



Judicial and Court Statistics 2006

Presented to Parliament
by the Secretary of State for Justice and Lord Chancellor
by Command of Her Majesty The Queen

November 2007

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Introductory Note

This Ministry of Justice report “Judicial and Court Statistics 2006”, presents a comprehensive set of statistics on judicial and court activity in England and Wales during 2006. Previous annual editions were entitled “Judicial Statistics” and were published by the former Department for Constitutional Affairs.

The content of the report has been significantly revised and expanded in comparison to previous editions, with major changes to a number of key chapters, and a greater emphasis on tables showing trends over time. We would welcome comments on these changes.

Please direct all feedback to the contact point given at the start of Annex A.

Chapter 1: Appellate Courts

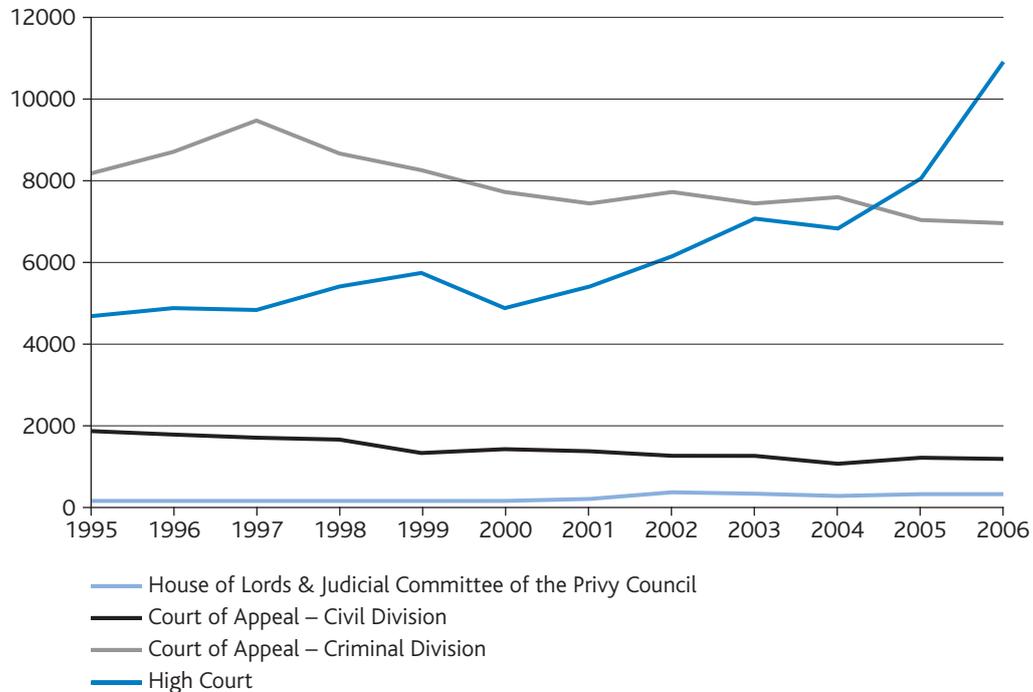
The various appellate courts are:

- The **Judicial Committee of the Privy Council** – the final Court of Appeal for 24 Commonwealth territories and 6 independent Republics within the Commonwealth
- The **House of Lords** – the supreme Court of Appeal in Great Britain and Northern Ireland
- The **Court of Appeal** – divided into the *Criminal Division* hearing appeals from the Crown Court and Courts Martial, and the *Civil Division* hearing appeals mainly against decisions in the High Court and county courts
- The **High Court** – has three Divisions, Chancery Division (Chapter 2), Queen's Bench Division (Chapter 3) and Family Division (Chapter 5), each of which handles different types of civil work. It exercises an appellate jurisdiction through its three Divisions in such matters as bankruptcy, judicial review, 'case stated' (ruling whether a court or tribunal was wrong in law or in excess of its jurisdiction) and appeals from magistrates' courts in domestic matters including orders involving children.

Key findings for 2006

- A total of 105 appeals were entered, and 66 disposed of by the Judicial Committee of the Privy Council during the year. Jamaica and Trinidad & Tobago were the largest sources of appeals in 2006, with 19 entered each (Table 1.1)
- 73 appeals were presented and 94 disposed of by the House of Lords (Table 1.4)
- Of the appeals heard by the Court of Appeal Criminal Division, 32% against conviction and 71% against sentence were allowed (Table 1.8)
- In the Civil Division of the Court of Appeal 1,214 final appeals were disposed of, 41% of which were allowed (Table 1.9)
- In the High Court Queen's Bench Division, of the 310 substantive applications for judicial review disposed of in 2006, 42% (131) were allowed (Table 1.13)
- In the High Court Family Division, of the 32 appeals disposed of in 2006, 25% (8) were allowed (Table 1.16).

Appellate Courts: Appeals entered, 1995-2006



The Judicial Committee of the Privy Council

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

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

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

- (a) appeals and references under the devolution statutes of 1998, which give the Judicial Committee jurisdiction to hear and determine "devolution issues", i.e. issues as to the functions and powers of the devolved legislative and executive authorities established in Scotland, Northern Ireland and Wales;
- (b) appeals from the Channel Islands and Isle of Man, which are analogous to Commonwealth appeals and are dealt with under the same rules;

- (c) appeals under the Veterinary Surgeons Act 1966 from decisions of the Disciplinary Committee of the Royal College of Veterinary Surgeons; until April 2003 appeals also lay from the professional conduct and other committees of the bodies governing the medical, dental and other health-care professions as well, but these now lie to the High Court;
- (d) appeals against pastoral schemes under the Pastoral Measure 1983.

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

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

More information about the Judicial Committee and its work, including the full text of recent judgments and statistics for 1996-2006, can be found on the Privy Council Office website, at www.pco.gov.uk.

There may be an eventual decline in the Judicial Committee's volume of work. New Zealand, one of the largest single sources of appeals, legislated in 2003 to abolish appeals to the Privy Council for all appeals heard by the New Zealand Court of Appeal after the end of that year; at the end of 2005 there were three appeals from New Zealand still outstanding. The Caribbean Court of Justice has now been established which will take over the Judicial Committee's appellate jurisdiction in respect of some of the Commonwealth countries in the Caribbean. Finally, under the Government's proposals for a new Supreme Court for the United Kingdom, the devolution jurisdiction of the Judicial Committee will be transferred to the Supreme Court, though the Judicial Committee and its jurisdiction will otherwise be unaffected. However, the Judicial Committee still receives a substantial number of appeals from its constituent jurisdictions and sits nearly every day during term-time.

Summary caseload statistics on the work of the Judicial Committee of the Privy Council are shown in Tables 1.1 and 1.2.

The House of Lords

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

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

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

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

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

Civil appeals

An appeal lies to the House of Lords:

- (1) from any order or judgment of the Court of Appeal in England and Wales, with the permission of that court or, if refused, by leave of the House of Lords, subject to restrictions in respect of specific matters;
- (2) subject to statutory restrictions, direct from a decision of the High Court of Justice in England and Wales by leave of the House of Lords;
- (3) from any order or judgment of the Court of Appeal in Northern Ireland, with the permission of that court or, if refused, by leave of the House of Lords, subject to restrictions in respect of specific matters;
- (4) subject to statutory restrictions, direct from a decision of the High Court of Justice in Northern Ireland by leave of the House of Lords,
- (5) from the Inner House of the Court of Session in Scotland against a judgment on the whole merits of a cause. No leave required;

- (6) from the Inner House of the Court of Session against an interlocutory judgment where there is a difference of opinion among the judges.
No leave required;
- (7) from the Inner House of the Court of Session where the interlocutory judgment is one sustaining a dilatory defence and dismissing the action.
No leave required;
- (8) from the Inner House of the Court of Session against any other interlocutory judgments (excluding those listed in (6) and (7) above) with the leave of the Inner House of the Court of Session;
- (9) from an interlocutor of the Court of Session granting or refusing a new trial.
No leave required;
- (10) from an interlocutor of a Lord Ordinary after review by the Inner House of the Court of Session;
- (11) from judgments of the Court of Session under section 27 of the Court of Session Act 1988 relating to special cases (subject to certain restrictions); and
- (12) from any order or judgment of any court in Scotland from which error or appeal lay on or immediately before 1 November 1876 by common law or by statute.

Criminal appeals

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

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

Leave may be granted by the court below or, if refused, by the House of Lords. Leave to appeal in a criminal cause or matter may only be granted if it is certified by the court below that a point of law of general public importance is involved in the decision of that court; and if it appears to that court or to the House that the point is one that ought to be considered by the House. A certificate is not required for an appeal from a decision of the High Court in England and Wales or in Northern Ireland on a criminal application for habeas corpus, an appeal under s 5(4) of the Human Rights Act 1998, or in contempt of court cases where the decision of the court below was not a decision on appeal.

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

Petitions for leave to appeal

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

During 2006, 219 petitions (compared to 240 in 2005) for leave to appeal were presented and 198 (in 2005, 255) were disposed of, of which 45 (in 2005, 79) were allowed outright. See [Table 1.3](#) for more information.

Petitions of appeal

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

During 2006, 73 (compared to 87 in 2005) appeals were presented, of which 49 (in 2005, 59) were from the Civil Division of the Court of Appeal of England and Wales. A total of 94 (in 2005, 102) appeals were disposed of, of which 82 (in 2005, 91) received judgment. See [Tables 1.4 and 1.5](#) for more information.

Court of Justice of the European Communities

During 2006, two cases were referred to the Court of Justice of the European Communities for a ruling and two determinations were received. By the end of the year, there were four references pending.

Days sat

The total number of days sat for judicial business was 107 (compared to 117 in 2005). 106 days were sat to hear appeals, and 3 days were sat to hear petitions for leave. (Note: More than one judicial Committee may sit at the same time. This means that on a single sitting day the House may hear more than one petition for leave to appeal, may hear two appeals concurrently, or may hear an appeal as well as petitions for leave to appeal.)

No peerage claim was heard this year, and the Committee for Privileges Sub-Committee on Lords' Interests (which is chaired by a retired law lord) did not have to hear any allegation of non-compliance with the Code of Conduct for Members of the House of Lords.

The Court of Appeal

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

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

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

Criminal Division

During 2006, a total of 6,937 applications for leave to appeal were received, of which 1,596 were against conviction in the Crown Court and 5,082 against the sentence imposed. Of the applications for leave to appeal which were considered by a single judge, 26% (291) of those seeking to appeal against conviction were granted as were 34% (1,261) against sentence (24% and 33% respectively in 2005). Of those applications which were refused, 481 were renewed to the Full Court against conviction and 831 against sentence. See [Table 1.6](#) for more information.

Of the appeals heard by the Full Court during 2006, 32% (181) against conviction were allowed and 71% (1,391) against sentence were allowed. See [Table 1.7](#) for more information.

Civil Division

In the area of substantive (final and interlocutory) appeals the Court has seen a continuing increase in appeals from Tribunals, issuing 404 in 2006 compared to 325 in 2005. On the other hand, appeals from the Queens Bench Division decreased from 347 in 2005 to 288 in 2006, and appeals from the Chancery Division also decreased from 117 to 111. See [Tables 1.8 and 1.9](#) for more information.

Applications for permission to appeal fell to 2,397 from the 2,579 set down in 2005. See [Table 1.10](#) for more information.

The High Court

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

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

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

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

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

unlawful the court will order release but otherwise the person concerned is returned to custody.

In 2003 a new jurisdiction was added by s101 of the Nationality Immigration and Asylum Act (NIAA) 2002 – a statutory review of decisions of the Immigration Appeal Tribunal as to whether or not to grant permission to appeal.

Chancery Division

The number of bankruptcy appeals from county courts (64) accounted for 53% of disposals in 2006, compared to 52% in 2005. Of these, 9 were allowed, 18 withdrawn or struck out and the remaining 37 dismissed after hearing. See [Table 1.11](#) for more information.

Queen's Bench Division

In the Queen's Bench Divisional Court a total of 6,458 applications for permission to apply for judicial review were received in 2006, and of these 12% were granted. In immigration matters 7% (278) of the 4,084 applications for permission to apply were granted, and in criminal and other matters 20% (474) of the total 2,374 applications for permission to apply were granted. Of the 310 substantive applications for judicial review disposed of in 2006, 42% (131) were allowed, 53% (165) were dismissed and 5% (14) were withdrawn (see [Table 1.12](#)).

A total of 137 appeals by way of case stated were received in 2006, an increase of 13% on the number received in 2005 (121) – see [Table 1.13](#). The majority of these (82%) were from magistrates' courts. Of the total number of 112 cases disposed of in 2006, 40% (45) were allowed and 59% (66) were dismissed.

A total of 4,105 appeals and applications other than by way of judicial review and case stated were received in the Administrative Court during 2006, an increase of 73% on the total number received in 2005. The increase is due to the inclusion of Reconsideration (s103a NIAA 2002) appeals (see [Table 1.14](#)).

Family Division

In the Family Division, 5 appeals against orders made on domestic matters were disposed of in 2006. Of these, one was allowed, three were dismissed and one was withdrawn or struck out – see [Table 1.15](#). There were 45 appeals made under section 94 of the Children Act 1989 and 27 were disposed of. Of those disposed, 7 allowed, 13 were dismissed and 7 were withdrawn or struck out.

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

Table 1.1
Judicial Committee of the Privy Council
 Appeals entered and disposed of, showing results, 2006

Courts from which appeals were brought	Number of appeals						Appeals pending at end of year
	Number of appeals entered	Appeals disposed of, by result				Total	
		Dismissed after hearing	Varied after hearing	Allowed after hearing	Disposed without a hearing ¹		
<u>Overseas:</u>							
Anquilla	1	-	-	-	-	-	1
Antigua and Barbuda	-	-	-	1	-	1	-
The Bahamas	14	3	-	10	-	13	7
Barbados	3	-	-	-	-	-	3
Belize	3	1	-	-	-	1	2
Bermuda	2	-	-	-	1	1	1
British Virgin Islands	5	1	-	1	-	2	3
Brunei	1	-	-	-	-	-	1
Cayman Islands	6	2	-	2	-	4	6
Dominica	1	-	-	-	-	-	1
Gibraltar	1	-	-	-	-	-	1
Grenada	3	-	-	2	-	2	1
Isle of Man	2	1	-	1	-	2	-
Jamaica	19	4	-	6	-	10	12
Jersey	2	-	-	1	-	1	1
Mauritius	14	2	-	3	-	5	14
New Zealand	1	1	-	3	-	4	1
Pitcairn Islands	-	1	-	-	-	1	-
St Christopher & Nevis	-	-	-	-	-	-	1
St Lucia	3	-	-	-	-	-	6
St Vincent and the Grenadines	3	1	-	-	-	1	3
Trinidad and Tobago	19	9	2	7	-	18	20
<u>United Kingdom:</u>							
Appeals under the Scotland Act 1998	2	-	-	-	-	-	2
Total	105	26	2	37	1	66	87

Source:

Judicial Committee of the Privy Council

Notes:

1 Dismissed for non-prosecution or withdrawn

Table 1.2
Judicial committee of the Privy Council
 Petitions for special leave to appeal heard, granted and refused, 2006

Country or jurisdiction of origin	Number of petitions		Total number heard
	Petitions Granted	Petitions Refused	
The Bahamas	3	4	7
Barbados	1	-	1
Bermuda	1	1	2
British Virgin Islands	-	1	1
Brunei	1	-	1
Cayman Islands	2	-	2
Dominica	-	1	1
Grenada	1	1	2
Isle of Man	1	2	3
Jamaica	4	6	10
Jersey	-	1	1
Mauritius	3	4	7
Montserrat	-	1	1
New Zealand	1	1	2
St Lucia	-	1	1
Trinidad and Tobago	5	12	17
Turks & Caicos	1	-	1
Total	24	36	60

Source:
 Judicial Committee of the Privy Council

Table 1.3
House of Lords
 Petitions for leave to appeal presented and disposed of, showing results, 2006

Courts from which appeals were brought	Number of petitions presented	Appeals disposed of, by result					Total disposals
		Withdrawn	Allowed	Allowed on terms	Refused	Dismissed	
England and Wales							
<u>Court of Appeal</u>							
Civil	172	4	32	1	94	19	150
Criminal	20	1	7	-	14	-	22
<u>High Court</u>							
Civil	1	-	1	-	-	-	1
Criminal	17	1	1	-	12	1	15
Scotland							
Court of Session	1	-	-	-	1	-	1
Northern Ireland							
<u>Court of Appeal</u>							
Civil	7	-	3	-	5	-	8
Criminal	-	-	-	-	-	-	-
<u>High Court</u>							
Civil	1	-	1	-	-	-	1
Criminal	-	-	-	-	-	-	-
Other							
Courts Martial Appeal Court	-	-	-	-	-	-	-
Attorney General's reference	-	-	-	-	-	-	-
Total	219	6	45	1	126	20	198

Source:
House of Lords

Table 1.4
House of Lords
 Appeals presented and disposed of, showing results, 2006

Courts from which appeals were brought	Appeals presented	Appeals disposed of, by result				Total disposals
		Number of petitions				
		Disposed without a judgment	Allowed	Dismissed		
England and Wales						
<u>Court of Appeal</u>						
Civil	49	4	42	15	63*	
Criminal	10	5	3	5	13	
<u>High Court</u>						
Civil	1	-	-	-	-	
Criminal	1	-	2	4	6	
Scotland						
Court of Session	8	3	5	2	10	
Northern Ireland						
<u>Court of Appeal</u>						
Civil	3	-	1	1	2	
Criminal	-	-	-	-	-	
<u>High Court</u>						
Civil	1	-	-	-	-	
Criminal	-	-	-	-	-	
Other						
Courts Martial Appeal Court	-	-	-	-	-	
Attorney General's reference	-	-	-	-	-	
Total	73	12	53	27	94*	

Source:

House of Lords

Notes:

* Totals include two appeals which were part dismissed and part allowed, and which do not otherwise appear in this table.

Table 1.5**House of Lords**

Civil appeals (England and Wales) presented from the Court of Appeal disposed of by judgment, by subject matter, 2003-2006

Subject matter	Number of appeals determined			
	2003	2004	2005	2006
Administrative	15	6	10	3
Commercial	4	2	2	1
Company	-	2	1	-
Contract	1	-	2	-
Crime	-	-	3	-
Discrimination	2	-	3	1
Employment	6	4	-	7
European Law	-	-	-	1
Family	2	1	4	6
Finance & Credit	-	-	-	-
Human Rights	8	13	19	14
Intellectual Property	4	4	1	-
International	1	-	3	5
Land	1	1	2	3
Planning	1	2	-	1
Practice & Procedure	1	1	2	3
Revenue	8	4	10	5
Sale of Goods	-	-	-	-
Tort	8	5	4	9
Trusts		-	2	-
Total	62	45	68	59*

Source:

House of Lords

Notes:

* Of the 2006 total, 42 were allowed, 15 dismissed and 2 allowed in part and dismissed in part

Table 1.6
Court of Appeal (Criminal Division)
 Applications¹ for leave to appeal, by type and result, 1995-2006

	Number of applications											
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Applications received												
Conviction	2,393	2,288	2,318	2,099	2,104	2,068	1,943	1,914	1,787	1,782	1,661	1,596
Sentence	5,794	6,436	7,160	6,550	6,170	5,672	5,497	5,804	5,664	5,809	5,178	5,082
Other Receipts ²	-	-	-	-	-	-	-	-	-	-	184	259
Total	8,187	8,724	9,478	8,649	8,274	7,740	7,440	7,718	7,451	7,591	7,023	6,937
Applications considered by single judge												
<u>Conviction</u>												
Granted	472	419	589	542	480	508	438	405	472	348	360	291
Refused	1,444	1,429	1,530	1,407	1,402	1,351	1,145	1,334	1,213	1,187	1,111	843
<u>Sentence</u>												
Granted	1,263	1,544	1,801	1,909	1,743	1,597	1,551	1,695	1,736	1,740	1,541	1,261
Refused	3,846	4,629	4,810	4,613	4,095	3,892	3,475	3,876	3,582	3,634	3,092	2,503
Total	7,025	8,021	8,730	8,471	7,720	7,348	6,609	7,310	7,003	6,909	6,104	4,898
Applications renewed												
Conviction	579	474	665	668	637	551	422	457	561	545	557	481
Sentence	635	823	1,105	1,147	1,072	932	759	825	878	890	824	831
Total	1,214	1,297	1,770	1,815	1,709	1,483	1,181	1,282	1,439	1,435	1,381	1,312
Applications to renew granted by Full Court												
Conviction	123	155	131	172	123	144	150	140	138	144	141	137
Sentence	151	146	391	377	306	291	240	252	338	283	326	425
Total	274	301	522	549	429	435	390	392	476	427	467	562

Source

Court of Appeal (Criminal Division)

Notes

- Figures relate to appellants for 1995 and 1996, and to applications from 1997 onwards
- Other Receipts, reported from 2005 onwards, include the following applications:
 - Applications under s159 Criminal Justice Act 1988
 - Interlocutory Appeals under s6 Criminal Justice Act 1987
 - Appeals against Minimum Terms for mandatory life sentences set by the High Court under schedule 22 Criminal Justice Act 2003
 - References from the Attorney General under s 36 Criminal Justice Act 1988
 - Prosecution Rights of Appeal
 - Confiscation and Restraint Order appeals under Proceeds of Crime Act 2002
 - Appeals against Wasted Costs Orders under section 3(c) of the Costs in Criminal Cases (General) (Amendment) Regulations 1991

Table 1.7
Court of Appeal (Criminal Division)
 Results of appeal heard by Full Court, 1995-2006¹

	Number of appeals											
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Conviction:												
Allowed	253	250	236	290	171	150	135	166	178	240	228	181
Dismissed	521	469	367	403	380	333	313	319	364	384	386	391
Sentence:												
Allowed	1,222	1,379	1,468	1,589	1,564	1,284	1,101	1,302	1,685	1,348	1,534	1,391
Dismissed	538	603	602	609	614	522	561	500	679	589	619	575
Number of retrials ordered²	52	53	33	73	70	72	58	50	45	66	77	58

Source:

Court of Appeal (Criminal Division)

Notes:

1 Figures relate to appellants for 1995 and 1996, and to applications from 1997 onwards

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

Table 1.8
Court of Appeal (Civil Division)
 Final appeals filed and disposed of, showing court appealed from and results, 2006

Number of appeals

Court or tribunal appealed from	Total appeals filed	Appeals disposed of, by result					Total disposals
		Allowed	Dismissed	Dismissed by consent	Struck out ¹	Otherwise disposed of	
Chancery	109	36	57	20	1	2	116
Revenue	13	3	11	-	-	-	14
Bankruptcy	14	6	18	7	-	-	31
Family Division	4	3	1	-	-	-	4
Queen's Bench	100	36	79	20	1	1	137
Queen's Bench Administrative Court	107	27	50	14	-	4	95
Queen's Bench Commercial	42	16	31	9	-	-	56
Queen's Bench Admiralty	1	-	2	1	-	-	3
County Court	229	96	144	43	1	2	286
County Court Family	12	9	5	3	-	-	17
County Court Admiralty	-	-	-	-	-	-	0
Lands Tribunal	10	-	5	-	-	-	5
Employment Appeal Tribunal	38	16	31	12	-	-	59
Asylum & Immigration Tribunal	332	216	65	19	-	-	300
Immigration Appeal Tribunal	9	19	12	6	2	1	40
Patents Court	23	3	18	7	-	-	28
Social Security Commissioner	8	6	8	-	-	1	15
Other Tribunals	4	3	5	-	-	-	8
Total	1,055	495	542	161	5	11	1,214

Source:

Court of Appeal (Civil Division)

Notes:

1 For failure to provide documents

Table 1.9**Court of Appeal (Civil Division)**

Interlocutory appeals filed and disposed of, showing court appealed from and results, 2006

Number of appeals

Court or tribunal appealed from	Total appeals filed	Appeals disposed of, by result					Total disposals
		Allowed	Dismissed	Dismissed by consent	Struck out ¹	Otherwise disposed of	
Chancery	2	1	3	1	-	-	5
Revenue	-	-	-	-	-	-	-
Bankruptcy	1	1	1	1	-	-	3
Family Division	38	24	10	2	-	-	36
Queen's Bench	20	15	8	-	-	-	23
Queen's Bench Administrative Court	5	2	3	1	1	-	7
Queen's Bench Commercial	13	1	6	4	-	-	11
Queen's Bench Admiralty	-	-	-	-	-	-	-
County Court	-	-	-	-	-	-	-
County Court Family	47	29	16	-	-	-	45
County Court Admiralty	-	-	-	-	-	-	-
Lands Tribunal	-	-	-	-	-	-	-
Employment Appeal Tribunal	2	-	2	-	-	-	2
Asylum & Immigration Tribunal	1	-	-	-	-	-	-
Immigration Appeal Tribunal	-	-	-	-	-	-	-
Patents Court	-	1	1	-	-	-	2
Social Security Commissioner	-	-	-	-	-	-	-
Other Tribunals	-	-	-	-	-	-	-
Total	129	74	50	9	1	-	134

Source:

Court of Appeal (Civil Division)

Notes:

1 For failure to provide documents

Table 1.10
Court of Appeal (Civil Division)
 Applications set down and disposed of, 1995-2006

	Number of applications											
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Full Court¹												
Filed	1,756	655	622	715	584	437	288	314	230	225	291	230
Disposed	1,779	593	661	715	611	566	313	329	247	251	264	245
Single Judge												
Set down	687	80	71	165	1,326	304	320	274	275	260	286	251
Disposed	486	67	69	144	1,150	262	335	267	259	261	274	247
Permission to Appeal												
Set down	-	1,930	1,844	1,897	2,382	2,411	2,415	2,434	2,448	2,430	2,579	2,397
Disposed	-	1,790	2,031	1,934	2,134	2,604	2,388	2,391	2,514	2,402	2,495	2,530
Registrar/ Master												
Set down	215	240	201	68	43	68	72	70	72	97	122	87
Disposed	239	210	212	128	52	62	80	74	71	92	121	87
Total												
Filed / Set down	2,658	2,905	2,738	2,845	3,183	3,210	3,095	3,092	3,025	3,159	3,278	2,965
Disposed	2,504	2,660	2,973	2,921	2,967	3,494	3,116	3,061	3,091	3,116	3,154	3,109

Source:

Court of Appeal (Civil Division)

Notes:

1 Includes new 'leave to appeal' cases

Table 1.11**High Court – Chancery Division**

Appeals and special cases from inferior courts and tribunals set down and determined, showing subject matter and results, 2006

Subject matter	Number of appeals				
	Total set down for hearing	Appeals disposed of, by result			Total disposals
		Allowed after hearing	Dismissed after hearing	Withdrawn or struck out	
<u>Bankruptcy</u>					
County courts	67	9	37	18	64
High Court Registrars	81	10	32	15	57
Total	148	19	69	33	121

Source:

High Court – Chancery Division

Table 1.12**High Court – Queens Bench Division (Administrative Court matters)**

Summary statistics on Judicial Review applications, 2006

Nature of Review	Number of applications								
	Applications for permission to apply for Judicial Review			Applications for Judicial Review disposed of, by result				Withdrawn	Total
				Determined by a Single Judge		Determined by the Divisional Court			
	Received	Granted	Refused	Allowed	Dismissed	Allowed	Dismissed		
Immigration / Asylum	4,084	278	1,743	37	28	1	-	4	70
Criminal	253	77	161	2	2	36	35	3	78
Others	2,121	397	734	55	95	-	5	7	162
Total	6,458	752	2,638	94	125	37	40	14	310

Source:

High Court – Queens Bench Division

Table 1.13
High Court – Queens Bench Division (Administrative Court matters)
 Summary statistics on appeals by way of case stated, 2006

	Number of appeals						
	Total Received	Appeals disposed of, by result				Withdrawn	Total
		Determined by a Single Judge		Determined by the Divisional Court			
	Allowed	Dismissed	Allowed	Dismissed			
<u>Court or Tribunal appealed from</u>							
Crown Court	24	-	2	3	7	-	12
Magistrates Court	113	12	13	30	44	1	100
Total	137	12	15	33	51	1	112

Source:
 High Court – Queens Bench Division

Table 1.14
High Court – Queens Bench Division (Administrative Court matters)
 Summary statistics on applications and appeals other than for Judicial Review or by way of case stated, 2006

	Number of appeals / applications						
	Total Received	Appeals / applications disposed of, by result				Withdrawn	Total
		Determined by a Single Judge		Determined by the Divisional Court			
	Allowed	Dismissed	Allowed	Dismissed			
<u>Nature of appeal / application</u>							
<u>Statutory</u>							
Planning and related	234	12	45	-	-	1	58
Others	490	113	39	30	50	5	237
Habeas Corpus	59	-	-	2	1	-	3
Committal for contempt	-	-	-	-	-	-	-
Statutory Review under s101 NIAA 2002*	16	2	35	-	-	-	37
Reconsideration under s103a NIAA 2002*	3,306	293	2,347	-	-	-	2,640
Total	4,105	420	2,466	32	51	6	2,975

Source:
 High Court – Queens Bench Division

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

Table 1.15**High Court – Family Division**

Appeals set down and disposed of showing subject matter and results, 2006

Appeals to Divisional Court from orders made by magistrates' courts	Number of appeals				
	Total set down for hearing	Appeals disposed of, by result			Total disposals
		Allowed after hearing	Dismissed after hearing	Withdrawn or struck out	
Domestic matters					
Adoption Act 1976	1	-	1	-	1
Section 33 of the Child Support Act	2	-	-	1	1
Domestic Proceedings / Maintenance Orders	9	1	1	-	2
Section 13 of the Administration of Justice Act 1960	1	-	1	-	1
Case stated	1	-	-	-	-
Appeals under Section 94 of the Children Act 1989	45	7	13	7	27
Total	59	8	16	8	32

Source:

High Court – Family Division

Table 1.16
Appellate courts
 Summary statistics on overall caseload since 2000

Court	Number of cases						
	2000	2001	2002	2003	2004	2005	2006
Judicial Committee of the Privy Council	90	102	103	73	71	71	105
House of Lords							
from Courts in England & Wales	63	80	97	81	102	73	61
from elsewhere	16	4	10	8	9	14	12
Court of Appeal							
Civil Division	1,420	1,358	1,251	1,276	1,077	1,239	1,184
Criminal Division ¹	7,740	7,440	7,718	7,451	7,591	7,023	6,937
High Court							
Chancery Division	147	107	145	120	152	137	148
Queens Bench Division ²	4,734	5,293	5,947	6,899	6,619	7,872	10,700
Family Division ³	12	13	62	60	50	33	59
Total	14,222	14,397	15,333	15,968	15,671	16,462	19,206

Sources:

Individual appellate courts as shown

Notes:

1 Court of Appeal (Criminal Division) figures include applications for leave to appeal

2 Queen's Bench Division figures include applications for permission to apply for Judicial Review, appeals by way of case stated and statutory appeals; and in addition:

- from 2003, statutory Reviews under s101 of the Nationality, Immigration and Asylum Act (NIAA) 2002
- from 2006, Reconsideration under s103a of the NIAA 2002

3 Family Division figures include appeals under s94 of the Children Act 1989 from 2002 onwards

Chapter 2: High Court – Chancery Division

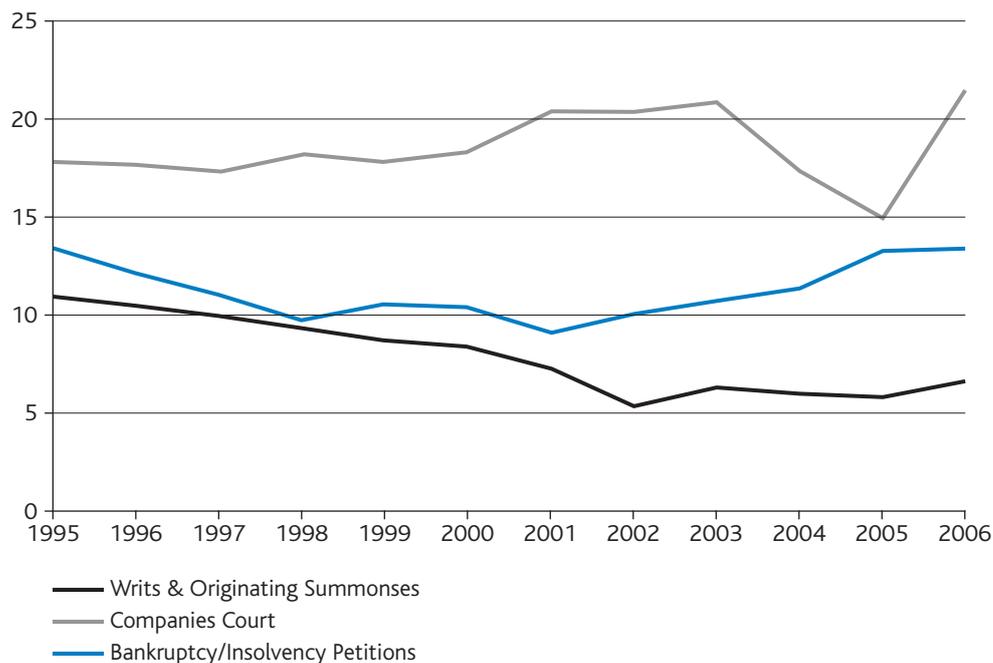
In England and Wales civil justice is administered mainly by the county courts (Chapter 4) and the High Court, the latter handling the more substantial and complex cases.

Although there is some overlap with the Queen’s Bench Division, certain matters are specifically assigned to the Chancery Division. The principal business of the Division comprises corporate and personal insolvency disputes, business, trade and industry disputes, the enforcement of mortgages, intellectual property matters, copyright and patents, disputes relating to trust property and contentious probate actions.

The Chancery Division of the High Court comprises the Chancellor of the High Court (the Head of Division since October 2005) and 17 High Court judges. Most Chancery business is dealt with in the Royal Courts of Justice in London and in eight provincial High Court centres which have Chancery jurisdiction.

Chancery Division: Proceedings commenced, 1995-2006

Writs Issued / Petitions Filed
(in thousands)



Key findings for 2006:

- the total number of proceedings started increased by 27% to 43,327 from 34,125 in 2005 (Table 2.1)
- bankruptcy petitions issued in London increased by 3% to 13,559 from 13,149 in 2005 (Table 2.5)
- the number of originating proceedings started in the Companies Court in London increased by 32% to 15,274 from 11,571 in 2005 (Table 2.7)

Chancery

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

In 2006 there was an increase of 27% in the total number of proceedings started, from 34,125 in 2005 to 43,327 in 2006. This rise was primarily due to the 54% increase in Companies court proceedings, from 15,079 to 23,215. See [Table 2.1](#) for more information.

Information on the work by masters in London is given in [Table 2.2](#), whilst [Tables 2.3](#) and [2.4](#) give breakdowns on the proceedings issued, and the cases disposed of, in London during 2006.

Bankruptcy

Bankruptcy is a term applied to insolvency (inability to pay debts) of individuals. Proceedings are started with a petition for bankruptcy. Although a debtor may issue his own petition it is more usual for a creditor to do so. However, debtors' petitions have become more common in recent years. Bankruptcy work is carried out in the High Court at the Royal Courts of Justice and in those county courts with bankruptcy jurisdiction (see chapter 4 for more information).

The number of bankruptcy petitions issued in the High Court in London during 2006 increased by 3% to 13,559 from 13,149 in 2005, whilst the total number of bankruptcy orders made increased by 14% from 7,206 to 8,206 in 2006.

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

Companies Court

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

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

The number of originating proceedings started in the Companies Court in London increased 32% from 11,571 in 2005 to 15,274 in 2006. Of the latter 34% (5,152) were company winding up petitions compared to 41% in 2005. The total number of orders made rose by 17% to 18,336 from 15,710 the previous year.

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

Patents Court

The Patents Court deals only with matters concerning patents, registered designs and appeals against the decision of the Comptroller General of Patents. Cases suitable to be heard by a county court are dealt with at the Central London County Court.

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

During 2006:

- 32 actions, which included trials and appeals, were listed. Of these 12 were withdrawn due to settlement or by order resulting from an interlocutory hearing. The hearings took about 160 court days, not taking into account pre-reading or judgment writing time.

- 152 interlocutories, which included case management conferences, applications for directions, summary judgment, applications to strike out etc, were listed and 45 withdrawn by consent. In the majority of cases of those withdrawn the terms of the order sought were agreed by the parties. The average time for this type of hearing is 1 hour and the total time taken throughout the year is about 30 court days.
- 2 appeals against the decision of the Comptroller General of Patents were listed. The total time taken in court was about 3 court days.

Table 2.1
Chancery Division
 Summary of proceedings started, 2002-2006

Nature of proceedings	Number of cases				
	2002	2003	2004	2005	2006
<u>Claims, originating and non-originating proceedings issued</u>					
London	3,924	4,533	4,049	4,219	4,528
Outside London ¹	1,535	1,802	1,977	1,672	2,025
Bankruptcy petitions	10,155	10,850	11,533	13,149	13,559
<u>Companies Court proceedings²</u>					
London ³	12,865	14,884	11,950	11,571	15,274
Outside London	7,433	5,931	5,458	3,508	7,941
Patents Court appeals received	7	3	6	6	-
Total	35,919	38,003	34,973	34,125	43,327

Source:

Chancery Division (multiple data sources)

Notes:

1 Contains estimated originating summonses as follows: 109 in 2002; 197 in 2003; 209 in 2004; 171 in 2005 and 185 in 2006

2 Excluding transfers from the Chancery Division.

3 Includes non-originating proceedings for Companies Court

Table 2.2
Chancery Division
 Matters dealt with in chambers by masters in London, 2002-2006

	Number of cases				
	2002	2003	2004	2005	2006
<u>Orders made by masters¹</u>					
Drawn up by drafting section	5,583	5,458	7,356	7,560	6,927
Not drawn up	3,173	1,703	1,872	1,982	2,556
Drawn up by solicitors	24	52	11	33	15
Transfers Out	193	256	252	301	261
<u>Enforcement Issues</u>					
Possession	141	29	41	39	15
Writs of fi-fa	101	50	72	53	35
<u>Appointments before the masters</u>					
On notice	3,156	3,168	4,499	5,438	5,945
Without Notice	1,213	868	807	920	1,102

Source:

Chancery Division business returns

Notes:

1 Includes final and interlocutory orders

Table 2.3**Chancery Division**

Claims and originating proceedings issued in London by nature of proceedings, 2002-2006

Nature of proceedings	Number of cases				
	2002	2003	2004	2005	2006
<u>Land</u>					
Contracts of sale and purchase	153	176	31	31	10
Landlord and Tenant	432	474	197	2	3
Mortgages and charges	47	33	26	12	-
Squatters and trespassers	29	46	5	-	1
Restrictive covenants	57	74	-	1	1
Other Proceedings	309	502	1,324	788	1,114
<u>Business and industry</u>					
Partnership	103	167	54	41	28
Business fraud claims	97	86	5	1	-
Contracts of sale & purchase of shares & business	137	120	59	28	14
Other Disputes	227	256	620	716	301
<u>Intellectual property</u>					
Confidential information	93	81	5	11	3
Passing off and trade marks	181	212	66	105	50
Patents and registered designs ¹	187	238	153	54	57
Copyright and design right ¹	207	306	195	148	120
<u>Professional negligence</u>					
Claims against solicitors	75	43	12	52	30
Claims against accountants	37	24	1	1	2
Claims against surveyors and estate agents	47	57	-	-	-
Claims against members of other professions	115	102	8	13	10
<u>Trusts, wills and probate</u>					
Contentious probate actions	117	117	80	115	73
Disputes relating to Trust property	81	96	20	27	10
Variation of Trusts	63	74	4	8	2
Inheritance (provision for dependants)	73	82	8	15	10
Guardianship of minors' estate	51	32	-	-	-
Charities	35	42	2	-	1
Other applications concerning wills and trusts	183	240	175	318	214
<u>Other</u>					
Other debts, damages and accounts	355	360	995	1,701	1,102
Revenue appeals	37	54	4	16	-
Solicitors	37	49	-	15	10
Originating process not otherwise classified	359	390	-	-	1,362
Total	3,924	4,533	4,049	4,219	4,528

Source:

Chancery chambers, bespoke contribution for this publication

Notes:

1 These matters are dealt with in the Patents Court

Table 2.4
Chancery Division
 Cases listed in London, set down and disposed of, by listing type, 2006

	Number of cases			
	Total cases set down	Number disposed of		Total
		After trial of hearing	Otherwise ¹	
Trial list	783	244	435	679
General list	1,554	1,549	41	1,590
Interim hearing list ²	2,005	1,991	113	2,104
Total	4,342	3,784	589	4,373

Source:

High Court combined workload return

Notes:

1 Settled out of court

2 Now also includes the Interim Applications List

Table 2.5
Chancery Division
 Bankruptcy petitions issued¹, 2002-2006

Petitions issued	Number of petitions				
	2002	2003	2004	2005	2006
By creditors	9,248	9,679	9,567	10,339	9,846
By debtors and legal representatives of deceased debtors	907	1,171	1,966	2,810	3,713
Total	10,155	10,850	11,533	13,149	13,559

Source:

Chancery Division business returns

Notes:

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

Table 2.6
Chancery Division
 Summary of Companies Court proceedings¹, London, 2002-2006

	Number of cases				
	2002	2003	2004	2005	2006
Applications filed:					
Winding-up petitions	5,760	5,144	4,429	4,749	5,152
Other petitions, applications and summonses	7,105	9,740	7,521	6,822	10,122
Orders made:					
On winding-up petitions:					
Winding-up orders made	2,524	2,467	1,995	1,924	2,371
Dismissed/Withdrawn	2,932	2,714	2,416	2,387	2,555
On other petitions, applications and summonses	11,145	10,294	10,495	10,171	11,552
Transfers to county courts	1,519	1,527	1,433	1,228	1,858
Applications before registrar:					
Listed	13,287	12,264	12,221	12,395	13,455
Unlisted	643	667	494	435	558

Source:

Chancery Division business returns

Notes:

1 Figures are for the Royal Courts of Justice only

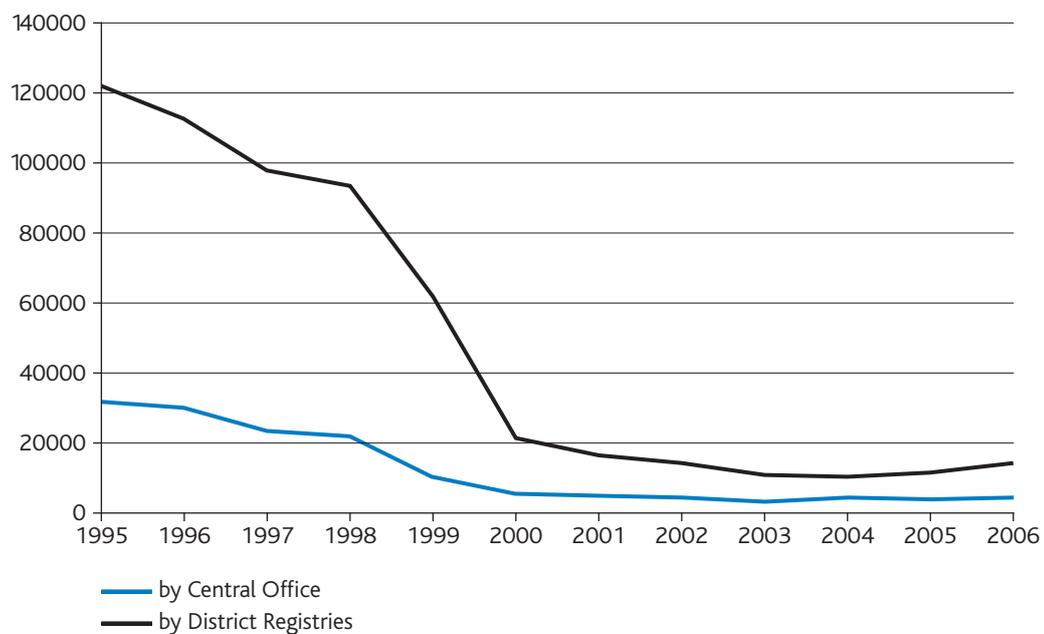
Chapter 3: High Court – Queen’s Bench Division

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

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

At the end of 2006, the Queen’s Bench Division comprised the President of Queen’s Bench Division and 69 High Court judges. Judges of the Queen’s Bench Division also hear the most important criminal cases in the Crown Court (Chapter 6) and they also sit on the Employment Appeals Tribunal (Chapter 8).

Queen’s Bench Division: Writs & Originating Proceedings issued, 1995-2006



The above graph illustrates the sharp decline in the number of proceedings issued in the Queen's Bench Division in the late 1990s. This was a consequence of the High Court and County Courts Jurisdiction (Amendment) Order 1999, introduced in April 1999 as part of a major package of reforms to civil justice. This imposed a minimum value of £15,000 on claims issued in the High Court.

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

Key Findings during 2006

- 18,364 claims and originating proceedings were issued, 20% more than in 2005 (15,317).
- In London (Royal Courts of Justice) 62% of claims were for an unliquidated amount of money and 25% were for amounts in excess of £50,000. Of all claims, 23% were for debt and a further 22% were for personal injury.
- In London (RCJ) the number of judgments given either in default of a response by the defendant or as summary judgments during 2006 totalled 569, a decrease of 4% from 2005 (595).
- the number of enforcement proceedings issued in London increased by 5% to 12,385. Writs of fi-fa formed 98% of proceedings. Outside London enforcement proceedings increased by 42% to 34,734, with writs of fi-fa accounting for almost all proceedings.
- there were 105 Admiralty actions started in the Royal Courts of Justice. Of the claims issued in London, 21 (20%) related to damaged cargo.
- 634 (68%) of the 926 Commercial Court claims were unspecified. The majority of claims issued (597) were for breach of contract.
- the number of claims received by the Technology and Construction Court increased by 15%, from 340 to 390.

Queen's Bench

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

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

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

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

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

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

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

- (a) a writ of fieri facias (fi-fa) directing the sheriff (the equivalent of the bailiff in the county courts) by his officers to seize and if necessary sell the debtor's goods to raise money to pay off the debt
- (b) a writ of possession of land (eviction takes place if necessary to ensure that possession of property or land is recovered)
- (c) a writ of delivery of goods which is an order to hand over specific goods
- (d) a charging order on land, securities or funds in court (usually on land – this has the same effect as a mortgage, so that if the property is sold the amount of the charge (debt) must be paid out of the proceeds of the sale)

- (e) a third party debt (formerly garnishee) order, which orders that a third party, normally a bank, holding money for the judgment debtor pay it to the judgment creditor direct
- (f) appointment of a receiver who will manage the judgment debtor's property or part of it in such a way as to protect the judgment creditor's interest in it

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

Although Queen's Bench Division cases are only tried at the Royal Courts of Justice and first tier centres outside London, interlocutory proceedings (applications preparatory or incidental to the main proceedings) are dealt with at all district registries and at the Royal Courts of Justice. This area of work decreased in 2006 – applications to masters in London decreased by 18% to 7,626 (table 3.4). The court determines what, if anything, must be done before a case can be set down for trial, gives directions as to when this is to be done and where the trial is to take place. If either party is dissatisfied with an order of a master, an appeal may be made to a judge in chambers (a private hearing). Summary caseload statistics are shown in Tables 3.1 to 3.5.

Admiralty Court

The Admiralty Court deals with shipping matters. The two most common matters dealt with are damage to cargo and collision of ships. Most cases are dealt with at the Royal Courts of Justice in London but some are disposed of in district registries upon transfer from London. There is one Admiralty Judge who hears all admiralty cases and a number of interlocutory matters. The Judge is supported by the Admiralty Registrar who hears interlocutory matters and post judgment applications. The Admiralty Marshal is responsible for the detention and sale of ships which are the subject of proceedings in the Admiralty Court. Summary caseload statistics are shown in Tables 3.6 to 3.8.

Commercial Court

The Commercial Court also deals with shipping matters but is largely concerned with matters regarding contracts related to ships, insurance, carriage of cargo and the construction and performance of mercantile contracts. Other matters dealt with involve banking, international credit, contracts relating to aircraft, the purchase and sale of commodities and the practice of arbitration and questions arising from arbitrations. There are thirteen Commercial Judges who hear all commercial cases and interlocutory applications. Summary caseload statistics are shown in [Table 3.9](#).

Technology and Construction Court

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

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

During 2006 there were five full-time senior circuit judges and two High Court judges based in London assigned to the TCC. Other High Court judges sit in the London TCC as necessary. Outside London, nominated circuit judges deal with TCC business on each of the circuits, with further full-time designated TCC judges at Birmingham, Manchester and Liverpool. Summary caseload statistics are shown in [Table 3.10](#).

Table 3.1
Queen's Bench Division
 Summary statistics on proceedings started, 2002-2006

Nature of proceedings	Number of cases				
	2002	2003	2004	2005	2006
<u>Claims and originating summonses</u>					
Issued by Royal Courts of Justice	4,394	3,514	4,292	3,841	4,246
Issued by district registries ¹	14,230	10,677	10,538	11,476	14,118
Total	18,624	14,191	14,830	15,317	18,364

Source:

Queen's Bench Division (compilation from multiple sources)

Notes:

¹Figures for district registries contain annual estimates of the numbers of originating summonses as follows: 1,006 in 2002; 1,170 in 2003; 1,115 in 2004; 1,195 in 2005 and 1,288 in 2006

Table 3.2
Queen's Bench Division:
 Proceedings started¹, by nature and value of claim, 2006

Nature of claim	Value of claim			Total
	£15,000 – £50,000	Over £50,000	Unspecified	
	Debt (goods sold & delivered, work carried out etc)	218	368	402	988
Breach of contract	73	191	436	700
Clinical Negligence	36	92	353	481
Personal Injury Actions	16	235	663	914
Other Negligence (inc. professional negligence)	12	40	145	197
Defamation (libel, slander)	24	39	150	213
Tort (eg. nuisance, trespass, assault, wrongful arrest, etc.)	9	8	34	51
Recovery of land / property	-	-	18	18
Miscellaneous	129	106	449	684
Total	517	1,079	2,650	4,246

Source:

High Court combined workload return

Notes:

¹Figures given are for the Royal Courts of Justice only

Table 3.3
Queen's Bench Division¹
 Judgment without trial, by type² and value of judgment, 2006

Type of judgment	Value of judgement			Number of judgments
	£15,000 – £50,000	Over £50,000	Unspecified	Total
	By default	212	223	128	563
Order by summary judgment (including order 14)	3	3	-	6
Total	215	226	128	569

Source:

High Court combined workload return

Notes:

1Figures given are for the Royal Courts of Justice only

2Judgments without trial can be by default (i.e. with no response from the defendant) or by summary judgment (under Order 14 of the Rules of the High Court)

Table 3.4
Queen's Bench Division¹
 Interlocutory applications² for masters in London, 2002-2006

Year	Number of applications
2002	7,097
2003	6,485
2004	9,446
2005	9,335
2006	7,626

Source:

High Court combined workload return

Notes:

1Figures given are for the Royal Courts of Justice only

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

Table 3.5
Queen's Bench Division¹
 Enforcement proceedings issued, 2006

Nature of Enforcement	London	Outside London	Total
Writs of fi-fa	12,078	34,732	46,810
Writs of possession	21	-	21
Writs of Delivery	1	-	1
Charging orders	268	-	268
Third party debt orders	17	-	17
Application for orders to attend court for questioning	-	2	2
Total	12,385	34,734	47,119

Source:

High Court combined workload return

Notes:

1 Figures given are for the Royal Courts of Justice only

Table 3.6
Admiralty Court¹
 Summary statistics on admiralty proceedings, 2002-2006

Nature of proceedings	Number of cases				
	2002	2003	2004	2005	2006
Claims issued	133	170	158	102	105
Summons issued:					
Judges	86	155	52	37	43
Registrars	19	2	16	47	99
Applications heard	67	105	82	84	142
References to registrar	4	2	2	2	1
Warrants of arrest executed ²	33	43	36	22	50
Sales by the Court	3	3	8	1	4

Source:

Admiralty Court

Notes:

1 Figures are for the Royal Courts of Justice only

2 Vessels or property arrested

Table 3.7
Admiralty Court¹
 Admiralty claims issued by nature of action, 2002-2006

Nature of action	Number of cases				
	2002	2003	2004	2005	2006
Collision	33	24	29	19	25
Damage to cargo	40	25	13	27	21
Personal injury (including fatal)	6	7	11	5	4
Mortgage	6	1	1	2	1
Limitation of liability	4	6	23	1	-
Others	44	107	81	48	54
Total	133	170	158	102	105

Source:

Admiralty Court

Notes:

¹ Figures are for the Royal Courts of Justice only

Table 3.8
Admiralty Court¹
 Admiralty actions for trial in the High Court set down, tried or otherwise disposed of, 2002-2006

Actions for trial	Number of claims				
	2002	2003	2004	2005	2006
Total set down	50	24	18	25	10
Tried during year	9	18	3	3	4
Otherwise disposed of	43	18	19	19	11
Total tried	52	36	22	22	15

Source:

Admiralty Court

Notes:

¹ Figures are for the Royal Courts of Justice only

Table 3.9
Commercial Court¹
 Claims issued showing nature and value of claim, 2006

Nature of claim	Number of claims			
	Value of claim			Total
	£15,000 – £50,000	Over £50,000	Unspecified	
Debt ²	-	2	1	3
Breach of contract	14	270	313	597
Miscellaneous	-	6	320	326
Total	14	278	634	926

Source:

Admiralty Court

Notes:

1 Figures are for the Royal Courts of Justice only

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

Table 3.10
Technology and Construction Court¹
 Summary caseload statistics, 2002-2006

	Number of actions				
	2002	2003	2004	2005	2006
Received					
Claims and originating summonses issued in Registry	392	314	265	274	337
By transfer	108	67	76	66	53
Total	500	381	341	340	390
Disposed of					
Tried	49	41	7	3	32
Struck out, settled or discontinued	321	297	71	23	153
Transferred	5	9	25	18	2
Default judgments entered	-	16	12	7	5
Total	375	363	115	51	192
Number of Interlocutory Applications heard²	1,391	1,403	668	496	454

Source:

Technology and Construction Court

Notes:

1 Figures are for the Royal Courts of Justice only

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

Chapter 4: County Courts (non family)

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

Most County Courts are assigned at least one Circuit Judge and one District Judge. Circuit Judges generally hear cases worth over £15,000 or involving greater importance or complexity. District Judges generally case manage proceedings, in addition to determining small claims cases (generally claims up to £5000), uncontested assessment of damages and repossession cases.

Key findings for 2006

- The total number of civil (non family) cases started in 2006 was 2,157,000, more than in any year since 2000, and a 7% increase on 2005.
- The number of "money" claims with specified claim amounts increased by 8%, the number of mortgage repossession claims by 14% and the number of insolvency petitions by 29% compared with 2005.
- The number of trials and small claim hearings was 65,000, similar to 2005 although 9% less than in 2000.
- Trials took place on average 49 weeks following issue, down from 52 weeks in 2005, while small claim hearings took place 27 weeks following issue, up from 26 weeks in 2005.
- The average length of a trial was 4 hours and 37 minutes, up from 3 hours and 40 minutes in 2005, while small claim hearings lasted an average of 84 minutes, up from 76 minutes in 2005.
- The number of charging orders to obtain security for a payment against a property owned by a debtor increased by 41% compared with 2005, 480% higher than in 2000.

Commencing a case

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

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

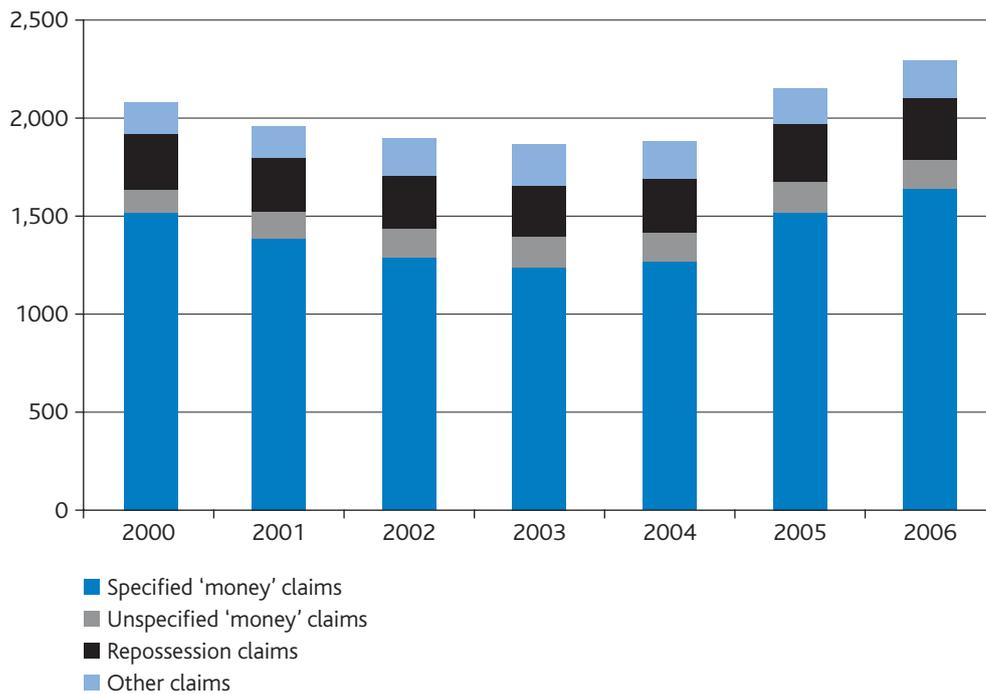
In total, there were 2,157,000 civil (non family) proceedings started in 2006, 7% higher than in 2005 and more than in any year from 2000 onwards. This comprised the following types of cases:

- 1,544,000 “money” claims with specified claim amounts, an increase of 8% compared with 2005 and (as for all claims) more than in any year from 2000 onwards. 66% of these were issued through the County Court Bulk Centre or Money Claim Online with 48% having a value of up to £500 and just 12% a value over £5,000.
- 146,000 “money” claims with unspecified claim amounts, similar to the two previous years although 27% higher than in 2000. 48% of these had a value of over £1,000 and up to £5,000, 30% a value over £5,000 and up to £15,000, and 15% a value of over £15,000.
- 131,000 mortgage repossession claims, an increase of 14% compared with 2005 and 108% compared with 2002.
- 116,000 social landlord repossession claims, a decrease of 8% compared with 2005 and 27% fewer than in 2002. The latest fall may in part have been due to a new pre-action protocol introduced on 2nd October 2006, the main aim of which was to encourage more contact between parties before the issuing of a claim.

- 42,000 private landlord repossession claims (including accelerated procedure claims), 7% more than in 2005 and 10-15% higher than in each year from 2000-2004.
- 67,000 insolvency petitions, an increase of 29% compared with 2005 and 167% higher than in 2000 largely due to a 303% rise in the number of individual bankruptcy petitions made by debtors.
- 111,000 non-“money” claims excluding those for mortgage and landlord repossession, 3% lower than in 2005 and 39% fewer than in 2003. In June 2004 amendments were made to the Landlord and Tenant Act which resulted in a large reduction in the number of housing claims (excluding mortgage or landlord repossession) from 62,000 in 2003 to 7,000 in 2006.

Number of claims issued, by type of case, 2000-2006

Number of claims
(in thousands)



Claim issue statistics are shown in [Tables 4.1 to 4.10](#).

Case Progression

On receipt of the claim, the claim form and a response pack is sent to (served on) the defendant who has a specific time limit to reply. They can then pay up, dispute the claim, admit the claim and ask for more time to pay up, or ignore it. In 2006, 294,000 defences were made, 6% higher than in 2005 and 17% more than in 2000. If the claim is defended, the usual procedure is for it to be allocated by a judge to one of three case management tracks. In total, there were 157,000 allocations to track in 2006, 1% more than in both 2005 and 2000. This was made up of, in ascending order of case complexity and degree of judicial involvement:

- 78,000 allocations to the small claims track (generally for cases with a value up to £5,000), up 3% from 2005.
- 51,000 allocations to the fast track (generally for cases with a value over £5,000 and up to £15,000), as in each year from 2003 onwards.
- 28,000 allocations to the multi track (generally for cases with a value over £15,000), down 2% from 2005.

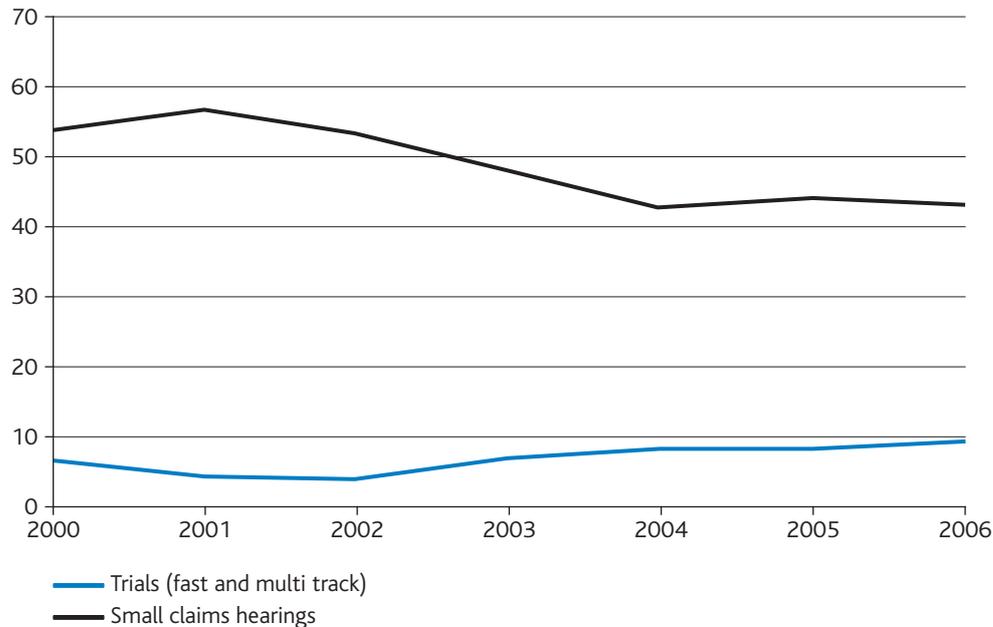
Around 41% of cases allocated to track reached a trial or small claim hearing in 2006, with most settling or being withdrawn. In total, there were 65,000 trials and small claim hearings, similar to 2005, although 9% fewer than in 2000.

This comprised:

- 18,000 fast and multi track trials, 5% more than in 2005. More than two thirds (69%) of these related to unspecified “money” cases. On average, trials occurred 49 weeks following issue, a reduction from 52 weeks in 2005. They lasted 4 hours and 37 minutes on average, an increase from 3 hours and 40 minutes in 2005.
- 47,000 small claim hearings, 2% lower than in 2005. The vast majority (94%) of these related to specified “money” cases. On average, small claim hearings occurred 27 weeks following issue, up from 26 weeks in 2005. They lasted 84 minutes on average, up from 76 minutes in 2005.

Number of hearings, by type, 2000-2006

Number of claims
(in thousands)



Case progression statistics are shown in [Tables 4.11 to 4.14](#)

Judgements

There are many types of County Court Judgements. In specified “money” cases the majority follow either no response from the defendant within the allotted time period or the claimant accepting the defendant’s offer to pay all or part of the amount owed. These judgements are entered as an administrative function and generally don’t involve a judge. Overall, 1,045,000 default judgements were made in 2006, almost all relating to specified “money” claims. In total, they accounted for around 68% of specified “money” claims issued in 2006.

In possession cases, the usual procedure is for the claim being issued to be given a hearing date before a District Judge. This process resulted in 198,000 possession orders being made in 2006, 91,000 of which were mortgage related. 52% of all orders and specifically 51% of mortgage possession orders were not suspended (possession given immediately or by a given date), up from 47% and 46% respectively in 2005 and 39% (for both) in 2000.

Registry Trust Limited (a private non-profit making company limited by guarantee) administers a statutory public register of County Court Judgements. Overall, 1,022,000 judgements were registered with the Registry Trust (excluding those made for the non-payment of road tax) in 2006 with 83% relating to consumers, up from 79% in 2005 and 78% overall between 2000 and 2004. 129,000 entries

were satisfied, the judgements having been paid in full. 90,000 entries were cancelled, the judgement having been made in error, set aside, reversed, paid before the court date or in full within one month. All entries are automatically removed at the end of the sixth calendar year after the date of judgement. The Register is open for public inspection on payment of a statutory fee, and is used in particular by credit reference agencies to assist lenders in making responsible credit granting decisions, for the benefit of both consumers and businesses.

37,000 searches of the Registry were performed in 2006, mainly by individuals searching for themselves or others or by agents acting for law firms. This was 35% higher than in 2005 with internet search requests rising from 6,000 in 2005 to 16,000 in 2006.

Judgement statistics are shown in [Tables 4.16 to 4.19](#)

Enforcement

There are various methods of enforcing judgements in the county courts. The most common method is the warrant of execution against a debtors goods, where unless the amount due under the warrant is paid, saleable items owned by a defendant can be recovered by the court and sold. During 2006 334,000 warrants of execution were issued, 1% lower than the overall average between 2003 and 2005. Overall 22 pence in the pound was recovered, in 2006, with 91 pence in the pound being recovered from warrants of execution where the creditor had provided a correct address for the debtor.

Where repossession of property or the return of particular goods or items is sought, the claimant can apply for a warrant of possession or warrant of delivery. In 2006, there were 145,000 warrants of possession issued, 10% higher than in 2005 and 22% more than in 2004. There were 2,100 warrants of delivery issued, 11% lower than in 2005.

To enforce an order for which the penalty for failure to comply is imprisonment, it is possible to apply for a warrant of committal which authorises the bailiff to arrest and deliver the person to prison or the Court. There were 1,800 warrants of committal issued in 2006, 5% lower than in 2005 and 73% lower than in 2000.

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

- An attachment of earnings order obliging the debtor's employer to deduct a set sum from the debtor's pay and forward it to the court. 85,000 applications were made for attachment of earnings orders in 2006, 8% fewer than in 2005 with around 78% of these resulting in orders being made.

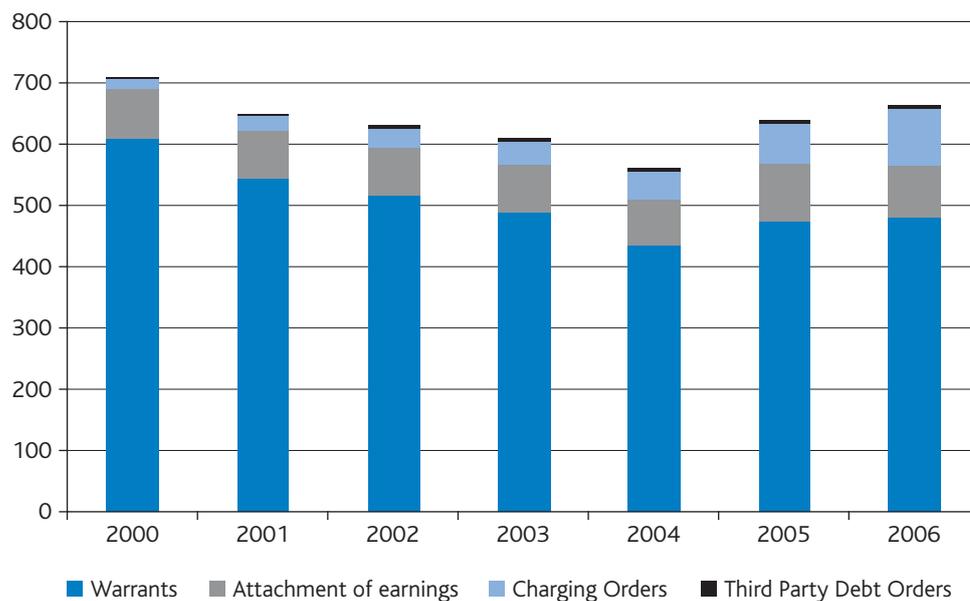
- A charging order enabling the creditor to obtain security for the payment against a property owned by the debtor. 93,000 applications were made for charging orders in 2006, 41% higher than in 2005 and 480% more than in 2000 with around 72% resulting in orders being made.
- A third party debt order enabling the creditor to secure payment by freezing and then seizing money owed or payable by a third party to a debtor. 7,000 applications were made for third party debt orders in 2006, similar to 2005, although 127% more than in 2000 with around 28% resulting in orders being made.

In certain circumstances a debtor may combine debts into an administration order. The debtor must have a judgement debt and at least one other that he is unable to pay with the total indebtedness not exceeding £5,000. Once the debts have been examined and found to be correctly calculated a District Judge can make an order for the debtor to make regular payments to the court. The court will then distribute the money in the appropriate proportions to the creditors listed by the debtor. There were 4,000 administration orders made in 2006, 18% more than in 2005 following a 50% decline between 2000 and 2005.

To assist in determining the most appropriate method of enforcing a judgement, the claimant can apply for an order to obtain information from the judgement debtors. This involves debtors being ordered to attend court to provide details of their means. There were 28,000 orders made to obtain information from debtors, 10% lower than in 2005, following a 49% decline between 2000 and 2005.

Number of enforcement applications, by type, 2000-2006

Number of enforcement applications (in thousands)



Enforcement statistics are shown in [Tables 4.20 to 4.22](#)

Table 4.1
County Courts (non-family work)
 Summary statistics on claims issued in England and Wales, 2000-2006

Year	Number of claims / petitions								
	Specified "money" claims ¹	Unspecified "money" claims ²	Total "money" claims	Claims for recovery of land ³	Claims for return of goods	Other non-"money" claims	Total non-"money" claims	Total insolvency petitions ⁴	Total proceedings started
2000	1,432,077	114,693	1,546,770	263,213	14,305	116,099	393,617	25,076	1,965,463
2001	1,309,902	131,153	1,441,055	259,281	14,806	103,402	377,489	26,477	1,845,021
2002	1,210,099	145,236	1,355,335	258,676	11,734	131,760	402,170	29,556	1,787,061
2003	1,162,733	153,827	1,316,560	243,962	9,929	164,375	418,266	30,733	1,765,559
2004	1,194,058	144,236	1,338,294	251,865	8,880	135,591	396,336	38,279	1,772,909
2005	1,431,486	147,674	1,579,160	280,478	9,127	103,419	393,024	51,875	2,024,059
2006	1,544,436	145,980	1,690,416	289,291	9,904	100,769	399,964	66,981	2,157,361

Source:

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

Notes:

- 1 Claims issued for a specified amount of money, including those made through the Claim Production Centre, County Court Bulk Centre and Money Claim Online
- 2 Claims issued for an unspecified amount of money
- 3 Includes claims made via Possession Claim Online
- 4 Includes petitions heard in the High Court

Table 4.2
County Courts (non-family work)
 Summary statistics on claims issued¹ by HMCS area, 2006

Area	Number of claims / petitions								
	Specified "money" claims ²	Unspecified "money" claims ³	Total "money" claims	Claims for recovery of land ⁴	Claims for return of goods	Other non-"money" claims	Total non-"money" claims	Total insolvency petitions ⁵	Total proceedings started
Avon and Somerset	13,174	3,579	16,753	5,299	221	2,348	7,868	6,249	30,870
Bedfordshire	4,344	518	4,862	3,100	99	1,037	4,236	790	9,888
Cambridgeshire	6,316	947	7,263	3,684	139	1,001	4,824	1,043	13,130
Cheshire	6,311	4,330	10,641	4,781	183	2,495	7,459	1,087	19,187
Cleveland	3,442	1,416	4,858	3,287	104	1,158	4,549	517	9,924
Cumbria	4,821	570	5,391	1,602	67	465	2,134	464	7,989
Derbyshire	8,204	1,250	9,454	3,734	99	900	4,733	695	14,882
Devon and Cornwall	11,415	2,782	14,197	5,503	199	2,128	7,830	3,431	25,458
Dorset	8,408	675	9,083	2,640	87	1,035	3,762	1,205	14,050
Durham	4,893	506	5,399	3,491	126	1,274	4,891	711	11,001
Dyfed-Powys	2,893	423	3,316	1,868	95	312	2,275	366	5,957
Essex	12,346	2,366	14,712	8,170	420	1,664	10,254	2,191	27,157
Gloucestershire	4,023	615	4,638	1,664	78	721	2,463	607	7,708
Greater Manchester	27,365	21,590	48,955	18,211	506	9,719	28,436	3,787	81,178
Gwent	3,530	657	4,187	3,560	136	810	4,506	491	9,184
Hampshire and Isle of Wight	22,031	5,005	27,036	8,058	323	3,510	11,891	1,664	40,591
Hertfordshire	10,613	1,533	12,146	4,443	194	1,079	5,716	1,072	18,934
Humberside	7,012	1,415	8,427	4,637	134	1,699	6,470	1,467	16,364
Kent	13,727	1,673	15,400	9,773	417	1,761	11,951	2,329	29,680
Lancashire	10,292	6,088	16,380	6,761	225	3,447	10,433	1,552	28,365
Leicestershire	5,732	812	6,544	3,382	97	925	4,404	905	11,853
Lincolnshire	5,182	936	6,118	2,446	86	690	3,222	842	10,182
London County Court Group	68,720	16,804	85,524	62,763	1,738	16,863	81,364	2,997	169,885
Merseyside	16,651	22,751	39,402	9,362	322	6,292	15,976	1,903	57,281
Norfolk	8,682	934	9,616	2,808	112	674	3,594	1,462	14,672
North Wales	4,951	1,495	6,446	2,613	105	1,150	3,868	631	10,945
North Yorkshire	8,778	1,532	10,310	2,430	99	1,025	3,554	898	14,762
Northamptonshire	5,837	843	6,680	3,664	157	1,004	4,825	736	12,241
Northumbria	15,592	3,896	19,488	9,157	246	3,045	12,448	2,356	34,292
Nottinghamshire	12,459	3,751	16,210	6,582	128	3,276	9,986	1,069	27,265
South Wales	12,140	3,414	15,554	8,381	309	3,086	11,776	1,486	28,816
South Yorkshire	23,666	4,824	28,490	7,791	210	4,292	12,293	1,772	42,555
Staffordshire	5,902	1,511	7,413	4,896	183	1,772	6,851	1,031	15,295
Suffolk	5,714	625	6,339	3,023	112	603	3,738	782	10,859
Surrey	11,545	1,086	12,631	3,299	144	825	4,268	704	17,603
Sussex	16,461	1,805	18,266	6,068	239	2,254	8,561	2,166	28,993
Thames Valley	25,252	2,359	27,611	9,010	434	2,247	11,691	3,069	42,371
Warwickshire	5,444	390	5,834	2,371	108	643	3,122	207	9,163
West Mercia	18,751	1,203	19,954	4,214	206	1,221	5,641	1,322	26,917
West Midlands	29,513	7,710	37,223	18,315	566	4,967	23,848	4,507	65,578
West Yorkshire	26,619	8,658	35,277	9,811	341	4,675	14,827	3,731	53,835
Wiltshire	5,176	703	5,879	2,638	110	677	3,425	687	9,991
County Court Bulk Centre ⁶	928,079	0	928,079	0	0	0	0	0	928,079
Money Claim Online ⁶	92,430	0	92,430	0	0	0	0	0	92,430
TOTAL¹	1,544,436	145,980	1,690,416	289,290	9,904	100,769	399,963	66,981	2,157,360

Source:

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

Notes:

1 The totals for recovery of land, total non-"money" claims, and total proceedings started are 1 lower than in Table 4.1 due to missing information

2 Claims issued for a specified amount of money, including those made through the Claim Production Centre, County Court Bulk Centre and Money Claim Online

3 Claims issued for an unspecified amount of money

4 Includes claims made via Possession Claim Online

5 Includes petitions heard in the High Court

6 These claims are issued in the name of Northampton County Court

7 From April 2007, HMCS underwent a restructuring from 42 to 25 geographic areas. This table uses the former structure that was in place during the period it covers.

Table 4.3
County Courts (non-family work)
 Summary statistics on claims for the recovery of land issued in England and Wales, 2000-2006

Year	Number of applications / orders																
	Mortgage repossessions				Social landlord repossessions ¹				Private landlord repossessions ²				Accelerated Possession ³				
	Claims issued	Suspended orders made	Orders made		Claims issued	Suspended orders made	Orders made		Claims issued	Suspended orders made	Orders made		Claims Issued	Suspended Orders	Orders Made	Total	
2000	70,430	31,053	19,865		156,399	74,434	28,047		19,724	3,982	7,858		16,660	13,254	263,213	109,469	69,024
2001	65,862	29,415	18,582		155,573	74,096	30,922		20,328	3,920	8,746		17,518	13,558	259,281	107,431	71,808
2002	63,203	25,072	16,687		158,305	73,744	32,997		19,072	3,352	8,505		18,096	13,557	258,676	102,168	71,746
2003	65,886	24,506	16,532		141,455	64,921	30,767		18,269	2,948	8,575		18,352	13,483	243,962	92,375	69,357
2004	77,250	26,589	20,094		137,098	61,908	30,208		17,088	1,987	8,527		20,429	15,156	251,865	90,484	73,985
2005	114,764	38,146	32,818		126,332	56,477	28,626		18,304	2,192	9,682		21,078	15,892	280,478	96,815	87,018
2006	131,230	44,549	46,111		116,092	48,525	29,391		18,958	1,821	9,912		23,011	17,319	289,291	94,895	102,733

Source:

HMCS CaseMan system and Possession Claim Online

Notes:¹Actions by local authorities and housing associations²Actions by all landlords except local authorities and housing associations³Landlord actions via the accelerated procedure enabling orders to be made solely on the basis of written evidence for assured shorthold tenancies, when the fixed period of the tenancy has come to an end

Table 4.4
County Courts (non-family work)
 Summary statistics on claims for the recovery of land issued by HMCS area, 2006

Area	Mortgage repossessions						Social landlord repossessions ²			Private landlord repossessions ³			Accelerated Possession ⁴			Total		
	Suspended		Orders made	Claims issued	Suspended		Orders made	Claims issued	Suspended		Orders made	Claims Issued	Orders Made	Claims Issued	Orders Made	Claims Issued	Orders Made	
	Claims issued	Orders made			Orders made	Orders made			Orders made	Orders made								
Avon and Somerset	2,517	877	883	2,100	970	501	276	13	164	406	321	5,299	1,860	1,869				
Bedfordshire	1,485	520	607	1,188	422	262	228	16	124	199	118	3,100	958	1,111				
Cambridgeshire	1,756	606	663	1,505	836	320	182	9	106	241	201	3,684	1,451	1,290				
Cheshire	2,479	863	898	1,913	847	432	247	46	143	142	104	4,781	1,756	1,577				
Cleveland	1,719	718	572	1,305	753	275	105	12	50	158	102	3,287	1,483	999				
Cumbria	776	286	219	673	302	188	95	12	38	58	41	1,602	600	486				
Derbyshire	1,782	615	644	1,632	955	378	142	17	80	178	145	3,734	1,587	1,247				
Devon and Cornwall	2,589	821	895	1,849	855	434	405	24	263	660	527	5,503	1,700	2,119				
Dorset	1,286	438	445	819	387	144	248	14	150	287	228	2,640	839	967				
Durham	1,831	642	645	1,482	804	300	98	11	46	80	60	3,491	1,457	1,051				
Dyfed-Powys	846	254	313	884	346	221	60	2	28	78	59	1,868	602	621				
Essex	4,476	1,496	1,595	2,620	1,021	881	579	35	335	495	382	8,170	2,552	3,193				
Gloucestershire	833	318	234	653	366	152	82	11	45	96	43	1,664	695	474				
Greater Manchester	7,840	2,708	2,729	7,891	3,669	1,734	1,510	353	655	970	700	18,211	6,730	5,818				
Gwent	1,686	562	534	1,702	882	463	81	5	56	91	65	3,560	1,449	1,118				
Hampshire and Isle of Wight	3,630	1,222	1,120	3,288	1,233	625	614	30	317	526	350	8,058	2,485	2,412				
Hertfordshire	1,775	538	655	2,120	830	399	276	12	166	272	189	4,443	1,380	1,409				
Humberside	2,129	777	778	1,741	648	501	459	94	245	308	265	4,637	1,519	1,789				
Kent	5,213	1,658	1,677	2,965	1,132	645	896	82	403	699	484	9,773	2,872	3,209				
Lancashire	3,697	1,334	1,278	2,199	823	566	392	19	231	473	337	6,761	2,176	2,412				
Leicestershire	1,668	549	627	1,296	622	322	193	21	90	225	184	3,382	1,192	1,223				
Lincolnshire	1,377	473	553	616	285	193	263	73	117	190	155	2,446	831	1,018				
London County Court Group	21,866	6,905	8,307	25,868	7,350	6,571	5,296	259	2,698	9,733	7,403	62,763	14,514	24,979				
Merseyside	4,415	1,502	1,392	3,943	1,921	943	470	21	263	534	424	9,362	3,444	3,022				
Norfolk	1,268	399	469	1,279	685	228	95	6	50	166	123	2,808	1,090	870				

North Wales	1,417	444	455	925	439	267	117	5	54	154	118	2,613	888	894
North Yorkshire	1,150	387	415	871	532	218	211	25	124	198	159	2,430	944	916
Northamptonshire	2,103	724	768	1,269	641	434	175	20	76	117	71	3,664	1,385	1,349
Northumbria	3,529	1,280	1,271	4,850	2,111	994	428	101	230	350	271	9,157	3,492	2,766
Nottinghamshire	3,237	1,026	1,197	2,721	1,423	788	343	63	145	281	224	6,582	2,512	2,354
South Wales	4,257	1,435	1,435	3,537	1,559	1,087	277	29	135	310	220	8,381	3,023	2,877
South Yorkshire	3,328	1,214	1,125	3,752	1,474	1,247	414	58	229	297	209	7,791	2,746	2,810
Staffordshire	2,526	886	844	1,913	1,069	400	216	10	131	241	184	4,896	1,965	1,559
Suffolk	1,271	404	454	1,307	624	297	191	12	101	254	197	3,023	1,040	1,049
Surrey	1,587	612	559	1,313	444	327	203	10	126	196	144	3,299	1,066	1,156
Sussex	2,901	951	1,025	1,689	730	433	728	83	394	750	579	6,068	1,764	2,431
Thames Valley	4,108	1,445	1,357	3,830	1,509	870	469	29	201	603	485	9,010	2,983	2,913
Warwickshire	1,336	448	425	839	427	199	77	9	46	119	77	2,371	884	747
West Mercia	2,213	800	731	1,560	883	386	188	19	108	253	178	4,214	1,702	1,403
West Midlands	8,685	3,049	3,038	7,919	3,580	2,439	788	41	477	923	642	18,315	6,670	6,596
West Yorkshire	5,355	1,936	1,845	3,164	1,748	1,053	717	102	393	575	457	9,811	3,786	3,748
Wiltshire	1,288	427	435	1,102	388	274	123	8	79	125	94	2,638	823	882
TOTAL¹	131,230	44,549	46,111	116,092	48,525	29,391	18,957	1,821	9,912	23,011	17,319	289,290	94,895	102,733

Source:

HMCS CaseMan system and Possession Claim Online

Notes:

- 1 The totals for private landlord repossession and all repossession claims issued are 1 lower than in Table 4.3 due to missing court information
- 2 Actions by local authorities and housing associations
- 3 Actions by all landlords except local authorities and housing associations
- 4 Landlord actions via the accelerated procedure enabling orders to be made solely on the basis of written evidence for assured shorthold tenancies, when the fixed period of the tenancy has come to an end
- 5 Claims made via Possession Claim Online are issued in the name of the local court relating to the postcode of the property
- 6 From April 2007, HMCS underwent a restructuring from 42 to 25 geographic areas. This table uses the former structure that was in place during the period it covers.

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

Summary statistics on other non-“money” claims issued in England and Wales, 2000-2006

Number of claims						
Year	Housing (not Landlord or Mortgage possession) ¹	Injunctions ²	Enforcement ³	Pre action disclosure applications ⁴	Other ⁵	Total
2000	62,002	3,975	28,768	774	20,580	116,099
2001	51,294	4,248	17,253	2,023	28,584	103,402
2002	56,961	4,429	21,918	6,502	41,950	131,760
2003	62,180	5,117	25,897	15,349	55,832	164,375
2004	30,640	6,072	31,609	15,869	51,401	135,591
2005	6,921	7,605	30,141	14,991	43,761	103,419
2006	6,568	8,466	29,433	14,142	42,160	100,769

Source:

HMCS CaseMan system

Notes:

- 1 Includes landlord and tenancy applications generally for a new tenancy agreement, claims to evict trespassers and claims for interim possession orders
- 2 To make somebody do something or to stop them doing it
- 3 Enforcement of Tribunal awards and orders made in Magistrates' Courts
- 4 To obtain an order for disclosure of information prior to issue of a claim
- 5 Includes orders for costs only

Table 4.6
County Courts (non-family work)
 Summary statistics on other non-“money” claims issued by HMCS area, 2006

Area	Number of claims					
	Housing (not Landlord or Mortgage possession) ¹	Injunctions ²	Enforcement ³	Pre action disclosure applications ⁴	Other ⁵	Total
Avon and Somerset	207	157	469	447	1,068	2,348
Bedfordshire	22	21	502	15	477	1,037
Cambridgeshire	82	75	422	87	335	1,001
Cheshire	113	122	579	632	1,049	2,495
Cleveland	61	161	215	210	511	1,158
Cumbria	14	66	130	15	240	465
Derbyshire	35	66	294	145	360	900
Devon and Cornwall	118	128	560	482	840	2,128
Dorset	85	53	513	33	351	1,035
Durham	34	72	865	13	290	1,274
Dyfed-Powys	29	13	67	21	182	312
Essex	132	80	496	129	827	1,664
Gloucestershire	26	42	429	5	219	721
Greater Manchester	256	1,069	1,616	2,485	4,293	9,719
Gwent	31	87	321	82	289	810
Hampshire and Isle of Wight	231	238	1,208	200	1,633	3,510
Hertfordshire	46	42	356	39	596	1,079
Humberside	64	159	477	500	499	1,699
Kent	99	142	665	34	821	1,761
Lancashire	111	250	954	769	1,363	3,447
Leicestershire	53	43	493	40	296	925
Lincolnshire	37	31	144	131	347	690
London County Court Group	2,417	2,416	3,569	811	7,650	16,863
Merseyside	151	525	559	1,764	3,293	6,292
Norfolk	105	33	145	42	349	674
North Wales	66	39	376	277	392	1,150
North Yorkshire	76	47	510	114	278	1,025
Northamptonshire	34	28	322	234	386	1,004
Northumbria	63	150	1,164	377	1,291	3,045
Nottinghamshire	123	140	2,173	255	585	3,276
South Wales	73	131	1,212	568	1,102	3,086
South Yorkshire	100	480	1,034	506	2,172	4,292
Staffordshire	68	68	915	289	432	1,772
Suffolk	98	58	216	18	213	603
Surrey	49	72	273	9	422	825
Sussex	280	253	626	144	951	2,254
Thames Valley	256	161	975	36	819	2,247
Warwickshire	37	34	406	10	156	643
West Mercia	92	46	517	77	489	1,221
West Midlands	275	281	1,569	1,105	1,737	4,967
West Yorkshire	278	374	875	900	2,248	4,675
Wiltshire	41	13	222	92	309	677
TOTAL	6,568	8,466	29,433	14,142	42,160	100,769

Source:

HMCS CaseMan system

Notes:

1 Includes landlord and tenancy applications generally for a new tenancy agreement, claims to evict trespassers and claims for interim possession orders

2 To make somebody do something or to stop them doing it

3 Enforcement of Tribunal awards and orders made in Magistrates' Courts

4 To obtain an order for disclosure of information prior to issue of a claim

5 Includes orders for costs only

6 From April 2007, HMCS underwent a restructuring from 42 to 25 geographic areas. This table uses the former structure that was in place during the period it covers.

Table 4.7**County Courts (non-family work)**Summary statistics on insolvency petitions¹ issued in England and Wales, 2000-2006

Year	Number of petitions			
	Company windings-up ²	Individual bankruptcy ³		Total
		Creditor's petition	Debtor's petition	
2000	5,610	7,296	12,170	25,076
2001	5,245	6,947	14,285	26,477
2002	6,874	7,082	15,600	29,556
2003	5,002	7,579	18,152	30,733
2004	5,577	7,892	24,810	38,279
2005	7,350	10,438	34,087	51,875
2006	6,951	11,026	49,004	66,981

Source:

HMCS manual returns, Claim Production Centre, Money Claim Online

Note:

1Includes petitions issued in the High Court

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

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

Table 4.8**County Courts (non-family work)**"Money" claims issued for a specified amount in England and Wales, with percentage breakdown by claim value, 2002-2006¹

Year	Total number of claims issued	Percentage							
		Value of claim							
		Lower bound (>)	£0	£500	£1,000	£5,000	£15,000	£50,000	Other ²
		Upper bound (<=)	£500	£1,000	£5,000	£15,000	£50,000	n/a	
2002	1,210,099	51.5%	15.3%	23.3%	7.0%	2.1%	0.4%	0.4%	
2003	1,162,733	48.9%	16.4%	24.3%	7.4%	2.2%	0.4%	0.4%	
2004	1,194,058	50.4%	15.3%	23.4%	7.7%	2.4%	0.4%	0.4%	
2005	1,431,486	53.2%	14.3%	21.6%	7.7%	2.5%	0.4%	0.4%	
2006	1,544,436	48.4%	15.6%	23.7%	8.6%	2.9%	0.4%	0.3%	

Source:

HMCS manual returns, Claim Production Centre, Money Claim Online

Notes:

1 Figures for 2000 and 2001 have been excluded due to incomplete claim value breakdown data for these years

2 Includes claims with no recorded claim values

Table 4.9
County Courts (non-family work)
 "Money" claims issued for an unspecified amount in England and Wales, with percentage breakdown by claim value, 2002-2006¹

Year	Total number of claims issued	Percentage							
		Value of claim							
		<i>Lower bound (>)</i>	£0	£500	£1,000	£5,000	£15,000	£50,000	Other ²
	<i>Upper bound (<=)</i>	£500	£1,000	£5,000	£15,000	£50,000	n/a		
2000	114,693		3.3%	4.3%	33.3%	33.3%	15.4%	6.9%	3.6%
2001	131,153		2.5%	3.1%	35.4%	34.7%	14.9%	6.6%	2.8%
2002	145,236		1.8%	2.0%	38.6%	35.5%	13.6%	6.1%	2.4%
2003	153,827		2.0%	1.8%	40.3%	34.0%	12.7%	5.3%	4.0%
2004	144,236		1.8%	1.6%	42.9%	32.3%	11.9%	5.6%	3.9%
2005	147,674		1.6%	1.2%	46.5%	30.9%	11.2%	4.3%	4.4%
2006	145,980		1.4%	1.0%	47.9%	30.3%	10.8%	4.5%	4.1%

Source:

HMCS CaseMan system

Notes:

- 1 The claim value breakdown is derived from the claim issue fee paid
- 2 Includes claims with either no recorded issue fee paid or with a recorded issue fee paid that doesn't correspond to one of the claim value ranges shown

Table 4.10**County Courts (non-family work)**

Summary statistics on claims defended and allocated to track in England and Wales, 2000-2006

Year	Number of defences ²	Number of defences / allocations			
		Number of allocations to track ³			Total
		Small claims	Fast track	Multi track	
2000	250,251	92,863	33,163	29,182	155,208
2001	255,099	92,199	31,038	22,544	145,781
2002	266,707	80,707	38,249	24,075	143,031
2003	268,135	77,288	51,176	28,711	157,175
2004	261,890	73,497	51,215	29,201	153,913
2005	278,019	75,740	51,405	28,397	155,542
2006	293,711	77,967	51,355	27,901	157,223

Source:

HMCS CaseMan system, Claim Protection Centre, Money Claim Online

Notes:

1Where a claim is defended further facts are gathered before, it is allocated to one of the three case management "tracks" shown, depending on the value, complexity and importance of the case and the consequential level of judicial involvement required. There may be more than one defence or allocation to track in a case.

2The number of defences excludes those recorded on the grounds of the defendant having already paid the amount claimed. It is much lower than the number of claims issued (see Table 4.1) because the vast majority of claims are not disputed

3The number of allocations to track is lower than the number of defences primarily because defended cases are often settled/withdrawn before they are allocated to track

Table 4.11**County Courts (non-family work)**

Number of trial and small claim hearings in England and Wales, as a percentage of allocations made to the relevant track, 2000-2006

Year	Trials (fast and multi track)		Small claim hearings		Total hearings	
	Number	as % of allocations to this "track"	Number	as % of allocations to this "track"	Number	as % of total allocations
2000	15,397	25%	55,836	60%	71,233	46%
2001	13,430	25%	58,333	63%	71,763	49%
2002	13,182	21%	55,719	69%	68,901	48%
2003	15,694	20%	51,044	66%	66,738	42%
2004	16,735	21%	46,617	63%	63,352	41%
2005	16,786	21%	47,680	63%	64,466	41%
2006	17,684	22%	46,836	60%	64,520	41%

Source:

HMCS CaseMan system and manual returns

Notes:

1There may be more than one trial or small claim hearing in a case

2The numbers of trials and small claim hearings are much lower than the respective numbers of allocations to track in each year (see Table 4.11) because a large proportion of cases are settled/withdrawn between allocation to track and a small claim hearing or trial

Table 4.12**County Courts (non-family work)**Small claim hearings in England and Wales, by claim type, 2003-2006¹

Year	Number of hearings			
	Type of case			Total
	Specified "money" ²	Unspecified "money" ³	Other	
2003	46,835	3,739	470	51,044
2004	42,962	3,267	388	46,617
2005	44,594	2,718	368	47,680
2006	44,169	2,326	341	46,836

Source:

HMCS CaseMan system

Notes:

1 Figures for 2000-2002 have been excluded due to the unreliability of the casetype breakdown data for these years

2 Cases which were issued for a specified amount of money

3 Cases which were issued for an unspecified amount of money

Table 4.13**County Courts (non-family work)**Fast and Multi-Track trials in England and Wales, by claim type, 2003-2006¹

Year	Number of hearings			
	Type of case			Total
	Specified "money" ²	Unspecified "money" ³	Other	
2003	2,670	11,056	1,968	15,694
2004	2,771	11,655	2,309	16,735
2005	2,913	11,358	2,515	16,786
2006	3,168	12,207	2,309	17,684

Source:

HMCS CaseMan system

Notes:

1 Figures for 2000-2002 have been excluded due to the unreliability of the casetype breakdown data for these years

2 Cases which were issued for a specified amount of money

3 Cases which were issued for an unspecified amount of money

Table 4.14**County Courts (non-family work)**

Average time taken to reach trials / small claim hearings, and estimates of their duration, England and Wales, 2000-2006

Year	Small Claim cases			Fast and Multi Track cases				
	Time between issue & start of small claim (weeks)	Duration of Small claim hearings	Sample size ²	Time between Issue & allocation to track (weeks)	Time between allocation to track & trial (weeks)	Time between issue & trial (weeks) ³	Duration of Trials	Sample size ²
2000	29	66 Mins	1,390	48	26	74	3 Hours 58 Mins	890
2001	28	71 Mins	1,460	39	35	73	4 Hours 06 Mins	1,500
2002	31	76 Mins	1,380	28	31	58	3 Hours 59 Mins	1,450
2003	30	83 Mins	1,060	26	32	59	3 hours 30 Mins	730
2004	25	76 Mins	940	25	28	53	3 Hours 52 Mins	1,030
2005	26	76 Mins	960	24	28	52	3 Hours 40 Mins	880
2006	27	84 Mins	840	21	31	49	4 Hours 37 Mins	980

Source:

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

Notes:

- 1 All figures for hearing durations, and figures for times between major case milestones prior to 2003, are derived from case samplers
- 2 Figures for time intervals between major case milestones (issue, allocation and hearing) from 2003 onwards are taken from full population data
- 3 These figures are different to the sum of the average times between issue and allocation to track and between allocation to track and trial as not all allocation to track details are known

Table 4.15
County Courts (non-family work)
 Number of default judgments^{1,2} in England and Wales by case type,
 2000-2006

Year	Type of case			Number of judgments
	Specified "money" ³	Unspecified "money" ⁴	Other	Total
2000	951,018	960	1,002	952,980
2001	852,728	857	614	854,199
2002	748,839	760	740	750,339
2003	755,684	1031	676	757,391
2004	726,747	826	598	728,171
2005	982,858	867	469	984,194
2006	1,043,604	739	503	1,044,846

Source:

HMCS CaseMan system, Claim Production Centre and Money Claim Online

Notes:

- 1 Following either no response from the defendant within the allotted time period or the claimant accepting the defendant's offer to pay all or part of the amount owed
- 2 Includes default judgements made in the County Court Bulk Centre and via Money Claim Online
- 3 Cases which were issued for a specified amount of money
- 4 Cases which were issued for an unspecified amount of money

Table 4.16
County Courts (non-family work)
 Number of default judgements¹ by HMCS area, 2006

Area	Number of judgments			
	Type of case			Total
	Specified "money" ²	Unspecified "money" ³	Other	
Avon and Somerset	7,660	30	10	7,700
Bedfordshire	2,800	8	4	2,812
Cambridgeshire	3,545	6	7	3,558
Cheshire	3,570	12	1	3,583
Cleveland	2,184	5	3	2,192
Cumbria	2,597	2	7	2,606
Derbyshire	4,805	12	4	4,821
Devon and Cornwall	6,496	27	6	6,529
Dorset	5,575	4	5	5,584
Durham	3,010	2	4	3,016
Dyfed-Powys	1,451	4	4	1,459
Essex	7,444	14	50	7,508
Gloucestershire	2,289	1	1	2,291
Greater Manchester	16,692	72	16	16,780
Gwent	2,176	3	5	2,184
Hampshire and Isle of Wight	11,885	17	8	11,910
Hertfordshire	5,927	12	43	5,982
Humberside	4,547	3	1	4,551
Kent	7,137	9	15	7,161
Lancashire	6,063	54	10	6,127
Leicestershire	3,503	1	5	3,509
Lincolnshire	3,350	5	4	3,359
London County Court Group	39,703	128	128	39,959
Merseyside	8,356	80	12	8,448
Norfolk	4,187	11	6	4,204
North Wales	3,157	5	7	3,169
North Yorkshire	4,657	14	1	4,672
Northamptonshire	3,558	9	1	3,568
Northumbria	10,455	16	13	10,484
Nottinghamshire	6,738	15	6	6,759
South Wales	8,385	10	12	8,407
South Yorkshire	10,752	8	3	10,763
Staffordshire	3,350	7	2	3,359
Suffolk	3,377	0	2	3,379
Surrey	4,242	18	7	4,267
Sussex	9,808	16	3	9,827
Thames Valley	14,859	33	14	14,906
Warwickshire	3,605	3	3	3,611
West Mercia	9,736	5	16	9,757
West Midlands	16,256	24	22	16,302
West Yorkshire	15,900	31	25	15,956
Wiltshire	2,795	3	7	2,805
County Court Bulk Centre ⁴	705,868	0	0	705,868
Money Claim Online ⁴	39,154	0	0	39,154
TOTAL	1,043,604	739	503	1,044,846

Source:

HMCS CaseMan system, Claim Production Centre and Money Claim Online

Note:

1 Following either no response from the defendant within the allotted time period or the claimant accepting the defendant's offer to pay all or part of the amount owed

2 Cases which were issued for a specified amount of money

3 Cases which were issued for an unspecified amount of money

4 These default judgements are made in the name of Northampton County Court

Table 4.17**Registry of County Court Judgements in England and Wales**Number of judgements registered, satisfied and cancelled, by type, 2000-2006¹

Year	Number of judgements ^{ss}								
	Consumer judgements (i.e. individuals)			Commercial judgements (i.e. businesses)			Total		
	Registered	Satisfied ²	Cancelled ³	Registered	Satisfied ²	Cancelled ³	Registered	Satisfied ²	Cancelled ³
2000							1,013,044	104,534	69,777
2001	697,038	120,485	41,071	190,011	12,429	30,197	887,049	132,914	71,268
2002	632,568	131,429	43,177	182,256	14,869	32,035	814,824	146,298	75,212
2003	631,368	96,581	43,379	170,689	14,554	30,751	802,057	111,135	74,130
2004	538,383	98,967	44,538	161,882	14,287	31,102	700,265	113,254	75,640
2005	635,222	93,443	54,277	167,664	15,476	32,011	802,886	108,919	86,288
2006	843,853	108,079	55,626	178,313	20,586	33,994	1,022,166	128,665	89,620

Source:

Registry Trust Ltd

Notes:

¹Excludes judgements made for the non-payment of road tax from September 2004 onwards (these amounting to 72k in 2004, 216k in 2005 and 83k in 2006). The use of these judgements for credit-referencing purposes is still being evaluated

²The judgements debt has been paid in full.

³A judgement registration can be cancelled when it is made in error, set aside, reversed, paid before the court date or in full within one month.

Table 4.18**Registry of County Court Judgements in England and Wales**Number of register searches made¹, by search method, 2000-2006

Year	Number of searches			
	Postal	Personal	Internet ²	Total
2000	24,807	2,529		27,336
2001	21,662	2,794		24,456
2002	21,609	2,950		24,559
2003	19,976	3,135		23,111
2004	18,710	3,613		22,323
2005	17,368	3,570	6,252	27,190
2006	16,228	4,376	16,205	36,809

Source:

Registry Trust Ltd

Notes:

¹These searches were mainly carried out by individuals searching for themselves or others or by agents acting for law firms

²Internet searches were not available until 2005

Table 4.19**County Court (enforcement work)**Number of warrants issued¹ in England and Wales, by type, 2000-2006

Year	Number of warrants			
	Execution ²	Delivery ³	Possession ⁴	Committal ⁵
2000	464,538	7,860	133,648	6,621
2001	400,916	7,667	132,874	5,917
2002	375,277	6,511	131,635	4,448
2003	363,458	4,224	121,332	2,431
2004	312,579	3,384	118,788	2,198
2005	341,097	2,382	131,511	1,844
2006	334,155	2,121	144,989	1,757

Source:

HMCS CaseMan system, Claim Production Centre and Money Claim Online

Note:

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

Table 4.20**County Court (enforcement work)**Amounts issued and recovered from warrants of execution¹ in England and Wales, 2000-2006

Year	Amount issued in correctly directed ² warrants (£)	Amount received in correctly directed ² warrants (£)	Amount issued in all warrants (£)	Amount received in all warrants (£)	Pence-per-pound recovered on correctly directed ² warrants	Pence-per-pound recovered on all warrants
2000	65,861,665	46,633,595	181,682,532	49,549,112	70.8	27.3
2001	59,410,408	44,994,886	168,291,967	47,832,846	75.7	28.4
2002	53,643,552	45,556,724	170,676,955	48,491,376	84.9	28.4
2003	52,121,413	46,740,391	186,294,217	49,819,049	89.7	26.7
2004	50,145,502	45,237,677	195,831,506	48,550,116	90.2	24.8
2005	47,730,253	44,301,929	200,347,628	47,417,447	92.8	23.7
2006	47,151,671	42,905,286	211,262,049	46,173,497	91.0	21.9

Source:

HMCS CaseMan system, Claim Production Centre and Money Claim Online

Note:

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

Table 4.21

County Court (enforcement work)

Enforcement-related orders applied for and made in England and Wales, 2000-2006

Year	Number of applications / orders								
	Attachment of earnings orders ¹		Third party debt orders ^{2,3}		Charging orders ⁴		Administration orders ⁵		Orders to obtain information from judgment debtors ⁷
	Applications	Orders made ²	Applications	Orders made	Applications	Orders made	Applications	Orders made ⁶	
2000	80,276	62,451	2,885	1,033	16,014	9,689	6,508	7,472	61,247
2001	77,991	71,228	4,065	1,396	21,870	15,487	6,148	7,578	68,148
2002	79,602	68,484	5,362	1,540	30,781	21,408	5,517	6,347	58,173
2003	79,942	68,719	6,073	1,754	35,053	25,216	3,725	4,421	43,323
2004	76,051	70,105	6,385	1,836	45,517	33,235	2,952	3,925	34,759
2005	92,560	71,091	6,597	1,826	65,782	49,218	3,177	3,700	31,513
2006	85,328	66,475	6,555	1,828	92,933	67,089	3,094	4,357	28,462

Source:

HMCS CaseMan system and manual returns

Note:

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

Chapter 5: Family Courts

This chapter refers to family proceedings across all tiers of court

Family law is the area of law that deals with:

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

Family matters are dealt with in the Family Division of the High Court, in county courts and, with the exception of divorce proceedings, in family proceedings courts (those magistrates' courts that hear family cases). Magistrates undergo specialist training before they sit in Family Proceedings Courts where procedures are very different from the criminal courts. Most matters affecting children are dealt with under the Children Act 1989 in all three levels of courts. In addition, the Probate Service, which deals with non-contentious (i.e. undisputed) probate matters, forms part of the Family Division of the High Court.

Key findings

- Total public law applications decreased by 11 per cent in 2006 compared with 2005. Within this, applications for care orders decreased by seven per cent and applications for supervision orders increased by nine per cent.
- Total private law applications have increased by two per cent in 2006 compared with 2005. Within this, applications for parental responsibility have decreased by six per cent, applications for residence have increased by one per cent and applications for contact have increased by two per cent.
- There were 149,000 petitions filed for divorce in 2006, a decrease of two per cent. The number of decrees absolute granted fell by seven per cent.
- The number of applications for domestic violence remedies decreased by four per cent in 2006 compared with 2005. Compared with 2002 they have fallen by 15 per cent.

Matters affecting children: Public Law

Public law cases are those brought by local authorities or the NSPCC and include matters such as care, supervision and emergency protection orders.

Care orders

A care order brings the child into the care of the local authority and cannot be made in favour of anyone else. The care order gives the local authority parental responsibility for the child and extinguishes any previous residence orders.

Supervision orders

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

Emergency Protection Orders

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

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

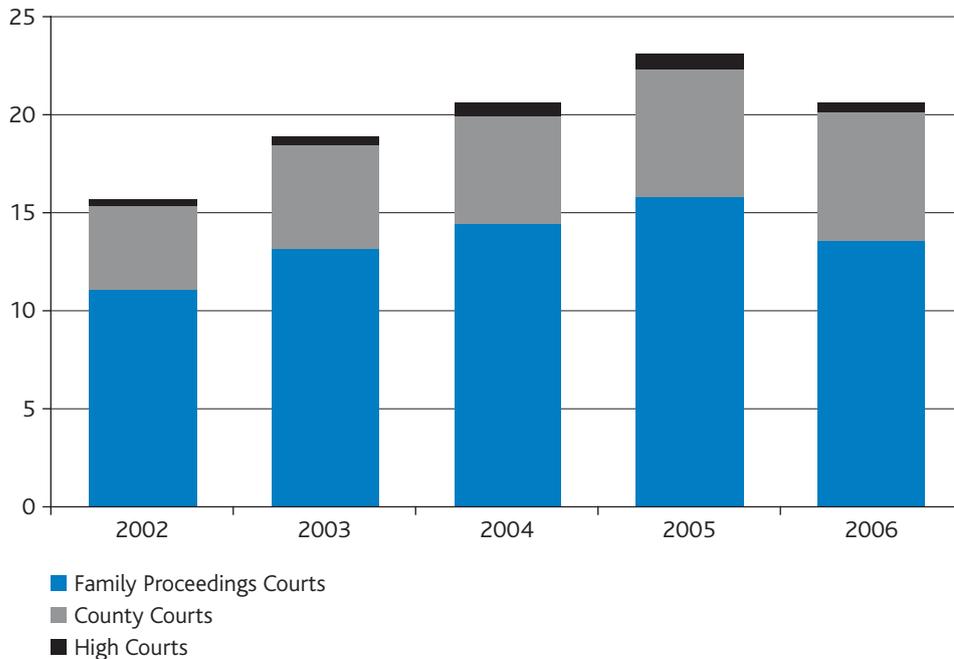
- to minimise delay
- to consolidate with other family proceedings
- where the matter is exceptionally grave, complex or important

There are known data quality issues with figures provided by Family Proceeding Courts. The figures presented for 2006 are likely to be an undercount and should be used with caution.

In 2006 public law applications decreased by 11 per cent compared with 2005, following an upward trend in previous years. Within this, applications for care orders decreased by seven per cent and applications for supervision orders increased by nine per cent.

Public Law Applications, by tier of court, 2002-2006

Number of applications
(in thousands)



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

Matters affecting children: Private Law

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

Section 8 orders include

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

- specific issue – this order determines specific aspects as to the child’s upbringing, for example, which religion s/he should be brought up in.

Special Guardianship

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

Disposal of applications

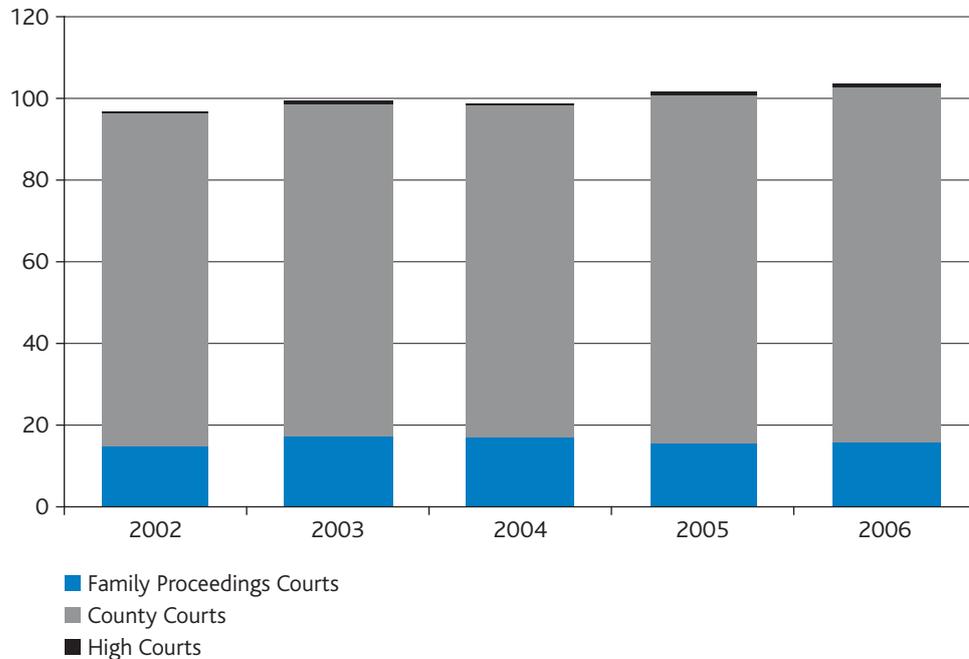
There are four ways in which an order can be disposed of:

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

In 2006 total private law applications increased by two per cent compared with 2005. Within this, applications for parental responsibility have decreased by six per cent, applications for residence have increased by one per cent and applications for contact have increased by two per cent. There has been a small gradual increase in the number of private law applications between 2002 and 2006.

Private Law Applications, by tier of court, 2002-2006

Number of applications
(in thousands)



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

Adoption

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

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

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

Figures from the Office for National Statistics show that there were 4,764 children entered onto the Adopted Children Register following court orders made in 2006, a fall of 516 (10%) compared to the previous year.

Matrimonial matters

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

Divorce

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

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

Nullity

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

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

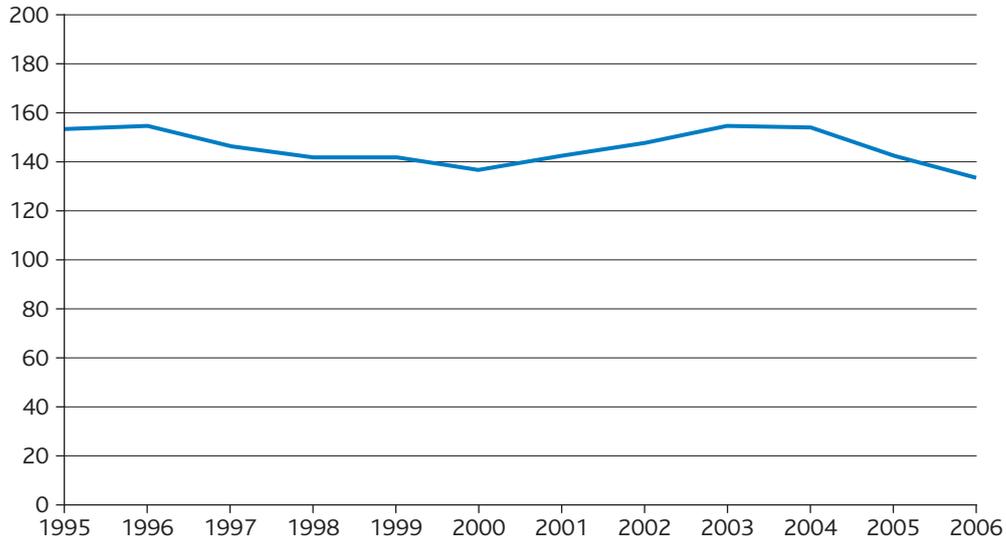
Examples of voidable marriages are those:

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

There were 149,000 petitions filed for divorce in 2006, a decrease of two per cent. The number of decrees absolute granted fell by seven per cent.

Dissolution of Marriage: Decrees Absolute Granted, 1995-2006

Number of cases
(in thousands)



Judicial Separation

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

In 2006 there were just over 600 petitions filed for judicial separation, a decrease of 12 per cent compared with the previous year. [Table 5.5](#) shows the number of matrimonial suits each year from 2002 to 2006.

Ancillary relief

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

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

The Child Support Agency currently handles a large part of the child maintenance workload, operating its own collection and enforcement service for child maintenance assessments. Proposals to abolish of the Child Support Agency and reform of the child maintenance system are likely to result in more child maintenance cases coming to the courts.

In 2006 there were almost 36,000 property adjustment orders and 35,000 lump sum orders. The majority of orders (75%) were not contested. A further 20 per cent of orders were made by consent after initially being contested.

The numbers of disposals for ancillary relief applications are shown in [Table 5.6](#) and [Table 5.7](#).

Domestic violence

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

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

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

Where the court makes an order and it appears to the court that the respondent has used or threatened violence against the applicant or child, then the court must attach a power of arrest unless it is satisfied that the applicant or child will be adequately protected without such a power.

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

The number of applications to the county courts for domestic violence remedies decreased by four per cent in 2006 compared with 2005. Compared with 2002 they have fallen by 15 per cent.

Almost two-thirds of applications were for non-molestation orders and three-quarters were ex-parte (in the absence of the respondent). Ninety-three per cent of orders had a power of arrest attached.

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

Probate

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

The Probate Service is currently made up of the Principal Registry in London, 11 District Probate Registries and 17 Probate Sub-Registries throughout England and Wales. There are also 71 Probate offices which are opened between once a week and once every two months to provide a local service for personal applicants.

In 2006, 311,127 grants of representation were issued (299,215 in 2005). Of these, 85,937 were personal applications and 225,190 were made by solicitors. In 210,920 of these cases the deceased left a will. However, there has been a steady upward trend in the proportion of probate cases where the deceased was intestate (i.e. died without leaving a valid will) which stood at 32% in 2006, up from 21% in 2001.

Statistics on Probate Service activity are shown in [Table 5.10](#) and [Table 5.11](#).

Table 5.1
Family Courts
 Matters affecting children: Public and Private Law applications
 made in each tier of court, 2002 to 2006¹

Year	Public law				Number of applications Private law ²			
	FPC ^{3,4}	CC	HC	Total	FPC ^{3,4}	CC	HC	Total
2002 ⁵	11,100	4,360	269	15,729	15,100	81,359	377	96,836
2003 ⁵	13,200	5,355	458	19,013	17,500	81,554	740	99,794
2004 ⁵	14,500	5,485	702	20,687	17,500	80,874	696	99,070
2005 ⁵	15,800	6,612	770	23,182	15,800	85,259	765	101,824
2006	13,700	6,462	587	20,749	16,400	86,544	607	103,551

Source:

HMCS FamilyMan system, and manual returns

Notes:

Abbreviations: FPC = Family Proceedings Court, CC = County Court, HC = High Court

1Figures relate to the number of children subject to each application

2Private Law applications exclude adoptions

3Figures for Family Proceedings Courts are weighted estimates based on data from a subset of courts, and are not available below national level. There are known data quality problems with the figures for the Family Proceedings Courts, which are likely to be an undercount. Work is in train to address these problems and revisions are likely to figures shown for 2006 and previous years. As a result, the FPC figures have been rounded.

4Special Guardianship Orders figures in the Family Proceedings Courts are only available for those courts which share premises and administrative systems with county courts. The total has therefore been estimated based on the proportion of the total public law and private law applications made in each tier of court

5Figures for previous years differ to those previously published due to a change in the method of data collection

Table 5.2**Family Courts**

Matters affecting children: Public and Private Law applications made in each tier of court, by HMCS region, 2006¹

Region	Number of applications							
	Public law				Private law ²			
	FPC ^{3,4}	CC	HC	Total ⁵	FPC ^{3,4}	CC	HC	Total ⁵
London	..	822	152	974	..	13,834	180	14,013
Midlands	..	755	63	819	..	13,122	75	13,197
North East	..	1,515	163	1,678	..	13,977	119	14,097
North West	..	1,181	81	1,262	..	11,472	46	11,517
South East	..	1,207	48	1,256	..	18,067	92	18,158
South West	..	566	65	631	..	10,817	84	10,901
Wales	..	415	15	430	..	5,255	11	5,266
England & Wales	13,700	6,462	587	20,749	16,400	86,544	607	103,551

Source:

HMCS FamilyMan system, and manual returns

Notes:

Abbreviations: FPC = Family Proceedings Court, CC = County Court, HC = High Court

1Figures relate to the number of children subject to each application

2Private Law applications exclude adoptions

3Figures for Family Proceedings Courts are weighted estimates based on data from a subset of courts, and are not available below national level. There are known data quality problems with the figures for the Family Proceedings Courts, which are likely to be an undercount. Work is in train to address these problems and revisions are likely to figures shown for 2006 and previous years. As a result, the FPC figures have been rounded.

4Special Guardianship Orders figures in the Family Proceedings Courts are only available for those courts which share premises and administrative systems with county courts. The total has therefore been estimated based on the proportion of the total public law and private law applications made in each tier of court.

5The totals by region are for County Court and High Court applications only.

Table 5.3**Family Courts**Matters affecting children: Applications made, by whether Private or Public law, type and tier of court, 2006¹

Application type	Number of Applications									
	Public Law					Private Law				
	FPC ²	CC	HC	Total	% Change ³	FPC ²	CC	HC	Total	% Change ³
Secure accommodation	340	25	3	368	-20%	-	-	-	-	-
Care	9,000	4,078	343	13,421	-7%	-	-	-	-	-
Discharge of care	410	602	39	1,051	+8%	-	-	-	-	-
Substitute Supervision Order for a Care Order	29	3	0	32	-15%	-	-	-	-	-
Supervision order	620	310	8	938	+9%	-	-	-	-	-
Supervision order – discharge	14	4	0	18	-63%	-	-	-	-	-
Contact with a child in care	310	233	24	568	+9%	-	-	-	-	-
Authority to refuse Contact with a child in care	220	200	24	444	-45%	-	-	-	-	-
Education Supervision	200	0	0	200	-7%	-	-	-	-	-
Child assessment orders	31	11	3	45	-29%	-	-	-	-	-
Emergency protection order	1,600	64	12	1,676	-36%	-	-	-	-	-
Extension of emergency protection order	140	1	0	141	-52%	-	-	-	-	-
Discharge of emergency protection order	1	0	0	1	-93%	-	-	-	-	-
Recovery orders	140	37	6	183	-36%	-	-	-	-	-
Parental responsibility	-	-	-	-	-	3,500	7,531	28	11,059	-6%
Section 8										
Residence	330	302	33	665	-14%	4,300	28,933	182	33,415	+1%
Contact	160	486	69	715	+17%	7,300	30,688	192	38,181	+2%
Prohibited steps	6	18	1	25	-32%	570	10,920	86	11,575	+8%
Specific issue	30	89	21	140	+41%	490	7,150	111	7,752	+3%
Financial applications	-	-	-	-	-	290	928	3	1,221	-5%
Special Guardianship Orders ^{4,5}	-	-	-	-	-	75	394	5	474	N/A
Total	13,700	6,462	587	20,749	-11%	16,400	86,544	607	103,551	+2%

Source:

HMCS FamilyMan system, and manual returns

Notes:

Abbreviations: FPC = Family Proceedings Court, CC = County Court, HC = High Court

1 Figures relate to the number of children subject to each application

2 Figures include data for Family Proceedings Courts that are weighted estimates based on data from a subset of courts. There are known data quality problems with the figures for the Family Proceedings Courts, which are likely to be an undercount. Work is in train to address these problems. As a result, the FPC figures have been rounded and the sum of application types may not equal the total.

3 Compared with 2005

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

5 Special Guardianship Orders were introduced in 2006 so a comparison with 2005 is not available

Table 5.4
Family Courts
Matters affecting children: Applications disposed of in all tiers of court, by type of disposal and whether Private or Public law, 2006¹

Application	Public Law										Private Law				Year-on-year % change total disposals ⁴
	Type of disposal					Total disposals ^{2,3}	Year-on-year % change in total disposals ⁴	Type of disposal				Total disposals ^{2,3}			
	Applications withdrawn	Orders refused	Orders no orders	Orders made	Orders made			Applications withdrawn	Orders refused	Orders no orders	Orders made				
Secure accommodation	55	9	3	615	683	-7%	-	-	-	-	-	-	-	-	
Care	325	12	289	7,222	7,849	-3%	-	-	-	-	-	-	-	-	
Discharge of care	180	39	11	927	1,158	-2%	-	-	-	-	-	-	-	-	
Substitute Supervision Order for a Care Order	0	0	0	114	114	-15%	-	-	-	-	-	-	-	-	
Supervision order	47	1	25	3,223	3,296	+11%	-	-	-	-	-	-	-	-	
Supervision order – discharge	5	0	0	75	80	+33%	-	-	-	-	-	-	-	-	
Contact with a child in care	143	27	27	375	571	-14%	-	-	-	-	-	-	-	-	
Authority to refuse Contact with a child in care	59	15	11	1,050	1,135	-36%	-	-	-	-	-	-	-	-	
Education Supervision	12	0	0	161	173	-34%	-	-	-	-	-	-	-	-	
Child assessment orders	5	0	0	17	22	-56%	-	-	-	-	-	-	-	-	
Emergency protection order	222	52	30	1,335	1,639	-38%	-	-	-	-	-	-	-	-	
Extension of emergency protection order	19	2	0	126	147	-53%	-	-	-	-	-	-	-	-	
Discharge of emergency protection order	0	0	0	2	2	-87%	-	-	-	-	-	-	-	-	
Recovery orders	18	0	8	273	299	-21%	-	-	-	-	-	-	-	-	
Parental responsibility	-	-	-	-	-	-	676	148	148	8,702	9,674	-15%			

Table 5.5**Family Courts**Summary statistics on matrimonial proceedings, 2002 to 2006¹

Application	Number of cases					% Change ² in 2006
	2002	2003	2004	2005	2006	
Dissolution of marriage						
Petition filed	177,224	173,265	167,340	151,824	148,564	-2%
Decrees nisi	170,980	168,037	166,334	150,917	145,242	-4%
Decrees absolute	147,462	154,292	153,787	142,512	133,157	-7%
Nullity of marriage						
Petition filed	443	463	495	440	406	-8%
Decrees nisi	216	204	308	260	240	-8%
Decrees absolute	186	193	244	251	243	-3%
Judicial separation						
Petition filed	1,001	826	745	697	613	-12%
Decrees granted	560	467	419	385	353	-8%

Source:

HMCS FamilyMan system

Notes:

¹More detailed statistics on divorces in England and Wales are available from the Office for National Statistics annual publication "Marriage, Divorce and Adoption Statistics". This publication is based on statistics compiled by the General Register Office.

²Compared with 2005.

Table 5.6**Family Courts**

Disposal of applications for ancillary relief made in County Courts, by type and whether contested or uncontested, 2006

Disposal type	Number of disposals			
	Uncontested ¹	Initially contested, subsequently consented	Contested	Total
Periodical payments	12,681	3,168	879	16,728
Lump sum orders	26,922	6,892	1,333	35,147
Property adjustment orders	26,178	7,668	1,837	35,683
Pension sharing or attachment orders	10,674	2,171	785	13,630
Secure Provision Order	4,787	972	361	6,120
Maintenance pending suit	2,221	364	538	3,123
Application dismissed	0	1,036	488	1,524
Total Disposals²	83,463	22,271	6,221	111,955

Source:

HMCS FamilyMan system

Notes:

1 Uncontested applications do not have a court hearing

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

Table 5.7**Family Courts**

Disposal of ancillary relief applications made in County Courts, by whether or not application made in respect of a child, 2006¹

Disposal	Number of cases		
	In respect of child(ren)	Not in respect of child(ren)	Total
Periodical payments	2,844	1,203	4,047
Lump sum orders	3,915	4,310	8,225
Property adjustment orders	4,854	4,651	9,505
Pension sharing or attachment orders	1,117	1,839	2,956
Secure Provision Order	548	785	1,333
Maintenance pending suit	362	540	902
Application dismissed	668	856	1,524
Total Disposals²	14,308	14,184	28,492

Source:

HMCS FamilyMan system

Notes:

1 Figures include contested and initially contested cases only

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

Table 5.8**Family Courts**Domestic violence: Statistics on applications made in the County Courts, 2002 to 2006¹

Number of applications

Year	Non-molestation Applications			Occupation Applications			Total Applications ²		
	Ex-parte	On notice	Total	Ex-parte	On notice	Total	Ex-parte	On notice	Total
2002	13,417	5,714	19,131	7,910	4,014	11,924	21,327	9,728	31,055
2003	13,447	5,271	18,718	7,800	3,802	11,602	21,247	9,073	30,320
2004	12,823	4,771	17,594	6,922	3,323	10,245	19,745	8,094	27,839
2005	13,048	4,306	17,354	6,876	3,162	10,038	19,924	7,468	27,392
2006	13,072	3,865	16,937	6,565	2,838	9,403	19,637	6,703	26,340

Source:

HMCS FamilyMan system

Notes:

1Applications for arrest warrants not included

2The number of orders made can exceed the number of applications made during a given year, because orders can relate to applications made in earlier years

Table 5.9**Family Courts**Domestic violence: Statistics on orders made in the County Courts, 2002 to 2006¹

Number of orders

Year	Non-molestation Orders			Occupation Orders			Total Orders ¹		
	With power of arrest attached	Without power of arrest attached	Total	With power of arrest attached	Without power of arrest attached	Total	With power of arrest attached	Without power of arrest attached	Total
2002	23,343	1,656	24,999	10,742	1,021	11,763	34,085	2,677	36,762
2003	23,806	1,627	25,433	9,819	1,016	10,835	33,625	2,643	36,268
2004	22,169	1,585	23,754	8,187	981	9,168	30,356	2,566	32,922
2005	21,529	1,312	22,841	8,022	856	8,878	29,551	2,168	31,719
2006	20,687	1,247	21,934	7,193	743	7,936	27,880	1,990	29,870

Source:

HMCS FamilyMan system

Notes:

1The number of orders made can exceed the number of applications made during a given year, because orders can relate to applications made in earlier years

Table 5.10**The Probate Service**

Grants of representation in non-contentious probate proceedings issued, re-sealed and revoked, by type of application and type of registry, 2006

	Number of cases		
	On personal Application	On Application by Solicitors	Total
Grants issued¹			
<u>Probates:</u>			
Principal Registry	9,569	3,922	13,491
District Probate Registries	52,482	130,775	183,257
<u>Letters of Administration with will annexed</u>			
Principal Registry	749	428	1,177
District Probate Registries	4,037	8,958	12,995
<u>Letters of Administration</u>			
Principal Registry	3,002	5,643	8,645
District Probate Registries	16,098	75,464	91,562
Total grants issued	85,937	225,190	311,127
Grants Revoked	–	–	396
Grants re-sealed	61	529	590
Standing Searches	–	–	1,216

Source:

The Probate Service

Notes:¹Grants are awarded in the following circumstances

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

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

Letters of administration – usually when there is no valid will

Table 5.11**The Probate Service**

Summary statistics on grants of representation issued, and contentious probate case, England and Wales, 2000 to 2006

	Number of cases						
	2000	2001	2002	2003	2004	2005	2006
Grants of representation¹							
<u>Numbers</u>							
Probate	197,999	192,643	193,192	195,855	196,707	198,363	196,748
Letter of administration with will annexed	12,288	12,247	12,403	12,827	13,115	13,683	14,172
Letter of Administration	54,110	55,588	62,092	63,646	84,196	87,169	100,207
<u>Percentages (of all grants)</u>							
Probate	74.9%	74.0%	72.2%	71.9%	66.9%	66.3%	63.2%
Letter of administration with will annexed	4.6%	4.7%	4.6%	4.7%	4.5%	4.6%	4.6%
Letter of Administration	20.5%	21.3%	23.2%	23.4%	28.6%	29.1%	32.2%
Total grants of representation	264,397	260,478	267,687	272,328	294,018	299,215	311,127
Contested probate cases²	67	75	117	117	80	115	73

Source:

The Probate Service

Notes:

¹Grants are awarded in the following circumstances

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

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

Letters of administration – usually when there is no valid will

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

Chapter 6: The Crown Court

The Crown Court, which sits at 92 locations in England and Wales, deals with criminal matters including:

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

Important note on Crown Court statistics for 2006

The Ministry of Justice publications "Criminal Statistics 2006" (CS) and "Judicial and Court Statistics 2006" (JCS) both contain data on the number of proceedings heard in the Crown Court. However, while both sets of figures are produced from the same core source (the CREST system used to administer Crown Court cases), they are not directly comparable as there are known differences between them. These are due to a number of factors, including differences in the data collation mechanics and the counting and validation rules used, and they reflect the different underlying drivers of the analyses being performed. By way of broad illustration, CS counts numbers of defendants and is focused on the final outcomes of criminal court proceedings, while JCS counts numbers of cases and is focused on flows through the court system.

Since the creation of the Ministry of Justice on 9 May, work has commenced to investigate both collation and counting rule differences between the two publications, with a view to aligning the two sets of figures in the future.

Findings for 2006

- Total receipts for all trials received decreased by 3% to 77,535 and disposals increased by 1% to 77,350. Receipts of committals for sentence increased by 10% to 35,768 while appeals increased by 6% to 13,529 (Table 6.1)
- The guilty plea rate has risen 1% to 64% as a proportion of all cases with a plea entered when compared with 2005. (Table 6.6)
- The ineffective trial rate fell over 1% to 12.5% compared to 2005 and the cracked trial rate increased by just under 1% to 39.2% (Tables 6.11 and 6.12)
- The average waiting time for defendants committed for trial on bail was 16.2 weeks and 9.8 weeks for those held in custody (15.0 and 8.9 weeks respectively in 2005) (Table 6.14)

- The average waiting time for defendants sent for trial on bail was 23.6 weeks and 17.4 weeks for those held in custody (22.1 and 16.8 weeks respectively in 2005) (Table 6.15)
- The average hearing time for defendants pleading not guilty has remained steady at just over 19 hours for sent for trial cases and 8.5 hours for committal for trial cases (Table 6.18)

The Crown Court is the only court which has jurisdiction to hear criminal trials on indictment and it also exercises the appellate and other jurisdictions which had been exercised, prior to its establishment in 1972, by Quarter Sessions. It is a unitary court but currently sits at 92 centres throughout England and Wales. Court centres are of three kinds. First-tier centres are those visited by High Court judges for Crown Court work, and also for High Court civil business. Second-tier centres are those visited by High Court judges for Crown Court business, but not for civil business. Third-tier centres are those not normally visited by High Court judges at all. Circuit judges and recorders may sit at all three classes of centre to deal with Crown Court cases.

Seriousness of offences

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

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

Class 2 – These offences are usually heard by Circuit Judge under authority of the Presiding judge. Offences include rape.

Class 3 – These offences include all other offences and normally tried by circuit judge or recorder. Examples include kidnapping, burglary, grievous bodily harm and robbery.

Sent for Trial – “Indictable-Only” Offences

Since 15th January 2001 all indictable-only cases have been 'sent for trial' to the Crown Court after they have had their first appearance in the magistrates' court. This procedure under Section 51 of the Crime and Disorder Act 1998 replaced committal proceedings and reduces the number of hearings these cases have at the magistrates' court. While the time that indictable-only cases spend in the Crown Court has increased, it is hoped that the overall time from arrest to sentence will decrease.

Committals for Trial – “Either-Way” Offences

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

Where a defendant indicates a not guilty plea or gives no indication on his plea, the court, having had regard to various factors, including representations by the prosecution and the defence, indicates whether it considers the offence more suitable for summary trial than on indictment. However, a court may only proceed to summary trial with the consent of the defendant.

Committals for Sentence

Provisions in the Magistrates' Courts Act 1980 allow magistrates to commit defendants who have been summarily convicted of an either way offence to the Crown Court for sentence. The magistrates must be of the opinion that the offence or the combination of the offence and one or more offences associated with it is so serious that a greater punishment should be inflicted than they have power to impose or, in the case of a violent or sexual offence, that a sentence of imprisonment for a longer term than they have power to impose is necessary to protect the public from serious harm. Committals may also arise from breaches of the terms of, for example, community rehabilitation orders or of suspended sentences of imprisonment.

Appeals

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

Plea and Case Management

The Criminal Procedure Rules 2005 introduced new principles of case management for cases sent or committed for trial. On receipt at the Crown Court, such cases have a Plea and Case Management Hearing (PCMH) at which directions may be given for the future conduct of the case including, if appropriate, the fixing of the date for trial or the warned period for its listing. In specific cases, it is possible for the PCMH to be dispensed with in favour of a written procedure.

A bench warrant is issued for a person deemed to be in contempt of court – usually as a result of that person's failure to appear at their court appearance. For reporting purposes once a bench warrant is issued the case is considered disposed of. Often, if a person is arrested on a bench warrant, that person is held without bail until he or she can appear in court for whatever incident it was that he or she failed to appear to address originally.

Receipts, Disposals and Outstanding Workload

Over the last 10 years there have been many changes that moved workload between the magistrates' court and the Crown Court.

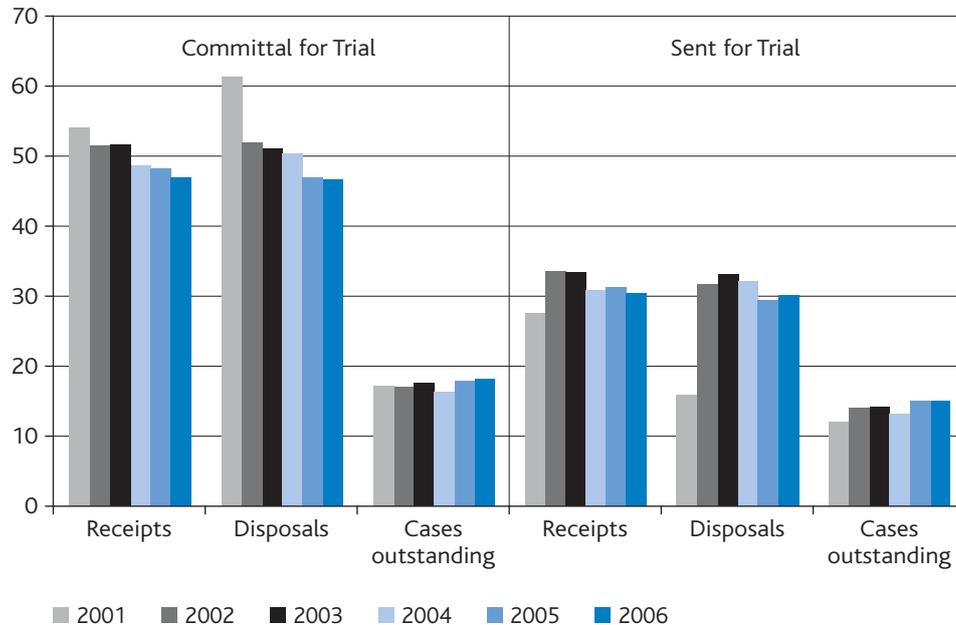
- The introduction of 'plea before venue' in 1997 for 'either-way' offences substantially reduced the number of trials received in the Crown Court. Cases committed for sentence doubled during the same period, however these require much less resources.
- The number of trial receipts increased for a short time upon the introduction of Sent for Trial in 2001, due to cases following the original procedures in the magistrates' court and those immediately sent under the new procedure arriving at the Crown Court at the same time.

During 2006, 77,535 cases were received for trial at the Crown Court, a decrease of 3% on the 2005 total. The numbers of committal for trial and sent for trial disposed of during 2006 totalled 77,350, an increase of 1%. As receipts exceeded disposals the number of cases outstanding increased by 1% to 33,397.

Summary statistics showing receipts, disposals and outstanding cases are shown in [Table 6.1](#).

Crown Court trial workload, 2001-2006

(in thousands)



In 2006 the number of committals for sentence received at the Crown Court increased by 10% to 35,768, whilst disposals increased by 14% to 35,857. The number outstanding at the end of 2006 decreased by 6% to 4,970.

Appeals received in 2006 increased by 6% to 13,529, whilst disposals increased by 2% to 12,992. The number of appeals outstanding also increased by just over 13% to finish at 2,824 at the end of 2006.

Summary regional and area level figures for 2006 are provided in [Table 6.2](#).

Judge Caseload

High court judges sit a much larger proportion of Class 1 cases, with 29% of Class 1 cases heard by a High Court judge. This is in contrast to the overall cases heard by a high court judge, with just over 2% of all cases having been heard by the most experienced of judges.

89% of committal for trial and sent for trial cases were heard by circuit judges, with recorders accounting for a further 9%.

Pleas and Convictions

The number of defendants involved in Crown Court cases has remained constant over the last four years, with an average 1.22 defendants per trial, 1.01 defendants per committal for sentence and 1 appellant per appeal.

Excluding bench warrants, cases with no plea recorded and defendants unfit to plead, there were almost 144,000 defendants dealt with by the Crown Court in 2006. This is an increase of 4% when compared to 2005.

Guilty Pleas

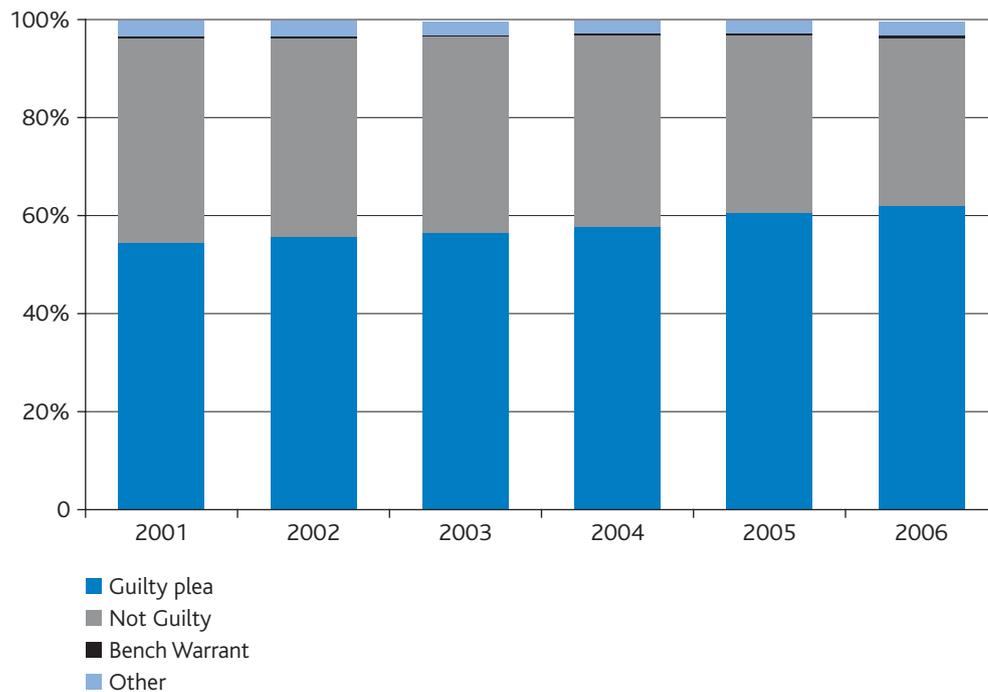
Tables 6.6 to 6.9 show how cases and defendants committed for trial are dealt with, according to plea. A guilty plea is recorded when a defendant:

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

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

In 2006 the number of not guilty plea cases was 2% lower than in 2005 for cases including those where a plea was not entered. The guilty plea rate has risen 1% to 64% as a proportion of all cases where a plea was entered when compared with 2005. Since 2001 the plea rate has steadily risen from 56% to the current figure.

Defendants dealt with by plea, 2001-2006



Acquitted

During 2006, 59% (16,982) of the defendants who pleaded not guilty (28,821) were acquitted, representing 21% of the total 80,947 dealt with who recorded a plea. Of those 16,982, 58% were discharged by the judge, 10% were acquitted on the direction of the judge, 1% were otherwise acquitted and 30% were acquitted by a jury.

Convicted

Of the defendants convicted in 2006 after a plea of not guilty to some or all counts, 18% were convicted on a majority verdict by a jury, the remainder being convicted unanimously.

Appeal Results

Table 6.10 shows the results of appeals against magistrates court decisions within the Crown Court. Of the appellants dealt with in 2006, 5,204 (42%) had their appeals allowed or their sentence varied. Of the remainder, 3,684 (30%) were dismissed and 3,416 (28%) were abandoned or otherwise disposed.

Listing of Cases

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

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

Cracked Trials

The largest percentage of cracked trials occurs when the defendant pleads guilty on the trial date (64% in 2006).

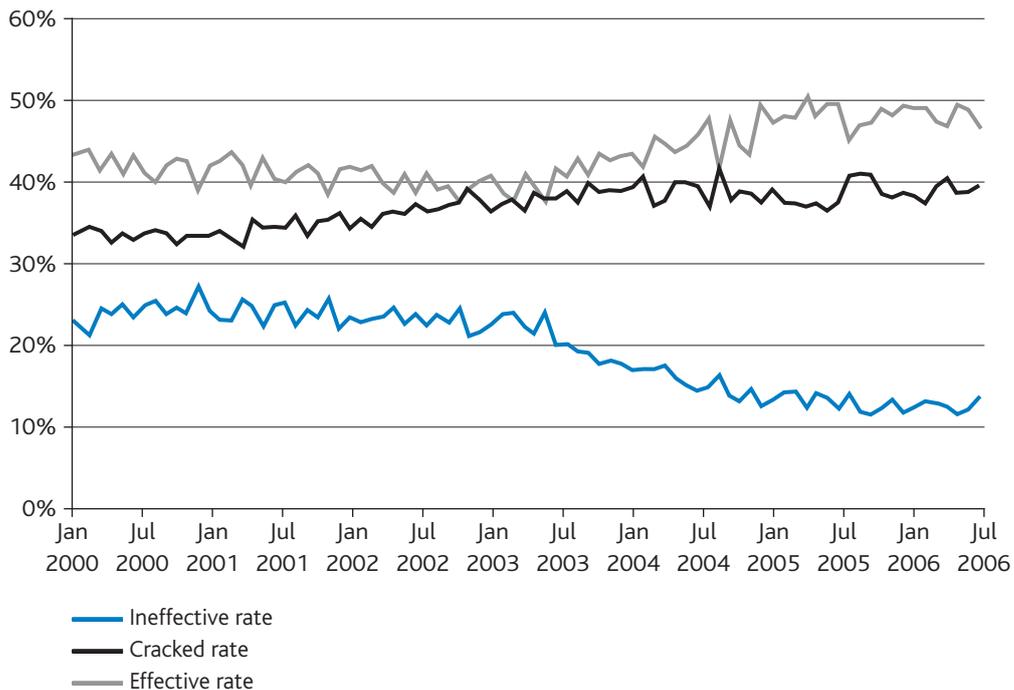
Other main reasons for cracking include when the prosecution accepts a plea of guilty to an alternative charge (18%), and when the prosecution offers no evidence (16%). The percentage of cracked trials as a proportion of all trials disposed of decreased 0.3% to 18.8% when compared to 2005.

Ineffective Trials

The largest percentage of ineffective trials occurs when the defendant is absent or unfit to stand (25% in 2006).

Other main reasons for a trial being ineffective include when the prosecution is not ready (16%), the defence is not ready (21%) and the prosecution witness is absent (22%).

Effective, Ineffective and Cracked Trial Rates, 2000-2006



In 2002, ineffective trial monitoring was introduced to reduce the incidence of over listing within the courts. The effective trial management programme was introduced to increase the usage of fixed listing for all trial hearings, so improving witness and professional availability. Other initiatives such as the certificate of readiness have also been introduced and since 2002 the ineffective trial rate has fallen from over 24% to less than 13% in 2006. Since 2000 the percentage of ineffective trials due to court administrative problems has fallen from almost 21% to less than 14%.

Summary statistics showing region and area level figures can be found in [Table 6.13](#).

Waiting Times

Details of waiting times are given in [Tables 6.14 to 6.17](#). They show the waiting times between committal or lodging of an appeal, and start of the substantive Crown Court hearing for defendants and appellants whose cases were heard during 2006. For reporting purposes a bench warrant execution is considered a new trial receipt and any subsequent waiting time is then taken from the date of execution.

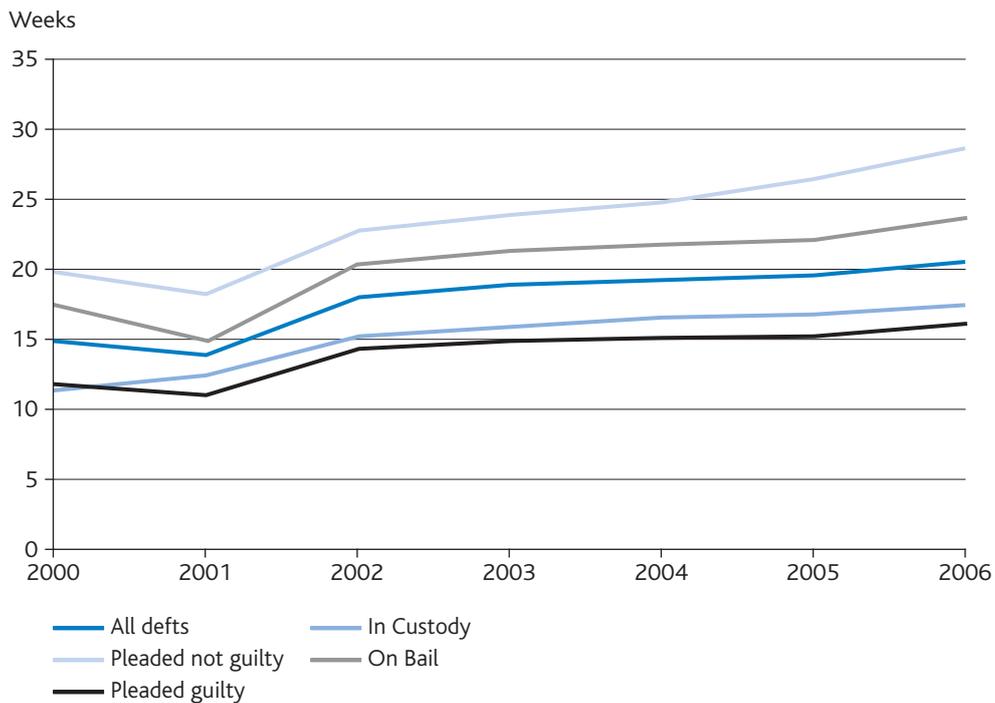
Waiting times of defendants committed or sent for trial tend to vary according to the plea entered and whether the defendant is on bail or in custody.

Sent for Trial

For cases sent for trial on average, defendants who pleaded guilty during 2006 waited 16 weeks an increase of almost 1 week when compared to 2005. Whilst those who pleaded not guilty waited nearly 29 weeks an increase of over 2 weeks on the 2005 figure.

Defendants committed on bail waited an average of almost 24 weeks in 2006 (22 weeks in 2005) and for those committed in custody the average was 17 weeks (17 weeks in 2005).

Sent for Trial Average Waiting Time, 2000-2006



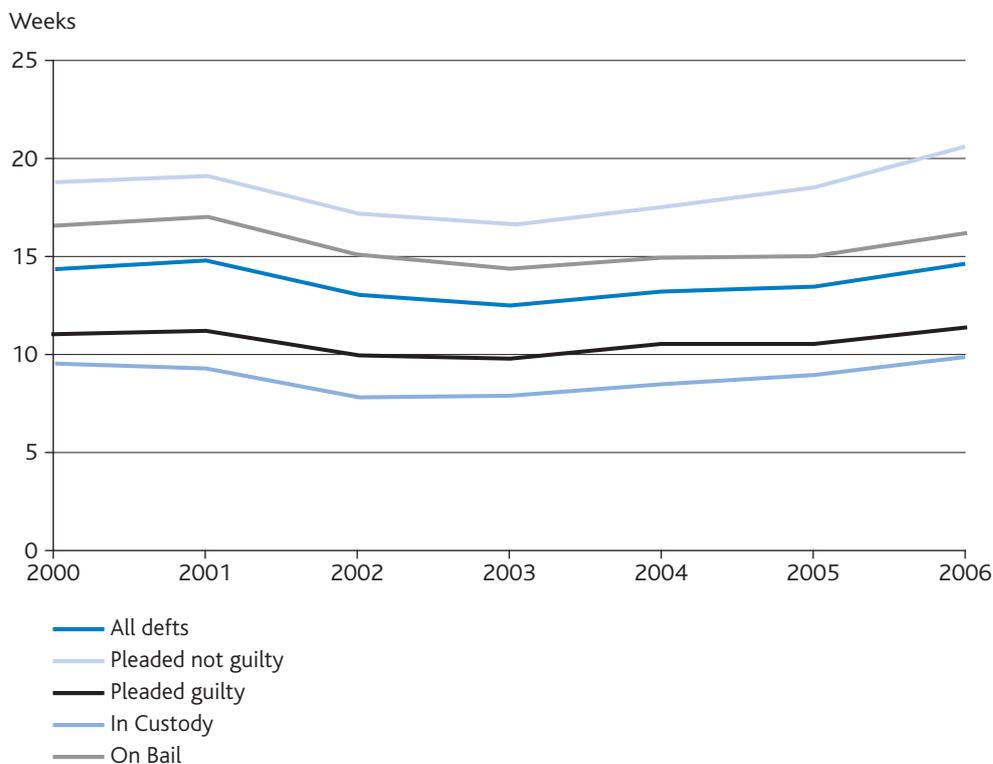
Since 2002 the average waiting time has increased steadily with almost 3 weeks being added to the time taken to reach main hearing. For those defendants pleading guilty the length of time has increased by over 1 week. For those who elected for jury trial they wait on average 6 more weeks before trial commencement. This increase in waiting time is due to the extra time taken to proceed and case manage the case, which since 2001 has taken place in the Crown Court, whereas previously upwards of 8 weeks was typically spent within the magistrates' court.

Committal for Trial

For cases committed for trial on average, defendants who pleaded guilty during 2006 waited over 11 weeks an increase of almost 1 week when compared to 2005. Whilst those who pleaded not guilty waited under 21 weeks an increase of just over 2 weeks on the 2005 figure.

Defendants committed on bail waited an average of 16 weeks in 2006 (15 weeks in 2005) and for those committed in custody the average was 10 weeks (9 weeks in 2005).

Committal for Trial Average Waiting Time, 2000-2006



Since 2002 the average waiting time before the main hearing has increased by almost 2 weeks, with only a small dip in 2003. For those defendants pleading guilty the length of time has increased by 1 week. For those who elected for jury trial they wait on average 3 more weeks before trial commencement. These increases can be partly explained by the introduction of sent for trial cases with those more serious offences taking longer to process and taking more court time to be heard.

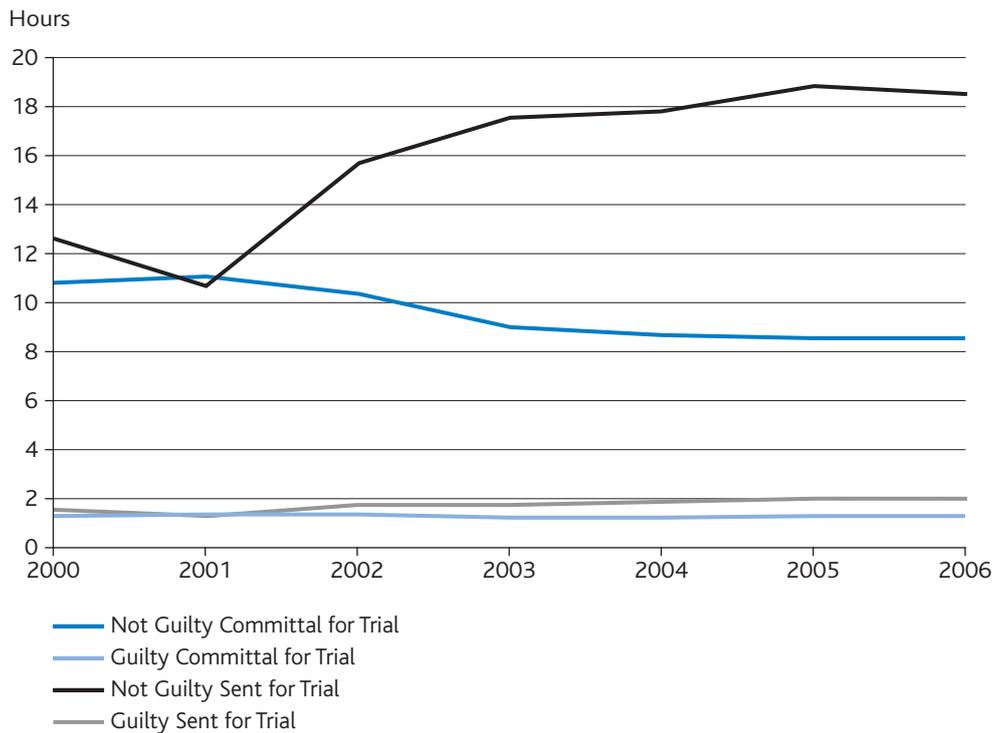
Sentences and Appeals

The average waiting time for those defendants committed for sentence was 6 weeks in 2006. Since 2000 the time spent has reduced by almost 1 week from almost 7 weeks to the current waiting time.

The average waiting time for those defendants having appealed the decision of the magistrates court was 8 weeks in 2006. Since 2000 the time spent has remained fairly constant between 7 and 8 weeks.

Hearing Times

Average Hearing Time for Trials by type of plea, 2000-2006



Sent for Trial

The average hearing time for not guilty trial cases has remained constant at just over 19 hours. The average hearing time for a guilty plea has remained steady at 2 hours. The average hearing time has increased by almost 4 hours since 2002 when the introduction of sent for trial cases had settled through the courts. This is one reason why although fewer cases are received compared to 2002, a similar amount of cases to those received are disposed because, on average more court time is needed to hear each case.

Committal for Trial

The average hearing time for not guilty trial cases has remained steady at 8.5 hours. The average hearing time for a guilty plea has also remained at 1.3 hours. Since 2002 the average hearing time for a trial hearing has reduced for these type of cases due to the introduction of 'sent for trial' leaving less court sitting time for other hearings.

Sentences and Appeals

The average hearing time for a committal for sentence was 0.6 hours and for an appeal was around 1 hour.

Other Efficiency Statistics

Information concerning waiting times for cases involving persistent young offenders (PYO) can be found in the magistrates courts chapter, although a small proportion of PYO cases do proceed to the Crown Court.

The juror utilisation rate has increased by 3% to 59% when compared to 2005. Over time the rate has fallen since 2002 although the utilisation rate is currently at its highest level over the last three years.

Summary data for regional and area figures are shown in [Table 6.20](#) giving the average hearing time, guilty plea rate, average waiting time and juror utilisation rate.

Table 6.1
Crown Court
 Receipts¹, Disposals² and Outstanding³ cases in England and Wales, by case type, 1990-2006

Number of cases

Year	Committed for trial			Sent for trial			Committed for sentence			Appeals against Mags' decisions		
	Receipts	Disposals	Cases outstanding	Receipts	Disposals	Cases outstanding	Receipts	Disposals	Cases outstanding	Receipts	Disposals	Cases outstanding
1990	103,011	100,005	26,715	-	-	-	15,270	14,988	2,464	17,801	17,557	3,233
1991	104,754	101,999	29,420	-	-	-	16,554	15,995	3,014	19,150	18,433	3,902
1992	100,994	100,742	29,186	-	-	-	14,883	15,546	2,347	20,783	19,765	4,616
1993	86,849	85,566	30,423	-	-	-	11,088	10,956	2,185	24,531	23,722	5,168
1994	89,301	86,980	32,799	-	-	-	11,485	11,226	2,108	25,262	25,644	4,624
1995	81,186	88,985	24,993	-	-	-	11,718	11,726	1,923	25,240	26,062	3,815
1996	83,328	83,274	25,048	-	-	-	12,002	11,762	2,132	18,981	20,304	2,466
1997	91,110	90,096	25,916	-	-	-	14,871	13,378	3,411	16,269	16,196	2,511
1998	75,815	77,794	23,853	-	-	-	29,774	28,224	4,699	16,278	16,473	2,296
1999	74,232	73,539	24,624	-	-	-	31,928	30,641	4,837	15,413	15,381	2,313
2000 ⁴	70,699	73,027	24,381	1,721	1,609	717	26,385	27,663	3,827	13,699	14,193	2,258
2001 ⁵	54,310	61,562	17,402	27,658	16,097	12,284	25,500	25,132	4,079	12,555	12,612	2,177
2002	51,672	51,996	17,277	33,832	31,874	14,224	28,401	27,673	4,554	11,844	11,837	2,125
2003	51,837	51,263	17,870	33,642	33,448	14,417	29,931	29,574	4,584	11,749	11,632	2,189
2004	48,943	50,603	16,436	31,036	32,277	13,287	30,048	29,956	4,411	12,786	12,485	2,473
2005	48,340	47,020	17,967	31,464	29,634	15,158	32,593	31,559	5,281	12,800	12,749	2,495
2006	47,059	46,956	18,175	30,476	30,394	15,222	35,768	35,857	4,970	13,529	12,992	2,824

Source:

HM Courts Service CREST system

Notes:

1 Receipts include committals direct from the Magistrates' Court, bench warrants executed (trial and sentence only) and cases transferred in, less cases transferred out

2 Disposals are total cases dealt with

3 Outstanding cases at end of the period

4 Figures before 2000 were obtained from CREST via our historical database

5 Sent for Trial cases under s51 Crime and Disorder Act 1998 were introduced nationally on the 15th January 2001 before this figures are from the pilot programme

Table 6.2
Crown Court
 Receipts¹, Disposals² and Outstanding³ cases, by case type, region and HMCS area, 2006

Year	Committed for trial			Sent for trial			Committed for sentence			Appeals against Mags' decisions			Number of cases	
	Receipts	Disposals	Cases outstanding	Receipts	Disposals	Cases outstanding	Receipts	Disposals	Cases outstanding	Receipts	Disposals	Cases outstanding	Disposals	Cases outstanding
England and Wales	47,059	46,956	18,175	30,476	30,394	15,222	35,768	35,857	4,970	13,529	12,992	13,529	12,992	2,824
<u>HMCS Region</u>														
London	9,536	9,063	4,493	6,615	6,295	3,873	5,496	5,485	1,028	1,976	1,886	1,976	1,886	570
Midlands	7,845	8,247	2,697	5,380	5,761	2,544	7,050	6,970	893	2,424	2,375	2,424	2,375	424
North East	6,902	6,950	2,126	4,532	4,549	1,829	5,488	5,520	666	2,048	2,034	2,048	2,034	340
North West	8,315	8,340	3,071	5,258	5,201	2,716	6,137	6,166	854	2,126	1,962	2,126	1,962	419
South East	8,041	7,886	3,793	4,656	4,524	2,568	5,796	5,865	789	2,690	2,544	2,690	2,544	659
Wales	2,200	2,162	472	1,605	1,628	521	2,179	2,215	268	807	734	807	734	135
Western	4,220	4,308	1,523	2,430	2,436	1,171	3,622	3,636	472	1,458	1,457	1,458	1,457	277
<u>HMCS Area</u>														
Avon & Somerset	871	892	332	664	678	367	1,011	1,035	105	376	374	376	374	62
Bedfordshire	512	536	238	422	449	249	329	341	33	171	173	171	173	45
Cambridgeshire	500	486	179	299	325	134	417	409	56	127	118	127	118	26
Cheshire	714	907	160	464	563	148	508	590	65	224	114	224	114	28
Cleveland	906	966	306	545	598	214	714	727	103	283	269	283	269	47
Cumbria	274	287	127	145	165	77	222	223	26	123	119	123	119	23
Derbyshire	590	713	210	342	390	161	852	890	74	265	267	265	267	51
Devon & Cornwall	824	779	344	445	430	223	716	697	87	328	328	328	328	72
Dorset	523	527	161	213	212	84	383	349	67	129	131	129	131	25
Durham	470	450	159	228	204	101	241	240	22	87	88	87	88	6
Dyfed-Powys	218	212	53	126	141	35	146	154	11	114	109	114	109	18
Essex	1,278	1,230	507	617	548	346	1,178	1,201	148	483	498	483	498	79
Gloucestershire	305	315	119	228	206	87	242	286	36	94	88	94	88	26
Greater Manchester	3,667	3,507	1,434	2,257	2,218	1,208	2,798	2,793	403	864	832	864	832	179
Gwent ⁴	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hampshire & Isle of Wight	1,449	1,554	479	704	720	323	1,005	998	131	433	423	433	423	69
Hertfordshire	544	513	259	343	339	197	265	243	47	205	194	205	194	50
Humberside	756	794	199	599	597	233	1,109	1,075	114	163	162	163	162	19
Kent	1,136	1,128	628	720	650	429	672	672	110	365	341	365	341	86
Lancashire	1,712	1,721	677	1,202	1,069	709	1,253	1,235	159	543	501	543	501	118
Leicestershire	844	871	301	437	459	236	649	636	82	197	191	197	191	35

Lincolnshire	297	285	122	228	249	92	359	336	52	137	128	25
London	9,536	9,063	4,493	6,615	6,295	3,873	5,496	5,485	1,028	1,976	1,886	570
Merseyside	1,948	1,918	673	1,190	1,186	574	1,356	1,325	201	372	396	71
Norfolk	692	726	167	262	315	97	333	348	37	209	208	27
North Wales	493	488	62	240	216	46	360	428	54	152	101	26
North Yorkshire	408	411	138	248	244	103	236	241	30	65	70	17
Northamptonshire	306	311	105	280	293	150	347	312	51	120	118	22
Northumbria	1,338	1,358	452	906	911	399	720	703	109	580	552	121
Nottinghamshire	1,023	1,108	271	589	668	237	990	950	138	204	193	31
South Wales	1,489	1,462	357	1,239	1,271	440	1,673	1,633	203	541	524	91
South Yorkshire	1,296	1,317	309	784	794	265	1,155	1,148	132	298	296	39
Staffordshire	784	797	274	509	508	257	621	638	76	325	312	56
Suffolk	421	381	180	249	254	127	389	372	43	162	160	18
Surrey	460	452	253	272	276	151	291	304	38	186	197	37
Sussex	1,268	1,219	753	651	554	398	942	984	123	337	292	113
Thames Valley	1,230	1,215	629	821	814	440	980	991	154	445	363	178
Warwickshire	354	358	117	322	348	131	308	300	47	88	93	20
West Mercia	687	764	238	465	528	201	538	542	78	285	272	66
West Midlands	2,960	3,040	1,059	2,208	2,318	1,079	2,386	2,366	295	803	801	118
West Yorkshire	1,728	1,654	563	1,222	1,201	514	1,313	1,386	156	572	597	91
Wiltshire	248	241	88	176	190	87	265	271	46	98	113	23

Source:

HM Courts Service CREST system

Notes:

- 1 Receipts include committals direct from the Magistrates' Court, bench warrants executed (trial and sentence only) and cases transferred in, less cases transferred out
- 2 Disposals are total cases dealt with
- 3 Outstanding cases at end of the period
- 4 Gwent figures are included within South Wales. This is due to Newport Crown Court figures being collected with Cardiff Crown Court
- 5 From April 2007, HMCS underwent a restructuring from 42 to 25 geographic areas. This table uses the former structure that was in place during the period covered.

Table 6.3**Crown Court**

Number of cases¹ dealt with², and proportion heard by High Court³ judges, by class and HMCS region, 2006

	Class 1				Class 2				Class 3			
	Number of cases	As % of all cases heard	Number heard by a High Court judge	% heard by High Court judge	Number of cases	As % of all cases heard	Number heard by a High Court judge	% heard by High Court judge	Number of cases	As % of all cases heard	Number heard by a High Court judge	% heard by High Court judge
<u>HMCS Region</u>												
London	300	1.9%	19	6.3%	519	3.3%	6	1.2%	14,683	94.7%	56	0.4%
Midlands	175	1.2%	94	53.7%	723	5.0%	38	5.3%	13,584	93.8%	463	3.4%
North East	159	1.4%	54	34.0%	522	4.5%	20	3.8%	11,004	94.2%	141	1.3%
North West	165	1.2%	65	39.4%	495	3.5%	17	3.4%	13,468	95.3%	299	2.2%
South East	145	1.1%	35	24.1%	560	4.4%	13	2.3%	12,031	94.5%	154	1.3%
Wales	56	1.4%	20	35.7%	356	8.9%	14	3.9%	3,604	89.7%	162	4.5%
Western	94	1.4%	34	36.2%	379	5.5%	11	2.9%	6,359	93.1%	46	0.7%
England & Wales	1,094	1.4%	321	29.3%	3,554	4.5%	119	3.3%	74,733	94.1%	1,321	1.8%

Source:

HM Courts Service CREST system

Notes:

1 Covers cases committed or sent for trial

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

3 Includes a small number of cases heard by judges in the relevant deputy grade

Table 6.4**Crown Court**Number of cases¹ dealt with², by type of judge³ and HMCS region, 2006

Region	High Court judge		Circuit judge		Recorder	
	Number	Percentage	Number	Percentage	Number	Percentage
<u>HMCS Region</u>						
London	81	1%	13,868	89%	1,553	10%
Midlands	595	4%	12,254	85%	1,633	11%
North East	215	2%	10,415	89%	1,055	9%
North West	381	3%	12,748	90%	999	7%
South East	202	2%	11,320	89%	1,214	10%
Wales	196	5%	3,550	88%	270	7%
Western	91	1%	6,006	88%	735	11%
England & Wales	1,761	2%	70,161	88%	7,459	9%

Source:

HM Courts Service CREST system

Notes:

1 Covers cases committed or sent for trial

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

3 Includes a small number of cases heard by judges in the relevant deputy grade

Table 6.5**Crown Court**Number of cases disposed¹ of in England and Wales, by case type and number of defendants involved, 2000-2006

Year	Committed / Sent for trial				Committed for sentence			
	Disposals	Number of defendants involved	Cases with > 1 defendant	Average number of defendants per case	Disposals	Number of defendants involved	Cases with > 1 defendant	Average number of defendants per case
2000	74,636	95,822	13,666	1.28	27,663	27,877	181	1.01
2001	77,659	98,104	13,297	1.26	25,132	25,316	165	1.01
2002	83,870	103,801	13,000	1.24	27,673	27,912	200	1.01
2003	84,711	103,414	12,500	1.22	29,574	29,835	231	1.01
2004	82,880	100,977	11,879	1.22	29,956	30,209	225	1.01
2005	76,654	93,184	10,643	1.22	31,559	31,863	248	1.01
2006	77,350	94,392	11,016	1.22	35,857	36,234	340	1.01

Source:

HM Courts Service CREST system

Notes:

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

Table 6.6**Crown Court**

Defendants dealt with in cases committed or sent for trial¹, by plea, England and Wales, 2001-2006

Year	Total number of defendants disposed of	Plea entered				No plea entered				Guilty pleas as % cases with plea
		Guilty (to all counts)		Not Guilty ²		Bench warrant		Other ²		
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	
2001	80,713	43,909	54%	33,962	42%	229	0.3%	2,613	3%	56%
2002	84,863	47,315	56%	34,629	41%	251	0.3%	2,668	3%	58%
2003	84,698	48,132	57%	33,765	40%	288	0.3%	2,513	3%	59%
2004	84,222	48,766	58%	32,976	39%	263	0.3%	2,217	3%	60%
2005	80,906	49,255	61%	29,332	36%	342	0.4%	1,977	2%	63%
2006	84,012	52,126	62%	28,821	34%	527	0.6%	2,538	3%	64%

Source:

HM Courts Service CREST system

Notes:

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

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

Table 6.7**Crown Court**

Defendants dealt with in cases committed or sent for trial¹ showing result according to plea, England and Wales, 2001-2006

Year	Total number of defendants entering plea	Plea entered					Percentage Acquitted
		Guilty to all counts		Not Guilty ²			
		Total	Total	Acquitted ³	Convicted ³	Total	
2001	77,871	43,909	33,962	17,357	16,605	51%	
2002	81,944	47,315	34,629	17,179	17,450	50%	
2003	81,897	48,132	33,765	17,127	16,638	51%	
2004	81,742	48,766	32,976	16,406	16,570	50%	
2005	78,587	49,255	29,332	15,582	13,750	53%	
2006	80,947	52,126	28,821	16,982	11,839	59%	

Source:

HM Courts Service CREST system

Notes:

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

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

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

Table 6.8**Crown Court**

Defendants¹ acquitted after a not guilty plea, by manner of acquittal, England and Wales, 2001-2006

Year	Manner of acquittal ²				Total	% of acquittals by jury verdict
	Discharged by judge	Acquittal directed by judge	Jury verdict	Other Acquittal ³		
2001	8,699	1,768	5,108	1,782	17,357	29%
2002	9,101	1,614	4,731	1,733	17,179	28%
2003	9,342	1,615	4,671	1,499	17,127	27%
2004	9,049	1,539	4,491	1,327	16,406	27%
2005	8,596	1,638	4,572	776	15,582	29%
2006	9,886	1,687	5,165	244	16,982	30%

Source:

HM Courts Service CREST system

Notes:

1 In cases committed or sent for trial

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

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

Table 6.9**Crown Court**

Defendants convicted¹ after a not guilty plea in cases committed or sent for trial, by number of jurors dissenting to the verdict, England and Wales, 2001-2006

Year	Total convicted after a not guilty plea	Unanimous verdict	1 dissenting juror (11-1 majority)	2 dissenting jurors (10-2 majority)	Percentage of convictions by unanimous verdict
2001	16,605	14,340	873	1,392	86%
2002	17,450	15,308	802	1,340	88%
2003	16,638	14,478	823	1,337	87%
2004	16,570	14,353	877	1,340	87%
2005	13,750	11,739	770	1,241	85%
2006	11,839	9,755	848	1,236	82%

Source:

HM Courts Service CREST system

Notes:

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

Table 6.10**Crown Court**

Appeals (against decisions of Magistrates' Courts) dealt with, by appeal type and result, England and Wales, 2000-2006

Year	Total appellants dealt with	Appeals against verdict					Appeals against sentence					Total other appeals ³
		Total	Allowed	Dismissed	Abandoned ¹ or otherwise disposed ²	% allowed	Total	Allowed	Dismissed	Abandoned ¹ or otherwise disposed ²	% allowed	
2000	14,193	5,569	2,426	1,724	1,419	44%	7,758	3,581	2,384	1,793	46%	866
2001	12,612	4,919	2,036	1,572	1,311	41%	6,960	3,278	2,140	1,542	47%	733
2002	11,837	4,590	1,848	1,451	1,291	40%	6,482	2,913	2,021	1,548	45%	765
2003	11,632	4,480	1,758	1,390	1,332	39%	6,444	2,918	1,957	1,569	45%	708
2004	12,485	4,983	2,021	1,507	1,455	41%	6,748	3,025	2,007	1,716	45%	754
2005	12,749	5,355	2,112	1,633	1,610	39%	6,604	3,086	1,839	1,679	47%	790
2006	12,992	5,502	2,020	1,763	1,719	37%	6,802	3,184	1,921	1,697	47%	688

Source:

HM Courts Service CREST system

Notes:

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

Table 6.11**Crown Court**

Proportion of listed trials which "cracked", by reason for the crack, England and Wales, 2000-2006

Year	Total cases listed for trial	Reasons for crack ¹													
		Total cracked trials		Cracked trial rate		Defendant enters late guilty plea		Defendant pleads guilty to alternative charge, accepted by prosecution		Defendant bound over		Prosecution end case		Other reason	
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage		
2000	51,209	17,224	33.6%	10,483	60.9%	2,630	15.3%	527	3.1%	3,558	20.7%	26	0.2%		
2001	52,041	17,877	34.4%	10,794	60.4%	2,766	15.5%	560	3.1%	3,725	20.8%	32	0.2%		
2002	53,766	19,505	36.3%	12,327	63.2%	2,977	15.3%	511	2.6%	3,669	18.8%	21	0.1%		
2003	52,066	19,820	38.1%	12,198	61.5%	3,340	16.9%	477	2.4%	3,770	19.0%	35	0.2%		
2004	46,856	18,305	39.1%	11,051	60.4%	3,461	18.9%	357	2.0%	3,413	18.6%	23	0.1%		
2005	38,244	14,636	38.3%	9,140	62.4%	2,664	18.2%	335	2.3%	2,438	16.7%	59	0.4%		
2006	37,031	14,533	39.2%	9,254	63.7%	2,565	17.6%	345	2.4%	2,311	15.9%	58	0.4%		

Source:

HM Courts Service CREST system

Notes:

- 1 From Sept 2005 the reasons for Cracked trials were aligned with the Magistrates' Court. The previous six reasons were replaced with twelve and these have been categorised as above

Table 6.12
Crown Court
Proportion of listed trials which were “ineffective”, by reason, England and Wales, 2000-2006

Year	Total cases listed for trial	Reasons for ineffective trial ¹															
		Total ineffective trials		Ineffective trial rate		Prosecution not ready		Prosecution witness absent		Defence not ready		Defence witness absent		Defendant absent / unfit to stand		Court administrative problems	
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
2000	51,209	12,407	24.2%	1,772	14.3%	2,691	21.7%	2,399	19.3%	433	3.5%	2,551	20.6%	2,561	20.6%		
2001	52,041	12,556	24.1%	1,903	15.2%	2,764	22.0%	2,527	20.1%	466	3.7%	2,738	21.8%	2,158	17.2%		
2002	53,766	12,559	23.4%	2,151	17.1%	2,804	22.3%	2,615	20.8%	385	3.1%	2,674	21.3%	1,930	15.4%		
2003	52,066	11,311	21.7%	1,818	16.1%	2,700	23.9%	2,464	21.8%	383	3.4%	2,426	21.4%	1,520	13.4%		
2004	46,856	7,859	16.8%	1,351	17.2%	1,868	23.8%	1,562	19.9%	228	2.9%	1,903	24.2%	947	12.0%		
2005	38,244	5,268	13.8%	1,000	19.0%	1,147	21.8%	1,124	21.3%	119	2.3%	1,274	24.2%	604	11.5%		
2006	37,031	4,628	12.5%	731	15.8%	1,036	22.4%	963	20.8%	119	2.6%	1,156	25.0%	623	13.5%		

Source:

HM Courts Service CREST system

Notes:

1 From Sept 2005 the reasons for Cracked trials were aligned with the Magistrates' Court. The previous twenty four reasons were replaced with twenty eight and these have been categorised as above

Table 6.13**Crown Court**

Summary statistics on effectiveness of cases listed for trial, by HMCS area and region, 2006

	Total number cases for trial	Number of cases listed for trial	Ineffective trials		Cracked trials		Effective trials	
			Number	Percentage	Number	Percentage	Number	Percentage
England and Wales	23,124	37,031	4,628	12.5%	14,533	39.2%	17,870	48.3%
<u>HMCS Region</u>								
London	6,490	8,828	1,155	13.1%	2,469	28.0%	5,204	58.9%
Midlands	3,566	5,677	573	10.1%	2,596	45.7%	2,508	44.2%
North East	2,457	5,655	747	13.2%	3,134	55.4%	1,774	31.4%
North West	3,143	6,303	860	13.6%	3,005	47.7%	2,438	38.7%
South East	4,211	5,998	771	12.9%	1,959	32.7%	3,268	54.5%
Wales	983	1,539	165	10.7%	503	32.7%	871	56.6%
Western	2,274	3,031	357	11.8%	867	28.6%	1,807	59.6%
<u>HMCS Area</u>								
Avon & Somerset	507	663	106	16.0%	201	30.3%	356	53.7%
Bedfordshire	361	525	68	13.0%	180	34.3%	277	52.8%
Cambridgeshire	304	410	54	13.2%	133	32.4%	223	54.4%
Cheshire	202	555	73	13.2%	193	34.8%	289	52.1%
Cleveland	440	1,009	152	15.1%	539	53.4%	318	31.5%
Cumbria	162	289	39	13.5%	129	44.6%	121	41.9%
Derbyshire	273	498	67	13.5%	229	46.0%	202	40.6%
Devon & Cornwall	416	481	45	9.4%	110	22.9%	326	67.8%
Dorset	277	359	18	5.0%	82	22.8%	259	72.1%
Durham	125	331	48	14.5%	210	63.4%	73	22.1%
Dyfed-Powys	123	169	4	2.4%	57	33.7%	108	63.9%
Essex	627	862	106	12.3%	311	36.1%	445	51.6%
Gloucestershire	121	189	36	19.0%	59	31.2%	94	49.7%
Greater Manchester	1,250	2,556	350	13.7%	1,334	52.2%	872	34.1%
Gwent ¹	0	0	0	0.0%	0	0.0%	0	0.0%
Hampshire & Isle of Wight	788	1,149	137	11.9%	356	31.0%	656	57.1%
Hertfordshire	279	409	61	14.9%	147	35.9%	201	49.1%
Humberside	264	630	39	6.2%	397	63.0%	194	30.8%
Kent	629	942	142	15.1%	290	30.8%	510	54.1%
Lancashire	660	1,220	187	15.3%	598	49.0%	435	35.7%
Leicestershire	382	567	77	13.6%	248	43.7%	242	42.7%
Lincolnshire	141	211	22	10.4%	67	31.8%	122	57.8%
London	6,490	8,828	1,155	13.1%	2,469	28.0%	5,204	58.9%
Merseyside	869	1,683	211	12.5%	751	44.6%	721	42.8%
Norfolk	220	328	34	10.4%	113	34.5%	181	55.2%
North Wales	79	259	27	10.4%	96	37.1%	136	52.5%
North Yorkshire	191	340	35	10.3%	167	49.1%	138	40.6%
Northamptonshire	144	216	9	4.2%	82	38.0%	125	57.9%
Northumbria	455	1,149	198	17.2%	666	58.0%	285	24.8%
Nottinghamshire	393	543	41	7.6%	249	45.9%	253	46.6%
South Wales	781	1,111	134	12.1%	350	31.5%	627	56.4%
South Yorkshire	391	947	107	11.3%	545	57.6%	295	31.2%
Staffordshire	310	584	65	11.1%	260	44.5%	259	44.3%
Suffolk	222	282	20	7.1%	61	21.6%	201	71.3%
Surrey	223	332	44	13.3%	89	26.8%	199	59.9%
Sussex	608	915	108	11.8%	336	36.7%	471	51.5%
Thames Valley	738	993	134	13.5%	299	30.1%	560	56.4%
Warwickshire	139	259	37	14.3%	128	49.4%	94	36.3%
West Mercia	332	513	58	11.3%	239	46.6%	216	42.1%
West Midlands	1,452	2,286	197	8.6%	1,094	47.9%	995	43.5%
West Yorkshire	591	1,249	168	13.5%	610	48.8%	471	37.7%
Wiltshire	165	190	15	7.9%	59	31.1%	116	61.1%

Source:

HM Courts Service CREST system

Notes:

1 Gwent figures are included within South Wales. This is due to Newport Crown Court figures being collected with Cardiff Crown Court

2 From April 2007, HMCS underwent a restructuring from 42 to 25 geographic areas. This table uses the former structure that was in place during the period covered.

Table 6.14
Crown Court
 Average waiting times for defendants dealt with¹ having been committed for trial, by plea and remand type, England and Wales, 2000-2006

Year	By Plea										By Remand Status										
	All defendants dealt with					Defendants pleading not guilty ²					Defendants pleading guilty (to all counts)					Defendants remanded in custody			Defendants remanded on bail		
	Number dealt with	Waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Waiting time (weeks)	% dealt with in 16 weeks
2000	77,229	14.3	69%	33,950	18.6	55%	43,279	11.0	80%	24,402	9.5	85%	52,827	16.6	61%						
2001 ²	63,846	14.7	67%	28,500	19.0	53%	35,346	11.3	79%	18,431	9.2	85%	45,415	17.0	60%						
2002	52,299	13.0	74%	21,568	17.1	61%	30,731	10.1	83%	14,880	7.8	90%	37,419	15.1	67%						
2003	50,496	12.5	74%	19,877	16.5	62%	30,619	9.9	83%	14,178	7.8	90%	36,318	14.4	69%						
2004	50,412	13.2	72%	19,484	17.5	57%	30,928	10.5	81%	13,374	8.4	88%	37,038	14.9	66%						
2005	48,251	13.4	71%	17,487	18.4	54%	30,764	10.5	81%	12,601	8.9	88%	35,650	15.0	65%						
2006	49,488	14.6	68%	17,491	20.5	46%	31,997	11.3	79%	12,473	9.8	85%	37,015	16.2	62%						

Source:

HM Courts Service CREST system

Notes:¹Excludes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results²Includes cases where defendants plead not guilty to all counts and also cases where defendants plead not guilty to some counts³Sent for Trial cases under s51 Crime and Disorder Act 1998 were introduced nationally on the 15th January 2001 before this all all cases were classed as committed for trial, except for a those heard in a small number of pilot courts

Table 6.15
Crown Court
 Average waiting times for defendants dealt with¹ having been sent for trial, by plea and remand type, England and Wales, 2000-2006

Year	By Remand Status														
	By Plea						By Remand Status								
	All defendants dealt with			Defendants pleading not guilty ²			Defendants pleading guilty (to all counts)			Defendants remanded in custody			Defendants remanded on bail		
	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks	Number dealt with	Waiting time (weeks)	% in 26 weeks
2000 ³	1,547	14.9	82%	630	19.7	72%	917	11.6	88%	653	11.4	88%	894	17.4	77%
2001 ⁴	14,025	13.8	90%	5,462	18.2	82%	8,563	11.0	95%	6,586	12.4	93%	7,439	15.0	87%
2002	29,645	18.0	79%	13,061	22.7	68%	16,584	14.3	87%	13,513	15.2	86%	16,132	20.3	72%
2003	31,401	18.8	77%	13,888	23.8	66%	17,513	14.8	86%	14,410	15.9	85%	16,991	21.3	71%
2004	31,330	19.2	76%	13,492	24.7	63%	17,838	15.1	86%	14,860	16.5	83%	16,470	21.7	70%
2005	30,336	19.5	76%	11,845	26.4	61%	18,491	15.2	86%	14,566	16.8	83%	15,770	22.1	70%
2006	31,444	20.6	73%	11,315	28.7	53%	20,129	16.0	84%	15,385	17.4	82%	16,059	23.6	65%

Source:

HM Courts Service CREST system

Notes:

- 1 Excludes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results
- 2 Includes cases where defendants plead not guilty to all counts and also cases where defendants plead not guilty to some counts
- 3 In 2000 there were six pilot courts with sent for trial cases
- 4 Sent for Trial cases under s51 Crime and Disorder Act 1998 were introduced nationally on the 15th January 2001 before this all cases were classed as committed for trial

Table 6.16**Crown Court**

Average waiting times for defendants dealt with¹ having been committed for sentence, England and Wales, 2000-2006

Year	Total number of defendants dealt with	Waiting time (weeks)	% within 10 weeks
2000	24,275	6.8	86%
2001	21,039	6.4	88%
2002	22,643	6.3	88%
2003	23,222	6.3	87%
2004	23,007	6.0	89%
2005	24,507	6.1	89%
2006	26,172	6.0	89%

Source:

HM Courts Service CREST system

Notes:

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

Table 6.17**Crown Court**

Average waiting times for appellants dealt with¹ having appealed the decision of a Magistrates' Court, England and Wales, 2000-2006

Year	Total number of appellants dealt with	Waiting time (weeks)	% within 14 weeks
2000	12,216	7.5	88%
2001	11,089	7.1	90%
2002	10,161	7.2	90%
2003	10,265	7.7	89%
2004	10,709	7.7	87%
2005	10,808	7.5	88%
2006	11,162	7.9	87%

Source:

HM Courts Service CREST system

Notes:

1 Excludes cases abandoned before appearance in court

Table 6.18**Crown Court**Average hearing times in cases dealt with¹, by case type and plea, England and Wales, 2000-2006

Year	Committed for trial				Sent for trial ²				Committed for sentence		Appeals against Mags' decision	
	Not guilty plea		Guilty plea		Not guilty plea		Guilty plea		Number of cases dealt with	Average hearing time (hours)	Number of cases dealt with	Average hearing time (hours)
	Number of cases dealt with	Average hearing time (hours)	Number of cases dealt with	Average hearing time (hours)	Number of cases dealt with	Average hearing time (hours)	Number of cases dealt with	Average hearing time (hours)				
2000	22,231	10.8	40,283	1.3	379	12.6	876	1.5	25,295	0.6	12,322	0.9
2001	19,874	11.1	32,668	1.3	3,145	10.6	7,991	1.2	22,454	0.6	11,060	0.9
2002	15,402	10.3	28,578	1.3	8,065	15.7	15,874	1.7	24,521	0.6	10,200	1.0
2003	14,744	9.1	29,597	1.2	8,874	17.5	17,029	1.8	26,772	0.6	10,169	1.0
2004	14,765	8.7	29,311	1.2	8,626	17.9	17,158	1.9	26,993	0.6	10,824	1.0
2005	14,277	8.5	28,770	1.3	8,258	19.0	16,727	2.0	29,465	0.6	11,104	1.0
2006 ³	14,602	8.5	28,319	1.3	8,820	18.7	17,725	2.0	33,594	0.6	11,480	1.1

Source:

HM Courts Service CREST system

Notes:

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

2 Sent for Trial cases under s51 Crime and Disorder Act 1998 were introduced nationally on the 15th January 2001. Before this date, figures are from the pilot programme

Table 6.19**Crown Court**

Juror sitting days and juror utilisation, England and Wales, 2000-2006

Year	Juror sitting days	Juror non-sitting days	Juror non-attendance days	Juror utilisation rate
2000	826,573	258,287	213,791	63.6%
2001	859,822	291,635	203,525	63.5%
2002	867,536	291,321	201,150	63.8%
2003	849,722	301,678	249,401	60.7%
2004	862,244	301,727	321,422	58.0%
2005	841,143	292,908	366,676	56.0%
2006	833,911	281,031	298,113	59.0%

Notes:

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

Table 6.20**Crown Court**

Summary statistics on hearing times, waiting time, plea rates and juror utilisation, by HMCS area and region, 2006

	Average Hearing Time (hours)				Guilty Plea Rate	Average Waiting Time (weeks)				Juror Usage
	Not Guilty plea Trials	Guilty plea Trials	Committal for Sentence	Appeal		Not Guilty plea Trials	Guilty plea Trials	Committal for Sentence	Appeal	
England and Wales	12.5	1.5	1.1	0.6	66%	23.7	13.1	6.0	7.9	59%
<u>HMCS Region</u>										
London	15.4	2.2	1.4	0.8	53%	25.4	14.7	6.3	10.2	72%
Midlands	10.5	1.3	1.0	0.5	71%	23.9	13.0	5.4	7.0	52%
North East	8.4	1.2	0.8	0.5	76%	18.5	11.2	5.6	6.6	52%
North West	10.0	1.5	0.9	0.6	72%	21.6	13.2	6.7	6.7	53%
South East	12.2	1.6	1.2	0.7	63%	28.4	15.5	7.1	9.2	57%
Wales	13.4	1.6	1.0	0.5	68%	15.0	9.4	5.3	5.9	63%
Western	13.6	1.4	1.2	0.6	63%	22.5	12.2	5.7	8.9	52%
<u>HMCS Area</u>										
Avon & Somerset	16.9	1.4	1.1	0.6	63%	24.0	15.0	5.8	7.6	56%
Bedfordshire	11.9	1.7	1.5	0.8	59%	32.4	17.1	5.4	10.5	63%
Cambridgeshire	11.5	1.7	1.1	0.7	58%	21.2	11.4	6.7	9.8	56%
Cheshire	9.1	1.4	0.8	0.5	68%	15.8	9.3	4.5	7.5	45%
Cleveland	7.2	1.4	0.8	0.6	68%	19.1	13.9	7.1	5.9	56%
Cumbria	9.4	1.5	1.2	0.7	60%	22.9	14.8	5.6	7.8	39%
Derbyshire	8.4	1.0	0.6	0.4	72%	24.9	13.6	6.8	9.5	60%
Devon & Cornwall	11.7	1.2	1.3	0.6	63%	27.3	13.2	6.8	9.7	55%
Dorset	15.0	1.3	1.2	0.7	57%	18.1	10.1	5.7	9.8	51%
Durham	4.6	1.2	1.0	0.5	79%	18.0	10.9	5.2	4.7	43%
Dyfed-Powys	11.0	1.4	1.2	0.6	62%	12.4	8.4	5.4	5.7	60%
Essex	11.4	2.2	1.3	1.0	61%	23.1	13.6	6.7	4.8	52%
Gloucestershire	7.3	1.2	1.1	0.5	73%	19.1	11.7	6.0	8.6	43%
Greater Manchester	9.2	1.5	0.9	0.6	75%	23.1	13.4	6.4	6.8	53%
Gwent ¹	0.0	0.0	0.0	0.0	0%	0.0	0.0	0.0	0.0	69%
Hampshire & Isle of Wight	14.2	1.5	0.9	0.6	62%	21.1	10.5	5.2	7.9	58%
Hertfordshire	11.7	1.9	1.8	0.8	62%	26.9	15.0	6.2	8.5	63%
Humberside	8.8	1.0	0.9	0.4	79%	15.5	10.5	4.5	6.1	33%
Kent	14.2	1.6	1.2	0.7	61%	32.8	17.1	6.4	10.5	59%
Lancashire	12.2	1.6	0.8	0.7	73%	23.7	14.5	7.0	6.9	57%
Leicestershire	8.0	1.4	0.8	0.5	68%	25.3	15.4	5.2	4.0	52%
Lincolnshire	12.8	1.3	0.8	0.4	69%	25.0	11.3	4.5	4.4	48%
London	15.4	2.2	1.4	0.8	53%	25.4	14.7	5.9	10.2	72%
Merseyside	9.9	1.4	0.9	0.5	69%	19.7	12.8	6.6	5.7	60%
Norfolk	12.1	1.3	0.8	0.6	76%	21.4	11.5	7.4	6.8	57%
North Wales	7.7	1.5	0.8	0.5	77%	15.8	9.4	5.3	7.3	38%
North Yorkshire	6.9	1.2	1.1	0.5	69%	18.0	11.8	6.8	10.1	45%
Northamptonshire	10.1	1.3	0.6	0.6	74%	29.1	14.7	5.8	7.6	52%
Northumbria	7.3	1.2	0.8	0.5	77%	19.8	13.1	5.2	6.7	58%
Nottinghamshire ²	11.9	1.3	1.1	0.5	74%	18.0	11.0	5.3	5.7	57%
South Wales	14.9	1.6	1.0	0.5	68%	15.4	9.5	3.9	5.5	68%
South Yorkshire	10.7	1.0	0.6	0.4	79%	15.9	8.4	5.2	5.6	57%
Staffordshire	9.5	1.2	0.8	0.5	74%	24.7	11.9	6.3	6.0	60%
Suffolk	13.2	1.6	1.0	0.6	62%	26.4	18.1	6.1	5.7	62%
Surrey	14.0	1.7	1.3	0.7	65%	30.1	15.1	9.1	10.7	61%
Sussex	9.6	1.2	1.1	0.6	64%	33.7	19.6	8.2	14.4	54%
Thames Valley	13.1	1.5	1.0	0.6	60%	28.3	15.3	7.2	11.8	55%
Warwickshire	5.6	1.0	1.1	0.5	78%	24.9	11.7	5.0	8.2	46%
West Mercia	11.1	1.3	0.9	0.6	70%	26.1	12.2	8.2	8.7	39%
West Midlands	11.4	1.5	1.2	0.6	69%	23.5	13.6	6.2	7.2	53%
West Yorkshire	9.7	1.5	0.8	0.5	76%	20.1	10.6	7.0	7.3	59%
Wiltshire	8.7	1.4	2.4	0.6	60%	22.6	12.2	8.0	13.0	26%

Notes:

1 Gwent figures are included within South Wales. This is due to Newport Crown Court figures being collected with Cardiff Crown Court

2 Nottinghamshire figures have been altered to remove one erroneous hearing time duration

3 From April 2007, HMCS underwent a restructuring from 42 to 25 geographic areas. This table uses the former structure that was in place during the period covered.

Chapter 7: Magistrates' Courts

This chapter refers to criminal proceedings in the Magistrates' Courts. Information on family proceedings in Magistrates' Courts can be found in Chapter 5.

Virtually all criminal court cases start in the Magistrates' Courts. The less serious offences are handled entirely in Magistrates' Courts, over 95% of all cases being dealt with in this way. The more serious offences are passed on to the Crown Court, either for sentencing after the defendant has been found guilty in the Magistrates' Court, or for full trial with a judge and jury.

Magistrates deal with three kinds of cases:

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

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

If the case is to be dealt with in the Magistrates' Court, the defendant(s) will have to enter a plea. If they plead guilty or are later found to be guilty, the Magistrates can impose a sentence of up to 6 months' imprisonment or a fine of up to £5,000. If found not guilty ('acquitted'), defendants are free to go – provided there are no other cases against them outstanding.

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

There are approximately 30,000 Magistrates and 140 District Judges operating in the roughly 330 Magistrates' Courts throughout England & Wales.

Defendants Proceeded Against

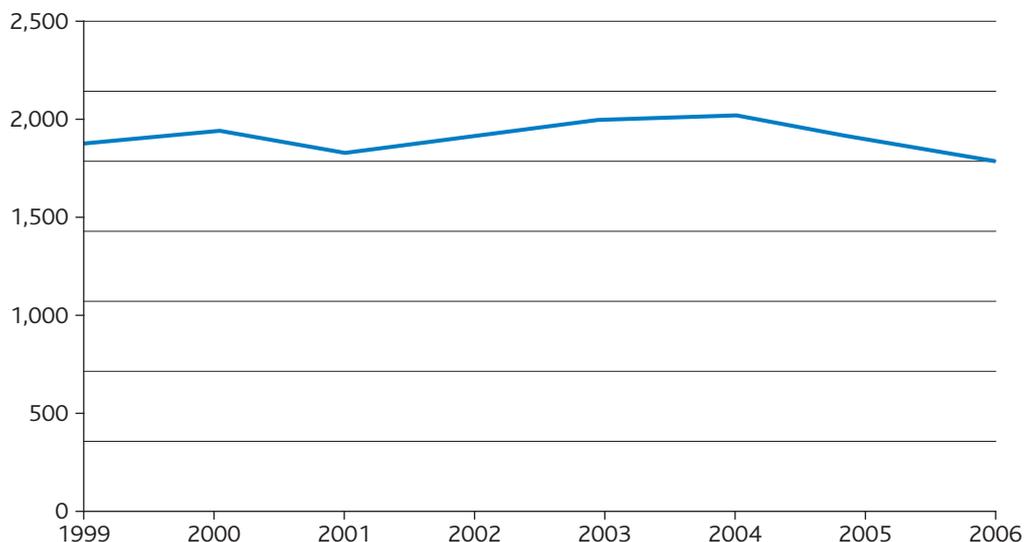
1.78 million defendants were proceeded against in Magistrates' Courts during 2006, a 6% decrease compared to 2005. The 2006 figures extend the year on year trend in the declining number of defendants proceeded against in Magistrates' Courts. However, in recent years the decrease in the number of defendants proceeded against at Magistrates' Courts has been offset by an increase in the use of pre-court diversions. Cautions have increased by 17% between 2005 and 2006, and the use of the relatively new Penalty Notices for Disorder has increased by 37% over the same period.

The decrease in the number of defendants proceeded against was not uniform across offence categories. The number of defendants in indictable / triable-either-way cases was down 4% to 406,000; number of defendants in summary non-motoring cases was down 4% to 612,000; and number of defendants in summary motoring cases was down 9% to 761,000.

A more detailed breakdown of indictable / triable-either-way offences reveals that only Robbery, Criminal Damage and Drug Offence categories have seen a rise in the number of defendants appearing in Magistrates' Courts. The other categories of offence saw a fall in defendant numbers compared to 2005 (see [Table 7.1](#) for details).

Defendants proceeded against in Magistrates' Courts to 2006

Number of defendants
(in thousands)



Just under a quarter (23%) of the 1.78 million defendants appeared at Magistrates' Courts for indictable / triable-either-way offences. 34% of defendants appeared for summary non-motoring offences whilst 43% appeared for summary motoring offences.

The figures presented here are based on data collated for the Ministry of Justice publication, 'Criminal Statistics'. This covers criminal cases in Magistrates' Courts as presented here, as well as details of criminal cases in higher tiers of court and other statistics on the Criminal Justice System. Data are collected from a variety of administrative databases held by courts and police forces. They are therefore subject to the inaccuracies inherent in any large-scale data recording system. As these data are defendant-based, in cases where a defendant appears at court for more than one offence, only the most serious offence is recorded here.

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

Trials

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

Magistrates' Courts record the number and outcome of trials. Uncontested summary matters are not recorded. Trial outcomes are listed as 'Effective', 'Ineffective' or 'Cracked', according to the following definitions:

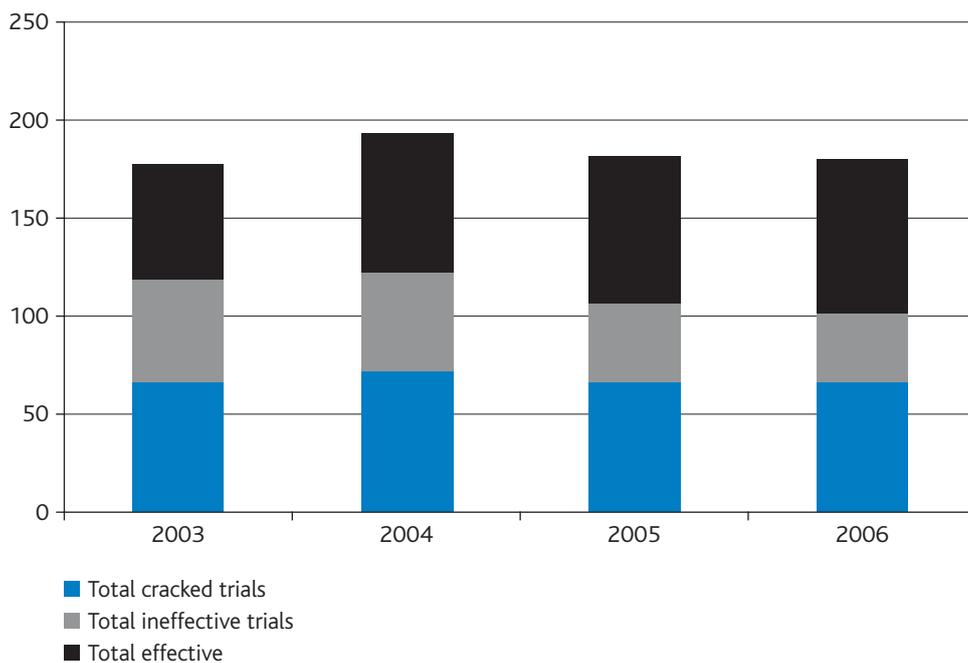
- Effective Trial: a trial that commences on the day it is scheduled, and has an outcome in that a verdict is reached or the case is concluded.
- Cracked Trial: on the trial date, the defendant offers acceptable pleas or the prosecution offers no evidence. A cracked trial requires no further trial time.
- Ineffective Trial: on the trial date, the trial does not go ahead due to action or inaction by one or more of the prosecution, the defence or the court and a further listing for trial is required.

If a trial was recorded as either ineffective or cracked, the main reason why the trial did not take place is also recorded. Efficient case progression and good inter-agency communication will lead to higher numbers of effective trials and lower numbers of ineffective and cracked trials. Ineffective and cracked trials waste court time, create additional costs to the justice system and cause inconvenience and delay to witnesses and other court users; therefore this is an important measure for court management. Reducing the proportion of ineffective trials is part of a 2004 Public Service Agreement (PSA) target.

In 2006, 181,000 trials were recorded in the Magistrates' Courts, compared to 182,500 in 2005 (a 1% decrease). Of those trials, 43.7% were recorded as effective, 36.9% were recorded as cracked, with 19.4% recorded as ineffective.

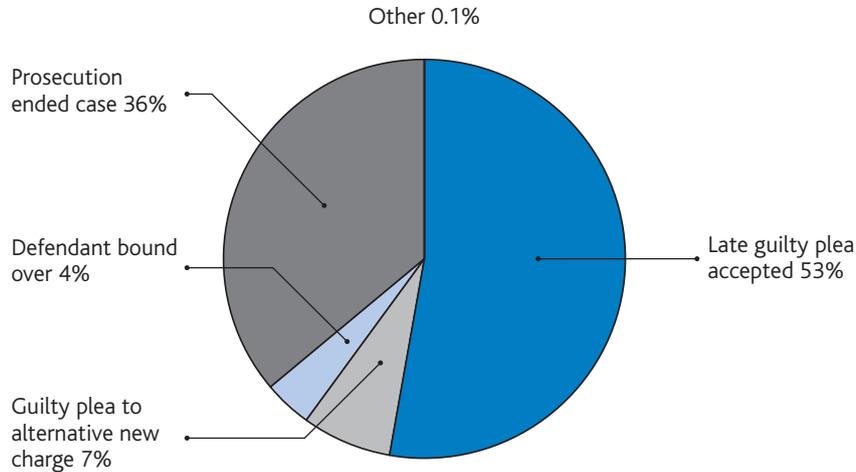
Number of trials in Magistrates' Court by outcome, 2003-2006

Number of Trials
(in thousands)



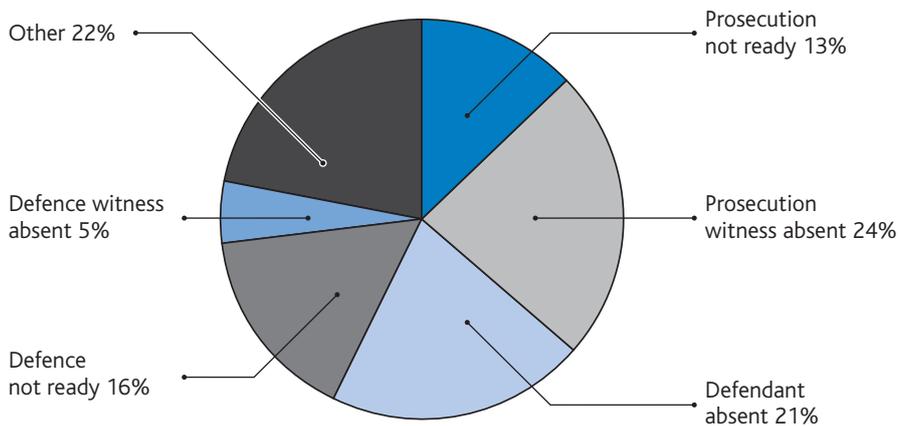
The proportion of cracked trials has remained fairly constant over the last 4 years. In 2006, 20% of all trials (53% of cracked trials) were cracked due to a late guilty plea being accepted, and 13% of all trials (36% of cracked trials) were cracked due to the prosecution ending the case.

Cracked trials: reasons for cracked trials in 2006



The proportion of ineffective trials has reduced in recent years. The Public Service Agreement (PSA) required that the rate of ineffective trials reduced to 19.4% nationally in the Magistrates' Courts by the end of March 2007. In 2006 this target was met. The main reasons for ineffective trials in 2006 included absence of prosecution witness (5% of all trials, 24% of all ineffective trials) and absence of defendant (4% of all trials, 21% of all ineffective trials).

Ineffective trials: Reasons for ineffective trials in 2006



Statistics on trials in Magistrates' Courts are shown in Tables 7.3, 7.4 and 7.5.

Timeliness

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

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

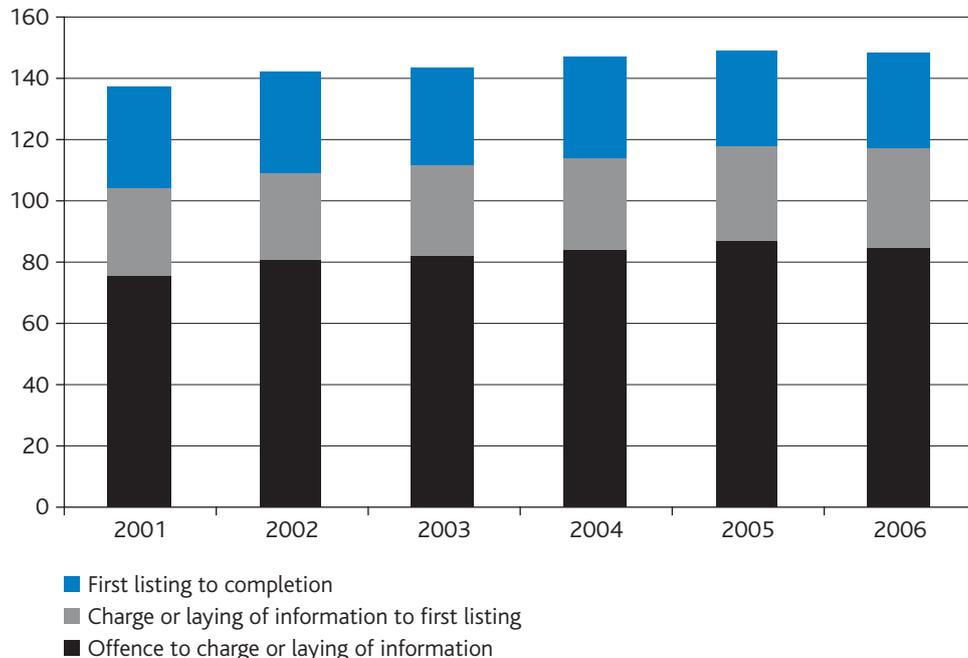
For further information on the Time Intervals Survey please see:
<http://www.justice.gov.uk/publications/timeintervals.htm>

In 2006, the average time taken from offence to completion in the Magistrates' Courts was 148 days for all criminal cases. This compares to 149 days in 2005.

The average time from offence to charge or laying of information was 85 days in 2006, a decrease from 87 days in 2005. The average time from charge / laying of information to first listing increased slightly from 31 days in 2005 to 32 days in 2006. The average time from first listing to completion in the Magistrates' Courts in 2006 was 31 days, the same as in 2005.

Average number of days for all criminal cases proceeded against in Magistrates' Courts, by stage of proceedings

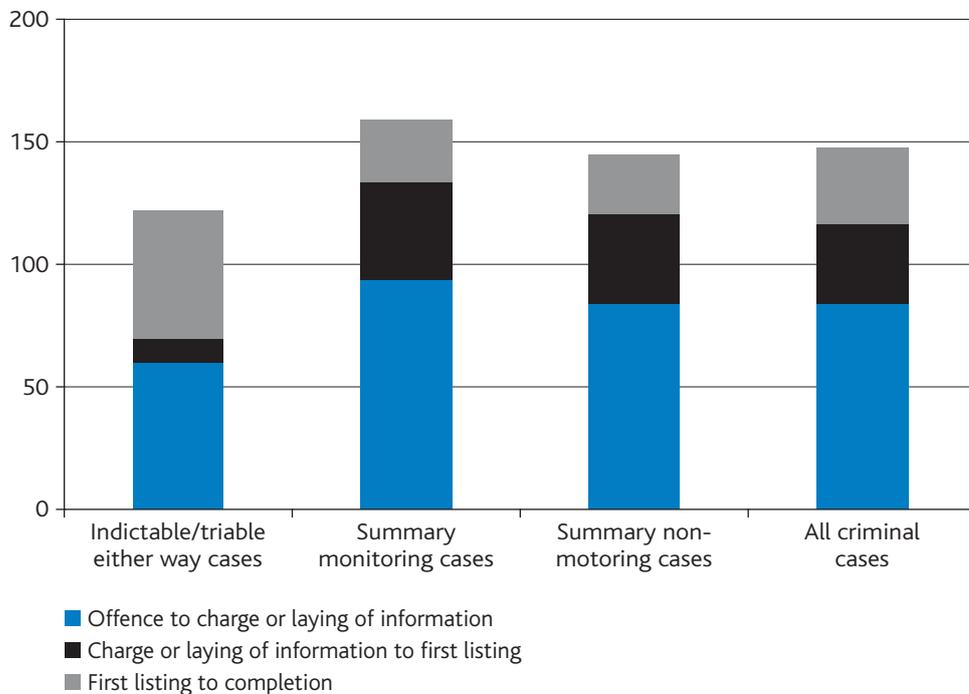
Average number
of days



The average time between offence and completion for indictable / triable-either-way cases was 123 days in 2006, up from 122 days in 2005. For summary motoring cases the average time taken between offence and completion decreased from 162 days in 2005 to 160 days in 2006. In 2006, there was an average of 146 days between offence and completion for summary non-motoring cases compared to 148 days in 2005.

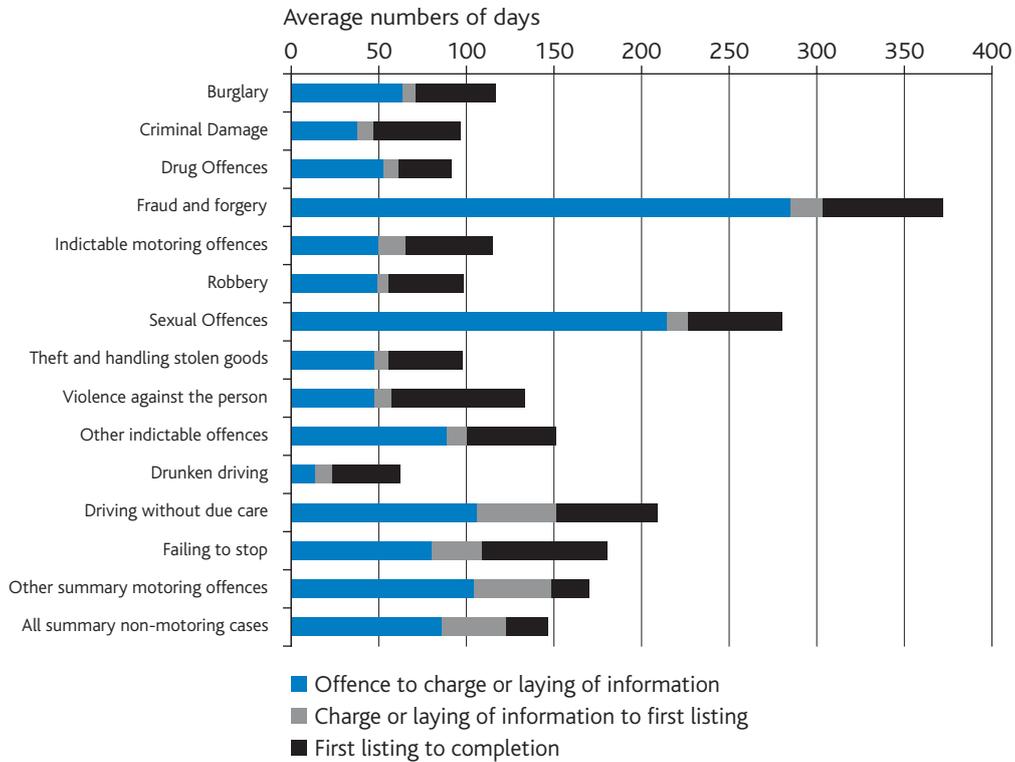
Average time by stage of proceedings – defendants in all criminal cases, 2006

Average number of days



The average time between offence and charge / laying of information was the stage that showed the greatest variation between offence groups. The main reason for this is that certain offences tend to take longer than others to come to the attention of the police. In 2006 the longest average time taken from offence to charge / laying of information occurred in Fraud and Forgery cases, which took on average 285 days. Sexual Offence cases took the second longest time on average between offence and charge/laying of information at 214 days. Drunken Driving offences took, on average, the shortest time from offence to charge / laying of information at 13 days.

Average time taken by offence group and stage of proceedings for defendants in criminal cases, 2006



Statistics on the timeliness of cases in Magistrates' Courts are shown in [Tables 7.6, 7.7 and 7.8](#).

Persistent Young Offenders (Timeliness)

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

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

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

The overall level of performance – that for Persistent Young Offender cases heard in either Magistrates' or Crown Courts – decreased from 146 days in January 1997 to 69 days in January 2002. Thereafter, it has remained at or below 75 days in every calendar month.

Persistent Young Offender cases: performance against the time target (71 days)

Average number of days from arrest to sentence



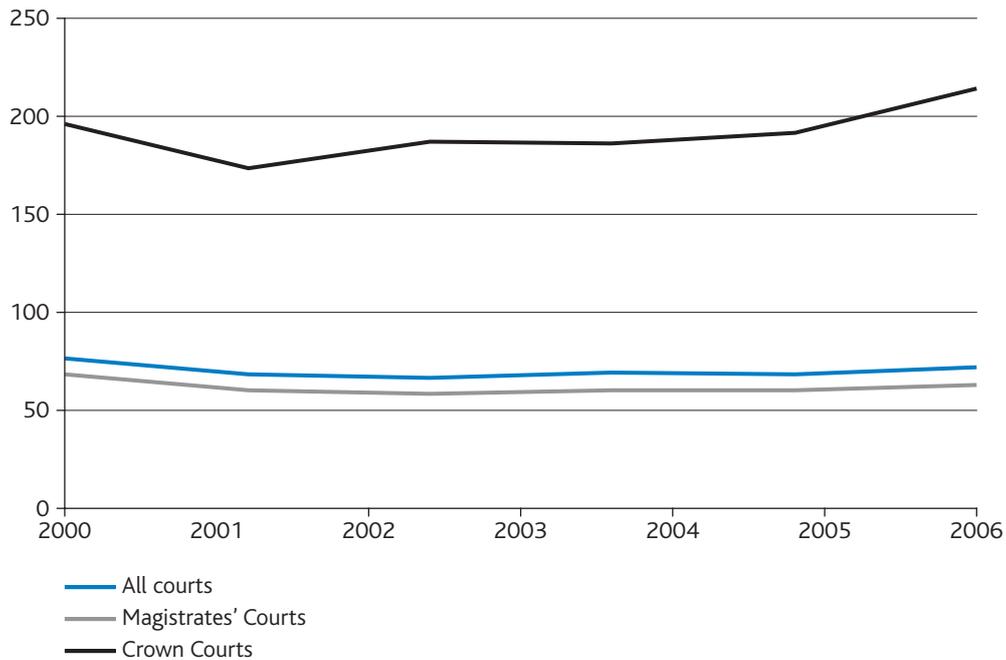
The Pledge, which is measured on a calendar year basis, was met first in 2002 and each year thereafter until 2006, when performance was 72 days. This was an increase of 4 days on 2005. The Pledge was met by 21 Police Forces areas in 2006, down from 31 areas the previous year.

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

Overall performance is mainly determined by timeliness in the Magistrates' Courts, where at least nine tenths of all of the cases are heard. After four years of stability, the average time from arrest to sentence has increased in 2006. Although the timeliness measure for Crown Courts has increased markedly since 2002, this has had less impact on the headline figure, owing to the small number of cases involved.

Persistent Young Offender cases: performance in Magistrates' and Crown Courts

Average number of days
from arrest to sentence



Statistics on the timeliness of Persistent Young Offender cases are shown in [Tables 7.9 and 7.10](#).

Enforcement

Fines are the most commonly used sentence in Magistrates' Courts, and the enforcement of financial penalties is subject to a Public Service Agreement requirement for HMCS. The Courts Act 2003 provided a number of new enforcement sanctions (e.g. clamping, registration) which have since been subject to national rollout by HMCS, and which have contributed to the increases in the total value of fines paid in recent years.

The amount paid in England and Wales in 2006 was £242.1 million, a 6.3% rise from the previous year.

Statistics on enforcement of financial penalties in the Magistrates' Courts are shown in [Table 7.11](#).

Table 7.1
Magistrates' Courts
 Number of defendants proceeded against for criminal offences, by offence type, England and Wales 1999-2006

Year	Indictable/triable either way offences, by type													Summary		Total number of defendants
	Total indictable offences	Violence Against the Person	Sexual Offences	Burglary	Robbery	Theft and Handling of Stolen Goods	Fraud and Forgery	Criminal Damage	Drug Offences	Other Indictable Offences	Indictable Motoring Offences	Non-Motoring offences	Summary Motoring offences	Total		
															Number of defendants (in thousands)	
1999	512.7	75.3	7.8	46.1	10.3	169.6	28.4	17.9	56.6	89.5	11.0	560.0	809.0	1,881.8		
2000	491.8	75.5	7.3	42.4	12.1	164.0	26.9	17.0	51.3	85.0	10.4	625.9	786.9	1,904.7		
2001	500.9	76.7	8.4	41.6	14.9	163.5	25.8	18.3	53.7	87.3	10.7	572.0	764.8	1,837.7		
2002	517.1	78.4	9.1	43.6	15.6	163.5	25.0	18.7	57.1	94.5	11.4	622.0	785.8	1,924.8		
2003	509.2	79.6	9.1	41.3	13.7	151.7	24.7	18.6	58.5	100.0	11.9	634.1	857.6	2,000.8		
2004	453.3	71.8	9.6	35.4	12.4	134.5	23.6	17.8	44.1	93.6	10.6	665.3	904.0	2,022.6		
2005	423.4	68.2	9.7	31.8	12.5	123.1	23.1	16.6	43.4	86.6	8.3	637.0	834.7	1,895.0		
2006	406.2	64.8	9.1	30.6	13.2	116.5	22.7	17.5	44.0	80.5	7.4	612.0	761.1	1,779.3		

Source:

Court Proceedings Database (used for 'Criminal Statistics' publication), Ministry of Justice RDS-OCJR

Notes:

- 1 The figures presented here are based on data collated for the Ministry of Justice publication, Criminal Statistics. This covers criminal cases in Magistrates' Courts as presented here, as well as details of criminal cases in higher tiers of court and other statistics on the Criminal Justice System. Data are collected from a variety of administrative databases held by courts and police forces. They are therefore subject to the inaccuracies inherent in any large-scale data recording system. As these data are defendant-based, in cases where a defendant appears at court for more than one offence, only the most serious offence is recorded here.
- 2 Number of defendants includes Adults, Youths and Persistent Young Offenders.
- 3 Number of defendants is presented in thousands (000s) in the table; e.g. 1,779.3 thousand defendants in 2006 is equivalent to 1.78 million defendants.

Table 7.2**Magistrates' Courts**

Number of defendants proceeded against for criminal offences, by offence type and Police Force area⁴, England and Wales 2006

Police Force Area	Number of defendants (thousands)			
	Indictable / triable either way offences	Summary non-motoring offences	Summary motoring offences	Total defendants proceeded against
Avon and Somerset	9.8	12.4	29.2	51.5
Bedfordshire	3.9	6.7	11.5	22.1
Cambridgeshire	4.4	6.0	10.4	20.8
Cheshire	6.9	9.7	12.1	28.7
Cleveland	5.9	8.1	6.8	20.8
Cumbria	3.8	5.0	9.3	18.1
Derbyshire	5.7	8.0	11.3	25.0
Devon and Cornwall	8.0	11.3	21.8	41.1
Dorset	4.3	6.0	9.4	19.7
Durham	4.4	3.3	4.8	12.5
Dyfed Powys	3.1	4.5	6.8	14.5
Essex	9.6	18.4	22.8	50.8
Gloucestershire	3.4	4.1	6.6	14.0
Greater Manchester	27.9	35.9	48.4	112.1
Gwent	5.0	9.1	8.9	23.1
Hampshire and Isle of Wight	11.3	18.5	17.6	47.4
Hertfordshire	6.3	12.6	15.7	34.6
Humberside	5.9	10.2	11.9	28.0
Kent	8.7	11.3	21.6	41.6
Lancashire	15.2	18.9	26.5	60.6
Leicestershire	7.0	10.1	13.6	30.7
Lincolnshire	3.7	5.7	14.1	23.5
London	69.6	132.4	77.0	278.9
Merseyside	13.6	21.1	12.5	47.3
Norfolk	4.2	6.0	11.4	21.6
North Wales	4.4	6.2	17.3	27.9
North Yorkshire	4.5	4.6	6.7	15.8
Northamptonshire	3.9	4.4	11.5	19.8
Northumbria	14.6	28.9	25.6	69.0
Nottinghamshire	9.7	11.4	14.4	35.6
South Wales	10.2	21.3	23.8	55.3
South Yorkshire	10.6	15.5	17.4	43.5
Staffordshire	7.1	5.0	15.5	27.6
Suffolk	4.6	6.5	11.5	22.7
Surrey	3.8	6.0	10.3	20.1
Sussex	9.3	17.0	12.9	39.1
Thames Valley	13.6	15.9	26.0	55.5
Warwickshire	2.5	3.5	6.9	12.9
West Mercia	7.1	10.3	18.7	36.1
West Midlands	27.4	34.7	43.5	105.6
West Yorkshire	17.6	21.1	44.3	82.9
Wiltshire	3.5	4.7	12.9	21.1
England and Wales	406.2	612.0	761.1	1,779.3

Source:

Court Proceedings Database (used for 'Criminal Statistics' publication), Ministry of Justice RDS-OCJR.

Notes:

1 The figures presented here are based on data collated for the Ministry of Justice publication, Criminal Statistics.

This covers criminal cases in Magistrates' Courts as presented here, as well as details of criminal cases in higher tiers of court and other statistics on the Criminal Justice System. Data are collected from a variety of administrative databases held by courts and police forces. They are therefore subject to the inaccuracies inherent in any large-scale data recording system. As these data are defendant-based, in cases where a defendant appears at court for more than one offence, only the most serious offence is recorded here.

2 Number of defendants includes Adults, Youths and Persistent Young Offenders.

3 Number of defendants are presented in thousands (000s) in the table. Therefore, 1,779.3 thousand defendants in 2006 is 1.78 million defendants.

4 The figures presented here are for Police Force areas, as opposed to HMCS areas.

Table 7.3
Magistrates' Courts
 Numbers of trials which were "cracked", by reason, England and Wales 2003-2006

	Number of trials				Percentage of total trials			
	2003	2004	2005	2006	2003	2004	2005	2006
Total trials	177,485	193,608	182,500	180,950	100.0	100.0	100.0	100.0
Total cracked trials	67,103	72,070	67,193	66,858	37.8	37.2	36.8	36.9
<u>Main reasons for cracked trials</u>								
Late guilty plea accepted	29,638	34,260	34,114	35,368	16.7	17.7	18.7	19.5
Guilty plea to alternative new charge	6,665	5,926	5,010	4,737	3.8	3.1	2.7	2.6
Defendant bound over	4,857	4,344	3,435	2,802	2.7	2.2	1.9	1.5
Prosecution end case	22,907	25,215	23,545	23,889	12.9	13.0	12.9	13.2
Other	3,036	2,325	1,089	62	1.7	1.2	0.6	0.0

Source:

Cracked and ineffective trial monitoring form, HMCS Business Information Division.

Notes:

1Cracked and ineffective trial monitoring forms are used in Magistrates' Courts to monitor the number of cracked trials and the number of ineffective hearings.

2The main reason for each cracked trial is monitored. Individual reasons have been grouped into the summary reasons given in this table.

Table 7.4
Magistrates' Courts
 Numbers of trials which were "ineffective", by reason, England and Wales 2003-2006

	Number of trials				Percentage of total trials			
	2003	2004	2005	2006	2003	2004	2005	2006
Total trials	177,485	193,608	182,500	180,950	100.0	100.0	100.0	100.0
Total ineffective trials	52,179	50,386	39,634	35,044	29.4	26.0	21.7	19.4
<u>Main reasons for ineffective trial</u>								
Prosecution not ready	5,274	4,543	3,984	4,432	3.0	2.3	2.2	2.4
Prosecution witness absent	14,510	12,865	10,222	8,550	8.2	6.6	5.6	4.7
Defendant absent	12,389	12,574	8,802	7,223	7.0	6.5	4.8	4.0
Defence not ready	6,077	6,037	5,289	5,549	3.4	3.1	2.9	3.1
Defence witness absent	3,920	2,215	1,879	1,696	2.2	1.1	1.0	0.9
Other	10,009	12,152	9,458	7,594	5.6	6.3	5.2	4.2

Source:

Cracked and ineffective trial monitoring form, HMCS Business Information Division.

Notes:

1Cracked and ineffective trial monitoring forms are used in Magistrates' Courts to monitor the number of cracked trials and the number of ineffective hearings.

2The main reason for each ineffective trial is monitored. Individual reasons have been grouped into the summary reasons given in this table.

Table 7.5
Magistrates' Courts
 Effectiveness of recorded trials, by HMCS area, England and Wales 2006

Area	Total number of trials	Effective trials		Ineffective trials		Cracked trials	
		Number	Percentage of total trials	Number	Percentage of total trials	Number	Percentage of total trials
Avon & Somerset	2,976	1,634	54.9	409	13.7	933	31.4
Bedfordshire	2,362	1,097	46.4	504	21.3	761	32.2
Cambridgeshire	1,672	800	47.8	257	15.4	615	36.8
Cheshire	3,624	1,521	42.0	588	16.2	1,515	41.8
Cleveland	2,437	1,099	45.1	439	18.0	899	36.9
Cumbria	1,747	786	45.0	304	17.4	657	37.6
Derbyshire	3,825	1,501	39.2	938	24.5	1,386	36.2
Devon & Cornwall	2,487	1,353	54.4	410	16.5	724	29.1
Dorset	1,756	831	47.3	404	23.0	521	29.7
Durham	1,589	643	40.5	295	18.6	651	41.0
Dyfed Powys	1,209	809	66.9	155	12.8	245	20.3
Essex	4,291	1,995	46.5	935	21.8	1,361	31.7
Gloucestershire	1,649	678	41.1	418	25.3	553	33.5
Greater Manchester	11,492	4,923	42.8	1,763	15.3	4,806	41.8
Gwent	1,831	801	43.7	417	22.8	613	33.5
Hampshire & Isle of Wight	5,009	2,434	48.6	945	18.9	1,630	32.5
Hertfordshire	5,011	2,081	41.5	1,239	24.7	1,691	33.7
Humberside	2,052	872	42.5	306	14.9	874	42.6
Kent	5,009	2,331	46.5	1,114	22.2	1,564	31.2
Lancashire	7,378	2,642	35.8	1,412	19.1	3,324	45.1
Leicestershire	3,416	1,079	31.6	710	20.8	1,627	47.6
Lincolnshire	1,956	919	47.0	389	19.9	648	33.1
London	33,793	14,641	43.3	7,238	21.4	11,914	35.3
Merseyside	5,136	1,891	36.8	864	16.8	2,381	46.4
Norfolk	1,936	1,086	56.1	266	13.7	584	30.2
North Wales	2,597	1,254	48.3	362	13.9	981	37.8
North Yorkshire	1,303	587	45.0	217	16.7	499	38.3
Northamptonshire	2,312	1,175	50.8	283	12.2	854	36.9
Northumbria	6,386	2,420	37.9	1,418	22.2	2,548	39.9
Nottinghamshire	3,948	1,495	37.9	976	24.7	1,477	37.4
South Wales	4,235	1,924	45.4	562	13.3	1,749	41.3
South Yorkshire	3,397	1,768	52.0	487	14.3	1,142	33.6
Staffordshire	4,236	1,896	44.8	850	20.1	1,490	35.2
Suffolk	1,037	650	62.7	125	12.1	262	25.3
Surrey	2,221	1,138	51.2	444	20.0	639	28.8
Sussex	4,013	1,936	48.2	691	17.2	1,386	34.5
Thames Valley	5,457	2,613	47.9	899	16.5	1,945	35.6
Warwickshire	341	198	58.1	37	10.9	106	31.1
West Mercia	4,214	1,853	44.0	855	20.3	1,506	35.7
West Midlands	12,186	4,739	38.9	2,477	20.3	4,970	40.8
West Yorkshire	6,208	2,445	39.4	1,371	22.1	2,392	38.5
Wiltshire	1,216	510	41.9	271	22.3	435	35.8
England and Wales	180,950	79,048	43.7	35,044	19.4	66,858	36.9

Source:

Cracked and ineffective trial monitoring form, HMCS Business Information Division.

Notes:

- 1 Cracked and ineffective trial monitoring forms are used in Magistrates' Courts to monitor the number of cracked trials and the number of ineffective hearings.
- 2 The figures presented here are based on the 42 HMCS areas that were in existence prior to the restructuring of administrative arrangements in 2007, which reduced the number of HMCS areas to 25.

Table 7.6
Magistrates' Courts
 Average time taken for defendants in criminal cases, by offence type and stage of proceedings, and percentage dealt with on first listing, England and Wales 2001-2006

Year	Average number of days from:								Percentage completed at first listing (i.e. no adjournments)	Number of defendants in sample
	Offence to charge or laying of information	Margin of error (+/- days)	Charge or laying of information to first listing	Margin of error (+/- days)	First listing to completion	Margin of error (+/- days)	Offence to completion	Margin of error (+/- days)		
<u>Indictable/triable either way cases</u>										
2001	48	2	8	0	55	1	111	2	28%	30,354
2002	48	2	8	0	54	1	110	2	29%	32,485
2003	47	2	8	0	56	1	111	2	30%	33,084
2004	54	2	9	0	55	1	118	2	30%	28,493
2005	59	2	10	0	54	1	122	2	31%	28,127
2006	61	2	10	0	52	1	123	2	30%	27,730
<u>Summary motoring cases</u>										
2001	91	1	38	0	27	1	156	1	62%	26,997
2002	94	1	39	0	29	1	162	1	60%	27,802
2003	97	1	39	0	26	1	162	1	61%	31,101
2004	101	1	39	0	26	1	166	1	62%	32,145
2005	99	1	39	0	24	1	162	1	63%	29,530
2006	94	1	41	0	25	1	160	1	63%	26,707
<u>Summary non-motoring cases</u>										
2001	78	1	34	1	21	1	132	2	73%	16,131
2002	90	1	32	1	20	1	142	2	71%	18,483
2003	88	1	33	0	21	1	142	2	72%	18,524
2004	82	1	33	0	26	1	140	2	69%	17,473
2005	90	1	34	0	24	1	148	2	70%	18,825
2006	85	1	37	0	24	1	146	2	71%	18,976
<u>All criminal cases</u>										
2001	76	1	29	0	33	1	138	1	56%	58,653
2002	81	1	29	0	33	1	142	1	55%	63,008
2003	82	1	29	0	32	1	144	1	56%	66,835
2004	84	1	30	0	33	1	147	1	56%	65,578
2005	87	1	31	0	31	1	149	1	58%	63,153
2006	85	1	32	0	31	1	148	1	58%	60,200

Source:

Time Intervals Survey for criminal proceedings in Magistrates' Courts, MoJ

Notes:

- 1 Results are based on proceedings in one sample week in March, June, September and December for indictable/triable-either-way offences, and the March and September surveys only for summary offences and all criminal cases. Hence, the sum of the number of defendants by offence type does not equal the total number of defendants.
- 2 The margin of error is a measure of the precision of a result based on a survey. The true value is likely to fall within the range of the sample result +/- the margin of error.
- 3 Both adult and youth defendant data from the one week survey are included.
- 4 "Completion" refers to the completion of the case within the Magistrates' Court jurisdiction, and not any subsequent time in the Crown or higher courts
- 5 More detailed results and notes from the Time Intervals Survey are published in a National Statistics Bulletin: <http://www.justice.gov.uk/publications/timeintervals.htm>

Table 7.7
Magistrates' Courts
 Average time taken for defendants in criminal cases, by offence group and stage of proceedings, and percentage completed at first listing, England and Wales, 2006

Offence group	Average number of days from:										Number of defendants in sample
	Offence to charge or laying of information	Margin of error (+/- days)	Charge or laying of information to first listing	Margin of error (+/- days)	First listing to completion	Margin of error (+/- days)	Offence to completion	Margin of error (+/- days)	Percentage completed at first listing (i.e. no adjournments)		
All indictable/trieble either way cases											
Burglary	62	7	7	1	47	3	117	8	23%	1,822	
Criminal Damage	37	3	9	0	50	3	96	5	37%	2,425	
Drug Offences	51	3	10	1	30	3	91	4	46%	2,941	
Fraud and forgery	285	37	18	2	68	12	371	34	31%	708	
Indictable motoring offences	48	6	16	2	49	7	114	10	35%	674	
Robbery	49	5	6	1	43	5	98	7	45%	754	
Sexual Offences	214	37	11	2	54	6	280	38	33%	661	
Theft and handling stolen goods	47	3	8	0	43	1	97	3	32%	8,818	
Violence against the person	47	2	10	0	76	2	133	3	17%	6,319	
Other indictable offences	87	8	12	1	51	3	151	9	32%	2,608	
All summary motoring cases											
Drunken driving	13	2	10	0	39	5	62	5	57%	2,663	
Driving without due care	105	5	46	3	57	8	208	11	44%	610	
Failing to stop	79	12	29	6	71	18	180	25	28%	101	
Other summary motoring offences	103	7	44	0	22	1	170	1	65%	23,333	
All summary non-motoring cases											
	85	1	37	0	24	1	146	2	71%	18,976	
All cases	85	1	32	0	31	1	148	1	58%	60,200	

Source:

Time Intervals Survey for criminal proceedings in Magistrates' Courts, MoJ

Notes:

- 1 Results are based on proceedings in one sample week in March, June, September and December for indictable/trieble-either-way offences, and the March and September surveys only for summary offences and all criminal cases. Hence, the sum of the number of defendants by offence type does not equal the total number of defendants.
- 2 The margin of error is a measure of the precision of a result based on a survey. The true value is likely to fall within the range of the sample result +/- the margin of error.
- 3 Both adult and youth defendant data from the one week survey are included.
- 4 "Completion" refers to the completion of the case within the Magistrates' Court jurisdiction, and not any subsequent time in the Crown or higher courts
- 5 More detailed results and notes from the Time Intervals Survey are published in a National Statistics Bulletin: <http://www.justice.gov.uk/publications/timeintervals.htm>

Table 7.8
Magistrates' Courts
 Average time taken from offence to completion for defendants in all criminal cases, by HMCS area, England and Wales, 2006

Area	Average number of days from offence to completion:					Number of defendants					
	Indictable/ triable either way cases	Margin of error (+/- days)	Summary motoring cases	Margin of error (+/- days)	Summary non-motoring cases	Margin of error (+/- days)	All cases	Indictable/ triable either way cases	Summary motoring cases	Summary non-motoring cases	All cases
Avon and Somerset	124	12	174	5	128	8	155	718	1,071	419	1,842
Bedfordshire	146	24	148	15	..	..	148	182	164	12	243
Cambridgeshire	121	20	163	10	154	12	151	357	311	238	731
Cheshire	140	16	153	9	139	17	147	434	366	159	746
Cleveland	121	18	136	9	104	7	120	593	361	409	1,054
Cumbria	99	22	145	7	93	13	123	301	340	130	617
Derbyshire	148	15	173	9	155	12	163	404	385	305	891
Devon and Cornwall	126	16	149	6	104	16	142	514	821	187	1,301
Dorset	156	36	172	10	152	14	168	306	359	172	699
Durham	154	24	123	10	116	11	129	333	222	248	654
Dyfed Powys	125	30	145	10	115	30	132	237	300	58	499
Essex	111	10	169	6	170	8	162	645	689	825	1,829
Gloucestershire	111	15	150	14	164	20	145	209	178	78	348
Greater Manchester	120	8	176	5	122	5	148	1,874	1,562	1,101	3,639
Gwent	122	16	156	7	127	10	142	195	296	233	630
Hampshire and Isle of Wight	101	9	134	7	142	10	131	723	850	620	1,881
Hertfordshire	146	17	168	6	130	18	155	576	732	208	1,242
Humberside	115	20	147	10	128	7	136	356	457	421	1,061
Kent	127	18	146	7	115	9	135	595	674	271	1,273
Lancashire	120	10	194	7	137	8	162	938	977	634	2,112
Leicestershire	155	20	168	10	180	49	169	485	492	104	836
Lincolnshire	134	19	135	6	146	18	141	310	687	113	942
London	119	6	166	6	188	4	167	4,685	2,219	4,571	9,259
Merseyside	134	14	179	31	126	7	151	994	503	663	1,653
Norfolk	123	21	146	8	113	22	135	291	394	84	661
North Wales	118	20	179	5	103	20	160	347	755	99	1,024

North Yorkshire	92	12	122	10	97	19	108	8	302	229	118	567
Northamptonshire	179	28	181	7	150	13	178	9	259	513	217	858
Northumbria	118	9	159	9	113	5	127	4	1,098	574	994	2,159
Nottinghamshire	111	18	200	17	128	22	166	13	493	589	236	1,101
South Wales	124	11	154	5	184	14	162	7	687	786	786	1,977
South Yorkshire	103	12	140	5	100	7	124	6	714	769	466	1,646
Staffordshire	138	23	145	8	126	11	140	9	381	506	222	961
Suffolk	100	15	142	8	96	10	122	7	274	377	180	695
Surrey	124	18	158	9	129	19	146	9	190	265	69	436
Sussex	156	21	158	11	181	15	166	10	572	563	493	1,344
Thames Valley	111	9	167	6	145	14	152	5	890	1,164	418	2,007
Warwickshire	90	17	170	14	166	31	152	12	163	171	58	300
West Mercia	173	21	163	10	151	10	164	8	451	650	494	1,375
West Midlands	115	7	153	4	108	5	129	4	2,123	1,618	1,210	3,921
West Yorkshire	105	8	136	4	109	7	122	4	1,276	1,234	610	2,460
Wiltshire	141	26	164	6	104	31	155	8	255	534	43	726
England and Wales	123	2	160	1	146	2	148	1	27,730	26,707	18,976	60,200

Source:

Time Intervals Survey for criminal proceedings in Magistrates' Courts, MoJ

Notes:

- 1 Results are based on proceedings in one sample week in March, June, September and December for indictable/triable-either-way offences, and the March and September surveys only for summary offences and all criminal cases. Hence, the sum of the number of defendants by offence type does not equal the total number of defendants.
- 2 The margin of error is a measure of the precision of a result based on a survey. The true value is likely to fall within the range of the sample result +/- the margin of error.
- 3 Both adult and youth defendant data from the one week survey are included.
- 4 "Completion" refers to the completion of the case within the Magistrates' Court jurisdiction, and not any subsequent time in the Crown or higher courts
- 5 The figures presented here are based on the 42 HMCS areas that were in existence prior to the restructuring of administrative arrangements in 2007, which reduced the number of HMCS areas to 25
- 6 More detailed results and notes from the Time Intervals Survey are published in a National Statistics Bulletin: <http://www.justice.gov.uk/publications/timeintervals.htm>

Table 7.9**Magistrates' and Crown Courts**

Average time from arrest to sentence for Persistent Young Offenders (PYOs), by court type, England and Wales, 2001-2006

Year	All Courts		Magistrates' Courts		Crown Courts	
	Number of cases	Average number of days from arrest to sentence	Number of cases	Average number of days from arrest to sentence	Number of cases	Average number of days from arrest to sentence
2001	25,393	76	23,752	68	1,632	196
2002	26,116	68	24,280	61	1,829	174
2003	26,083	66	24,480	58	1,588	187
2004	26,363	69	24,698	61	1,653	186
2005	27,037	68	25,498	60	1,526	191
2006	28,252	72	26,529	63	1,704	214

Source:

Police National Computer; Arrest to Charge Survey data, MoJ

Notes:

- 1 All figures are based on the amended PYO accounting rules of May 2006 applied retrospectively. The methodology removes the double-counting of time from arrest to charge. The figures are consistent with those in the monthly National Statistics bulletin on the MoJ website: <http://www.justice.gov.uk/publications/averagetimearresttosentencepyo.htm>

Table 7.10
Magistrates' and Crown Courts
 Average time from arrest to sentence for Persistent Young
 Offenders (PYOs) by area, England and Wales 2006

Area ¹	Number of cases	Average number of days from arrest to sentence
Avon and Somerset	612	72
Bedfordshire	172	70
Cambridgeshire	310	74
Cheshire	483	69
Cleveland	419	68
Cumbria	415	54
Derbyshire	433	73
Devon and Cornwall	485	74
Dorset	274	74
Durham	457	69
Dyfed-Powys	264	49
Essex	736	60
Gloucestershire	285	68
Greater Manchester	2,251	74
Gwent(2)	409	85
Hampshire	1,116	59
Hertfordshire	356	84
Humberside	653	67
Kent	686	82
Lancashire	1,216	65
Leicestershire	439	102
Lincolnshire	199	92
Merseyside	797	65
Metropolitan	2,549	85
Norfolk	271	85
North Wales	402	67
North Yorkshire	380	54
Northamptonshire	235	101
Northumbria	1,730	79
Nottinghamshire	709	52
South Wales	719	67
South Yorkshire	646	65
Staffordshire	515	80
Suffolk	423	54
Surrey	258	73
Sussex	828	64
Thames Valley	721	92
Warwickshire	225	55
West Mercia	628	75
West Midlands	1,401	81
West Yorkshire	1,575	58
Wiltshire	202	78
British Transport Police	368	114
England and Wales	28,252	72

Source:
Police National Computer; Arrest to Charge Survey data, MoJ

Notes:
1 The area classification is the Police Force that investigated the offence and entered the charge or summons details on the Police National Computer. In a small proportion of cases, prosecution and court proceedings may have been in different areas.

2 Technical problems with local data transfer to the Police National Computer may have resulted in slight inaccuracies in Gwent's figures.

Table 7.11**Magistrates' Courts**

Enforcement of financial penalties in the Magistrates' Courts, England and Wales 2004-2006

Year	Amount Paid (£millions)
2004	225.0
2005	227.8
2006	242.1

Source:

Debt Analysis Return (DAR), HMCS Business Information Division

Notes:

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

Chapter 8: Tribunals

The Tribunals Service was created in April 2006 as an executive agency of the Department for Constitutional Affairs (now Ministry of Justice). As from April 2007, it provides common administrative support to 25 central government tribunals plus the Adjudicator to HM Land Registry and The Gender Recognition Panel (these last two are not technically tribunals). There are plans for more tribunals to join the Service from other government departments in the future.

Tribunals are an important part of the justice system, handling more cases each year than the ordinary civil courts, many involving the most vulnerable people in our society. For more information on the work of the Tribunals service, please visit their website at: www.tribunals.gov.uk

The Judicial Statistics annual report will no longer be including detailed figures on the work of the Tribunals Service, as these are published elsewhere. Their latest annual report for 2006-07, containing further information and more detailed statistics can be found at: http://www.tribunals.gov.uk/files/ts_annual_report_2007v4.pdf

Key findings for 2006-07 include:

- More than 566,000 cases were disposed of, with the 3 largest tribunal jurisdictions dealing with over 92% of the cases, as follows:
 - Asylum & Immigration Tribunals handling 132,000 appeals,
 - Employment Tribunals handling 137,000 appeals, and
 - Social Security & Child Support Appeals (SSCSA) disposing of 254,000 cases.
- There were 527 (salaried) members of the judiciary working in the Tribunals Service.

Chapter 9: Offices of the Supreme Court

During 2006, the Offices of the Supreme Court included:

The Office of the Official Solicitor and Public Trustee, which has a duty to protect the interests of mentally incapacitated adults and children (other than those subject of child welfare proceedings) who are under a legal disability and to act as trustee when there is no-one else suitable to do so.

The Court Funds Office, whose work involves receiving, holding and paying out money held "in court" under various statutes. This includes money paid in damages to minors, and funds belonging to people who lack the mental capacity to manage their own finances.

Note: the above two offices merged on 1 April 2007 to form the Offices of Court Funds, Official Solicitor and Public Trustee

The Tipstaff – whose main responsibility is the enforcement of warrants and orders issued by Judges throughout all divisions of the High Court. Much of the Tipstaff's work relates to children who either have been, or are at risk of being, abducted.

The Court of Protection, which is responsible for the management and administration of the property and affairs of people who lack the mental capacity to perform these tasks for themselves.

The Public Guardianship Office (PGO), which is the administrative arm of the Court of Protection. It supervises the use of monies held "in court" on behalf of people lacking mental capacity, and oversees the registration of Enduring Powers of Attorney, which allow people to nominate someone to act on their behalf if they become mentally incapacitated in the future.

Note: The PGO became the Office of the Public Guardian on 1 October 2007, reflecting its new responsibilities under the Mental Capacity Act 2005, which came fully into force on that date.

Key findings

- The rollout of Child Trust Funds (from April 2005) has been a major driver of new referrals to the Official Solicitor. Appointments to act as the registered contact for this scheme for children in care (where no parent was able to do so) accounted for 50% of new referrals to the Official Solicitor in 2006.

- The number of damages awards to Court of Protection clients has remained broadly stable for the third successive year. There were 408 such awards approved by the Court in 2006.
- The number of applications to register Enduring Powers of Attorney (EPAs) with the Public Guardianship Office has continued to rise. There were 21,751 new EPA applications during 2006, an increase of nearly 2,000 compared to the previous year, and more than 50% greater than the number received in 2002.

The Office of the Official Solicitor and Public Trustee

The offices of Official Solicitor and Public Trustee are legally separate but have been filled by the same individual in recent years, supported by a single administrative body.

The Official Solicitor (a statutory appointment under section 90 of the Supreme Court Act 1981) acts in legal proceedings for those unable to represent themselves. In particular, he acts for the mentally disabled and children (other than those who are the subject of child welfare proceedings now the responsibility of the Children and Family Court Advisory and Support Service) who are vulnerable litigants because they lack capacity. He will also intervene when there is no-one else able or suitable to do so to prevent an injustice which would arise were he not to act for a party who cannot act for himself. His main objective is to protect the estates, interests and human rights of those he represents. He acts across a range of civil and family proceedings as required, including (where necessary) reviewing the cases of persons committed to prison for contempt of court.

His office administers the International Child Abduction and Contact Unit in England and Wales (the Central Authority under the Hague and European Conventions on Child Abduction) to ensure that an aggrieved parent may:

- make applications to enforce orders in the child's home country, with minimal delay
- secure the return of the child or to pursue access rights where the claim is made out

Recent extensions to his role, applicable from 1 April 2005, include:

- being appointed, in place of a parent, to act as the registered contact in the administration of the Government's Child Trust Fund scheme for those children in care in England and Wales where there is no parent able to do so.
- administering the Reciprocal Enforcement Maintenance Order (REMO) Unit which acts as the Central Authority for England & Wales for international maintenance claims (i.e. claims where one of the parties lives outside the United Kingdom in a country or territory that has reciprocal arrangements with the UK on maintenance issues).

The Public Trustee, appointed under the Public Trustee Act 1906, acts as executor or administrator of deceased persons' estates or trustee of wills or settlements, when nominated to do so and he accepts that nomination. Increasingly in recent years, this function has concentrated upon providing a public sector service of last resort where there is a social need for the Public Trustee to act which could not be met in the private sector.

The number of new cases referred to the Office of the Official Solicitor and Public Trustee has grown substantially in recent years. A significant part of this growth is due to the new areas of work discussed above, but more established areas of work have also expanded. The number of new referrals in family and related areas of litigation rose from 829 during 2002 to 1,235 in 2006, an increase of 49%. There was also sharp growth in the number of new child abduction cases (31%) and Court of Protection cases (36%) over the same period.

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

Tipstaff

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

The single biggest area of work for the Tipstaff relates to Family Division cases involving missing or abducted children. The Tipstaff is responsible for executing warrants on a range of possible Orders in these circumstances, including a Collection Order (for the return of a child), a Location Order (for the whereabouts of a child to be discovered) or a Passport Order (for the seizure of passports or other travel documents, to prevent a child being wrongfully removed from the UK). Orders of these types accounted for 81% of all warrants executed by the Tipstaff in 2006.

In 2006, the Tipstaff carried forward a total of 289 cases from the previous year, and a total of 471 new warrants were issued, giving a total of 760 cases which were 'live' at some point in the year. During the course of 2006, 358 warrants were executed (380 in 2005), and 152 were discharged or suspended (46 in 2005). The strong growth in the number of discharged or suspended warrant is a result of new working practices introduced by the Tipstaff from January 2006, to manage long-standing cases more pro-actively. The remaining 250 outstanding cases have been carried forward into 2007.

In the course of their duties, the Tipstaff and his assistants conveyed 29 persons to prison (11 in 2005), all of whom were connected with bankruptcy and insolvency proceedings.

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

Court of Protection

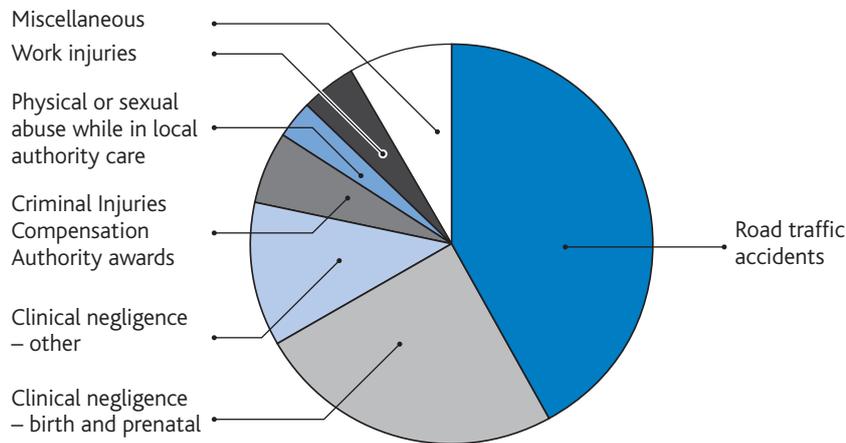
The Court of Protection is an office of the Supreme Court which exercises judicial functions in respect of property and financial affairs of persons who are mentally incapable of managing and administering their own property and affairs. The Court's powers are conferred by the Mental Health Act (MHA) 1983, the Enduring Power of Attorney act 1985 and the associated Court of Protection Rules of 2001, for both Acts. These powers are exercisable by nominated judges (the judges of the Chancery Division and the Family Division of the High Court), the Master, Assistant Masters and other nominated officers of the Court of Protection. Certain orders can only be made by a nominated judge but, subject to these rare exceptions, the jurisdiction is in practice exercised by the other people mentioned.

The Mental Capacity Act 2005, implemented in full in October 2007, has provided a new statutory framework for much of the Court's work, but did not apply during the period covered by this publication.

During 2006, there was a sharp decline in the number of orders made under the 1983 Mental Health Act, which fell by more than 1,600 (23%) in comparison to 2005, after having previously been on a strong upward trend.

In each of the last 3 years, the number of damages awards approved by Court of Protection has remained broadly stable at around 400. The annual totals were 415, 384 and 408 in the years 2004, 2005 and 2006 respectively. The breakdown of approved damages awards by cause during this 3-year period is shown in the chart below.

Breakdown of damages awards approved by the Court of Protection, by cause, 2004/05-2006/07



Statistics on the work of the Court of Protection are shown in [Table 9.3](#) and [Table 9.4](#).

Public Guardianship Office

The following section reflects the position that existed in 2006, prior to the implementation of the October 2007 changes mentioned below.

The Public Guardianship Office (PGO) is the administrative arm of the Court of Protection. Its major function is to protect and promote the interest of its clients – people who lack mental capability – by overseeing and supporting the activities of Receivers appointed by the Court of Protection to manage their financial affairs. Where the Court of Protection adjudges a person mentally incapable of managing their own financial affairs, and there is no one else willing or suitable to act as Receiver, the PGO will appoint one of the professionals from the panel of Receivers to act on behalf of that person. The PGO was responsible for approximately £2.9 billion held in clients’ funds (excluding securities).

In addition, the PGO carries out the administrative functions arising from the Court of Protection’s jurisdiction under the Enduring Powers of Attorney Act 1985. Through the creation of an Enduring Power of Attorney (EPA), a person nominates someone they trust (often a spouse or close family member) to manage their finances, should they themselves lose the mental capacity to do so in the future.

A notable feature of 2006 was the continued rise in the number of new EPA applications made to the Public Guardianship Office. There were over 21,000 such applications made during 2006, more than 50% higher than the equivalent figure for 2002. More than 19,000 EPAs were registered during 2006, contributing to a total of over 114,000 EPAs that remained registered at the end of the year, an annual growth of 14%.

Much of the PGO's work in 2006 was in preparation for the new statutory framework provided by the Mental Capacity Act 2005, which came fully into force on 1 October 2007. One consequence of this has been the very sharp fall in the number of clients whose financial affairs are directly managed by the PGO as Receiver of Last Resort. There were only 2 such cases remaining at the end of 2006. The reason for this reduction is that the 2005 Act makes no provision for the Public Guardian to be the Receiver of Last Resort. The PGO has therefore been working to transfer the cases to external Receivers. Any cases that remain after 1 October 2007 will be managed by the Official Solicitor and Public Trustee.

Statistics on the work of the Public Guardianship Office are shown in [Table 9.5](#).

Table 9.1
Office of the Official Solicitor and Public Trustee
 Summary casework statistics, 2002-2006

Case type	Number of cases				
	2002	2003	2004	2005	2006
New referrals					
Family Litigation, Medical, Welfare and Divorce	829	949	973	1,087	1,235
Child Abduction	329	376	404	402	432
Reciprocal Enforcement Maintenance Orders (REMO) ¹	-	-	-	777	922
Civil Litigation (including Contempts)	905	987	956	999	955
Court of Protection	427	537	511	618	580
Child Trust Funds ²	-	-	-	341	4,128
Estates, Trusts, Executorships, Pension & Institutional Funds	96	89	42	13	37
Total	2,586	2,938	2,886	4,237	8,289
Average number of active cases³					
Family Litigation, Medical, Welfare and Divorce	995	1,109	1,258	1,359	1,494
Child Abduction	320	268	330	311	332
Reciprocal Enforcement Maintenance Orders (REMO) ¹	-	-	-	n/a	n/a
Civil Litigation (including Contempts)	1,201	1,099	1,154	1,183	1,294
Court of Protection	486	489	459	565	760
Child Trust Funds ²	-	-	-	n/a	1,202
Estates, Trusts, Executorships, Pension & Institutional Funds	2,670	2,544	2,133	2,004	1,759
Total	5,672	5,509	5,334	5,422	6,841

Source:

Office of the Official Solicitor and Public Trustee

Notes:

¹Applies from 1 April 2005 only. Relates to international maintenance claims, where one of the parties lives outside the UK in a country or territory with which the UK has reciprocal arrangements for the enforcement of maintenance.

²Applies from 1 April 2005 only. The Official Solicitor can be appointed to act as the registered contact in the administration of the Child Trust Fund scheme for children in care in England and Wales, where there is no parent able to do so.

³Based on the average number of active cases month-by-month within each year shown.

Table 9.2
Tipstaff
 Summary casework statistics, 2002-2006

Type of warrant	Number of warrants				
	2002	2003	2004	2005	2006
<u>Executed</u>					
Bankruptcy	8	3	5	5	21
Insolvency	4	8	0	0	8
Chancery Division	3	10	6	6	6
Queen's Bench Division	8	3	10	8	12
Family Division					
Child Abduction cases ¹	182	278	298	333	291
Other cases	53	54	15	28	20
Total	258	356	334	380	358
<u>Discharged or suspended</u>					
Bankruptcy	17	9	10	10	13
Insolvency	12	12	19	11	4
Chancery Division	0	0	0	0	26
Queen's Bench Division	2	1	2	1	26
Family Division					
Child Abduction cases ¹	1	9	2	19	65
Other cases	33	44	9	5	18
Total	65	75	42	46	152

Source:

Tipstaff

Notes:

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

Table 9.3
Court of Protection
 Summary casework statistics, 2002/03 – 2006/07 (financial years)

Type of proceedings	Number of cases				
	2002/03	2003/04	2004/05	2005/06	2006/07
Orders made under the Mental Health Act 1983	4,760	5,264	6,194	7,444	5,762
of which, number made by a nominated judge ¹	2	3	4	1	1
Orders for sale and purchase of property	946	833	2,493	1,934	2,019
Wills executed for clients and orders for settlement and gifts, excluding those made on applications relating to Enduring Powers of Attorney	259	284	341	329	238
Orders made on applications relating to Enduring Powers of Attorney dealt with by the Judicial Support Unit department	286	322	358	394	412
Applications for orders appointing new trustees ²	475	546	473	523	625
Orders determining proceedings on a patient's recovery	11	47	114	68	91
Visits carried out by the Lord Chancellor's medical visitors	86	104	84	105	153

Source:

Court of Protection

Notes:

- 1 In practice, jurisdiction is exercised by the Master, Assistant Masters and other nominated officers of the Court of Protection. However, certain orders can only be made by the Lord Chancellor or a nominated judge (a judge of the Chancery or Family Divisions of the High Court).
- 2 Applications made under sections 36(9), 54 and 96(1)(k) of the Trustee Act 1925, and section 20(2)(c) of the Trusts of Land and Appointment of Trustees Act 1996

Table 9.4
Court of Protection
 Damages awards approved, by type, 2004/05 – 2006/07 (financial years)

Type of award	Number of awards					
	2004/05		2005/06		2006/07	
	Number	Percentage	Number	Percentage	Number	Percentage
Road traffic accidents	174	42%	162	42%	171	42%
Clinical negligence						
Birth or prenatal injuries	101	24%	93	24%	107	26%
Other	52	13%	47	12%	39	10%
Criminal Injuries Compensation Authority awards	27	7%	16	4%	27	7%
Physical or sexual abuse while in local authority care	20	5%	9	2%	11	3%
Work injuries	16	4%	15	4%	20	5%
Miscellaneous	25	6%	42	11%	33	8%
Total	415		384		408	

Table 9.5
Public Guardianship Office (PGO)
 Summary casework statistics, 2002-2006

Nature of work	Number of cases				
	2002	2003	2004	2005	2006
<u>Protection Work</u>					
Applications brought in during year	7,542	8,117	9,529	9,242	10,060
Number of estates under administration at year end	24,007	28,309	30,471	31,140	26,709
Annual accounts and enquiries passed ¹	14,213	15,240	12,875	13,664	19,259
Short Orders issued ²	1,509	1,080	1,596	2,044	2,828
Schedules (other than orders) for dealing with funds ³	13,384	20,898	29,210	26,746	30,331
Lodgement schedules (other than orders) for payment into Court	8,276	3,100	4,307	4,750	6,322
<u>Enduring Powers of Attorney⁴</u>					
EPA applications received during year	13,748	14,621	16,314	19,776	21,751
Number registered during year	11,965	11,393	14,340	20,003	19,368
Total remaining registered during year	70,181	82,115	87,653	100,221	114,130
<u>Receivership Work⁵</u>					
Number of estates under administration at year end	632	521	239	145	2

Source:

Public Guardianship Office (PGO)

Notes:

1Relates to the PGO's work in monitoring Receivers, through a review of annual accounts and other enquiries, to ensure that they have been operating the finances in the client's best interest.

2Short Orders give an appointed person access to a client's finances in cases where there are not sufficient assets to warrant the appointment of a Receiver. Currently, this applies to estates with a capital value of less than £16,000 and where there is no property to be sold.

3Such schedules provide for the non-urgent release of a client's funds to the appointed Receiver for use in the client's best interests.

4An Enduring Power of Attorney allows the person creating it to nominate someone they trust (often a spouse or close family member) to manage their finances, should they themselves lose the mental capacity to do so in the future.

5In exceptional cases, where no Receiver can be appointed to manage a client's finances, the PGO can act as the Receiver itself. The sharp decline in casework is in preparation for the coming-into-force of the Mental Capacity Act 2005 in October 2007, from which point this power will no longer apply.

Chapter 10: The Judiciary

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

- Heads of Division
- Lords Justices of Appeal
- High Court Judges
- Circuit Judges
- Recorders
- District and Deputy District Judges
- District and Deputy District Judges (Magistrates' Courts)
- Justices of the Peace (or 'lay magistrates')

Key findings

- As at 1 April 2007, there were 108 High Court judges in office. 17 were assigned to the Chancery Division, 72 to the Queen's Bench Division and 19 to the Family Division.
- As at 1 April 2007, there were 639 circuit judges in England and Wales, up 3% (20) compared to 1 January 2006. However, the number of recorders dropped by 14% (193) in the same period.
- As at 1 April 2007, over 40% of circuit judges and recorders were assigned to the South Eastern circuit.
- As at 1 April 2007 there was a total of 29,816 justices of the peace in England and Wales, 3% more than a year previously. Of the total, 15,007 were men and 14,809 were women.
- During 2006, a total of 250,544 days were sat by judges on all types of work (excluding tribunals and other official functions).
- Days sat in the Crown Court accounted for 39%, whilst for the County courts and the High Court, the proportions were 53% and 6% respectively.
- Circuit judges sat 43% of all days during 2006, with District Judges sitting 31% and Deputy district judges 7%.
- At 26%, London (including the Royal Courts of Justice) accounted for the highest proportion of days sat by all judges in England and Wales (64,704).

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

Divisional Heads

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

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

Lords Justices

Together with the Lord Chief Justice and the Master of the Rolls, the Lords Justices are judges of the Court of Appeal. As at 1 April 2007 there were 37 Lords Justices in office.

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

High Court judges

The 108 High Court judges currently appointed in England and Wales deal with the more complex and difficult cases.

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

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

The Chancery Division deals with company law, partnership claims, conveyancing, land law, probate, patent and taxation cases, and consists of 17 High Court judges, headed by the Chancellor of the High Court. The Division includes three specialist courts: the Companies Court, the Patents Court and the Bankruptcy

Court. Chancery Division judges normally sit in London, but also hear cases in Cardiff, Bristol, Birmingham, Manchester, Liverpool, Leeds and Newcastle (see Chapter 2).

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

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

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

Circuit Judges, Recorders and District Judges

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

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

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

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

The numbers of Circuit and District Judges, and Recorders sitting as at given dates between 2003 and 2007 are shown in [Table 10.1](#).

District Judges (Magistrates' Courts)

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

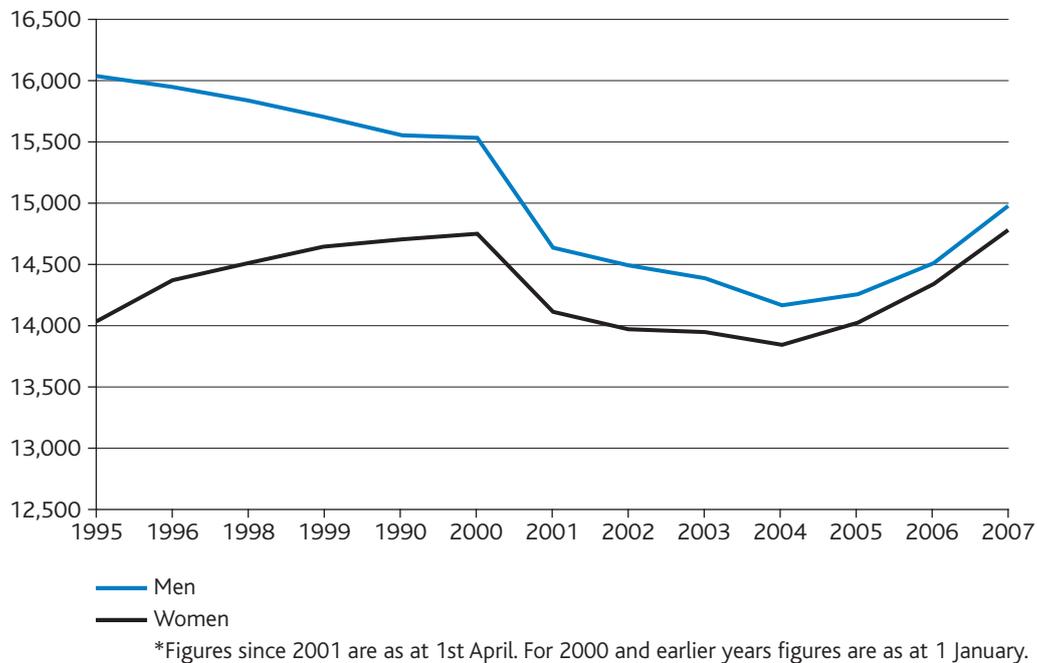
There were 141 full-time District Judges (Magistrates' Courts) in post at 1 January 2007. They are salaried members of the judiciary appointed by the Queen on the recommendation of the Lord Chancellor. Generally sitting alone in the magistrates' court, they are responsible for deciding matters of law and fact and for imposing sentences.

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

The Lay Magistracy (Justices of the peace)

Justices of the peace (magistrates) are appointed by the Lord Chancellor on behalf of the Sovereign. In the magistrates' court the justices usually sit as a bench of three; when sitting as a Youth Court or Family Proceedings Court there must be at least one male and one female justice on the bench. In the Crown Court, justices sit with a judge to hear appeals from magistrates' courts.

Justices of the Peace, 1995-2007*



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

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

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

The number of magistrates in England and Wales by gender, from 1990 are shown in [Table 10.4](#). [Table 10.5](#) shows a similar time series of their appointments.

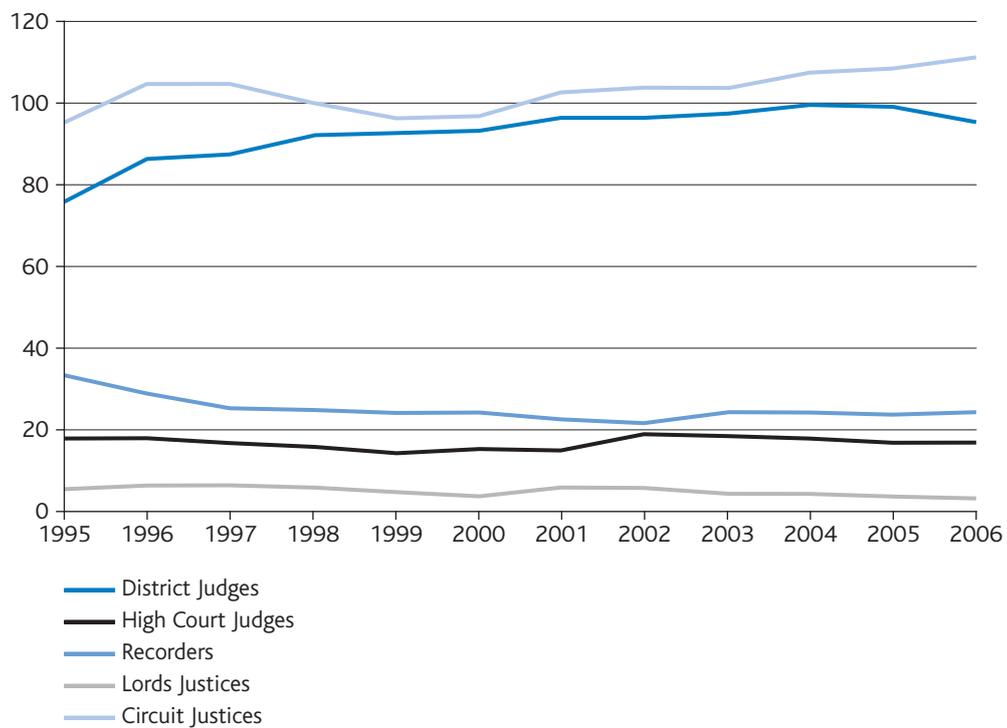
Judicial sitting days

Figures of the number of days sat in court and chambers by judges (except lay magistrates) are given in [Tables 10.2](#) and [10.3](#). [Table 10.2](#) shows the number of days sat by each category of judge according to the type of work undertaken, whilst [Table 10.3](#) shows the distribution of days sat by Region.

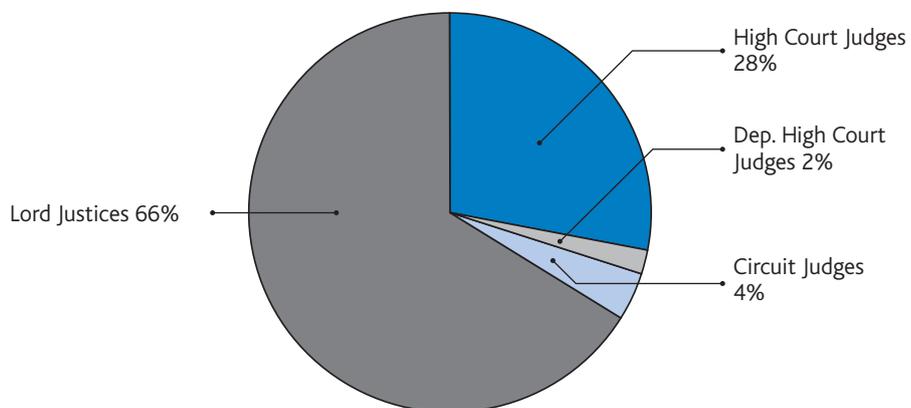
Sittings by deputy High Court judges include retired Lords Justices, retired High Court judges and Circuit Judges sitting as High Court judges under section 9(1) of the Supreme Court Act 1981 and practitioners sitting as deputy High Court judges under section 9(4) of the Act. Deputy Circuit Judge sittings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

Judges Sitting Days (All Courts) by judge type, 1995-2006

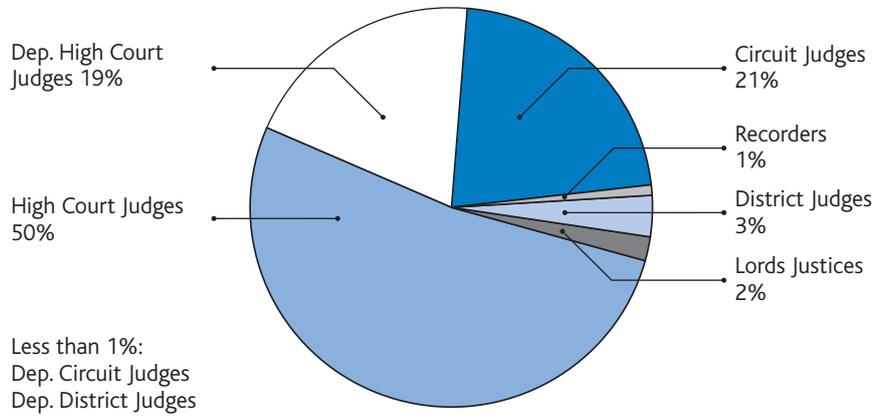
Days Sat (Court & Chambers)
(in thousands)



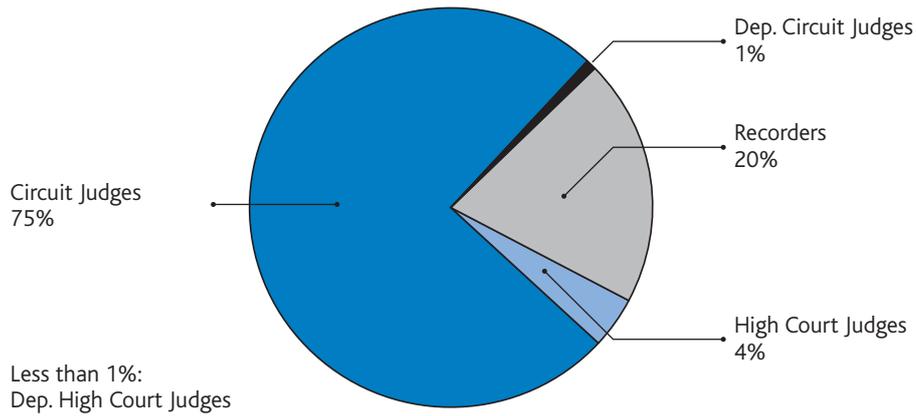
Court of Appeal: Days sat by type of judge, 2006



High Court: Days sat by type of judge, 2006



Crown Court: Days sat by type of judge, 2006



County Court: Days sat by type of judge, 2006

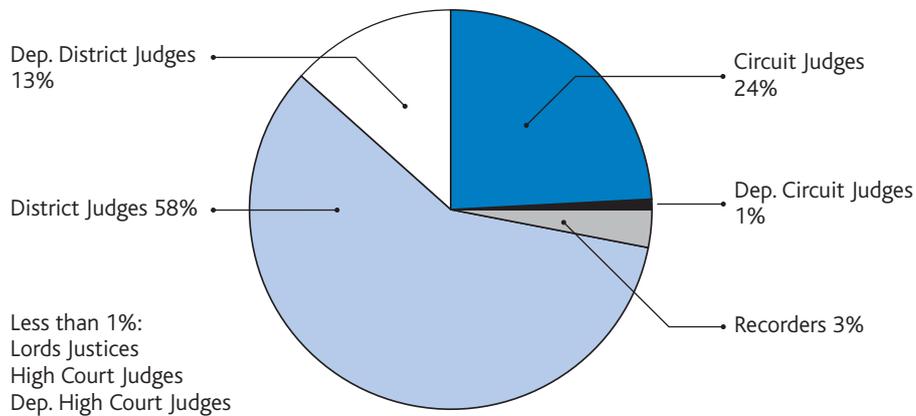


Table 10.1**The Judiciary**

Circuit judges, Recorders and District judges in post in each circuit, as at given dates, 2003-2007

Type of Judge	2003	2004	2005	2006	2007
<u>Circuit Judges</u>					
Midland	81	76	89	87	88
North Eastern	78	75	75	76	75
Northern	90	87	94	88	89
South Eastern	276	273	285	269	262
Wales & Chester	39	39	41	61	36
Western	58	57	59	38	62
Other		2			27
Total	622	609	643	619	639
<u>Recorders</u>					
Midland	191	211	204	225	176
North Eastern	144	148	135	144	102
Northern	170	178	177	176	140
South Eastern	591	616	596	580	523
Wales & Chester	82	89	83	180	69
Western	160	161	155	89	166
Other	4	2			25
Total	1,342	1,405	1,350	1,394	1,201
<u>District Judges¹</u>					
Midland	62	63	64	62	57
North Eastern	61	62	61	61	62
Northern	65	65	63	64	67
South Eastern	160	159	167	151	147
Wales & Chester	34	33	32	49	34
Western	46	47	46	32	46
Other		7			18
Total	428	436	433	419	431

Source:

Judicial Communications Office

Notes:

1 Excluding Family Division

2 Figures are at 1 April in 2007, and at 1 January in earlier years

Table 10.2
The Judiciary
 Days sat¹ by judges showing type of work dealt with, 2006

Type of judge	Court of Appeal		High Court				Crown Court	County Court			Total
	Criminal	Civil	Chancery Division	Queen's Bench Division ²	Family Division	T&C court ³		General List	Family Law		
								Public	Private		
Lords Justices	643	2,378	14	228	34	-	-	9	30	3,365	
High Court judges	1,230	76	2,201	3,538	1,908	514	3,640	33	100	13,452	
Deputy High Court judges	107	-	1,369	1,068	281	177	280	18	21	3,416	
Circuit judges	205	-	906	627	947	670	73,108	12,008	6,612	108,932	
Deputy circuit judges	-	-	-	1	-	-	1,007	341	128	1,922	
Recorders	-	-	21	10	105	8	19,862	2,808	978	24,291	
District judges	-	-	325	69	-	-	-	52,768	22,238	77,737	
Deputy district judges	-	-	3	-	-	-	-	40	2,233	17,430	
Total⁴	2,185	2,454	4,839	5,541	3,274	1,369	97,897	83,160	32,339	250,544	

Source:

HM Courts Service, CREST system and STATS 10 statistical return

Notes:

1 Days sat in court and chambers

2 Admiralty Court and Administrative Court sittings are included in the Queen's Bench Division figures

3 T&C court = Technology and Construction Court

4 These figures represent only the days sat in court or in chambers in the jurisdictions shown. Judges sit in other areas, and also undertake a range of other functions outside the courtroom that are not shown here

Table 10.3
The Judiciary
 Days sat¹ by judges, by type of judge and circuit, 2006

Type of judge	London	Midlands	North East	North West	South East	South West	Royal Courts of Justice	Wales and Cheshire	Total
Lords Justices	14		6	17	35	1	3,284	8	3,365
High Court judges	374	1,003	704	1,486	543	392	8,481	470	13,452
Deputy High Court judges	214	1,038	122	607	22	47	1,056	311	3,416
Circuit judges	27,219	15,260	11,585	14,978	20,540	9,925	2,297	7,130	108,932
Deputy circuit judges	372	102	94	451	570	208	-	126	1,922
Recorders	6,024	4,207	2,461	2,757	4,382	2,558	87	1,816	24,291
District judges	12,994	11,286	10,965	13,157	14,870	8,623	-	5,845	77,737
Deputy district judges	2,289	3,562	3,133	2,684	2,699	2,165	-	899	17,430
Total²	49,499	36,456	29,069	36,135	43,660	23,918	15,205	16,603	250,544

Source:

HM Courts Service, CREST system and STATS 10 statistical return

Notes:

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

Table 10.4**The Lay Magistracy**Justices of the Peace (JPs) in England and Wales¹, by gender, 1990-2007

Year	Number of JPs		
	Men	Women	Total
1990	16,090	12,577	28,667
1991	16,098	12,964	29,062
1992	16,105	13,336	29,441
1993	16,087	13,599	29,686
1994	16,151	13,903	30,054
1995	16,045	14,043	30,088
1996	15,951	14,375	30,326
1997	15,858	14,516	30,374
1998	15,713	14,648	30,361
1999	15,561	14,699	30,260
2000	15,544	14,764	30,308
2001 ²	14,639	14,096	28,735
2002 ²	14,498	13,981	28,479
2003 ²	14,392	13,952	28,344
2004 ²	14,183	13,846	28,029
2005 ²	14,273	14,027	28,300
2006 ²	14,519	14,346	28,865
2007 ²	15,007	14,809	29,816

Source:

Ministry of Justice – Magistrates Recruitment and Appointments Branch

Notes:

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

2 Figures since 2001 are as at 1 April in the years shown. For 2000 and earlier years, figures are as at 1 January.

Table 10.5
The Lay Magistracy
 Justices of the Peace appointed in England and Wales¹, by gender,
 1990 – 2007

Year	Number of JPs		
	Men	Women	Total
1990	996	1,063	2,059
1991	1,008	1,009	2,017
1992	1,080	990	2,070
1993	1,045	1,017	2,062
1994	810	783	1,593
1995	907	936	1,843
1996	830	852	1,682
1997	764	809	1,573
1998	816	793	1,609
1999	884	859	1,743
2000/01 ²	703	633	1,366
2001/02 ²	763	711	1,474
2002/03 ²	714	696	1,410
2003/04 ²	777	701	1,478
2004/05 ²	909	857	1,766
2005/06 ²	1,132	1,080	2,212
2006/07 ²	1,225	1,187	2,412

Source:

Ministry of Justice – Magistrates Recruitment and Appointments Branch

Notes:

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

²Figures since 2000-01 are compiled on a financial year basis. For 1999 and earlier years, figures are on a calendar year basis.

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

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

- The detailed **assessment of litigation costs** is the process of examining, and if necessary reducing, the bill of costs of a Solicitor or Litigant-in-Person upon the conclusion of litigation proceedings. Costs include not only the solicitor's own professional fees, but also disbursements incurred including barristers' and experts' fees. The purpose of detailed assessment is to determine:
 - (a) how much costs a successful party in litigation is entitled to recover from his unsuccessful opponent
 - (b) the amount which a solicitor or barrister is to be paid out of public funds (in publicly funded cases)
 - (c) how much a client should have to pay his solicitor (under the Solicitors Act).
- The **Supreme Court Costs Office** is responsible for the detailed assessment of costs in many civil jurisdictions, including the Court of Appeal (Civil), all three Divisions of the High Court, a number of Tribunals, the Court of Protection, and London-based County Courts. It also deals with appeals against determinations of costs in the Crown Court.
- **Publicly-funded legal services** in England and Wales are administered by the **Legal Services Commission**. Access to legal assistance is provided predominantly through two well-established Legal Aid schemes.
 - (a) The **Community Legal Service (CLS)** which provides civil and family legal services
 - (b) The **Criminal Defence Service (CDS)** which provides legal services to those arrested, charged or prosecuted in connection with a criminal offence

Key findings

- The number of “between parties” costs bills that were subject to detailed assessment by the Supreme Courts Cost Office fell by around 20 per cent (600 cases) in 2006/07, largely as a consequence of the “Predictable Costs” initiative for road traffic cases.
- Gross expenditure on legal aid during the 2006/07 financial year was £2,213 million, a decrease of 3.7 per cent compared to 2005/06.
- Around 95% of defendants in Crown Court trials receive publicly-funded legal representation.

Assessment of litigation costs

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

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

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

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

In 2006, the SCCO assessed 13,222 costs bills, 4 per cent fewer than the 13,772 it assessed in 2005. The number of “between parties” assessments of bills of costs in civil cases reduced by nearly 20 per cent from 2005 levels, mainly due to the impact of the Predictable Costs initiative for road traffic cases. Separately, the number of assessments arising from Court of Protection cases has levelled out following substantial increases in previous years.

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

Summary caseload statistics on the work of the Supreme Court Costs Office is shown in Tables 11.1 and 11.2.

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

Publicly-funded legal services

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

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

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

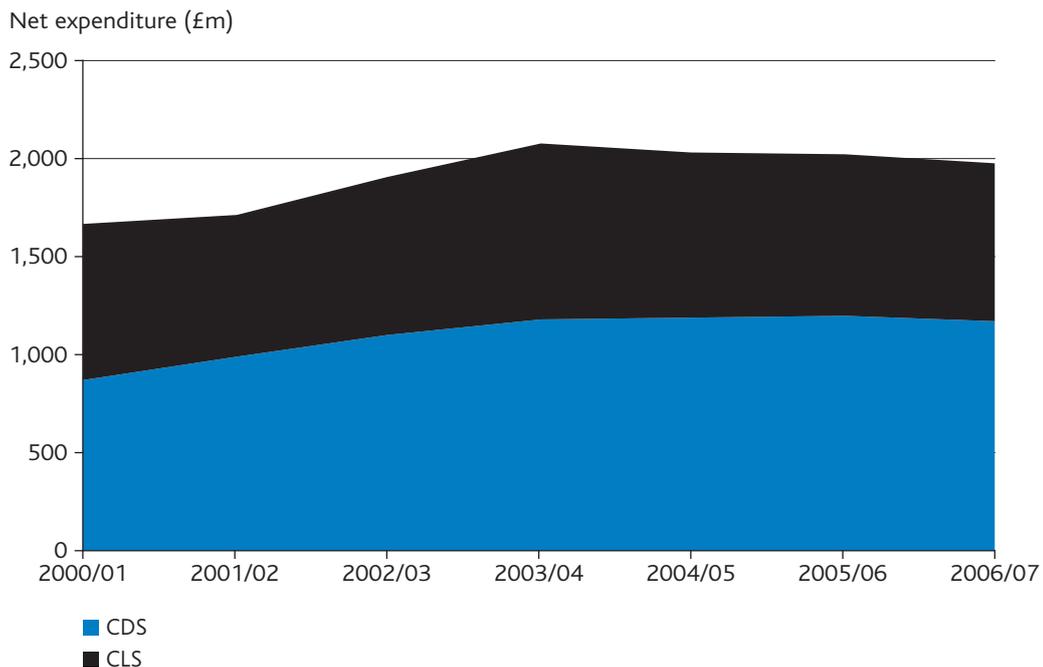
The Criminal Defence Service (CDS) which provides legal services to those arrested, charged or prosecuted in connection with a criminal offence. Work commissioned via the CDS is similarly divided into two broad types:

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

Gross annual legal aid expenditure during the 2006/07 financial year was £1,036 million in the CLS, and £1,177 million in the CDS. The corresponding net figures were £809 million (CLS) and £1,171 million (CDS). Over the last three financial years, net expenditure on the CDS has remained broadly flat in cash terms, while net expenditure on the CLS has fallen by around 10% in cash terms. It should be noted that the scope, design and operation of both legal aid schemes are subject to periodic changes. More detail on these issues is available from the website of Legal Services Commission at: www.legalservices.gov.uk.

Summary statistics on the monies spent and work commissioned by the CLS and CDS are shown in [Table 11.4](#). Trends in the total net expenditure of the two schemes from 2000/01 to 2006/07 are shown in the graph below.

Net annual expenditure of the Community Legal Service (CLS) and Criminal Defence Service (CDS): 2000/01-2006/07



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

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

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

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

In 2006, around 103,000 applications were made in magistrates' courts for representation in the Crown Court (either for trial on indictment or sentencing proceedings), and all of these applications were granted. It is extremely rare for an application of this sort to be turned down – the last such occurrence was in 2001.

Overall, around 95 per cent of Crown Court defendants facing trial on indictment were in receipt of publicly-funded legal representation, with the remainder either receiving privately-funded representation or going unrepresented. The corresponding figure for defendants committed to the Crown Court for sentence after a summary trial was 77 per cent, and for those appealing against the decisions of magistrates' courts, 57 per cent.

Statistics on the funding of Crown Court representation are given in Tables 11.5 to 11.7.

Table 11.1**Supreme Court Costs Office**

Number of costs bills assessed, by type of case giving rise to the bill: 2004-2006

Type of case	Number of bills		
	2004	2005	2006
"Between parties" assessments	3,320	3,062	2,459
Civil legal aid assessments	6,400	5,939	6,315
Receivers' costs in the Court of Protection	3,247	4,438	4,082
Appeals against determination of costs in the Crown Court	430	333	366
Total assessments	13,397	13,772	13,222

Source:

Supreme Court Costs Office

Table 11.2
Supreme Court Costs Office
Number of costs bills assessed and their estimated total and average values, by jurisdiction of original case: 2002-2006

Original case jurisdiction	2002			2003			2004			2005			2006		
	Cost bills assessed	Estimated total value ²	Estimated average value	Cost bills assessed	Estimated total value ²	Estimated average value	Cost bills assessed	Estimated total value ²	Estimated average value	Cost bills assessed	Estimated total value ²	Estimated average value	Cost bills assessed	Estimated total value ²	Estimated average value
Court of Appeal (Civil)	592	£11,941,601	£20,172	480	£11,113,779	£23,154	475	£12,419,364	£26,146	458	£8,198,200	£17,900	522	£11,751,850	£22,513
High Court															
Queen's Bench Division	1,948	£81,983,698	£42,086	2,249	£103,071,632	£45,830	1,625	£78,737,533	£48,454	1,430	£98,670,000	£69,000	1,550	£81,637,483	£52,669
Chancery Division	620	£25,523,002	£41,166	540	£36,406,672	£67,420	408	£25,857,912	£63,377	349	£19,195,000	£55,000	237	£25,454,000	£107,401
Family Division	5,148	£34,315,033	£6,666	4,500	£38,657,954	£8,591	4,144	£47,719,328	£11,515	3,870	£46,440,000	£12,000	4,150	£60,735,123	£14,635
Administrative Court	1,613	£25,551,393	£15,841	1,037	£8,661,144	£8,352	607	£8,103,393	£13,350	390	£8,580,000	£22,000	325	£5,414,200	£16,659
Court of Protection	1,650	£7,764,900	£4,706	2,340	£10,530,000	£4,500	3,247	£15,423,250	£4,750	4,438	£21,746,200	£4,900	4,082	£20,410,000	£5,000
Tribunals	182	£4,845,887	£26,626	162	£4,107,336	£25,354	174	£6,379,927	£36,666	114	£5,415,000	£47,500	135	£4,996,764	£37,013
County Courts ¹	2,365	£32,067,155	£13,559	1,514	£30,869,449	£20,389	2,287	£55,701,676	£24,356	2,390	£59,750,000	£25,000	1,855	£60,803,875	£32,778
Crown Court (Appeals against initial cost determinations)	359	-	-	373	-	-	430	-	-	333	-	-	366	-	-
Total	14,477			13,195			13,397			13,772			13,222		

Source:

Supreme Court Costs Office

Notes:

1 County Court figures for 2006 include assessments of bills in 60 bankruptcy cases

2 Estimated values are for "brought-in" bills (i.e. before the process of detailed assessment). A random sample over five years (2002-2006) of completed (between parties) assessments shows that this process led to an average reduction of 23.3% in the value of these bills.

Table 11.3
Judicial Committee of the Privy Council and House of Lords
Number of costs bills assessed and their total and average allowed values: 2002-2006

	2002			2003			2004			2005			2006		
	Cost bills assessed	Estimated total value	Estimated average value	Cost bills assessed	Estimated total value	Estimated average value	Cost bills assessed	Estimated total value	Estimated average value	Cost bills assessed	Estimated total value	Estimated average value	Cost bills assessed	Estimated total value	Estimated average value
<u>Judicial Committee of the Privy Council</u>															
Petitions for special leave to appeal	2	£13,896	-	5	£28,714	-	2	£8,255	-	5	£33,237	-	0	-	-
Appeals	17	£505,019	-	25	£664,726	£26,589	19	£774,240	-	10	£342,526	-	10	£737,033	-
<u>House of Lords</u>															
Petitions for leave to appeal	33	£138,581	£4,199	32	£109,684	£3,428	32	£110,000	£3,438	25	£108,263	£4,331	25	£108,497	£4,339
Appeals	42	£1,947,009	£46,357	29	£2,244,629	£77,401	33	£1,668,752	£50,568	24	£1,235,405	£51,475	14	£1,433,752	£102,410

Source:

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

Note

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

Table 11.4
Publicly-funded legal services
 Summary statistics on activity and expenditure, 2000/01 – 2006/07

	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07
Community Legal Service (CLS)							
<u>Civil and Family: Representation</u>							
Cash payments (£m)	£957.2	£871.2	£820.4	£811.2	£763.6	£816.7	£774.2
Acts of Assistance (thousands)	275.5	225.4	204.5	215.3	201.9	194.8	179.5
<u>Civil and Family: Advice and Assistance ("Legal help")</u>							
Cash payments (£m)	£231.7	£258.3	£329.5	£383.8	£355.6	£284.1	£261.4
Acts of Assistance (thousands)	862.0	779.6	812.9	709.8	654.3	801.4	884.6
CLS total							
Total cash payments (£m)	£1,188.9	£1,129.5	£1,149.9	£1,195.0	£1,119.2	£1,100.8	£1,035.6
Operating receipts (£m)	£397.0	£395.0	£337.1	£297.1	£273.3	£269.8	£226.7
Total net expenditure (£m)	£791.9	£734.5	£812.8	£897.9	£845.9	£831.0	£808.9
Total Acts of Assistance (thousands)	1,137.5	1,005.0	1,017.4	925.1	856.2	996.2	1,064.1
Criminal Defence Service (CDS)							
<u>Criminal: Police stations and magistrates' courts</u>							
Cash payments (£m)	£453.6	£509.1	£526.7	£534.2	£510.9	£501.9	£529.4
Acts of Assistance (thousands)	2,172.5	1,697.2	1,516.7	1,583.8	1,463.7	1,488.9	1,473.8
<u>Criminal: Crown Court and higher courts</u>							
Cash payments (£m)	£422.0	£474.1	£569.3	£645.0	£682.4	£695.5	£647.9
Acts of Assistance (thousands)	116.0	115.0	123.7	124.0	115.6	121.5	120.7
CDS total							
Total cash payments (£m)	£875.6	£983.2	£1,096.0	£1,179.2	£1,193.3	£1,197.4	£1,177.3
Operating receipts (£m) ¹	£3.2	£0.8	£0.3	£0.7	£1.2	£0.6	£5.9
Total net expenditure (£m)	£872.4	£982.4	£1,095.7	£1,178.5	£1,192.1	£1,196.8	£1,171.4
Total Acts of Assistance (thousands)	2,288.5	1,812.2	1,640.4	1,707.8	1,579.3	1,610.4	1,594.5
All publicly funded legal services²							
Total cash payments (£m)	£2,064.5	£2,112.7	£2,245.9	£2,374.2	£2,312.5	£2,298.2	£2,212.9
Operating receipts (£m)	£400.2	£395.8	£337.4	£297.8	£274.5	£270.4	£232.6
Total net expenditure (£m)	£1,664.3	£1,716.9	£1,908.5	£2,076.4	£2,038.0	£2,027.8	£1,980.3
Total Acts of Assistance (thousands)	3,426.0	2,817.2	2,657.8	2,632.9	2,435.5	2,606.6	2,658.6

Source:

Legal Services Commission's Annual Reports for years shown

Notes:

¹All "cash payments" figures represent gross expenditure, except for Criminal Higher payments up to 2004/05, which represent net expenditure. This is because Criminal Higher legal aid was funded directly, rather than via the Legal Services Commission, prior to April 2005. CDS operating receipts up to 2004/05 therefore exclude any income relating to Criminal Higher work.

²The scope of legal work covered by both the CDS and the CLS has changed during the period covered by this table. For details of these scope changes, please see the Legal Services Commission's annual reports and other related documents.

Table 11.5**Funding of Crown Court representation**Applications¹ for public funding filed in the Crown Court, by type of proceeding and result, 2000-2006

Type of proceeding	Number of applications						
	2000	2001	2002	2003	2004	2005	2006
<u>Trial on indictment</u>							
Applications	6,685	6,627	5,310	4,809	4,838	4,768	4,279
Granted	6,476	6,485	5,152	4,644	4,670	4,582	4,127
Refused	208	162	158	165	168	186	152
<u>For sentence or to be dealt with</u>							
Applications	3,521	2,583	2,907	3,767	4,554	4,868	6,805
Granted	3,486	2,561	2,897	3,740	4,532	4,841	6,761
Refused	35	22	10	27	22	27	44
<u>Appeals against Magistrates court decision</u>							
Convictions and sentence:							
Applications	1,340	1,228	1,273	1,267	1,328	1,380	1,439
Granted	1,330	1,210	1,256	1,245	1,307	1,359	1,427
Refused	10	18	17	22	21	21	12
Sentence only:							
Applications	1,948	1,655	1,590	1,662	1,656	1,623	1,780
Granted	1,937	..	..	1,656	..	..	1,772
Refused ²	11	..	..	6	..	..	8

Source:

CREST system, HM Courts Service

Notes:

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

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

Table 11.6**Funding of Crown Court representation**

Defendants and appellants in the Crown Court, by type of proceeding and type of representation, 2006

Type of proceeding	Defendants		
	Represented under criminal public funding	Privately / not represented	Total
Trial on indictment	85,286	4,812	90,098
For sentence or to be dealt with	26,473	7,812	34,285
Appeals against magistrates' court decisions:			
Conviction and sentence	3,065	2,538	5,603
Sentence only	4,162	2,752	6,914

Source:

CREST system, HM Courts Service

Table 11.7**Funding of Crown Court representation**Number of applications¹ filed in the magistrates' courts for representation in the Crown Court, by type of proceeding, 2000-2006

Type of proceeding	Number of applications						
	2000	2001	2002	2003	2004	2005	2006
Trial on indictment	79,887	81,864	89,501	89,718	88,277	83,223	83,019
For sentence or to be dealt with	19,110	17,562	19,639	19,511	18,986	20,407	20,117
Appeals against Magistrates court decision							
Convictions and sentence	1,264	1,240	1,347	1,357	1,397	1,525	1,668
Sentence only	2,557	2,407	2,512	2,484	2,541	2,509	2,431

Source:

CREST system, HM Courts Service

Notes:¹Applications granted include a small number of applications granted in the magistrates' courts and extended by the Crown Court.

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

Annex A: Data Quality and Sources

This annex gives details of the sources of the figure given in this report, along with discussion of known quality limitations or metadata issues. Please note that all data in this edition of Judicial and Court Statistics relates to the calendar year 2006, unless otherwise noted.

This annex also contains contact details if you require further information. In certain cases, where 'bespoke' information has been provided specifically for this publication, the telephone number of the originating office is provided as readers may wish to contact the relevant source directly.

Where no such source is given, enquiries should be directed in the first instance to:

Wincen Lowe
 Economics and Statistics Division
 Room 5.03, Selborne House
 54-60 Victoria Street
 London SW1E 6QW
 Tel: 020 7210 1387
 Email: esd@justice.gsi.gov.uk

Chapter 1: Appellate Courts

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

For individual queries regarding the data published within this chapter please contact the relevant office as given below.

Tables	Data Source	Contact Number
1.1 – 1.2	Judicial Committee of the Privy Council	020 7276 0486
1.3 – 1.5	Judicial Office, House of Lords	020 7219 3106
1.6 – 1.7	Criminal Appeal Office	020 7947 6908
1.8 – 1.10	Civil Appeal Office	020 7947 6216
1.11	Chancery Division, RCJ	020 7947 6841
1.12 – 1.14	Administrative Office	020 7947 6908
1.15	Family Proceedings Dept, PRFD	020 7947 7305

RCJ – Royal Courts of Justice

PRFD – Principal Registry of the Family Division (a division of the High Court).

Chapter 2: High Court – Chancery

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

For individual queries regarding the data published within this chapter please contact the High Court on 020 7947 6783

Chapter 3: High Court – Queen’s Bench

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

For individual queries regarding the data published within this chapter please contact the relevant office as given below.

Table	Data Source	Contact Number
3.2 – 3.5	High Court	020 7947 6783
3.6 – 3.9	Admiralty and Commercial Courts, RCJ	020 7947 6111
3.10	Technology & Construction Court	020 7947 7429

Chapter 4: County Courts (non family)

Most data shown in the Tables have been sourced from the County Court administrative system CaseMan, used by Court staff for case management purposes. Along with the administrative systems used at the Claim Production Centre (including Money Claim Online and Possession Claim Online), this generally contains good quality information about the incidence and dates of major events in a case’s progress through the Court system. However, there remain the following data quality issues:

Tables 4.1, 4.2, 4.7 and 4.8 show the number of insolvency petitions and Table 4.22 shows the number of applications for administration orders and orders made. These statistics were sourced from the Business Management System (BMS), designed for the purpose of monitoring and assessing Court workloads. They are manually generated and so less robust than the numbers of most main case events generated from CaseMan.

Table 4.10 shows a breakdown of unspecified money claims by value of claim. The value of claim was derived from the issue fee which was either not present or didn’t correspond to any of the claim value ranges (sometimes due to exemption or remission) in around 4% of claims.

Tables 4.12-14 show the numbers of small claims hearings and trials. Those for 2003-2006 were sourced from CaseMan, but are of lesser quality than the

numbers of most main case events generated from CaseMan as their accuracy is dependent on Court staff entering a correct hearing outcome code which is not essential for their administrative purposes. Because a large number of hearing outcomes for 2000-2002 were not entered into CaseMan, figures for these years were provided from Stats Module, a less robust source involving a requirement for all County Courts to complete a manual form each month.

Table 4.15 shows the average times between issue, allocation to track and trial/hearing for cases with hearings/trials, and the average durations of these. All but the average times between issue, allocation to track and trial/hearing for cases with trials/hearings in 2003-2006 are sample estimates sourced either from the small claims sampler or the trial sampler. The small claims sampler is a manual form which 29 County Courts (from a total of around 220) are required to complete three times a year. The trial sampler is a manual form which all County Courts are required to complete twice a year.

Chapter 5: Family Courts

The majority of information in this chapter was sourced from the County Court administrative system FamilyMan, used by court staff for case management purposes.

Children Act data for the Family Proceedings Courts was provided on manual forms submitted to HMCS Business Information Division on a quarterly basis. The figures shown for Family Proceedings Courts are weighted estimates based on data from a subset of courts. There are known data quality problems with these, which are likely to be an undercount. Work is in train to address these problems and revisions are likely to figures shown for 2006 and previous years. As a result, the FPC figures have been rounded.

Figures in Tables 5.1 to 5.4 relate to the number of children subject to each application or order, meaning the volume counts each child separately even when more than one child is included in the same application or order.

Figures for Table 5.10 were provided by the Principal Registry of the Family Division, a division of the High Court.

Other points to note:

- Figures in Table 5.1 for previous years differ to those previously published due to a change in the method of data collection for the County Courts. County Court figures shown in this publication were sourced from FamilyMan. In previous years they were taken from manual returns
- Disposals made one year may relate to applications made in earlier years

- An application of one type may lead to an order of a different type being made
- Table 5.4 does not include interim orders
- Figures in Table 5.6 relate to the number of disposals for each type of ancillary relief order. One case may include more than one type of ancillary relief.

Chapter 6: Crown Court

Important note on Crown Court statistics for 2006

The Ministry of Justice publications “Criminal Statistics 2006” (CS) and “Judicial and Court Statistics 2006” (JCS) both contain data on the number of proceedings heard in the Crown Court. However, while both sets of figures are produced from the same core source (the CREST system used to administer Crown Court cases), they are not directly comparable as there are known differences between them. These are due to a number of factors, including differences in the data collation mechanics and the counting and validation rules used, and they reflect the different underlying drivers of the analyses being performed. By way of broad illustration, CS counts numbers of defendants and is focused on the final outcomes of criminal court proceedings, while JCS counts numbers of cases and is focused on flows through the court system.

Since the creation of the Ministry of Justice on 9 May, work has commenced to investigate both collation and counting rule differences between the two publications, with a view to aligning the two sets of figures in the future.

The information contained in chapter six has been produced using the Management Information System (MIS), a data warehousing facility drawing data directly from court-based information systems. The warehouse enables the Ministry access to more complete data than was previously possible. In some instances this has meant that previously published figures will have changed, since the new facility has also enabled the Ministry to include late submitted data and also to revise erroneous data included in previous publications.

Most data shown in the tables have been sourced from the Crown Court administrative system CREST, used by court staff for case management purposes. This generally contains good quality information about the incidence and dates of major events in a case’s progress through the court system. However, there remain the following data quality issues:

Within tables 6.18 and 6.20 Nottinghamshire figures for average hearing time have been altered to remove one erroneous hearing time duration. This has now been altered on the case management system but this update will not be obtained before publication. An estimated figure for the trial length was added to the hearing time.

Within tables 6.1, 6.13 and 6.20 Gwent figures are included within South Wales. This is due to Newport Crown Court figures being collected with Cardiff Crown Court CREST data

During 2006 there were changes made to the Crown Court centres. A new Crown Court centre was created, Mold, which previously was a satellite court became independent and Warrington, which was independent, became a satellite of Chester. Welsh courts that were satellites of Chester (Caernarvon and Dolgellau) became satellites of Mold. These changes were made in preparation for the change in the regions which made Cheshire a part of the North West and Wales a region on its own.

When Mold became independent, the information about the existing cases being dealt with was copied to the new system from Chester. This meant that some cases existed on both systems and data have been adjusted accordingly to avoid duplication in the figures.

Chapter 7: Magistrates' Courts

In the Magistrates' Courts, there is no common case management system; therefore information on Magistrates' Courts is from a series of manual data collections. The data sources used within this chapter are briefly discussed below:

Defendants Proceeded Against

The figures presented here are based on data collated for the Ministry of Justice publication, 'Criminal Statistics'. This covers criminal cases in Magistrates' Courts as presented here, as well as details of criminal cases in higher tiers of court and other statistics on the Criminal Justice System.

The figures are from the Court Proceedings Database, where data are collected from a variety of administrative databases held by courts and police forces. They are therefore subject to the inaccuracies inherent in any large-scale data recording system.

Although these data include offences where there has been no police involvement, such as those prosecutions instigated by government departments and private organisations and individuals, the reporting of these types of offences is known to be incomplete. The extent of under-reporting may vary from year to year, and this could be responsible in part for the annual variations in the published statistics.

As this data is defendant-based, in cases where a defendant appears at court for more than one offence, only the most serious offence is recorded here.

Further details on 'Criminal Statistics' are available at:
<http://www.justice.gov.uk/publications/criminalannual.htm>

Timeliness

Information on timeliness of cases proceeded against in the Magistrates' Courts is available from a survey, the Time Intervals Survey (TIS). TIS reports on the average (mean) time taken between stages of proceedings for defendants in completed criminal cases in Magistrates' Courts. Information on adult indictable / triable-either-way cases and adult charged summary cases are collected in one week of each quarter. Information on adult summonsed summary offences is additionally collected in the first and third quarters. Information on youth defendants in both indictable and summary cases is collected in four weeks of each quarter.

The sample provides one estimate of the average time taken – different samples would produce different average times. Therefore the margin of error associated with the sample is provided to estimate the likely range within which the 'true' average time falls. This 95 per cent confidence interval lies between the sample average +/- the margin of error. The size of the margin of error and width of the confidence interval is dependent on the sample size.

The figures on timeliness are based on defendants: where a case involved more than one defendant, each defendant is considered individually.

Timeliness results are 'snapshot' estimates rather than exact measures. They are vulnerable to external factors such as sampling, human error and case-mix changes, as any such survey would be. The data undergo various levels of checking: manual verification at input stage by court managers; electronic validation by database software; and manual validation and verification by central HMCS and MoJ staff.

Further details on TIS are available at:

<http://www.justice.gov.uk/publications/timeintervals.htm>

Trials

The figures presented on trials are from the cracked and ineffective trial monitoring forms collected and processed by the Business Information Division in HMCS.

These forms are used in Magistrates' Courts to monitor the number of effective, cracked and ineffective trials. As well as the total number of trials, reasons for cracked and ineffective trials are recorded and analysed.

Information on ineffective trials are published on the following website:

<http://lcjb.cjsonline.gov.uk/ncjb/perfStats/ineffectiveT.html>

Persistent Young Offenders

Performance on timeliness of Persistent Young Offenders (PYOs) is assessed using data from the Police National Computer (PNC) and police forces. The former source is the police's own operational data, derived from forces' management information systems, and covering all or most of the time from

arrest to sentence for recorded cases. Where there is insufficient time from arrest to process, this is added from an annual survey.

Further details on information on PYOs are available at:

<http://www.justice.gov.uk/docs/pyo-july2007.pdf>

Enforcement

The figures presented on fine enforcement are from the debt analysis return (DAR) collected and processed by the Business Information Division in HMCS. The Business Information Division collates the information to provide national figures.

Information prior to 2004 has not been provided. The collection of enforcement information (DAR) was revised in April 2003 so that it no longer contained confiscation or civil amounts, and is therefore not available prior to that date in a similar format.

Further information is available at:

<http://lcjb.cjsonline.gov.uk/ncjb/42.html>

Chapter 8: Tribunals

The information within this chapter was taken from the Tribunals Service website www.tribunals.gov.uk.

Queries on Tribunals Service statistics more generally should be directed to Tracie Kilbey on 020 7340 6590, or by e-mailing her at:

Tracie.Kilbey@tribunals.gsi.gov.uk.

Chapter 9: Other courts & Offices of the Supreme Court

All information within this chapter is provided directly from the sources given below specifically for this publication except for the High Court Tipstaff Form, which is provided on a monthly basis to HM Courts Service headquarters.

For individual queries regarding the data published within this chapter please contact the relevant office as given below.

Tables	Data Source	Contact Number
9.1	The Office of the Official Solicitor and Public Trustee	020 7911 7116
9.2	Tipstaff (general enquiries)	020 7947 6713
9.3 – 9.5	The Public Guardianship Office	020 7664 7578

Chapter 10: Judiciary

Data on judicial sitting days are obtained from the CREST system in the Crown Courts, and from manual statistical returns (the STATS 10A form, compiled by HM Court Service headquarters) in other courts.

Data on judicial and magistrates appointments are provided directly from the sources given, specifically for this publication. For individual queries regarding these data, please refer to the relevant contact as given below.

Tables	Data Source	Contact Number
10.1	Judicial Communications Office	020 7073 4852 or http://www.judiciary.gov.uk
10.4 – 10.5	Ministry of Justice – Magistrates Recruitment and Appointments Branch	020 7210 8390

Chapter 11: Publicly Funded Legal Services & Taxation of costs

Data on cost assessments, and on overall Legal Aid expenditure are taken directly from the sources given, specifically for this publication. For individual queries regarding these data, please refer to the relevant contact as given below.

Statistics on decisions made in the Crown Court about the funding of representation (tables 11.5 – 11.7) are taken from the CREST system.

Tables	Data Source	Contact Number
11.1 – 11.2	Supreme Courts Cost Office,	020 7947 7312
11.3	Judicial Committee of the Privy Council and Judicial Office, House of Lords	(see Chapter 1 contacts)
11.4	Legal Services Commission (LSC) Annual Reports	www.legalservices.gov.uk or 020 7759 0418 (LSC Head Office Communications team)

Introduction of Management Information System Data

The information contained in this publication has been produced using the Management Information System (MIS), a data warehousing facility drawing data directly from court-based information systems such as CREST, CaseMan and FamilyMan. The new facility enables the Department access to more complete data than was previously possible. In some instances this has meant that previously published figures will have changed, since the new facility has also enabled the Department to include late submitted data and also to revise erroneous data included in previous publications.

