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Judicial and Court Statistics 2010

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Introductory Note

This report presents statistics on judicial and court activity in England and Wales in 2010. It was formally entitled *Judicial Statistics* for the 2005 edition and earlier years, which was published by the Department for Constitutional Affairs and its predecessors.

Report structure

This report provides statistics on activity in the county, family, Crown and magistrates' courts of England and Wales along with statistics on the work of the High Court, Court of Appeal, UK Supreme Court and some associated offices and agencies, such as the Court of Protection, the Office of the Public Guardian and the Judicial Committee of the Privy Council.

Chapters 1 to 7 each start with a commentary section which includes a brief description of the function, constitution and jurisdiction of the relevant court type, an explanation of some of the procedures involved, and description of the latest statistics and trends. The chapters conclude with statistical tables.

Chapter 8 provides summary statistics on casework of the Court of Protection and the Office of the Public Guardian, while **Chapter 9** contains casework data relating to the Offices of the Supreme Court. **Chapters 10 and 11** deal with the judiciary and assessment of litigation costs and publicly funded legal services, respectively.

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

Annex A provides summary information on data sources for the figures given in this report, along with a brief discussion on data quality and highlighting any significant revisions compared to previously published statistics. There is also a **Glossary** section which provides brief definitions for some of the main terms used in this report.

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

Other court statistics published by the Ministry of Justice

Provisional statistics on many aspects of activity in the county, family, Crown and magistrates' courts of England and Wales in 2010 have already been published by the Ministry of Justice in the statistical bulletin *Court Statistics Quarterly*. The statistics presented in *Judicial and Court Statistics* constitute final figures for 2010, and show more detailed tables than in the quarterly report. Most revisions compared to the figures already published in *Court Statistics Quarterly* reflect updates to administrative data sources since figures were first compiled. This report is published at the same time as the Q1 (January to March) 2011 edition of *Court Statistics Quarterly*.

These statistical bulletins are available from the Ministry of Justice website at:

<http://www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/index.htm>

The Ministry of Justice also publishes quarterly statistical reports focusing on a particular aspect of court workload in detail, covering statistics on the timeliness of criminal cases in the magistrates' courts (summary statistics also shown in Chapter 3 of this report), mortgage and landlord possession actions in the county courts, and company winding-up and bankruptcy petitions in the county courts. These bulletins are also available from the Ministry of Justice website at, respectively:

<http://www.justice.gov.uk/publications/statistics-and-data/criminal-justice/index.htm>

<http://www.justice.gov.uk/publications/statistics-and-data/civil-justice/index.htm>

If you have any feedback, questions or requests for further information about this statistical bulletin, please direct them to the appropriate contact given at the end of this report.

Tribunals' statistics

Although this report contains statistics on appeals against the decisions of various tribunals', it does not contain statistics on the work of the Tribunals Service and the Tribunals judiciary. Quarterly statistics on the workload in the Tribunals Service can be found at:

<http://www.justice.gov.uk/publications/statistics-and-data/tribunals/index.htm>

If you have a specific query regarding statistics for the Tribunals Service, please contact:

TSSStats@tribunals.gsi.gov.uk

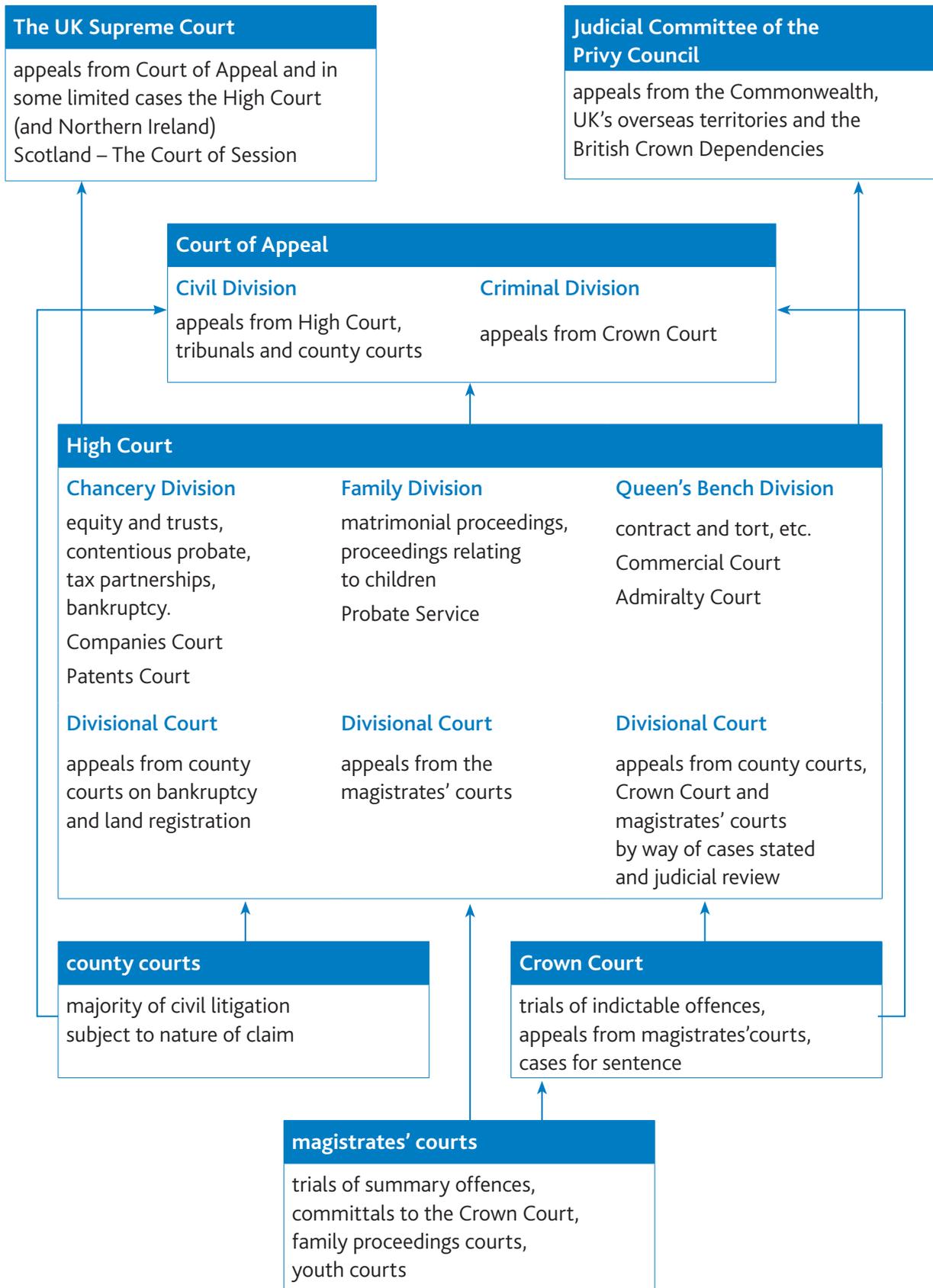
Coroners statistics

Annual National Statistics on deaths reported to coroners, including inquests and post-mortems held, inquest verdicts returned and finds reported to coroners under treasure legislation can be found at:

<http://www.justice.gov.uk/publications/statistics-and-data/coroners-and-burials/index.htm>

An outline of the court structure in England and Wales

This diagram is, of necessity, much simplified and should not be taken as a comprehensive statement on the jurisdiction of any specific court.



Background on the court system in England and Wales

Virtually all criminal cases in England and Wales start in a magistrates' court. The less serious offences are handled entirely in magistrates' courts. More serious offences are passed on to the Crown Court, either for sentencing after the defendant has been found guilty in a magistrates' court, or for a full trial with a judge and jury. The Crown Court also receives appeals against decisions of the magistrates' courts.

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

The vast majority of civil cases in England and Wales which do not involve family matters or failure to pay council tax or child maintenance are handled in the county courts. These cases are typically related to debt, the repossession of property, personal injury and insolvency. Once a claim has been served, the usual options for the defendant are to do nothing, pay up, admit the claim and ask for more time to pay up, and/or dispute the claim. The vast majority of claims are either not defended, or settle or are withdrawn before a hearing or trial. Particularly important, complex or substantial cases are dealt with in the High Court.

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

As noted above, some civil and family cases are generally dealt with in the High Court rather than in a lower court. The High Court's Chancery Division primarily deals with the resolution of disputes involving property (e.g. land, business, and intellectual property), taxation, mortgages, insolvency, and others. The High Court's Queen's Bench Division deals mainly with civil actions in contract and

tort (civil wrongs), and also deals with more specialist matters such as applications for judicial reviews. As well as dealing with such cases outright, the High Court also hears appeals involving such matters where they were originally heard in the county and magistrates' courts. Most proceedings in the High Court are heard by a single judge, but certain kinds of proceedings may be heard by two or more judges. On rare occasions cases may have a jury.

The Court of Appeal of England and Wales is the second most senior court in the country. The Court of Appeal's Criminal Division hears appeals concerning criminal matters originally dealt with at the Crown Court, while the Civil Division hears appeals concerning cases heard at the county courts and High Court (and also from tribunals). Permission to appeal is required, either from the lower court or the Court of Appeal itself. The judges of the Court of Appeal are the Lord Chief Justice, the Master of the Rolls and 37 Lords Justices.

The United Kingdom Supreme Court was created in October 2009 and replaced the House of Lords as the highest court in the United Kingdom. Decisions made by the Court of Appeal may be further appealed to the Supreme Court (in some civil matters dealt with at the High Court an appeal may be made directly to the Supreme Court). The Supreme Court hears appeals on arguable points of law of the greatest public importance, bearing in mind that the cases will have already been the subject of judicial decision in a lower court. It hears appeals for the whole of the United Kingdom in civil cases, and for England, Wales and Northern Ireland in criminal cases. Additionally, it hears cases on devolution matters. There are 12 Justices of the Supreme Court in total; cases are typically heard by a panel of three to nine of the Justices.

The Judicial Committee of the Privy Council is the final Court of Appeal for 23 Commonwealth territories and four independent republics within the Commonwealth. It also hears appeals from the Channel Islands and the Isle of Man, and appeals within the UK relating to a small number of matters such as veterinary work and pastoral schemes.

Main findings

The statistics presented in this report are primarily used to monitor the type and volume of cases that are received and processed through the court system of England and Wales.

County courts (non-family)

The civil cases dealt with by the county courts (excluding family cases) typically relate to debt, the repossession of property, personal injury and insolvency. Since 2006, the total number of claims issued has generally followed a downward trend, while the number of defences made and trials/small claim hearings have remained relatively flat.

Key points for 2010

- Some 1,617,000 civil (non-family) cases started in 2010, a fall of 14 per cent compared to 2009, continuing the general downward trend seen since 2006.
- The fall in 2010, compared to 2009, was mainly due to decreases in specified money claims (typically related to debt issues) of 19 per cent, insolvency petitions of 14 per cent, and repossession claims of nine per cent, and was despite a six per cent increase in the number of unspecified money claims (typically related to personal injury).
- There were 291,000 defences made in 2010, an eight per cent decrease on the previous year and the lowest since 2006.
- Defended cases which are not settled or withdrawn generally result in a hearing or trial. In total there were 63,000 trials and small claims hearings in 2010, a fall of seven per cent from 2009 and lower than in each of the three previous years (from 2006 to 2008). On average small claim hearings occurred 31 weeks after the claim was originally made, the same as in 2009. Trials took place an average 50 weeks after the claim was originally made, up from 48 weeks in 2008 and 2009.
- There were 447,000 applications for enforcement in 2010 (of which 279,000 were for warrants, and the remainder for orders such as for attachment of earnings which oblige the debtor's employer to deduct a set sum from the debtor's pay and forward it to the court). This was a decrease of 24 per cent compared with 2009 and of 37 per cent compared with 2008. These falls reflect the large falls in claims issued for a specified amount of money and repossession of property and also the large increases in court fees for enforcement applications since 13 July 2009.
- 54,000 repossessions of property were made by county court bailiffs, a fall of 14 per cent on the previous year and reflecting the decrease in

repossession claims. 24,000 of the properties were on behalf of mortgage lenders, 27 per cent fewer than in 2009 and 34 per cent lower than the 2008 peak

Family matters

Family cases deal with issues such as parental disputes, child protection cases, divorce and separation, and cases of domestic violence. In 2010, there was an overall decrease in applications made in relation to matters affecting children. The number of divorces rose in 2010, a reversal of the recent downward trend seen in previous years.

Key points for 2010

- Some 24,300 public law applications (applications for various court orders relating to the protection of children, which are brought by local authorities or the National Society for the Prevention of Cruelty to Children) and 122,800 private law applications (applications for court orders which are brought by private individuals) were made in 2010, which were decreases of six per cent and 11 per cent respectively on the previous year. These follow the peaks observed in 2009 for the number of both public and private law applications.
- 24,400 public law applications were dealt with in 2010, in that an order was either made or refused or the application was withdrawn. Some of these will relate to applications initially received during the year, and some which were initially received in a previous year. Some 162,500 private law applications were dealt with during 2010.
- There were 133,500 petitions for the dissolution of marriage filed in 2010, an increase of one per cent compared with the previous year. The number of divorces increased by five per cent to 121,300, a reversal of the recent downward trend and now reflecting the trend seen for petitions.
- Around 24,100 domestic violence orders were made in 2010. This was a three per cent decrease on the number made in 2009 and gives a small downward trend.
- Since being made available from 25 November 2008, a total of 257 Forced Marriage Protection Orders were made up to the end of 2010.

Magistrates' courts

Nearly all criminal court cases start in a magistrates' court; less serious offences will be dealt with by the court, while more serious offences are passed on to the Crown court.

Key points for 2010

- An estimated 1.68 million defendants were proceeded against in criminal cases in the magistrates' courts in 2010 (excluding breaches), a fall compared to the 1.79 million defendants' in 2009.

- 180,000 trials were recorded in the magistrates' courts in 2010 (unchanged from 2009). Of those trials, 39 per cent were recorded as cracked (up by one percentage point from 2009), with 18 per cent recorded as ineffective (down by a percentage point from 2009).
- The estimated average time taken from charge to completion in 2010 for adult charged cases, excluding cases sent or committed to the Crown Court, was 6.7 weeks (down from 6.9 weeks in 2009).
- The amount paid in the enforcement of financial penalties was £281 million, a 12 per cent increase on 2009.

The Crown Court

The Crown Court is formally a single court which sits in approximately 77 different locations across England and Wales. It deals with criminal cases that are too serious to be dealt with by the magistrates' courts. Some cases can only be heard at the Crown Court because of their seriousness ('sent for trial' cases) and other types of cases can be heard at either a magistrates' court or the Crown Court ('committed for trial' cases).

The Crown Court also deals with cases 'committed for sentence' – those transferred for sentencing after a defendant has been found guilty in a magistrates' court, when a magistrate believes their sentencing powers are insufficient to apply an appropriate sanction – and appeals against the decision of a magistrates' court.

Key points for 2010

- Overall around 152,300 cases were received by the Crown Court in 2010. This represents a rise of one per cent on the previous year, continuing the year on year increase, but at a reduced rate of growth.
- Some 153,900 cases were disposed of by the Crown Court in 2010. This figure continues to rise, reflecting the increase in the number of cases referred to the Crown Court. Since more cases were disposed of than received during 2010, the backlog of cases outstanding at the end of the year (46,100) decreased compared to the end of 2009 (47,700).
- In 2010, there were approximately 43,300 trial listings in the Crown Court compared to 39,300 in the previous year. Of these, 44 per cent were recorded as 'effective', 14 per cent were 'ineffective' and 43 per cent were 'cracked'. In recent years both ineffective and cracked trial rates have risen slightly.
- Of those defendants dealt with in 2010 who entered a plea (in cases committed or sent for trial), 70 per cent pleaded guilty. Though this represents a drop of one percentage point compared to 2009, this rate has been steadily increasing over the years from 56 per cent in 2001.

- The 'average waiting time' refers to the average time between the date of sending or committal to the Crown Court and the start of the substantive Crown Court hearing. In 2010, the average waiting time for defendants committed for trial was 14.2 weeks compared to 13.5 weeks in the previous year, while the corresponding figure for defendants sent for trial was 19.3 weeks compared to 18.6 weeks in the previous year. Generally, the average waiting time was lower for those held in custody than for those on bail, and lower for those who pleaded guilty than for those who pleaded not guilty.

High Court – Chancery and Queen's Bench Divisions

In England and Wales civil justice is administered mainly by the High Court and county courts. It is divided into three main Divisions: the Chancery Division, the Queen's Bench Division and the Family Division. The Chancery Division and Queen's Bench Division of the High Court handle the more substantial and complex cases relating to such matters. The Family Division deals with cases concerning family issues, which in this report is included within the Family related court matters statistics section (Chapter 2).

Key points for 2010

- There were 31,300 proceedings started in the High Court's Chancery Division in 2010, a decrease of 24 per cent from 41,000 in 2009. Applications filed at the Bankruptcy court decreased by 39 per cent, from 18,200 in 2009 to 11,100 in 2010, while 13,700 proceedings started in the Companies Court in 2010, a fall of a third on the previous year.
- There were 16,600 proceedings started in the High Court's Queen's Bench Division in 2010, a decrease of 11 per cent on 2009.
- Of the 4,900 claims issued in the Queen's Bench Division at the Royal Courts of Justice in London, a quarter related to debt and around one in five were personal injury actions.

Appellate Courts

The Court of Appeal of England and Wales is the second most senior court in the country. The Court of Appeal's Criminal Division hears appeals concerning criminal matters originally dealt with at the Crown Court, while the Civil Division hears appeals concerning cases heard at the county courts and High Court.

In October 2009, the Supreme Court replaced the Appellate Committee of the House of Lords as the highest court in the UK. Decisions made by the Court of Appeal may be further appealed to the Supreme Court (in some civil matters dealt with at the High Court an appeal may be made directly to the Supreme Court). The Supreme Court hears appeals on arguable points of law of the greatest public importance.

The High Court also 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.

Key points for 2010

- There were 68 appeals presented to the UK Supreme Court during 2010, while 57 appeals were determined.
- During 2010 a total of 7,300 applications leave to appeal were received, of which 1,500 were against conviction in The Crown Court and 5,500 against the sentence imposed.
- A total of 2,600 appeals were heard by the Court of Appeal Criminal Division during 2010 of which 500 appeals against conviction and 2,100 appeals against sentence were heard.
- A further 1,200 appeals were filed in the Court of Appeal Civil Division.
- There were 10,600 applications for permission to apply for judicial review received in the Administrative Court of the High Court in 2010, the majority of which, as in previous years, concerned asylum and immigration matters.
- Of the 460 substantive applications for judicial review which were dealt with at the Administrative Court during 2010, there were 190 (42 per cent) allowed, 260 (55 per cent) dismissed and the remaining three per cent were withdrawn.

County courts (non-family)

Chapter 1 – County courts (civil non-family)

In 2010 there were 216 county courts in England and Wales. These deal with the vast majority of civil cases (as opposed to criminal cases) which do not involve family matters or failure to pay council tax or child maintenance. All county courts have jurisdiction to deal with contract and tort cases (those relating to civil wrongs) and recovery of land actions. These cases are typically related to debt (generally issued for a specified amount of money), the repossession of property and personal injury (generally issued for an unspecified amount of money). In addition, some county courts deal with bankruptcy and insolvency matters, equity and contested probate actions (where the value of the trust, fund or estate does not exceed £30,000), matters under the Race Relations Act 1976, and actions which all parties agree to have heard in a county court (e.g. defamation cases). Generally, only the most complex, substantial or important cases are dealt with by the High Court.

All county courts are assigned at least one District Judge and some, at least one Circuit Judge. From 6 April 2009, Circuit Judges have generally only heard cases worth over £25,000² or involving greater importance or complexity. District Judges hear many of the cases worth over £5,000 but generally not over £25,000. In addition to hearing other cases, District Judges generally case manage proceedings, deal with repossession matters, and make contested and uncontested assessments of damages.

Information on the data sources used for the county court statistics can be found in **Annex A**. Explanations for some of the main terms used in this chapter can be found in the **Glossary**. The tables of detailed data can be found immediately following this section of commentary.

The number of orders for sale to enforce a charging order has been added to this publication following the commencement of the collection of these statistics in the middle of 2009. The figure for 2010 can be found in **Table 1.22** (Enforcement work).

Key findings for 2010

- There was a 14 per cent fall compared to 2009 in civil (non-family) cases commencing in the county courts. Within the total of 1,617,000 cases started in 2010:

² The lower (claim value) limit of the multi track, whose claims are generally heard by a Circuit Judge, was increased from £15,000.01 to £25,000.01 with effect from 6 April 2009

- 1,041,000 were 'money' claims for a specified amount (typically related to debt issues); lower by 19 per cent than in 2009. 36 per cent of these claims had a claim value of up to £500, down from 38 per cent in 2009.
- 210,000 were repossession claims, with 75,000 being mortgage related and having decreased by 19 per cent since 2009, and 135,000 being landlord related and having decreased by one per cent compared to 2009.
- 191,000 were 'money' claims for an unspecified amount (typically related to personal injury), up by six per cent compared with 2009.
- 66,000 were insolvency petitions, down by 14 per cent compared with 2009.
- Eight per cent fewer defences were made in civil cases in the county courts and six per cent less allocations to track than in 2009.
- 20,000 trials were disposed of, a two per cent decrease on 2009, with 71 per cent relating to unspecified 'money' cases. 43,000 small claim hearings were also disposed of, a nine per cent decrease on 2009, with 96 per cent relating to specified 'money' cases. Trials took place on average 50 weeks following issue, up from 48 weeks in 2009, and lasted an average of three and a half to four hours. Small claim hearings took place 31 weeks following issue, the same as in 2009 and lasted around an hour and 20 minutes.
- 318,000 applications were made for enforcing a monetary judgment amount (via warrants of execution, attachment of earnings orders, charging orders and third party debt orders) in 2010, a 28 per cent decrease compared to 2009 and a 41 per cent fall compared to 2008. The majority of the decline since 2008 followed large increases in court fees for these types of enforcements, which came into effect on 13 July 2009.
- 125,000 warrants of possession were issued, 10 per cent lower than in 2009. In total, bailiffs made 54,000 repossessions of properties, 14 per cent lower than in 2009. 24,000 of the properties were on behalf of mortgage lenders, 27 per cent fewer than in 2009 and 34 per cent lower than the 2008 peak.

Commencing a case

Historically, the normal method of taking someone to court regarding a civil matter is for the person doing so (the claimant) to complete a claim form and take it into a county court. However, the creation of electronic services has meant that claims for a specified amount of money (where the claim is for a set amount of money) or 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 (<https://www.possessionclaim.gov.uk/pcol/>) 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.

Claimants who issue a large number of claims for a specified amount of money each year (e.g. banks, credit card and store card issuers, utilities and solicitors specialising in debt recovery), can do so by filing them in a computer readable form to 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, a central processing unit attached to Northampton County Court which was set up in March 1992.

In total, there were 1,617,000 civil (non-family) proceedings started in 2010, a decrease of 14 per cent compared to 2009. This comprised the following types of cases:

- 1,041,000 'money' claims with specified claim amounts (typically related to debt issues), a decrease of 19 per cent compared with 2009 continuing the downward trend after peaking in 2006. 52 per cent of these claims were issued through the County Court Bulk Centre and 13 per cent through Money Claim Online. Overall, 36 per cent had a value of up to £500 compared with 38 per cent in 2009 and 49 per cent in 2006. Just 13 per cent had a value over £5,000 compared to 14 per cent in 2009 and 12 per cent in 2006.
- 191,000 'money' claims with unspecified claim amounts (typically related to personal injury), an increase of six per cent compared with 2009 and of 31 per cent compared with 2006. 52 per cent of these had a value of over £1,000 and up to £5,000, 30 per cent a value over £5,000 and up to £15,000, and 17 per cent a value of over £15,000.
- 75,000 mortgage repossession claims, a decrease of 19 per cent compared with 2009 and of 47 per cent compared with the 2008 peak. The fall in these claims since the end of 2008 coincides with the introduction of the Mortgage Pre-Action Protocol, which gives clear guidance on what the courts expect lenders and borrowers to have done prior to a claim being issued. It encourages more pre-action contact between lender and borrower and as such enables more efficient use of the court's time and resources.
- 90,000 social landlord repossession claims, a decrease of eight per cent compared with 2009 and, of 22 per cent since 2006, thus continuing the broad downward trend.
- 45,000 private landlord repossession claims (including accelerated procedure claims), 16 per cent more than in 2009 after an 13 per cent fall between 2008 and 2009, and seven per cent more than in 2006.
- 66,000 insolvency petitions, 14 per cent less than in 2009 and more than reversing the similar percentage increase between 2006 and 2009. The large decrease has been driven by decreases in bankruptcy petitions made by debtors (17 per cent), and company winding-up petitions (13 per cent).
- 100,000 non-'money' claims including for return of goods but not mortgage and landlord repossession, two per cent lower than in 2009.

Claims issued by type of case, 2002-2010



Claim issue statistics are shown in **Tables 1.1 to 1.9**

Case Progression

Whether the claim is issued online or through the county courts, the usual procedure is for a copy of the claim form and a response pack to be sent to (served on) the defendant who has 14 days to respond to the claim. The defendant can do nothing, pay up (either the full amount of the claim or in part), admit the claim and ask for more time to pay up (in full or part), and/or dispute (defend) the claim (in full or part). In 2010, 291,000 defences were made, an eight per cent decrease compared with 2009 and fewer than in any of the previous years from 2006 onwards.

If the claim is defended, the usual procedure is for further information to be provided by the parties, following which the case is allocated by a judge to one of three case management tracks. In total, there were 169,000 allocations to track in 2010, a six per cent decrease compared with 2009 but similar to the annual average between 2006 and 2009. This was made up of, in ascending order of case complexity and degree of judicial involvement:

- 80,000 allocations to the small claim track, a decrease of 14 per cent compared to 2009 and representing the lowest yearly total since 2006. This track is generally for cases with a claim value of up to £5000 (or £1,000 for

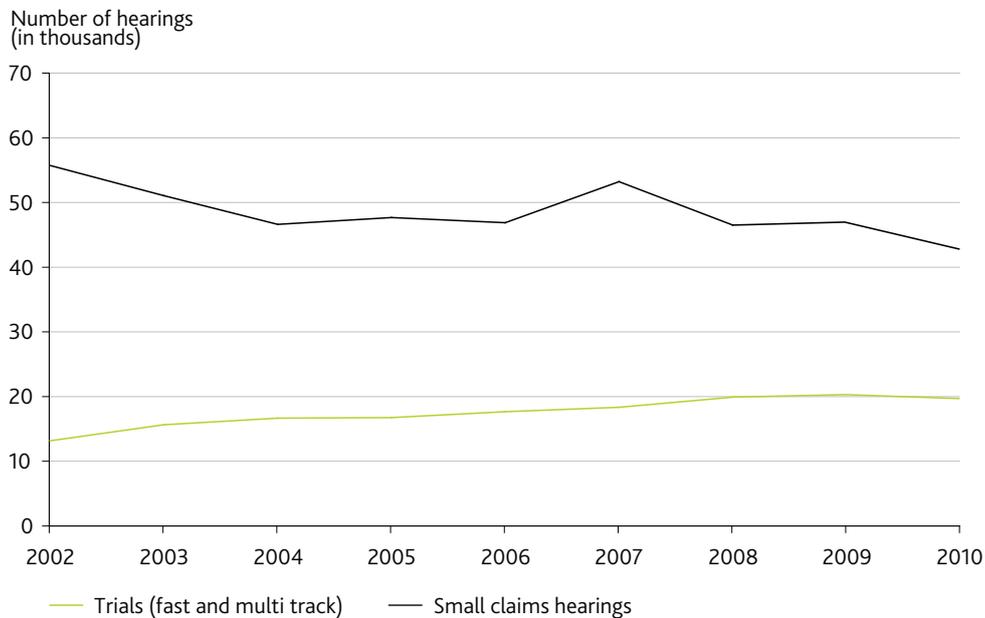
personal injury and housing disrepair matters) which do not require substantial pre-hearing preparation. The hearings are designed to be accessible to litigants in person (i.e. without representation by a solicitor or counsel), and are dealt with in about an hour.

- 66,000 allocations to the fast track, seven per cent more than in 2009 and 23 per cent more than in 2008 after having risen by five per cent between 2006 and 2008. The large increase since 2008 reflects the rise in the fast track upper (claim value) limit from £15,000 to £25,000 for all proceedings issued on or after 6 April 2009. The fast track is generally for cases with a claim value greater than £5,000 (or £1,000 for personal injury and housing disrepair matters) and not more than this upper limit, with issues not complex enough to merit more than a one day trial.
- 23,000 allocations to the multi track, a decrease of nine per cent compared to 2009 and of 14 per cent compared to 2008 after having fallen by three per cent between 2006 and 2008. The large decline since 2008 reflects the rise in the multi track lower (claim value) limit from over £15,000 to over £25,000. The multi track is generally for cases with a claim value exceeding the fast track upper limit with issues complex enough to merit preliminary hearings. They generally last more than one day at trial.

Around 37 per cent of cases allocated to track reached a trial or small claim hearing in 2010, with most settling or being withdrawn. In total, there were 63,000 trials and small claim hearings, seven per cent less than in 2009 and lower than in each of the three previous years (from 2006 to 2008). This comprised:

- 20,000 fast and multi track trials, two per cent less than in 2009 after rising by 15 per cent between 2006 and 2009. More than two thirds (71 per cent) of these related to unspecified 'money' cases. On average, trials occurred 50 weeks following issue, up from 48 weeks in 2009 after a decline from 50 weeks in 2006. They lasted between three and a half and four hours on average, similar to the average duration in each of the previous three years (2007 to 2009).
- 43,000 small claim hearings, nine per cent less than in 2009 and lower than in each of the three previous years (from 2006 to 2008). The vast majority (96 per cent) of these related to specified 'money' cases. On average, small claim hearings occurred 31 weeks following issue, the same as in 2009 but up from 29 weeks in 2008 and 27 weeks in 2006. They lasted around one hour and 20 minutes on average, similar to the previous four years.

Hearings and trials by type, 2002-2010



Case progression statistics are shown in **Tables 1.10 to 1.14**.

Judgments

There are many types of County Court Judgments. In specified 'money' cases the majority follow either no response from the defendant within the allotted time period (a default judgment) or the claimant accepting the defendant's offer to pay all or part of the amount owed (a judgment by acceptance or determination). These judgments are entered as an administrative function and generally don't involve a judge. Overall, 751,000 judgments by default, acceptance and determination were made in 2010, with almost all relating to specified 'money' claims and these accounting for around 72 per cent of specified 'money' claims issued in 2010. Compared with 2009, there were 20 per cent fewer judgments by default, acceptance and determination reflecting the 19 per cent fall in specified 'money' claims.

In possession cases, the standard procedure is for the claim being issued to be given a hearing date before a District Judge. Overall 148,000 claims led to possession orders being made in 2010, 10 per cent fewer than in 2009 and 30 per cent fewer than the peak in 2008. Most of the fall between 2008 and 2010 is explained by a 49 per cent fall in mortgage related claims leading to orders, following a 27 per cent rise between 2006 and 2008. There was also a 10 per cent fall in landlord related claims leading to orders since 2008, with these generally having fallen between 2006 and 2010. Overall, 55 per cent of all claims leading to orders involved orders being made that were not suspended (possession given immediately or by a given date) in 2010, up from 53 per cent in

2009 but lower than the peak of 56 per cent in 2007. Of mortgage related claims leading to orders, 53 per cent involved orders being made that were not suspended, similar to the annual average between 2006 and 2009.

Registry Trust Limited (a private non-profit making company limited by guarantee) administers the statutory public register of Judgments, Orders and Fines. Overall, 731,000 county court judgments were registered in claims for a specified amount of money with Registry Trust in 2010, 20 per cent less than in 2009. 79 per cent of these related to consumers, compared to 77 per cent in 2009 after having declined from 83 per cent in 2006. During the year, 108,000 entries were satisfied, the judgments having been paid in full after one month of the date of judgment. A further 78,000 entries were cancelled, the judgment having been made in error, set aside, reversed, or paid in full within one month of the date of judgment. All entries are automatically removed at the end of the sixth calendar year after the date of judgment. The Register is open for public inspection on payment of a statutory fee, and is used in particular by credit reference agencies to assist lenders in making responsible credit granting decisions, for the benefit of both consumers and businesses.

73,000 searches of the Registry were performed in 2010, mainly by individuals searching for themselves or others or by agents acting for law firms. This represented a 17 per cent increase compared to 2009 and almost doubled compared to 2006. Internet search requests increased by 20 per cent from 59,000 in 2009 to 70,000 in 2010. Other (postal and personal) searches fell by 38 per cent from 4,000 in 2009 to 2,600 in 2010. Additional information regarding the Register of Judgments, Orders and Fines can be obtained at www.trustonline.org.uk.

Judgment statistics are shown in **Tables 1.16 to 1.18**

Enforcement

There are various methods of enforcing judgments in the county courts. The most common method is the warrant of execution against a debtor's goods, where unless the amount due under the warrant is paid, saleable items owned by a defendant can be recovered by a bailiff acting on behalf of the court and sold. Other warrant types are for the repossession of property, the return of particular goods or items, and to enforce an order for which the penalty for failure to comply is imprisonment, the warrant of committal which authorises the bailiff to arrest and deliver the person to prison or the court. During 2010, 151,000 warrants of execution were issued, 36 per cent lower than in 2009 and 56 per cent lower than in 2006, with the number having declined in each year. Overall 22 pence in the pound was recovered, with 80 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 2010, there were 125,000 warrants of possession issued, 10 per cent lower than in 2009 and 22 per cent lower than the peak in 2008. In total, bailiffs made 54,000 repossessions of properties, 14 per cent lower than in 2009 and 23 per cent fewer than the 2008 peak. 24,000 of the properties were on behalf of mortgage lenders, 27 per cent fewer than in 2009 and 34 per cent lower than the 2008 peak. There were 2,200 warrants of delivery issued, six per cent lower than in 2009 and the annual average between 2006 and 2009.

To enforce an order for which the penalty for failure to comply is imprisonment, it is possible to apply for a warrant of committal which authorises the bailiff to arrest and deliver the person to prison or the Court. There were 1,400 warrants of committal issued in 2010, 26 per cent more than in 2009 after a 37 per cent decline between 2006 and 2009.

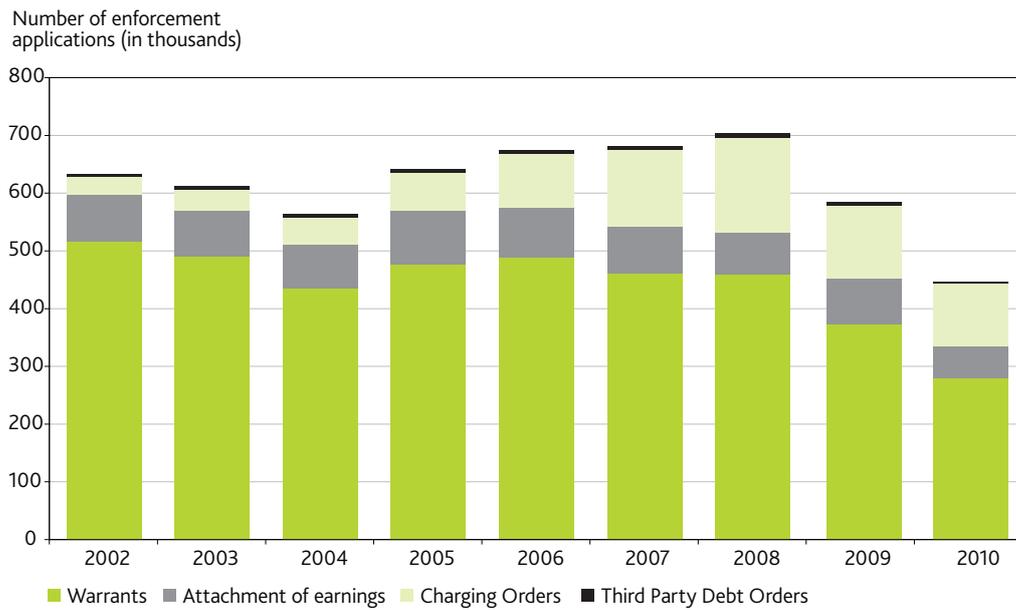
A judgment amount can also be enforced through the claimant applying for:

- An attachment of earnings order obliging the debtor's employer to deduct a set sum from the debtor's pay and forward it to the court. 54,000 applications were made for attachment of earnings orders in 2010, 25 per cent less than in 2009 and 36 per cent less than in 2006 with the number having declined in each year. Around 86 per cent of applications resulted in orders being made compared to 85 per cent in 2009 and 78 per cent in 2006.
- A charging order enabling the creditor to obtain security for the payment against a property owned by the debtor. 109,000 applications were made for charging orders in 2010, 14 per cent lower than in 2009 and 34 per cent fewer than in 2008 after rising by 77 per cent between 2006 and 2008. There were also 500 orders for sale made in 2010.
- 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. 4,000 applications were made for third party debt orders in 2010, 40 per cent lower than in 2009.

In certain circumstances a debtor may apply to the county court to combine debts into an administration order (AO). The debtor must have a judgment debt and at least one other that he is unable to pay with the total indebtedness not exceeding £5,000. Once the debts have been examined and found to be correctly calculated a District Judge can make an order for the debtor to make regular payments to the court. The court will then distribute the money in the appropriate proportions to the creditors listed by the debtor. There were 1,100 AOs made in 2010, 44 per cent fewer than in 2009 and 75 per cent fewer than in 2006. To assist in determining the most appropriate method of enforcing a judgment, the claimant can apply for an order to obtain information from the judgment debtors. This involves debtors being ordered to attend court to provide

details of their means. There were 23,000 orders made to obtain information from debtors in 2010, 23 per cent fewer than in 2009 and 21 per cent lower than the average over the previous four years.

Enforcement applications by type, 2002-2010



Enforcement statistics are shown in Tables 1.19 to 1.22.

Table 1.1
County courts (non-family work)
 Summary statistics on claims issued,¹ England and Wales, 2006–2010

Year	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	
2006	1,572,044	145,195	1,717,239	289,408	9,852	100,074	399,334	66,966	2,183,539	
2007	1,408,499	144,128	1,552,627	284,782	8,430	99,024	392,236	66,951	2,011,814	
2008	1,426,389	160,248	1,586,637	290,958	8,652	107,605	407,215	70,272	2,064,124	
2009	1,281,105	178,969	1,460,074	230,125	10,269	102,726	343,120	76,211	1,879,405	
2010	1,040,589	190,582	1,231,171	210,392	8,388	100,666	319,446	65,919	1,616,536	

Source:

HM Courts and Tribunals Service CaseMan system, Claim Production Centre, Money Claim Online, Possession Claim Online and manual returns

Notes:

- 1 Excluding where claims are re-issued
- 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 District Registries of the High Court but not in the Royal Courts of Justice

Table 1.2
County courts (non-family work)
 Summary statistics on claims issued¹ by HMCTS area,² 2010

Area	Number of claims / petitions								
	Specified 'money' claims ³	Unspecified 'money' claims ⁴	Total 'money' claims	Claims for recovery of land ⁵	Claims for return of goods	Other non-'money' claims	Total non-'money' claims	Total insolvency petitions ⁶	Total proceedings started
Avon & Somerset, Devon & Cornwall, and Gloucestershire	20,187	7,499	27,686	8,895	422	4,845	14,162	5,931	47,779
Bedfordshire, Hertfordshire and Thames Valley	30,177	7,047	37,224	12,115	538	4,558	17,211	4,989	59,424
Cambridgeshire, Essex, Norfolk and Suffolk	22,187	5,395	27,582	13,362	553	4,034	17,949	5,618	51,149
Cheshire and Merseyside	16,915	51,589	68,504	9,218	442	10,951	20,611	3,327	92,442
Cleveland, Durham and Northumbria	12,536	7,807	20,343	11,243	528	5,618	17,389	3,793	41,525
Cumbria and Lancashire	8,620	6,913	15,533	5,963	274	3,229	9,466	2,194	27,193
Dorset, Hampshire & Isle of Wight, and Wiltshire	24,038	6,014	30,052	9,096	433	4,425	13,954	3,368	47,374
East Midlands	25,648	8,026	33,674	14,899	530	5,060	20,489	5,727	59,890
Greater Manchester	25,054	23,790	48,844	13,173	525	8,878	22,576	4,087	75,507
Humber and South Yorkshire	21,981	7,564	29,545	8,284	340	5,225	13,849	3,067	46,461
Kent, Surrey and Sussex	23,629	5,976	29,605	14,037	613	5,219	19,869	4,336	53,810
London Civil and Family	54,066	20,080	74,146	48,659	1,317	18,630	68,606	2,883	145,635
Midland West Wales	6,112	1,272	7,384	2,968	211	894	4,073	1,050	12,507
North and West Yorkshire	25,399	13,181	38,580	8,990	422	6,498	15,910	4,567	59,057
North Wales	3,022	1,812	4,834	1,955	106	1,108	3,169	932	8,935
South East Wales	8,814	4,260	13,074	5,935	274	3,351	9,560	2,097	24,731
West Mercia and Staffordshire	12,980	3,234	16,214	6,696	307	2,160	9,163	2,644	28,021
West Midlands and Warwickshire	23,229	9,123	32,352	14,904	553	5,983	21,440	5,309	59,101
County Court Bulk Centre ⁷	537,912	-	537,912	-	-	-	-	-	537,912
Money Claim Online ⁷	138,083	-	138,083	-	-	-	-	-	138,083
Total	1,040,589	190,582	1,231,171	210,392	8,388	100,666	319,446	65,919	1,616,536

Source:

HM Courts and Tribunals Service CaseMan system, Claim Production Centre, Money Claim Online, Possession Claim Online and manual returns

Notes:

1 Excluding where claims are re-issued

2 The figures are based on the new HMCTS areas, as per the 2010 restructuring of administrative arrangements

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

4 Claims issued for an unspecified amount of money

5 Includes claims made via Possession Claim Online

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

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

Table 1.3
County courts (non-family work)
 Summary statistics¹ on recovery of land actions in England and Wales, 2006–2010

Year	Number of claims / claims leading to an order made ²																
	Mortgage repossessions			Social landlord repossessions ³			Private landlord repossessions ⁴			Accelerated repossessions ⁵			Total				
	Claims leading to a			Claims leading to a			Claims leading to a			Claims leading to a			Claims leading to a				
	Claims issued	Suspended order made	Order made	Claims issued	Suspended order made	Order made	Claims issued	Suspended order made	Order made	Claims issued	Suspended order made	Order made	Claims issued	Suspended order made	Order made	Claims issued	Suspended order made
2006	131,248	43,199	44,819	116,152	46,936	28,212	19,002	1,759	9,609	23,006	7	16,912	289,408	91,901	99,552		
2007	137,725	41,474	49,180	103,214	40,563	27,120	19,347	1,354	11,026	24,496	8	18,546	284,782	83,399	105,872		
2008	142,741	52,094	59,669	104,165	43,972	26,184	21,004	1,118	11,906	23,048	10	17,623	290,958	97,194	115,382		
2009	93,533	32,946	39,289	98,108	43,210	23,730	21,459	983	12,424	17,025	10	12,537	230,125	77,149	87,980		
2010	75,431	26,495	30,473	90,217	39,287	21,813	23,147	987	13,669	21,597	11	15,075	210,392	66,780	81,030		

Source:

HM Courts and Tribunals Service CaseMan system and Possession Claim Online

Notes:

- 1 The figures in this table match those provided in the 2011Q1 mortgage and landlord possession statistics bulletin. See <http://www.justice.gov.uk/publications/statistics-and-data/civil-justice/mortgage-possession.htm>
- 2 The number of claims that lead to an order includes all claims in which the first order, whether outright or suspended, is made during the period
- 3 Actions by local authorities and housing associations
- 4 Actions by all landlords except local authorities and housing associations
- 5 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

Table 1.4
County courts (non-family work)
 Summary statistics^{1,2} on recovery of land actions by HM Courts and Tribunals Service³ area and region, 2010

Area / region	Number of claims / claims leading to an order made ⁴																	
	Mortgage repossessions				Social landlord repossessions ⁵				Private landlord repossessions ⁶				Accelerated repossessions ⁷				Total	
	Claims issued	Suspended orders	Orders made	Claims leading to	Claims issued	Suspended orders	Orders made	Claims leading to	Claims issued	Suspended orders	Orders made	Claims leading to	Claims issued	Suspended orders	Orders made	Claims leading to	Claims issued	Suspended orders
London Civil and Family	9,697	3,564	3,445	22,129	6,285	5,969	7,394	229	4,171	9,439	2	6,337	48,659	10,080	19,922			
London	9,697	3,564	3,445	22,129	6,285	5,969	7,394	229	4,171	9,439	2	6,337	48,659	10,080	19,922			
East Midlands	6,061	2,076	2,757	6,759	3,326	1,747	1,191	62	724	888	0	617	14,899	5,464	5,845			
West Mercia and Staffordshire	2,932	955	1,193	2,882	1,595	605	477	21	297	405	0	305	6,696	2,571	2,400			
West Midlands and Warwickshire	5,413	1,866	2,140	7,396	3,363	1,828	1,199	64	692	896	0	619	14,904	5,293	5,279			
Midlands	14,406	4,897	6,090	17,037	8,284	4,180	2,867	147	1,713	2,189	0	1,541	36,499	13,328	13,524			
Cleveland, Durham and Northumbria	4,536	1,531	2,093	5,474	2,602	1,065	784	41	485	449	2	333	11,243	4,176	3,976			
Humber and South Yorkshire	3,927	1,277	1,704	3,248	1,628	1,000	648	32	416	461	1	361	8,284	2,938	3,481			
North and West Yorkshire	4,590	1,560	2,011	3,007	1,420	925	869	39	532	524	1	385	8,990	3,020	3,853			
North East	13,053	4,368	5,808	11,729	5,650	2,990	2,301	112	1,433	1,434	4	1,079	28,517	10,134	11,310			
Cheshire and Merseyside	4,006	1,422	1,629	3,856	2,089	640	831	38	487	525	1	377	9,218	3,550	3,133			
Cumbria and Lancashire	2,917	1,011	1,205	2,077	970	526	505	31	309	464	0	293	5,963	2,012	2,333			
Greater Manchester	5,134	1,935	2,095	6,085	3,038	1,306	1,220	69	715	734	0	537	13,173	5,042	4,653			
North West	12,057	4,368	4,929	12,018	6,097	2,472	2,556	138	1,511	1,723	1	1,207	28,354	10,604	10,119			
Bedfordshire, Hertfordshire and Thames Valley	4,122	1,573	1,470	5,451	2,520	1,039	1,448	46	909	1,094	1	772	12,115	4,140	4,190			
Cambridgeshire, Essex, Norfolk and Suffolk	4,973	1,689	2,036	5,657	2,812	1,352	1,418	79	820	1,314	3	965	13,362	4,583	5,173			
Kent, Surrey and Sussex	5,076	1,836	1,922	4,847	2,244	1,091	2,321	121	1,351	1,793	0	1,279	14,037	4,201	5,643			

Table 1.4 continued

South East	14,171	5,098	5,428	15,955	7,576	3,482	5,187	246	3,080	4,201	4	3,016	39,514	12,924	15,006
Avon & Somerset, Devon & Cornwall, and Gloucestershire	3,648	1210	1,472	3,289	1550	783	937	29	579	1,021	0	765	8,895	2,789	3,599
Dorset, Hampshire & Isle of Wight, and Wiltshire	3,363	1204	1,288	3,524	1733	710	1,162	51	721	1,047	0	765	9,096	2,988	3,484
South West	7,011	2,414	2,760	6,813	3,283	1,493	2,099	80	1,300	2,068	0	1,530	17,991	5,777	7,083
Mid and West Wales	1,290	412	527	1,443	638	403	114	7	67	121	0	90	2,968	1,057	1,087
North Wales	977	355	394	687	307	205	175	7	104	116	0	80	1,955	669	783
South East Wales	2,769	1,019	1,092	2,406	1,167	619	454	21	290	306	0	195	5,935	2,207	2,196
Wales	5,036	1,786	2,013	4,536	2,112	1,227	743	35	461	543	0	365	10,858	3,933	4,066
Total	75,431	26,495	30,473	90,217	39,287	21,813	23,147	987	13,669	21,597	11	15,075	210,392	66,780	81,030

Source:

HM Courts and Tribunals Service CaseMan system and Possession Claim Online

Notes:

- 1 The figures in this table match those provided in the 2011Q1 mortgage and landlord possession statistics bulletin. See <http://www.justice.gov.uk/publications/statistics-and-data/civil-justice/mortgage-possession.htm>
- 2 Claims made via Possession Claim Online are issued in the name of the local court relating to the postcode of the property
- 3 The figures are based on the new HMCTS areas, as per the 2010 restructuring of administrative arrangements
- 4 The number of claims that lead to an order includes all claims in which the first order, whether outright or suspended, is made during the period
- 5 Actions by local authorities and housing associations
- 6 Actions by all landlords except local authorities and housing associations
- 7 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

Table 1.5

County courts (non-family work)

Summary statistics on other non-'money' claims issued in England and Wales, 2006–2010

							Number of claims
Year	Housing (not Landlord or Mortgage possession) ¹	Injunctions ²	Enforcement ³	Pre-issue applications ⁴	Other ⁵	Total	
2006	6,544	8,419	29,199	14,059	41,853	100,074	
2007	6,270	9,699	24,302	15,553	43,200	99,024	
2008	6,164	10,198	26,028	14,616	50,599	107,605	
2009	6,144	10,031	22,186	15,241	49,124	102,726	
2010	6,425	8,428	21,457	14,888	49,468	100,666	

Source:

HM Courts and Tribunals Service 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 1.6
County courts (non-family work)
 Summary statistics on other non-'money' claims issued by HMCTS area¹, 2010

Area	Number of claims					
	Housing (not Landlord or Mortgage possession) ²	Injunctions ³	Enforcement ⁴	Pre-action disclosure applications ⁵	Other ⁶	Total
Avon & Somerset, Devon & Cornwall, and Gloucestershire	313	433	1,024	803	2,272	4,845
Bedfordshire, Hertfordshire and Thames Valley	297	319	1,003	239	2,700	4,558
Cambridgeshire, Essex, Norfolk and Suffolk	267	324	1,338	248	1,857	4,034
Cheshire and Merseyside	172	871	844	2,826	6,238	10,951
Cleveland, Durham and Northumbria	134	307	1,879	818	2,480	5,618
Cumbria and Lancashire	158	219	455	689	1,708	3,229
Dorset, Hampshire & Isle of Wight, and Wiltshire	235	325	1,598	352	1,915	4,425
East Midlands	235	452	1,510	598	2,265	5,060
Greater Manchester	145	891	1,194	2,289	4,359	8,878
Humber and South Yorkshire	165	751	1,110	1,345	1,854	5,225
Kent, Surrey and Sussex	371	301	1,724	352	2,471	5,219
London Civil and Family	2,893	2,090	2,897	879	9,871	18,630
Mid and West Wales	40	50	359	37	408	894
North and West Yorkshire	297	431	1,106	1,241	3,423	6,498
North Wales	52	26	250	233	547	1,108
South East Wales	96	215	1,087	585	1,368	3,351
West Mercia and Staffordshire	144	174	616	359	867	2,160
West Midlands and Warwickshire	411	249	1,463	995	2,865	5,983
Total	6,425	8,428	21,457	14,888	49,468	100,666

Source:

HM Courts and Tribunals Service CaseMan system

Notes:

- 1 The figures are based on the new HMCTS areas, as per the 2010 restructuring of administrative arrangements
- 2 Includes landlord and tenancy applications generally for a new tenancy agreement, claims to evict trespassers and claims for interim possession orders
- 3 To make somebody do something or to stop them doing it
- 4 Enforcement of Tribunal awards and orders made in magistrates' courts
- 5 To obtain an order for disclosure of information prior to issue of a claim
- 6 Includes orders for costs only

Table 1.7

County courts (non-family work)Summary statistics¹ on insolvency petitions² issued in England and Wales, 2006–2010

Year	Number of petitions			
	Company windings-up ³	Individual bankruptcy ⁴		Total
		Creditor's petition	Debtor's petition	
2006	6,956	11,045	48,965	66,966
2007	6,296	11,327	49,322	66,945
2008	6,075	12,068	52,129	70,272
2009	5,690	11,400	59,121	76,211
2010	4,939	11,855	49,125	65,919

Source:

HM Courts and Tribunals Service manual returns

Note:

- 1 The figures in this table match those provided in the 2011Q1 company winding up and bankruptcy petition statistics bulletin. See <http://www.justice.gov.uk/publications/statistics-and-data/civil-justice/company-winding-up.htm>
- 2 Includes petitions issued in the District Registries of the High Court but not in the Royal Courts of Justice (the headline quarterly National Statistics on insolvency proceedings issued include both, these being published in the Company winding up and bankruptcy petition statistics: <http://www.justice.gov.uk/publications/statistics-and-data/civil-justice/company-winding-up.htm>)
- 3 'Winding up' is the process by which a company's existence is terminated, whether due to insolvency or for another reason
- 4 Where an individual has debts that he/she is unable to pay

Table 1.8

County courts (non-family work)

'Money' claims issued for a specified amount, with percentage breakdown by claim value, England and Wales, 2006–2010

Year	Total number of claims issued	Percentage								
		Lower bound (>)		Value of claim						Other ¹
		£0	£500	£1,000	£5,000	£15,000	£50,000	n/a		
2006	1,572,044	48.6%	15.4%	23.6%	8.6%	2.9%	0.4%	0.3%		
2007	1,408,499	40.8%	15.4%	28.2%	10.9%	3.9%	0.5%	0.3%		
2008	1,426,389	41.1%	14.9%	28.2%	11.3%	3.7%	0.5%	0.3%		
2009	1,281,105	38.1%	17.1%	30.0%	10.4%	3.4%	0.6%	0.3%		
2010	1,040,589	35.7%	18.5%	32.1%	9.9%	2.9%	0.5%	0.4%		

Source:

HM Courts and Tribunals Service CaseMan system, Claim Production Centre, Money Claim Online

Note:

- 1 Includes claims with no recorded claim values

Table 1.9**County courts (non-family work)**

'Money' claims issued for an unspecified amount in England and Wales, with percentage breakdown by claim value, 2006–2010¹

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	
2006	145,195		1.2%	1.0%	47.8%	30.3%	10.8%	4.5%	4.5%
2007	144,128		1.3%	1.1%	47.9%	30.2%	10.9%	4.3%	4.3%
2008	160,248		1.0%	0.8%	48.5%	31.0%	10.4%	4.0%	4.4%
2009	178,969		1.1%	0.8%	49.1%	30.2%	10.7%	3.7%	4.4%
2010	190,582		0.5%	0.5%	51.5%	30.2%	10.6%	3.5%	3.1%

Source:

HM Courts and Tribunals Service 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 1.10
County courts (non-family work)
 Summary statistics on claims defended and allocated to track,
 England and Wales, 2006–2010¹

Year	Number of defences ²	Number of defences / allocations			
		Number of allocations to track ³			Total
		Small claims	Fast track	Multi track ⁴	
2006	292,115	76,821	50,723	27,605	155,149
2007	338,616	96,417	50,970	26,364	173,751
2008	298,796	83,928	53,255	26,722	163,905
2009	315,934	93,073	61,415	25,495	179,983
2010	290,941	79,924	65,665	23,104	168,693

Source:

HM Courts and Tribunals Service CaseMan system

Notes:

- 1 Where a claim is defended, further information is gathered before it is allocated to one of the three case management 'tracks' shown depending on the value, complexity and importance of the case and the consequential level of judicial involvement required. There may be more than one defence or allocation to track in a case
- 2 The number of defences excludes those recorded on the grounds of the defendant having already paid the amount claimed. Despite some cases involving more than one defendant, it is much lower than the number of claims issued (see **Table 1.1**) because the vast majority of claims are not disputed
- 3 The number of allocations to track is lower than the number of defences primarily because defended cases are often settled/withdrawn before they are allocated to track
- 4 A new and higher claim value limit was introduced for fast track cases on 6th April 2009. Since 1999, claims have generally been allocated to the fast track which have a value exceeding the limit of the small claims track (£5,000 for most claim types) but not more than £15,000 (those with a value over £15,000 generally being allocated to the multi track). For all proceedings issued on or after 6th April 2009, the limit has been raised from £15,000 to £25,000

Table 1.11
County courts (non-family work)
 Number of trial and small claim hearings;¹ as a percentage of allocations made to the relevant track, England and Wales, 2006–2010

Year	Trials (fast and multi track)		Small claim hearings		Total hearings	
	Number	as % of allocations made to these 'tracks' ²	Number	as % of allocations made to this 'track' ²	Number	as % of total allocations ²
2006	17,675	23%	46,872	61%	64,547	42%
2007	18,353	24%	53,232	55%	71,585	41%
2008	19,916	25%	46,519	55%	66,435	41%
2009	20,306	23%	46,963	50%	67,269	37%
2010	19,915	22%	42,786	54%	62,701	37%

Source:

HM Courts and Tribunals Service CaseMan system and manual returns

Notes:

- 1 There may be more than one trial or small claim hearing in a case
- 2 The numbers of trials and small claim hearings are much lower than the respective numbers of allocations to track in each year (see Table 1.10) because a large proportion of cases are settled/withdrawn between allocation to track and a small claim hearing or trial

Table 1.12

County courts (non-family work)

Small claim hearings, by claim type, England and Wales, 2006–2010

Year	Number of hearings			
	Type of case			Total
	Specified 'money' ¹	Unspecified 'money' ²	Other	
2006	44,202	2,328	342	46,872
2007	50,725	2,179	328	53,232
2008	44,359	1,900	260	46,519
2009	45,006	1,659	298	46,963
2010	40,861	1,549	376	42,786

Source:

HM Courts and Tribunals Service CaseMan system

Notes:

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

Table 1.13

County courts (non-family work)

Fast and multi-track trials, by claim type, England and Wales 2006–2010

Year	Number of hearings			
	Type of case			Total
	Specified 'money' ¹	Unspecified 'money' ²	Other	
2006	3,164	12,203	2,308	17,675
2007	3,353	12,750	2,250	18,353
2008	3,696	14,018	2,202	19,916
2009	3,657	14,662	1,987	20,306
2010	3,797	14,125	1,993	19,915

Source:

HM Courts and Tribunals Service CaseMan system

Notes:

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

Table 1.14
County courts (non-family work)
 Average time taken to reach trials / small claim hearings, and estimates of their duration, England and Wales, 2006–2010^{1,2}

Year	Small Claim cases			Fast and multi-track cases				
	Time between issue and start of small claim (weeks) ³	Duration of small claim hearings	Sample size	Time between issue and allocation to track (weeks) ³	Time between allocation to track and trial (weeks) ³	Time between issue and trial (weeks) ^{3,4}	Duration of trials	Sample size
2006	27	84 Mins	840	21	32	50	4 Hours 37 Mins	980
2007	27	83 Mins	592	21	32	49	3 Hours 42 Mins	492
2008	29	77 Mins	1,273	21	32	48	3 Hours 45 Mins	758
2009	31	77 Mins	891	21	32	48	3 Hours 49 Mins	822
2010	31	79 Mins	1,154	21	33	50	3 Hours 53 Mins	900

Source:

HM Courts and Tribunals Service CaseMan system and case 'samplers' for small claims hearings and trials

Notes:

- 1 All figures for hearing durations are derived from case samplers
- 2 Figures for time intervals between major case milestones (issue, allocation and hearing) are taken from full population data
- 3 Figures relate to cases whose trials or small claim hearings took place during the relevant quarter or year. For many cases the original date of issue and allocation date will have been in an earlier period
- 4 These figures are different to the sums of the average times between issue and allocation to track and between allocation to track and trial as not all allocation to track details are known

Table 1.15
County courts (non-family work)
 Number of judgments,¹ by default,² acceptance and determination^{3,4} by case type, England and Wales, 2006–2010

Year	Number of judgments			
	Type of case			Total
	Specified 'money' ⁴	Unspecified 'money' ⁵	Other	
2006	1,102,687	870	629	1,104,186
2007	997,342	898	589	998,829
2008	1,065,422	1,000	527	1,066,949
2009	935,830	890	538	937,258
2010	749,367	1097	728	751,192

Source:

HM Courts and Tribunals Service CaseMan system, Claim Production Centre and Money Claim Online

Notes:

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

Table 1.16**County courts (non-family work)**Number of judgments by default¹, acceptance and determination² by HMCTS area³, 2010

Area	Number of judgments			
	Type of case			Total
	Specified 'money' ⁴	Unspecified 'money' ⁵	Other	
Avon & Somerset, Devon & Cornwall, and Gloucestershire	12,503	42	19	12,564
Bedfordshire, Hertfordshire and Thames Valley	19,837	60	75	19,972
Cambridgeshire, Essex, Norfolk and Suffolk	13,761	41	30	13,832
Cheshire and Merseyside	9,212	124	14	9,350
Cleveland, Durham and Northumbria	7,998	30	45	8,073
Cumbria and Lancashire	5,190	26	9	5,225
Dorset, Hampshire & Isle of Wight, and Wiltshire	15,602	61	28	15,691
East Midlands	16,111	268	20	16,399
Greater Manchester	15,176	87	33	15,296
Humber and South Yorkshire	10,768	28	106	10,902
Kent, Surrey and Sussex	15,396	51	166	15,613
London Civil and Family	32,236	108	88	32,432
Mid and West Wales	4,030	12	1	4,043
North and West Yorkshire	16,794	50	22	16,866
North Wales	2,048	11	1	2,060
South East Wales	6,433	41	10	6,484
West Mercia and Staffordshire	8,741	17	13	8,771
West Midlands and Warwickshire	13,677	40	48	13,765
County Court Bulk Centre and Money Claim Online ⁶	523,854	-	-	523,854
Total	749,367	1,097	728	751,192

Source:

HM Courts and Tribunals Service CaseMan system, Claim Production Centre and Money Claim Online

Notes:

- 1 Following no response from the defendant within the allotted time period
- 2 Judgments by acceptance and determination which follow the claimant accepting the defendant's offer to pay all or part of the amount owed
- 3 The figures are based on the new HMCTS areas, as per the 2010 restructuring of administrative arrangements
- 4 Cases which were issued for a specified amount of money
- 5 Cases which were issued for an unspecified amount of money
- 6 These judgments by default, acceptance and determination are made in the name of Northampton county court

Table 1.17

Registry of County Court Judgments

Number of judgments registered in claims for a specified amount of money, satisfied and cancelled, by type, England and Wales, 2006–2010¹

Year	Number of judgments								
	Consumer judgments (i.e. individuals)			Commercial judgments (i.e. businesses)			Total		
	Registered	Satisfied ²	Cancelled ³	Registered	Satisfied ²	Cancelled ³	Registered	Satisfied ²	Cancelled ³
2006	843,853	108,079	55,626	178,313	20,586	33,994	1,022,166	128,665	89,620
2007	796,528	106,151	49,905	185,395	22,195	35,523	981,923	128,346	85,428
2008	827,880	95,676	41,618	192,056	20,708	35,341	1,019,936	116,384	76,959
2009	707,942	87,424	44,367	207,101	20,166	37,902	915,043	107,590	82,269
2010	579,704	90,834	47,367	150,915	17,411	30,204	730,619	108,245	77,571

Source:

Registry Trust Ltd

Notes:

- 1 Excludes judgments made for the non-payment of road tax between in 2006 and 2007 (these amounting to £83,000 in 2006 and £6,000 in 2007)
- 2 The judgment debt has been paid in full
- 3 A judgment registration can be cancelled when it is made in error, set aside, reversed, paid before the court date in full within one month

Table 1.18

Registry of County Court Judgments

Number of register searches made,¹ by search method, in England and Wales, 2006–2010

Year	Number of searches			
	Postal	Personal ²	Internet ³	Total
2006	16,228	4,376	16,205	36,809
2007	11,097	3,784	22,220	37,101
2008	7,726	2,521	29,080	39,327
2009	3,718	92	58,525	62,335
2010	2,356	-	70,499	72,855

Source:

Registry Trust Ltd

Note:

- 1 These searches were mainly carried out by individuals searching for themselves or others or by agents acting for law firms
- 2 Due to the uptake of the internet facility the public counter was closed in August 2009
- 3 Internet searches became available in 2005

Table 1.19
County court (enforcement work)
 Number of warrants issued,^{1,2} by type, England and Wales, 2006–2010

Year	Number of warrants			
	Execution ³	Delivery ⁴	Possession ⁵	Committal ⁶
2006	340,078	2,121	144,990	1,757
2007	310,178	2,359	146,120	1,647
2008	294,823	2,500	159,337	1,353
2009	236,293	2,307	139,131	1,103
2010	150,828	2,179	124,914	1,387

Source:

HM Courts and Tribunals Service CaseMan system, Claim Production Centre, Money Claim Online and Possession Claim Online

Notes:

- 1 Excludes the re-issuing of warrants
- 2 Includes warrants issued in the County Court Bulk Centre, Money Claim Online and Possession Claim Online
- 3 Allows saleable items owned by the debtor to be sold unless the amount due under the warrant is paid
- 4 For the return of goods or items
- 5 For the repossession of property
- 6 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 to the court

Table 1.20
County court (enforcement work)
 Amounts issued and recovered from warrants of execution,¹ England and Wales, 2006–2010

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
2006	47,151,671	42,905,286	211,262,049	46,173,497	91.0	21.9
2007	44,191,558	39,570,109	204,649,725	42,592,414	89.5	20.8
2008	40,838,478	34,035,170	210,876,807	36,927,906	83.3	17.5
2009	39,453,880	29,746,118	211,417,150	32,833,337	75.4	15.5
2010	26,088,195	20,976,495	103,845,889	22,522,289	80.4	21.7

Source:

HM Courts and Tribunals Service CaseMan system

Notes:

- 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 1.21

County court (enforcement work)

Number of repossessions¹ of property by county court bailiffs,²
by type, England and Wales, 2006–2010

Year	Number of repossessions					
	Type of case					Total
	Mortgage repossession ³	Social landlord repossession	Private landlord repossession	Accelerated repossession	Other	
2006	21,017	23,179	4,120	6,775	2,297	57,388
2007	23,894	20,667	4,356	7,557	2,104	58,578
2008	35,823	20,249	4,445	7,575	2,074	70,166
2009	32,468	18,309	4,623	5,079	2,077	62,556
2010	23,622	16,864	5,291	5,763	2,190	53,730

Source:

HM Courts and Tribunals Service CaseMan system and Possession Claim Online

Notes:

- 1 The vast majority of warrant of possession outcomes are repossession, the warrant being suspended by an order made by the court and the warrant being withdrawn
- 2 Includes warrants issued via Possession Claim Online
- 3 These figures differ from those provided by Council of Mortgage Lenders (www.cml.org.uk) for a number of reasons including the latter including 'voluntary' repossessions (where the property has been repossessed without the need for a bailiff), being shown on a UK basis but excluding repossessions by lenders who are not CML members

Table 1.22
County court (enforcement work)
 Enforcement-related orders applied for and made, England and Wales, 2006–2010

Year	Attachment of earnings orders ^{1,2}				Third party debt orders ³		Charging orders ⁴		Orders for Sale ⁵	Administration orders ⁶		Orders to obtain information from judgment debtors ⁸
	Orders made ²		Applications		Orders made		Applications		Orders made	Applications		Orders made ⁷
	Applications	Orders made ²	Applications	Orders made	Applications	Orders made	Applications	Orders made	Orders made	Applications	Orders made ⁷	Orders to obtain information from judgment debtors ⁸
2006	85,328	66,477	6,554	1,828	92,933	67,090	-	3,181	4,480	28,462		
2007	82,019	62,125	6,474	1,813	131,637	97,026	-	2,407	3,683	27,148		
2008	73,845	60,588	7,564	2,041	164,812	135,702	-	2,065	2,795	30,261		
2009	72,316	61,336	7,137	2,176	127,179	111,311	-	1,948	2,019	29,672		
2010	54,200	46,684	4,315	1,500	108,847	93,619	507	797	1,124	22,811		

Source:

HM Courts and Tribunals Service CaseMan system and manual returns

Notes:

- 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 A court order forcing the debtor to sell an asset(s), typically a property, following a charging order. These data are only available from July 2009
- 6 Administration orders enable a debtor to combine a judgment debt and at least one other debt (with total indebtedness not exceeding £5,000) into a single order for the making of regular payments to the court to be distributed to the creditors in the appropriate proportions listed by the debtor
- 7 Multiple orders may be made following an application e.g. where an original order is revoked and then re-instated
- 8 Formerly known as the oral examination procedure which was changed on 26 March 2002, the process being streamlined and standardised to enable information to be obtained faster

Family matters

Chapter 2 - Family matters

This chapter refers to family proceedings across all tiers of court

Family law is the area of law that deals with:

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

All family matters are dealt with at Family Proceedings Courts (which are part of the magistrates' courts), at county courts or in the Family Division of the High Court. 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.

Information on the data sources used for the family court statistics can be found in **Annex A**. Explanations for some of the main terms used in this section can be found in the **Glossary**. The tables of detailed data can be found immediately following this section of commentary.

Key findings for 2010

- There were 24,300 children involved in public law applications in 2010; a decrease of six per cent compared with 2009. This decrease follows a peak in applications received in 2009, when there was significant media coverage of local authority child protection practice.
- The total number of children involved in private law applications decreased by eleven per cent compared with 2009, from 137,500 to 122,800. This decrease is a reversal of the recent upward trend in applications since 2005.
- There were 133,500 petitions filed for dissolution of marriage in 2010, an increase of one per cent compared with the previous year; whilst the number of divorces increased by five per cent, a reversal of the recent downward trend.
- Applications in county courts for domestic violence remedies decreased by eight per cent in 2010 compared with 2009. This included applications for non-molestation orders which decreased by six per cent and applications for occupation orders which decreased by 14 per cent.

Matters affecting children: Public Law applications

Public law cases are those brought by local authorities or an authorised person (currently only the National Society for the Prevention of Cruelty to Children) and include matters such as care, supervision and emergency protection orders.

Care orders

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

Supervision orders

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

Emergency Protection Orders

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

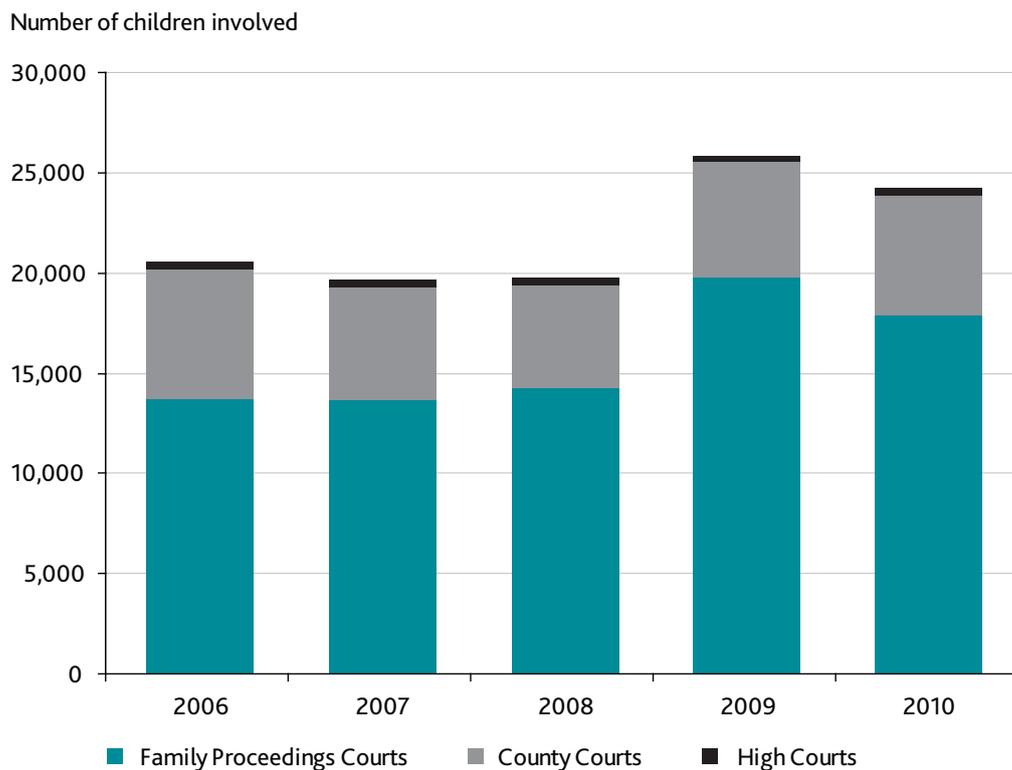
Under the relevant allocation of proceedings rules for family law, public law cases must start in the Family Proceedings Courts but may be transferred to the county courts in the following circumstances:

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

In 2010, there were 24,300 children were involved in public law applications, a decrease of six per cent compared with 2009 (25,800) (Table 2.1). This was due primarily to a nine per cent decrease in overall applications received in Family Proceedings Courts, which received 74 per cent of the total number of applications.

Between 2009 and 2010 there was a decrease in the number of applications for care orders (six per cent), emergency protection orders (25 per cent), and supervision orders (14 per cent) – see Table 2.3.

Children involved in Public Law applications, by tier of court, 2006-2010



Public law application statistics are shown in Tables 2.1 to 2.3.

Matters affecting children: Private Law applications

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.

Parental responsibility

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

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.

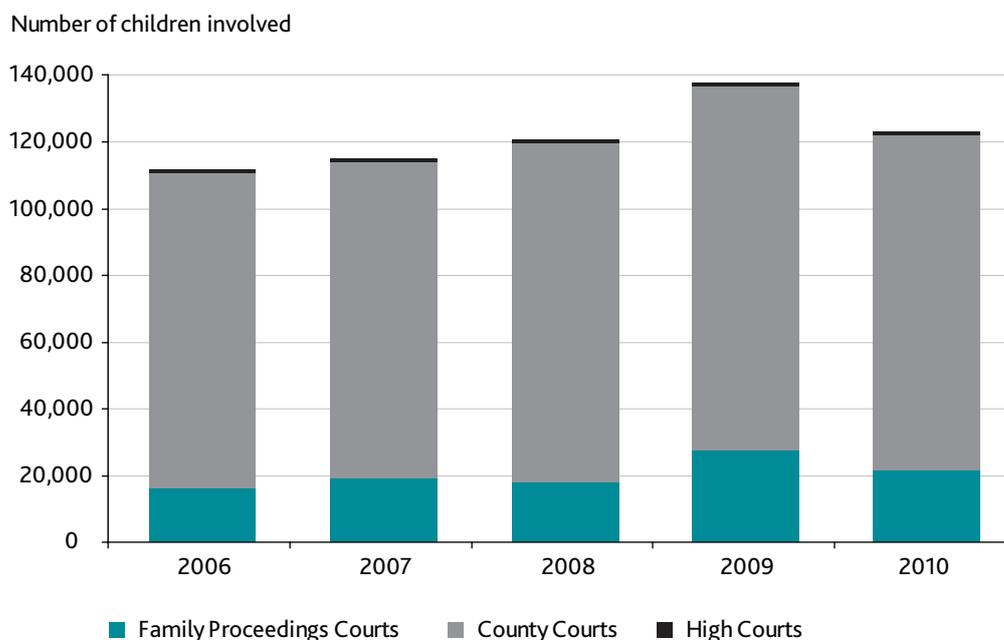
Special Guardianship

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.

In 2010, there were 122,800 children involved in private law applications, a decrease of 11 per cent compared with 2009 when there were 137,500, and a return to the level seen in 2008 (**Table 2.1**).

Within the overall figures for 2010, applications for contact orders decreased by 13 per cent, applications for residence orders decreased by ten per cent and applications for prohibited steps orders decreased by three per cent, compared with 2009 (**Table 2.3**).

Children involved in Private Law applications, by tier of court, 2006-2010



Private law application statistics are shown in **Tables 2.1 to 2.3**.

Disposal of Public and Private Law applications

A new compilation methodology has been introduced for the public and private law disposals data for 2008 onwards, and previously-published statistics for 2008 to 2009 have been revised as a result – further details are in **Annex A**.

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

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

In 2010, there were 24,400 children involved in disposals of public law cases, an increase of 14 per cent from the revised figure for 2009 (21,300). Just over a third of all the public law disposals were for care and substitute supervision for care orders (8,500).

There was a seven per cent increase in the number of children involved in disposals of private law cases – from the revised 151,300 for 2009 to 162,500 in 2010. The majority of these disposals were for contact orders (95,500).

Public and Private law disposal statistics are shown in **Table 2.4**.

Statistics on the time taken to complete care and supervision cases in the family courts of England and Wales is published in MoJ's bulletin '*Court Statistics Quarterly*'. The relevant table gives summary statistics showing the time, in weeks, between the date an application for a care or supervision order was lodged and the date a care, supervision, or other substantive order was made in the case, for those cases disposed of during each quarter from quarter 2 (April-June) 2010. The bulletin can be found on the MoJ website at:

<http://www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/judicial-quarterly.htm>

Matrimonial matters

There are two ways to dissolve a marriage. The vast majority is with 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:

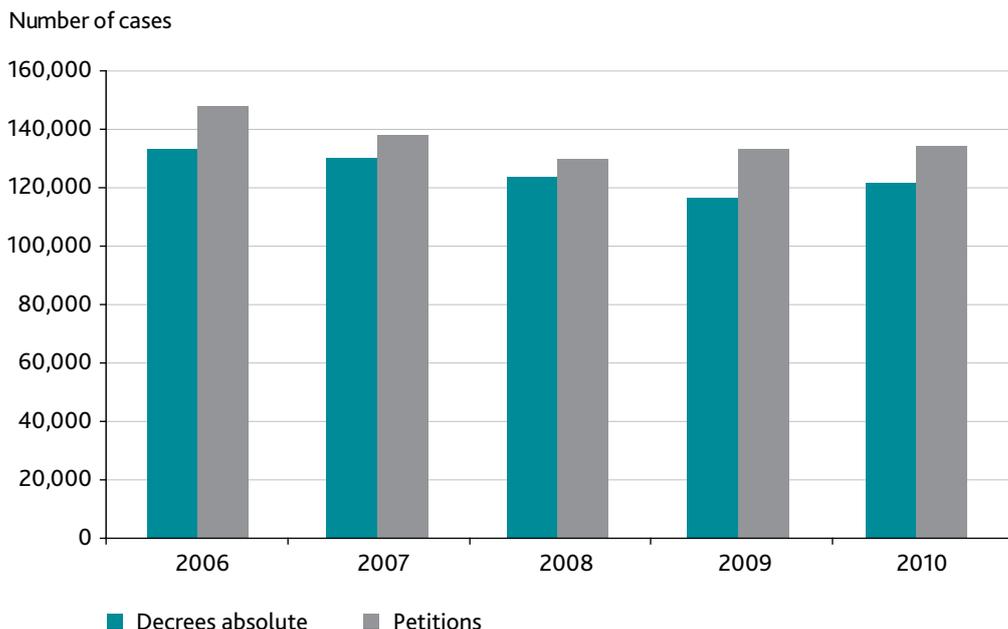
- (a) not consummated due to incapacity or wilful refusal (most nullities are on these grounds)
- (b) where one party was suffering from a venereal disease in a communicable form, or was pregnant by someone else at the time of marriage.

There were 133,500 petitions filed for dissolution of marriage in 2010; a slight increase of one per cent compared to 2009 and a continuation of the upward trend seen in 2009 (Table 2.5).

The number of decrees absolute granted for dissolution of marriage increased by five per cent, from 115,200 (revised) in 2009 to 121,300 in 2010, which now reflects a reversal from the recent downward trend as seen for petitions.

Please note that the matrimonial matters statistics for 2009 in Table 2.5 are subject to revision following the detection of a data inputting error at Bristol county court. Please see Annex A for more details.

Dissolution of Marriage: Petitions and Decrees Absolute Granted, 2006-2010



Statistics on the number of divorces occurring each year in England and Wales are also published by the Office for National Statistics (ONS). Please see **Annex A** for more explanation of the differences between the ONS figures and the statistics presented here.

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 2010 there were 300 petitions filed for judicial separation, a decrease of 17 per cent compared with the previous year, and continuing the steady downward trend.

Table 2.5 shows summary statistics on matrimonial proceedings from 2006 to 2010.

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 (for example weekly or monthly maintenance), a lump sum payment and/or a pension sharing or attachment order.

In 2010 a total of 82,300 applications for ancillary relief were disposed of; an increase of 3 per cent from the 79,900 recorded for 2009. Of the disposals made in 2010, the majority (73 per cent) were not contested (**Table 2.6**), while a further 22 per cent of orders were made by consent after initially being contested. Most disposals made in 2010 were for property adjustment orders (26,900) or lump sum orders (24,700).

Over half (55 per cent) of those cases which were contested or initially contested were in respect of one or more children (**Table 2.7**).

The numbers of disposals for ancillary relief applications are shown in **Tables 2.6 and 2.7**.

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

The Child maintenance and Other Payments Act 2008 led to the creation of the Child Maintenance Enforcement Commission (CMEC) which replaced the Child Support Agency (CSA), although the CSA retained its existing caseload. The Act also removed the requirement for all parents in receipt of benefit to go through the CMEC even if they could reach agreement. Parents who were not on benefit

were previously allowed to come to courts for consent orders. This change is likely to increase the number of parties that come to court for maintenance consent orders.

Domestic violence

Part IV of the Family Law Act 1996 provides single and unified domestic violence remedies in county courts and magistrates' courts, with the vast majority carried out in the former. A range of people can apply to the court: spouses, cohabitants, ex-cohabitants, those who live or have lived in the same household (other than by reason of one of them being the other's employee, tenant, lodger or boarder), certain relatives (e.g. parents, grandparents, in-laws, brothers, sisters), and those who have agreed to marry one another.

Two types of order can be granted:

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

Where the court makes an occupation order and it appears to the court that the respondent has used or threatened violence against the applicant or child, then the court must attach a power of arrest unless it is satisfied that the applicant or child will be adequately protected without such a power. In July 2007, section 1 of the Domestic Violence, Crime and Victims Act 2004 came into force, making the breach of a non-molestation order a criminal offence. A power of arrest is therefore no longer required on a non-molestation order but instead include a penal notice.

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

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

Applications made in the county courts for domestic violence remedies decreased by eight per cent in 2010 compared with 2009; from 26,000 to 23,900 applications (**Table 2.8**).

Within this overall decrease, applications for non-molestation orders decreased by six per cent (from 18,900 to 17,800), while applications for occupation orders decreased by 14 per cent (from 7,100 to 6,100).

A total of 24,100 domestic violence orders were made in county courts in 2010, a decrease of three per cent from the 24,900 made in 2009 (**Table 2.9**). As the breach of a non-molestation order was made a criminal and arrestable offence from July 2007, with the power of arrest inherent within it, it became no longer necessary for courts to attach a separate power of arrest to these orders.

Statistics on domestic violence applications and orders made are shown in **Tables 2.8** and **2.9**.

Forced Marriage Protection Orders

The Forced Marriage (Civil Protection) Act 2007 came into force on 25 November 2008. The Act amended Part IV of the Family Law Act to enable 15 designated county courts (as well as the High Court) to make Forced Marriage Protection Orders to prevent forced marriages from occurring and to offer protection to victims who might have already been forced into a marriage. Statistics for these orders are presented in this volume for the first time in **Table 2.10**.

A total of 217 applications for an FMPO have been made since their introduction up to the end of 2010, with 257 orders made in the same period. The number of orders made generally exceeds the number of applications as FMPOs are sometimes made during the course of applications for other family orders, and there is no differentiation between interim orders and final orders.

Probate

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

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

In 2010, 246,600 grants of representation were issued; down from the 254,200 grants issued in 2009, and 21 per cent down from the peak of 311,100 seen in 2006.

In 2010, 88,400 of the grants were personal applications and 158,200 were made by solicitors. In 84 per cent of all cases for 2010 (206,500) the deceased left a will.

Summary caseload statistics for the Probate service are shown in **Tables 2.11** and **2.12**.

Table 2.1**Family matters**Matters affecting children: Number of children involved in Public and Private Law applications, made in each tier of court, 2006–2010^{1,2}

Year	Public law				Private law ³			
	FPC ^{4,5}	CC	HC	Total	FPC ⁵	CC	HC	Total
2006	13,660	6,500	360	20,510	16,410	93,920	1,180	111,510
2007	13,640	5,630	380	19,650	19,190	94,650	1,000	114,840
2008	14,200	5,180	380	19,760	18,040	101,440	1,020	120,500
2009	19,760	5,770	290	25,810	27,670	108,670	1,150	137,480
2010	18,000	5,890	370	24,250	21,680	100,470	670	122,820

Source:

HMCTS FamilyMan system and summary 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 have been rounded to the nearest ten. Totals may not add up due to rounding

3 Private Law applications exclude adoptions

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

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

Table 2.2**Family matters**

Matters affecting children: Number of children involved in Public and Private Law applications, made in each tier of court by HMCTS region, 2010^{1,2}

Region	Number of children							
	Public law				Private law ³			
	FPC ⁴	CC	HC	Total	FPC ⁴	CC	HC	Total
London	2,650	530	80	3,270	1,660	15,500	320	17,470
Midlands	2,590	710	40	3,340	5,320	14,790	70	20,180
North East	3,780	900	40	4,720	2,970	17,910	50	20,930
North West	2,690	980	60	3,730	4,090	14,820	60	18,960
South East	2,910	1,400	20	4,330	2,040	22,070	70	24,180
South West	2,080	830	70	2,980	3,000	12,120	80	15,200
Wales	1,280	540	60	1,880	2,600	3,260	30	5,890
England & Wales	18,000	5,890	370	24,250	21,680	100,470	670	122,820

Source:

HMCTS FamilyMan system and summary 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 have been rounded to the nearest ten. Totals may not add up due to rounding

3 Private Law applications exclude adoptions

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

Table 2.3**Family matters**Matters affecting children: Number of children involved in applications made, by whether Private or Public law, type and tier of court, 2010^{1,2}

Application type	Number of children									
	Public Law					Private Law				
	FPC ^{3,4}	CC	HC	Total	% Change ⁵	FPC ^{3,4}	CC	HC	Total	% Change ⁵
Secure accommodation	280	90	10	390	-7%	-	-	-	-	-
Care	13,560	2,370	80	16,010	-6%	-	-	-	-	-
Discharge of care	220	720	20	960	-18%	-	-	-	-	-
Substitute Supervision Order for a Care Order	10	*	0	10	-	-	-	-	-	-
Supervision order	600	210	10	820	-14%	-	-	-	-	-
Supervision order – discharge	10	*	0	10	-	-	-	-	-	-
Contact with a child in care	270	420	40	730	-2%	-	-	-	-	-
Authority to refuse Contact with a child in care	130	380	50	560	9%	-	-	-	-	-
Education Supervision	220	*	0	220	-6%	-	-	-	-	-
Child assessment orders	30	60	0	90	50%	-	-	-	-	-
Emergency protection order	1,570	80	*	1,660	-25%	-	-	-	-	-
Extension of emergency protection order	50	0	0	50	-48%	-	-	-	-	-
Discharge of emergency protection order	10	10	0	20	-	-	-	-	-	-
Recovery orders	110	110	20	230	13%	-	-	-	-	-
Parental responsibility	70	120	20	210	6%	2,240	5,170	20	7,430	-24%
Section 8										
Residence	240	440	40	720	3%	5,850	34,360	220	40,420	-10%
Contact	240	670	60	970	4%	11,290	34,870	190	46,350	-13%
Prohibited steps	20	30	*	50	-15%	890	16,740	110	17,730	-3%
Specific issue	50	90	20	160	4%	840	7,550	120	8,510	-8%
Financial applications	-	-	-	-	-	350	700	*	1,050	-2%
Special Guardianship Orders ⁶	310	100	*	410	417%	230	1,080	10	1,320	-2%
Total	18,000	5,890	370	24,250	-6%	21,680	100,470	670	122,820	-11%

Source:

HMCTS FamilyMan system and summary 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 have been rounded to the nearest ten. Figures under 5 are marked with an asterisk. Totals may not add up due to rounding

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

4 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 Compared with revised 2009 figures, and based on unrounded data. Percentage changes are not provided where there are less than 20 observations in either period

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

Table 2.4
Family matters
Matters affecting children: Number of children in disposals in all tiers of court, by type of disposal and whether Private or Public law, 2010^{1,2,3}

Order type	Public Law						Private Law						Number of children
	Type of disposal						Type of disposal						
	Applications withdrawn	Orders refused	Orders no orders	Orders made	Total disposals ^{4,5}		Applications withdrawn	Orders refused	Orders no orders	Orders made	Total disposals ^{4,5}		
Secure accommodation	10	*	10	480	510		-	-	-	-	-	-	
Care and Substitute Supervision for Care	300	10	330	7,820	8,450		-	-	-	-	-	-	
Discharge of care order	80	20	10	490	590		-	-	-	-	-	-	
Supervision order	40	*	30	3,370	3,450		-	-	-	-	-	-	
Supervision order – discharge	0	0	0	10	10		-	-	-	-	-	-	
Contact with a child in care	70	20	10	230	320		-	-	-	-	-	-	
Authority to refuse Contact with a child in care	10	*	*	560	580		-	-	-	-	-	-	
Education Supervision	10	0	0	150	160		-	-	-	-	-	-	
Child assessment orders	0	0	0	20	20		-	-	-	-	-	-	
Emergency protection order	230	50	40	1,030	1,350		-	-	-	-	-	-	
Extension of emergency protection order	10	*	*	60	70		-	-	-	-	-	-	
Discharge of emergency protection order	0	0	0	10	10		-	-	-	-	-	-	
Recovery orders	*	0	*	250	260		-	-	-	-	-	-	

Table 2.4 continued

Order type	Public Law						Private Law						Number of children
	Type of disposal			Total disposals ^{4,5}	Type of disposal			Total disposals ^{4,5}					
	Applications withdrawn	Orders refused	Orders no orders made		Applications withdrawn	Orders refused	Orders no orders made						
Parental responsibility	10	0	*	750	760	350	50	60	5,520	5,980			
Section 8													
Residence	40	10	*	2,970	3,020	1,090	120	380	35,390	36,970			
Contact	40	20	30	2,180	2,260	2,190	300	840	92,130	95,460			
Prohibited steps	*	0	0	390	400	380	40	130	15,770	16,320			
Specific issue	*	0	0	200	200	250	20	80	5,640	5,990			
Financial applications	-	-	-	-	-	110	10	30	740	880			
Special Guardianship Orders ⁶	0	0	0	1,970	1,970	20	10	10	900	930			
Total	850	130	470	22,920	24,370	4,380	550	1,510	156,090	162,540			

Source:

HMCTS FamilyMan system and summary returns

Notes:

- Figures relate to the number of children subject to each application
- A new compilation methodology has been introduced for the public and private law disposals data for 2008 onwards – and previously published statistics for 2008 and 2009 have been revised as a result. Please see Annex A for more details.
- Figures have been rounded to the nearest ten. Figures under 5 are marked with an asterisk. Totals may not add up due to rounding
- The number of disposals shown in the table above are not equal to the corresponding number of applications made during the year, because:
 - disposals in 2009 may relate to applications made in earlier years, and
 - an application of one type may lead to an order of a different type being made
- There are known data quality problems with the figures for the Family Proceedings Courts. A new data collection method, introduced in April 2007, has made some improvements to the completeness of data
- Special Guardianship Orders figures in the Family Proceedings Courts are only available for those courts which share premises and administrative systems with county courts. The total has therefore been estimated based on the proportion of the total public law and private law applications made in each tier of court

Table 2.5
Family matters
 Summary statistics on matrimonial proceedings, 2006–2010^{1,2}

	Number of cases					
	2006	2007 ³	2008 ³	2009 ^{3,4}	2010	% Change ⁵
Dissolution of marriage						
Petition filed	147,236	136,187	128,837	132,148 r	133,499	1%
Decrees nisi	135,233	132,987	120,868	119,260 r	125,345	5%
Decrees absolute	132,782	128,953	122,661	115,174 r	121,265	5%
Nullity of marriage						
Petition filed	388	336	331	291 r	298	2%
Decrees nisi	239	189	214	197	166	-16%
Decrees absolute	244	193	200	198 r	156	-21%
Judicial separation						
Petition filed	605	499	421	362 r	300	-17%
Decrees granted	324	304	214	198	171	-14%

Source:

HMCTS FamilyMan system

Notes:

- 1 More detailed statistics on divorces in England and Wales are available from the Office for National Statistics (ONS) at: <http://www.statistics.gov.uk/hub/population/families/marriages--cohabitations--civil-partnerships-and-divorces>. Data in ONS publications are based on marriage and adoption data provided by the General Register Office and divorce data provided by Her Majesty's Courts and Tribunals Service
- 2 Statistics on the number of divorces occurring each year in England and Wales are also published by the ONS. There are small differences between the number of divorces as recorded by the two sets of statistics: 1.2 per cent for 2009 data. Please see **Annex A** for more details
- 3 Figures from 2007 include dissolutions of civil partnerships
- 4 Statistics for 2009 are subject to revision following the detection of a data inputting error at Bristol County Court. Please see **Annex A** for more details
- 5 Compared with published 2009 figures

Table 2.6**Family matters**

Disposal of applications for ancillary relief made in the county courts, by type and whether contested or uncontested, 2010¹

Disposal	Number of disposals			
	Uncontested ²	Initially contested, subsequently consented	Contested	Total
Periodical payments	8,817	2,535	642	11,994
Lump sum orders	18,437	5,199	1,020	24,656
Property adjustment orders	19,157	6,292	1,454	26,903
Pension sharing or attachment orders	7,852	1,989	364	10,205
Secure Provision Order	4,003	896	125	5,024
Maintenance pending suit	1,583	394	279	2,256
Application dismissed	-	869	383	1,252
Total Disposals³	59,849	18,174	4,267	82,290

Source:

HMCTS 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 2.7**Family matters**

Disposal of applications for ancillary relief made in county courts, by whether or not the application was made in respect of a child, 2010¹

Disposal	Number of disposals		
	In respect of child(ren)	Not in respect of child(ren)	Total
Periodical payments	2,404	773	3,177
Lump sum orders	3,203	3,016	6,219
Property adjustment orders	4,081	3,665	7,746
Pension sharing or attachment orders	1,127	1,226	2,353
Secure Provision Order	486	535	1,021
Maintenance pending suit	408	265	673
Application dismissed	591	661	1,252
Total Disposals²	12,300	10,141	22,441

Source:

HMCTS 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 2.8**Family matters**Domestic violence: Applications made in the county courts, 2006–2010^{1,2}

Year	Number of applications								
	Non-molestation Applications			Occupation Applications			Total Applications		
	Ex parte	On notice	Total	Ex parte	On notice	Total	Ex parte	On notice	Total
2006	13,041	3,844	16,885	6,555	2,829	9,384	19,596	6,673	26,269
2007	12,402	3,469	15,871	5,842	2,509	8,351	18,244	5,978	24,222
2008	13,888	3,253	17,141	5,392	2,346	7,738	19,280	5,599	24,879
2009	15,538	3,365	18,903	4,921	2,203	7,124	20,459	5,568	26,027
2010	15,117	2,726	17,843	4,280	1,826	6,106	19,397	4,552	23,949

Source:

HMCTS FamilyMan system

Notes:

1 Applications for arrest warrants not included

2 Does not include applications made in Family Proceedings Courts

Table 2.9**Family matters**Domestic violence: Orders made in the county courts, 2006–2010¹

Year	Number of orders								
	Non-molestation Orders ²			Occupation Orders			Total Orders		
	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
2006	20,860	1,160	22,020	7,283	696	7,979	28,143	1,856	29,999
2007 ²	13,352	6,468	19,820	5,647	1,298	6,945	18,999	7,766	26,765
2008	-	-	19,367	3,375	1,724	5,099	-	-	24,466
2009	-	-	20,662	2,616	1,587	4,203	-	-	24,865
2010	-	-	20,444	2,116	1,527	3,643	-	-	24,087

Source:

HMCTS FamilyMan system

Notes:

1 Does not include orders made in Family Proceedings Courts

2 The Domestic Violence, Crime and Victims Act 2004 made breach of a non-molestation order a criminal and arrestable offence as of July 2007, making it no longer necessary for courts to attach a power of arrest to non-molestation orders

Table 2.10
Family Courts
Forced Marriage Protection Orders: Applications made in the High Court and county courts, 2008–2010

Year	Age of applicant ²			Person to be protected ⁴	Applicant type ³			With power of arrest ⁸			
	Applications made	17 & under	Over 17		Unknown	Relevant third party ⁵	Other third party ⁶	Other	Orders made ⁷	Yes	No
2008 ¹	5	-	-	-	-	-	-	-	7	7	0
2009	96	-	-	-	-	-	-	-	101	79	22
2010	116	57	55	4	37	26	40	13	149	95	54

Source:

HMCTS Performance Database

Notes:

- 1 Forced Marriage Protection Orders were introduced by the Forced Marriage (Civil Protection) Act on 25 November 2008
- 2 Breakdown by age of the applicant was not collected centrally until 2010
- 3 Breakdown by type of applicant was revised and expanded as from 2010
- 4 Person to be protected includes applicants in person as well as those with legal representation
- 5 Relevant third party applicants are those that can apply on behalf of the Person to be protected (PTBP). As of November 2009 only local authorities have been granted this status
- 6 Other third party applicants include those from the police, family, Official Solicitor/Next Friend/Guardian ad litem and voluntary sector
- 7 The number of orders made generally exceed the number of applications as FMPOs are sometimes made during the course of applications for other family orders, and there is no differentiation between interim orders and final orders
- 8 Where a power of arrest is attached to the order, the police have the power to arrest anyone who they have reasonable suspicion to believe are in breach of the order

Table 2.11**The Probate Service**

Grants of representation in non-contentious probate proceedings issued, re-sealed and revoked, by type of application and type of registry, 2010

	Number of cases		
	On personal Application	On Application by Solicitors	Total
Grants issued¹			
<u>Probates</u>			
Principal Registry	9,283	3,046	12,329
District Probate Registries	57,174	122,129	179,303
<u>Letters of Administration with will annexed</u>			
Principal Registry	756	255	1,011
District Probate Registries	3,894	9,953	13,847
<u>Letters of Administration</u>			
Principal Registry	2,626	1,172	3,798
District Probate Registries	14,710	21,637	36,347
Total grants issued	88,443	158,192	246,635
Grants Revoked	-	-	802
Grants re-sealed	48	378	426
Standing Searches²	-	-	13,336

Source:

The Probate Service

Notes:

1 Grants are awarded in the following circumstances:

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

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

Letters of administration – usually when there is no valid will

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

Table 2.12**The Probate Service**

Summary statistics on grants of representation issued, and contentious probate cases, England and Wales, 2006–2010

	Number of cases				
	2006	2007	2008	2009	2010
Grants of representation¹					
<u>Numbers</u>					
Probate	196,748	195,084	200,082	196,245	191,632
Letter of administration with will annexed	14,172	14,398	14,888	15,223	14,858
Letter of Administration	100,207	76,693	52,510	42,696	40,145
<u>Percentages (of all grants)</u>					
Probate	63%	68%	75%	77%	78%
Letter of administration with will annexed	5%	5%	6%	6%	6%
Letter of Administration	32%	27%	20%	17%	16%
Total grants of representation	311,127	286,175	267,480	254,164	246,635
Contested probate cases²	73	185	106	152	120

Source:

The Probate Service

Notes:

1 Grants are awarded in the following circumstances:

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

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

Letters of administration – usually when there is no valid will

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

Magistrates' courts

Chapter 3: Magistrates' courts

This chapter refers to criminal proceedings in the magistrates' courts. Information on family proceedings dealt with in the magistrates' courts can be found in Chapter 2.

Virtually all criminal court cases start in the magistrates' courts. The less serious offences are handled entirely in magistrates' courts, with over 90 per cent of all cases being dealt with in this way. The more serious offences are passed on to the Crown Court, either for sentencing after the defendant has been found guilty in the magistrates' court, or for full trial with a judge and jury. More information on cases passed on to the Crown Court can be found in Chapter 4.

Magistrates deal with three kinds of cases:

- Summary offences. These are less serious cases, such as motoring offences and minor assaults, where the defendant is not usually entitled to trial by jury. They are generally disposed of in the magistrates' courts.
- Indictable offences. These include indictable-only and either-way offences.
 - 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 passed to the Crown Court.

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

Cases are either heard by two or three lay magistrates or by one district judge. The lay magistrates, or 'Justices of the Peace', as they are also known, are local people who volunteer their services. They do not require formal legal

qualifications, but will have undertaken a training programme, including court and prison visits, to develop the necessary skills. They are given legal and procedural advice by qualified clerks. On the other hand, district judges are legally qualified, paid, full-time professionals and are usually based in the larger cities. They normally hear the more complex or sensitive cases.

As of April 2010, there were 29,270 magistrates, 143 district judges and 151 deputy district judges operating in the roughly 330 magistrates' courts throughout England & Wales.

Information on the data sources used for the magistrates' courts statistics can be found in **Annex A**. Explanations for some of the main terms used in this chapter can be found in the **Glossary**. The tables of detailed data can be found immediately following this section of commentary.

Key findings for 2010

- An estimated 1.68 million defendants were proceeded against in criminal cases in the magistrates' courts in 2010 (excluding breaches), a fall compared to the 1.79 million defendants' in 2009.
- 180,000 trials were recorded in the magistrates' courts in 2010 (unchanged from 2009). Of those trials, 39 per cent were recorded as cracked (up by one percentage point from 2009), with 18 per cent recorded as ineffective (down by a percentage point from 2009).
- The estimated average time taken from offence to completion in 2010 was 138 days for defendants in completed criminal cases in magistrates' courts (down from 141 days in 2009).
- The estimated average time taken from charge to completion in 2010 for adult charged cases, excluding cases sent or committed to the Crown Court, was 6.7 weeks (down from 6.9 weeks in 2009).
- The estimated average number of hearings per case was 2.2 hearings, down from 2.3 hearings in 2009.
- The amount paid in the enforcement of financial penalties was £281 million, a 12 per cent increase on 2009.

Defendants Proceeded Against

Data since 2008 are derived from the HMCTS Performance Database 'OPT' whereas earlier years' data came from the Court Proceedings Database from the Office of Criminal Justice Reform. These sets of data are not identical, and cannot be directly compared. Therefore no comparison to earlier years is made in this section on caseload and no data for years prior to 2008 are included in **Table 3.1**.

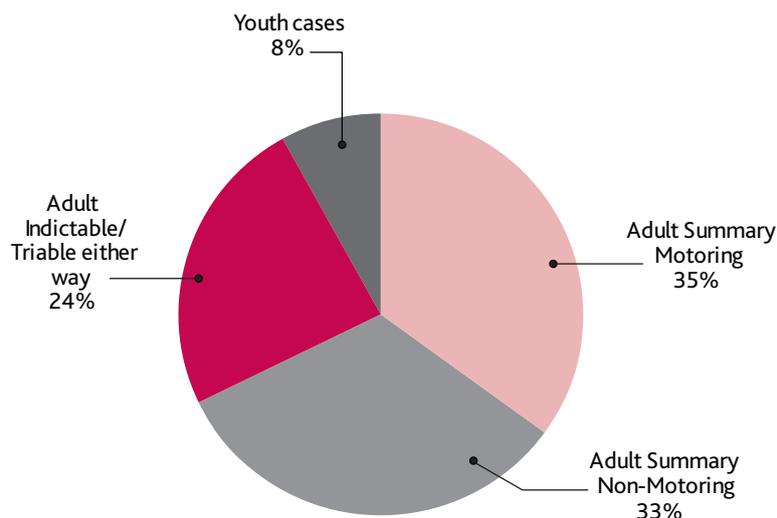
These statistics consider cases completed in magistrates' courts, and are case-based, so where a case has more than one offence, only the most serious offence is counted.

An estimated 1.68 million defendants were proceeded against for criminal offences (excluding breaches) in magistrates' courts during 2010, a decrease of six per cent compared with 2009. The decrease in the number of criminal proceedings was primarily the result of fewer proceedings for summary motoring offences (a fall of eight per cent) and summary non-motoring offences (a fall of four per cent).

In 2010 there were 411,000 defendants in adult indictable/triable-either way cases, which represented just under a quarter (24 per cent) of defendants in criminal cases. There were 547,000 adult summary non-motoring cases, comprising of around 33 per cent of defendants, and 591,000 adult summary motoring cases, comprised 35 per cent of criminal cases. In addition, there were 131,000 youth proceedings in the magistrates' court, representing eight per cent of all defendants in criminal cases, and a 16 per cent fall on 2009.

Statistics on the number of defendants proceeded against in magistrates' courts are shown in **Tables 3.1** and **3.2**

Defendants proceeding against in magistrates' courts (excluding breaches), by offence type, 2010



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.

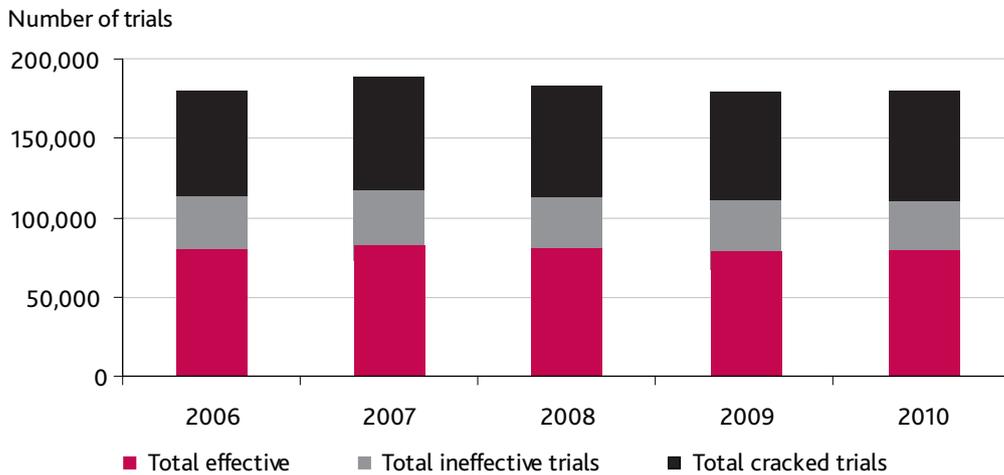
Magistrates' courts record the number and outcome of trials. Trial outcomes are listed as 'Effective', 'Ineffective' or 'Cracked', according to the following definitions:

- Effective Trial – A trial that commences on the day it is scheduled, and has an outcome in that a verdict is reached or the case is concluded.
- Cracked Trial – On the trial date no further trial time is required and the case is closed. This may be because the defendant offers acceptable pleas or the prosecution offers no evidence.
- 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. Generally speaking, 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 effectiveness of trials is important for court and case management.

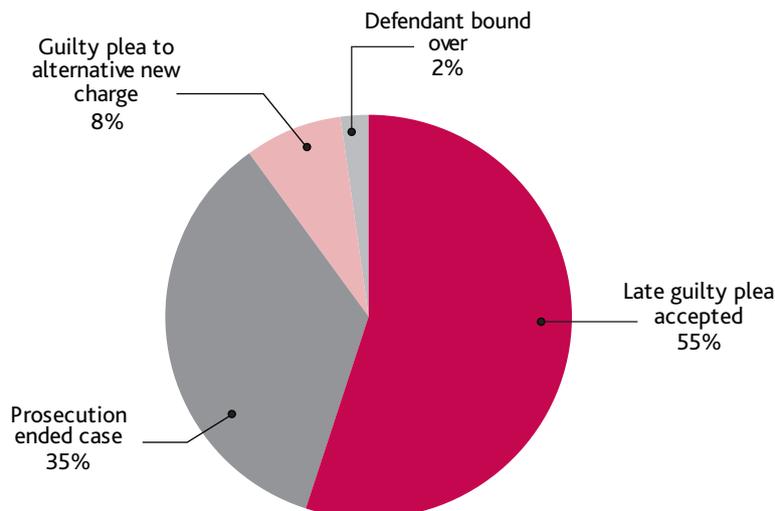
In 2010, 180,000 trials were recorded in the magistrates' courts, which remained unchanged from the previous year. Of the total number of trials recorded, 43 per cent were recorded as effective, 39 per cent were recorded as cracked, and 18 per cent were recorded as ineffective.

Number of trials in magistrates' courts by outcome, 2006-2010



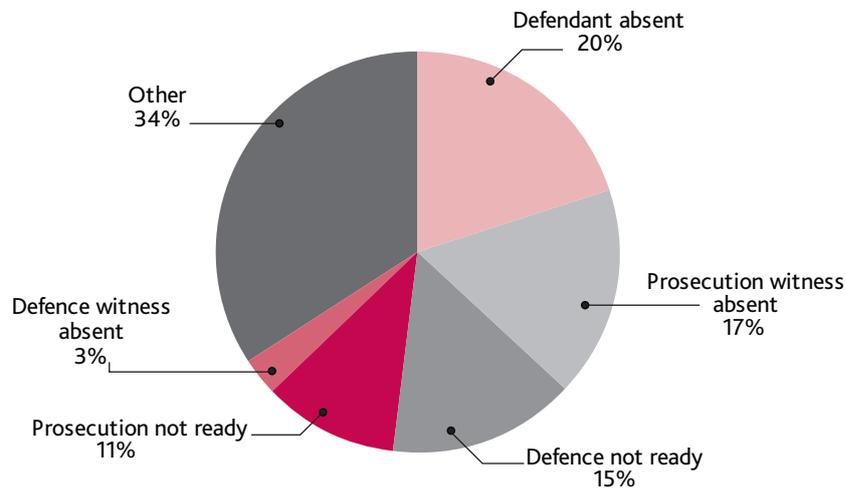
Since 2006, the proportion of cracked trials has increased by two percentage points to 39 per cent. Of these 'cracked' trials, 55 per cent of cracked trials were due to a late guilty plea being accepted, and 35 per cent were cracked due to the prosecution ending the case.

Cracked trials: reason for cracked trials in 2010



Some 18 per cent of trials were recorded as ineffective in 2010, a percentage which has remained consistent over recent years. The main reasons for ineffective trials included the absence of the defendant (20 per cent of all ineffective trials) and the absence of a prosecution witness (17 per cent of all ineffective trials).

Ineffective trials: reasons for ineffective trials in 2010



Statistics on trials in magistrates' courts are shown in **Tables 3.3, 3.4, and 3.5.**

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.

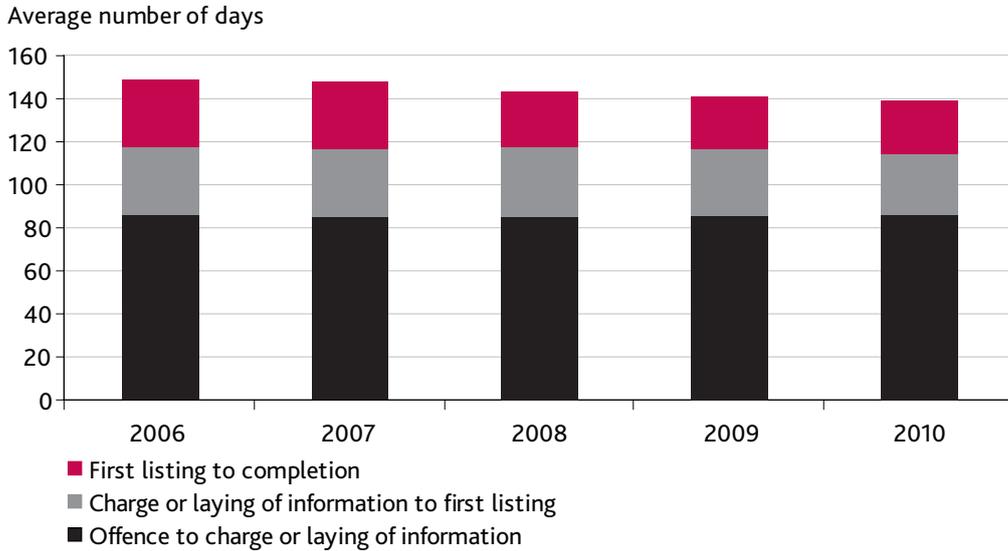
Information on completed adult indictable cases and charged summary cases is collected over one week in the final month of each calendar quarter. Information on completed adult summonsed summary offences is additionally collected in March and September surveys. Information on youth defendants in both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

For further information on the Time Intervals Survey can be found on the MoJ website at:

<http://www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/magistrates-times.htm>

In 2010, the estimated average time taken from offence to completion in the magistrates' courts was 138 days for all criminal cases. This compares to 148 days in 2006, a decrease of seven per cent in the time taken to complete a case.

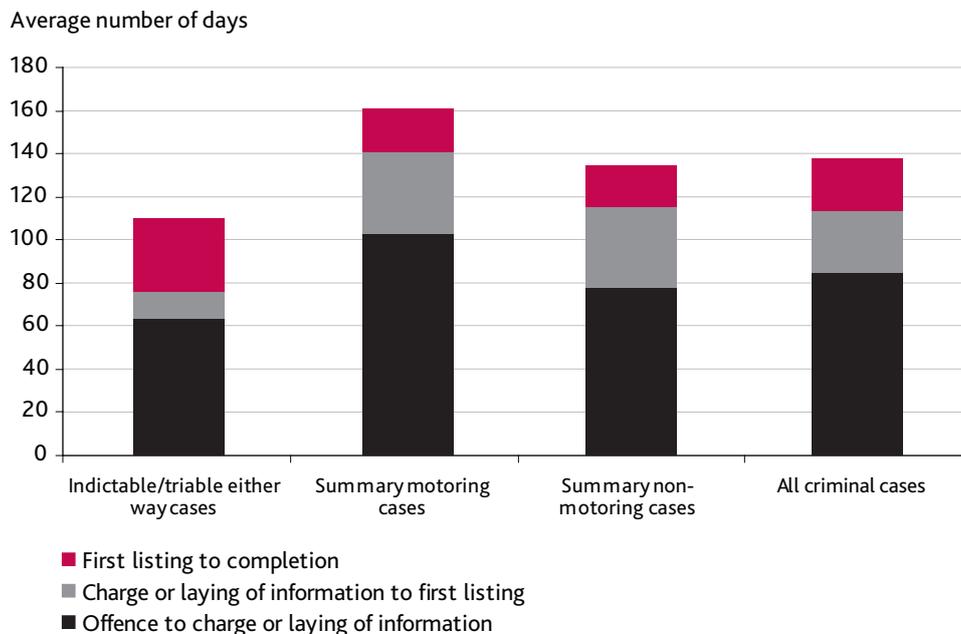
Average number of days for all criminal cases proceeded against in magistrates' courts, by stage of proceedings, 2006-2010



The estimated average time from offence to completion decreased by three days in 2010 when compared to 141 days in 2009.

The estimated average time taken for the stage from offence to charge or laying of information has remained unchanged since 2009, at 85 days in 2010. However, the estimated average time taken for the stage from charge or laying of information to the first listing in a magistrates' court decreased by two days, from 31 days in 2009 to 29 days in 2010. The estimated average time from first listing to completion in the magistrates' courts in 2010 was 24 days and also remained unchanged from 2009.

Average time by stage of proceedings, defendants in all criminal cases, 2010



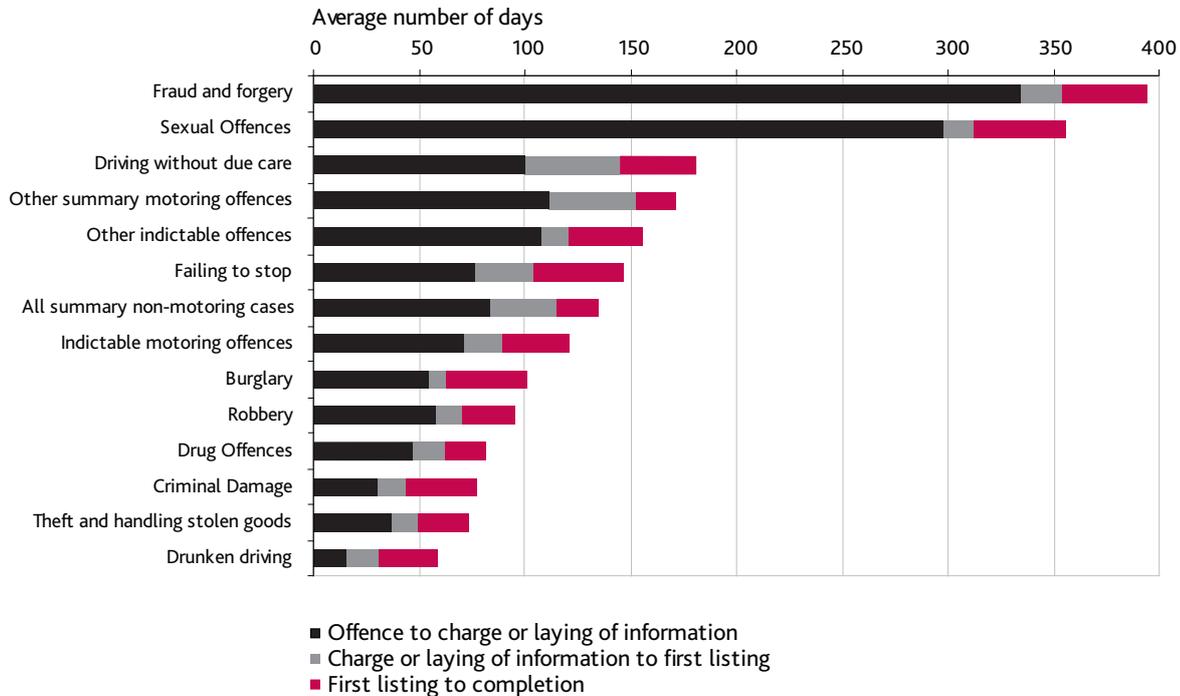
The estimated average time between offence and completion for indictable cases was 110 days in 2010, a one-day decrease from 111 days in 2009. For summary motoring cases the estimated average time taken between offence and completion was 161 days, a one-day decrease from 162 days in 2009. In 2010, there was an estimated average of 134 days between offence and completion for summary non-motoring cases, a four-day decrease from 2009.

The estimated average time taken for the stage from offence to charge or laying of information has remained unchanged since 2009, at 85 days in 2010. However, the estimated average time taken for the stage from charge or laying of information to the first listing in a magistrates' court decreased by two days, from 31 days in 2009 to 29 days in 2010. The estimated average time from first listing to completion in the magistrates' courts in 2010 was 24 days and also remained unchanged from 2009.

Sexual Offence cases took the second longest time on average between offence and charge/ laying of information at 298 days. Drunken Driving offences took, on average, the shortest time from offence to charge/laying of information at 15 days.

Compared to summary cases, indictable cases took less time from charge or laying of information to first listing (an estimated 13 days, as opposed to 32 and 39 days for summary non-motoring and motoring cases respectively). However, indictable cases took more time from first listing to completion (34 days as opposed to 19 and 20 days for summary non-motoring and motoring cases respectively).

Average time taken by offence group and stage of proceedings for defendants in all criminal cases, 2010



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

In 2010 the estimated average time from charge to completion for adult charged cases, excluding cases sent or committed to the Crown Court, was 6.7 weeks, a decrease from 6.9 weeks in 2009.

In 2010 the estimated average number of hearings per case was 2.2 hearings, a decrease from 2.3 hearings in 2009. Since 2006, the average time from charge to completion for adult cases has fallen by 25 per cent and the average number of hearings by 24 per cent.

Statistics on the timeliness of cases in magistrates' courts are shown in **Tables 3.6, 3.7, 3.8 and 3.9.**

Enforcement

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

The amount paid in England and Wales in 2010 was £281 million, a 12 per cent increase from the previous year. The increase in the value of fines observed between 2009 and 2010 in the magistrates' courts coincided with a number of initiatives, including revised sentencing guidelines issued to magistrates in 2009, improvements to payment facilities and the increased use of enforcement sanctions.

Statistics on enforcement of financial penalties in the magistrates' courts are shown in **Table 3.10**.

Table 3.1
Magistrates' courts
 Number of defendants proceeded against in magistrates' courts, by offence type, England and Wales, 2008–2010^{1,2}

Year	Number of defendants (in thousands) ³											
	Criminal cases					Other cases					Total	
	Total criminal offences	Adult summary motoring proceedings	Adult summary non-motoring proceedings	Adult indictable/ triable either way proceedings	Adult breach proceedings	Youth proceedings	Total other cases	Representation orders	Means enquiries	Civil & family cases	Special Jurisdiction	Total number of defendants
2008	2,031	696	613	450	116	155	977	589	256	130	2	3,008
2009	1,913	644	571	420	121	156	974	584	266	122	2	2,887
2010	1,797	591	547	411	118	131	990	540	313	135	2	2,788

Source:

Completed Proceedings, HM Courts and Tribunals Service Performance Database (OPT)

Notes:

- 1 The figures presented here are derived from a different data source (OPT) to bulletins prior to 2008 and are not therefore directly comparable with data from previous years
- 2 In cases where a defendant appears at court in a case with more than one offence, only the offence which has the heaviest penalty imposed is counted. Where the same penalty is imposed for two or more offences, the offence counted is the one that attracts the statutory maximum penalty. In instances where the same individual appears in multiple cases, these are recorded here as multiple defendants
- 3 Number of defendants are presented in thousands (000s) in the table. For example, 2,788 thousand defendants is equivalent to 2.79 million defendants

Table 3.2**Magistrates' courts**

Number of defendants proceeded against for criminal offences (excluding breaches), by offence type and HMCTS area, England and Wales, 2010^{1,2,3}

HMCTS Area	Number of defendants (thousands) ⁴				
	Adult			Youth	Total
	Indictable / triable either way offences	Summary non-motoring offences	Summary motoring offences	All offence types	Total defendants proceeded against
Avon and Somerset, Devon & Cornwall, and Gloucestershire	22.2	24.3	30.4	6.5	83.5
Bedfordshire, Hertfordshire and Thames Valley	24.0	27.7	42.0	6.8	100.4
Cambridgeshire, Essex, Norfolk and Suffolk	23.8	30.8	43.4	7.8	105.9
Cheshire and Merseyside	21.8	30.2	29.0	6.2	87.1
Cleveland, Durham and Northumbria	25.4	34.2	24.3	8.5	92.4
Cumbria and Lancashire	19.2	21.6	24.9	6.6	72.2
Dorset, Hampshire & Isle of Wight, and Wiltshire	20.7	22.6	35.3	7.4	85.9
East Midlands	29.7	33.9	42.2	9.3	115.2
Greater Manchester	25.0	40.9	31.2	8.4	105.5
Humber and South Yorkshire	17.7	22.4	24.3	6.2	70.7
Kent, Surrey and Sussex	23.5	32.7	37.4	8.3	101.9
London (Central and South)	26.0	35.3	26.9	5.9	94.2
London (North and West)	44.5	83.4	68.0	17.3	213.1
Mid and West Wales	7.1	7.3	9.6	1.7	25.8
North Wales	5.4	5.8	9.3	1.7	22.3
North and West Yorkshire	24.2	26.2	35.7	8.4	94.5
South East Wales	13.6	18.9	17.0	4.1	53.7
Staffordshire and West Mercia	13.0	16.2	23.1	3.9	56.2
West Midlands and Warwickshire	23.8	32.1	36.9	6.2	99.0
England and Wales	410.5	546.7	591.1	131.3	1,679.6

Source:

Completed Proceedings, HM Courts and Tribunals Service Performance Database (OPT)

Notes:

- 1 The figures presented here are derived from a different data source (OPT) to bulletins prior to 2008 and are not therefore directly comparable with data from previous years
- 2 In cases where a defendant appears at court in a case with more than one offence, only the offence which has the heaviest penalty imposed is counted. Where the same penalty is imposed for two or more offences, the offence counted is the one that attracts the statutory maximum penalty. In instances where the same individual appears in multiple cases, these are recorded here as multiple defendants
- 3 The figures presented here are based on the new 19 HMCTS areas, as per the 2010 restructuring of administrative arrangements. The area not shown is London (Civil and Family), which covers non-criminal caseload
- 4 Number of defendants are presented in thousands (000s) in the table. For example, 1,679.6 thousand defendants is equivalent to 1.68 million defendants

Table 3.3
Magistrates' courts
 Proportion of listed trials which 'cracked', by reason, England and Wales, 2006–2010

Year	Total criminal trials	Total cracked trials		Reasons for cracked trial ¹											
		Number	Percentage	Cracked trial rate		Late guilty plea accepted		Guilty plea to alternative		Defendant bound over		Prosecution end case		Other reason	
				Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
2006	180,950	66,858	37%	35,368	53%	4,737	7%	2,802	4%	23,889	36%	62	0%		
2007	189,830	72,565	38%	39,490	54%	5,134	7%	2,220	3%	25,669	35%	52	0%		
2008	183,511	70,366	38%	39,820	57%	5,108	7%	1,621	2%	23,770	34%	47	0%		
2009	179,858	68,080	38%	38,272	56%	5,086	7%	1,482	2%	23,198	34%	42	0%		
2010	179,794	69,445	39%	38,285	55%	5,532	8%	1,590	2%	24,010	35%	28	0%		

Sources:

Cracked and ineffective trials monitoring form, Business information Division, HM Courts and Tribunals Service
 HM Courts and Tribunals Service Performance Database (OPT)

Notes:

- 1 The main reason for each cracked trial is recorded and grouped into the summary reasons as shown; the list of reasons available to recorders was modified in 2006. See Annex A for details and groupings. If further details are required please use the appropriate contact details at the back of this bulletin

Table 3.4
Magistrates' courts
 Proportion of listed trials which 'ineffective', by reason, England and Wales, 2006–2010

Year	Total criminal trials	Total ineffective trials	Ineffective trial rate	Reasons for cracked trial ¹											
				Prosecution not ready		Prosecution witness absent		Defence not ready		Defence witness absent		Defendant absent/unfit to stand		Other reason	
				Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
2006	180,950	35,044	19%	3,907	11%	8,550	24%	4,129	12%	1,696	5%	7,223	21%	9,539	27%
2007	189,830	35,150	19%	3,684	10%	7,774	22%	4,855	14%	1,500	4%	7,407	21%	9,930	28%
2008	183,511	33,423	18%	3,611	11%	6,712	20%	5,137	15%	1,371	4%	7,117	21%	9,475	28%
2009	179,858	33,609	19%	3,595	11%	6,243	19%	5,372	16%	1,394	4%	6,903	21%	10,102	30%
2010	179,794	32,376	18%	3,429	11%	5,628	17%	4,872	15%	1,129	3%	6,392	20%	10,926	34%

Sources:

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

Notes:

- 1 The main reason for each cracked trial is recorded and grouped into the summary reasons as shown; the list of reasons available to recorders was modified in 2006. See Annex A for details and groupings. If further details are required please use the appropriate contact details at the back of this bulletin

Table 3.5
Magistrates' courts
 Effectiveness of listed trials, by HMCTS area, England and Wales, 2010¹

HMCTS Area	Total number of trials	Effective trials		Ineffective trials		Cracked trials	
		Number	Percentage of total trials	Number	Percentage of total trials	Number	Percentage of total trials
Avon and Somerset, Devon & Cornwall, and Gloucestershire	7,444	3,674	49%	1,340	18%	2,430	33%
Bedfordshire, Hertfordshire and Thames Valley	11,254	5,472	49%	1,990	18%	3,792	34%
Cambridgeshire, Essex, Norfolk and Suffolk	8,597	4,344	51%	1,322	15%	2,931	34%
Cheshire and Merseyside	8,735	3,493	40%	1,200	14%	4,042	46%
Cleveland, Durham and Northumbria	9,553	3,843	40%	1,621	17%	4,089	43%
Cumbria and Lancashire	9,642	3,830	40%	1,463	15%	4,349	45%
Dorset, Hampshire & Isle of Wight, and Wiltshire	10,222	4,550	45%	2,185	21%	3,487	34%
East Midlands	13,171	5,379	41%	2,843	22%	4,949	38%
Greater Manchester	10,707	5,048	47%	1,663	16%	3,996	37%
Humber and South Yorkshire	6,543	2,653	41%	1,028	16%	2,862	44%
Kent, Surrey and Sussex	10,557	4,536	43%	2,278	22%	3,743	35%
London (Central and South)	12,310	5,666	46%	2,458	20%	4,186	34%
London (North and West)	25,847	11,934	46%	4,518	17%	9,395	36%
Mid and West Wales	1,713	874	51%	222	13%	617	36%
North and West Yorkshire	10,285	3,450	34%	2,279	22%	4,556	44%
North Wales	2,165	1,042	48%	265	12%	858	40%
South East Wales	5,299	1,919	36%	783	15%	2,597	49%
Staffordshire and West Mercia	5,530	2,441	44%	887	16%	2,202	40%
West Midlands and Warwickshire	10,220	3,825	37%	2,031	20%	4,364	43%
England and Wales	179,794	77,973	43%	32,376	18%	69,445	39%

Sources:

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

Note:

¹ The figures presented here are based on the new 19 HMCTS areas, as per the 2010 restructuring of administrative arrangements. The area not shown is London (Civil and Family), which covers non-criminal caseload. Figures at LCJB level are available on request. If required, please use the appropriate contact details at the back of this bulletin

Table 3.6**Magistrates' courts**

Average time taken by stage of proceedings and percentage of proceedings dealt with on first listing for defendants in criminal cases in the magistrates' courts, by offence type, England and Wales, 2006–2010^{1,2}

Year	Average number of days from:								Percentage completed at first listing (i.e. no adjournments)	Sample size (number of defendants)
	Offence to charge or laying of information	Margin of error (+/- days) ³	Charge or laying of information to first listing	Margin of error (+/- days) ³	First listing to completion	Margin of error (+/- days) ³	Offence to completion	Margin of error (+/- days) ³		
<u>Indictable/triable either way cases</u>										
2006	61	2	10	0	52	1	123	2	30%	27,730
2007	61	2	10	0	47	1	118	2	32%	28,756
2008	62	2	12	0	37	1	112	2	39%	29,608
2009	62	2	13	0	36	1	111	2	41%	31,624
2010	64	2	13	0	34	1	110	2	41%	31,799
<u>Summary motoring cases</u>										
2006	94	1	41	0	25	1	160	1	63%	26,707
2007	96	1	41	0	25	1	162	1	65%	26,396
2008	99	1	43	0	21	1	163	1	65%	22,782
2009	99	1	42	0	22	1	162	2	66%	21,663
2010	102	1	39	0	20	1	161	1	69%	21,160
<u>Summary non-motoring cases</u>										
2006	85	1	37	0	24	1	146	2	71%	18,976
2007	83	1	37	1	24	1	144	2	70%	18,231
2008	83	2	36	1	20	1	138	2	73%	16,838
2009	87	2	35	0	17	1	138	2	74%	17,836
2010	83	2	32	0	19	1	134	2	70%	15,885
<u>All criminal cases</u>										
2006	85	1	32	0	31	1	148	1	58%	60,200
2007	84	1	32	0	31	1	147	1	58%	59,353
2008	84	1	33	0	26	1	143	1	60%	54,637
2009	85	1	31	0	24	1	141	1	61%	55,611
2010	85	1	29	0	24	1	138	1	61%	53,396

Source:

Time Intervals Survey, Ministry of Justice

Notes:

- 1 Results are based on both adult and youth 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 More detailed results and notes from the Time Intervals Survey are published in a National Statistics Bulletin, available at: <http://www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/magistrates-times.htm>
- 3 The margin of error is a measure of the precision of a result based on a survey. The true value is likely to fall within the range of the sample result plus or minus the margin of error

Table 3.7
Magistrates' courts
 Average time taken by stage of proceedings and percentage of proceedings completed at first listing for defendants in criminal cases in the magistrates' courts, by offence group, England and Wales, 2010^{1,2}

Offence group	Average number of days from:										Percentage completed at first listing (i.e. no adjournments)	Sample size (number of defendants)
	Offence to charge or laying of information	Margin of error (+/- days) ³	Charge or laying of information to first listing	Margin of error (+/- days) ³	First listing to completion	Margin of error (+/- days) ³	Offence to completion	Margin of error (+/- days) ³	Offence to completion	Margin of error (+/- days) ³		
All indictable / triable either way cases												
Burglary	54	7	9	1	37	5	100	8	32%	1,987		
Criminal Damage	31	2	13	0	33	2	76	4	45%	2,505		
Drug Offences	47	2	14	0	19	2	81	3	55%	4,727		
Fraud and forgery	335	29	19	2	41	4	394	30	34%	1,083		
Indictable motoring offences	71	16	18	2	31	5	120	17	47%	496		
Robbery	58	9	11	7	25	3	95	12	62%	781		
Sexual Offences	298	42	15	2	43	11	356	44	39%	813		
Theft and handling stolen goods	37	2	12	0	24	1	73	3	47%	10,036		
Violence against the person	42	2	13	1	55	2	110	3	24%	6,823		
Other indictable offences	107	10	13	1	35	2	155	11	43%	2,548		
All summary motoring cases												
Drunken driving	15	2	15	1	28	5	58	5	67%	1,989		
Driving without due care	101	5	43	3	36	5	180	8	46%	519		
Failing to stop	76	14	27	4	43	16	146	22	48%	67		
Other summary motoring offences	111	1	42	0	19	1	171	1	70%	18,585		
All summary non-motoring cases	83	2	32	0	19	1	134	2	70%	15,885		
All criminal cases	85	1	29	0	24	1	138	1	61%	53,396		

Source:

Time Intervals Survey, Ministry of Justice

Notes:

- 1 Results are based on both adult and youth 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 More detailed results and notes from the Time Intervals Survey are published in a National Statistics Bulletin, available at: <http://www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/magistrates-times.htm>
- 3 The margin of error is a measure of the precision of a result based on a survey. The true value is likely to fall within the range of the sample result plus or minus the margin of error

Table 3.8
Magistrates' courts
 Average time taken from offence to completion for defendants in all criminal cases in magistrates' courts, by offence type and HMCTS area, England and Wales, 2010^{1,2,3}

HMCTS Area	Average number of days from offence to completion						Sample size (number of defendants)				
	Indictable/ either way cases (+/- days) ⁴	Margin of error (+/- days) ⁴	Summary motoring cases (+/- days) ⁴	Margin of error (+/- days) ⁴	Summary non- motoring cases (+/- days) ⁴	Margin of error (+/- days) ⁴	All cases (+/- days) ⁴	Indictable/ either way cases	Summary motoring cases	Summary non- motoring cases	All cases
Avon and Somerset, Devon & Cornwall, and Gloucestershire	118	11	158	5	130	6	134	1,829	1,150	766	2,861
Bedfordshire, Hertfordshire and Thames Valley	130	10	167	6	150	6	153	1,785	1,757	966	3,683
Cambridgeshire, Essex, Norfolk and Suffolk	97	8	135	4	150	10	128	2,241	1,505	969	3,641
Cheshire and Merseyside	98	8	187	5	118	6	141	1,580	1,219	1,181	3,207
Cleveland, Durham and Northumbria	92	7	138	7	111	8	116	1,848	939	1,110	2,957
Cumbria and Lancashire	91	7	159	5	113	7	124	1,601	844	846	2,493
Dorset, Hampshire & Isle of Wight, and Wiltshire	122	12	166	8	143	11	150	1,456	1,259	629	2,672
East Midlands	120	9	161	5	128	11	141	2,132	1,739	858	3,683
Greater Manchester	109	10	152	9	130	6	132	1,634	1,032	950	2,853
Humber and South Yorkshire	90	9	166	12	129	6	132	1,352	777	839	2,346
Kent, Surrey and Sussex	126	11	175	6	135	7	151	1,730	1,509	920	3,293
London (Central and South)	125	10	151	8	162	17	146	2,593	855	730	2,906
London (North and West)	103	7	173	3	156	6	146	3,600	2,148	2,079	6,073
Mid and West Wales	97	19	158	10	155	44	145	287	217	65	419
North Wales	107	21	173	9	100	23	129	421	227	77	527

Table 3.8 continued

HMCTS Area	Average number of days from offence to completion				Sample size (number of defendants)							
	Indictable/ either-way cases	Margin of error (+/- days) ⁴	Summary motoring cases	Margin of error (+/- days) ⁴	Summary non- motoring cases	Margin of error (+/- days) ⁴	All cases	Indictable/ either-way cases	Summary motoring cases	Summary non- motoring cases	All cases	
North and West Yorkshire	110	8	131	5	108	14	122	6	1,913	1,320	599	2,897
South East Wales	116	14	183	9	146	10	151	7	997	632	815	1,944
Staffordshire and West Mercia	131	14	156	8	135	11	138	6	968	822	579	1,862
West Midlands and Warwickshire	106	10	168	6	119	7	133	5	1,832	1,209	907	3,079
England and Wales	110	2	161	1	134	2	138	1	31,799	21,160	15,885	53,396

Source:

Time Intervals Survey, Ministry of Justice

Notes:

- 1 Results are based on both adult and youth proceedings in one sample week in March, June, September and December for indictable/triable-either-way offences and March and September surveys only for summary offences and all criminal cases. Hence, the sum of the number of defendants by offence type does not equal the total number of defendants
- 2 The figures presented here are based on the new 19 HMCTS areas, as per the 2010 restructuring of administrative arrangements. The area not shown is London (Civil and Family), which covers non-criminal caseload. Figures at LCJB level are available on request. If required, please use the appropriate contact details at the back of this bulletin. See **Annex A** for further information on the new HMCTS structure
- 3 More detailed results and notes from the Time Intervals Survey are published in a National Statistics Bulletin, available at: <http://www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/magistrates-times.htm>
- 4 The margin of error is a measure of the precision of a result based on a survey. The true value is likely to fall within the range of the sample result plus or minus the margin of error

Table 3.9**Magistrates' courts**

Adult charged cases (excluding cases sent or committed to the Crown Court): average time taken from charge to completion and average number of hearings per case, England and Wales, 2006–2010^{1,2}

Year	Average number of weeks from charge to completion		Average number of hearings per case		Sample size
	Number of weeks	Margin of error (+/- weeks) ³	Number of weeks	Margin of error (+/- weeks) ³	Number of defendants
2006	8.9	0.2	2.92	0.03	32,952
2007	8.3	0.1	2.88	0.03	34,549
2008	7.0	0.1	2.38	0.02	34,249
2009	6.9	0.1	2.27	0.02	35,323
2010	6.7	0.1	2.21	0.02	34,923

Source:

Time Intervals Survey, Ministry of Justice

Notes:

- 1 Results are based on proceedings in one sample week in March, June, September and December
- 2 More detailed results and notes from the Time Intervals Survey are published in a National Statistics Bulletin, available at: <http://www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/magistrates-times.htm>
- 3 The margin of error is a measure of the precision of a result based on a survey. The true value is likely to fall within the range of the sample result plus or minus the margin of error

Table 3.10
Magistrates' courts
 Enforcement of financial penalties in magistrates' courts,
 England and Wales, 2006–2010^{1,2}

Year	Amount paid (£ millions) ³
2006	242
2007	255
2008	251
2009	251
2010	281

Source:

Debt Analysis Return (DAR), Business Information Division, HM Courts and Tribunals Service
 HM Courts and Tribunals Service Performance Database (OPT)

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 HMCTS
- 2 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
- 3 The amount paid represents the amount of financial penalties collected by the courts in the given year

The Crown Court

Chapter 4 - The Crown Court

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

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

The Crown Court has jurisdiction to deal with all trials on indictment and to hear appeals, proceedings on committal of a person for sentence and committal following breach of a community order, and original proceedings in civil matters under certain statutes. It is a unitary court, but is currently based at 77 centres across England and Wales. There are three different types of centre based on the type of work they deal with. They are as follows:

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

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

Information on the data sources used for the Crown Court statistics can be found in **Annex A**. Explanations for some of the main terms used in this section can be found in the **Glossary**. The tables of detailed data can be found immediately following this section of commentary.

Key findings for 2010

- Around 97,700 cases were committed/sent for trial to the Crown Court in 2010. This represents no change compared to 2009. Disposals of cases committed/sent for trial increased by six per cent to 100,100 in 2010.
- Some 40,800 cases were committed to the Crown Court for sentence in 2010, an increase of six per cent on the previous year. While appeals against magistrates' decisions decreased by four per cent to 13,800
- Guilty pleas as a proportion of all defendants where a plea was entered fell to 70 per cent in 2010 from 71 per cent in 2009.
- In 2010, the cracked and ineffective trial rates both rose by around one percentage point to 43 per cent and 14 per cent, respectively.
- In 2010, the average waiting time for defendants on bail in committed for trial cases was 15.6 weeks and 9.4 weeks for those held in custody.
- In sent for trial cases the average waiting time in 2010 for defendants on bail was 23.0 weeks and 15.5 weeks for those held in custody in 2010.
- The average hearing time for defendants who pleaded not guilty decreased from 19.8 hours in 2009 to 19.5 hours in 2010 in sent for trial cases, and fell from 7.6 hours to 7.3 hours in committed for trial cases between 2009 and 2010.

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 the 6 June 2005, the method of classifying offences was amended such that all class 4 offences were reclassified to class 3 offences.

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

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

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

Sent for Trial – 'Indictable Only' Offences

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

Committals for Trial – ‘Either Way’ Offences

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

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

Committals for Sentence

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

Appeals

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

Plea and Case Management

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

The first hearing in a sent for trial case may be a preliminary hearing which is then followed by a PCMH.

Bench Warrants

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

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

Findings for 2010

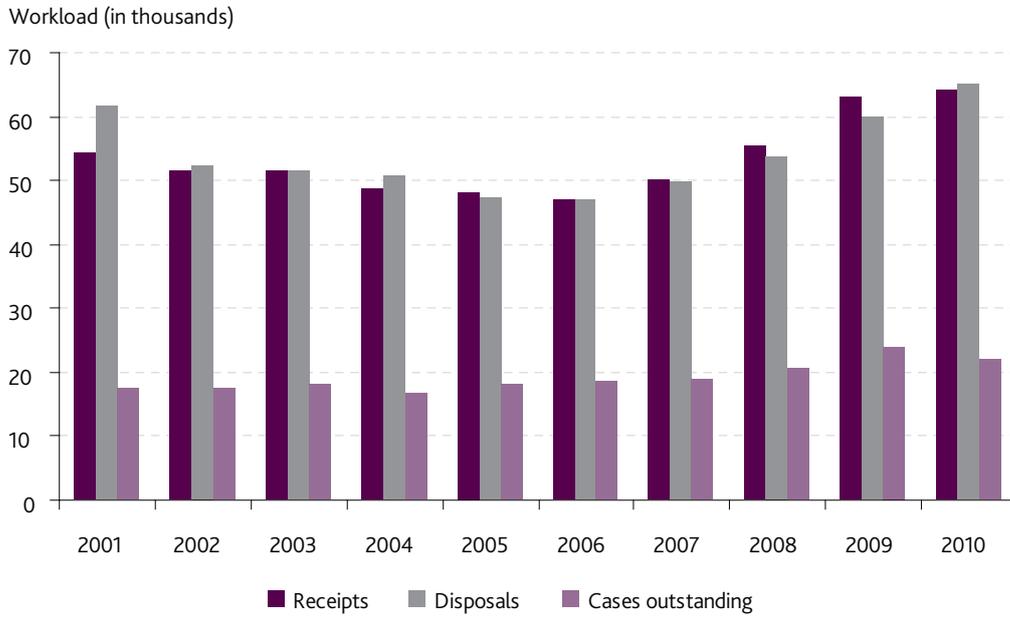
The information contained within this chapter was produced using a Management Information System (MIS) data warehouse which provides the Ministry of Justice with access to more complete data than previously possible. MIS receives monthly updates from the Courts Record System (CREST), a computer-based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

Receipts, Disposals and Outstanding Workload

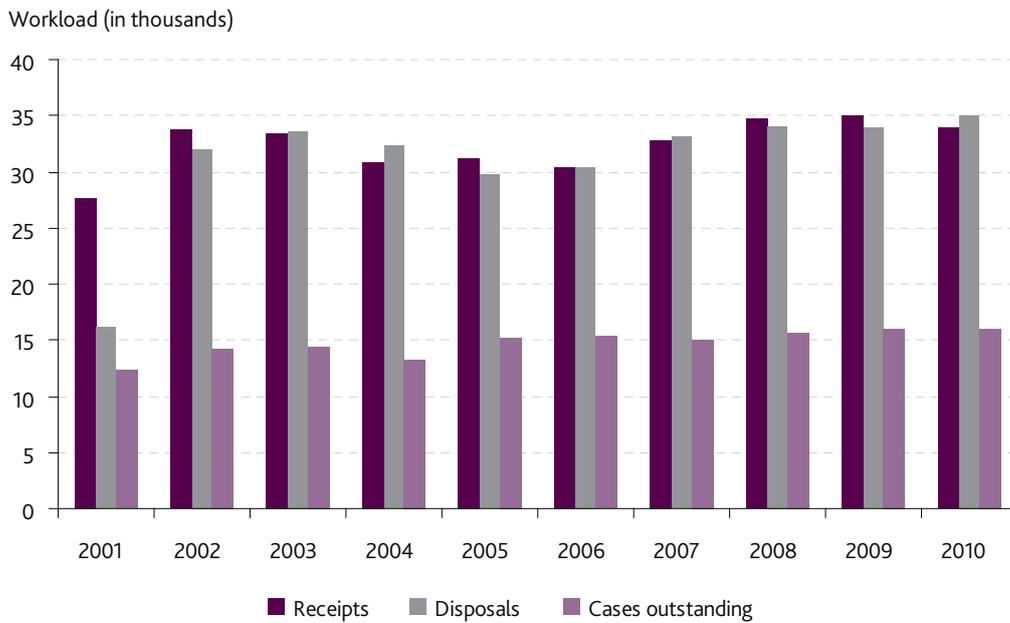
A number of changes to court procedures over the last fifteen years have contributed to a shift in workload between magistrates' court and the Crown Court.

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

Crown Court Committed for Trial Workload, 2001 to 2010



Crown Court Sent for Trial Workload, 2001 to 2010



In 2010, around 97,700 cases were received for trial in the Crown Court. This figure remains unchanged from the previous year and brings to an end the year on year increases observed in the last few years. The key driver behind the break in the upward trend is a slower rate of growth in committed for trial case receipts.

Some 100,100 trial cases were disposed of in 2010, an increase of six per cent compared to 2009. This increase matches closely the growth rates seen in recent years. As a result of more trial cases being disposed of than received, the number of outstanding trial cases at the end of 2010 decreased by five per cent from 2009 to 37,800 cases.

In 2010, cases committed for sentence to the Crown Court increased by six per cent from the previous year to 40,800, while disposals increased by two per cent to 39,700. At the end of 2010 around 5,300 cases were outstanding, an increase of 15 per cent compared to the end of 2009.

The number of appeals received decreased by four per cent from 14,300 in 2009 to 13,800 in 2010. While the number disposed of increased marginally by one per cent from 14,000 in 2009 to 14,100 in 2010. Since more appeals were disposed of than received during 2010, the backlog of appeals outstanding at the end of the year decreased from 3,200 in 2009 to 3,000 in 2010.

Summary statistics on receipts, disposals and outstanding cases in the Crown Court for England and Wales are presented in **Table 4.1**. Regional and area level figures can be found in **Table 4.2**.

Judge Caseload

High Court Judges deal with the more complex and difficult cases. In 2010 they sat in two per cent of all trial cases dealt with in the Crown Court. They try the most serious criminal cases in the Crown Court and in 2010 they sat in 26 per cent of all Class 1 cases compared to only two per cent in each of Class 2 and Class 3 cases.

Most Crown Court cases are heard by Circuit Judges and in 2010 they sat in 89 per cent of all trial cases dealt with in the Crown Court. Less complex or serious cases can be heard by Recorders and in 2010 they sat in nine per cent of all trial cases dealt with in the Crown Court.

Summary statistics on judge caseloads in the Crown Court at regional and national levels are presented in **Tables 4.3** and **4.4**.

Defendants

In 2010, the Crown Court dealt with 174,400 defendants in total. This represents an increase of five per cent on 2009 and is a direct result of a rise in the number of cases disposed.

The average number of defendants involved in Crown Court trial cases is unchanged at 1.20 in 2010. The average number of defendants involved in other types of cases has remained constant over the last few years. In 2010, there were, on average 1.01 defendants per case committed for sentence and one defendant per appeal.

Summary statistics on defendants in the Crown Court for England and Wales are presented in **Table 4.5**.

Pleas and Convictions

Tables 4.6 to 4.9 illustrate how defendants involved in cases committed/sent for trial to the Crown Court were dealt with according to plea. **Table 4.10** illustrates how appellants involved in appeals against decisions of magistrates' courts were dealt with.

Guilty Plea

A guilty plea is recorded when a defendant:

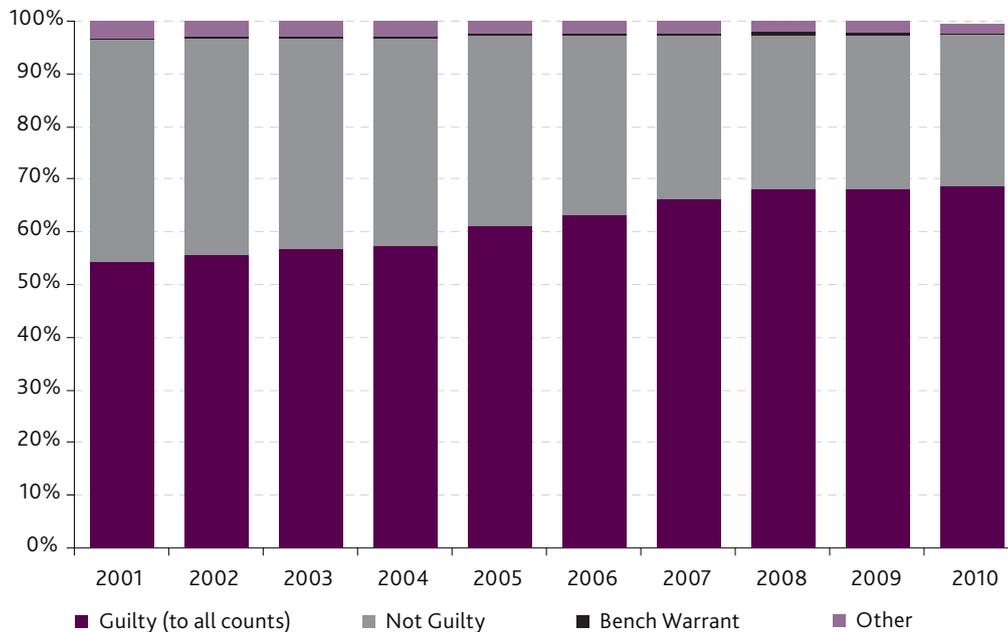
- Pleads guilty to all counts;
- Pleads guilty to some counts and not guilty to others and no jury is sworn in respect of the not guilty counts;
- Pleads not guilty to some or all counts but offers a guilty plea to alternatives which are accepted (providing no jury is sworn in respect of other counts).

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

The proportion of all defendants (including those who did not enter a plea) who entered a not guilty plea in committed/sent for trial cases which were dealt with in 2010 remained unchanged at 29 per cent. The guilty plea rate (the number of guilty pleas as a proportion of all defendants who pled) decreased by one percentage point in 2010 to 70 per cent. Since 2001 it has risen from 56 per cent to the current rate of 70 per cent.

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

Defendants dealt with by plea, 2001 to 2010



Acquitted

Sixty four per cent of defendants who pleaded not guilty in cases dealt with in 2010 were acquitted. These defendants represent 19 per cent of all those who entered a plea and were dealt with in 2010. Of those who were acquitted after a not guilty plea, 62 per cent were discharged by the judge, eight per cent were acquitted on the direction of the judge, 28 per cent were acquitted by the jury and one per cent were acquitted by other means.

Convicted

Thirty six per cent of defendants who pleaded not guilty in cases dealt with in 2010 were convicted. Of those who were convicted after a not guilty plea, 81 per cent were convicted by a jury who reached a unanimous verdict and the remaining 19 per cent by a jury who reached a majority verdict.

Appeals

Forty five per cent of the appellants dealt with in 2010 had their appeals allowed or their sentence varied, 30 per cent were dismissed and 25 per cent were abandoned or otherwise disposed.

Listing of Cases

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

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

Cracked Trials

A defendant entering a late guilty plea has consistently been the main reason for a cracked trial and in 2010 this represented 63 per cent of all cracked trials. Other reasons for cracked trials included the prosecution accepting a plea of guilty to an alternative charge (17 per cent) and the prosecution ending the case (18 per cent).

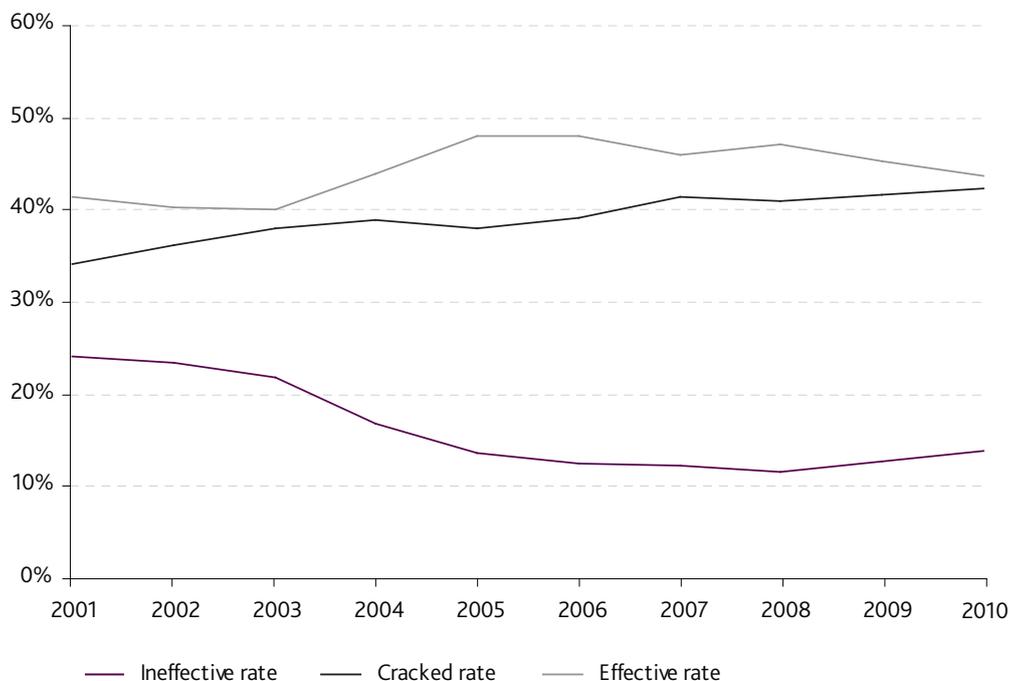
The cracked trial rate has been increasing since 2001 and has continued to increase in 2010 by one percentage point to 43 per cent.

Ineffective Trials

Up until 2010, the main reason for an ineffective trial has consistently been due to the absence of a defendant or the defendant being unfit to stand. However, although this is a key cause of ineffective trials in 2010 (22 per cent), the main reason for an ineffective trial was court administrative problems which saw a four percentage point increase from 19 per cent in 2009 to 23 per cent in 2010. Other reasons for ineffective trials included the absence of the prosecution witness (20 per cent), the defence not being ready (17 per cent) and the prosecution not being ready (17 per cent).

The ineffective trial rate increased by one percentage point to 14 per cent in 2010.

Effective, Ineffective and Cracked Trial Rates, 2001 to 2010



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

- In 2003, the Ineffective Trial Monitoring Scheme was launched to formalise procedures on identifying the reasons for ineffective trials and enable focused action to be taken on improving performance.
- In 2004, the Effective Trial Management Programme (ETMP) was put in place to reduce the number of ineffective trials by improving case preparation and progression from the point of charge through to trial or earlier disposal. The ETMP introduced the role of the case progression officer – an individual nominated to the court and each party with the responsibility for progressing the case. Certificates of Readiness were also introduced under ETMP, which are in use in some courts. This requires that each party, acting under the judge's instruction, confirm in writing that they are ready to proceed with the trial as planned and that the trial will take no more than previously estimated.
- The Criminal Procedure Rules 2005 set out the procedures to be followed in case management by the courts, prosecution and defence teams.

All these initiatives have helped to bring about a fall in the ineffective trial rate - since 2000 it has fallen by 11 percentage points to the current rate of 14 per cent in 2010.

Summary statistics on cracked and ineffective trials in the Crown Court for England and Wales are presented in **Tables 4.11** and **4.12**. Regional and area level figures can be found in **Table 4.13**.

Waiting Times

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

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

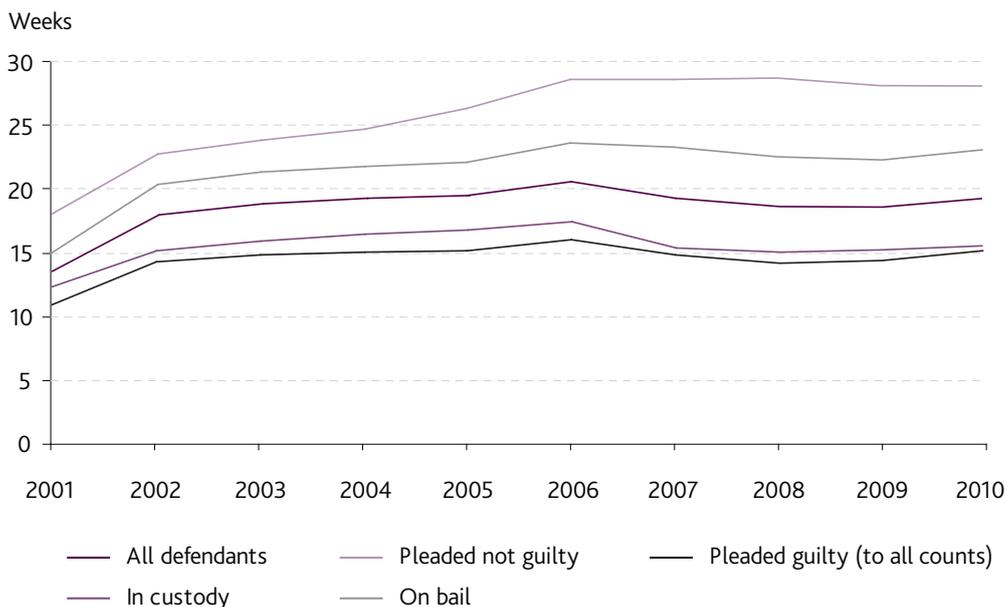
Sent for Trial

In cases sent for trial defendants who pleaded guilty in 2010 waited, on average, 15 weeks, compared to 14 weeks in 2009.

In 2010, the average waiting time for those who pleaded not guilty remained the same at 28 weeks. On average those who pleaded not guilty waited 13 more weeks than those who pleaded guilty. This is not unusual as, where a defendant has pleaded not guilty, extra time is required by both parties to prepare for the case before the trial commences.

The average waiting times in 2010 for defendants remanded in custody was 16 weeks and for defendants remanded on bail was 23 weeks. In 2010, those who were remanded in custody waited, on average, seven weeks less than those remanded on bail.

Sent for Trial Average Waiting Times, 2001 to 2010



Committal for Trial

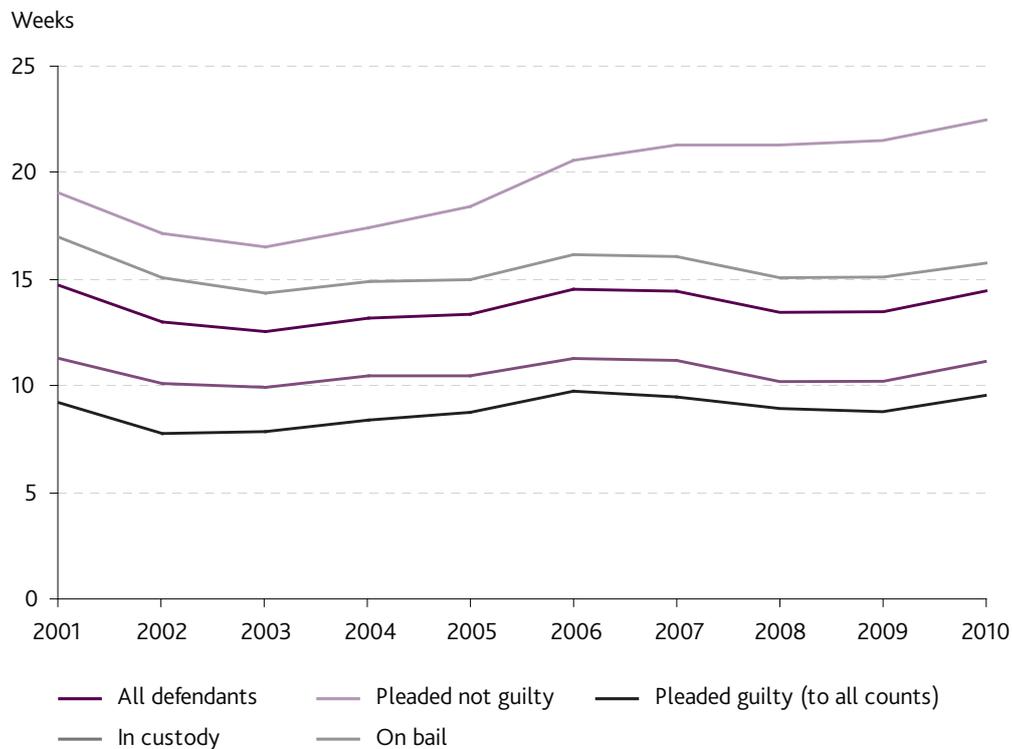
In cases committed for trial defendants who pleaded guilty in 2010, on average, waited 11 weeks compared to 10 weeks in 2009. The average waiting time for defendants who pleaded not guilty was around 22 weeks. In 2010 those who pleaded not guilty, on average, waited an extra 11 weeks compared to those who pleaded guilty.

The average waiting time in 2010 for defendants remanded in custody remained unchanged at 9 weeks. For those remanded on bail, the average waiting time increased to 16 weeks from 15 weeks in 2009.

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

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

Committed for Trial Average Waiting Times, 2001 to 2010



Sentences and Appeals

In 2010, the average waiting time for defendants in cases committed for sentence remains unchanged at six weeks. Since 1999 this has seen an overall decrease of one week.

In 2010, the average waiting time for defendants appealing the decision of a magistrates' court remains unchanged at nine weeks. Since 2005 this has seen an overall increase of one week.

Summary statistics on average waiting times in the Crown Court for England and Wales are presented in **Tables 4.14 to 4.17**.

Hearing Times

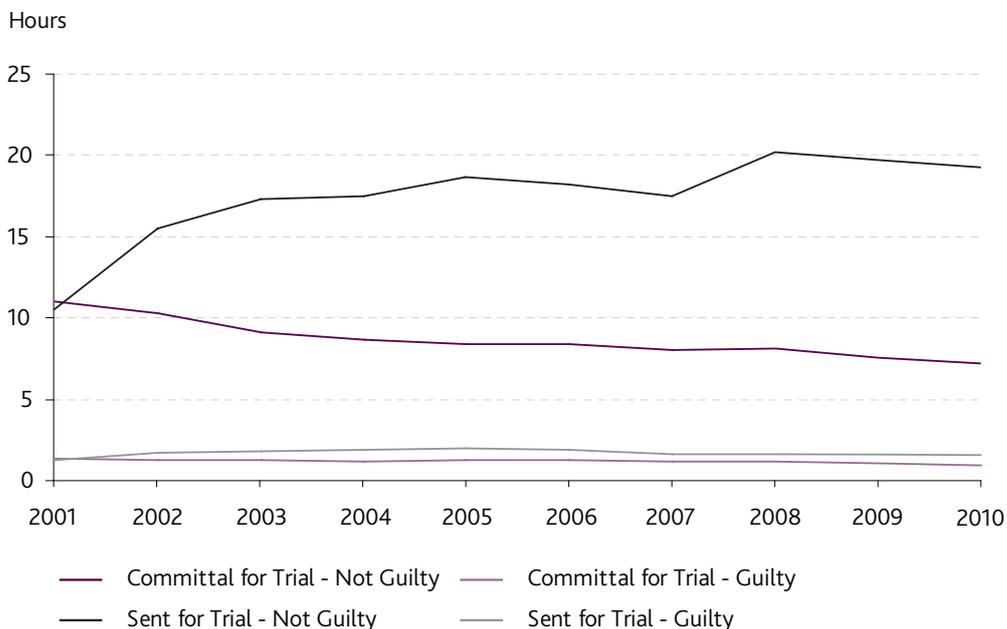
Sent for Trial

Where a defendant pleaded not guilty, the average hearing time for cases sent for trial decreased by 18 minutes in 2010, to 19 hours and 30 minutes. However, where a defendant pleaded guilty, the average hearing time for cases sent for trial in 2010 remained the same at one hour and 42 minutes.

Committal for Trial

The average hearing time in 2010 for a defendant who pleaded not guilty decreased by 18 minutes to seven hours and 18 minutes. For those who pleaded guilty, the average hearing time in 2010 remained the same at one hour and six minutes.

Average Hearing Times, by case type and plea type, 2001 to 2010



Sentences and Appeals

In 2010, the average hearing time was 30 minutes for a case that was committed for sentence and one hour and six minutes for an appeal.

Summary statistics on average hearing times in the Crown Court for England and Wales are presented in **Table 4.18**.

Juror Statistics

Previously published figures on the number of summons issued double-counted summons which were re-issued as a result of a change in court venue. The figures in this publication have been revised to remove any double-counting.

In 2010, around 373,700 juror summons were issued, which is similar to the number of issues in 2009, (373,900). In the same year, 97,700 were excused. Of these, four per cent were excused as they had already served in the last two years and 96 per cent were excused for other reasons including childcare, work commitments, medical, language difficulties, student, moved from area, travel difficulties and financial hardship.

In 2010, the number of people who failed to reply to their summons together with the number which were returned as undelivered decreased by four per cent to 60,100.

The juror utilisation rate has increased over the last six years to reach its current value of 68 per cent in 2010. This represents an increase of one percentage point on 2009.

Summary statistics on jurors in the Crown Court for England and Wales are presented in **Tables 4.19** and **4.20**.

Table 4.1
The Crown Court
 Receipts,¹ Disposals² and Outstanding³ cases, by case type, England and Wales 2006–2010

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	
2006	47,088	47,032	18,456	30,469	30,407	15,397	35,964	35,943	5,055	13,470	13,133	2,838	
2007	50,143	49,823	18,870	32,738	33,063	15,117	40,311	39,385	5,497	13,242	13,226	2,854	
2008	55,302	53,654	20,553	34,738	34,081	15,759	41,656	41,337	5,270	14,019	14,008	2,873	
2009	62,838	59,840	23,655	34,869	34,471	16,243	38,663	38,868	4,592	14,341	13,982	3,223	
2010	63,541	65,478	21,923	34,147	34,660	15,865	40,828	39,693	5,271	13,820	14,067	3,010	

Source:

HM Courts and Tribunals 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 the end of the period

Table 4.2
The Crown Court
 Receipts,¹ Disposals² and Outstanding³ cases, by case type, HMCTS region and area⁴, 2010

Region	Committed for trial			Sent for trial			Committed for sentence			Appeals against Mags' decisions		
	Cases			Cases			Cases			Cases		
	Receipts	Disposals	outstanding	Receipts	Disposals	outstanding	Receipts	Disposals	outstanding	Receipts	Disposals	outstanding
England and Wales	63,541	65,478	21,923	34,147	34,660	15,865	40,828	39,693	5,271	13,820	14,067	3,010
<u>HMCTS Region</u>												
London	12,143	13,256	5,303	7,583	7,920	3,655	6,177	6,111	956	2,530	2,479	670
Midlands	9,964	10,033	3,275	5,706	5,769	2,689	7,492	7,304	842	2,236	2,401	410
North East	10,562	10,947	3,029	5,355	5,399	2,212	6,846	6,611	958	1,870	1,882	329
North West	10,831	10,640	3,537	5,098	5,119	2,489	6,872	6,652	799	2,019	2,001	504
South East	11,006	11,463	3,684	5,571	5,688	2,575	6,809	6,608	872	2,933	3,072	525
South West	5,776	5,894	2,143	2,836	2,865	1,452	4,183	4,033	510	1,629	1,640	413
Wales	3,259	3,245	952	1,998	1,900	793	2,449	2,374	334	603	592	159
<u>HMCTS Area</u>												
Avon & Somerset, Devon & Cornwall, and Gloucestershire	3,023	2,993	1,183	1,585	1,508	870	2,218	2,107	292	762	760	214
Bedfordshire, Hertfordshire and Thames Valley	2,873	3,105	1,052	1,679	1,700	823	2,160	2,120	267	999	1,026	185
Cambridgeshire, Essex, Norfolk and Suffolk	4,347	4,396	1,321	2,045	2,030	912	2,978	2,802	381	1,112	1,187	169
Cheshire and Merseyside	3,316	3,423	779	1,511	1,509	616	1,881	1,816	232	728	667	193
Cleveland, Durham and Northumbria	3,998	4,106	1,044	1,838	1,787	766	1,987	1,955	201	763	775	101
Cumbria and Lancashire	3,139	3,029	1,110	1,407	1,392	750	1,841	1,836	188	553	573	125

Table 4.2 continued

Dorset, Hampshire & Isle of Wight, and Wiltshire	2,753	2,901	960	1,251	1,357	582	1,965	1,926	218	867	880	199
East Midlands	4,479	4,297	1,521	2,442	2,327	1,104	3,315	3,198	364	823	882	152
Greater Manchester	4,376	4,188	1,648	2,180	2,218	1,123	3,150	3,000	379	738	761	186
Humber and South Yorkshire	2,749	2,866	782	1,611	1,653	605	2,497	2,386	265	458	467	71
Kent, Surrey and Sussex	3,786	3,962	1,311	1,847	1,958	840	1,671	1,686	224	822	859	171
London (Central and South)	5,555	6,068	2,795	3,733	3,965	1,926	2,817	2,798	473	1,122	1,147	291
London (North and West)	6,588	7,188	2,508	3,850	3,955	1,729	3,360	3,313	483	1,408	1,332	379
Mid and West Wales	755	715	230	475	386	197	599	593	85	142	133	52
North and West Yorkshire	3,815	3,975	1,203	1,906	1,959	841	2,362	2,270	492	649	640	157
North Wales	676	657	193	329	283	129	394	383	43	143	133	44
South East Wales	1,828	1,873	529	1,194	1,231	467	1,456	1,398	206	318	326	63
Staffordshire and West Mercia	2,204	2,316	650	973	1,019	451	1,215	1,215	174	510	541	104
West Midlands and Warwickshire	3,281	3,420	1,104	2,291	2,423	1,134	2,962	2,891	304	903	978	154

Source:
HM Courts and Tribunals Service CREST system

Notes:

- 1 Receipts include committals direct from magistrates' courts, bench warrants executed (trial and sentence only) and cases transferred in, less cases transferred out
- 2 Disposals are total cases dealt with
- 3 Outstanding cases at the end of the period
- 4 The figures presented here are based on the new 19 HMCTS areas, as per the 2010 restructuring of administrative arrangements. The area not shown is London (Civil and Family), which covers non-criminal caseload

Table 4.3
The Crown Court
Number of cases^{1,2} disposed of and proportion heard by High Court judges³, by class and HMCTS region, 2010

Region	Class 1			Class 2			Class 3			Total number of cases in all classes			
	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
England & Wales	1,022	1%	261	26%	3,729	4%	73	2%	94,123	95%	1,485	2%	98,874
<u>HMCTS Region</u>													
London	263	1%	12	5%	493	2%	4	1%	19,871	96%	209	1%	20,627
Midlands	170	1%	55	32%	714	5%	17	2%	14,792	94%	194	1%	15,676
North East	160	1%	40	25%	651	4%	14	2%	15,321	95%	213	1%	16,132
North West	157	1%	59	38%	609	4%	18	3%	14,946	95%	226	2%	15,712
South East	150	1%	30	20%	622	4%	3	0.5%	16,214	95%	289	2%	16,986
South West	89	1%	43	48%	408	5%	13	3%	8,146	94%	258	3%	8,643
Wales	33	1%	22	67%	232	5%	4	2%	4,833	95%	96	2%	5,098

Source:

HM Courts and Tribunals 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 Excludes cases which were not heard by a judge
 - 3 Includes a small number of cases heard by judges in the relevant deputy grade
- Percentages may not sum to 100% due to rounding and those that would round to 0% have been given to 1 decimal place

Table 4.4
The Crown Court
 Number of cases^{1,2} disposed of, by type of judge³ and HMCTS region, 2010

Region	High Court judge		Circuit judge		Recorder		Total number of cases
	Number	Percentage	Number	Percentage	Number	Percentage	
England & Wales	1,819	2%	88,446	89%	8,609	9%	98,874
<u>HMCTS Region</u>							
London	225	1%	18,360	89%	2,042	10%	20,627
Midlands	266	2%	14,081	90%	1,329	8%	15,676
North East	267	2%	13,771	85%	2,094	13%	16,132
North West	303	2%	14,643	93%	766	5%	15,712
South East	322	2%	15,153	89%	1,511	9%	16,986
South West	314	4%	7,688	89%	641	7%	8,643
Wales	122	2%	4,750	93%	226	4%	5,098

Source:

HM Courts and Tribunals 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 Excludes cases which were not heard by a judge
 - 3 Includes a small number of cases heard by judges in the relevant deputy grade
- Percentages may not sum to 100% due to rounding

Table 4.5
The Crown Court
 Number of cases¹ disposed of, by case type and number of defendants involved, England and Wales, 2006–20010

Year	Committed / Sent for trial			Committed for sentence			Appeals against Mags' decisions					
	Disposals	Number of defendants involved	Cases with > 1 defendant	Average number of defendants per case	Disposals	Number of defendants involved	Cases with > 1 defendant	Average number of defendants per case	Disposals	Number of defendants involved	Cases with > 1 defendant	Average number of defendants per case
2006 ²	77,902	94,845	11,073	1.22	35,943	36,292	316	1.01	13,133	13,133	0	1.00
2007	82,886	100,885	11,814	1.22	39,385	39,680	268	1.01	13,226	13,226	0	1.00
2008	87,735	105,820	11,970	1.21	41,337	41,692	310	1.01	14,008	14,008	0	1.00
2009	94,311	113,032	12,522	1.20	38,868	39,132	224	1.01	13,982	13,982	0	1.00
2010	100,138	120,381	13,232	1.20	39,693	39,918	199	1.01	14,067	14,067	0	1.00

Source:

HM Courts and Tribunals 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 The Committed/Sent for trial disposal figure does not exactly match the corresponding figure from table 4.1 as it was extracted from the HMCTS CREST system on a different date

Table 4.6
The Crown Court
 Defendants dealt with in cases¹ committed or sent for trial, by plea, England and Wales, 2006–2010

Year	Total number of defendants dealt with	Plea entered				No plea entered				Guilty pleas as % cases with plea
		Guilty (to all counts)		Not Guilty ²		Bench warrant		Other		
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	
2006	83,730	52,817	63%	28,709	34%	239	0.3%	1,965	2%	65%
2007	90,720	59,997	66%	28,299	31%	303	0.3%	2,121	2%	68%
2008	96,027	65,571	68%	27,923	29%	444	0.5%	2,089	2%	70%
2009	104,418	71,442	68%	29,835	29%	514	0.5%	2,627	3%	71%
2010	112,702	77,243	69%	32,711	29%	407	0.4%	2,341	2%	70%

Source:

HM Courts and Tribunals 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

Percentages may not sum to 100% due to rounding and those that would round to 0% have been given to 1 decimal place

Table 4.7**The Crown Court**

Defendants dealt with in cases¹ committed or sent for trial showing result according to plea, England and Wales, 2006–2010

Year	Total number of defendants entering plea	Plea entered					Percentage Acquitted
		Guilty to all counts Total	Not Guilty ²				
			Total	Acquitted ³	Convicted ³		
2006	81,526	52,817	28,709	17,031	11,678	59%	
2007	88,296	59,997	28,299	17,226	11,073	61%	
2008	93,494	65,571	27,923	16,786	11,137	60%	
2009	101,277	71,442	29,835	18,583	11,252	62%	
2010	109,954	77,243	32,711	20,921	11,790	64%	

Source:

HM Courts and Tribunals 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 Acquitted or convicted on those counts to which defendant pleaded not guilty

Table 4.8**The Crown Court**

Defendants¹ acquitted after a not guilty plea, by manner of acquittal, England and Wales, 2006–2010

Year	Manner of acquittal				Total	% of acquittals by jury verdict
	Discharged by judge	Acquittal directed by judge	Jury verdict	Other acquittal ²		
2006	9,919	1,698	5,165	249	17,031	30%
2007	10,360	1,660	5,024	182	17,226	29%
2008	10,245	1,497	4,844	200	16,786	29%
2009	11,146	1,669	5,535	233	18,583	30%
2010	13,037	1,749	5,931	204	20,921	28%

Source:

HM Courts and Tribunals Service CREST system

Notes:

- 1 Includes cases where defendants plead not guilty to all counts and also cases where defendants plead not guilty to some counts
 2 Other acquittals include where no plea is recorded, autrefois acquit and autrefois convict

Table 4.9**The 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, 2006–2010

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
2006	11,678	9,569	855	1,254	82%
2007	11,073	9,049	832	1,192	82%
2008	11,137	9,076	817	1,244	81%
2009	11,252	9,196	783	1,273	82%
2010	11,790	9,606	899	1,285	81%

Source:

HM Courts and Tribunals Service CREST system

Note:

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

Table 4.10**The Crown Court**

Appeals (against decisions of magistrates' courts) dealt with, by appeal type and result, England and Wales, 2006–2010

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	
2006	12,545	5,346	1,958	1,704	1,684	37%	6,533	3,071	1,826	1,636	47%	666
2007	12,446	5,531	2,029	1,749	1,753	37%	6,288	2,830	1,802	1,656	45%	627
2008	13,251	5,915	2,322	1,889	1,704	39%	6,568	2,955	1,802	1,811	45%	768
2009	13,982	6,447	2,678	2,048	1,721	42%	6,838	3,065	1,918	1,855	45%	697
2010	14,067	7,007	3,070	2,166	1,771	44%	6,295	2,960	1,839	1,496	47%	765

Source:

HM Courts and Tribunals Service CREST system

Notes:

1 Includes both abandoned in court and abandoned before court appearance

2 Includes those remitted back to magistrates' courts

3 Includes those for non-Criminal matters including licensing or care proceedings in juvenile cases

Table 4.11
The Crown Court
Proportion of listed trials which 'cracked', by reason, England and Wales, 2006–2010

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	Number	Percentage
2006	36,659	14,398	39%	9,171	64%	2,540	18%	341	2%	2,338	16%	9	0.1%		
2007	37,285	15,507	42%	9,707	63%	2,754	18%	322	2%	2,713	17%	11	0.1%		
2008	35,985	14,772	41%	9,223	62%	2,805	19%	272	2%	2,465	17%	7	0.0%		
2009	39,262	16,437	42%	10,451	64%	2,831	17%	299	2%	2,851	17%	5	0.0%		
2010	43,261	18,389	43%	11,528	63%	3,148	17%	347	2%	3,349	18%	17	0.1%		

Source:
 HM Courts and Tribunals Service CREST system

Percentages may not sum to 100% due to rounding and those that would round to 0% have been given to 1 decimal place

Table 4.12
The Crown Court
 Proportion of listed trials which were 'ineffective', by reason, England and Wales, 2006–2010

Year	Total cases listed for trial	Total ineffective trials	Ineffective trial rate	Reasons for ineffective trial											
				Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage		
2006	36,659	4,571	12%	721	16%	1,024	22%	955	21%	117	3%	1,147	25%	607	13%
2007	37,285	4,511	12%	819	18%	915	20%	853	19%	98	2%	1,211	27%	615	14%
2008	35,985	4,169	12%	771	18%	856	21%	782	19%	90	2%	1,029	25%	641	15%
2009	39,262	4,926	13%	851	17%	1,040	21%	867	18%	78	2%	1,168	24%	922	19%
2010	43,261	5,921	14%	992	17%	1,210	20%	994	17%	79	1%	1,298	22%	1,348	23%

Source:
 HM Courts and Tribunals Service CREST system
 Percentages may not sum to 100% due to rounding and those that would round to 0% have been given to 1 decimal place

Table 4.13
The Crown Court
 Summary statistics on effectiveness of cases listed for trial, by HMCTS area and region, 2010

Region	Number of listings for trial	Ineffective trials		Cracked trials		Effective trials	
		Number	Percentage	Number	Percentage	Number	Percentage
England and Wales	43,261	5,921	14%	18,389	43%	18,951	44%
<u>HMCTS Region</u>							
London	12,185	1,844	15%	4,151	34%	6,190	51%
Midlands	5,293	611	12%	2,288	43%	2,394	45%
North East	6,742	917	14%	3,935	58%	1,890	28%
North West	5,962	743	12%	3,133	53%	2,086	35%
South East	7,736	1,141	15%	2,860	37%	3,735	48%
South West	3,485	490	14%	1,303	37%	1,692	49%
Wales	1,858	175	9%	719	39%	964	52%
<u>HMCTS Area</u>							
Avon & Somerset, Devon & Cornwall, & Gloucestershire	1,632	274	17%	551	34%	807	49%
Bedfordshire, Hertfordshire & Thames Valley	2,521	444	18%	861	34%	1,216	48%
Cambridgeshire, Essex, Norfolk & Suffolk	2,433	242	10%	959	39%	1,232	51%
Cheshire & Merseyside	1,801	159	9%	909	50%	733	41%
Cleveland, Durham & Northumbria	2,379	336	14%	1,396	59%	647	27%
Cumbria & Lancashire	1,808	293	16%	978	54%	537	30%
Dorset, Hampshire & Isle of Wight, & Wiltshire	1,853	216	12%	752	41%	885	48%
East Midlands	2,136	312	15%	961	45%	863	40%
Greater Manchester	2,353	291	12%	1,246	53%	816	35%
Humber & South Yorkshire	1,860	236	13%	1,135	61%	489	26%
Kent, Surrey & Sussex	2,782	455	16%	1,040	37%	1,287	46%
London (Central & South)	5,797	995	17%	1,886	33%	2,916	50%
London (North & West)	6,388	849	13%	2,265	35%	3,274	51%
Mid & West Wales	384	12	3%	101	26%	271	71%
North & West Yorkshire	2,503	345	14%	1,404	56%	754	30%
North Wales	274	18	7%	88	32%	168	61%
South East Wales	1,200	145	12%	530	44%	525	44%
Staffordshire & West Mercia	1,022	97	9%	431	42%	494	48%
West Midlands & Warwickshire	2,135	202	9%	896	42%	1,037	49%

Source:

HM Courts and Tribunals Service CREST system

Percentages may not sum to 100% due to rounding

Table 4.14

The Crown Court

Average waiting times for defendants dealt with¹ having been committed for trial, by plea and remand type, England and Wales, 2006–2010

Year	By Plea										By Remand status ³													
	All defendants dealt with					Defendants pleading not guilty ²					Defendants pleading guilty (to all counts)					Defendants remanded in custody				Defendants remanded on bail				
	Number dealt with	Average waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Average waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Average waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Average waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Average waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Average waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Average waiting time (weeks)	% dealt with in 16 weeks	Number dealt with	Average waiting time (weeks)	% dealt with in 16 weeks
2006 ⁴	49,732	14.5	68%	17,372	20.6	46%	32,360	11.3	79%	12,578	9.8	85%	37,154	16.1	62%									
2007 ⁴	53,661	14.5	69%	17,331	21.3	47%	36,330	11.2	80%	13,135	9.5	87%	40,526	16.1	63%									
2008 ⁴	57,653	13.5	73%	17,037	21.3	48%	40,616	10.2	84%	14,839	8.9	89%	42,814	15.0	68%									
2009	64,411	13.5	74%	18,606	21.5	49%	45,805	10.2	84%	15,976	8.8	90%	48,435	15.1	68%									
2010	71,512	14.2	71%	20,661	22.3	46%	50,851	10.9	81%	16,153	9.4	89%	55,359	15.6	66%									

Source:

HM Courts and Tribunals Service CREST system

Notes:

- 1 Excludes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results
- 2 Includes cases where defendants plead not guilty to all counts and also cases where defendants plead not guilty to some counts
- 3 This is represented by a defendant's remand status at the start of the first main hearing
- 4 The sum of the 'All defendants dealt with' figures from Tables 4.14 and 4.15 does not exactly match the corresponding figure (number of defendants entering a plea) from Table 4.6 as it was extracted from the HMCTS system on a different date

Table 4.15
The Crown Court
 Average waiting times for defendants dealt with¹ having been sent for trial, by plea and remand type, England and Wales, 2006–2010

Year	By Plea										By Remand status ³								
	All defendants dealt with					Defendants pleading not guilty ²					Defendants pleading guilty (to all counts)					Defendants remanded in custody		Defendants remanded on bail	
	Number dealt with	Average waiting time (weeks)	% in 26 weeks	Number dealt with	Average waiting time (weeks)	% dealt with in 26 weeks	Number dealt with	Average waiting time (weeks)	% dealt with in 26 weeks	Number dealt with	Average waiting time (weeks)	% dealt with in 26 weeks	Number dealt with	Average waiting time (weeks)	% dealt with in 26 weeks	Number dealt with	Average waiting time (weeks)	% dealt with in 26 weeks	
2006 ⁴	30,584	19.5	76%	11,936	26.3	61%	18,648	15.1	86%	14,681	16.7	83%	15,903	22.0	70%				
2007 ⁴	31,959	20.5	73%	11,349	28.6	53%	20,610	16.0	84%	15,657	17.3	82%	16,302	23.5	65%				
2008 ⁴	34,631	19.2	76%	10,980	28.6	54%	23,651	14.9	86%	17,571	15.3	86%	17,060	23.2	66%				
2009	35,948	18.6	78%	10,902	28.7	55%	25,046	14.2	88%	19,003	15.1	87%	16,945	22.5	68%				
2010	36,866	18.6	78%	11,229	28.3	56%	25,637	14.4	88%	19,245	15.2	87%	17,621	22.3	68%				

Source:

HM Courts and Tribunals Service CREST system

Notes:

- 1 Excludes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results
- 2 Includes cases where defendants plead not guilty to all counts and also cases where defendants plead not guilty to some counts
- 3 This is represented by a defendant's remand status at the start of the first main hearing
- 4 The sum of the 'All defendants dealt with' figures from Tables 4.14 and 4.15 does not exactly match the corresponding figure (number of defendants entering a plea) from Table 4.6 as it was extracted from the HMCTS system on a different date

Table 4.16**The Crown Court**

Average waiting times for defendants dealt with¹ having been committed for sentence, England and Wales, 2006–2010

Year	Total number of defendants dealt with	Average waiting time (weeks)	% dealt with in 10 weeks
2006	25,903	6.0	89%
2007	24,209	5.8	91%
2008	24,611	5.7	92%
2009	23,082	5.7	92%
2010	21,972	5.9	93%

Source:

HM Courts and Tribunals Service CREST system

Note:

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

Table 4.17**The Crown Court**

Average waiting times for appellants dealt with¹ having appealed the decision of a magistrates' court, England and Wales, 2006–2010

Year	Total number of appellants dealt with	Average waiting time (weeks)	% dealt with in 14 weeks
2006	11,171	7.9	87%
2007	10,933	8.6	86%
2008	12,107	8.7	86%
2009	11,865	8.9	86%
2010	11,937	8.6	86%

Source:

HM Courts and Tribunals Service CREST system

Note:

1 Excludes cases abandoned before appearance in court

Table 4.18
The Crown Court
 Average hearing times in cases¹ dealt with, by case type and plea, England and Wales, 2006–2010

Year	Committed for trial			Sent for trial			Committed for sentence		Appeals against Mags' decision			
	Not guilty plea		Guilty plea	Not guilty plea		Guilty plea						
	Number of cases dealt with	Average hearing time (hours)	Number of cases dealt with	Average hearing time (hours)	Number of cases dealt with	Average hearing time (hours)	Number of cases dealt with	Average hearing time (hours)	Number of cases dealt with	Average hearing time (hours)		
2006	14,587	8.4	28,291	1.3	8,750	18.4	17,694	1.9	33,360	0.6	11,594	1.1
2007	14,489	8.0	31,142	1.2	8,823	17.6	20,263	1.6	36,085	0.5	11,439	1.1
2008	14,533	8.1	35,840	1.2	8,876	20.3	22,118	1.7	39,381	0.5	12,235	1.0
2009	16,050	7.6	40,904	1.1	9,211	19.8	22,710	1.7	38,067	0.5	12,468	1.0
2010	17,654	7.3	45,370	1.1	9,764	19.5	22,442	1.7	38,659	0.5	12,756	1.1

Source:

HM Courts and Tribunals Service CREST system

Note:

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

Table 4.19
The Crown Court
 Jury Central Summoning Bureau figures¹, 2006–2010

	Number of cases				
	2006	2007	2008	2009	2010
Total number of summons issued ^{2,3} (r)	366,846	388,362	395,503	373,871	373,650
Total number of jurors supplied to the court	181,966	182,661	183,506	176,351	181,281
Deferred to serve at a later date	61,254	66,174	66,806	61,892	62,051
Number refused deferral	172	122	103	87	78
Excused by right having served in past 2 years	4,277	4,518	4,244	3,470	3,881
Excused for other reasons ⁴	95,559	103,064	104,290	96,563	93,782
All excused	99,836	107,582	108,534	100,033	97,663
Number refused excusal	2,053	1,641	1,515	1,342	1,485
Disqualified – residency, mental disorders, criminality	85,061	94,171	96,325	92,704	96,482
Disqualified – on selection	53,031	58,900	59,017	56,967	56,871
Disqualified – failed Police National Computer (PNC) check	185	207	225	220	215
Failed to reply to summons	39,223	40,635	45,192	49,086	47,221
Summons undelivered	18,394	18,325	17,603	13,646	12,916
Postponed by Jury Central Summoning Bureau	6,379	7,274	9,621	7,439	6,569

Source:

Jury Central Summoning Bureau

Notes:

- 1 Numbers do not add up to the overall total within a given year as the data reflect rolling 12 month periods with 'carry-over' rules applied to certain rows in the table. For example, the number of disqualifications reported for a given year may include disqualifications for summons that were issued in previous years
- 2 Previously published figures for 2006 to 2009 double counted summons that were re-issued due to a change in court venue. In this publication, these figures have been revised to remove any double counting
- 3 This figure represents the number of summons that were issued in a year and not the number of people that actually served on a jury in that year. For example, a person summoned for jury service in 2010, may not actually serve until 2011
- 4 Including childcare, work commitments, medical, language difficulties, student, moved from area, travel difficulties and financial hardship

Table 4.20
The Crown Court
 Juror sitting days and juror utilisation, England and Wales, 2006–2010

Year	Juror sitting days	Juror non-sitting days	Juror non-attendance days	Juror utilisation rate ¹
2006	830,567	279,601	295,260	59%
2007	811,937	305,986	252,611	59%
2008	846,875	298,485	254,008	61%
2009	902,950	263,987	198,152	66%
2010	942,415	258,537	192,818	68%

Source:

HM Courts and Tribunals Service Performance Database (OPT)

Note:

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

Table 4.21**The Crown Court**Summary statistics on hearing times, waiting time, plea rates and juror utilisation, by HMCTS area¹ and region, 2010

Region	Average Hearing Time (hours)				Guilty plea Rate	Average Waiting Time (weeks)				Juror utilisation rate
	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	11.6	1.3	0.5	1.1	71%	24.5	12.4	5.9	8.6	68%
<u>HMCTS Region</u>										
London	12.9	1.6	0.7	1.4	56%	28.6	15.8	5.9	9.4	76%
Midlands	11.2	1.1	0.4	0.8	76%	23.7	11.9	5.4	8.3	65%
North East	7.9	1.1	0.4	0.8	79%	19.7	10.5	5.5	8.0	67%
North West	10.5	1.3	0.5	1.0	78%	22.0	11.8	6.5	7.1	68%
South East	13.4	1.3	0.6	1.3	70%	24.6	12.6	6.3	8.3	64%
South West	12.4	1.3	0.5	1.0	71%	24.5	13.1	5.4	10.3	57%
Wales	8.8	1.0	0.5	0.9	74%	19.2	9.7	6.1	10.0	62%
<u>HMCTS Area</u>										
Avon & Somerset, Devon & Cornwall, and Gloucestershire	12.2	1.4	0.5	1.1	74%	24.8	12.8	5.2	10.7	56%
Bedfordshire, Hertfordshire and Thames Valley	14.5	1.4	0.6	1.7	66%	26.6	14.4	6.0	7.9	62%
Cambridgeshire, Essex, Norfolk & Suffolk	11.7	1.3	0.6	0.9	73%	22.5	11.4	5.8	6.7	62%
Cheshire and Merseyside	10.2	1.2	0.4	0.8	78%	18.8	10.0	6.0	6.9	72%
Cleveland, Durham and Northumbria	6.4	1.1	0.4	0.8	79%	16.6	9.6	4.6	6.8	66%
Cumbria and Lancashire	8.9	1.3	0.5	1.1	78%	22.0	12.7	5.1	10.1	63%
Dorset, Hampshire & Isle of Wight, and Wiltshire	12.6	1.3	0.5	1.0	68%	24.1	13.4	5.6	10.1	59%
East Midlands	11.1	1.0	0.4	0.7	79%	22.4	11.5	5.6	7.1	63%
Greater Manchester	11.8	1.3	0.5	1.0	79%	24.6	12.5	7.8	5.1	67%
Humber and South Yorkshire	8.4	1.1	0.3	0.7	82%	21.3	10.3	4.1	7.2	62%
Kent, Surrey and Sussex	14.1	1.3	0.6	1.2	70%	24.7	12.5	7.3	11.0	67%
London (Central and South)	14.7	1.7	0.7	1.4	56%	32.1	16.8	5.9	8.6	74%
London (North and West)	11.2	1.6	0.7	1.4	57%	25.3	14.8	5.9	10.0	78%
Mid and West Wales	9.1	1.1	0.5	1.2	70%	17.7	8.6	6.7	12.6	66%
North and West Yorkshire	9.0	1.0	0.5	0.8	78%	21.3	11.5	7.8	10.1	71%
North Wales	9.5	0.9	0.4	0.7	77%	17.9	8.4	10.2	11.5	61%
South East Wales	8.5	1.1	0.5	1.0	75%	20.3	10.5	4.4	8.3	61%
Staffordshire and West Mercia	10.1	1.0	0.4	1.0	77%	23.8	11.2	6.0	9.8	60%
West Midlands and Warwickshire	11.7	1.2	0.5	0.9	73%	24.8	12.9	4.9	8.7	70%

Sources:

HM Courts and Tribunals Service CREST system

HM Courts and Tribunals Service Performance Database (OPT) (Juror utilisation rate)

Note:

1 The figures presented here are based on the new 19 HMCTS areas, as per the 2010 restructuring of administrative arrangements. The area not shown is London (Civil and Family), which covers non-criminal caseload

High Court – Chancery Division

Chapter 5: High Court – Chancery Division

In England and Wales civil justice is administered mainly by the High Court and county courts (Chapter 1), the former handling the more substantial and complex cases. The High Court is divided into three main Divisions: the Chancery Division, the Queen’s Bench Division and the Family Division.

The core business of the Chancery Division is the resolution of disputes involving property in all its forms including commercial, business and intellectual property, competition disputes, taxation, and its traditional work relating to companies, partnerships, mortgages, insolvency, land and trusts.

The head of the Chancery Division is the Chancellor of the High Court, supported by 18 High Court judges. Chancery business is dealt with in the Royal Courts of Justice in London and in eight High Court District Registries across the country.

Statistics on the other cases dealt with at the High Court can be found in various locations throughout this report. Statistics regarding the work of the High Court’s Queen’s Bench Division can be found in Chapter 6. Information on cases concerning family matters dealt with by the High Court’s Family Division are included within the Family Matters statistics section (Chapter 2). The three Divisions of the High Court also act as appellate courts for a range of civil and family matters, and statistics on these cases can be found in Chapter 7.

Information on the data sources used for the High Court statistics can be found in **Annex A**. Explanations for some of the main terms used in this section can be found in the **Glossary**. The tables of detailed data can be found immediately following this section of commentary.

Key findings for 2010

- There were 36,600 proceedings started in the Chancery Division in 2010, a decrease of 20 per cent from 45,700 in 2009.
- In the Chancery Division applications filed at the Bankruptcy court decreased by 39 per cent, from 18,200 in 2009 to 11,100 in 2010.
- There were 4,800 claims and other originating proceedings issued in London Chancery Division in 2010, the trend remaining flat from 2009 after close to a 30 per cent increase between 2008 and 2009.

Chancery

Most actions begin with the issue of a claim or originating proceedings by the claimant against the defendant. Some are dealt with 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). Trials come before High Court judges or deputy High Court judges.

Information on the work by masters in London is given in **Table 5.2**, whilst **Tables 5.3** and **5.4** give breakdowns on the proceedings issued, and the cases disposed of, in London during 2010.

In 2010, there were 4,800 claims issued and other originating proceedings in London. A number of new categories for the nature of proceedings were introduced by the Chancery Division in 2010. Some proceedings, which in previous years would have been classified in one of the 'Other ...' categories in **Table 5.3**, have therefore been classified in one of the new categories. As a result of this not all categories are directly comparable with previous years. Around 680 proceedings related to contract, of which two thirds were break in contract and 560 proceedings related to intellectual property, of which over a half were copyright and design right.

Bankruptcy Court

Bankruptcy is where an individual is unable to pay his or her debts. Proceedings are started with a petition for bankruptcy. Bankruptcy actions at the High Court are heard by registrars. Bankruptcy cases can also be heard in the county courts and heard by district judges (see Chapter 1 for statistics on county court civil cases).

There were 8,400 bankruptcy petitions issued in the High Court in London during 2010, a decrease of 22 per cent on the 10,800 in the previous year, mainly due to the petitions by creditors decreasing. Other originating applications decreased by 64 per cent, to 2,700 in 2010, continuing a decreasing trend in the last five years. See **Table 5.5** for more information.

Companies Court

The Companies Court in London deals primarily 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 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. Eight High Court District Registries also have concurrent jurisdiction with the Companies Court in London.

Under applications filed in the companies Court in London originating and non-originating petitions, applications and summonses decreased by 27 per cent and 15 per cent, respectively, since 2009.

Patents Court

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

During 2010:

- Thirty eight actions, which included trials and appeals, were listed. Of these, 23 were withdrawn due to settlement or by order resulting from an interlocutory hearing. The hearings took 32 court days, not taking into account judgment writing time.
- Ninety four interlocutories, which included case management conferences, applications for directions, summary judgment, applications to strike out etc, were listed and 43 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 was one hour and the total time taken throughout the year was about 10 court days.
- Three appeals against the decision of the Comptroller General of Patents were listed and the total time taken in court was two court days.

Table 5.1
Chancery Division
 Summary of proceedings started, 2006–2010

Nature of originating proceedings	Number of cases				
	2006	2007	2008	2009	2010
<u>Claims issued and other originating proceedings</u>					
London	4,528	3,534	3,779	4,887	4,810
Outside London ¹	2,025	3,762	5,558	2,242	2,861
<u>Bankruptcy Court proceedings</u>					
Bankruptcy petitions	13,559	12,479	12,144	10,770	8,389
Other Originating applications ²	6,550	8,261	5,551 r	7,402 r	2,674
<u>Companies Court proceedings³</u>					
London ⁴	9,696	9,099	11,586	12,371 r	10,003
Outside London ⁵	8,303	8,403	8,852	8,000 r	7,889 p
Patents Court appeals received	2	3	5	6	5
Total	44,663	45,541	47,475 r	45,678 r	36,631

Source:

Chancery Division (multiple data sources)

Notes:

- 1 Contains estimated originating summonses as follows: 185 in 2006; 349 in 2007; 568 in 2008; 187 in 2009; and 329 in 2010
- 2 The 'Other Originating applications' totals for 2008 and 2009 are revised figures. The 2008 figure was 10,022 and the 2009 was 15,341. They were previously the sum of Originating and Non-Originating Other Applications
- 3 Excluding transfers from the Chancery Division
- 4 The 2009 figure has been revised and was previously 12,885
- 5 Includes winding-up petitions. The 2009 figure has been revised and was previously 3,370. The 2010 figure is provisional and contains estimated figures for the following returns: 169 in August and 129 in November for Birmingham; 836 for all of 2010 for Bristol; 22 in August for Liverpool; and 27 in October and 20 in December for Newcastle

Table 5.2
Chancery Division
 Orders made by masters, enforcement issues and appointments
 before masters, London, 2006-2010

	Number of cases				
	2006	2007	2008	2009	2010
<u>Orders made by masters¹</u>					
Drawn up by drafting section	6,927	7,040	6,429	7,514	9,099
Not drawn up	2,556	2,555	2,119	1,164	1,305
Drawn up by solicitors	15	2	0	0	0
Transfers Out	261	355	276	243	335
<u>Enforcement Issues</u>					
Possession	15	23	36	26	30
Writs of fi-fa	35	49	74	61	110
<u>Appointments before masters</u>					
On notice	5,945	6,303	4,557	3,176	4,109
Without Notice	1,102	1,034	960	1,028	820

Source:
 Chancery Division

Note:

1 Includes final and interlocutory orders

Table 5.3**Chancery Division**

Claims and originating proceedings issued in London by nature of proceedings, 2006–2010

Nature of proceedings	Number of cases				
	2006	2007	2008	2009	2010 ¹
<u>Land and property²</u>					
Contracts of sale and purchase	10	10	127	366	107
Landlord and Tenant	3	5	28	40	73
Mortgages and charges	0	0	7	113	33
Squatters and trespassers	1	2	10	29	1
Restrictive covenants	1	1	3	11	25
Orders of Possession of Land ³	-	-	-	-	39
Other Proceedings ³	1,114	924	413	276	269
<u>Business and industry</u>					
Partnership	28	82	54	106	45
Business fraud claims	0	3	1	33	0
Competition ³	-	-	-	-	11
Contracts of sale & purchase of shares & business	14	1	42	270	44
Other Disputes ³	301	246	348	214	63
<u>Intellectual property</u>					
Confidential information	3	21	23	95	45
Passing off and trade marks	50	118	142	171	146
Patents and registered designs ⁴	57	111	111	130	65
Copyright and design right ⁴	120	172	286	374	306
<u>Contract³</u>					
Specific Performance	-	-	-	-	49
Breach of contract	-	-	-	-	456
Debt	-	-	-	-	129
Miscellaneous	-	-	-	-	49
<u>Professional negligence</u>					
Claims against solicitors	30	31	80	210	144
Claims against accountants	2	0	0	28	0
Claims against surveyors and estate agents	0	0	1	17	8
Claims against members of other professions	10	31	66	84	78

Table 5.3 continued

Nature of proceedings	Number of cases				
	2006	2007	2008	2009	2010 ¹
<u>Trusts, wills and probate</u>					
Contentious probate actions	73	185	106	152	120
Disputes relating to Trust property	10	3	13	44	111
Variation of Trusts	2	0	19	34	43
Inheritance (provision for dependants)	10	43	80	110	81
Guardianship of minors' estate	0	8	5	1	2
Charities	1	0	3	10	4
Breach of fiduciary duty ³	-	-	-	-	47
Pension schemes ³	-	-	-	-	8
Removal of personal representatives ³	-	-	-	-	33
Other applications concerning wills and trusts ³	214	237	365	216	107
<u>Other</u>					
Miscellaneous Payments out of court ³	-	-	-	-	136
Application for an Order for Sale (to enforce a charging order) ³	-	-	-	-	172
VAT Claims (GLO-Revenue and Customs) ³	-	-	-	-	125
Other debts, damages and accounts	1,102	343	876	157	71
Revenue appeals	0	12	71	276	0
Solicitors	10	9	47	0	0
Contempt of court ³	-	-	-	-	1
Application for payments of monies lodged in court under various enactments ³	-	-	-	-	1,292
Arbitration ³	-	-	-	-	9
Originating process not otherwise classified ³	1,362	936	452	1,320	263
Total	4,528	3,534	3,779	4,887	4,810

Source:

Chancery chambers, bespoke contribution for this publication

Note:

- 1 With effect from 2010 the Chancery Division improved the way all claims were recorded. As a result, figures for 2010 are not directly comparable with those for previous years
- 2 Includes residential and commercial property
- 3 With effect from 2010, a number of new categories for the nature of proceedings were introduced by the Chancery Division. Some proceedings, which in previous years would have been classified in one of the 'Other ...' categories in the table, have therefore been classified in one of the new categories in 2010. As a result, in the 'Other ...' rows, the figures for 2010 are not directly comparable with those for previous years
- 4 These matters are dealt with in the Patents Court

Table 5.4
Chancery Division
 Cases listed in London disposed of, by listing type, 2010

	Number of cases			
	Total cases	Number disposed of		Total
		After trial or hearing	Otherwise ¹	
Trial list	896	223	547	770
General list	1,000	878	77	955
Interim hearing list ²	2,212	1,860	336	2,196
Total	4,108	2,961	960	3,921

Source:

High Court combined workload return

Notes:

1 Settled out of court

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

Table 5.5
Chancery Division
 Originating proceedings in Bankruptcy court, 2006–2010

Applications filed	Number of cases				
	2006	2007	2008	2009	2010
<u>Bankruptcy petitions¹</u>					
By creditors	9,846	8,730	8,610	7,210	5,597
By debtors and legal representatives of deceased	3,713	3,749	3,534	3,560	2,792
Other Originating applications ²	6,550	8,261	5,551r	7,402r	2,674
Total	20,109	20,740	17,695r	18,172r	11,063

Source:

Chancery Division business returns

Note:

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

2 The 'Other Originating applications' totals for 2008 and 2009 are revised figures. The 2008 figure was 10,022 and the 2009 figure was 15,341. They were previously the sum of Originating and Non-Originating Other Applications

Table 5.6
Chancery Division
 Summary of Companies Court proceedings,¹ London, 2006–2010

	Number of cases				
	2006	2007	2008	2009	2010
Applications filed					
Winding-up petitions	5,152	5,313	6,484	6,604	5,783
Other petitions, applications and summonses					
Originating ²	4,544	3,786	5,102	5,767	4,220
Non-originating ²	4,708	4,732	5,033	6,912	5,886
Claims transferred in ²	469	510	782	206	138
Orders made					
On winding-up petitions:					
Winding-up orders made	2,371	2,136	2,982	3,425	2,914
Dismissed/Withdrawn	2,555	2,270	3,165	3,279	2,831
On other petitions, applications and summonses	11,552	10,154	13,526	15,390	14,337
Transfers to county courts	1,858	1,437	2,681	2,794	2,056
Applications before registrar					
Listed	13,455	12,724	16,466	18,165	16,947
Unlisted	558	513	555	607	411

Source:
 Chancery Division business returns

Note:

1 Figures are for the Royal Courts of Justice only

2 For 2009 these are revised figures. Previously they were: Originating, 7,402; Non-originating 7,939; and Claims transferred in n/a

High Court –
Queen's Bench Division

Chapter 6: High Court – Queen’s Bench Division

The Queen’s Bench Division of the High Court 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, which deals with shipping matters such as damage to cargo. It also administers the Technology and Construction Court which hears cases involving prolonged examination of technical issues, such as construction disputes.

In London, the work of the Queen’s Bench Division is administered in the Central Office at the Royal Courts of Justice. Work outside London is dealt with at the High Court’s District Registries.

It is headed by the President of the Queen’s Bench Division, supported by 72 High Court judges. Judges of the Queen’s Bench Division also hear the most important criminal cases in the Crown Court and they also sit on the Employment Appeals Tribunal.

Statistics on the other cases dealt with at the High Court can be found in various locations throughout this report. Statistics regarding the work of the High Court’s Chancery Division can be found in Chapter 5. Information on cases concerning family matters dealt with by the High Court’s Family Division are included within the Family Matters statistics section (Chapter 2). The three Divisions of the High Court also act as appellate courts for a range of civil and family matters, and statistics on these cases can be found in Chapter 7, including statistics for the Administrative Court, which forms part of the Queen’s Bench Division.

Information on the data sources used for the High Court statistics can be found in **Annex A**. Explanations for some of the main terms used in this section can be found in the **Glossary**. The tables of detailed data can be found immediately following this section of commentary.

Key findings for 2010

- There were 16,600 proceedings started in the Queen's Bench Division in 2010, an 11 per cent decrease on 2009.
- Of the 4,900 claims issued in the Queen's Bench Division at the Royal Courts of Justice in London, a quarter were debt claims and just over one in five were personal injury actions.
- There were 45,200 enforcement proceedings issued in the Queen's Bench Division in 2010, a decrease of 10 per cent on the previous year.
- In the Royal Courts of Justice in London, there were 190 claims issued in the Admiralty Court, 1,100 claims issued in the Commercial Court and 570 claimed received in the Technology and Construction Court.

Queen's Bench

There were 16,600 proceedings started in the Queen's Bench Division in 2010. Of these, 4,900 were issued at the Royal Courts of Justice in London and 11,800 at the various High Court District Registries around the country. Proceedings started decreased by 11 per cent on 2009 following a flat trend between 2006 and 2009.

The 4,900 proceedings issued at the Royal Courts of Justice included 1,200 related to debt (a quarter), 1,000 (21 per cent) were personal injury actions, 670 (14 per cent) related to breach of contract and 750 (15 per cent) concerning clinical negligence.

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 a civil wrong; 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.

If a defendant fails to respond to a claim, a claimant may be entitled to a judgment by default; there were 1,200 such judgments by default in 2010.

If a defendant responds any of the following may result: (a) the claimant may discontinue the action, (b) the parties may reach agreement between themselves, (c) the court may decide that the defendant has no real defence to the action and gives summary judgment, or (d) a trial takes place, in some circumstances with a jury.

Judgments of the Queen's Bench Division may be enforced in many ways. By far the most common is the issuing of a writ of fieri facias (fi-fa). This directs the sheriff (the equivalent of the bailiff in the county courts) to seize, and if necessary, to sell the debtor's goods to raise money to pay off the debt. There were 44,900 writs of fi-fa issued in 2010, a fall compared to 49,600 in 2009.

Admiralty Court

The Admiralty Court is part of the Queen’s Bench Division and deals with shipping matters. This deals with a range of naval matters such as ship collisions and damage to cargo. There is one Admiralty Judge who hears all admiralty cases and a number of interlocutory matters. The Admiralty Marshal is responsible for the detention and sale of ships which are the subject of proceedings in the Admiralty Court. Some 190 claims were issued in the Admiralty Court at the Royal Courts of Justice in London, a decrease of 16 per cent on the previous year.

Commercial Court

The Commercial Court also deals with some shipping matters, but is largely concerned with disputes around contracts, insurance, carriage of cargo and the construction of ships. Other matters dealt with at the Commercial Court include banking, international credit, contracts relating to aircraft, the purchase and sale of commodities and the practice of arbitration and questions arising from arbitrations. There are fifteen Commercial Judges who hear all commercial cases and interlocutory applications. Some 1,100 claims were issued in 2010, a decrease of 16 per cent on the previous year. Around 46 per cent of these related to breach of contract/agreement/debt.

Technology and Construction Court

Matters dealt with at the Technology and Construction Court include building and engineering disputes, computer litigation, professional negligence, sale of goods, valuation disputes, and questions arising from arbitrations and adjudications in building and engineering disputes. The court also deals with any cases from the Chancery Division or elsewhere within the Queen’s Bench Division which involve issues or questions which are technically complex, or for which trial by judges at the court is for any reason desirable.

In 2010 there were five full-time senior circuit judges and two High Court judges based in London assigned to the Technology and Construction Court. Outside London, nominated circuit judges deal with the courts business, including full-time designated judges at Birmingham, Manchester and Liverpool District Registries. A total of 570 claims were received in the Technology and Construction Court, an increase of 17 per cent on the previous year.

Table 6.1
Queen's Bench Division
 Summary statistics on proceedings started, 2006–2010

Nature of proceedings	Number of cases				
	2006	2007	2008	2009	2010
<u>Claims and originating summonses</u>					
Issued by Royal Courts of Justice	4,246	4,794	5,173	5,694	4,864
Issued by district registries ^{1,2}	14,118	13,711	13,080	12,889	11,755
Total	18,364	18,505	18,253	18,583	16,619

Source:

Queen's Bench Division (compilation from multiple sources)

Notes:

- 1 Figures for district registries contain annual estimates of the numbers of originating summonses as follows: 1,115 in 2004; 1,195 in 2005; 1,288 in 2006; 1,619 in 2007; 1,337 in 2008; 992 in 2009; and 1,315 in 2010
- 2 Figures for district registries also include those cases which were issued for enforcement only

Table 6.2
Queen’s Bench Division¹
 Proceedings started, by nature and value of claim, 2010

Nature of claim	Value of claim			Number of claims
	£25,000 – £50,000	Over £50,000	Unspecified	Total
	Debt (goods sold & delivered, work carried out etc)	218	469	530
Breach of contract	307	164	200	671
Clinical Negligence	236	221	295	752
Personal Injury Actions	200	414	427	1,041
Other Negligence (inc. professional negligence)	12	53	182	247
Defamation (libel, slander)	27	47	84	158
Tort (e.g. nuisance, trespass, assault, wrongful arrest, etc.)	4	9	6	19
Recovery of land / property	0	0	6	6
Miscellaneous	78	270	405	753
Total	1,082	1,647	2,135	4,864

Source:

High Court combined workload return

Note:

1 Figures given are for the Royal Courts of Justice only

Table 6.3
Queen's Bench Division¹
 Judgment without trial,² by type and value of judgment, 2010

Type of judgment	Number of judgments			
	Value of judgment			Total
	£25,000 – £50,000	Over £50,000	Unspecified	
By default	126	374	690	1,190
Order by summary judgment (including order 14)	48	67	154	269
Total	174	441	844	1,459

Source:

High Court combined workload return

Notes:

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

Table 6.4
Queen’s Bench Division¹
 Originating receipts and trials concluded in the year, 2006–2010

Year	Number of originating receipts	Number of trials concluded ²	Average length of trials concluded (days) ²
2006	4,246	199	3.6
2007	4,794	221	4.1
2008	5,173	251	4.3
2009	5,694	196	3.8
2010	4,864	182	4.0

Source:

HMCTS Business Management System

Notes:

- 1 Figures given are for the Royal Courts of Justice only
- 2 Does not include figures for May 2010 and October 2010 since they were not supplied by the RCJ. The revised total for 2010 may be published at a later date

Table 6.5
Queen’s Bench Division¹
 Interlocutory applications² for masters in London, 2006–2010

Year	Number of applications
2006	7,626
2007	8,794
2008	11,660
2009	9,297
2010 ³	8,113

Source:

HMCTS Business Management System

Notes:

- 1 Figures given are for the Royal Courts of Justice only
- 2 Excludes applications for directions or for summary judgment under Order 14 of the rules of the High Court
- 3 Includes: QB application listed for hearing; General on notice applications issued at the counter; General consent applications issued at the counter; General on notice applications issued by post; and General consent applications issued by post

Table 6.6
Queen's Bench Division¹
 Enforcement proceedings issued, 2010

Nature of Enforcement	Number of cases		
	London	Outside London	Total
Writs of fi-fa	1,242	43,655	44,897
Writs of possession	12	0	12
Writs of Delivery	0	0	0
Charging orders	154	0	154
Final Third Party Debt Orders	68	0	68
Application for orders to attend court for questioning	87	8	95
Total	1,563	43,663	45,226

Source:

HMCTS Business Management System

Notes:

1 Figures given are for the Royal Courts of Justice only

Table 6.7
Admiralty Court¹
 Summary statistics on admiralty proceedings, 2006–2010

Nature of proceedings	Number of cases				
	2006	2007	2008	2009	2010
Claims issued	105	89	114	230	194
Total Summonses issued²	142	129	107	112	120
Judges	43	33	37	n/a	n/a
Registrars	99	96	70	n/a	n/a
Applications heard	142	60	107	53	75
References to registrar	1	1	1	1	2
Warrants of arrest executed ³	50	34	43	42	34
Sales by the Court	4	2	1	25	5

Source:
Admiralty Court

Notes:

- 1 Figures are for the Royal Courts of Justice only
- 2 The figures for 2009 and 2010 are for the total of summonses issued. The breakdowns are not available
- 3 Vessels or property arrested

Table 6.8
Admiralty Court¹
 Admiralty claims issued by nature of action, 2006–2010

Nature of action	Number of cases				
	2006	2007	2008	2009	2010
Collision	25	13	18	21	17
Damage to cargo	21	19	24	13	14
Personal injury (including fatal)	4	2	1	34	63
Mortgage	1	1	5	25	5
Limitation of liability	-	1	1	0	1
Others	54	53	65	137	94
Total	105	89	114	230	194

Source:
Admiralty Court

Note:

- 1 Figures are for the Royal Courts of Justice only

Table 6.9**Admiralty Court¹**

Admiralty actions for trial in the High Court set down, tried or otherwise disposed of, 2006–2010

Actions for trial	Number of claims				
	2006	2007	2008	2009	2010
Total set down	10	12	13	17	11
Tried during year	4	3	4	2	2
Otherwise disposed of	11	10	9	15	4
Total tried	15	13	13	17	6

Source:

Admiralty Court

Note:

¹ Figures are for the Royal Courts of Justice only**Table 6.10****Commercial Court¹**

Claims issued showing nature and value of claim, 2010

Type of claim	Number of claims			
	Value of claim			Total
	Up to £50,000	Over £50,000	Unspecified	
Banking	0	0	4	4
Breach of Contract/ Agreement / Debt	42	206	240	488
Insurance/Re-insurance	1	0	12	13
Miscellaneous	7	124	161	292
Arbitration	0	261	2	263
Total	50	591	419	1,060

Source:

Commercial Court

Note:

¹ Figures are for the Royal Courts of Justice only

Table 6.11
Technology and Construction Court¹
 Summary caseload statistics, 2006–2010

	Number of actions				
	2006	2007	2008	2009	2010
Received					
Claims and originating summonses issued in Registry	337	376	341	495	465
By transfer	53	33	25	33	28
Total	390	409	366	528	493
Disposed of					
Tried	32	33	39	49	51
Struck out, settled or discontinued	153	160	140	173	192
Transferred	2	7	6	5	8
Default judgments entered	5	16	13	17	19
Total	192	216	198	244	270
Number of Interlocutory Applications <u>heard</u>²	454	397	374	483	566

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

Appellate Courts

Chapter 7 – Appellate Courts

There are various appeal courts in England and Wales which are administered by HM Courts and Tribunals Service.

- The **Judicial Committee of the Privy Council** - the final Court of Appeal for 23 Commonwealth territories and four independent Republics within the Commonwealth.
- The **Supreme Court** - the Supreme Court of Appeal in the United Kingdom, replacing the Appellate Committee of the House of Lords in October 2009.
- The **Court of Appeal** - divided into the Criminal Division, which hears appeals from the Crown Court and Courts Martial, and the Civil Division, which hears appeals mainly against decisions in the High Court and county courts.
- The **High Court** - has three Divisions, Chancery Division, Queen's Bench Division and Family Division, 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. Statistics on other cases dealt with at the High Court can be found in Chapter 2 (Family Division), Chapter 5 (Chancery Division) and Chapter 6 (Queen's Bench Division).

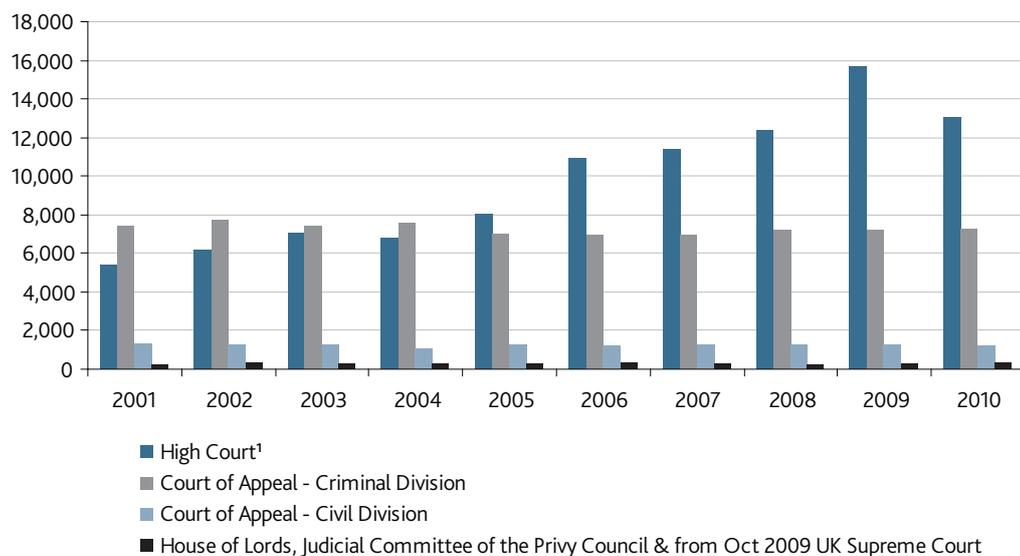
Information on the data sources used for the appellate courts' statistics can be found in **Annex A**. Explanations for some of the main terms used in this section can be found in the **Glossary**. The tables of detailed data can be found immediately following this section of commentary.

Key findings for 2010

- Some 80 appeals were entered, and 33 disposed of by the Judicial Committee of the Privy Council during the year. The vast majority of these appeals were entered overseas.
- Some 250 applications were presented to the UK Supreme Court during 2010, while 220 were disposed of.
- A total of 7,250 applications for leave to appeal were received in 2010, this number remaining steady over the last few years. Of these 1,500 were against conviction in The Crown Court and 5,500 against the sentence imposed.

- Of the appeals heard by the Full Court in the Court of Appeal Criminal Division, around 190 appeals against conviction were allowed and 1,460 appeals against sentence were allowed. This continued the fluctuating trend seen in recent years.
- In the Court of Appeal Civil Division, there were a total of 3,350 applications filed/set down and 3,180 disposed of. This was increases of 12 per cent and three per cent, respectively, on 2009, continuing the fluctuating trend seen in recent years.
- There were 10,500 applications for permission to apply for judicial review received in the Administrative Court of the High Court in 2010, the majority of which, as in previous years, concerned asylum and immigration matters. This was a 16 per cent increase on 2009, with the proportion refused increasing by 44 per cent.

Appellate Courts: Appeals entered, 2001-2010



¹ The total for 2010 High Court does not include the figure for Family Division as it is currently not available

The Judicial Committee of the Privy Council

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, it 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 three main elements:

- i. appeals from the Channel Islands and Isle of Man, which are analogous to Commonwealth appeals and are dealt with under the same rules;
- ii. appeals under the Veterinary Surgeons Act 1966 from decisions of the Disciplinary Committee of the Royal College of Veterinary Surgeons;
- iii. appeals against pastoral schemes under the Pastoral Measure 1983.

Commonwealth appeals and references are normally heard by a board of five members of the Judicial Committee; other appeals are normally dealt with by a Board of three.

In 2010, 80 appeals were entered, including 26 from Trinidad and Tobago, 15 from Jamaica and 10 each from Mauritius and The Bahamas, while 33 cases were dealt with (some of which may have originated from a previous year).

The Supreme Court

The UK Supreme Court (UKSC) is the final court of appeal in the United Kingdom. It was created in October 2009 and replaced the House of Lords as the United Kingdom's highest court. It hears appeals on arguable points of law of general public importance which ought to be considered by the Supreme Court at that time, bearing in mind that the causes will have already been the subject of judicial decision. The UKSC can hear appeals on both civil and criminal matters.

Applications for permission to appeal

Applications for permission to appeal are referred to an Appeal Panel of three Justices. Permission to appeal is usually determined on the basis of written submissions by the parties, but the Panel may decide to hold a hearing so that counsel can make oral submissions, before the Appeal Panel makes a final decision on the application.

In the UKSC in 2010, around 250 petitions for permission to appeal were presented, 220 were disposed of, of which 130 were refused outright. See **Table 7.3** for more information.

Appeals

Appeals are heard by a Court, usually consisting of five justices, and hearings typically last about two days.

In the UKSC in 2010, 68 appeals were presented and 59 appeals disposed of. There were 57 appeals determined, of which 11 were asylum/immigration appeals. See **Tables 7.4** and **7.5** for more information.

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 of Appeal.

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 2010, a total of 7,250 applications for leave to appeal were received, this number remaining steady over the last few years. Of these 1,500 were against conviction in The Crown Court and 5,500 against the sentence imposed. Of the 4,800 applications for leave to appeal which were considered by a single judge, 240 of those seeking to appeal against conviction were granted as were 1,180 against sentence. This continues the fluctuating trend seen in the last five years. Around 1,000 applications were renewed, a decline of a fifth over the last five years. See **Table 7.6**.

Of the appeals heard by the Full Court during 2010, around 190 appeals against conviction were allowed and 1,460 appeals against sentence were allowed. This continued the fluctuating trend seen in recent years. See **Table 7.7** for more information.

Civil Division

In 2010, 1,180 appeals were filed in the Court of Appeal on civil matters, a similar number to the previous year. A quarter were from the Asylum and Immigration Tribunal, just over 200 appeals from the county courts on non-family matters, and 160 appeals from the Administrative Court of the High Court Queen's Bench Division.

In the Court of Appeal Civil Division a total of 3,350 applications were filed/set down and 3,180 disposed of in 2010. These were increases of 12 per cent and three per cent, respectively, on 2009, continuing the fluctuating trend seen in recent years. See **Table 7.10** for more information.

The High Court

The High Court exercises appellate jurisdiction in the following respects.

- (a) 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 has jurisdiction in respect of several matters, including Judicial Review, appeals by way of case stated (when a person is dissatisfied on a point of law with a decision of the Crown Court, a magistrates' court or a tribunal), and various statutory provisions including those on planning matters under the Town and Country Planning Acts. In 2005 the court was also given power to order the Asylum and Immigration Tribunal to reconsider an appeal against a decision refusing asylum or other decision of the UK Border Agency.
- (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, which is part of the Queen's Bench Division, supervisory jurisdiction, by way of judicial review, is exercised over the Crown Court (for matters not relating to trial on indictment), inferior courts and tribunals, and the actions and decisions of public bodies, Government ministers or other persons charged with the performance of public acts and duties. 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 can make what are known as 'prerogative orders', which 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.

Chancery Division

In 2010, a total of 100 appeals were set down for hearing in the Chancery Division, of which 44 related to bankruptcy matters. Seventy appeals were disposed of, which included 27 dismissed and 24 withdrawn or struck out. See **Table 7.11**.

Administrative Court

There were 16,300 applications for permission to apply for judicial review in the Administrative Court, a 24 per cent increase on 2009. Of these, around 10,500 were received, 5,200 applications were refused and 1,100 were granted. The majority of these applications, as in previous years, concerned asylum and immigration matters. There were 460 applications for judicial review which were dealt with in 2010, a six per cent decrease on 2009. Of these, 194 were allowed, 256 dismissed and 13 were withdrawn. See (**Table 7.12**).

A total of 96 appeals by way of case stated were received in 2010, similar to the level in the previous year when there were 88. The majority of these, 77 per cent, were appeals from magistrates' courts, as in previous years. There were 73 such appeals dealt with during the year, of which 31 were allowed and 41 dismissed. (**Table 7.13**).

There were 3,280 appeals/applications disposed of in the Administrative Court during 2010, a decrease of over 40 per cent on 2009. The vast majority of these related to reconsideration of asylum and immigration decisions (**Table 7.14**). The transfer of reconsideration applications to the Upper Tribunal on 15 February 2010 resulted in a significant reduction in appeals and applications received by the Administrative Court.

In 2010, just over 13,000 cases were received in the administrative court, a reduction of 17 per cent on the previous year.

Family Division

The number of cases in 2010 in the Family Division of the High Court was not available at time of publication.

Table 7.1
Judicial Committee of the Privy Council¹
Appeals entered and disposed of, 2010

Country or Jurisdiction of origin	Number of appeals entered	Appeals disposed of, by result				Total	Appeals pending at end of year
		Dismissed after hearing	Varied after hearing	Allowed after hearing	Disposed without a hearing ²		
Overseas:							
Anquilla	2	0	0	0	0	0	2
Antigua and Barbuda	1	1	0	0	0	1	0
The Bahamas	10	1	0	2	1	4	9
Belize	4	0	0	3	2	5	2
Bermuda	2	1	1	1	0	3	3
Cayman Islands	1	1	0	2	0	3	1
Cook Islands	2	0	0	0	0	0	2
Gibraltar	0	1	0	0	0	1	0
Guernsey	3	0	0	0	0	0	1
Isle of Man	0	1	0	0	0	1	1
Jamaica	15	0	0	1	0	1	18
Mauritius	10	2	0	6	0	8	8
St Christopher & Nevis	1	0	0	1	0	1	2
St Lucia	1	0	0	0	0	0	1
Trinidad and Tobago	26	3	0	1	0	4	24
Turks & Caicos	2	0	0	1	0	1	1
United Kingdom:							
Appeals under the Veterinary Surgeons Act 1966	0	0	0	0	0	0	0
Total	80	11	1	18	3	33	75

Source:

Judicial Committee of the Privy Council

Note:

- 1 In 2009 the old case management system in the Judicial Committee of the Privy Council was shut down when they moved to the Supreme Court in August 2009, so they had to rely on paper records. A new system is now in place. As a consequence of this system change, in 2010 some of the Appeals Pending figures do not exactly match with last year's pending figures
- 2 Dismissed for non-prosecution or withdrawn

Table 7.2
Judicial committee of the Privy Council
 Petitions for special leave to appeal heard, granted and refused, 2010

Country or jurisdiction of origin	Number of petitions		Total number heard
	Granted	Refused	
The Bahamas	6	4	10
Belize	1	0	1
Bermuda	1	1	2
Cayman Islands	0	1	1
Guernsey	1	2	3
Isle of Man	0	2	2
Jamaica	3	6	9
Jersey	1	2	3
Mauritius	0	5	5
St Lucia	0	1	1
Trinidad and Tobago	6	3	9
Total	19	27	46

Source:
 Judicial Committee of the Privy Council

Table 7.3
Supreme Court
 Applications for permission to appeal presented and disposed of, 2010

Courts from which appeals were brought	Number of applications presented	Appeals disposed of, by result					Total disposed of
		Withdrawn	Allowed	Allowed on terms	Refused	Dismissed	
England and Wales							
<u>Court of Appeal</u>							
Civil	181	3	68	1	91	0	163
Criminal	20	0	7	0	5	0	12
<u>High Court</u>							
Civil	2	0	2	0	0	0	2
Criminal	8	0	2	0	6	0	8
Scotland							
Court of Session	17	0	2	0	15	0	17
Northern Ireland							
<u>Court of Appeal</u>							
Civil	12	0	2	0	9	0	11
Criminal	3	0	0	0	3	0	3
<u>High Court</u>							
Civil	2	0	0	0	2	0	2
Criminal	2	0	0	0	2	0	2
Other							
Courts Martial Appeal Court	0	0	0	0	0	0	0
Attorney General's reference	0	0	0	0	0	0	0
Total	247	3	83	1	133	0	220

Source:
 UK Supreme Court

Table 7.4
Supreme Court
 Appeals presented and disposed of, 2010

Courts from which appeals were brought	Appeals presented	Appeals disposed of, by result				Total disposals
		Disposed without a judgment	Allowed	Dismissed		
England and Wales						
<u>Court of Appeal</u>						
Civil	50	2	25	19	46	
Criminal	10	0	0	5	5	
<u>High Court</u>						
Civil	0	0	0	0	0	
Criminal	0	0	0	0	0	
Scotland						
Court of Session	7	0	6	1	7	
Northern Ireland						
<u>Court of Appeal</u>						
Civil	1	0	1	0	1	
Criminal	0	0	0	0	0	
<u>High Court</u>						
Civil	0	0	0	0	0	
Criminal	0	0	0	0	0	
Other						
Courts Martial Appeal Court	0	0	0	0	0	
Attorney General's reference	0	0	0	0	0	
Total	68	2	32	25	59	

Source:
 UK Supreme Court

Table 7.5
House of Lords and Supreme Court
 Civil appeals presented from the Court of Appeal, disposed of by judgment,
 by subject matter, 2006-2010¹

Subject matter	Number of appeals determined					
	2006	2007	2008	Jan-July 2009	Aug-Dec 2009	2010
Administrative	3	1	13	0	0	0
Arbitration	0	1	0	0	0	1
Asylum/Immigration	0	4	5	6	7	11
Commercial	1	3	3	1	0	0
Company	0	1	2	0	3	2
Contract	0	3	3	5	1	2
Crime	0	2	17	11	2	7
Defamation ²	-	-	-	-	-	1
Discrimination	1	3	0	0	2	0
Employment	7	0	0	1	0	2
European Law	1	1	2	0	0	0
Family	6	0	1	4	3	3
Finance & Credit	0	1	0	0	0	1
Human Rights	14	9	10	4	3	1
Intellectual Property	0	1	1	2	0	0
International	5	0	0	0	0	0
Judicial Review ²	-	-	-	-	-	2
Land	3	1	1	1	0	2
Landlord and Tenant	0	1	6	1	0	6
Marine Insurance ²	-	-	-	-	-	1
Other ²	-	-	-	-	-	3
Planning	1	1	0	0	1	2
Personal Injury ²	-	-	-	-	-	4
Practice & Procedure	3	2	2	0	0	2
Revenue	5	2	3	2	0	1
Social Security ²	-	-	-	-	-	2
Tort	9	8	5	3	1	1
Total	59	45	74	41	23	57

Source:

House of Lords and Supreme Court

Note:

1 In October 2009 the United Kingdom Supreme Court (UKSC) replaced the Appellate Committee of the House of Lords as the highest court in the UK so the figures presented up to and including January-July 2009 are for the House of Lords and those from August-December 2009 are for the UKSC

2 New subject matter category from 2010 so previous years not applicable

Table 7.6
Court of Appeal (Criminal Division)
 Applications for leave to appeal, by type and result 2006–2010

	Number of applications				
	2006	2007	2008	2009	2010
Applications received					
Conviction	1,596	1,508	1,588	1,435	1,488
Sentence	5,082	5,087	5,422	5,443	5,454
Other Receipts ¹	259	305	230	317	308
Total	6,937	6,900	7,240	7,195	7,250
Applications considered by single judge					
<u>Conviction</u>					
Granted	291	288	212	275	242
Refused	843	881	774	958	773
<u>Sentence</u>					
Granted	1,261	1,363	1,204	1,298	1,184
Refused	2,503	2,763	2,468	2,948	2,608
Total	4,898	5,295	4,658	5,479	4,807
Applications renewed					
Conviction	481	520	400	477	370
Sentence	831	845	670	763	667
Total	1,312	1,365	1,070	1,240	1,037
Applications to renew granted by Full Court					
Conviction	137	125	146	117	148
Sentence	425	519	663	429	500
Total	562	644	809	546	648

Source:

Court of Appeal (Criminal Division)

Note:

- 1 Other Receipts 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 s22 Criminal Justice Act 2003
 - References from the Attorney General under s36 Criminal Justice Act 1988
 - Prosecution Rights of Appeal
 - Confiscation and Restraint Order appeals under Proceeds of Crime Act 2002
 - Appeals against Wasted Costs Orders under section 3(c) of the Costs in Criminal Cases (General) (Amendment) Regulations 1991

Table 7.7
Court of Appeal (Criminal Division)
 Results of appeals heard by Full Court, 2006–2010

	Number of appeals				
	2006	2007	2008	2009	2010
Conviction					
Allowed	181	196	188	164	187
Dismissed	391	327	250	266	309
Sentence					
Allowed	1,391	1,632	1,567	1,372	1,456
Dismissed	575	619	527	515	625
Total	2,538	2,774	2,532	2,317	2,577
Number of retrials ordered ¹	58	83	72	59	56

Source:

Court of Appeal (Criminal Division)

Note:

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

Table 7.8
Court of Appeal (Civil Division)
 Final appeals filed and disposed of, showing court appealed from and results, 2010

Court or tribunal appealed from	Total appeals filed ¹	Appeals disposed of, by result					Total disposals
		Allowed ²	Dismissed ³	Dismissed by consent ⁴	Struck out ⁵	Otherwise disposed of ⁶	
Chancery	144	28	56	19	2	1	106
Revenue	14	8	12	1	0	0	21
Bankruptcy	5	9	3	1	0	5	18
Family Division	53	26	14	2	0	1	43
Queen's Bench	102	44	50	14	2	4	114
Queen's Bench Administrative Court	161	44	86	23	1	17	171
Queen's Bench Commercial	62	22	31	12	1	1	67
Queen's Bench Admiralty	2	1	0	0	0	0	1
County Court	206	88	73	48	3	7	219
County Court Family	52	31	17	1	0	0	49
County Court Admiralty	0	0	0	0	0	0	0
Lands Tribunal	1	1	2	0	0	0	3
Employment Appeal Tribunal	34	17	18	14	0	0	49
Asylum & Immigration Tribunal	302	193	46	25	1	35	300
Patents Court	14	7	13	2	0	0	22
Social Security Commissioner	2	1	2	1	0	0	4
Other Tribunals	26	9	11	0	0	5	25
Total	1,180	529	434	163	10	76	1,212

Source:

Court of Appeal (Civil Division)

Note:

1 Filed: Cases filed/setdown within period

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

3 Dismissed: Appeals given a final result of 'Refused'

4 Dismissed by consent: Appeals given a final result of 'Dismissed with consent'

5 Struck out for failure to provide documents: Appeals given a final result of 'Dismissal list' or 'Struck out'

6 Otherwise disposed of: Appeals given a final result of 'Not our Jurisdiction', 'Totally without merit', 'Varied with consent', 'Other result', and 'Remitted'

Table 7.9
Court of Appeal (Civil Division)
 Interlocutory appeals filed and disposed of, showing court appealed from and results, 2010

Court or tribunal appealed from	Total appeals filed ¹	Appeals disposed of, by result					Total disposals
		Allowed ²	Dismissed ³	Dismissed by consent ⁴	Struck out ⁵	Otherwise disposed of ⁶	
Chancery	4	2	0	0	0	0	2
Revenue	0	0	0	0	0	0	0
Bankruptcy	1	0	0	0	0	0	0
Family Division	2	3	0	5	0	1	9
Queen's Bench	30	13	14	1	0	0	28
Queen's Bench Administrative Court	2	0	0	0	0	0	0
Queen's Bench Commercial	1	1	1	0	0	0	2
Queen's Bench Admiralty	0	0	0	0	0	0	0
County Court	0	0	0	0	0	0	0
County Court Family	4	2	3	0	0	0	5
County Court Admiralty	0	0	0	0	0	0	0
Lands Tribunal	0	0	0	0	0	0	0
Employment Appeal Tribunal	0	0	1	0	0	0	1
Asylum & Immigration Tribunal	0	0	0	0	0	0	0
Patents Court	1	0	0	0	0	0	0
Social Security Commissioner	0	0	0	0	0	0	0
Other Tribunals	0	0	0	0	0	0	0
Total	45	21	19	6	0	1	47

Source:

Court of Appeal (Civil Division)

Note:

- 1 Filed: Cases filed/setdown within period
- 2 Allowed: Appeals given a final result of 'Allowed' or 'Allowed with consent'
- 3 Dismissed: Appeals given a final result of 'Refused'
- 4 Dismissed by consent: Appeals given a final result of 'Dismissed with consent'
- 5 Struck out for failure to provide documents: Appeals given a final result of 'Dismissal list' or 'Struck out'
- 6 Otherwise disposed of: Appeals given a final result of 'Not our Jurisdiction', 'Totally without merit', 'Varied with consent', 'Other result', and 'Remitted'

Table 7.10
Court of Appeal (Civil Division)
 Applications set down and disposed of, 2006–2010

	Number of applications				
	2006	2007	2008	2009	2010
Full Court¹					
Filed	230	201	249	265	267
Disposed	245	215	243	245	267
Single Judge					
Set down	251	152	213	216	281
Disposed	247	150	195	213	270
Permission to Appeal					
Set down	2,397	2,574	2,759	2,443	2,730
Disposed	2,530	2,416	2,579	2,573	2,571
Registrar / Master					
Set down	87	79	73	66	75
Disposed	87	83	77	60	73
Total					
Filed / Set down	2,965	3,006	3,294	2,990	3,353
Disposed	3,109	2,864	3,094	3,091	3,181

Source:

Court of Appeal (Civil Division)

Note:

1 Includes new 'leave to appeal' cases

Table 7.11
High Court – Chancery Division
 Appeals and special cases from inferior courts and tribunals set down and determined, showing subject matter and results, 2010

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	27	9	6	3	18
High Court Registrars	17	4	6	5	15
Total	44	13	12	8	33
<u>Tribunals¹</u>					
County courts & Chancery Masters	21	3	7	4	14

Source:

High Court – Chancery Division

Note:

1 From April 2009 the majority of the Tribunal Appeals went under the jurisdiction of The Upper Tribunal, Tax & Chancery Chamber

Table 7.12
High Court – Administrative Court¹
 Summary statistics on Judicial Review applications, 2010²

	Number of applications						
	Applications for permission to apply for Judicial Review			Applications for Judicial Review disposed of, by result			Total
				Determined by the Court			
	Received	Granted	Refused	Allowed	Dismissed	Withdrawn	
<u>Nature of Review</u>							
Immigration / Asylum	8,122	613	3,967	61	96	5	162
Criminal	335	68	197	32	28	2	62
Others	2,091	419	1,021	101	132	6	239
Total	10,548	1,100	5,185	194	256	13	463

Source:

High Court – Administrative Court

Notes:

1 Includes Regional Offices of the Administrative Court

2 83% of cases received in 2010 were issued in London

Table 7.13
High Court – Administrative Court¹
 Summary statistics on appeals by way of case stated, 2010²

	Number of appeals				
	Total Received	Appeals disposed of, by result			Total
		Allowed	Dismissed	Withdrawn	
<u>Court or Tribunal appealed from</u>					
Crown Court	22	4	11	0	15
Magistrates' court	74	27	30	1	58
Total	96	31	41	1	73

Source:

High Court – Administrative Court

Notes:

1 Includes Regional Offices of the Administrative Court

2 86% of cases received in 2010 were issued in London

Table 7.14
High Court – Administrative Court¹
 Summary statistics on applications and appeals other than for
 Judicial Review or by way of case stated, 2010²

Nature of appeal / application	Number of appeals / applications				
	Total Received	Appeals / applications disposed of, by result			
		Determined by the Court			Total
		Allowed	Dismissed	Withdrawn	
<u>Statutory</u>					
Planning and related	157	14	44	0	58
Others	852	165	190	8	363
Habeas Corpus	34	0	1	0	1
Committal for contempt	7	0	0	0	0
Reconsideration under s103a NIAA 2002 ³	1,313	318	2,536	0	2,854
Total	2,363	497	2,771	8	3,276

Source:

High Court – Administrative Court

Notes:

- 1 Includes Regional Offices of the Administrative Court
- 2 92% of cases received in 2010 were issued in London
- 3 NIAA 2002 refers to the Nationality, Immigration and Asylum Act of that year. The decrease in Reconsideration in 2010 was due to the jurisdiction on these matters being passed to the Immigration and Asylum Chamber of the Upper Tribunal in February 2010. In the first three months of 2010 there were 1,216 Reconsideration received in the Administrative Court and 97 for the remainder of 2010

Table 7.15
Appellate courts
 Summary statistics on overall caseload, 2006–2010

Court	Number of cases				
	2006	2007	2008	2009	2010
Judicial Committee of the Privy Council	105	97	33	65	88
House of Lords¹					
from Courts in England & Wales	61	57	62	37	-
from elsewhere	12	15	9	3	-
Supreme Court²					
from Courts in England & Wales	-	-	-	26	60
from elsewhere	-	-	-	4	8
Court of Appeal					
Civil Division	1,184	1,248	1,286	1,275	1,225
Criminal Division ³	6,937	6,900	7,240	7,195	7,250
High Court					
Chancery Division (Bankruptcy appeals only)	148	29	57	44	44
Administrative Court ⁴	10,700	11,293	12,316	15,620	13,007
Family Division ⁵	59	72	58	31	n/a
Total	19,206	19,711	21,061	24,300	21,682

Sources:

Individual Appellate courts as shown

Notes:

- 1 In October 2009 the United Kingdom Supreme Court (UKSC) replaced the Appellate Committee of the House of Lords as the highest court in the UK so the figures for 2009 are for January to July 2009
- 2 In October 2009 the United Kingdom Supreme Court (UKSC) replaced the Appellate Committee of the House of Lords as the highest court in the UK so the figures for 2009 are for August to December 2009
- 3 Court of Appeal (Criminal Division) figures include applications for leave to appeal
- 4 Administrative Court figures include applications for permission to apply for Judicial Review, appeals by way of case stated and statutory appeals; and in addition: from 2003, statutory Reviews under s101 of the Nationality, Immigration and Asylum Act (NIAA) 2002 from 2006, Reconsideration under s103a of the NIAA 2002
- 5 Family Division figures include appeals under s94 of the Children Act 1989 from 2002 onwards and the figure for 2010 is currently not available

The Mental Capacity Act

Chapter 8: The Mental Capacity Act

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

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

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

Information on the data sources used for the Mental Capacity Act statistics can be found in **Annex A**. Explanations for some of the main terms used in this section can be found in the **Glossary**. The tables of detailed data can be found immediately following this section of commentary.

Key findings for 2010

- There were 20,500 applications made to the Court of Protection under the Mental Capacity Act 2005 in 2010. Around 77 per cent of these (15,700) were applications for the appointment of a property and affairs deputy or applications by an existing deputy or attorney.
- Just under 17,800 final orders under the Mental Capacity Act 2005 were made in 2010, with the vast majority, 69 per cent, relating to the appointment of a deputy for property and affairs.
- During 2010, over 182,700 Powers of Attorney (POA) were received by the Office of the Public Guardian, an increase of 69 per cent on 2009. The vast majority, nearly 90 per cent, were for Lasting Power of Attorney (LPA).

The Court of Protection

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

The Court of Protection has powers to:

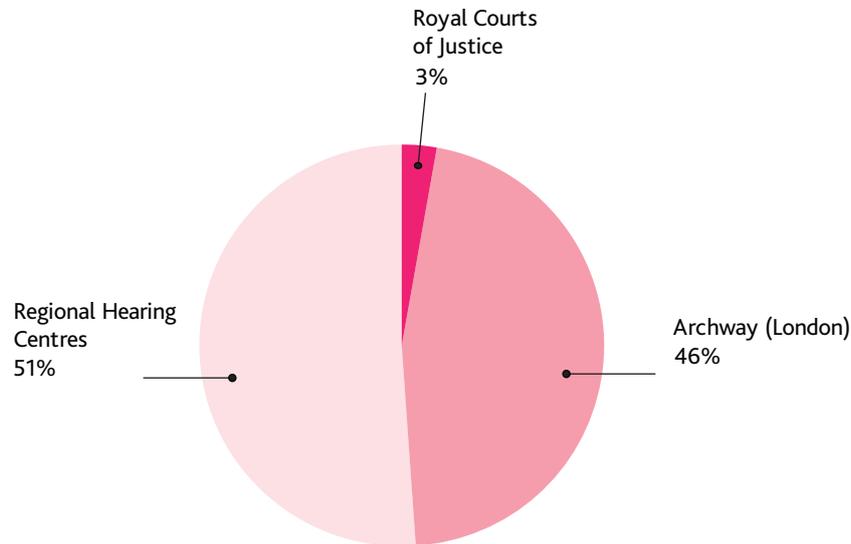
- decide whether a person has the capacity to make a particular decision for themselves;
- make declarations, decisions or orders on financial or welfare matters affecting people who lack capacity to make these decisions;
- appoint a deputy to make ongoing decisions for people lacking capacity to make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

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

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

The Court of Protection operates from its central registry in Archway, North London, but it also hears cases in a variety of regional courts including Birmingham, Preston, Bristol and Cardiff. During 2010, there were up to five full time judges in Archway and a further 32 district judges and 38 circuit judges nominated to hear cases in the regions. The chart shows the breakdown of listed hearings in 2010 between Archway, the Royal Courts of Justice and the regions.

Court of Protection Hearings, 2010



Around 77 per cent of all applications relate to the court’s property and affairs jurisdiction, predominantly applications to appoint a deputy or to vary the powers of an existing deputy. A deputy order authorises the deputy to take possession or control of the person’s property and affairs and to exercise the same powers of management as if they were beneficial owner, although the court will limit the powers of the deputy if it considers it appropriate to do so. In 2010 around 240 applications per month were by existing deputies seeking to vary or extend their powers.

Most applications relating to the court’s personal welfare jurisdiction were for an order appointing a deputy for personal welfare including hybrid applications where the applicant was seeking an order relating to both personal welfare and property and affairs (**Table 8.1**). In 2010 the decrease in cases recorded under ‘Other’, compared to previous years, was due to more accurate recording of these as ‘Applications for appointment of a property and affairs deputy’ or as ‘Applications by an existing deputy or registered attorney’.

Section 50 of the Act imposes a general requirement for the applicant to seek the permission of the court before making an application which, taken together with the requirements in the court rules, means that permission is almost always required for personal welfare applications. In 2010 the court made 133 orders appointing a deputy for personal welfare, the same level as in the previous year (**Table 8.2**). This means the court is still refusing permission in up to 70 per cent of applications for a deputy for personal welfare. The reason for this low success

rate is that the Code of Practice² provides that “deputies for personal welfare decisions will only be required in the most difficult cases where:

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

The majority of applications relating to lasting powers of attorney were made by the Public Guardian. The Public Guardian is prevented from registering the instrument if the LPA contains ineffective provisions and he must apply to court for a ruling as to whether the instrument is valid. The Public Guardian introduced new prescribed forms of lasting power of attorney in October 2009, which, as expected has slightly reduced the error rate on the forms, and therefore applications by the Public Guardian.

The number of applications in relation to enduring powers of attorney (EPA) reduced by 30 per cent compared to the previous year, from 900 to 600. Most of these applications were objections to registration. The Mental Capacity Act replaced EPAs with LPAs, but any EPAs made before 1 October 2007 can still be registered with the OPG.

Office of the Public Guardian

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

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

The Public Guardian, supported by the OPG, helps protect people who lack capacity by:

- setting up and managing a register of LPA;
- setting up and managing a register of EPA;
- setting up and managing a register of Court appointed Deputies, supervising Court appointed Deputies, working with other relevant organisations (for example, social services, if the person who lacks capacity is receiving social care);
- receiving reports from Attorneys acting under LPAs and from Deputies; and

² Mental Capacity Act 2005 Code of Practice (TSO 2007)

- dealing with cases, by way of investigations, where concerns are raised about the way in which Attorneys or Deputies are carrying out their duties.

Powers of Attorney

Enduring Power of Attorney

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

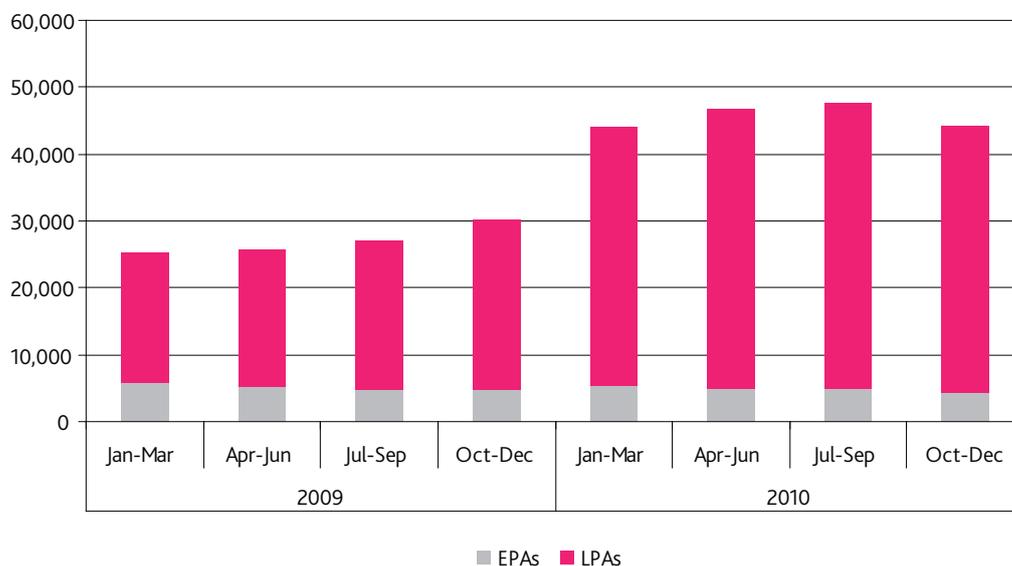
Lasting Power of Attorney

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

An LPA is a legal document that someone (the Donor) makes using a special form. It allows that person to choose someone in the present time, called the 'Attorney', that they trust to make decisions on their behalf, at a time in the future when they either lack the mental capacity or no longer wish to make those decisions themselves. The decisions could be about the Donor's property and affairs or about their personal welfare.

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

Quarterly comparison of EPAs and LPAs, 2009-2010



There are two types of LPA: The Property and Affairs LPA; and The Personal Welfare LPA.

There were 163,000 LPAs in 2010, a rise of 86 per cent on 2009. There were also 19,700 EPAs, a decrease of four per cent on 2009. The number of LPAs continued to increase in the years following their introduction in October 2007.

Deputyships

A Deputy is appointed by the Court of Protection. A Deputy is legally responsible for acting and making decisions on behalf of a person who lacks capacity to make those decisions themselves.

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

There were 11,900 Deputyships appointments in 2010, a fall of six per cent on the previous year. See **Table 8.3** for further information.

Table 8.1
Court of Protection
 Summary casework statistics: Applications by quarter, Q1 2010–Q4 2010

Type of proceedings	Number of cases					
	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Total	
Applications made under the Mental Capacity Act 2005 of which	5,005	5,092	5,286	5,076	20,459	
Applications for appointment of a property and affairs deputy <i>plus</i> applications for a 'one-off' property and affairs order	2,938	3,195	3,440	3,228	12,801	
Applications for appointment of a health and welfare deputy <i>plus</i> applications for a 'one-off' health and welfare order	160	191	121	177	649	
Applications for appointment of a hybrid deputy ¹	106	93	72	68	339	
<i>plus</i> applications for a 'one-off' property & affairs and health & welfare order	15	18	22	17	72	
Applications for orders appointing new trustees ²	206	162	156	154	678	
Applications to execute wills, apply for gifts and orders for settlement, including those where there is an Enduring Power of Attorney or Lasting Power of Attorney	14	19	31	36	100	
Applications relating to Enduring Powers of Attorney ³	147	135	166	130	578	
Applications relating to Lasting Powers of Attorney ³	133	125	135	124	517	
Applications by an existing deputy or registered attorney	159	176	171	129	635	
Applications for discharge of the deputy (where P ceases to lack capacity/the deputy wishes to retire / the deputy is no longer suitable to act)	58	60	60	76	254	
Other ⁴	833	811	683	524	2,851	
	59	86	86	77	308	
	177	21	143	336	677	

Source:

Court of Protection

Notes:

- Hybrid is where the applicant is applying for both a property and affairs deputy and a health and welfare deputy
- 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
- Includes objections to registration and applications to determine of the validity of the EPA or LPA document
- Includes applications under section 21A of the Mental Capacity Act the Deprivation of Liberty Safeguards. In 2010 the decrease in cases recorded under 'Other', compared to previous years, is due to more accurate recording of these as Applications for appointment of a property and affairs deputy or as Applications by an existing deputy or registered attorney

Table 8.2
Court of Protection
 Summary casework statistics: Orders by quarter, Q1 2010–Q4 2010

Type of proceedings	2010					Total
	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Number of cases	
Orders made under the Mental Capacity Act 2005 <i>of which</i>	4,307	3,339	5,361	4,791	17,798	
Orders appointing deputy for property and affairs <i>plus</i> 'one-off' orders relating to property and affairs	3,291	2,288	3,316	2,874	11,769	
Orders appointing deputy for health and welfare <i>plus</i> 'one-off' orders relating to health and welfare	11	37	254	122	424	
Orders appointing a hybrid deputy ¹	39	25	41	28	133	
<i>plus</i> 'one-off' orders relating to both property & affairs and health & welfare	9	15	57	78	159	
Orders made appointing new trustees ²	0	2	6	5	13	
Orders authorising the execution of wills, the making of gifts and the granting of settlements, including those relating to Enduring Power of Attorney and Lasting Power of Attorney	0	0	6	6	12	
Orders relating to Enduring Powers of Attorney ³	107	93	101	133	434	
Orders relating to Lasting Powers of Attorney ³	54	35	116	140	345	
Orders relating to an existing deputyship or attorneyship	85	49	48	47	229	
Orders discharging the deputy (where P ceases to lack capacity/the deputy wishes to retire/the deputy is no longer suitable to act)	44	29	32	43	148	
Other ⁴	432	524	667	442	2,065	
	1	7	38	57	103	
	234	235	679	816	1,964	

Source:

Court of Protection

Notes:

- Hybrid is where the Court has appointed deputy for both a property and affairs deputy and health and welfare
- Orders as a result of applications made under sections 36(9), 54 and 96(1)(k) of the Trustee Act 1925, and section 20(2)(c) of the Trusts of Land and Appointment of Trustees Act 1996
- Includes upholding or dismissing objections to registration, determining the validity of the document and directing the Public Guardian to register the instrument
- Includes applications under section 21A of the Mental Capacity Act the Deprivation of Liberty Safeguards. In 2010 the increase in cases recorded under 'Other', compared to previous years, is due to changes to the Court of Protection (CP) information management system that allow CP to record a wider range of orders. Previously CP could only record one order per application, so interim orders, etc made before the final order were not recorded. Now CP can record multiple orders per application

Table 8.3
Office of the Public Guardian (OPG)
 Summary casework statistics: Powers of Attorney received and deputyships appointed, Q1 2010–Q4 2010

	Number of cases				
	2010				
	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Total
Powers of Attorney					
EPAs ¹ Received	5,458	4,965	4,949	4,317	19,689
LPAs ² Received	38,558	41,847	42,738	39,902	163,045
Total POAs Received	44,016	46,812	47,687	44,219	182,734
Number of Deputyships ³ appointed	3,584	2,370	3,089	2,901	11,944

Source:

Office of the Public Guardian

Notes:

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

Offices of the Supreme Court

Chapter 9: Offices of the Supreme Court

This chapter deals with the Officers of the Senior Court which include:

- The Official Solicitor to the Senior Courts. The Offices of the Official Solicitor and the Public Trustee remain an arms length body, the purpose of which is to serve the two statutory office holders, the Official Solicitor to the Senior Courts and the Public Trustee who each have separate statutory and other functions. The Public trustee is not an officer of the Senior Courts.
- 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.

Information on the data sources used for the Offices of the Supreme Court statistics can be found in **Annex A**. The tables of detailed data can be found immediately following this section of commentary.

Key findings for 2010

- There was a continuation of the upward trends seen in previous years in the volume of new referrals and the volume of average number of active cases; a four per cent increase in the former and an 11 per cent increase in the latter compared to 2009.
- Tipstaff casework included 870 child abduction warrants of arrest issued, 400 executed and 400 dismissed or suspended.

The Court Funds Office

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

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

The Offices of the Official Solicitor and the Public Trustee

The Offices of the Official Solicitor and the Public Trustee support both the Official Solicitor and the Public Trustee.

The Official Solicitor is a statutory office holder appointed by the Lord Chancellor section 90 of the Senior Courts Act 1981.

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

Summary caseload statistics on the work of the Office of the Official Solicitor and Public Trustee are shown in **Table 9.1**

Tipstaff

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

The single biggest area of work for the Tipstaff relates to Family Division cases involving missing or abducted children. The Tipstaff is responsible for executing warrants on a range of possible Orders in these circumstances, including a Collection Order (for the return of a child), a Location Order (for the whereabouts of a child to be discovered), a Passport Order (for the seizure of passports or other travel documents) and Port Alerts (to prevent a child being wrongfully removed from the UK). Orders of these types accounted for 86 per cent of all warrants executed by the Tipstaff in 2010.

In total, there were 460 warrants executed in 2010 and 430 warrants dismissed or suspended.

Tipstaff casework included 870 child abduction warrants of arrest issued, 400 executed and 400 dismissed or suspended. There were 120 warrants of arrest issued within the five Divisions, some 32 per cent from the Bankruptcy Division and 22 per cent from the Insolvency Division.

Summary caseload statistics on the work of the Tipstaff are shown in **Table 9.2**.

Table 9.1
Office of the Official Solicitor and Public Trustee
 Summary casework statistics, 2006–2010

Case type	Number of cases				
	2006	2007	2008	2009	2010
New referrals					
Family Litigation and Divorce	1,235	1,163	1,270	1,107	1,102
Child Abduction	432	461	503	543	503
Reciprocal Enforcement Maintenance Orders (REMO) ¹	922	704	1,092	1,345	1,401
Civil Litigation (including Contempts)	955	988	878	816	901
Court of Protection, Property and Affairs	580	646	545	515	476
Court of Protection, Healthcare and Welfare ²	-	-	-	248	292
Child Trust Funds ³	4,128	1,508	1,452	1,642	1,811
Estates, Trusts, Executorships, Pension & Institutional Funds	37	17	8	12	15
Total (excluding REMOs and Child Trust Funds)	3,239	3,275	3,204	3,241	3,289
Total	8,289	5,487	5,748	6,228	6,501
Average number of active cases⁴					
Family Litigation and Divorce	1,494	1,499	1,698	1,217	1,243
Child Abduction	332	311	338	357	348
Civil Litigation (including Contempts)	1,294	1,266	1,251	1,088	931
Court of Protection, Property and Affairs	760	692	437	502	323
Court of Protection, Healthcare and Welfare ²	-	-	-	247	391
Child Trust Funds ³	1,202	3,714	5,336	6,503	7,931
Estates, Trusts, Executorships, Pension & Institutional Funds	1,759	1,058	552	427	357
Total (excluding Child Trust Funds)	5,639	4,826	4,276	3,838	3,593
Total	6,841	8,540	9,612	10,341	11,524

Source:

Office of the Official Solicitor and Public Trustee

Notes:

- 1 Applies from 1 April 2005 only. Relates to international maintenance claims, where one of the parties lives outside the UK in a country or territory with which the UK has reciprocal arrangements for the enforcement of maintenance
 - 2 Post the Mental Capacity Act 2005, CoP healthcare and Welfare cases start in the CoP, not the Family Division
 - 3 Applies from 1 April 2005 only. The Official Solicitor can be appointed to act as the registered contact in the administration of the Child Trust Fund scheme for children in care in England and Wales, where there is no parent able to do so
 - 4 Based on the average number of active cases month-by-month within each year shown
- Dash means data not applicable

Table 9.2
Tipstaff
 Casework statistics, 2010

Warrants of Arrest	Number of warrants				
	Brought forward from 2009	Issued	Executed	Dismissed or Suspended	Carried over to 2011
<u>Division</u>					
Chancery	11	16	11	5	11
Queen's Bench	16	19	11	3	21
Bankruptcy	10	38	23	7	18
Insolvency	15	26	12	15	14
Family	6	21	9	3	15
Total	58	120	66	33	79
<u>Child Abduction¹</u>					
Child Abduction ²	191	493	397	79	208
Port Alerts ³	115	375	0	320	170
Total	306	868	397	399	378

Source:

Tipstaff

Note:

- 1 Child abduction work includes Collection, Location and Passport Seizure orders. These are normally associated with cases where a child has been, or is at risk of being, abducted and taken outside of England and Wales. These figures also include Collection, Location and Passport Seizure orders issued under the Forced Marriage Act, and absconders from Local Authority care
- 2 Location, Collection and Passport Seizure Order
- 3 Live Port Alerts Maintained outside of Location, Collection and Passport Seizure Orders

The Judiciary

Chapter 10: The Judiciary

This chapter deals with the number of days sat in court by judges, broken down by region and type of judge as well as the levels, by gender, of the Magistracy.

Information on the data sources used for the Judiciary statistics can be found in **Annex A**. Explanations for some of the main terms used in this section can be found in the **Glossary**. The tables of detailed data can be found immediately following this section of commentary.

Key findings for 2010

- During 2010, around 282,400 days were sat by judges (excluding magistrates) on all types of work (excluding tribunals and other official functions).
- Days sat in the Crown Court accounted for 39 per cent, while for the county courts and the High court the proportion was 53 per cent and six per cent respectively.
- London, the Royal Courts of Justice and the South East accounted for 44 per cent of the days sat in 2010.
- Justices of the peace (JPs) in the magistracy have varied in number slightly over the years, declining to a level of 26,970 as at 1 April 2011, a fall of six per cent on the previous year. The proportion of male and female JPs was equal up to 2008, between 2008 and 2010 there were slightly more female JPs than male JPs.
- There was a 38 per cent decline in the number of JPs appointed in 2010/11, compared to 2009/10, to a level of just over 1,000. Around 54 per cent of those appointed were women, continuing this trend seen in the last three years.

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

- Heads of Division
- Lords Justices of Appeal
- High Court Judges
- Masters and Registrars of the Supreme Court
- Circuit Judges
- Recorders
- District and Deputy District Judges

- Tribunal Judges
- District and Deputy District Judges (magistrates' courts)
- Justices of the Peace (or Magistrates).

Divisional Heads

The Lord Chief Justice is the Head of the Judiciary for England and Wales and also Head of Criminal Justice.

Lords Justices

Together with the Lord Chief Justice and the Heads of Divisions, the Lords Justices are judges of the Court of Appeal.

High Court judges

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

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

Circuit Judges, Recorders and District Judges

The majority 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.

Due to moving the publication of this report forwards, the information contained within **Table 10.1** of previous editions relating to the number of Circuit Judges, Recorders and District judges in post in each circuit was not available. This information is due to be published on the Judiciary website www.judiciary.gov.uk later in the summer of 2011.

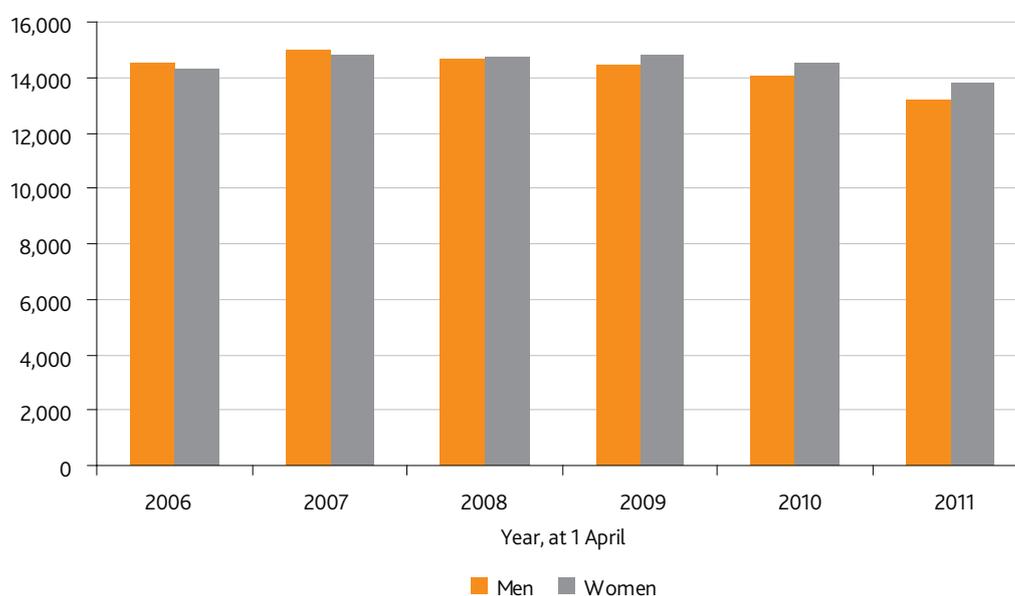
District Judges (magistrates' courts)

Full-time District Judges (magistrates' courts) are salaried members of the judiciary appointed by the Queen on the recommendation of the Lord Chancellor. Generally sitting alone in a magistrates' court, they are responsible for deciding matters of law and fact and for imposing sentences.

The Magistracy (Justices of the Peace)

Justices of the Peace (JP) (magistrates) are appointed by the Lord Chancellor on behalf of the Sovereign.

Justice of the Peace, by gender, 1 April 2006-1 April 2011



Between 1 April 2009 and 1 April 2010 there was a fall of six per cent in the number of JPs to 26,970. This was partly due to courts' closures, bench mergers and a reduced workload going through the magistrates' courts. The proportion of male and female JPs was equal up to 2008 then between 2008 and 2010 there were slightly more female JPs (51 per cent) than male JPs.

The level of JP appointments fell by 38 per cent between 2009/10 and 2010/11 to just over 1,000. Between the peak of 2,410 in 2006/07 and 2010/11 there was a 58 per cent decline in the number of appointments.

The numbers of magistrates in England and Wales by gender, as at 1 April from 2006 to 2011 are shown in **Table 10.4**. **Table 10.5** shows a similar time series of their appointments between financial years.

Judicial sitting days

Around 282,400 days were sat by judges (excluding magistrates) on all types of work (excluding tribunals and other official functions) during 2010. Over half the days sat were accounted for in the county courts whilst the Crown Court days sat accounted for 39 per cent, and the High Court the proportion was six per cent. London, the Royal Courts of Justice and the South East accounted for 44 per cent of the days sat in 2010.

Figures for the number of days sat in court and chambers by judges (except magistrates) are given in **Tables 10.1, 10.2 and 10.3**.

Judges Sitting Days, 2001-2011

Days sat (Court & Chambers)

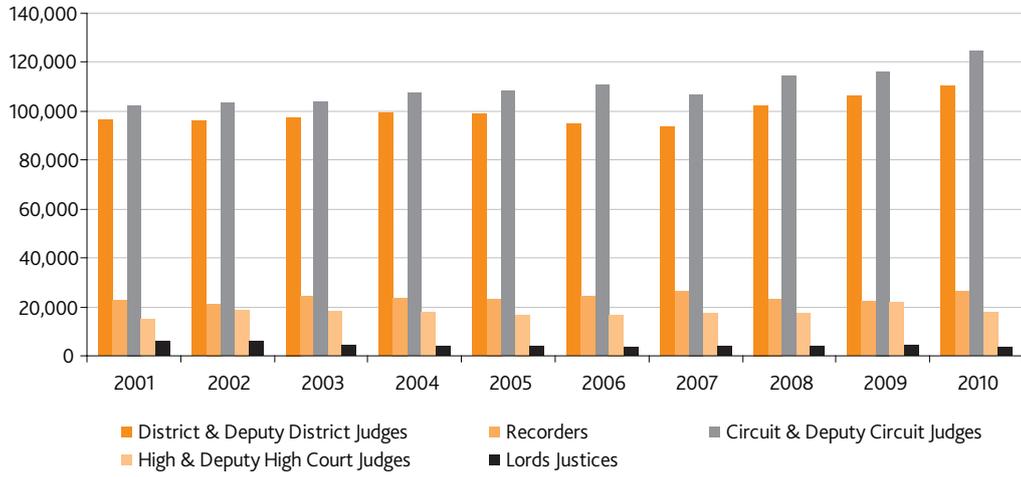


Table 10.1
The Judiciary
 Days sat¹ by judge type, 2006-2010

Type of Judge	2006	2007	2008	2009 ²	2010
Lords Justices	3,365	3,894	4,090	4,587	3,419
High Court judges	13,452	14,257	14,129	20,508	13,899
Deputy High Court judges	3,416	3,197	3,333	1,105	4,014
Circuit judges	108,932	105,058	111,779	114,018	122,944
Deputy circuit judges	1,922	2,020	2,562	2,223	1,540
Recorders	24,291	26,191	23,490	22,255	26,278
District judges	77,737	74,212	80,204	84,024	86,468
Deputy district judges	17,430	19,118	22,343	22,219	23,862
Total³	250,544	247,946	261,929	270,936	282,424

Source:

HM Courts and Tribunal Service and CREST system

Notes:

1 Days sat in court and chambers

2 The figures for 2009 are estimates so should not be compared directly with 2010 or with previous years

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

Table 10.2
The Judiciary
 Days sat¹ by judge type showing type of work dealt with, 2010

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		Public	Private			
Lords Justices	678	2,397	45	242	57	0	0	0	0	0	0	0	0	3,419
High Court judges	1,149	136	2,278	3,750	2,525	351	3,511	36	130	36	130	36	130	13,899
Deputy High Court judges	0	9	1,775	859	373	621	181	156	30	156	30	156	30	4,014
Circuit judges	235	0	704	855	367	148	85,296	12,031	16,862	12,031	16,862	12,031	16,862	122,944
Deputy circuit judges	0	0	4	6	11	0	871	190	372	190	372	190	372	1,540
Recorders	0	0	148	135	53	28	21,110	2,433	1,514	2,433	1,514	2,433	1,514	26,278
District judges	0	0	786	22	4	0	0	55,976	5,262	55,976	5,262	55,976	5,262	86,468
Deputy district judges	0	0	0	0	0	0	0	22,185	62	22,185	62	22,185	62	23,862
Total⁴	2,062	2,542	5,739	5,868	3,390	1,148	110,969	93,006	33,472	93,006	24,230	24,230	33,472	282,424

Source:
 HM Courts and Tribunal Service and CREST system

Notes:

- 1 Days sat in court and chambers
- 2 Administrative Court and Admiralty and Commercial Courts sittings are included in the Queen's Bench Division figures
- 3 Technology and Construction Court (T&C 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 HMCTS region, 2010

HMCTS region	Days sat
London	61,214
Midlands	38,897
North East	34,887
North West	42,752
South East	49,745
South West	26,209
Royal Courts of Justice	14,507
Wales	14,117
Elsewhere-Bulk centre	98
Total²	282,424

Source:

HM Courts and Tribunal Service and CREST system

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 Magistracy
 Justices of the Peace, by gender, 1 April 2006-1 April 2011

Year	Number of JPs		
	Men	Women	Total
2006	14,519	14,346	28,865
2007	15,007	14,809	29,816
2008	14,672	14,747	29,419
2009	14,472	14,798	29,270
2010	14,067	14,540	28,607
2011	13,186	13,780	26,966

Source:
 Ministry of Justice – Magistrates Recruitment and Appointments Branch

Table 10.5
The Magistracy
 Justices of the Peace appointed, by gender, 2006/07–2010/11

Year	Number of JPs		
	Men	Women	Total
2006/07	1,225	1,187	2,412
2007/08	927	972	1,899
2008/09	814	959	1,773
2009/10	759	873	1,632
2010/11	464	548	1,012

Source:
 Ministry of Justice – Magistrates Recruitment and Appointments Branch

Assessment of litigation costs, and publicly funded legal services

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. Information on the data sources used for the Offices of the Supreme Court statistics can be found in **Annex A**. The tables of detailed data can be found immediately following this section of commentary.

Key findings for 2010

- There were 11,580 cost bills assessed in the Senior Courts Costs Office in 2010, remaining level since 2009 after a decline in previous years. Of these, civil legal aid assessments rose by five per cent to 4,540 on 2009.
- 95 per cent of defendants involved in trial cases committed to the Crown Court received publicly-funded legal representation (where representation was known). This represented a decrease of three percentage points on 2009.

Detailed Assessment of Costs in Civil Proceedings

The detailed assessment of costs is the process of examining and if, necessary, reducing the bill of costs of a solicitor or Litigant in Person. Costs include not only the solicitor's own professional fees, but also disbursements incurred including barristers' and experts' fees.

In 2010, the Senior Courts Costs Office (SCCO) assessed 11,580 bills remaining level since 2009. It reflects the levelling out of the impact of Predictable Costs in Road Traffic Cases, the reduction in technical challenges to Conditional Fee Agreements and fixed success fees. There were 4,540 legal aid only assessments in 2010, a five per cent increase on the previous year. However, it was expected that this would drop as a result of the introduction of standard fees in Section 31 Public Law care proceedings. Following the marked increase in appeals from Crown Court determining officers in 2007, in 2010 these returned to levels regularly seen in previous years. Compared to 2009 Court of Protection assessments fell by two per cent. A random sample over the years 2002-2010 of completed between parties' assessments showed an average reduction of 30 per cent. The average reduction in Court of Protection bills for 2010 was 18 per cent.

Summary caseload statistics on the work of the Senior Courts Costs Office is shown in **Table 11.1**.

Separate statistics on costs assessments carried out by the Judicial Committee of the Privy Council and the Supreme Court are shown in **Table 11.2**.

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.

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; and Legal representation by solicitors and barristers in civil or family cases.

The Criminal Defence Service (CDS) provides legal services to those arrested, charged or prosecuted in connection with a criminal offence.

Summary statistics on the monies spent and work commissioned by the Community Legal Services (CLS) and Criminal Defence Service (CDS) are shown in **Table 11.3**. The LSC annual report for 2010/11 will be published later in 2011 and it will be available at:

www.legalservices.gov.uk/aboutus/how/strategic_publications.asp#annual

For 2009/10 the LSC's CLS and CDS delivered nearly 2.7 million acts of assistance between them, a decrease of two per cent on the previous year. Total cash payments and net expenditure for all publicly funded legal services both increased by two per cent. More detail on these issues is available from the Legal Services Commission website at: www.legalservices.gov.uk.

In 2010 means testing was extended to applicants for legal aid in the following criminal proceedings at the Crown Court:

- Trials (cases committed/sent or transferred for trial by a magistrates court, voluntary bills and re-trials ordered by the Court of Appeal);
- Appeals from a magistrates' court decision; and
- Committals for sentence.

The Crown Court means testing scheme was first piloted at five courts in January 2010 followed by a gradual national roll out, by region, between April 2010 and June 2010.

The scheme for the Crown Court differs to the existing scheme in the magistrates' court. In the magistrates' courts an applicant is either eligible or ineligible for legal aid depending on their financial means. In contrast, in the Crown Court, all applicants for legal aid in trial and committed for sentence cases who submit a completed application form are eligible. Some, however, may have to pay towards part or all of their defence costs depending on the outcome of their means test.

Under the Crown Court means testing scheme, applicants for legal aid in trial and committals for sentence cases automatically pass the interests of justice test. However, applications for legal aid in appeal cases at the Crown Court must satisfy the criteria for this test to be eligible for legal aid in the Crown Court.

Under the Crown Court means testing scheme applications for legal aid in trial, committals for sentence and appeal cases are filed and processed in the magistrates' court.

Applications for legal aid in contempt proceedings (as referred to in Section 12(2) (f) of the Access to Justice Act 1999) and breaches (failure to comply with an order of the Crown Court) are not subject to the means test, but must satisfy the interests of justice criteria before a Representation Order for the Crown Court is granted. These applications are filed and processed in the Crown Court.

Between 2006 and 2009 year on year increases in applications for legal aid were observed. In 2010 around 123,100 applications for legal aid (in trial and committed for sentence cases) were made in magistrates' courts for representation in the Crown Court. This represented a two per cent decrease on the previous year. The fall in the number of applications for legal aid coincides with the implementation of the Crown Court legal aid means test and changes in the growth of Crown Court receipts. However, it is too early to say with confidence what the cause of the decrease and effects of the new policies are.

In 2010 around 3,300 applications for legal aid in appeal cases were made in the magistrates' courts for representation in the Crown Court. This represented an increase of 87 per cent on the previous year. This was due to the processing of legal aid applications for representation in the Crown Court for appeal cases moving from the Crown Court to the magistrates' court (**Table 11.6**). A 69 per cent decrease between 2009 and 2010 in legal aid applications for appeal cases filed in the Crown Court corroborates further this explanation (**Table 11.4**).

For the same reason given for appeal cases, there has been a decrease in the number of legal aid applications filed in the Crown Court for trial cases (50 per cent between 2009 and 2010). However, legal aid applications for committed for sentence cases increased slightly by one per cent between 2009 and 2010 and this is due to the fact that breaches, which are counted under committed for sentence cases, continue to be filed in the Crown Court.

Overall 95 per cent of Crown Court defendants in cases committed or sent for trial in 2010 received publicly-funded legal representation (where representation was known). The remaining five per cent either received privately-funded representation or were not represented (**Table 11.5**). The corresponding figure for defendants committed to the Crown Court for sentence after a summary trial in the magistrates' court was 91 per cent, and for those appealing against the decisions of magistrates' courts, 56 per cent.

Statistics on the funding of Crown Court representation are given in **Tables 11.4 to 11.6**.

Table 11.1
Senior Courts Costs Office
 Number of costs bills assessed, by type of case giving rise to the bill,
 2006–2010

Type of case	Number of bills				
	2006	2007	2008	2009	2010
'Between parties' assessments	2,459	2,205	1,888	1,788	1,788
Civil legal aid assessments	6,315	5,756	5,146	4,319	4,542
Receivers' costs in the Court of Protection ¹	4,082	4,528	4,710	5,054	4,960
Appeals against determination of costs in the Crown Court	366	528	387	365	289
Total assessments	13,222	13,017	12,131	11,526	11,579

Source:

Senior Courts Costs Office

Note:

1 For 2010 includes 292 bills lodged by the Official Solicitor

Table 11.2
Judicial Committee of the Privy Council and House of Lords
 Number of costs bills assessed and their total and average allowed
 values, 2005–2009

	Cost bills assessed	Estimated total value	Estimated average value
<u>Judicial Committee of the Privy Council</u>			
Petitions for special leave to appeal	*	*	*
Appeals	15	£973,472	£64,898
<u>Supreme Court of the United Kingdom¹</u>			
Applications for permission to appeal	25	£114,234	£4,569
Appeals	17	£1,623,749	£95,514

Source:

Judicial Committee of the Privy Council and UK Supreme Court

Note:

1 The Supreme Court came into being on 1 October 2009. Pre-2010 data for the House of Lords petitions for leave to appeal and appeals are available from previous editions of this publication on the MoJ website

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

Table 11.3
Publicly-funded legal services
 Summary statistics on activity and expenditure¹, 2005/06–
 2009/10

	2005/06	2006/07	2007/08	2008/09	2009/10
Community Legal Service (CLS)					
<u>Civil and Family: Representation</u>					
Cash payments (£m)	£806.8	£774.2	£801.9	£849.4	£835.3
Acts of Assistance (thousands) ²	194.8	179.5	165.8	149.9	164.9
<u>Civil and Family: Advice and Assistance ('Legal help')</u>					
Cash payments (£m)	£284.1	£261.4	£260.4	£263.4	£301.0
Acts of Assistance (thousands) ³	801.4	884.6	834.6	927.7	975.7
CLS total					
Total cash payments (£m)	£1,090.9	£1,035.6	£1,062.3	£1,112.8	£1,136.3
Operating receipts (£m)	£259.8	£226.7	£218.2	£198.7	£194.6
Total net expenditure (£m)	£831.1	£808.9	£844.1	£914.1	£941.7
Total Acts of Assistance (thousands)	996.2	1064.1	1000.4	1077.6	1140.6
Criminal Defence Service (CDS)					
<u>Criminal: Police stations and magistrates' courts</u>					
Cash payments (£m)	£501.9	£529.4	£486.7	£487.3	£470.1
Acts of Assistance (thousands)	1,488.9	1473.8	1378.5	1520.0	1407.7
<u>Criminal: Crown Court and higher courts</u>					
Cash payments (£m)	£695.5	£647.9	£693.4	£700.1	£738.7
Acts of Assistance (thousands)	121.5	120.7	123.5	124.4	126.1
CDS total					
Total cash payments (£m)	£1,197.4	£1,177.3	£1,180.1	£1,187.4	£1,208.8
Operating receipts (£m)	£0.6	£5.9	£1.1	£0.7	£1.5
Total net expenditure (£m)	£1,196.8	£1,171.4	£1,179.0	£1,186.7	£1,207.3
Total Acts of Assistance (thousands)	1610.4	1594.5	1502.0	1644.4	1533.8
All publicly funded legal services⁴					
Total cash payments (£m)	£2,288.3	£2,212.9	£2,242.4	£2,300.2	£2,345.1
Operating receipts (£m)	£260.4	£232.6	£219.3	£199.4	£196.1
Total net expenditure (£m)	£2,027.9	£1,980.3	£2,023.1	£2,100.8	£2,149.0
Total Acts of Assistance (thousands)	2606.6	2658.6	2502.4	2722.0	2674.4

Source:

Legal Services Commission's Annual Reports for years shown other than 2009/10 financial information. 2009/10 financial information taken from LSC Review File (2010/11 Q3)

Notes:

- 1 Activity amounts are in thousands and expenditure amounts are in millions of pounds
- 2 From 2008/09 the figure for acts of assistance for civil representation has been calculated on a different basis and therefore not directly comparable with previous years' figures
- 3 The figures for acts of assistance for 'Legal Help' do not include telephone triage acts of assistance. With those included, the figures for 2007/08, 2008/09 and 2009/10 would have been 1,004.2, 1,163.6 and 1,266.3 thousands respectively
- 4 The scope of legal work covered by both the CDS and the CLS has changed during the period covered by this table. For details of these scope changes, please see the Legal Services Commission's annual reports and other related documents: <http://www.legalservices.gov.uk/aboutus/publications.asp>

Table 11.4**Funding of Crown Court representation**Number of applications¹ for public funding filed in the Crown Court, by type of proceeding, 2006–2010

Type of proceeding	Number of applications				
	2006	2007	2008	2009	2010
Committed / Sent for trial	2,711	5,126	4,583	3,758	1,864
Committed for sentence	7,575	10,903	10,394	9,694	9,769
Appeals against magistrates' court decisions	3,559	5,379	5,346	5,014	1,574

Source:

HM Courts and Tribunals Service CREST system

Note:

1 Includes a small number of applications for extensions of public funding which were filed and granted in the magistrates' court

Table 11.5**Funding of Crown Court representation**

Defendants and appellants in the Crown Court, by type of proceeding and type of representation, 2010

Type of proceeding	Defendants			Total
	Represented under criminal public funding	Privately / not represented	Unknown ¹	
Committed / Sent for trial	105,141	5,638	2,293	113,072
Committed for sentence	28,554	2,813	6,616	37,983
Appeals against magistrates' court decisions	4,779	3,751	5,126	13,656

Source:

HM Courts and Tribunals Service CREST system

Note:

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

Table 11.6**Funding of Crown Court representation**

Number of applications for public funding filed in the magistrates' courts for representation in the Crown Court, by type of proceeding, 2006-2010

Type of proceeding	Number of applications				
	2006	2007	2008	2009	2010
Committed / Sent for trial	84,637	85,780	94,556	106,246	103,928
Committed for sentence	20,728	18,322	20,288	19,307	19,196
Appeals against magistrates' court decisions	4,488	1,941	1,881	1,737	3,252

Source:

HM Courts and Tribunals Service CREST system

Data sources and data quality

Annex A: Data sources and data quality

This annex gives brief details of data sources for the figures given in this report, along with a brief discussion on data quality. All data in this edition of *Judicial and Court Statistics* relates to the calendar year 2010, unless otherwise noted.

Chapter 1: County courts (non-family)

This information has principally been produced using the Management Information System (MIS), a data warehousing facility drawing data directly from court-based administrative systems. Most data shown in the tables have been sourced from the county court administrative system CaseMan, used by court staff for case management purposes. This contains good quality information about the incidence and dates of major events in a case's progress through the court system. Statistical quality assurance procedures include the identification and removal of duplicate entries for the same event in a case, and checks that data have been collated for all courts to ensure completeness.

The numbers of insolvency petitions, applications for administration orders, administration orders made and order for sale are sourced from manual counts made by court staff. Since April 2009 these have been recorded in the One Performance Truth (OPT) database, a web-based data monitoring system allowing direct inputting of performance data by court staff. Prior to April 2009 they were inputted into the Business Management System, designed for the purpose of monitoring and assessing court workloads. Quality assurance measures are in place to ensure that data are of sufficient quality, including querying with courts where their counts look unusually high or low and obtaining corrected figures if errors are identified.

Table 1.9 shows statistics on unspecified 'money' claims, broken into several value ranges. The figures split by amount are counted based on the claim issue fee paid, this indicating the value range of the claim. The issue fee was either not present or didn't correspond to any of the claim value ranges (sometimes due to exemption or remission) in around four per cent of claims in each year.

The numbers of small claims hearings, trials and repossessions of property by county court bailiffs are sourced from CaseMan. The accuracy of the trial/small claim hearing counts is dependent on court staff entering the correct hearing types and outcome codes onto the system. The accuracy of the repossession figures is dependent on court staff entering the correct warrant outcome codes onto the system. As a result, these statistics are considered to be of lower quality than the other main case event volumes derived from CaseMan.

Table 1.14 shows the average time between case issue, allocation to track (for fast and multi-track cases) and the start of a small claims hearing or trial, plus statistics on the duration of small claims hearings and trials. The statistics on average times between the major case milestones are sourced from CaseMan. The statistics on hearing/trial durations are sourced from, respectively, the small claims sampler and the trial sampler. The small claims sampler is a manual form which 29 county courts (from a total of around 216 across England and Wales) are required to complete for three months during the year. The trial sampler is a manual form which all county courts are required to complete for two months during the year. As such, these statistics represent the results for minority subsets, and are not based on all such hearings/trials occurring across England and Wales during the year.

Chapter 2: Family matters

The data on the family related court matters is principally sourced from the county court administrative system FamilyMan, used by court staff for case management purposes and containing good quality information about a case's progress through the family courts. Some data are also sourced from the HMCTS Performance database. Statistical quality assurance procedures include the identification and removal of duplicate entries for the same case on the administrative systems, and checks that data have been collated for all courts to ensure completeness.

Some points to note about counting rules in the statistics:

- A disposal which occurs in one quarter or year may relate to an application which was initially made in an earlier period.
- An application of one type may lead to an order of a different type being made.
- The statistics on matrimonial, ancillary relief and domestic violence proceedings are counted by case. The statistics on public law and private law proceedings relate to the number of children which are subject to applications: for example if two children are the subject of a single case then the children would be counted separately in the statistics. Different types of orders may be made in respect of different children involved in a case.

Public law and private law Children Act figures are given in **Tables 2.1 to 2.4**. Data for the Family Proceedings Courts which share premises and administrative systems with county courts is sourced from FamilyMan. Data for other Family Proceedings Courts was provided on electronic summary returns submitted to HMCTS Business Information Division on a monthly basis. The figures shown for Family Proceedings Courts pre 2007 are weighted estimates based on data from a subset of courts. There are known data quality problems with these, which are likely to be an undercount.

Following a review of the data compilation methodology for counting public and private law applications, a similar exercise was conducted by Ministry of Justice statisticians to develop a more accurate process for counting public and private law disposals made at county courts, Family Proceedings Courts and the High Court. As a result of this work, a new methodology has been established and introduced as of this volume which incorporates a more robust and well-understood process for calculating the number of disposals, as some steps of the previous compilation methodology were carried out by an automatic process which was not clearly documented or understood. The new methodology is a more effective method for avoiding the double-counting of duplicate entries and compiling the statistics directly from the data and tables held within the family court administrative database.

The statistics shown in **Table 2.4** of this report therefore reflect the introduction of this new methodology. Revised figures for the years 2008 and 2009, which were published in previous editions of *Judicial and Court Statistics*, are given below.

Table 2.4**Family matters**

Matters affecting children: Number of children in disposals in all tiers of court, by type of disposal and whether Private or Public law, revised figures for 2008 and 2009

		Public law					Private law					Number of children
		Type of disposal				Total disposals	Type of disposal				Total disposals	
Year		Applications withdrawn	Orders refused	Orders of no order	Orders made		Applications withdrawn	Orders refused	Orders of no order	Orders made		
Published	2008	1,198	133	382	22,890	24,603	4,680	640	1,505	127,135	133,960	
	2009	924	133	321	19,573	20,951	4,678	609	1,504	148,683	155,474	
Revised	2008	1,014	133	359	21,087	22,593	4,581	638	1,476	129,094	135,789	
	2009	852	133	319	20,011	21,315	4,627	608	1,521	144,577	151,333	

It can be seen that the new disposals methodology has led to some, but generally fairly small differences in the figures compared to the old methodology.

Figures on the number of matrimonial proceedings are given in **Table 2.5**. Statistics on the number of divorces occurring each year in England and Wales are also published by the Office for National Statistics (ONS). The Ministry of Justice's divorce statistics are sourced directly from the FamilyMan system, while the ONS data are compiled from 'D105' forms used by the courts to record decrees absolute, which are supplied to ONS for compiling the central index of

decrees absolute. There are small differences between the number of divorces as recorded by the two sets of statistics: 1.2 per cent for 2009 data. There are believed to be some differences in the quality assurance and compilation processes currently used to produce the statistics. Statisticians at the Ministry of Justice and ONS are working together with HM Courts and Tribunals Service to reconcile these differences as closely as possible. However some of this difference will be accounted for by the fact that the two sets of figures do not count precisely the same cases: for example, the ONS statistics include annulments while the MoJ figures do not; conversely the MoJ data include dissolutions of civil partnerships which are excluded from the ONS counts.

The matrimonial matters statistics for 2009 are subject to revision compared to those published in **Table 2.5** of *Judicial and Court Statistics 2009*. A data inputting error occurred in the data recorded for Bristol county court, which has since been corrected. The revisions, which primarily affected the figure for decrees absolute granted, are outlined in the table.

Matrimonial proceedings	Published in JCS 2009	Revised 2009
Dissolution of marriage		
Petition filed	132,144	132,148
Decrees nisi	119,244	119,260
Decrees absolute	116,576	115,174
Nullity of marriage		
Petition filed	290	291
Decrees absolute	199	198
Judicial separation		
Petition filed	360	362

The information on Forced Marriage Protection Orders in **Table 2.10** was taken from the HMCTS Performance database. This is a regularly updated, web-based performance system which enables aggregation to national level of returns from individual courts.

Figures for **Table 2.11** and **2.12** were provided by the Principal Registry of the Family Division, a division of the High Court.

Adoption

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

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

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

The ONS will publish adoption figures for 2010 later in 2011.

Chapter 3: Magistrates' courts

Since 2008 the HMCTS Performance Database OPT has been used for collecting data on most aspects of magistrates' courts activity. This is a web-based performance system which enables aggregation to national level. In most cases the 2008 data is comparable with earlier data, but this does not apply to caseload data. The data sources used within this chapter are briefly discussed below.

Defendants Proceeded Against

The figures presented here are derived from the Completed Proceedings report on the HMCTS Performance Database OPT, which covers all cases dealt with in magistrates' courts – criminal and otherwise.

The statistics on completed proceedings is populated based on information contained on the Libra MIS and Manual data collection. This contains good quality information about magistrates' courts' caseloads. Data provided by the courts must be checked and verified at case level by court staff before being submitted on OPT, and the centrally collated data are subject to further checks including the investigation of apparent anomalies in the data. The data are necessarily subject to the inaccuracies inherent in any large-scale data recording system

Prior to 2008, figures were obtained from the Office for Criminal Justice Reform's Court Proceedings Database, which collected data from a variety of administrative databases held by courts and police forces. Due to a changeover in the data collection system, comparable data were not available for 2008. As the datasets in OPT and the Court Proceedings Database are not identical, results cannot be directly compared. Therefore in this bulletin no comparison is made between the caseload figures for 2008 and earlier years.

The OPT data is case-based, so where a case has more than one offence, only the most serious offence is counted.

Timeliness

Information on timeliness of cases proceeded against in the magistrates' courts is taken from a sample survey, the Time Intervals Survey (TIS). TIS reports on the average (mean) time taken between stages of proceedings for defendants in completed criminal cases in magistrates' courts. Information on adult indictable/triable-either-way cases and adult charged summary cases are collected in one week of each quarter. Information on adult summonsed summary offences is additionally collected in the first and third quarters. Information on youth defendants in both indictable and summary cases is collected in four weeks of each quarter.

Each sample provides one estimate of the average time taken – different samples would produce different average times. Therefore the margin of error associated with each sample is provided to estimate the likely range within which the 'true' average time falls. This 95 per cent confidence interval lies between the sample average +/- the margin of error. The size of the margin of error and width of the confidence interval is dependent on the sample size.

The figures on timeliness are based on defendants: where a case involved more than one defendant, each defendant is considered individually.

Timeliness results are 'snapshot' estimates rather than exact measures. They are vulnerable to external factors such as sampling, human error and changes to the composition of cases observed, 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 HMCTS and MoJ staff.

Further details on TIS are available at:

<http://www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/magistrates-times.htm>

The figures presented in this chapter are based on the new 19 HMCTS areas, as per the 2010 restructuring of administrative arrangements. Thirteen former areas were collectively merged to form seven new areas and as a result they have undergone amendments following restructuring.

Trials

The figures presented on trials are collected and processed by the Business Information Division in HMCTS. Prior to April 2007 the data was collected on the cracked and ineffective trial monitoring forms. The HMCTS Performance Database 'was introduced in April 2007 and has been used since then for data collection. The figures are vulnerable to external factors such as human error and missing data due to non-returns.

The numbers of effective, cracked and ineffective trials are monitored, as well as the reasons for cracked and ineffective trials. These individual reasons are then grouped.

Enforcement

The figures presented on fine enforcement are from the debt analysis return (DAR) collected and processed by the Business Information Division in HMCTS. The information is collated to provide national figures. OPT has been used for data collection since its introduction in April 2007.

Chapter 4: The Crown Court

This information has been produced using the MIS, a data warehousing facility drawing data directly from court-based administrative systems. 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 contains good quality information about the incidence and dates of major events as each case proceeds in the Crown Court. Statistical quality assurance procedures include the identification and removal of duplicate entries, checks of apparent anomalies and checks for completeness.

The publications *Criminal Justice Statistics* and *Judicial and Court Statistics* both contain data on the number of proceedings heard in the Crown Court. The figures are derived from the same core source (the CREST system), but they are not directly comparable as there are known differences between them. These are due to a number of factors, including differences in the data collation methods and counting methodologies used, which reflect different underlying drivers of the analyses being performed. By way of broad illustration, *Criminal Justice Statistics* counts numbers of defendants and focuses on the final outcomes of criminal court proceedings, whilst *Judicial and Court Statistics* counts numbers of cases and focuses on flows through the court system. Work is currently under way to investigate and review the differences between the two sets of statistics and their compilation processes with a view to aligning them in the future.

- Definition of final outcome: *Judicial and Court Statistics* include cases ending as a result of all charges being quashed, discontinued by the prosecution, or where a bench warrant was issued or executed and other outcomes. These outcomes are not counted in *Criminal Statistics* as the statistics focus on the final outcome of criminal cases and the sentences passed
- Different validation rules
- Timing of data extraction

During 2006, changes were made to the Crown Court centres. A new Crown Court centre was created, Mold, which was a satellite court, became independent, and Warrington, which was independent, became a satellite of

Chester. Welsh courts that were satellites of Chester (Caernarvon and Dolgellau) became satellites of Mold. These changes were made in preparation for the change in the regions which made Cheshire a part of the North West and Wales a region on its own. When Mold became independent, the information about the existing cases being dealt with was copied to the new system from Chester. This meant that some cases existed on both systems and data have been adjusted accordingly to avoid duplication in the statistics for this period.

Chapters 5, 6 and 7: High Court and Appellate Courts

All the statistics in these chapters are provided specifically for this publication, and are ultimately sourced based on information contained on a range of administrative systems used by court staff for case management purposes.

The *Judicial and Court Statistics* compilation team carry out some statistical quality assurance procedures on receipt of the data, such as checks of apparent anomalies.

Chapters 8, 9, 10 and 11: Other Courts and Offices

Information for the Mental Capacity Act, the Office of the Supreme Court, the Judiciary and Assessment of litigation costs, and publicly funded legal services have been produced using the MIS, a data warehousing facility drawing data directly from court-based administrative systems. Most data shown in the tables have been sourced from the Court of Protection, the Office of the Public Guardian, the Office of the Official Solicitor and Public Trustee, Tipstaff, Judicial Communication Office, Supreme Court Costs Office and the Crown Court administrative system CREST. These MIS contain good quality information about a cases progress. Statistical quality assurance procedures include the identification and removal of duplicate entries, checks of apparent anomalies and checks for completeness.

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

Glossary

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

County courts (non-family)

Administration order: Combines a debtor's debts under certain conditions (see footnote to **Table 1.22**), enabling the debtor to make regular payments to the court which are then distributed to the various creditors.

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

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

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

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

Small claim/fast track/multi track cases: If a claim is defended, the next step is for further information to be provided by the parties following which a judge in the county court assigns the case to one of three case management tracks. The 'small claims track' is for less complex cases, which generally have claim values of up to £5,000 (or £1,000 for personal injury and housing disrepair matters). The 'fast track' is for more complicated cases, generally with a claim value of over £5,000 (or £1,000 for personal injury and housing disrepair matters) and up to £15,000 for proceedings issued before 6 April 2009, otherwise £25,000. The 'multi track' is for the most complex cases which are not allocated to the small claim or fast track. Many defended cases are settled by the parties involved, or withdrawn, either before or after allocation to one of these tracks. Around half of cases allocated to the small claims track are resolved at small claims hearings while a much lesser proportion of cases allocated to the fast or multi track are disposed of by trials.

Specified 'money' claims: Claims made by an individual, company or organisation for a specified amount of money e.g. £15,000.

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

Unspecified 'money' claims: Claims made by an individual, company or organisation for an unspecified amount of money e.g. when claiming for damages/compensation for loss or injury, the amount claimed is limited to £10,000.

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

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

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

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

Family matters

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

Application: The act of asking the court to make an order.

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

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

Dissolution: The legal termination of a marriage by a decree of divorce, nullity or presumption of death or of a civil partnership by the granting of a dissolution order.

Divorce: This is the legal ending of a marriage.

Judicial Separation: This is a type of order that does not dissolve a 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.

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

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

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

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

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

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

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

[Magistrates' courts](#)

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

Adult indictable cases: The most serious offences, such as murder and rape, which must be heard at a Crown Court. The involvement of the magistrates' court is generally brief: a decision is made on whether to grant bail, and other legal issues, such as reporting restrictions, are considered. The case is then passed to the Crown Court.

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

- Adult summary motoring proceedings: Offences, such as driving whilst disqualified, speeding and failure to stop.

- **Adult summary non-motoring proceedings:** Offences such as TV license evasion, minor assaults and criminal damage where less than £5000 worth of damage is caused.

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

Charge or laying of information: In the Time Intervals Survey, this relates to the date the defendant is first charged at a police station (for charged cases: those where an individual is arrested and formally accused of a crime at a police station) or the date information is laid (for summonsed cases: those where an individual receives a written summons advising that an action has been begun against him/her, and that s/he is required either to appear in person, or to respond in writing, to the court regarding the alleged offence).

'Cracked' trial: A description is in the Crown Court section of the **Glossary**.

Completion: The date a defendant's case is completed in the magistrates' courts: either when a final decision is reached or the case is passed to the Crown Court. The Time Intervals Survey only reports on completed cases.

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

'Ineffective' trial: A description is in the Crown Court section of the **Glossary**.

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

The Crown Court

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

- (a) **Sent for trial cases:** Cases sent for trial by the magistrates' court because they can only be heard by the Crown Court.
- (b) **Committed for trial cases:** Cases which can be heard in either a magistrates' court or the Crown Court. A defendant can elect to be tried in the Crown Court or a magistrate can decide that a case is sufficiently serious that it should be dealt with in the Crown Court.

- (c) Committed for sentence cases: Cases transferred to the Crown Court for sentencing where defendants are found guilty in the magistrates' court. This happens if a magistrate is of the opinion that a greater punishment should be imposed than they are allowed to impose.
- (d) Appeals against the decisions of magistrates' courts.

Bench warrant: 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. Once a bench warrant has been issued, the case is considered disposed of. Following the apprehension of the person, the bench warrant is executed and the case is reopened.

Circuit: A geographical area where a judge has the judicial authority to decide on cases. The jurisdiction can encompass a range of counties or districts.

Circuit Judge: A judge who normally sits in the county court and/or Crown Court.

Class: Offences are classified according to their seriousness. In the Crown Court, there are three classes of criminal offence; and the class of a case is based on the most serious offence. Class 1 offences are the most serious offences. They include treason and murder and are generally heard by a High Court Judge. Class 2 offences include rape and are usually heard by a Circuit Judge under the authority of the Presiding Judge. Class 3 includes all other offences such as kidnapping, grievous bodily harm and robbery, which are normally heard by a Circuit Judge or Recorder.

'Cracked' trial: A trial that does not go ahead on the day and does not need to be re-scheduled and the case has reached an outcome. This occurs when an acceptable plea is offered by the defendant or the prosecution offers no evidence against the defendant.

Dealt with: Once a court has reached a judgement against a defendant in respect of all charged offences, that defendant is considered 'dealt with'.

Defendant: A person or company against whom a charge is brought in court.

Disposal: The completion of a case referred to the Crown Court. In other words, a case is considered disposed of when all defendants involved have been dealt with by the court.

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

Guilty plea: A guilty plea is recorded if a defendant either: (i) pleads guilty to all counts; (ii) pleads guilty to some counts and not guilty to others and no jury is

sworn in respect of the not guilty counts; or (iii) pleads not guilty to some or all counts but offers a guilty plea to alternatives which are accepted (providing no jury is sworn in respect of other counts). A case is treated as a guilty plea only if pleas of guilty are recorded in respect of all defendants.

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

High Court Judge: A judge who sits in the High Court of Justice.

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

Receipt: A case referred to the Crown Court.

Recorder: A recorder's jurisdiction is broadly similar to that of a Circuit Judge, but generally handles less complex or serious matters coming before the court.

Waiting time: The length of time between the date of sending or committal and the start of the substantive Crown Court hearing.

High Court

Admiralty Court: Deals with shipping and maritime disputes, such as ship collisions and damage to cargo.

Bankruptcy: Insolvency (inability to pay debts) of individuals.

Bankruptcy and Companies Court: Deals with cases involving companies and company or individual insolvency / bankruptcy. It primarily deals with matters under the Insolvency Act 1986, the Company Directors Disqualification Act 1986, the Companies Act 1985 and the Financial Services and Markets Act 2000.

Chancery Division: One of the three divisions of the High Court (along with the Queen's Bench Division and Family Division), and considers matters in relation to trust law, the administration of estates, guardianship and charities.

Commercial Court: Deals with complex cases arising out of business disputes, both national and international, including in relation to international trade and banking.

Comptroller General of Patents: The head of the UK Patent Office.

Family Division: One of the three divisions of the High Court (along with the Chancery Division and Queen's Bench Division), and is concerned with matrimonial matters and proceedings relating to children or adults who cannot make decisions for themselves.

Interlocutory proceedings: Court hearings that take place before the full trial.

Master: Judicial officer of the High Court who primarily deals with procedural matters.

Patents Court: Specialist court which deals with matters concerning intellectual property such as patents and registered designs.

Queen's Bench Division: One of the three divisions of the High Court (along with the Chancery Division and Family Division), and deals with civil disputes including those relating to breach of contract, personal injuries, commercial cases, libel and slander.

Royal Courts of Justice: Administratively part of Her Majesty's Courts and Tribunals Service, and is the building in London which houses the Court of Appeal, the High Court and the Probate Service.

Technology and Construction Court: Deals with building and engineering disputes and computer litigation.

Tort: Any private or civil wrong, not including a breach of contract, for which private damages may be claimed.

Writs of fieri facias (fi-fa): Orders an officer to take or sell property belonging to a debtor until the value of the property taken equals the amount of the debt. This is also called a writ of control.

Appellate Courts

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

Appeal: A formal request to a higher court that the verdict or ruling of a court be overturned.

Dismissed: Appeals given a final result of 'Refused'.

Dismissed by Consent: Appeals given a final result of 'Dismissed with consent'.

Filed: Cases filed/setdown within period.

Habeas corpus: An order requiring a prisoner to be brought to court, to allow the court to determine if their detention is lawful.

Otherwise Disposed: Appeals given a final result of 'Not our Jurisdiction', 'Totally Without Merit', 'Varied with Consent', 'Other Result', and 'Remitted'.

Struck out for failure to provide documents: Appeals given a final result of 'Dismissal List' or 'Struck out'.

Terms used in the other chapters of this bulletin

Deputyships: The level of support and supervision the OPG allocates to a Deputy is decided after carrying out an assessment of the individual circumstances of the case.

Judicial sitting days: 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.

Lasting Power of Attorney: The Property and Affairs LPA allows the Donor to appoint an Attorney to manage their finances and property whilst they still have capacity to make decisions for themselves. The Personal Welfare LPA allows the Donor to appoint an Attorney to make decisions on their behalf about their personal welfare. A Personal Welfare LPA can only be used when the Donor lacks the capacity to make these decisions for themselves.

Explanatory notes

1. This report provides statistics on activity in the county, family, Crown and magistrates' courts of England and Wales along with statistics on the work of the High Court, Court of Appeal, UK Supreme Court and some associated offices and agencies. This is the fifth annual court statistics report to be published by the Ministry of Justice. Previous editions were published by the Department for Constitutional Affairs and its predecessors. For the 2005 edition and earlier years it was entitled *Judicial Statistics*.
2. Quarterly statistics on activity in the county, family, Crown and magistrates' courts are also published by the Ministry of Justice in the statistical report *Court Statistics Quarterly*. Statistics for Q1 (January to March) of 2011 are published by the Ministry of Justice at the same time as this edition of *Judicial and Court Statistics*.
3. Breakdowns of many of the summary figures presented in this bulletin, such as split by case type or by HM Courts and Tribunals Service area, are available on request. Please contact the Justice Statistics Analytical Services division using the details in the **Contacts** section.
4. **Revisions:** The statistics published in this bulletin represent final figures for the 2010 calendar year. For the statistics relating to the county courts (non family), family related matters, magistrates' courts and Crown Courts in chapters 1 to 4, provisional figures for each quarter of 2010 (and, when aggregated, for the calendar year) have already been published in editions of *Court Statistics Quarterly*. As these statistics are primarily sourced for administrative databases, they are, as standard, revised to take account of any late amendments to the records. This report presents the final figures for 2010, which incorporate revisions to the previously-published statistics to account for any such late amendments. The 2010 statistics would not usually be revised further to reflect any future updates to administrative sources. The revised statistics for 2010 are also included within the Q2 (January to March) 2011 edition of *Court Statistics Quarterly*.

Symbols and conventions

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

0	=	Nil
-	=	Not applicable
n/a	=	Not available
(r)	=	Revised data
(p)	=	Provisional data
*	=	Averages are not shown where there are fewer than 20 cases in a given year

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