

Court Statistics Quarterly April to June 2012

Ministry of Justice
Statistics bulletin

Published 27 September 2012

Alternative format versions of this report are available on request from the Ministry of Justice by emailing statistics.enquiries@justice.gsi.gov.uk.

© Crown copyright
Produced by the Ministry of Justice

Contents

Introduction	4
Main findings	6
Civil (non-family) matters	6
Family matters	8
Criminal matters	9
Enforcement of financial impositions	11
Background	12
Commentary	13
<i>Chapter One: Civil (non-family) matters [Tables 1.1 – 1.8]</i>	13
<i>Chapter Two: Family matters [Tables 2.1 – 2.10]</i>	21
<i>Chapter Three: Criminal matters [Tables 3.1 – 3.14]</i>	34
<i>Chapter Four: Enforcement of financial impositions [Tables 4.1 – 4.3]</i>	44
Annex A: Data sources and data quality	47
Annex B: Quarterly Tribunals Statistics	53
Annex C: Family law	56
Annex D: Criminal court system	67
Glossary	79
Civil (non-family) matters	79
Family matters	80
Criminal matters	81
Explanatory notes	85
Contacts	86

Introduction

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

The report also includes a detailed description for each type of jurisdiction to familiarise the reader with civil and criminal justice terms and aid overall understanding of the statistics. Please check **Annex C** for information on family law and **Annex D** for information on the criminal court system. For the civil (non-family) matters there is also a schematic summary of specified money cases as an example within the commentary section.

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

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

These statistic bulletins, along with the Excel tables and the comma-separated values (CSV) file formats for each chapter, are available from the MoJ website. Following the merger of the Court Statistics Quarterly (CSQ) and Company Winding Up and Bankruptcy Petition Statistics publications announced on 12 May 2011, a separate CSV file is included with this bulletin covering insolvency actions from 1999 onwards by Her Majesty's Courts and Tribunals Service (HMCTS) region, Government Office Region and county courts.

www.justice.gov.uk/statistics/courts-and-sentencing/judicial-quarterly

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

www.justice.gov.uk/statistics/tribunals/quarterly and
www.justice.gov.uk/statistics/tribunals/annual-stats

Annex A provides summary information on data sources for the figures given in this report, along with a brief discussion on data quality. **Annex B** provides high-level findings for tribunals which are administered by HMCTS..

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

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

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

Main findings

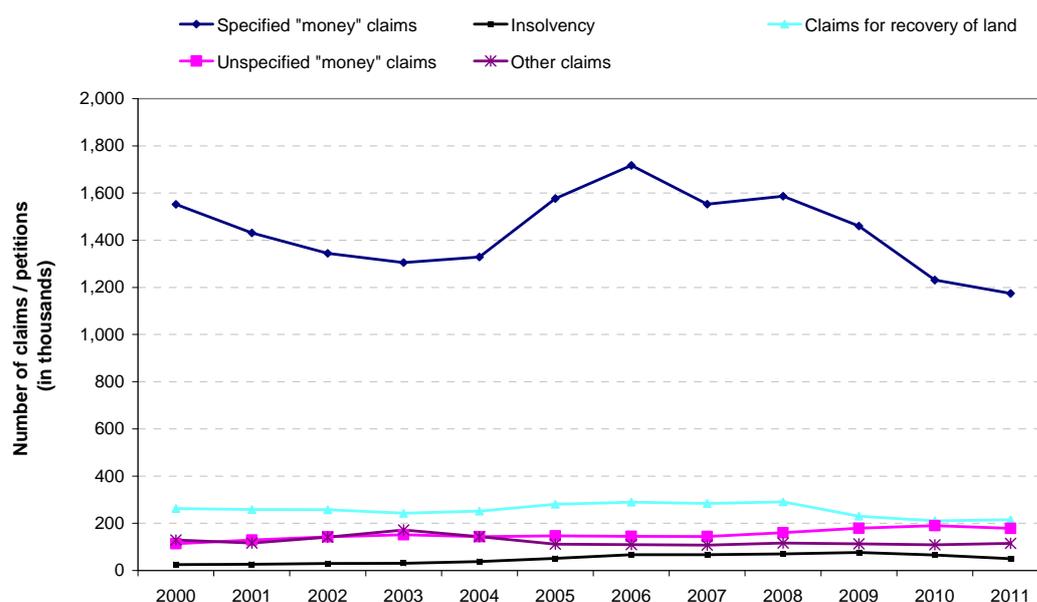
The statistics in this publication are used to monitor the type and volume of cases that are received and processed through the court system of England and Wales. The analyses in this report are mainly comparisons made between the latest quarter and the equivalent quarter of previous years. Seasonal variations affecting the workload of the courts may impact on comparisons with other periods. Because the figures for the latest quarter are provisional, the numbers and trends highlighted in the commentary may be subject to revision in the future.

Civil (non-family) matters

Civil (non-family) cases in the county courts typically relate to debt, the repossession of property, personal injury and insolvency. Between 2008 and 2011 there were notable declines in claims issued, small claim hearings, trials, and applications for enforcement after a county court judgment has been obtained.

- **Claims issued:** There were **337,861 claims and petitions issued** during the second quarter of 2012, seven per cent fewer than in the same quarter of 2011. This continues the general downward trend from the peak in 2006 (545,885 claims on average per quarter) which is mainly due to decreases among specified money (typically debt related) claims, claims for the recovery of land, and insolvency petitions (Figure A).

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



Only a small proportion of claims are defended, with defended cases that are not settled or withdrawn generally resulting in a small claim hearing or trial. Because many claims are not defended or are withdrawn or settled outside of court, only 3.7 per cent of claims brought before a County Court go to a trial or hearing¹.

- **Claims defended:** There were **56,381 defences made** in the second quarter of 2012, 16 per cent fewer than in the same quarter of 2011 and continuing the general downward trend since the peak in defences in 2007. The fall in claims defended since 2007 reflects in part the reduction in claims issued over the same time-period.
- **Small claim hearings:** This track is generally for cases with a claim value of up to £5,000 which do not require substantial preparation by the parties involved. **8,434 small claim hearings** took place in the second quarter of 2012, a decrease of six per cent compared to the same quarter of 2011. On average, small claim hearings occurred 30 weeks after the claim was originally made, the same as in the same quarter of 2011.
- **Fast track and multi track trials:** Fast track is generally for cases with a claim value of between £5,000 and £25,000; multi track is generally for cases with a value exceeding £25,000. **3,658 fast track and multi track trials** were disposed of, a decrease of seven per cent compared with the same quarter of 2011. On average, trials occurred 56 weeks after the claim was originally made, up from 55 weeks in the same quarter of 2011 and continuing the general upward trend seen since 2008.

Once a judgement has been made, further steps may need to be taken to enforce it. There are various methods of enforcing a judgment.

- **Warrants of execution:** During the second quarter of 2012, **22,957 warrants of execution were issued**, a decrease of 25 per cent on the second quarter of 2011. This continues the steep decline from the second quarter of 2009 and also the longer term downward trend from 2000.
- **Attachment of earnings orders:** The attachment of earnings order enables payment through the debtor's employer. **16,149 applications were made for attachment of earnings orders**, an increase of 45 per cent on the same quarter of 2011. **12,708 attachment of earnings orders were made**, an increase of 14 per cent on the same quarter of 2011.

¹ This is a proxy measure, because it does not take into account the delay between a claim being made and a claim going to hearing or trial. It also does not include civil claims that are dealt with outside of the county courts.

Family matters

Family cases deal with issues such as parental disputes, child protection cases, divorce and separation, and cases of domestic violence. Longer historic time trends show that for most family-related court cases, except Public and Private law Children Act cases, the number of applications and disposals have shown a general downward trend over the last decade or so.

- **Public law children's matters:** The number of children involved in public law applications made by local authorities jumped in 2009 from around 20,000 per year to almost 26,000 per year following the publicity surrounding the Baby P case. Since then, the numbers have continued to increase through to early 2012, but have now shown a small decrease. There were **7,032 children involved in public law applications** made in the second quarter of 2012; a one per cent decrease on the same period for 2011. The average timeliness for care and supervision public law proceedings in the second quarter of 2012 was 51.5 weeks.
- **Private law children's matters:** The number of children involved in private law applications, which generally follow a breakdown in their parents' relationship, rose to a peak in 2009 and has since fallen back to around 110,000 per year, a similar level to that last seen in 2006. This quarter shows a reversal of the downward trend, with **27,204 children involved in private law applications** made in the second quarter of 2012; a 14 per cent increase from the same period for 2011.
- **Divorces:** Divorce rates peaked in 2003, and have fallen since then, levelling off at around 120,000 divorces per year since 2008. The decline generally reflects the smaller married population and a higher average age at marriage. The younger a person marries, the higher the probability of getting divorced so the trend to delay marriage has partly contributed to the observed general decline in divorce over the last 20 years. There were **29,551 decrees absolute granted for the dissolution of marriage** in the second quarter of 2012; an increase of two per cent compared to the same period of 2011.
- **Domestic violence:** Both applications and orders made for domestic violence have been declining since 2002. There were **5,248 domestic violence applications** in the second quarter of 2012; almost unchanged from the same period in the previous year. The number of **domestic violence orders made** however decreased over this time by five per cent to **5,405** in the second quarter of 2012, compared with the corresponding quarter in 2011. Please note, in contrast to previous publications, these figures for domestic violence applications and orders cover all tiers of court, not just county courts.
- **Forced marriage protection orders (FMPOs):** Following their introduction in 2008 the number of FMPOs made have stabilised at around 150 per year. In the second quarter of 2012, **50 orders were made**.

Criminal matters

Virtually all criminal court cases start in a magistrates' court. The less serious offences are handled entirely in magistrates' courts and are heard in a summary trial. 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.

The criminal court workload

- There were **405,621 criminal proceedings** completed in magistrates' courts in the second quarter of 2012, around four per cent fewer than in the same period of 2011. This continues the general downward trend observed since 2008, which is mainly due to decreasing volumes of summary motoring and indictable proceedings.
- In the second quarter of 2012, **31,933 cases were received** by the Crown Court, from the magistrates' courts. This is a decrease of 11 per cent compared to the same period last year, continuing the downward trend since 2010.
- The total value of fines paid in magistrates' courts was **£74 million** in the second quarter of 2012, compared with £69 million in the corresponding quarter of the previous year.

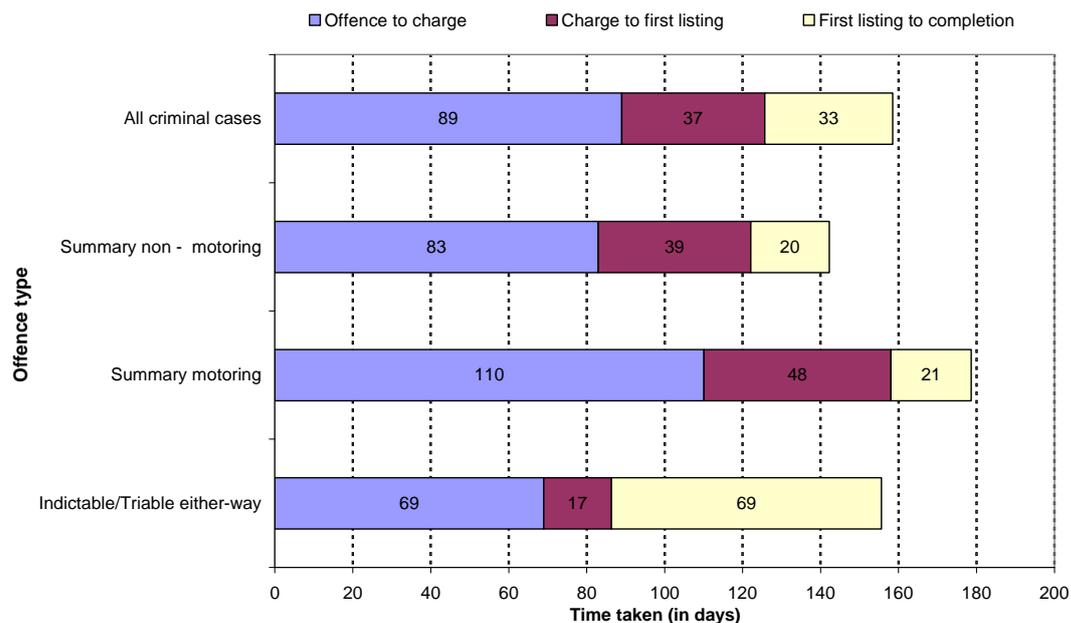
Effectiveness of trial hearing

- In the second quarter of 2012, **37,776 trials were recorded in magistrates' courts**, with 44 per cent recorded as effective, 17 per cent did not commence on the due date and required re-listing (ineffective) and 39 per cent did not commence on a scheduled date but were not re-listed as they had reached a conclusion (cracked).
- **9,192 trials were recorded in the Crown Court**, a decrease of eight per cent compared with the same period in 2011. This continues the downward trend observed since 2010. Of these trials listed, 48 per cent were recorded as effective, 37 per cent were recorded as cracked and 15 per cent were recorded as ineffective.
- Rates of effective, cracked and ineffective trials in the courts have remained relatively stable since 2006. Statistics are presented on the reasons for ineffective trials in this publication in Tables 3.4 (magistrates' court) and 3.6 (Crown Court).

Timeliness of criminal proceedings

- On average (mean), the time taken between when an offence was committed and the criminal case was completed was **158 days**. This is a four per cent increase compared to the same period in the previous year, caused by the increase time taken from offence to the first court hearing in summary cases.
- However, around half of defendants had their case completed within 137 days of committing an offence or less.
- The time spent from offence to first hearing in the magistrates' courts was the longest for summary motoring cases and the shortest for indictable/triable either-way cases. The average offence to completion time for indictable/triable either-way cases, which can be heard in the Crown Court, was **156 days**, compared to **142 days** for summary non-motoring cases and **179 days** for summary motoring cases (Figure B).

Figure B: Average time taken from offence to completion, for all defendants in completed criminal proceedings by offence type, England and Wales, Q2 2012



- Of trials heard in the Crown Court, defendants pleading not guilty wait longer in the Crown Court compared with those defendants who plead guilty. The average time a defendant waits in the Crown Court for substantive hearing was **25 weeks (175 days)** when a defendant entered a not guilty plea compared with **12 weeks (85 days)** for defendants where a guilty plea was entered.

Fines:

- The total value of fines paid has been increasing over the last eight. In the second quarter of 2012, the amount paid in England and Wales was **£74 million**, a seven per cent increase compared with the same quarter of 2011.

Enforcement of financial impositions

Financial impositions are ordered by the criminal courts for payment by defendants at sentencing and include court fines such as motoring fines, prosecutors' costs, compensation orders, penalty notices and victim surcharges. Financial penalties are the most commonly used sentencing

Financial impositions and amounts paid

- In the fourth quarter of 2011, **around £92 million** was imposed by the criminal courts, of which around £12 million (13 per cent) was paid within one month of the imposition month, around £31 million (33 per cent) was paid within three months and around £39 million (42 per cent) was paid within six month of the imposition month.

Outstanding financial impositions:

- At the end of the second quarter of 2012, the total amount of financial impositions outstanding in England and Wales was **£590 million**. This represents a three per cent fall on the monies owed at the end of 2011.

Background

The vast majority of criminal and civil cases in England and Wales are dealt with at the Crown, magistrates' and county courts.

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

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

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

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

Commentary

Chapter One: Civil (non-family) matters [Tables 1.1 – 1.8]

The majority of civil cases, which do not involve family matters or failure to pay council tax, are dealt with by the county courts. These cases are typically related to debt (these generally being issued for a specified amount of money), the repossession of property, personal injury (these generally being issued for an unspecified amount of money), and insolvency. Particularly important, complex or substantial cases are instead dealt with in the High Court. All county courts are assigned at least one District Judge, and some at least one Circuit Judge.

As an example of how civil cases are processed, Figure 1.1 on the next page provides a schematic summary of the process that specified money cases, one type of civil case, can go through, although not every case will go through every stage. The process for other types of cases may vary from those shown in Figure 1.1.

Claims issued

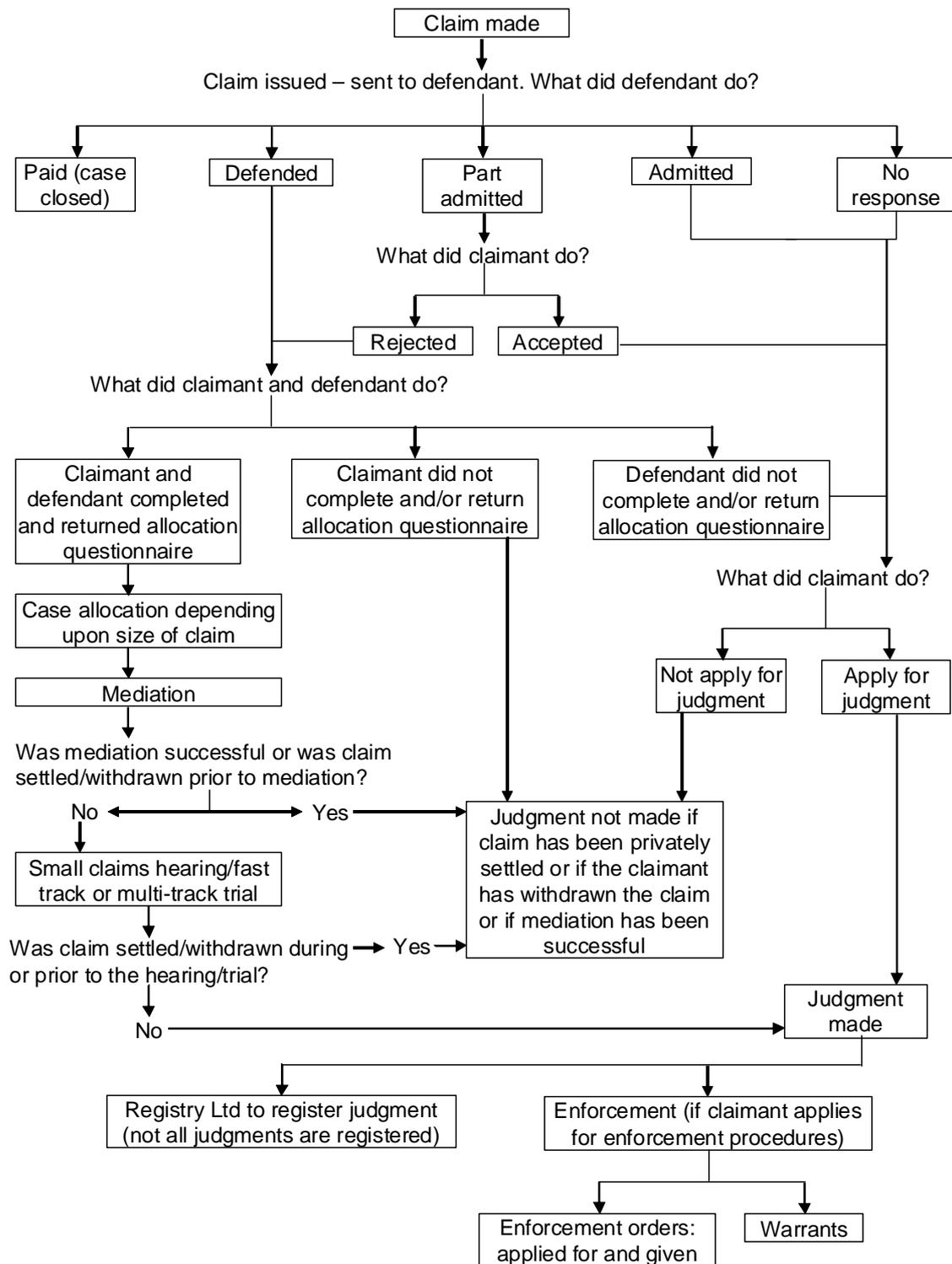
The process of taking a person(s) or company to court regarding a civil (non-family) matter begins with a person (the claimant) either completing a claim form and taking it to a court or completing a claim form online. In addition, claimants who issue a large number of claims each year, such as banks,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

In the second quarter of 2012 there were 337,861 claims (or petitions) issued, a decrease of seven per cent compared with the second quarter of 2011. The number of claims fell between 2000 and 2003, rose between 2003 and 2006, and has fallen since then. The latest results continue this downward trend (Figure 1.2).

The claims issued in the second quarter of 2012 comprised:

- 251,733 money claims, an eight per cent decrease compared to the second quarter of 2011. 209,665 of these were claims for specified amounts of money and 42,068 for unspecified amounts of money, representing decreases of nine per cent and three per cent respectively compared to the same quarter a year earlier. The trends in the volumes of money claims and claims for specified amounts are generally similar to those for the entire caseload.
- The numbers of money claims for unspecified amounts have generally been on an upward trend since 2000. However, there has been a decrease over the last two years, which is partly attributable to the introduction of the new protocol for road traffic accident personal injury

Figure 1.1: A simplified description of the main court processes for specified money cases



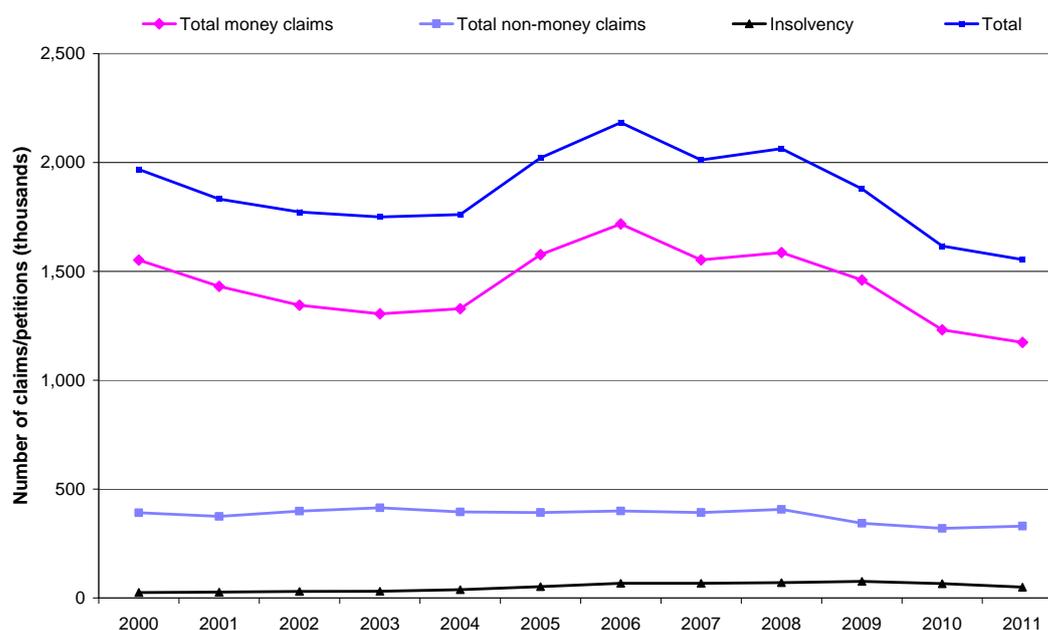
- 76,390 non-money claims, a decrease of two per cent compared to the second quarter of 2011. These have remained around 80,000 per quarter from 2009 onwards after dropping from their reasonably constant level around 100,000 between 2000 and 2008. Most of the 17 per cent decrease between 2008 and 2009 reflected the 22 per cent fall in mortgage and landlord possession claims. This coincided with lower interest rates, a proactive approach from mortgage lenders in managing consumers in financial difficulties, and various interventions, such as introduction of the Mortgage Pre-Action Protocol² that encouraged more pre-action contact between lender and borrower.
- 12,880 insolvency petitions were issued in the second quarter of 2012 in the county courts, District Registries of the High Court and the Royal Courts of Justice, 24 per cent less than in the same quarter of 2011. This continues the decrease since the peak in 2009, with volumes dropping by 47 per cent since the second quarter of 2009, after more than doubling between 2000 and 2009.

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

Adjusting for the change in source of the figures from the third quarter of 2011 onwards, there was a 27 per cent decrease in bankruptcy petitions presented by debtors, a 8 per cent fall in bankruptcy petitions presented by creditors, and a 13 per cent decrease in company winding up petitions (to dissolve a company that cannot pay its debts) compared with the second quarter of 2011.

² For more information on the Mortgage Pre-Action Protocol please see the Recent Developments section of the Mortgage and landlord possessions bulletin at www.justice.gov.uk/downloads/statistics/civiljustice/mortgage-landlord-2012-q1/mortgage-landlord-possession-stats-q2-2012.pdf

Figure 1.2: Claims issued in the county courts, by type of case, England and Wales, 2000 to 2011



Case progression, hearings and judgments

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

In the second quarter of 2012, 56,381 defences were made, a decrease of 16 per cent compared with the second quarter of 2011 and continuing the general downward trend since the peak in defences in 2007.

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 36,019 allocations to one of these tracks in the second quarter of 2012, a 10 per cent decrease compared with the same quarter in 2011. However, allocations to track have generally increased since 2000. In the second quarter of 2012 the make-up of allocations was as follows:

- 14,900 to the small claim track, a decrease of 22 per cent compared to the second quarter of 2011. This track is generally for cases with a claim value of up to £5,000 which do require less preparation by the parties involved than the more complex cases allocated to the fast or multi track. The hearings are designed to be accessible to people who do not have representation by a solicitor or counsel, and are dealt with in about an hour.

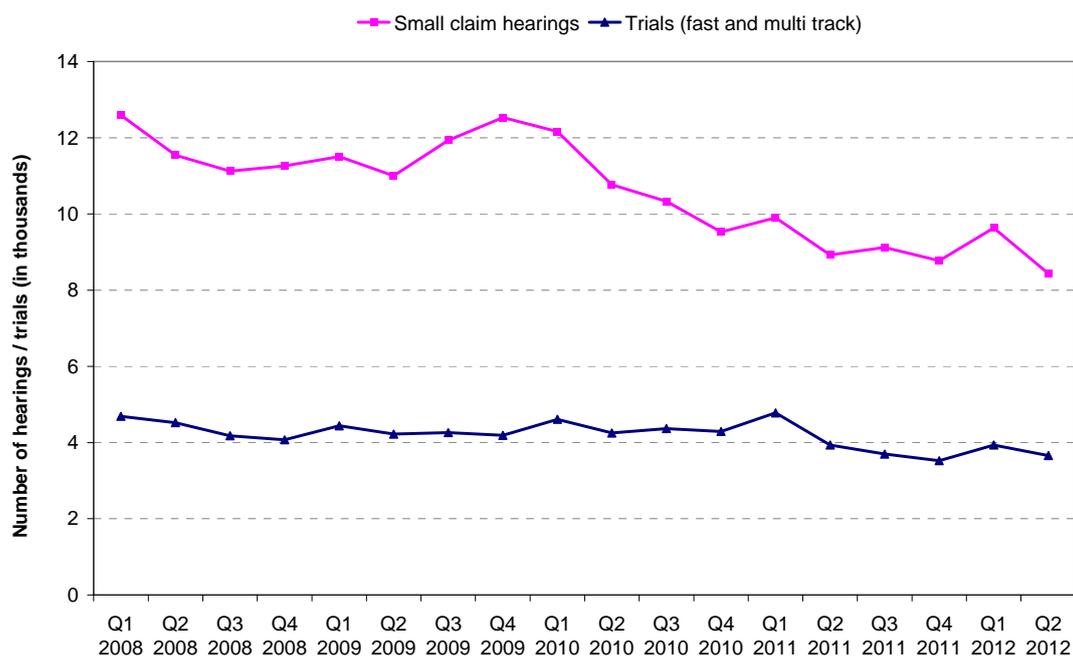
- 15,953 to the fast track, an increase of three per cent compared to the same quarter of 2011. This track is generally for cases with a claim value of between £5,000 and not more than £25,000, with issues not complex enough to merit more than a one day trial.
- 5,166 to the multi track, a decrease of five per cent compared to the second quarter of 2011. This track is generally for cases with a claim value exceeding £25,000 with more complex issues. They generally last more than one day at trial.

Defended cases which are not settled or withdrawn generally result in a small claim hearing or trial (Figure 1.3). In total, there were 12,092 trials and small claim hearings in the second quarter of 2012, six per cent lower than in the second quarter of 2011 and continuing the decline seen from 2007 onwards. This comprised:

- 3,658 fast track and multi track trials, seven per cent lower than in the second quarter of 2011. On average, trials occurred 56 weeks after the claim was originally made, up from 55 weeks in the second quarter of 2011. The increase from the second quarter of 2011 reflected rises in the average times taken to allocation (from 21 weeks to 22 weeks).
- 8,434 small claim hearings, a decrease of four per cent compared with the second quarter of 2011. On average, small claim hearings occurred 30 weeks after the claim was originally made and the time between issue and hearing has been around this level since 2008.
- 3.7 per cent of claims made went to hearing or trial³. This is in line with recent results, which have ranged from 2.8 per cent to 4.3 per cent in the last four years.

³ This is a proxy estimate, which does not take account of the delay between a claim being made and a claim going to hearing or trial.

Figure 1.3: Hearings in the county courts, by type, England and Wales, Q1 2008 to Q2 2012



Enforcement

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

During the second quarter of 2012, 22,957 warrants of execution were issued, a decrease of 25 per cent on the second quarter of 2011. This continues the steep decline from the second quarter of 2009 and also the longer term downward trend from 2000.

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

- 30,740 warrants of possession were issued to repossess property, two per cent less than in the equivalent quarter of 2011 and 26 per cent lower than in the second quarter of the peak year of 2008. The trends in these are generally similar to those in mortgage and landlord claims issued.
- 13,194 repossessions of properties were made by county court bailiffs, a four per cent decrease on the second quarter of 2011 but 25 per cent lower than the same quarter of the peak year 2008. 4,846 of the properties were on behalf of mortgage lenders, 22 per cent less than in the second quarter of 2011.
- 608 warrants of delivery were issued to obtain the return of particular goods or items, a decrease from 652 in the second quarter of 2011.

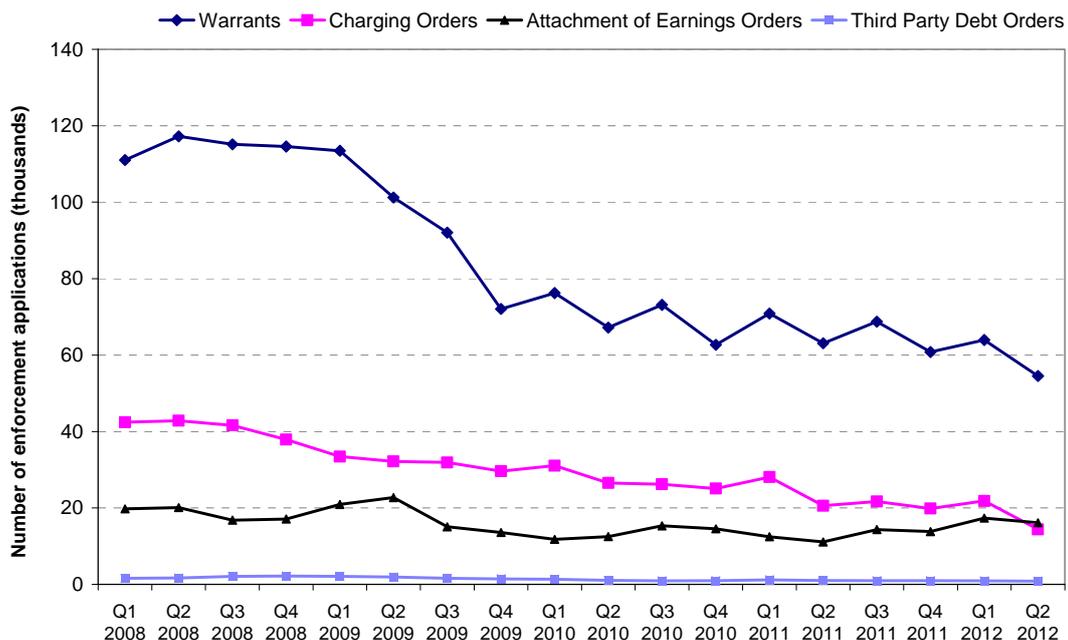
- 232 warrants of committal were issued, an increase from 199 in the second quarter of 2011. These warrants enforce an order for which the penalty for failure to comply is imprisonment by authorising the bailiff to arrest and deliver the person to prison or the court.

Alternatively various types of court orders can be obtained (Figure 1.4). The attachment of earnings order enables payment through the debtor's employer. The third party debt order enables payment by freezing and then seizing money owed by a third party to the debtor. The charging order obtains security for the payment against the debtor's assets. This may be followed by an order for sale which forces the sale of these assets.

During the second quarter of 2012:

- 16,149 applications were made for attachment of earnings orders, an increase of 45 per cent on the same quarter of 2011. This represents the largest volume since the second quarter of 2009 after generally declining over the last few years.
- 14,400 applications were made for charging orders, a fall of 30 per cent on the second quarter of 2011, and a 66 per cent decrease since the same quarter of 2008, the year in which they peaked following a 10 fold rise from 2000. There were 82 orders for sale in the second quarter of 2012, down from 97 in the same quarter of 2011.
- 888 applications were made for third party debt orders, 11 per cent less than in the second quarter of 2011 and continuing the downward trend after peaking in 2008.

Figure 1.4: Enforcement applications in the county courts, by type, England and Wales, Q1 2008 to Q2 2012



In certain circumstances, a debtor may apply to a county court to combine debts with a total not exceeding £5,000 into a single administration order, which allows a District Judge to make an order for the debtor to make regular payments to the court. The court will then distribute the money to the creditors. There were 76 applications made for administration orders in the second quarter of 2011, down from 107 in the same quarter of 2010 and continuing a long downward trend from an average of 1,588 per quarter in 2000.

To assist in determining which of the above is the most appropriate method of enforcing a judgment creditors can apply for an order to obtain information from the judgment debtors. This requires debtors to provide details of their means. There were 5,214 orders made to obtain information from debtors in the second quarter of 2012, a decrease of six per cent compared with the second quarter of 2011 and continuing the long downward trend from 2000.

Chapter Two: Family matters [Tables 2.1 – 2.10]

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

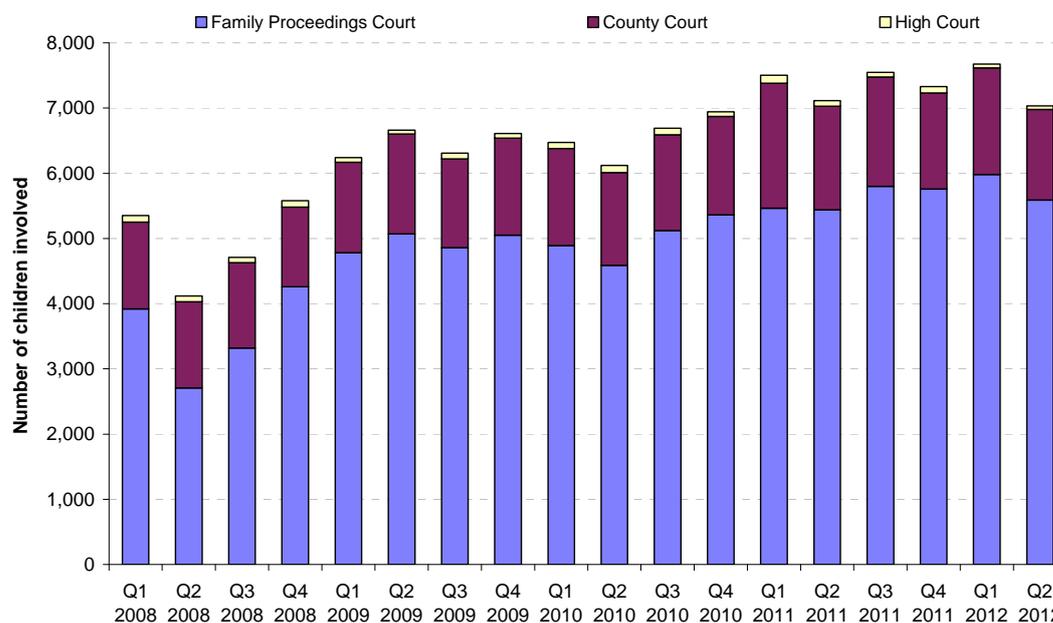
Public Law

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

The number of children involved in public law applications made by local authorities jumped in 2009 from around 20,000 per year to almost 26,000 per year following the publicity surrounding the Baby P case. Since then the numbers continued to increase through to early 2012, but have this quarter shown a small decrease.

There were 7,032 children involved in public law applications made in the second quarter of 2012, a one per cent decrease from the equivalent period in 2011, when 7,114 children were involved (Figure 2.1). The number of applications made, which can cover more than one child, also fell slightly to 4,101 from 4,149 in the second quarter of 2011.

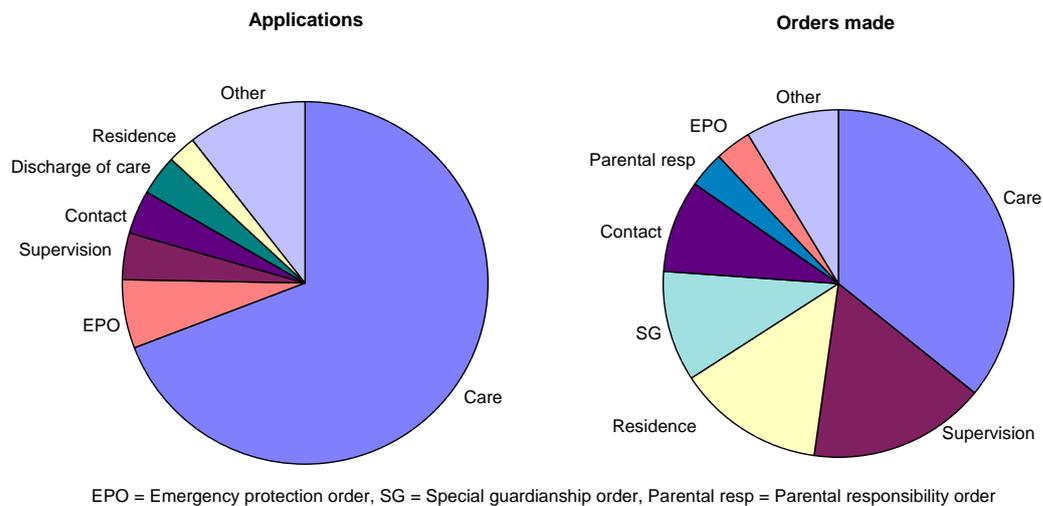
Figure 2.1: Public Law applications made by tier of court, Q1 2008 to Q2 2012



There were 9,173 children involved in public law orders made in the second quarter of 2012, up 25 per cent from the equivalent period of 2011. The number of orders made may be higher than the number of applications made, as some orders relate to applications made in an earlier time period, and an application for one type can result in an order or orders of a different type being made.

Figure 2.2 shows that the most common types of order applied for in the second quarter of 2012 were care (69 per cent of children involved in applications), emergency protection (6 per cent) and supervision (4 per cent). The proportions for orders made were different as an application for one type can result in an order of a different type being made. Care orders were still the most common (36 of children involved in orders made). The next most common was supervision (16 per cent of children involved) and the third most common was residence (14 per cent).

Figure 2.2: Public law applications and orders made, showing proportion of children involved in each order type, Q2 2012



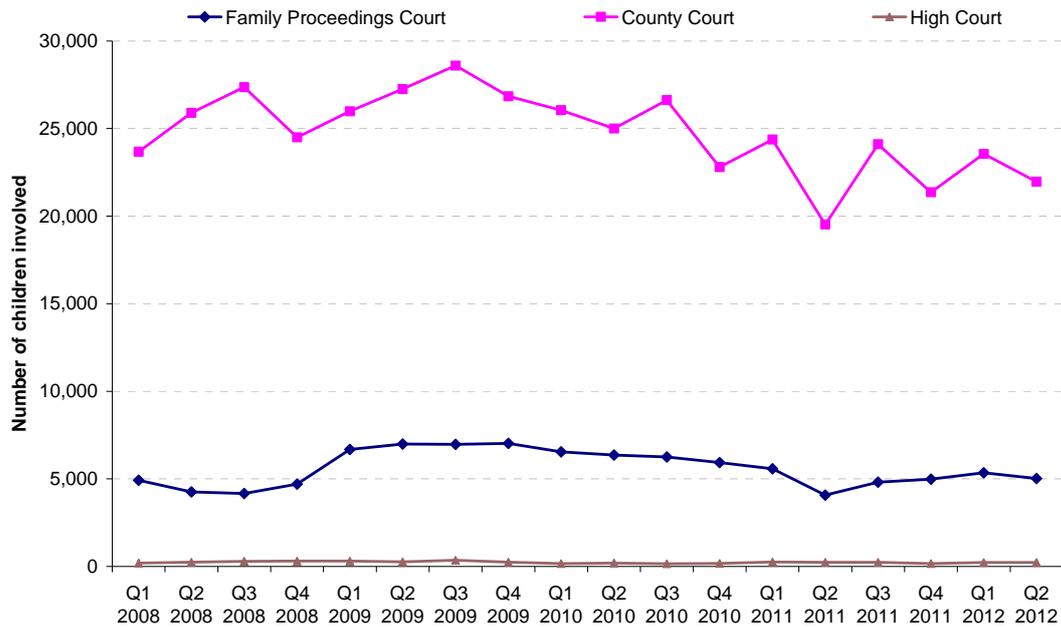
Private Law

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

The number of children involved in private law applications rose to a peak in 2009 and has since fallen back to around 110,000 per year, a similar level to that last seen in 2006. This quarter shows a reversal of the downward trend, with 27,204 children involved in private law applications in Q2 2012, an increase of 14 per cent from 23,821 in the equivalent period of 2011. (Figure 2.3).

The number of applications made, which can cover more than one child, also rose to 12,962 in the second quarter of 2012 from 11,129 in the same period of 2011.

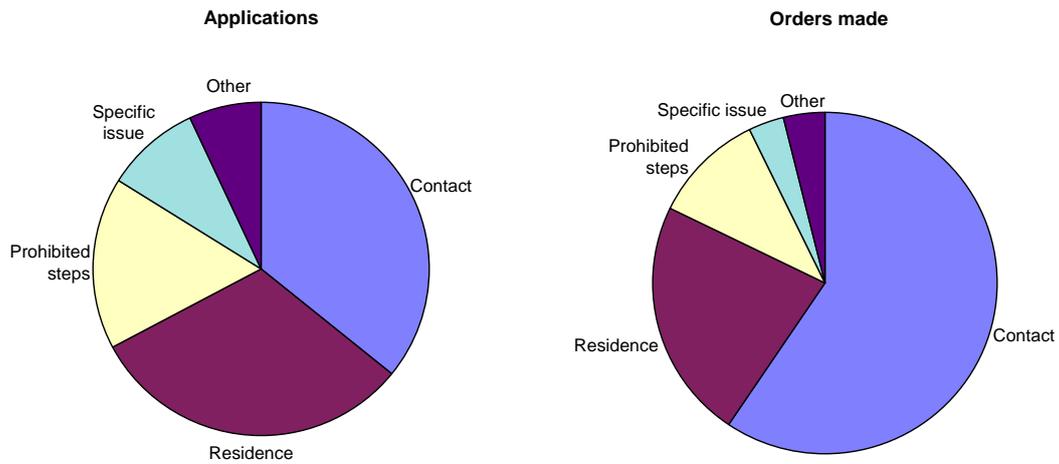
Figure 2.3: Private law applications made by tier of court, Q1 2008 to Q2 2012



There were 43,550 children involved in private law orders made in the second quarter of 2012, about the same as in the equivalent period of 2011. The number of orders made is higher than the number of applications, as some orders relate to applications made in an earlier time period, and an application for one type can result in an order or orders of a different type being made.

Figure 2.4 shows that the most common types of order applied for in the second quarter of 2012 were contact (36 per cent of children involved in applications), residence (31 per cent) and prohibited steps (17 per cent). These were also the most common orders made, although the proportions varied as an application for one type can result in an order of a different type being made. In the second quarter of 2012 a contact order was made for 59 per cent of the children involved in orders made, a residence order was made for 23 per cent and a prohibited steps order was made for 10 per cent.

Figure 2.4: Private law applications and orders made, showing proportion of children involved in each order type, Q2 2012

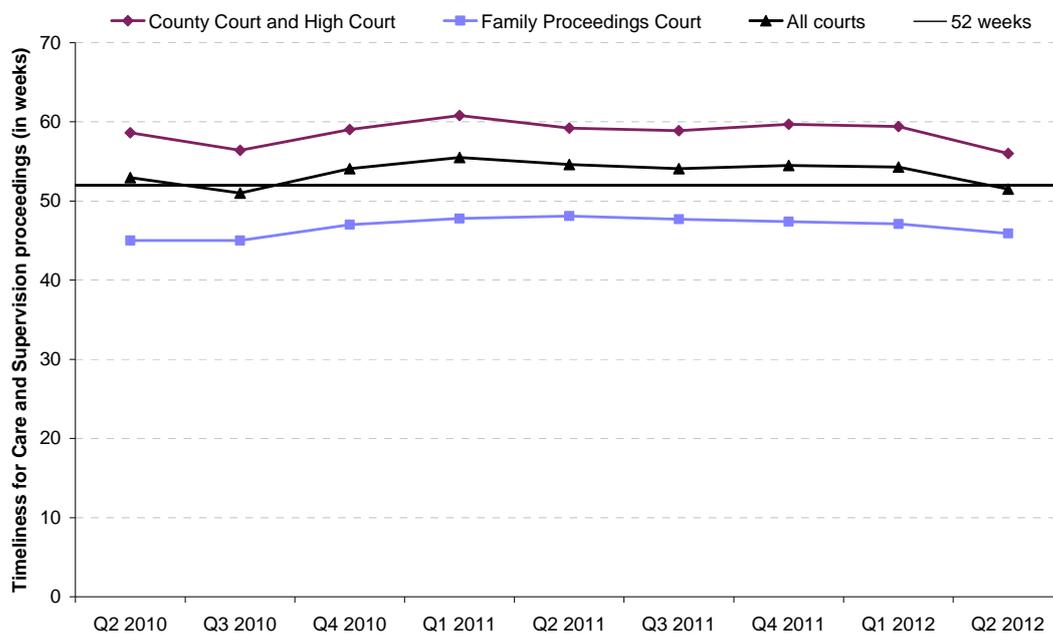


Timeliness of care proceedings

Statistics on the time taken to complete care and supervision cases in the family courts of England and Wales are given in Table 2.4. This table presents summary statistics showing the time, in weeks, between the date an application for a care or supervision order was lodged and the date a care, supervision, or other substantive order was made in the case, for those cases disposed of during each quarter.

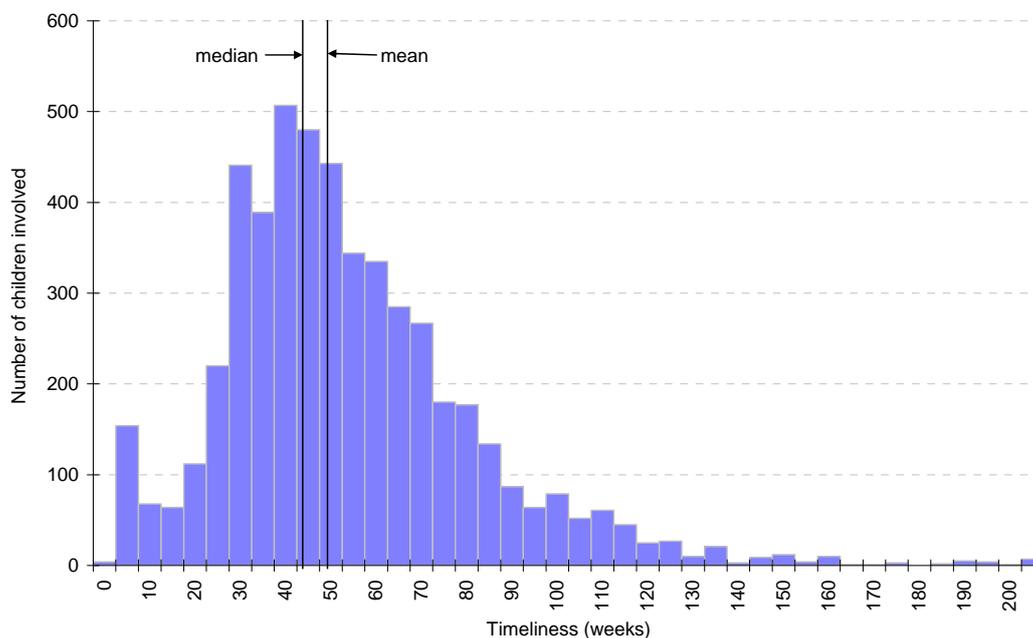
The average time for a disposal to be made was 51.5 weeks, a decrease after remaining fairly stable during the previous 18 months. Separate figures for county and High Courts and family proceedings courts are shown in Figure 2.5.

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



The median time to complete a case was 46.4 weeks in the second quarter of 2012. This indicates that for all children involved in care and supervision proceedings concluding in the second quarter of 2012, half (or 2,568) waited 46.4 weeks or less from application to a substantive disposal, and the other half waited at least 46.4 weeks. This median value is different to the average (mean) quoted in the paragraph above as it is not influenced by the few very long case durations. Figure 2.6 shows how many children experienced each timeliness band in their case proceedings during the second quarter of 2012.

Figure 2.6: Timeliness for Care and Supervision proceedings showing number of children involved in each timeliness band, all court tiers, Q2 2012



Legal representation

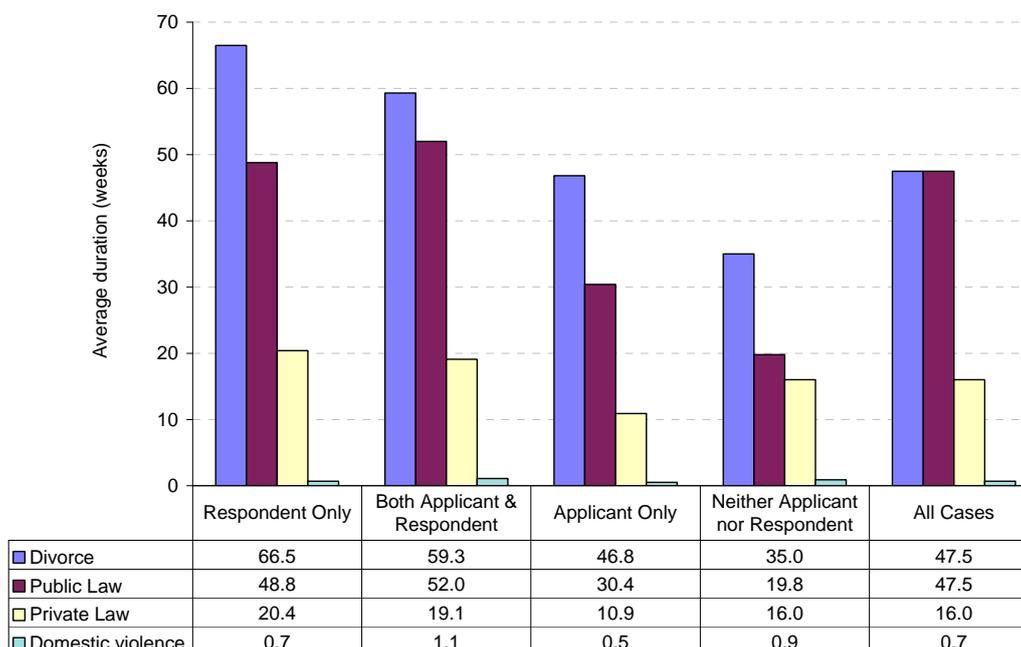
Figures on the legal representation of parties in family-related court cases are shown in Table 2.5. This gives the number of disposals made during each quarter and the average duration between application and disposal, for divorce, public law, private law and domestic violence cases, according to whether the applicant(s), respondent(s), both or neither had legal representation during the case.

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

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

In the second quarter of 2012 the average case duration for divorce cases varied between 35 weeks (no representation) and 67 weeks (respondent only represented) - see Figure 2.7 below. For public law, average case duration was between 20 weeks (no representation) and 52 weeks (both parties represented). The average case duration for private law cases varied between 11 weeks (applicant only represented) and 20 weeks (respondent only represented). The average case duration for domestic violence cases was much shorter, at around one week for all representation categories.

Figure 2.7 Timeliness of cases according to legal representation of participants, by case type, Q2 2012

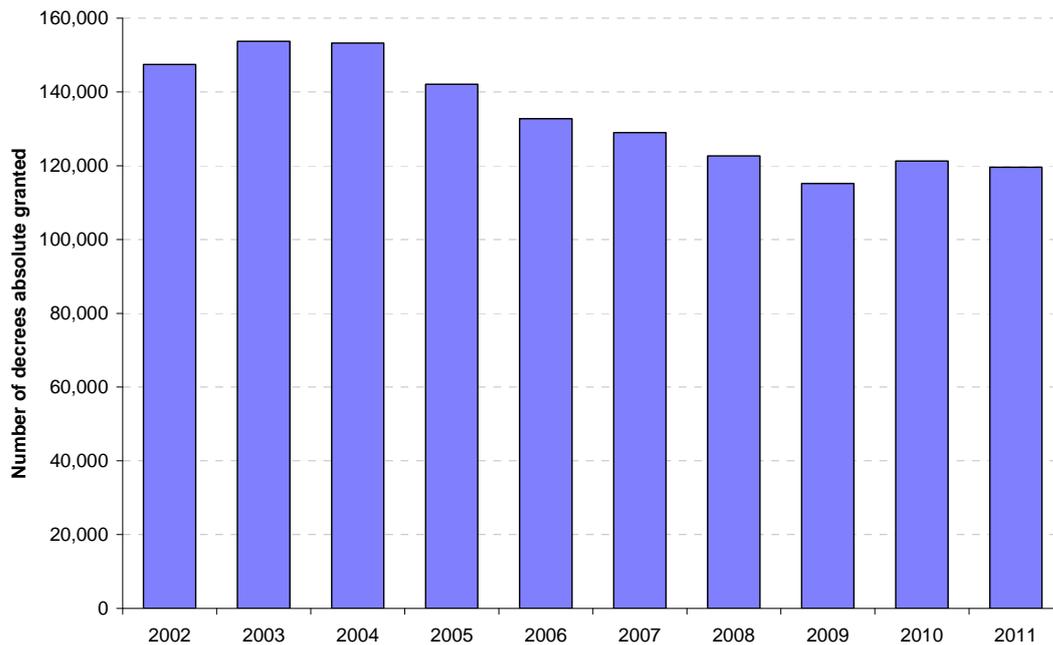


Matrimonial matters

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

Divorce rates peaked in 2003, and have fallen since then, levelling off at around 120,000 divorces per year since 2008 (Figure 2.8). The decline generally reflects the smaller married population and a higher average age at marriage. The younger a person marries, the higher the probability of getting divorced so the trend to delay marriage has partly contributed to the observed general decline in divorce over the last 20 years. There were 30,492 petitions filed for dissolution of marriage in the second quarter of 2012; an increase of 3 per cent compared with the equivalent period of 2011. The number of decrees absolute granted increased by two per cent to 29,551 in the second quarter of 2012 from 28,951 in the equivalent quarter of 2011.

Figure 2.8 Dissolution of marriage - decrees absolute granted, 2002 to 2011

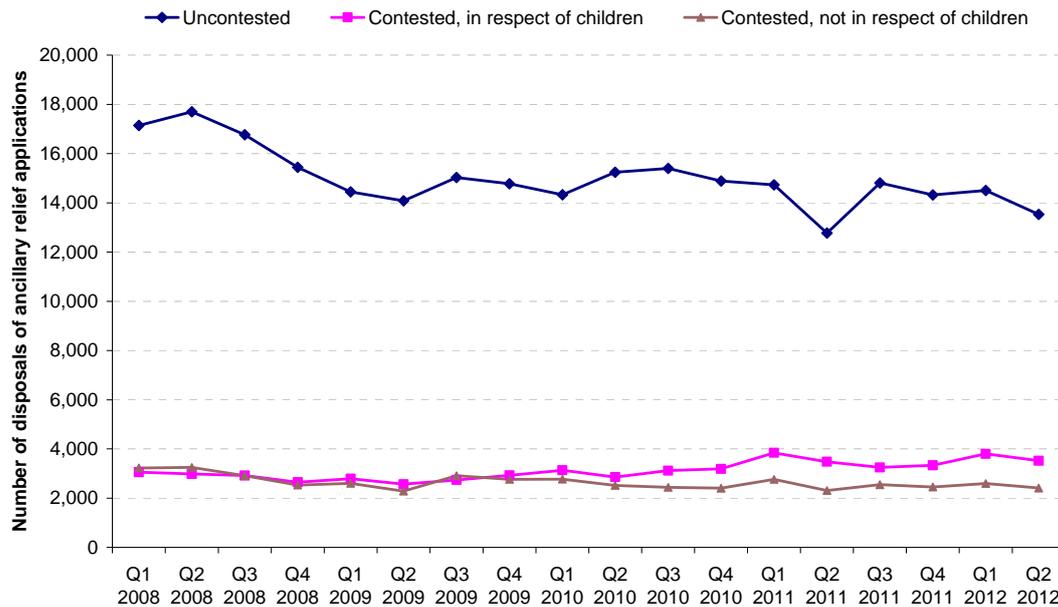


Ancillary relief – financial disputes post-divorce / separation

During a divorce, a marriage annulment, or a judicial separation, there may still be a need for the court to settle disputes over money or property. The court can make a financial order, known as ancillary relief. These orders include dealing with the arrangements for the sale or transfer of property, maintenance payments, a lump sum payment or the sharing of a pension.

Following a decline in late 2008, there had been little change in the number of orders made to settle financial disputes post-divorce or post-separation, at around 20,000 per quarter. During the second quarter of 2012, 19,467 orders were made, 5 per cent higher than in the equivalent period of 2011 (Figure 2.9). Over two-thirds of these were not contested, almost one quarter were initially contested but then consented, and only 7 per cent were contested throughout the case. Of orders that were contested at some point, nearly 60 per cent were in respect of children.

Figure 2.9: Disposal of ancillary relief applications, Q1 2008 to Q2 2012



Domestic violence

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

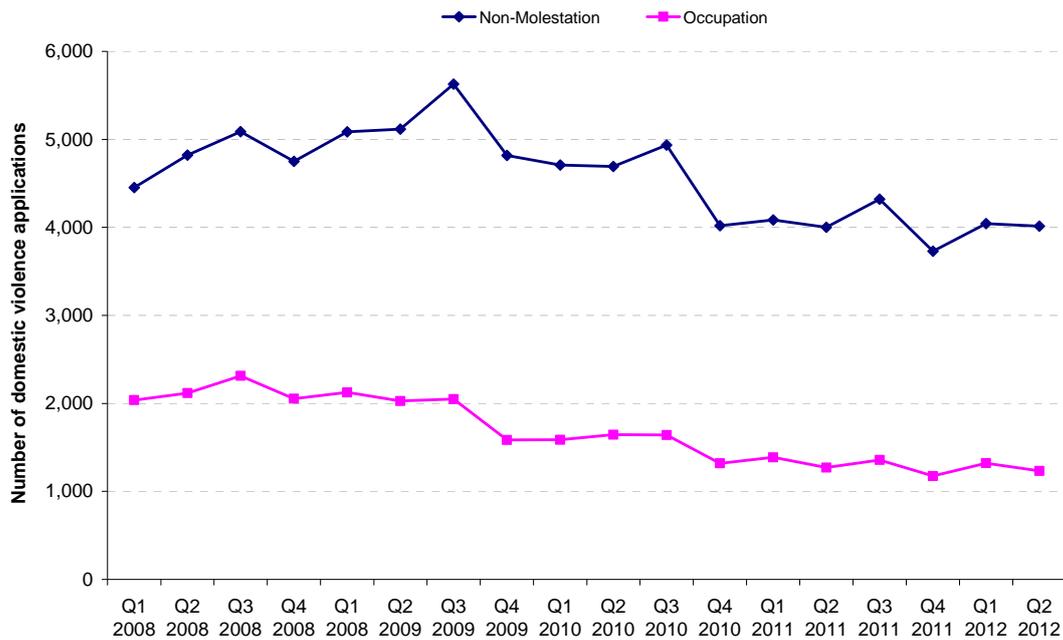
Since July 2007, failing to obey the restrictions of a non-molestation order has been a criminal offence for which someone could be prosecuted. A power of arrest is therefore no longer required on these orders.

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

Please note that in contrast to previous publications, the figures below for domestic violence applications and orders cover all tiers of court, not just county courts.

There were 5,248 applications for domestic violence remedies in the second quarter of 2012, almost unchanged from the same quarter of the previous year. Of these applications 77 per cent were for non-molestation remedies. The great majority of applications (82 per cent) were made *ex-parte* – that is, the application was brought by the applicant without notifying the other party involved.

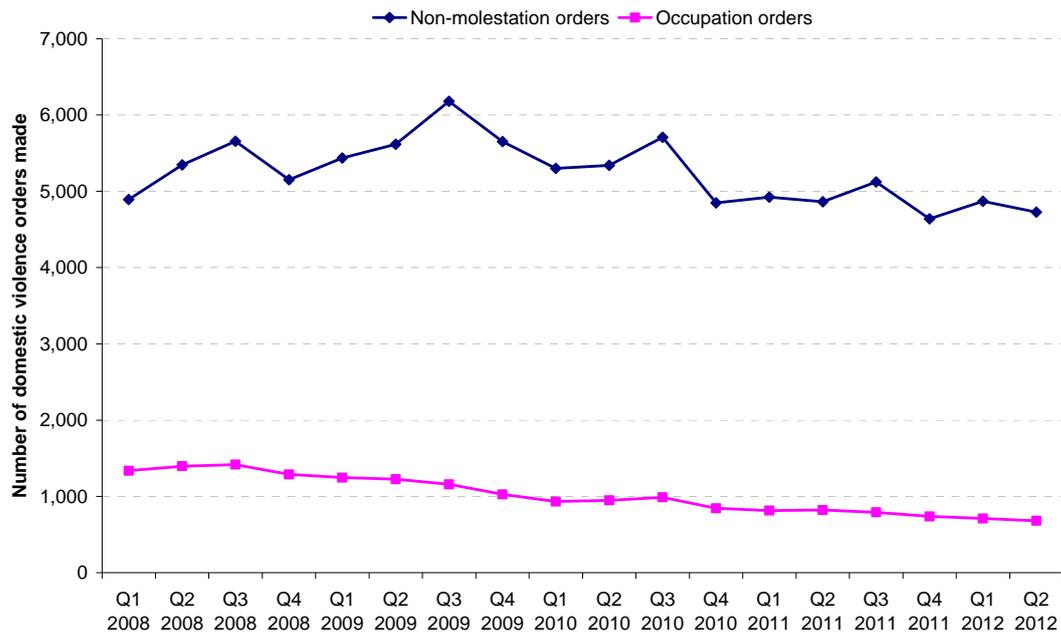
Figure 2.10: Domestic violence applications, Q1 2008 to Q2 2012



Figures 2.10 and 2.11 show that there is a seasonal pattern for domestic violence applications and orders. The lowest levels are in the October-December quarter each year, then increasing each quarter through to a high in the July-September quarter. This pattern is superimposed on the overall downward trend since 2002.

The number of domestic violence orders made continued its overall downward trend, with 5,405 orders made in the second quarter of 2012, down 5 per cent from the same quarter of 2011. Of these orders made 87 per cent were for non-molestation. There were 680 occupation orders made in the second quarter of 2012 and almost half (46 per cent) of these had a power of arrest attached to the order.

Figure 2.11: Domestic violence disposals made, Q1 2008 to Q2 2012



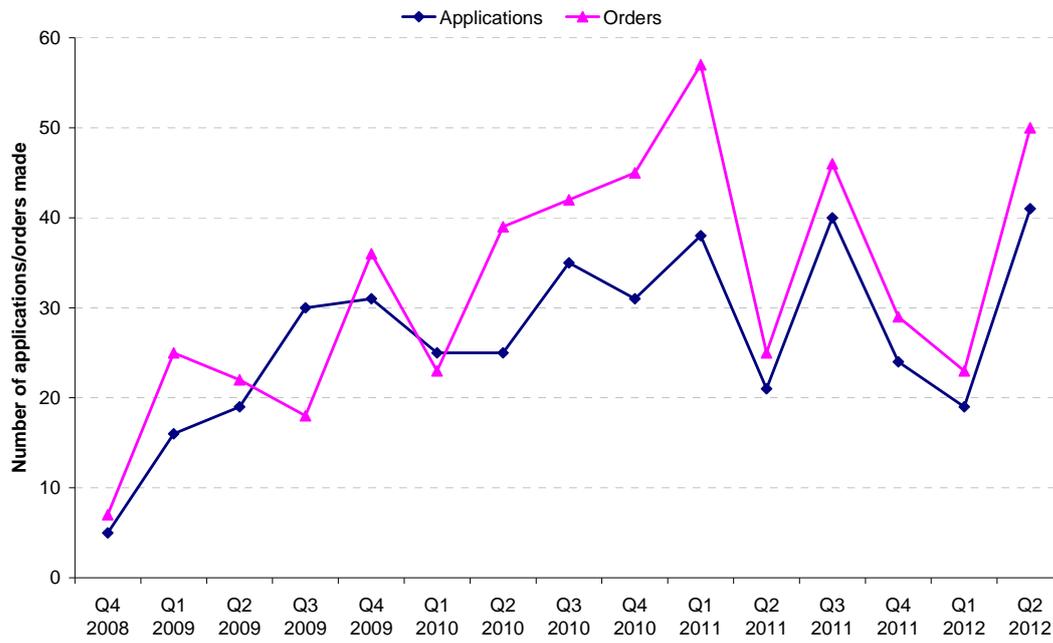
It should be noted that the statistics presented in this bulletin relate to applications for, and grants of, the above domestic violence order types by the family courts. They do not relate to prosecutions or convictions for criminal offences regarding matters of domestic violence, nor do they cover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

Forced Marriage Protection Orders

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

The number of applications and orders made for FMPOs is small (Figure 2.12). For the second quarter of 2012 there were 41 applications compared with 21 in the same period in 2011, while there were 50 orders made in the first quarter of 2012, up from 25 in the corresponding quarter of 2011.

Figure 2.12: Forced marriage protection applications and orders made, Q4 2008 to Q2 2012



Chapter Three: Criminal matters [Tables 3.1 – 3.14]

This chapter presents statistics on criminal cases dealt with in the magistrates' courts and Crown Court. Information on the data sources used for these statistics can be found in **Annex A**. This bulletin contains statistics regarding the enforcement of financial penalties, which can be found in **Chapter 4, Enforcement of financial impositions**. Explanations for some of the main terms used in this section can be found in the **Glossary**.

In the second quarter of 2012, there were 245 magistrates' courts and 76 different Crown Court locations across England and Wales. Once a defendant has been charged or the laying of information has occurred, the criminal court cases start in the magistrates' courts, with serious criminal cases filtering beyond the magistrates' courts to the Crown Court.

Completed criminal proceedings in the magistrates' courts

Statistics are only available for criminal proceedings completing in the magistrates' courts, which no longer require further administration in the magistrates' courts. Statistics are not available for cases received and awaiting further administration by magistrates' courts.

Figure 3.1: Criminal cases completed in the magistrates' courts, 2008 Q1 to 2012 Q2

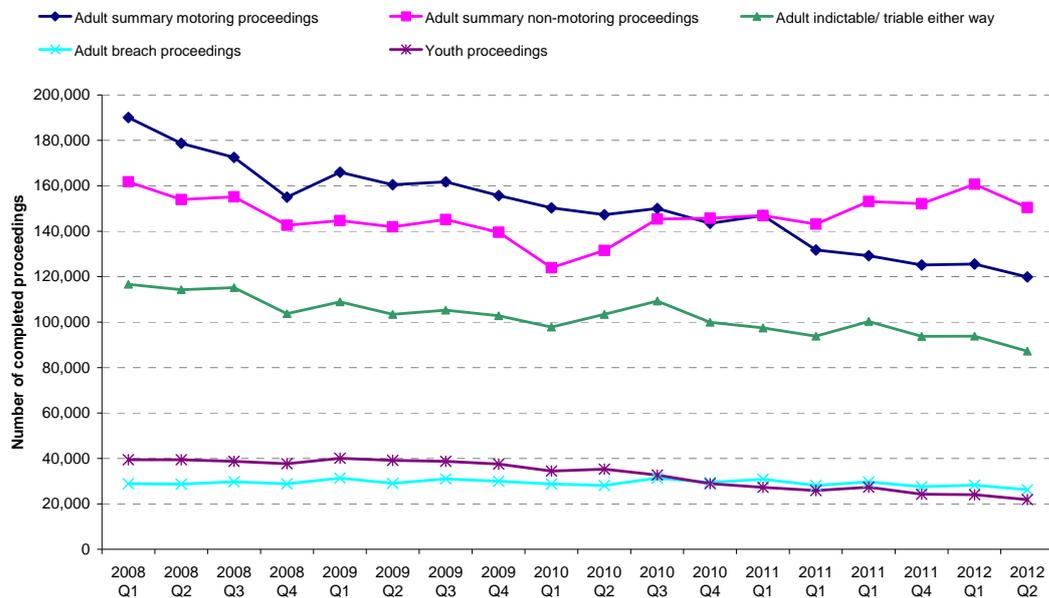


Figure 3.1 provides data on the number of cases completed in the magistrates' court by the type of case. In the second quarter of 2012, 405,621 criminal proceedings were completed in magistrates' courts. This represents a four per cent decrease on the same quarter of the previous year and continues the general downward trend observed since 2008.

One of the main drivers of the falling number of completed magistrate's courts proceedings is due to fewer adult summary motoring offences being dealt by the courts. Between 2008 and 2011, the number of adult summary motoring offences proceedings completed by the courts decreased by 23 per cent.

Adult summary proceedings, which cover the relatively minor offences, are dealt with entirely within the magistrates' courts, and make up around two-thirds of cases. In the second quarter of 2012, there were 119,850 summary motoring proceedings, and 150,498 summary non-motoring cases (Figure 3.1). Since the same quarter of the previous year, summary motoring proceedings have fallen by nine per cent while summary non-motoring proceedings increased by five per cent.

There were 87,222 indictable/ triable-either-way proceedings, a decrease of seven per cent compared with the same quarter of 2011, continuing the downward trend since 2008 (Figure 3.1). Indictable/ triable-either-way proceedings comprise 22 per cent of completed criminal proceedings in the magistrates' courts.

There were also 26,191 adult breach cases (six per cent of all criminal proceedings) and 21,860 youth proceedings (five per cent of all criminal proceedings) in the second quarter of 2012 (Figure 3.1).

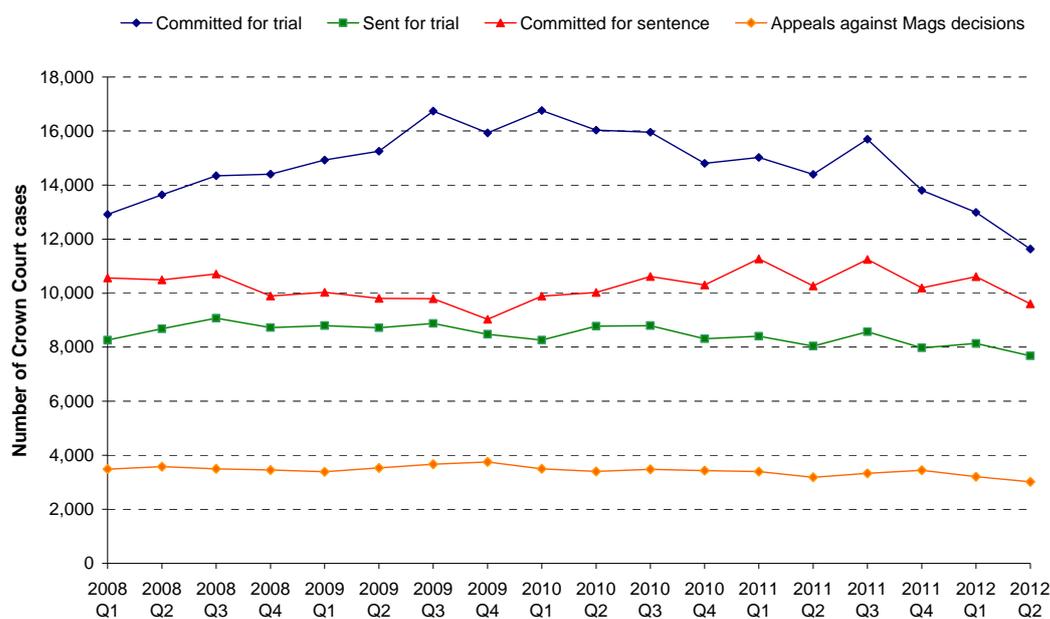
In arriving at these totals, every separate offence that is dealt with during the course of a case is counted. However, if two or more offences from a case are dealt with on the same day, then only one is counted (generally the most serious offence is selected) for statistics by case type.

Cases in the Crown Court

In the Crown Court, the number of cases received from the magistrates' courts increased between 2004 and 2010 as a result of a greater proportion of either way cases being committed to the Crown court. Similarly the number of cases completed in the Crown Court also increased to deal with the increased work load.

However, as shown in Figure 3.2, since June 2010 the volume of cases received has been falling due to fewer either way cases being committed to the Crown Court from the magistrates' courts.

Figure 3.2: Crown Court receipts, by case type, 2008 Q1 to 2012 Q2



Committed for Trials

In the second quarter of 2012, 11,636 cases were committed for trial, a decrease of 19 per cent compared to the same period last year (Figure 3.2). This continues the downward trend observed since 2010. Between 2006 and 2010, the number committed for trials cases increased steadily from 2006, peaking in 2010 and then fell back slightly in 2011.

In this quarter, 13,080 committed for trial cases were completed within the Crown Court, a decrease of nine per cent compared to the same period last year, continuing the downward trend since 2010. There were 17,073 cases outstanding at the end of the second quarter of 2012. This is a 18 per cent decrease on the same quarter of the previous year as a result of more cases being completed than received by the court, and is the lowest volume of outstanding cases since 2008.

Sent for Trial

The number of sent for trial receipts increased steadily from 2006 and peaked in 2009 at 34,869 and have fallen back slightly since. In the second quarter of 2012, 7,675 cases were sent for trial, a decrease of five per cent on the same quarter in 2011, continuing the downward trend (Figure 3.2). Around 8,111 cases were completed, an increase of two per cent on the same quarter in 2011. In addition, 14,713 cases were outstanding at the end of the second quarter of 2012, a five per cent decrease from the same quarter of the previous year.

Committed for Sentence

Over the past decade, the number of cases committed for sentencing in the Crown Court following either a plea or trial in magistrates' courts has increased by nearly 69 per cent and is continuing to increase.

In the second quarter of 2012, 9,607 cases were committed for sentence in the Crown Court (Figure 3.2), and 9,729 cases were completed during this period. 4,755 cases remained outstanding at the end of the second quarter.

Compared to the same period in 2011, the number of committed for sentence cases received decreased by six per cent, the number of cases completed decreased by five per cent and the number of cases outstanding decreased by 14 per cent.

Appeals

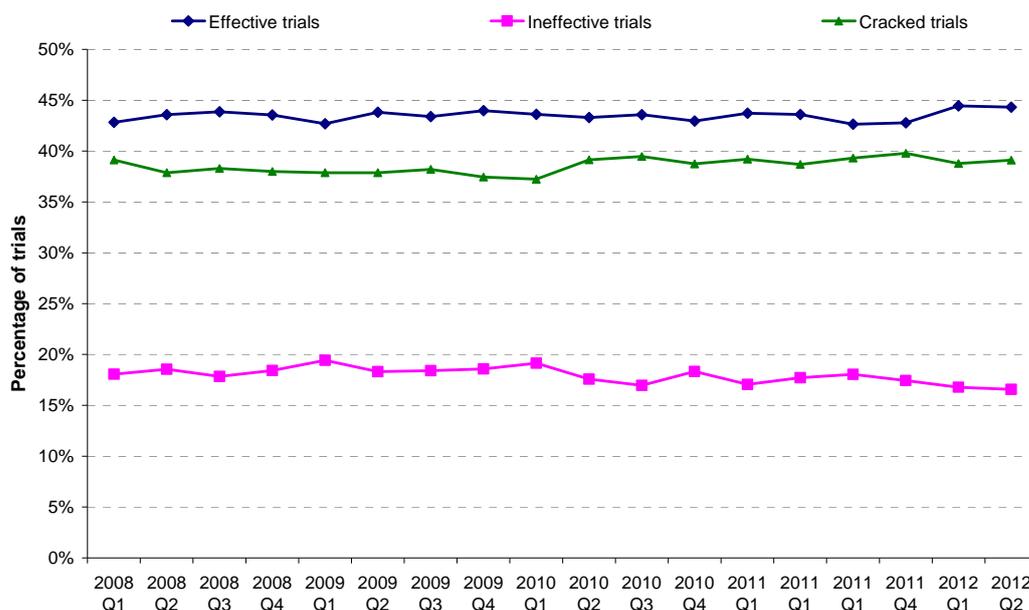
During the second quarter of 2012, the Crown Court received 3,015 appeals against magistrates' courts' decisions (Figure 3.2), and completed 3,160 appeals cases, leaving around 2,655 appeals outstanding at the end of the quarter. Compared with the same quarter of 2011, the number of appeals received in the Crown Court decreased by five per cent, the number of appeals completed fell by less than five per cent and the number of cases outstanding decreased by eight per cent.

The number of cases outstanding at the end of each period may not be equal to the sum of cases outstanding at the start of the period and those received during the period, minus cases completed. This is due to the timing of data extraction and counting rules applied to this data.

Effectiveness of Trial hearings

In total 46,968 trial hearings were scheduled in both the magistrates' courts and Crown Court in the second quarter of 2012. Of these trials, 45 per cent of trials went ahead on the day and were effective, 16 per cent were ineffective and required re-scheduling. The remaining 39 per cent of trials concluded on the day of the trial and no longer required a trial, as a result the trial cracked.

Figure 3.3: Effectiveness of recorded trials in magistrates' courts, 2008 Q1 to 2012 Q2



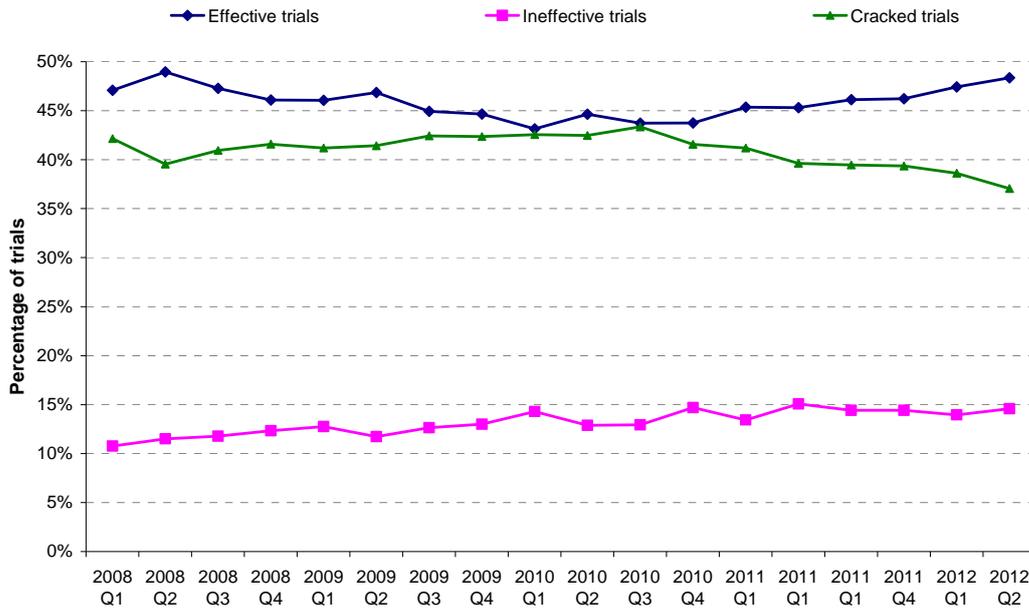
Trials in the magistrates' courts

In the second quarter of 2012, 37,776 trial hearings were listed in magistrates' courts. Of these trials, 44 per cent were recorded as effective, 17 per cent were ineffective and 39 per cent were recorded as cracked (Figure 3.3).

Between 2005 and 2006, there was a step change in the proportion of ineffective trials from 22 per cent to 19 per cent due to the Public Service Agreement to reduce the rate of ineffective trials to 19.4 per cent nationally in the magistrates' courts by the end of March 2007. In 2006 this target was met and since then rates of effective, cracked and ineffective trials in the magistrates' courts have changed little. Since 2010, the rate of ineffective trials has fallen by one percentage point and the rate of cracked trials has increased by one percentage point.

The main reasons for ineffective trials in the magistrates' courts in the second quarter of 2012 were due to the court's availability (29 per cent of all ineffective trials), absence of the defendant (20 per cent) and the absence of a prosecution witness (15 per cent). The court may not be available for trials because of cases over-running, the availability of judges, over-listing and equipment or accommodation failure.

Figure 3.4: Effectiveness of recorded trials in the Crown Courts, 2008 Q1 to 2012 Q2



Trials in the Crown Court

In the second quarter of 2012, 9,192 trials were recorded in the Crown Court, a decrease of eight per cent compared with the same period in 2011 (Table 3.5). Between 2008 and 2010, the number of trials recorded in the Crown Court increased by 20 per cent as a result of the increasing number of trial receipts in the Crown Court; this increase was reversed by a fall of four per cent in 2011.

Of these trials listed, 48 per cent were recorded as effective, 37 per cent were recorded as cracked and 15 per cent were recorded as ineffective (Figure 3.4). Since June 2010, the rate of effective trials has increased as a result of fewer cracked trials.

In the second quarter of 2012, court administrative reasons accounted for 25 per cent of ineffective trials. These problems include cases over-running, the availability of judges, over-listing, and equipment or accommodation failure. Other reasons for ineffective trials included the absence of defendants (18 per cent), the absence of the prosecution witness (19 per cent), the defence not being ready (12 per cent) and the prosecution not being ready (15 per cent).

Defendants' plea in the Crown Court

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

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

counts; or (c) pleads not guilty to some or all counts, but offers a guilty plea to alternatives which are accepted (providing no jury is sworn in respect of other counts). A case is treated as a guilty plea only if pleas of guilty are recorded in respect of all defendants.

In the second quarter of 2012, the Crown Court dealt with 23,528 defendants involved in committed or sent for trial cases, a decrease of seven per cent compared with the same quarter of 2011, continuing the recent downward trend (Table 3.7). Of these, 67 per cent pleaded guilty to all counts and 30 per cent pleaded not guilty to at least one count, and three per cent did not enter a plea⁴.

The guilty plea rate is the number of defendants pleading guilty to all counts as a proportion of all defendants with a plea. In the second quarter of 2012, the guilty plea rate was 69 per cent, a one percentage point reduction compared to the same quarter in the previous year. The guilty plea rate increased from 56 per cent in 2001 to 70 per cent in 2008 and has remained broadly flat since.

Enforcement

Fines are the most commonly used sentence in magistrates' courts. The total value of fines paid has risen over the last eight years by 23 per cent. In the second quarter of 2012, the amount paid in England and Wales was £74 million, a seven per cent increase compared with the same quarter of 2011.

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

Timeliness of criminal proceedings

For defendants acquitted or sentenced during the second quarter of 2012, the average offence to completion time for all criminal cases was 158 days, an increase of four per cent compared to the same quarter of the previous year (Figure 3.5).

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

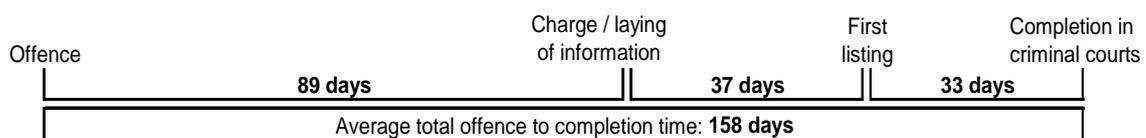
On average, the longest time is spent between offence to charge or summons and the shortest time is spent between first listing to completion in the courts.

Of those 158 days, there were, on average:

⁴ Due to rounding the percentages may not sum to 100%.

- 89 days between the date of the offence and the date the defendant was charged or summonsed to court;
- 37 days between the date the defendant was charged or summonsed to court and the first listing of the case in a magistrates' court;
- 33 days between the first listing of the case in a magistrates' court and the final completion of the case in either a magistrates' court or the Crown Court.

Figure 3.5: The average offence to completion time, all criminal proceedings, Q2 2012



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

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

Indictable/triable either-way proceedings took an average of 156 days from offence to the date the defendant's case was completed at either the magistrates' courts or Crown Court, an increase of one per cent compared to the same quarter of the previous year.

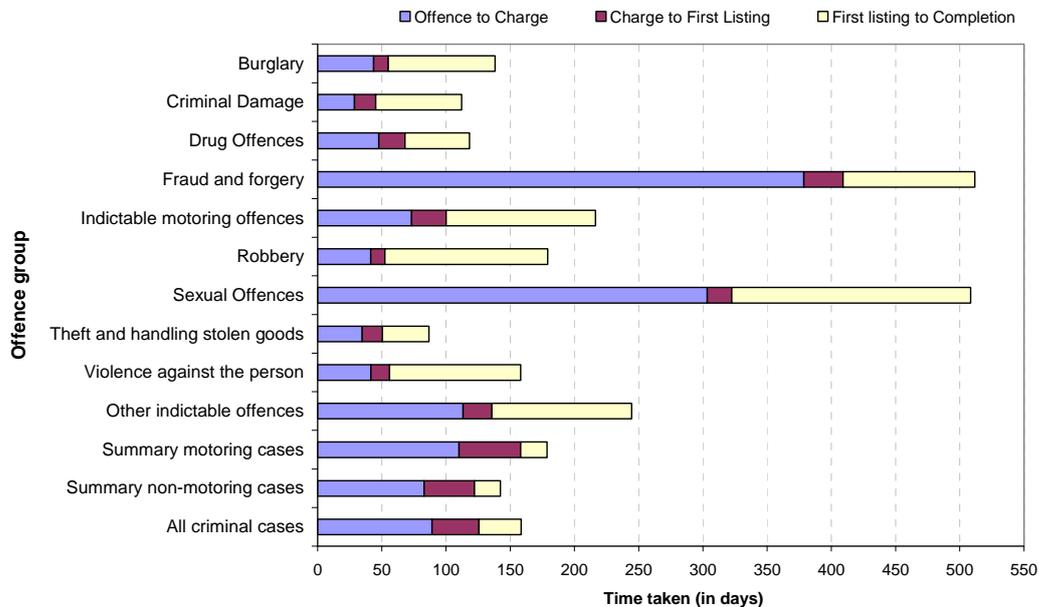
Summary motoring proceedings took an average of 179 days from the date an offence was committed to the date the defendant's case was completed. This represents a five per cent increase on the same quarter of 2011, and is mainly driven by the increase in the average time taken from offence to first listing (an increase of 150 days to 158 days).

In comparison, summary non-motoring proceedings took an average of 142 days from the date an offence was committed to the date the defendant's case was completed, a five per cent increase on the same quarter of the previous year. This was also mainly driven by the average time taken from offence to first listing, from 116 to 122 days.

On average, the duration of a case from offence to completion varies substantially based on the offence committed. This is shown in Figure 3.6 where, in the second quarter of 2012, criminal proceedings dealing with theft and handling of stolen offences had their cases completed in the shortest time, concluding on average within 87 days of the offence being committed. On average, criminal proceedings involving fraud and forgery offences, and sexual offences took the longest time to conclude, at 512 days and 509 days respectively. However, for both fraud and forgery and sexual offences, the

majority of the additional time is spent between offence and charge. This is likely to be caused by a number of reasons, one being these offences are often being reported to the police some time after the actual offence took place or take some time to detect.

Figure 3.6: Timeliness of criminal proceedings in criminal courts, by offence group, Q2 2012



Time spent in the Crown Court

This bulletin also contains more detailed statistics giving information about the timeliness of proceedings when dealt with in the Crown Court specifically. These relate to the average waiting time and the average hearing time statistics reported in tables 3.13 and 3.14. For criminal proceedings dealt with in the Crown Court, these times are included within the overall offence to completion time statistics presented in the first subsection of this chapter.

Average waiting time

'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 the second quarter of 2012, the average waiting time for defendants dealt with in 'committed for trial' cases was 14 weeks, compared to 13.9 weeks in the first quarter of the previous year.

The average waiting time was 19.6 weeks for defendants who were dealt with in 'sent for trial', the same time as the first quarter of the previous year. In those 'committed for trial' and 'sent for trial' cases where a not guilty plea was entered, the average waiting time for defendants was 24.2 weeks, a slight decrease from the same quarter of the previous year. The average waiting time was 12.2 weeks for those defendants who entered a guilty plea, also a slight decrease from the first quarter of 2011.

The average waiting time was 6.1 weeks for defendants who were committed to the Crown Court for sentence, a 7 per cent increase on the first quarter of 2011, and 8.9 weeks for defendants appealing against magistrates' decisions.

Average hearing time

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

In the second quarter of 2012 the average hearing time was 14 hours and 36 minutes for cases where a not guilty plea was entered, an increase of 24 per cent compared with the first quarter of the previous year. The average hearing time was one hour and 30 minutes for cases where a guilty plea was entered, 30 minutes for cases committed for sentence and just over one hour for appeals.

Chapter Four: Enforcement of financial impositions [Tables 4.1 – 4.3]

This chapter presents experimental statistics on the collection of financial impositions through the accounting centres in the magistrates' courts, and will be presented in Court Statistics Quarterly whilst the data and statistics are developed.

This information has been collected since April 2011 and is sourced from accounting information held on the Libra Management Information System (MIS). At the time of publication, complete information on the status of accounts and impositions after 6 months is only available for the third quarter of 2011.

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

Financial impositions and amounts paid

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

In the fourth quarter of 2011, around £92 million was imposed by the criminal courts, of which, around £12 million (13 per cent) was paid within one month of the imposition month, around £31 million (33 per cent) was paid within three months and around £39 million (42 per cent) was paid within six months of the imposition month.

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

In the second quarter of 2012, around £102 million was imposed and around £13 million was paid within one month of the imposition month and £32 million was paid within three months of the imposition month. Due to the timing of the publication we are not able to report accurately the amount of impositions paid within six months for financial impositions in the second quarter of 2012.

These statistics will be developed further to provide a longer time series for payments made within 18 months.

The measures presented in table 4.1 differ from the HMCTS payment rate of financial penalties published in Court Statistics Quarterly January to March 2011 (Annex A) available at:

www.justice.gov.uk/downloads/statistics/courts-and-sentencing/court-stats-quarterly-q1-2011.pdf

The payment rate is an HMCTS Performance Indicator for monitoring of the collection of financial penalties and is calculated as the value of financial penalties collected in year as a percentage of the value of financial impositions made in the same year. The monies collected may relate to financial penalties imposed in that or earlier years.

The figures presented in table 4.1 only measure the collections of financial penalties against those imposed for a specific period. These new measures have been introduced following review and recommendation by the National Audit Office to monitor the time taken to pay fines and financial penalties

These figures differ from the total enforcement fine paid figure shown in Table 3.8, which shows the total amount of paid regardless of the age of the imposition.

Enforcement accounts opened and closed

Enforcement accounts record financial impositions against a defendant and the collection of monies owed.

An account is opened when an imposition is made following a court order and is closed when the imposition against the accounts has been paid in or the imposition is cancelled.

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

In the fourth quarter of 2011, 312,612 accounts were opened. Of the accounts opened, 36,867 accounts (12 per cent) were closed within one month of the imposition month, 100,949 accounts (32 per cent) were closed within three months and 131,374 accounts (42 per cent) were closed within 6 months.

In the second quarter of 2012, 298,280 accounts were opened, of which, 33,676 accounts (11 per cent) were closed within one month of the imposition month and 85,449 accounts (32 per cent) were closed within three months of the imposition month. Due to the timing of the publication we are not able to report accurately the accounts closed within six months. These statistics will be developed further to provide a longer time series for payments made within 18 months.

Outstanding financial impositions

At the end of the second quarter of 2012, the total amount of financial impositions outstanding in England and Wales was £590 million. This represents a three per cent fall on the monies owed at the second quarter of 2011.

The total amount outstanding is irrespective of the age or payment term and excludes all impositions paid and both legal and administrative cancellations. The payment terms in some cases may include arrangements for defendants to pay amounts owed over duration of time.

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

www.justice.gov.uk/statistics/courts-and-sentencing/judicial-annual

Civil (non-family) matters

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

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

The following data are considered to be of lower quality:

The numbers of insolvency petitions (up to Q2 2011), applications for administration orders, administration orders made and orders for sale are sourced from manual counts made by court staff. Since April 2009 these have been recorded in the HMCTS Performance database, a web-based data monitoring system allowing direct inputting of performance data by court staff. Prior to April 2009 they were inputted into the Business Management System, designed for the purpose of monitoring and assessing court workloads. Quality assurance measures are in place to ensure that data are of sufficient quality, including querying with courts where their counts look unusually high or low and obtaining corrected figures if errors are identified.

The numbers of small claims hearings, trials and repossessions of property by county court bailiffs are sourced from the CaseMan and Possession Claim

Online systems. 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.

Information on civil cases managed outside of the county courts are not presented in this bulletin with the exception of insolvency cases managed in the Royal Courts of Justice.

Family matters

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

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

The statistics on matrimonial, ancillary relief and domestic violence proceedings are counted by 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 2.1-2.3. Starting at the end of 2009, an upgrade to the administrative system in all county courts and Family Proceedings Courts was rolled out nationally. This upgrade was completed in December 2010 following a staggered rollout.

Timeliness figures for care and supervision proceedings are given in Table 2.4. Since the start of 2011 full data is held in the HMCTS Performance database and this source is used in this publication. Median values in addition to average durations have been included for the first time in this bulletin.

Legal representation data is held in the FamilyMan system. The data indicates whether or not the applicant(s) and respondent(s) in a case had a legal representative. This can be matched with data on the length of the case to determine average case duration according to whether there was legal representation for the applicant, the respondent, both or neither, and this data

is shown in Table 2.5. However, the representation data held may be incomplete, and may not reflect any changes that occur as a case progresses. The absence of recorded representation in the dataset therefore does not necessarily indicate a self-represented party (or 'litigant in person'). It is also important to note that whether or not a case is contested may affect the timeliness of the case, and also the legal representation status.

Figures on the number of **matrimonial proceedings** are given in Table 2.6. Statistics on the number of divorces occurring each year in England and Wales are also published by the Office for National Statistics (ONS). The MoJ's divorce statistics are sourced directly from the FamilyMan system, while the ONS data are compiled from 'D105' forms used by the courts to record decrees absolute, which are supplied to ONS for compiling the central index of decrees absolute. There are small differences between the number of divorces as recorded by the two sets of statistics. Statisticians at the MoJ and ONS worked together with HMCTS to understand these differences and reconcile them where possible. Please see the joint statement produced by the MoJ and ONS on the differences in these divorce statistics attached to the Jan-Mar 2012 edition of the Court Statistics Quarterly bulletin for further details.

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.

Criminal matters

Magistrates' courts

The statistics on completed proceedings in Table 3.1 are sourced from the HMCTS performance database, which was rolled out across magistrates' courts during 2008 and is populated based on information contained on the Libra MIS. 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 HMCTS performance database and the centrally collated data are subject to further checks including the investigation of apparent anomalies in the data.

The MoJ's publication *Criminal Justice Statistics (CJS)* also contains data on the criminal cases in the magistrates' courts. The figures are derived from the same core source as those presented in this report (the Libra system), but they are not directly comparable as there are known differences between them. These are due to a number of factors, including differences in the data collation methods and counting methodologies used, which reflect different underlying drivers of the analyses being performed. By way of broad illustration, *CJS* counts numbers of defendants and focuses on the final outcomes of criminal court proceedings, whilst *CSQ* counts numbers of cases and focuses on flows through the court system. Work is currently under way to investigate and review the differences between the two sets of statistics and their compilation processes with a view to aligning them in the future.

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

The experimental statistics on the timeliness of criminal proceedings completed in the magistrates' courts in table 3.9 to 3.11 are sourced from an extract taken from the Libra MIS. More information can be found in the "Timeliness of criminal proceedings" section of this Annex.

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 this bulletin 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 progress 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 MoJ's publication *CJS* also contains data on the criminal cases in the Crown Court. The figures are derived from the same core source as those presented in this report (the CREST system), but they are not directly comparable as there are known differences between them. These are due to a number of factors, including differences in the data collation methods and counting methodologies used, which reflect different underlying drivers of the analyses being performed. By way of broad illustration, *CJS* counts numbers of defendants and focuses on the final outcomes of criminal court proceedings, whilst *CSQ* counts numbers of cases and focuses on flows through the court system. Work is currently under way to investigate and review the differences between the two sets of statistics and their compilation processes with a view to aligning them in the future.

Timeliness of criminal proceedings

Statistics on the timeliness of criminal proceedings completed in the criminal courts (magistrates' courts and the Crown Court) in tables 3.9 to 3.12 are sourced from linking together extracts taken from CREST and the Libra MIS.

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

A range of quality assurance measures have been carried out on the data. These include ensuring the data are complete, case events follow a logical

date sequence with recorded offence information, and all breach cases are excluded. Times are analysed for anomalies or error, including the removal of cases with recorded durations of over ten years to ensure the average times reported are not distorted by incorrect data. Data cleaning is also carried out prior to matching the magistrates' and Crown Court datasets to ensure that minor differences between the recording of similar entries on the two systems do not materially affect the ability to match records.

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

The statistics on the timeliness of criminal proceedings completed in the magistrates' courts in tables 3.9 to 3.11 are sourced from the Libra MIS extract. Previously, statistics on the duration of criminal proceedings in the magistrates' courts were taken from the quarterly *Time Intervals Survey (TIS)*, which was based on a sample of cases, namely those which completed during a specified week each quarter. Due to recent improvements in the quality of data held on magistrates' courts administrative systems, with effect from June 2011 the *TIS* has been discontinued, and replaced by these new administratively sourced statistics. The Libra MIS extract provides good quality information on the timeliness of all criminal cases which complete in magistrates' courts, whether they are finally dealt with or passed on to the Crown Court for trial. As a result of this change in source, the statistics are now be based on all criminal proceedings dealt with in the magistrates' courts and not a sample as previously provided in the *TIS*.

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

www.justice.gov.uk/statistics/criminal-justice/magistrates-times

Enforcement of financial impositions

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

The management information on from tables 4.1 to 4.3 are sourced from the HMCTS' Performance database, and is populated based on information contained on the Libra Management Information (accounting system) on the collection of amount owed and collected from April 2011. This data system contains good quality information about financial imposition and collection of monies owed for England and Wales. Although the information is available regionally, there will be some transfers of accounts across regions which can lead to inconsistencies in accounts opened and closed regionally.

Data provided by the magistrates' courts accounting centres is checked and verified at account level by court staff within three days of the date of

imposition, and the centrally collated data are subject to further checks including the investigation of apparent anomalies in the data.

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

Annex B: Quarterly Tribunals Statistics

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

'Quarterly Tribunals Statistics: April to June 2012' have been published and are available at www.justice.gov.uk/statistics/tribunals/quarterly

The report covers all jurisdictions, including summary data on performance, receipt and disposal figures and caseload outstanding and timeliness. This executive summary page provides high-level findings for the tribunals which are administered by HMCTS during the quarter April to June 2012.

All Tribunals Combined

The statistics for the quarter 1 April to 30 June 2012 include details for new Tribunals which joined HMCTS since July 2012⁵. In this report, changes compared with earlier periods are made excluding figures for new Tribunals, so that comparisons are on a like-for-like basis.

- Between April and June 2012 (quarter 1), there were 187,700 receipts or claims. Excluding receipts for those Tribunals that joined HMCTS in 2011-12, this represents a 3% rise over the same quarter of the previous year. If multiple claims to Employment Tribunals (which can vary substantially) are also excluded, the number of cases received in the first quarter of 2012-13 was 7% more than at the same point in the previous year.
- There were 166,700 disposals in April to June 2012. Excluding details for the new tribunals, this was a decrease of 8% on the same quarter of 2011-12 and reverses the past upward trend.
- For all tribunals combined, the caseload outstanding at 30 June 2012 was 775,600 – 3% higher than the 756,100 figure recorded at 31 March 2012. The caseload outstanding has risen for all of the largest Tribunals: by 16% for Immigration and Asylum; by 3% for Social Security and Child Support and by 2% for Employment Tribunals (ET) multiple claims. It fell by 3% for single ET claims.

Social Security and Child Support

Social Security and Child Support (SSCS) appeals jurisdiction, part of the First Tier Tribunal arranges and carries out independent hearings for appeals

⁵ Details of these and of other Tribunals that have joined HMCTS since 2006-07 are in the Data Quality and Sources section of this report.

on decisions made by the Department for Work and Pensions (including Jobcentre Plus, Child Maintenance Group and Disability and Carers Service), as well as other government departments (HM Revenue and Customs) and local authorities.

- For SSCS, there were 102,300 receipts between April and June 2012 – representing 55% of cases received by all Tribunals. When compared with the same quarter for the previous year, the number of receipts went up by 14% and this was mainly as a result of the increased number of Employment and Support Allowance appeals (a 40% increase).
- There were 102,000 disposals made by SSCS, 5% fewer than those in the April to June quarter of 2011.
- Between April and June 2011, and the same period of 2012, the number of ESA disposals rose by 2%, to 52,300. Correspondingly, the number of Incapacity Benefit (IB) disposals fell by 93% or 8,000 over the same period to reach 620. The fall in disposals of IB claims reflects the fact that no new claims to Incapacity Benefit have been accepted since February 2011, as the benefit has been replaced by ESA.
- Despite the overall fall in the number of disposals for SSCS, there was also an 18% increase (when compared with April to June 2011) in disposals associated with Attendance Allowance/Disability Living Allowance.
- There were 82,300 SSCS hearing clearances (those cases disposed of at hearing) during April to June 2012, around 300 fewer than in the same quarter of 2011-12.

Employment Tribunals

The employment tribunals are independent judicial bodies which determine disputes between employers and employees over employment rights.

- Between April and June 2012, Employment Tribunals received 42,000 claims in total – 12% fewer than in the same quarter of 2011-12. The number of receipts of multiple claims fell by 15% and the number of single claims went down by 5%.
- In April to June 2012, there were 25,500 disposals made by Employment Tribunals - a 4% fall on the number for the same quarter of 2011-12. The number of single disposed cases decreased by 3% and those for multiple cases went down by 4%.

Immigration and Asylum

All references to Immigration and Asylum refer to the First-tier Tribunal (Immigration and Asylum Chamber). It is an independent Tribunal dealing

with appeals against decisions made by the Home Secretary and her officials in immigration, asylum and nationality matters.

- Compared with the same quarter of 2011-12, there was a fall of 5% in the overall number of Immigration and Asylum receipts, to 25,500. This fall was not apparent for all case types, with an increase of 7% in the number of receipts of Entry Clearance appeals.
- The number of Immigration and Asylum disposals was 22,500 between April and June 2012, 33% fewer than in the same quarter of 2011-12.

Annex C: Family law

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 or civil partnerships, such as divorce petitions, financial provisions for children after divorce or relationship breakdown, domestic violence remedies, and adoption.

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

Public Law

Public law cases are those brought by local authorities or an authorised person (currently only the National Society for the Prevention of Cruelty to Children) to protect the child and ensure they get the care they need. The applicant can apply for a range of different orders. The main types of order are a care or supervision order which determines whether the child should be looked after or supervised by the local authority and an emergency protection order which allows an individual or local authority to take a child away from a place where they are in immediate danger to a place of safety. The vast majority of Public law applications are for care orders. Figure C1 shows the main court processes for Children Act Public Law cases.

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.

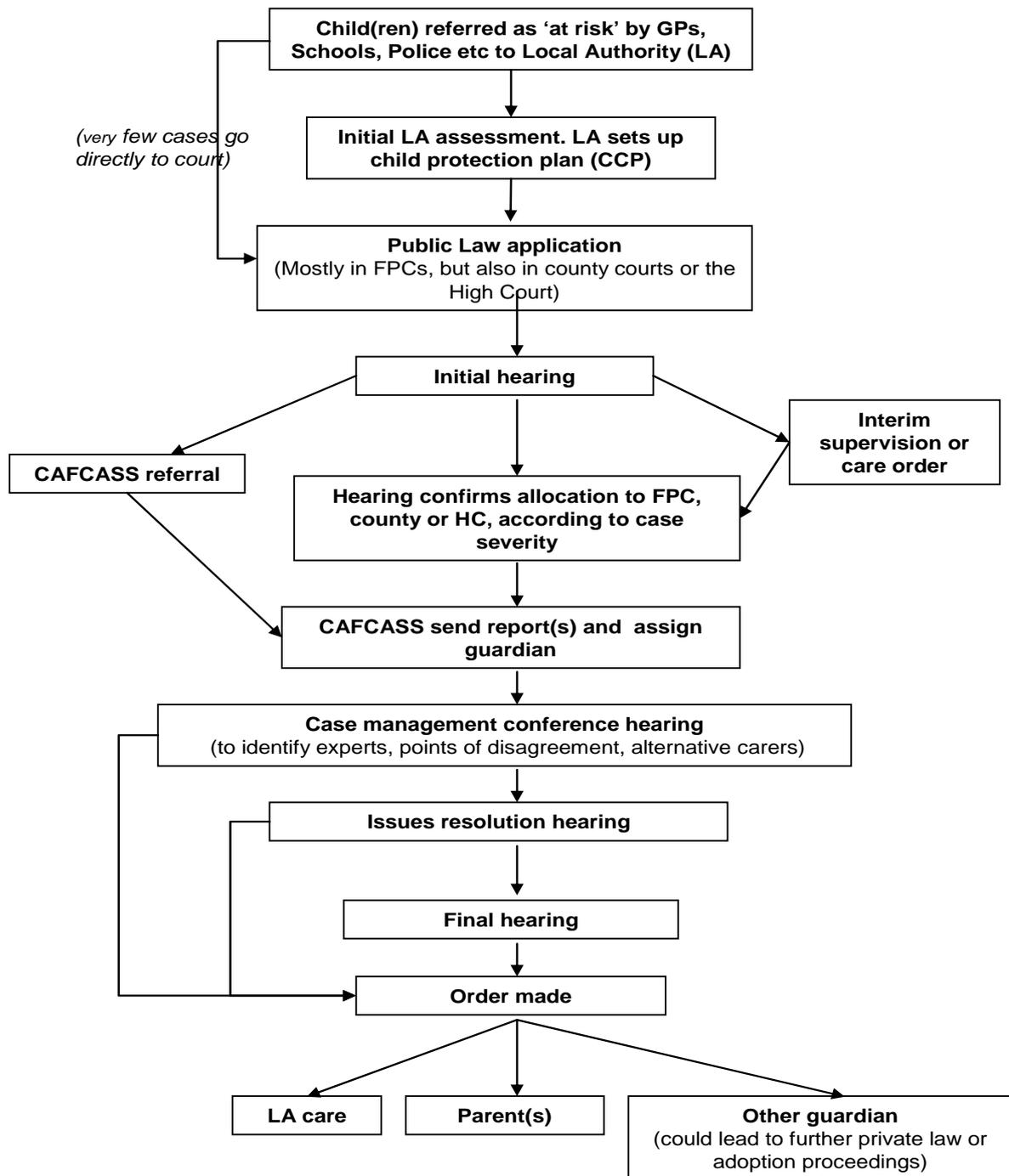
Emergency Protection Orders

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 or complex.

Figure C1: The main court processes for Children Act Public Law cases



Private Law

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

order which settles where the child should live and a contact order which specifies the conditions under which the divorced or separated parents may spend time with a child. Figure C2 shows the main court processes for Children Act Private Law cases.

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.

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.

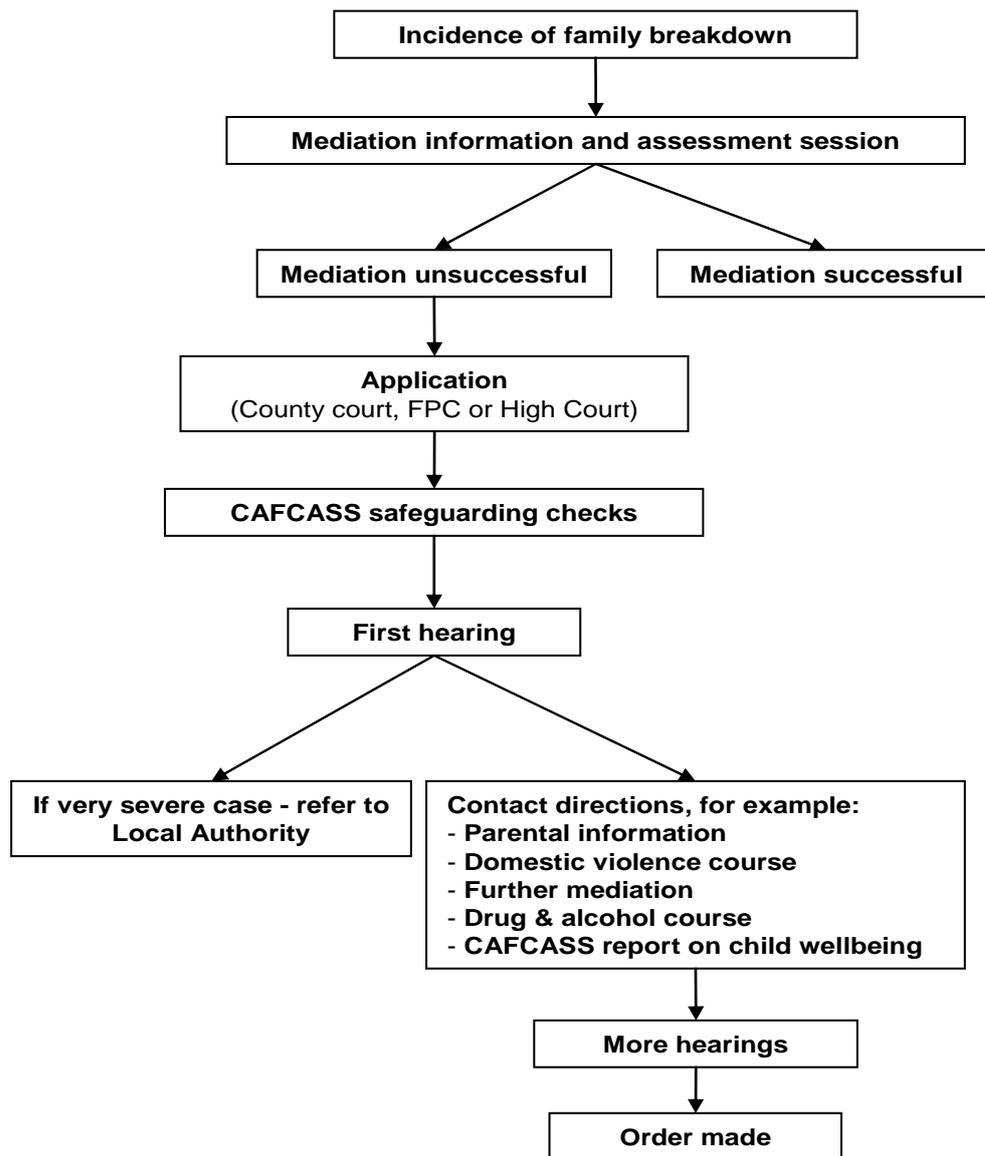
Financial applications

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

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.

Figure C2: The main court processes for Children Act Private Law cases



Disposal of Public and Private Law applications

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

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

- full order made - The type of order made may not be the same as the type of application that was originally applied for.

Timeliness of Public Law Care and Supervision applications

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

Legal representation and its relationship with timeliness

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

Matrimonial matters

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

Divorce or dissolution of a civil partnership

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

- adultery (for marriage only)
- behaviour with which the petitioner cannot reasonably be expected to live
- desertion of at least two years

- two years separation where the respondent consents
- (e) five years separation

Nullity

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

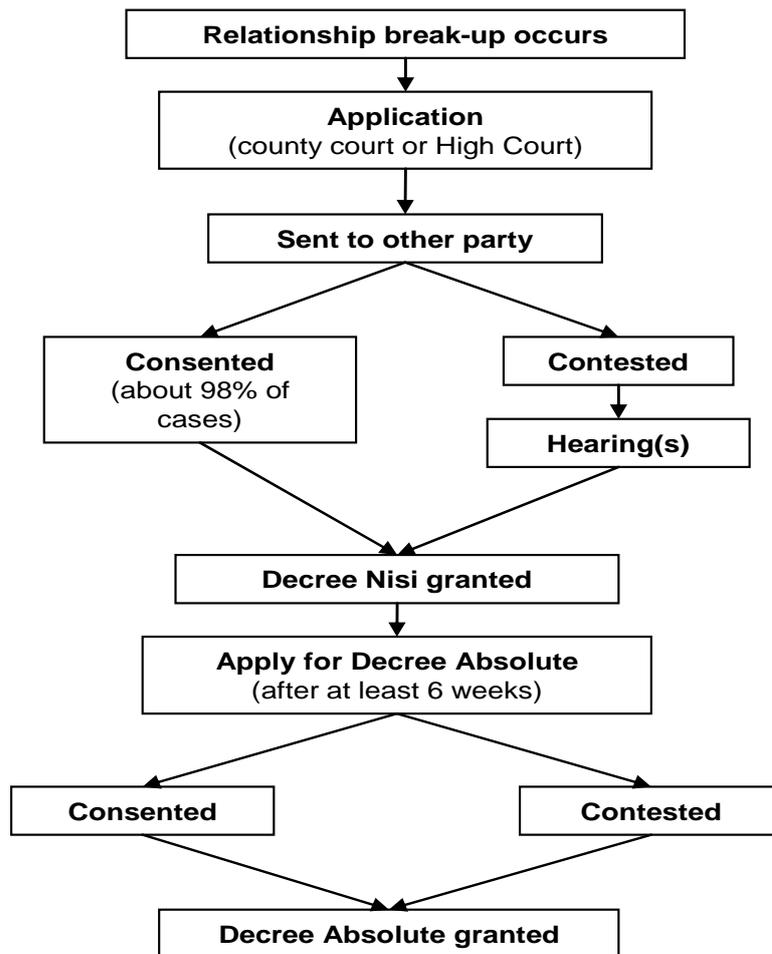
- either party was under the age of sixteen at the time of the marriage or civil partnership;
- either party was already married or in a civil partnership; or,
- the parties are prohibited from marrying, for example father and daughter.

Examples of voidable marriages or civil partnerships are those:

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

An alternative to divorce is a decree of judicial separation or a decree of separation of civil partners which does not legally end the marriage or civil partnership but absolves the parties from the obligation to live together, and allows the court to exercise all the powers which it has to divide the matrimonial property just as it can in the case of a divorce. This procedure might, for instance, be used if religious beliefs forbid or discourage divorce.

Figure C3: The main court processes for divorce or dissolution cases



Ancillary relief – financial disputes post-divorce/separation

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

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

Domestic violence

Part IV of the Family Law Act 1996 provides single and unified domestic violence remedies in county courts and magistrates' courts, with the vast majority carried out in the former. Figure C4 shows the main court processes for domestic violence cases.

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

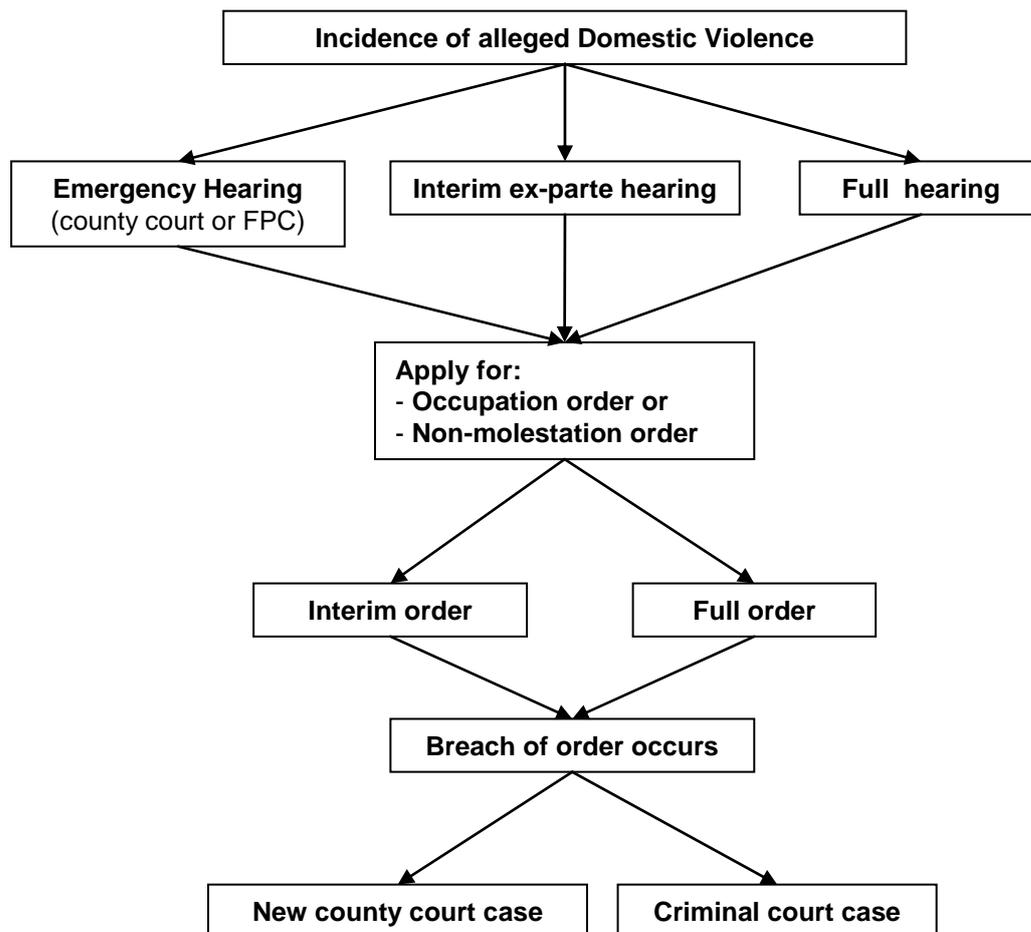
Two types of order can be granted:

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

In July 2007, section 1 of the Domestic Violence, Crime and Victims Act 2004 came into force, making the breach of a non-molestation order a criminal offence. A power of arrest is therefore no longer required on a non-molestation order but instead include a penal notice. The court may also add an exclusion requirement to an emergency protection order or interim care order made under the Children Act 1989. This means a suspected abuser may be removed from the home, rather than the child.

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

Figure C4: The main court processes for domestic violence cases



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.

Adoptions

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

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

www.ons.gov.uk/ons/rel/vsob1/adoptions-in-england-and-wales/2011/index.html

Family Justice Review

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

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

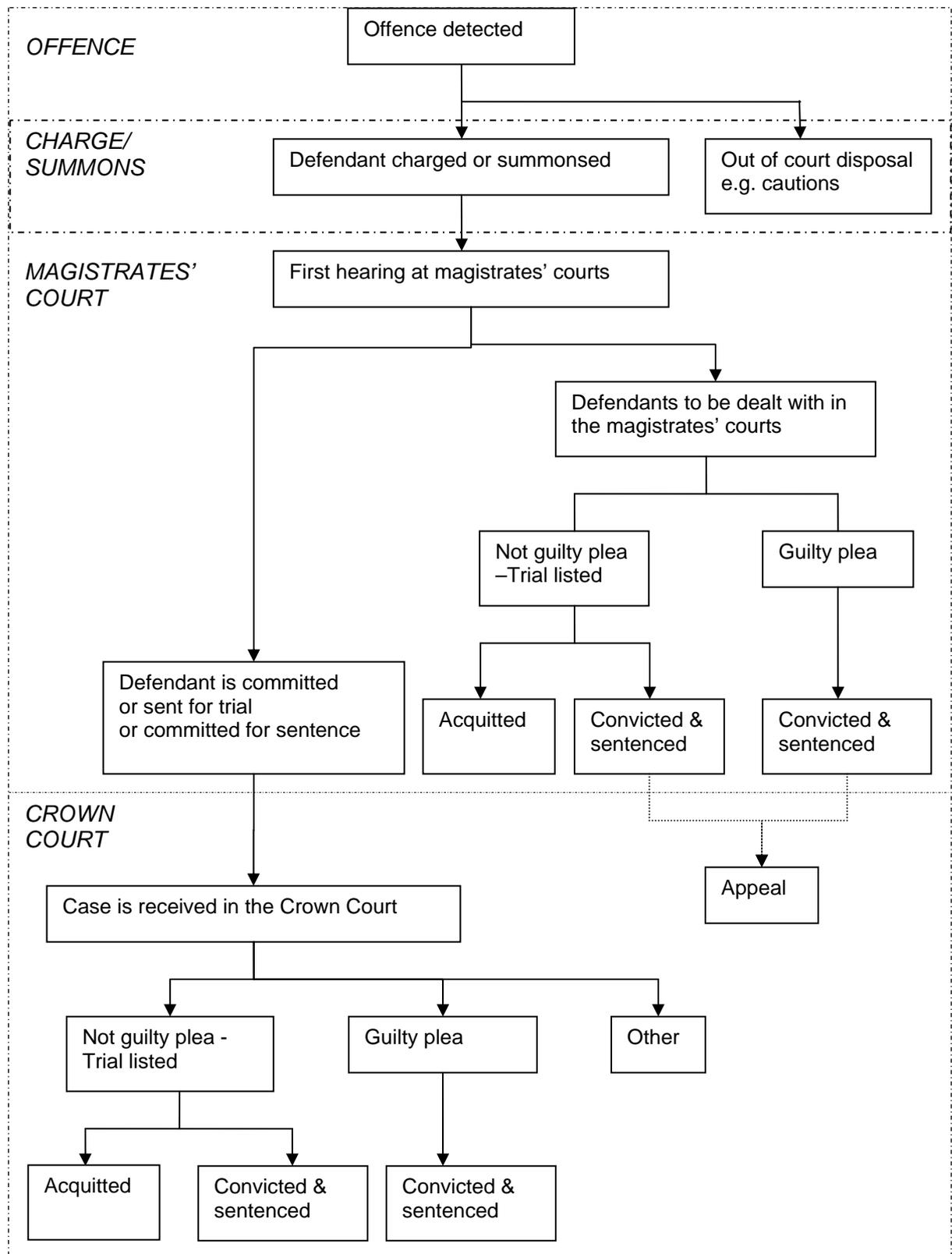
www.justice.gov.uk/publications/policy/moj/2011/family-justice-review-final

Annex D: Criminal court system

Introduction

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

Figure D1: A description of the main court processes for criminal cases



The police will formally charge or lay information against a defendant if there is sufficient evidence against the defendant and none of the out of court disposals are appropriate. All criminal courts cases start in a magistrates'

court with the law requiring the defendant to be brought before the court as soon as possible.

The magistrates' courts

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

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

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

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

The Crown Court

The Crown Court is formally a single court and sits in approximately 76 different locations across England and Wales. The Crown Court carries out three principal types of activity: jury trials, the sentencing of those who are convicted in the either the Crown Court or magistrates' courts and appeals from decisions of magistrates.

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

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

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

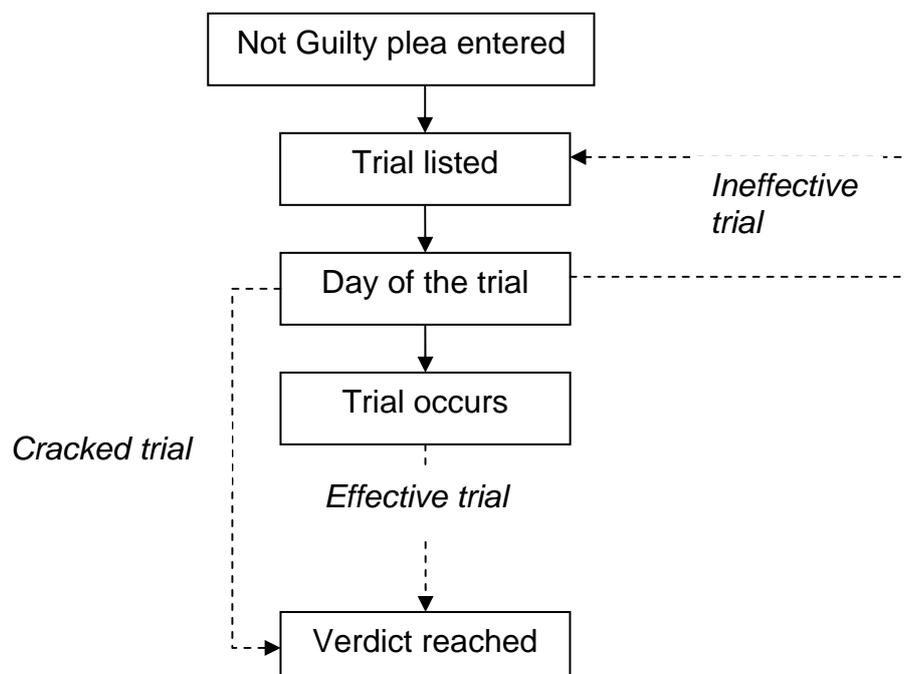
Effectiveness of trial hearings

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

A trial hearing which commences on a scheduled date and reaches a conclusion is recorded as an 'Effective' trial. An 'Ineffective' trial does not commence on the due date and requires a rescheduling. This could be due to the absence of a defendant or a witness, the case not being ready or due to administrative reasons at the court centre.

In contrast, a 'Cracked' trial does not commence on the scheduled date and the trial is not rescheduled, as a trial hearing is no longer required. Cracked trials are usually the result of an acceptable plea being entered by the defendant on the day or the case ending as the prosecution decides not to proceed (offers no evidence) against the defendant.

Figure D2: A description of the process for trial hearings in criminal court cases



Appealing decisions made in the Crown Court

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

Detailed Offence Level Data

This annex provides provisional statistics on the timeliness of criminal cases heard in the magistrates' courts and the Crown Court, from offence to sentencing, by the different stages in the process and the type of offences brought to justice. The following new information is being made available:

- The mean time taken from offence to completion by offence type
- The median time taken from offence to completion by offence type

The average time taken from offence to completion by offences

Table D1 provides the both the average (mean) and median time taken from offence to completion by the type of offence dealt with and the stages in the process.

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

Some offences may take considerably longer than others to complete, such as those related fraud and forgery and sexual offences. In these cases, often the longest time is spent between offence to charge/ laying of information, which could be related to these offences often being reported to the police some time after the actual offence took place or time required for detection. Further more, caution should be taken as some average times are calculated on a small number of cases, and as a result are more likely to be skewed by extremely long or short cases.

Table D1. Average time taken by stage of proceedings and offence for all defendants in completed criminal cases, England and Wales, Q2 2012

	Mean & (median) number of days from offence to completion									
	Offence to charge or laying of information	Offence to charge or laying of information	Charge or laying of information to first listing	Charge or laying of information to first listing	First listing to completion	First listing to completion	Offence to completion	Offence to completion	Number of defendants	
<u>Indictable offences</u>										
Murder	129	(7)	6	(1)	341	(297)	475	(372)	137	
Attempted Murder	23	(4)	2	(1)	233	(189.5)	257	(205)	76	
Threat or Conspiracy to Murder	34	(1)	7	(1)	128	(98)	169	(118)	258	
Manslaughter	199	(168)	40	(16.5)	248	(229.5)	488	(434.5)	86	
Wounding or other act Endangering Life	68	(8)	13	(2)	190	(170)	271	(224.5)	1,294	
Endangering Railway Passenger	34	(11.5)	17	(12.5)	45	(22.5)	96	(79)	10	
Endangering Life at Sea *	10	(1)	22	(22)	26	(2)	58	(27)	3	
Malicious Wounding etc.	39	(4)	16	(12)	95	(55)	150	(99)	9,855	
Other Indictable Offences (Excluding Motoring Offences)	59	(1)	18	(2)	47	(5)	124	(29)	2,038	
Cruelty to or Neglect of Children	125	(59)	21	(14)	159	(119)	306	(202)	186	
Abandoning Child aged under Two Years *	27	(27)	22	(22)	0	(0)	49	(49)	1	
Child Abduction *	152	(24)	9	(1.5)	150	(145)	310	(242.5)	28	
Procuring Illegal Abortion *	238	(238)	16	(16)	276	(276)	530	(530)	1	
Sexual Assault on a Male	180	(75)	13	(13)	213	(231)	406	(301.5)	56	
Sexual Assault on a Female	236	(57.5)	22	(12)	178	(167)	436	(269.5)	706	
Rape	385	(124)	14	(2)	230	(205)	629	(374)	561	
Sexual Activity with child	481	(188)	23	(14)	175	(171)	680	(426)	277	
Familial Sexual Offences (Incest) *	899	(428)	10	(8.5)	215	(215.5)	1124	(742)	24	
Exploitation of Prostitution	108	(112)	16	(17)	197	(221)	321	(401)	10	
Burglary in a Dwelling	39	(5)	10	(1)	95	(72)	145	(111)	3,681	
Aggravated Burglary in a Dwelling	30	(1)	6	(1)	182	(160)	218	(179)	207	
Burglary in a Building Other than a Dwelling	50	(12)	14	(10)	60	(24)	124	(70)	2,842	
Aggravated Burglary in a Building not a Dwelling *	28	(8)	2	(1)	100	(93)	130	(95)	15	
Going Equipped for Stealing, etc.	13	(1)	11	(9)	54	(21)	78	(45)	665	

Court Statistics Quarterly: April to June 2012

Robbery and assaults with intent to rob	41 (8)	11 (2)	127 (108)	179 (148)	3,058
Blackmail	150 (59)	10 (7)	221 (181.5)	381 (280.5)	84
Kidnapping, etc.	60 (3)	8 (1)	201 (184.5)	269 (206.5)	266
Aggravated Vehicle Taking	43 (1)	16 (12)	76 (46)	135 (87)	280
Money laundering	317 (152.5)	32 (15)	182 (105)	530 (347)	380
Theft from the Person of Another	57 (16)	18 (12)	70 (29)	145 (83)	1,639
Theft in Dwelling not Automatic M/c or Meter	48 (19)	16 (14)	47 (20)	112 (72)	771
Theft by an Employee	125 (65)	26 (19)	63 (21)	214 (133)	636
Theft or Unauthorised Taking from Mail	84 (76)	27 (26)	37 (4)	149 (122)	35
Abstracting Electricity	74 (58)	20 (15)	93 (44)	188 (135)	141
Theft of Pedal Cycle	42 (14)	16 (14)	32 (7)	90 (56)	574
Theft from Vehicle	43 (5)	12 (10)	38 (13)	92 (45)	1,400
Theft from Shops	18 (1)	15 (13)	24 (0)	56 (28)	22,119
Theft from Automatic Machine or Meter	59 (22)	46 (15)	101 (23)	206 (110)	91
Theft or Unauthorised Taking of Motor Vehicle	70 (10)	17 (13)	67 (28)	154 (79)	337
Other Theft or Unauthorised Taking	51 (13)	18 (14)	48 (10)	117 (64)	3,801
Fraud by Company Director etc. *	1443 (1443)	24 (24)	180 (180)	1647 (1647)	2
False Accounting	1035 (1050.5)	22 (14.5)	313 (244.5)	1369 (1443.5)	40
Other Fraud	388 (144)	28 (18)	98 (30)	514 (250)	4,042
Handling Stolen Goods	62 (29)	18 (14)	65 (33)	146 (99)	1,947
Bankruptcy Offence	960 (982)	52 (37)	203 (93)	1215 (1378)	35
Arson	48 (2)	11 (2)	146 (129.5)	205 (165.5)	442
Criminal Damage Endangering Life *	61 (42.5)	18 (13)	89 (64)	169 (167)	28
Other Criminal Damage	25 (1)	19 (15)	44 (15)	88 (50)	1,427
Threat and possession with intent to commit Criminal Damage	16 (1)	11 (8)	58 (35)	85 (58)	275
Forgery etc. of Drug Prescription *	58 (52)	10 (9)	52 (21)	119 (96)	9
Other Forgery etc.	222 (61)	60 (11)	137 (63)	419 (176)	313
Rioting *	91 (64)	3 (1)	206 (227)	301 (301)	7
Violent Disorder	111 (105)	18 (14)	240 (230)	369 (334)	311
Other Offence against the State or Public Order	39 (5)	14 (10)	92 (50)	145 (94.5)	2,952
Perjury *	525 (424)	33 (26)	192 (153)	751 (669)	29
Sexual activity etc. with a person with a mental disorder *	279 (277)	19 (14.5)	175 (144.5)	473 (414)	4
Abuse of children through prostitution and pornography *	371 (123)	6 (1)	175 (140)	552 (328)	9
Trafficking for sexual exploitation *	111 (111)	10 (10)	74 (74)	195 (195)	2

Court Statistics Quarterly: April to June 2012

Abuse of trust - sexual offences *	921	(307)	4	(3)	172	(165)	1096	(479)	3
Gross Indecency with Children *	2212	(2211.5)	10	(9.5)	204	(204)	2425	(2425)	2
Betting, Gaming and Lotteries offences *	0	(0)	7	(7)	0	(0)	7	(7)	1
Assist Entry of Illegal Immigrant	284	(124)	42	(8)	188	(174)	514	(348)	85
Perverting the Course of Justice	95	(22)	15	(9)	140	(114)	250	(182)	609
Absconding from Lawful Custody	54	(5)	9	(1)	70	(21)	133	(48)	73
Firearms Act Offence	82	(54)	17	(14)	106	(57.5)	204	(155.5)	354
Revenue Law Offence *	268	(272)	46	(25)	33	(0)	338	(314)	7
Failing to Surrender to Bail	41	(5)	12	(0)	24	(0)	77	(14)	924
Trade Descriptions Act and Similar Offences	272	(268.5)	46	(36)	101	(42)	419	(407)	230
Health and Safety at Work etc. Act 1974	450	(365)	48	(44)	54	(30)	553	(458)	181
Possession of Obscene Material etc.	339	(265)	47	(15)	125	(112)	511	(434)	331
Protection from Eviction Act 1977. *	322	(151)	49	(42)	115	(119)	486	(312)	6
Miscellaneous sexual offences	73	(20.5)	20	(14)	115	(79)	208	(157)	252
Adulteration of Food *	180	(182.5)	32	(28.5)	105	(69.5)	317	(327)	14
Public Health	229	(184)	36	(34)	72	(28)	336	(273)	520
Drug offences	48	(1)	20	(15)	50	(0)	118	(65)	14,961
Town and Country Planning Act 1990	166	(70.5)	40	(34)	79	(35)	285	(170)	244
Disclosure, obstruction, false or misleading statements *	114	(7)	13	(7)	58	(19.5)	186	(48)	28
Dangerous Driving	56	(36.5)	27	(18)	125	(100.5)	208	(178)	700
Driving licence related offences: Making false statements *	1558	(1557.5)	9	(8.5)	43	(42.5)	1609	(1608.5)	2
Vehicle insurance offences: Making false statements	185	(107)	26	(26)	45	(14)	257	(178)	83
Work record or employment offences	-	-	-	-	-	-	-	-	0
Miscellaneous motoring offences (indictable)	-	-	-	-	-	-	-	-	0
<u>Summary Non-Motoring offences</u>									
Adulteration of Food, Drug, etc.	-	-	-	-	-	-	-	-	0
Assault On Constable	15	(1)	18	(15)	52	(21)	86	(54)	2,953
Common assault, etc	27	(2)	18	(14)	63	(48)	107	(81)	17,060
Betting or Gaming Offence	3	(0)	5	(1)	91	(0)	98	(3)	73
Brothel Keeping *	512	(222)	11	(14)	87	(3)	610	(498)	3
Cruelty to Animals	97	(87)	39	(37)	72	(40)	208	(183.5)	420
Diseases of Animals Act *	194	(194)	22	(22)	70	(70)	286	(286)	1

Court Statistics Quarterly: April to June 2012

Offences Relating to Dogs	83 (75)	30 (28)	39 (12)	152 (143)	285
Education Acts	68 (55)	40 (35)	19 (0)	127 (111)	3,422
Firearms Acts	49 (33)	26 (21)	31 (5)	106 (86)	73
Fishery Acts	161 (166)	45 (43)	7 (0)	213 (214)	684
Friendly Societies Acts *	183 (14)	35 (39.5)	0 (0)	218 (54)	6
Night Poaching *	61 (42)	51 (53)	42 (21)	154 (143)	23
Day Poaching	47 (44)	36 (34.5)	40 (15)	123 (99)	80
Unlawful Possession of Game, etc.	- -	- -	- -	- -	0
Other Offence against Game Law *	156 (125.5)	46 (41.5)	43 (41.5)	246 (175.5)	26
Obstruction Other than by Vehicle	32 (1)	29 (25.5)	54 (31)	114 (121)	46
Nuisance Other than by Vehicle *	81 (48)	45 (43.5)	25 (0)	150 (165)	10
Other Highways Act Offence	121 (106)	24 (18)	15 (0)	159 (141)	30
Public Order Act 1986	23 (1)	19 (16)	44 (8)	86 (52)	7,860
Interference with Motor Vehicles	29 (1)	14 (12)	41 (21)	84 (65)	279
Unauthorised Taking of a Conveyance	34 (2)	17 (14)	34 (7)	85 (51)	715
Summary Aggravated Vehicle Taking	31 (2)	20 (16)	27 (2)	77 (49)	349
Horsedrawn Vehicle offences *	23 (22.5)	29 (28.5)	6 (4)	57 (55)	4
Pedal Cycle offences	72 (62)	37 (35)	21 (0)	130 (114)	208
Offences involving impersonation *	38 (21)	25 (19)	53 (14)	116 (56)	13
Drunkenness, Simple	8 (1)	15 (14)	13 (0)	36 (19)	214
Drunkenness, with Aggravation	4 (1)	17 (16)	15 (0)	36 (19)	4,659
Offence by Licenced Person, etc.	575 (300)	28 (31)	34 (43)	637 (385)	7
Other Offence against the Liquor Law	32 (0)	21 (18)	21 (0)	74 (23)	585
Selling Tobacco to Juvenile *	165 (169.5)	35 (32)	28 (3.5)	228 (227)	28
Shops Act *	310 (293)	140 (63)	11 (0)	461 (355)	19
Employment of Children Acts	- -	- -	- -	- -	0
Summary Criminal or Malicious Damage Offence	28 (1)	17 (15)	36 (7)	82 (48)	7,324
Merchant Shipping Acts *	1 (0.5)	2 (1.5)	145 (145)	147 (147)	2
Social Security Offence	466 (300.5)	45 (42)	35 (6)	547 (383)	1,786
Military Law - Army	- -	- -	- -	- -	0
Military Law - Navy	- -	- -	- -	- -	0
Military Law - Air Force *	28 (31)	23 (16)	52 (3)	104 (84)	11
Park, Common or Other Open Space Offence *	77 (77)	43 (43)	97 (97)	217 (217)	1
Reporting Restrictions offences *	174 (174)	30 (30)	0 (0)	204 (204)	1

Court Statistics Quarterly: April to June 2012

Pedlars Act	41 (32)	40 (39.5)	8 (0)	88 (82.5)	52
Disorderly Behaviour	50 (34)	41 (42)	9 (0)	100 (92)	259
Playing in Street	- -	- -	- -	- -	0
Other Offence against local regulations	32 (1)	19 (15)	21 (0)	72 (42)	37
Kerb Crawling *	25 (0)	43 (2)	180 (0)	249 (6)	19
Offence by Prostitute	4 (0)	20 (15)	38 (5)	62 (30)	137
Aiding, etc. Offence by Prostitute	18 (4)	31 (25)	43 (14)	92 (76)	57
Public Health Offence	135 (142)	45 (40)	12 (0)	193 (193.5)	2,326
Railway Offence	106 (105)	50 (46)	5 (0)	161 (158)	16,619
Motor Vehicle Licence	148 (127)	52 (40)	7 (0)	207 (171)	8,497
Other Offence Against Revenue Law	235 (195)	76 (83)	23 (0)	334 (278)	47
Stage Carriage or Public Service Vehicle Offence	86 (72)	32 (35)	4 (0)	122 (111)	7,747
Sexual Offences - Miscellaneous *	37 (13)	39 (51)	25 (42)	102 (116)	5
Private security industry *	368 (108)	280 (41)	155 (29)	803 (257)	7
Tram or Trolley Vehicle Offence	168 (162)	50 (52)	1 (0)	219 (215)	503
Begging	18 (0)	22 (16)	13 (0)	52 (31)	357
Sleeping Out *	25 (11)	34 (40)	9 (0)	68 (57.5)	8
Found In Enclosed Premises	12 (1)	15 (14)	34 (7)	61 (46)	143
Other Vagrancy Offences *	109 (109)	14 (13.5)	39 (39)	162 (161.5)	2
Weights and Measures Acts *	89 (89)	36 (36)	28 (28)	153 (153)	3
Wild Birds Protection Acts *	92 (101)	37 (30)	98 (47.5)	227 (209.5)	6
Wireless Telegraphy Acts	98 (109)	56 (55)	5 (0)	159 (159)	45,142
Video Recording Act 1984 *	259 (259)	119 (119)	127 (127)	505 (505)	1
Drug Offence	26 (12)	13 (12)	19 (0)	58 (35)	581
Immigration Offence *	234 (30)	32 (29)	220 (0)	486 (59)	5
Other Summary Non-Motoring Offence	101 (42)	28 (21)	31 (0)	160 (107)	5,400
Summary Motoring					
Driving etc after consuming alcohol or taking drugs	13 (0)	23 (16)	25 (0)	61 (23)	11,533
Careless driving	103 (99)	46 (40)	32 (0)	182 (171)	10,289
Accident offences	93 (95)	39 (35)	38 (2)	171 (165)	901
Driving licence related offences	81 (75)	43 (36)	25 (0)	148 (137)	10,141
Vehicle insurance offences	87 (80)	46 (40)	26 (0)	159 (142)	19,349
Vehicle registration and excise licence offences	187 (165)	52 (41)	5 (0)	245 (220)	14,251

Court Statistics Quarterly: April to June 2012

Work record or employment offences	160	(155)	54	(50)	93	(0)	307	(221)	276
Operators licence offences	125	(124.5)	38	(35)	20	(0)	183	(189.5)	64
Vehicle test offences	94	(89.5)	43	(40)	25	(0)	163	(150)	652
Fraud, Forgery etc associated with Vehicle or Driver Records	104	(98)	43	(35)	88	(17)	235	(189)	137
Vehicles or parts in dangerous or defective condition	92	(82)	47	(41)	22	(0)	160	(143)	1,672
Speed limit offences	136	(153)	56	(44)	12	(0)	204	(206)	31,279
Motorway offences (other than speeding)	104	(103)	43	(39)	28	(0)	175	(157)	101
Neglect of traffic directions	119	(135)	54	(48)	17	(0)	190	(194)	4,334
Neglect of pedestrian rights	91	(88)	41	(38)	21	(0)	153	(155)	381
Obstruction, waiting and parking offences	129	(108.5)	53	(46)	28	(0)	210	(182.5)	610
Lighting offences	98	(95)	53	(47)	10	(0)	162	(157.5)	438
Noise offences	93	(98)	45	(43)	9	(0)	147	(158)	39
Load offences	97	(91.5)	49	(41)	15	(0)	161	(153.5)	768
Offences particular to motorcycles	71	(50)	37	(30.5)	15	(0)	123	(93)	36
Miscellaneous motoring offences (including trailer offences)	120	(132)	54	(50)	28	(0)	203	(196)	16,450
Other offences	10	(1)	4	(0)	6	(0)	20	(1)	1,009
All criminal offences	89	(66)	37	(31)	33	(0)	158	(137)	352,043

* Figures for these offences should be treated with caution as they are based on less than 30 cases and are more likely to be skewed by extremely long or short cases.

– no cases recorded for these offences

(66) numbers in brackets refer to the median timeliness

Glossary

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

Civil (non-family) matters

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Family matters

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

Application: The act of asking the court to make an order.

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

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

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

Dissolution: The legal termination of a marriage by a decree of divorce, nullity or presumption of death or of a civil partnership by the granting of a dissolution order.

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 and allows the court to exercise all the powers which it has to divide the matrimonial property just as it can in the case of a divorce. This procedure might, for instance, be used if religious beliefs forbid or discourage divorce.

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

Nullity: This is where a marriage 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.

Criminal matters

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 the Crown Court. The involvement of the magistrates' court is generally brief: a decision is made on whether to grant bail, and other legal issues, such as reporting restrictions, are considered. The case is then passed to the Crown Court.

Adult summary 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.

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

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

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

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

Youth 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:

1. **Sent for trial cases:** Cases sent for trial by the magistrates' court because they can only be heard by the Crown Court.
2. **Committed for trial cases:** Cases which can be heard in either a magistrates' court or the Crown Court. A defendant can elect to be tried in the Crown Court or a magistrate can decide that a case is sufficiently serious that it should be dealt with in the Crown Court.

3. **Committed for sentence cases:** Cases transferred to the Crown Court for sentencing where defendants are found guilty in the magistrates' court. This happens if a magistrate is of the opinion that a greater punishment should be imposed than they are allowed to impose.
4. **Appeals against the decisions of magistrates' courts.**

Disposal: The completion of a case referred to the Crown Court.

Guilty plea: A guilty plea is recorded if a defendant either: (i) pleads guilty to all counts; (ii) pleads guilty to some counts and not guilty to others and no jury is sworn in respect of the not guilty counts; or (iii) pleads not guilty to some or all counts but offers a guilty plea to alternatives which are accepted (providing no jury is sworn in respect of other counts). A case is treated as a guilty plea only if pleas of guilty are recorded in respect of all defendants.

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

Receipt: A case referred to the Crown Court.

Waiting time: The length of time between the date of sending or committal, and the start of the substantive Crown Court hearing.

Definitions of 'effective', 'cracked' and 'ineffective' trials are under the magistrates' courts section.

Timeliness of criminal proceedings

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

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

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

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

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

Magistrates' courts enforcement data

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

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

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

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

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

Victims' Surcharge: An additional surcharge is added to fines that are imposed and are enforced as detailed above. The receipts obtained from the collection of these monies by HMCS are passed to the Justice Policy Group of the MoJ to fund victims' services.

Explanatory notes

1. The United Kingdom Statistics Authority has designated these statistics as National Statistics, in accordance with the Statistics and Registration Service Act 2007 and signifying compliance with the Code of Practice for Official Statistics.

Designation can be broadly interpreted to mean that the statistics:

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

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

2. The statistics in this bulletin relate to cases in the county, family, Crown and magistrates' courts in England and Wales during the second quarter (April-June) of 2012. Calendar year statistics are published by the MoJ in the statistics report Judicial and Court Statistics.
3. Breakdowns of many of the summary figures presented in this bulletin, such as split by case type or by HMCTS area, are available on request. Please contact the Justice Statistics Analytical Services division using the details in the Contacts section.
4. Revisions: The statistics for the latest quarter are provisional, and are therefore liable to revision to take account of any late amendments to the administrative databases from which these statistics are sourced. The standard process for revising the published statistics to account for these late amendments is as follows: An initial revision to the statistics for the latest quarter may be made when the next edition of this bulletin is published. Final figures for this quarter, and for other quarters in the same calendar year, will be published in the bulletin presenting the statistics for the first of the following year.

Symbols and conventions

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

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

Contacts

Press enquiries on the contents of this bulletin should be directed to the MoJ or HMCTS press offices:

Peter Morris

Tel: 020 3334 3531

Email: peter.morris@justice.gsi.gov.uk

Mark Kram

Tel: 020 3334 6697

Email: mark.kram@hmcts.gsi.gov.uk

Other enquiries about these statistics should be directed to the Justice Statistics Analytical Services division of the MoJ:

John Marais

Chief Statistician

Ministry of Justice

7th floor

102 Petty France

London

SW1H 9AJ

Tel: 020 3334 3737

Email: statistics.enquiries@justice.gsi.gov.uk

General enquiries about the statistics work of the MoJ can be e-mailed to statistics.enquiries@justice.gsi.gov.uk

General information about the official statistics system of the UK is available from www.statistics.gov.uk

© Crown copyright
Produced by the Ministry of Justice

Alternative formats are available on request from
statistics.enquiries@justice.gsi.gov.uk