).

**Completion in magistrates' courts:** When a defendant's case is completed in the magistrates' courts, i.e. where a final decision is reached or the case is passed to the Crown Court.

**Completion:** When a defendant's case is completed and a final decision is reached in either the magistrates' courts or the Crown Court.

**Date of offence:** This relates to the date the alleged offence was committed.

**First listing:** The first hearing of the case in a magistrates' court, whether or not the defendant is present.

## **Magistrates' courts enforcement data**

**Financial Impositions:** Monies owed by defendants, which include court fines, prosecutors' costs, compensation orders, penalty notices and victim surcharge. Excludes confiscation orders

**Imposition month:** The month in which the fine, costs, court orders, penalty notices, or victim surcharge was ordered by the court.

**Fines, prosecutors' costs and compensation orders:** These items are imposed by both the magistrates' courts and the Crown Court but are enforced by magistrates' courts. Fines monies collected by HMCTS are surrendered to the Consolidated Fund. Prosecutors' costs and compensation order monies are passed by HMCTS to either Crown or private prosecutors and the victims of the crimes committed.

**Confiscation Orders:** Confiscation orders are imposed by the Crown Court under the Proceeds of Crime Act 2003 and are enforced by HMCTS, the Crown Prosecution Service and Serious Fraud Office (SFO). Confiscation order receipts are surrendered to the Home Office.

**Penalty Notices:** Penalty Notices are imposed by the police and other agencies and include both Fixed Penalty Notices (FPNs) for traffic rule violations and Anti-Social Behaviour Orders (ASBOs). Notices that remain unpaid after 28 days are converted into fines and enforced as detailed in Chapter 4. Receipts of Penalty Notices and the associated fines are surrendered to the HM Treasury Consolidated Fund.

**Victims' Surcharge:** An additional surcharge which is added to the fines that are imposed. The receipts obtained from the collection of these monies by HMCTS are passed to the Justice Policy Group of the MoJ to fund victims' services.

## Explanatory notes

The United Kingdom Statistics Authority has designated these statistics as National Statistics, in accordance with the Statistics and Registration Service Act 2007 and signifying compliance with the Code of Practice for Official Statistics. Designation can be broadly interpreted to mean that the statistics:

- meet identified user needs;
- are well explained and readily accessible;
- are produced according to sound methods, and
- are managed impartially and objectively in the public interest.

Once statistics have been designated as National Statistics it is a statutory requirement that the Code of Practice shall continue to be observed.

The statistics in this bulletin relate to cases in the county, family, Crown and magistrates' courts in England and Wales during the third quarter (July-September) of 2012. Calendar year statistics are published by the MoJ in the statistics report Judicial and Court Statistics.

Breakdowns of many of the summary figures presented in this bulletin, such as split by case type or by HMCTS area, are available on request. Please contact the Justice Statistics Analytical Services division using the details in the Contacts section.

Revisions: The statistics for the latest quarter are provisional, and are therefore liable to revision to take account of any late amendments to the administrative databases from which these statistics are sourced. The standard process for revising the published statistics to account for these late amendments is as follows: An initial revision to the statistics for the latest quarter may be made when the next edition of this bulletin is published. Final figures for this quarter, and for other quarters in the same calendar year, will be published in the bulletin presenting the statistics for the first of the following year.

### **Symbols and conventions**

The following symbols have been used throughout the tables in this bulletin:

- = Not applicable
- 0 = Nil
- (r) = Revised data
- (p) = Provisional data

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