

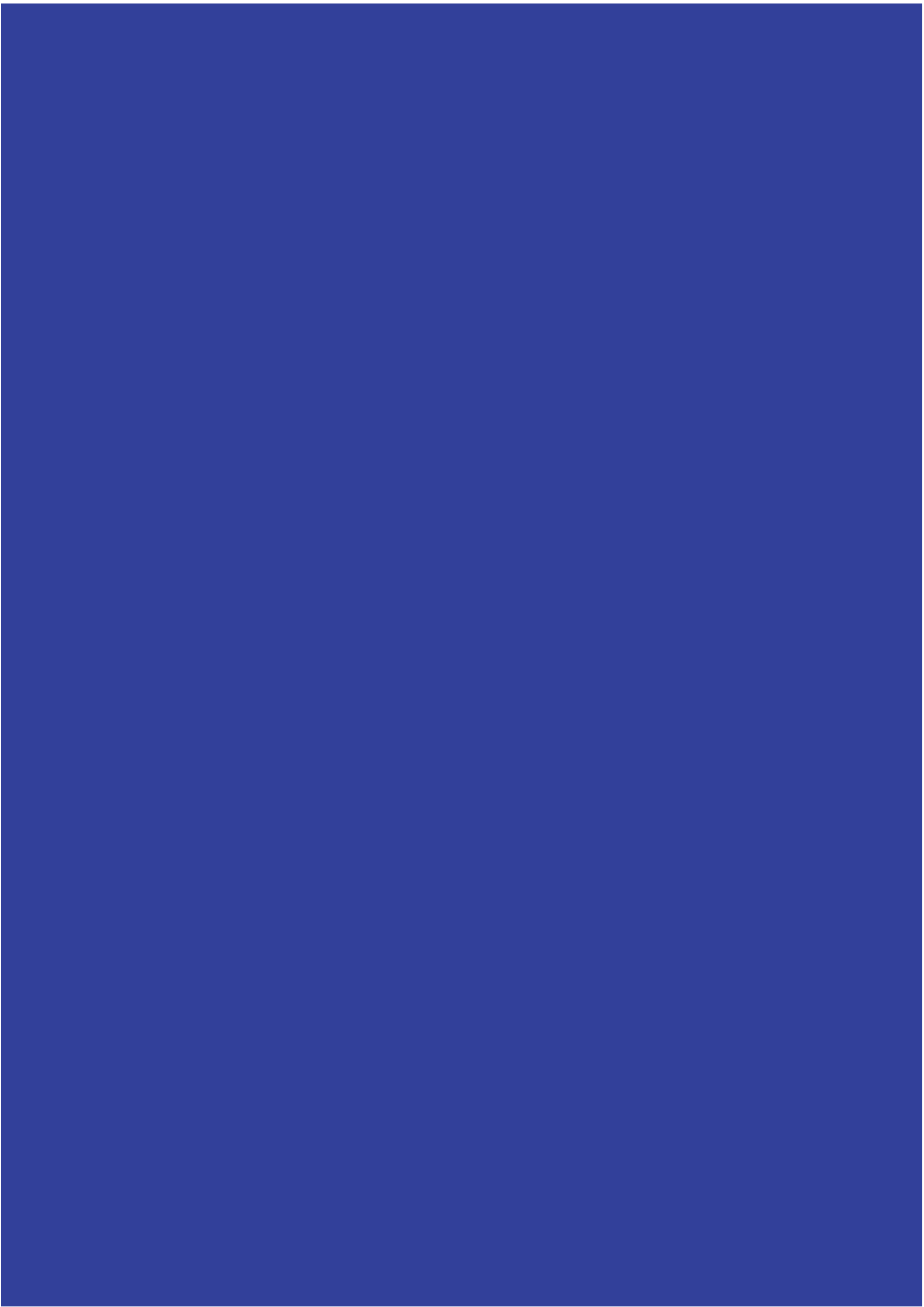


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Department for  
Constitutional Affairs  
Justice, rights and democracy

# Judicial Statistics Annual Report 2004





# Judicial Statistics

## England and Wales for the year 2004

Presented to Parliament by  
the Secretary of State for Constitutional Affairs and Lord Chancellor  
by Command of Her Majesty  
May 2005

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	<b>Introduction</b>	<b>1</b>
<b>1</b>	<b>Appellate Courts</b>	<b>5</b>
	The Judicial Committee of the Privy Council	6
	The House of Lords	11
	The Court of Appeal	16
	The High Court	21
<b>2</b>	<b>High Court – Chancery Division</b>	<b>27</b>
	Chancery	28
	Bankruptcy	31
	Companies Court	32
	Patents Court	34
<b>3</b>	<b>High Court – Queen’s Bench Division</b>	<b>35</b>
	Queen’s Bench	36
	Admiralty Court	44
	Commercial Court	46
	Technology and Construction Court	46
<b>4</b>	<b>County Courts</b>	<b>48</b>
	Introduction	49
	Claims and miscellaneous hearings	50
	Default actions, the Claim Production Centre, actions for the recovery of land (mortgage possession and other), judgments and hearings, waiting times for small claims and trials, registration of judgments	
	Enforcement of judgments	59
	Warrants of execution, the County Court Bulk Centre, the Traffic Enforcement Centre, charging orders, garnishee orders (now known as third party debt orders), attachment of earnings orders, administration orders, oral examinations (now known as orders to obtain information from judgment debtors)	

Bankruptcy and company winding-up	62
<b>5 Family Matters</b>	<b>63</b>
The Children Act 1989 Courts' jurisdiction, judges' and magistrates' jurisdiction, applications, orders, 'The Voice of the Child'	64
Other Child Matters Wardship, adoption	71
Matrimonial Matters Divorce, nullity and judicial separation, maintenance, enforcement of maintenance, domestic violence	72
Probate	79
<b>6 The Crown Court</b>	<b>81</b>
Introduction	82
Reform of the criminal law	82
Committals for trial	83
Committals for sentence	84
Appeals	84
Receipts, disposals and results	85
Waiting times	94
Other waiting times statistics	97
Hearing times	98
<b>7 Tribunals</b>	<b>99</b>
The Adjudicator to HM Land Registry	101
The Finance and Tax Tribunal	102
The Financial Services and Markets Tribunal	104
The Gender Recognition Panel	105

The Immigration Appellate Authorities	105
The Asylum and Immigration Tribunal	107
The Immigration Services Tribunal	107
The Information Tribunal	108
The Lands Tribunals	109
The Pathogen Access Appeal Commission	110
The Pensions Appeal Tribunal	110
The Proscribed Organisation Appeals Commission	112
The Social Security and Child Support Commissioners	112
The Special Immigration Appeals Commission	113
The Transport Tribunal	113
The Employment Appeal Tribunal	114
The General Commissioners	116
<b>8 Offices of the Supreme Court</b>	<b>117</b>
The Office of the Official Solicitor and Public Trustee	118
Tipstaff	120
Court of Protection	121
The Public Guardianship Office	122
Court Funds Office	124
<b>9 The Judiciary</b>	<b>126</b>
Judges	128
The Lay Magistracy	133
District Judges (Magistrates' Courts)	133

<b>10 Publicly Funded Legal Services and Taxation of Costs</b>	<b>136</b>
The Administration of Publicly Funded Legal Services	136
Civil Funding	136
Criminal Public Funding	139
Publicly Funded Legal Services Expenditure	143
Other Publicly Funded Legal Services statistics	144
<b>11 Data Quality and Sources</b>	<b>145</b>



## Introduction

As part of the Government's continuing drive to modernise the constitution and public services, the Prime Minister announced on 12 June 2003 the creation of a new Department for Constitutional Affairs. This new Department incorporates most of the responsibilities of the former Lord Chancellor's Department.

### Contents of this volume

The statistics of this volume relate to the criminal and civil business of those courts in England and Wales for whose administration the Lord Chancellor is responsible. They also cover the work of some associated offices including the Public Guardianship Office, the Judicial Committee of the Privy Council and certain tribunals. Statistics relating to Northern Ireland courts are available separately from the Northern Ireland Court Service.

Each of chapters 1-8 includes a brief description of the function, constitution and jurisdiction of the courts or tribunals concerned together with an explanation of some of the procedures involved. Chapters 9 and 10 deal with the judiciary and taxation of costs and publicly funded legal services, respectively. In addition, commentary highlighting the major features of the statistics and any notable trends is included. All data relates to the calendar years shown, unless otherwise indicated. Reference to related statistical publications, where appropriate, is included.

### The court structure

The present arrangements for the organisation and administration of the superior courts date from 1 January 1972, when the Courts Act 1971 came into operation.

The Lord Chancellor is responsible for the administration of the Supreme Court, which consists of the Court of Appeal, the High Court, and the Crown Court, and of the county courts (see chart on page 3). Administrative responsibility is exercised through the Court Service which became an executive agency on 3 April 1995. Court Service staff are headed by a Circuit Administrator in each of the six circuits in England and Wales. These circuits are the Midland with its headquarters in Birmingham, the North Eastern (Leeds), the Northern (Manchester), the South Eastern (London), the Wales and Chester (Cardiff) and the Western (Bristol). The map on page 4 shows the area covered by each circuit.

The Crown Court mainly deals with the more serious criminal offences which are committed for trial by magistrates' courts. The judges of the Crown Court are High Court judges (who also sit in the High Court to take civil business), circuit judges (who also sit in the county courts to try the less important civil

cases), and part-time recorders. Overall supervision of the judicial work on each circuit is the responsibility of two High Court judges nominated by the Lord Chief Justice to act as Presiding Judges on the circuit, under the Senior Presiding Judge for England and Wales.

Below the level of the High Court there are around 220 county courts, each of which has jurisdiction within its own district. They are presided over by circuit judges and district judges.

Judges are specially nominated by the Lord Chancellor for family work. This is referred to in more detail in Chapter 5.

One of the main features of the system is the flexible way in which it enables the judges to be deployed. High Court judges, circuit judges, and recorders are all judges of the Crown Court. As well as dealing with civil cases in the county courts, circuit judges may also be invited by the Lord Chancellor to sit from time to time as judges of the High Court for civil business. Recorders sit primarily in the Crown Court, but they may also sit on civil business.

## Magistrates' Courts

From April 1992 the Lord Chancellor assumed responsibility for the administration of magistrates' courts. Statistics relating to criminal proceedings in these courts are published annually in the Home Office publication *Criminal Statistics*. Statistics relating to the family proceedings courts and the appointment of justices of the peace are dealt with in chapters 5 and 9 respectively in this edition of *Judicial Statistics*.

## Symbols and conventions used

The following symbols are used in the tables of this volume:

- nil
- .. not available or not appropriate

Estimated figures based on sample data are rounded and distinguished by italic type.

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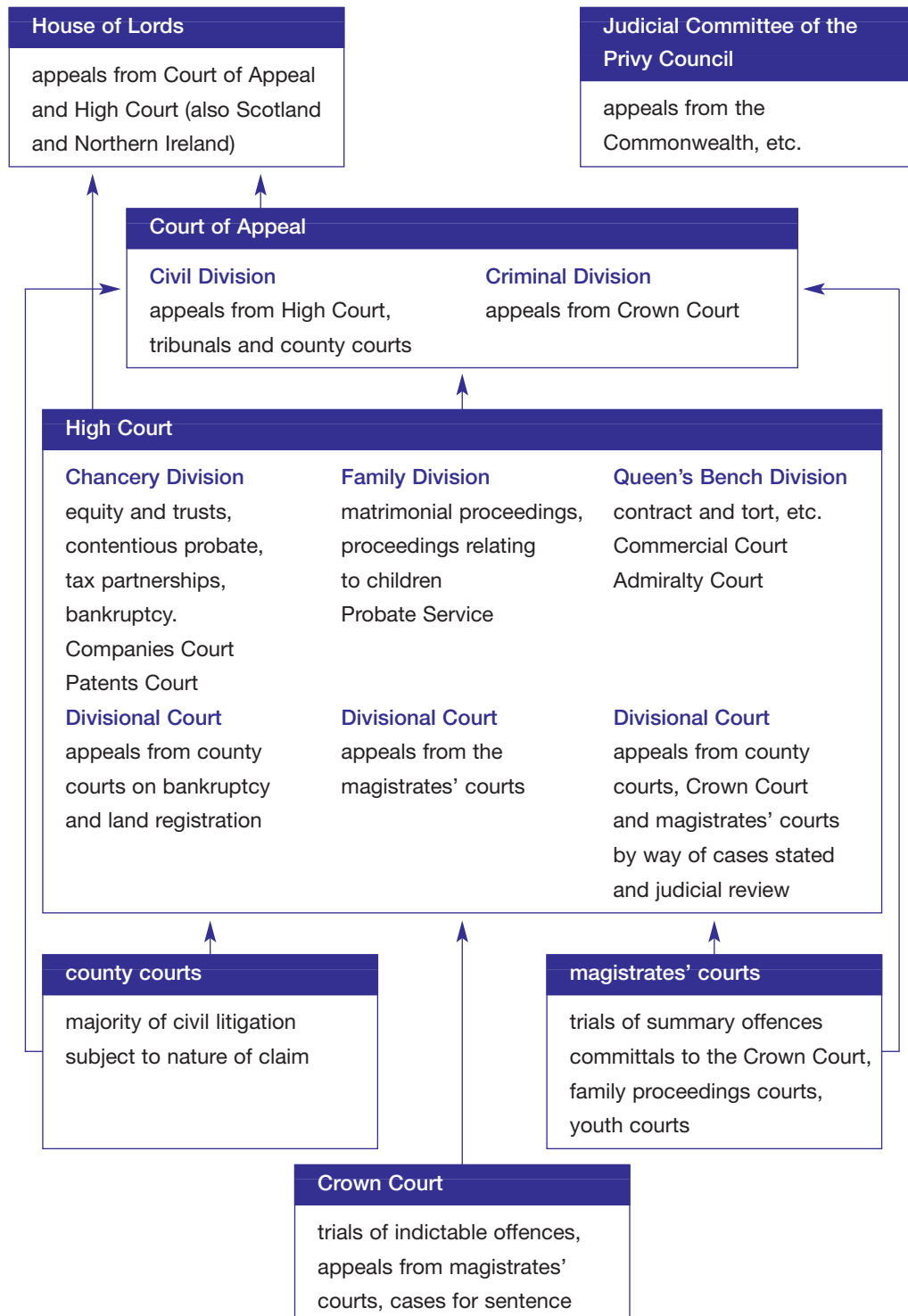
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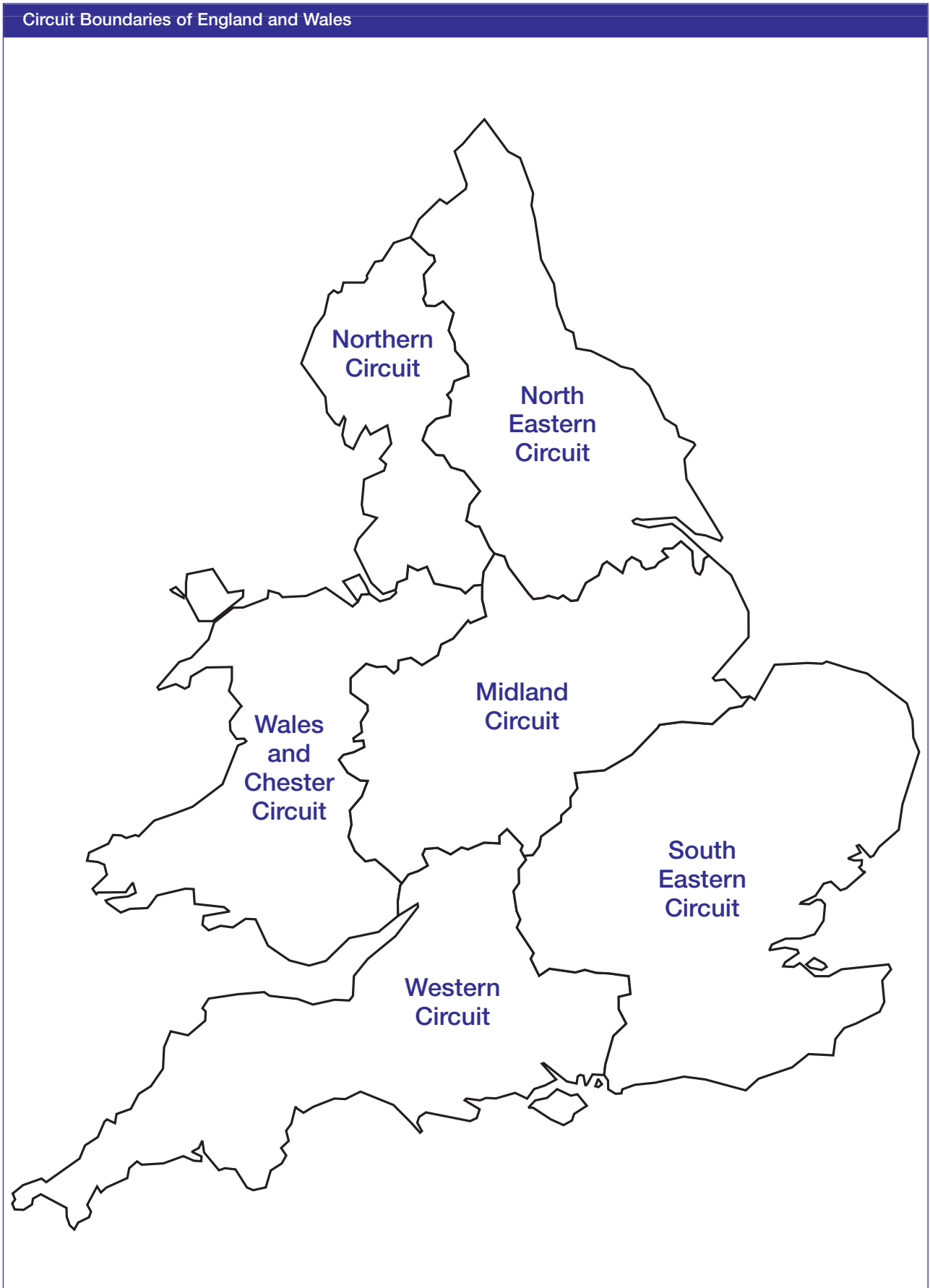
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## An outline of the court structure in England and Wales

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





## Appellate Courts

The various appellate courts are –

**The Judicial Committee of the Privy Council** – the final Court of Appeal for 24 Commonwealth territories and six independent Republics within the Commonwealth

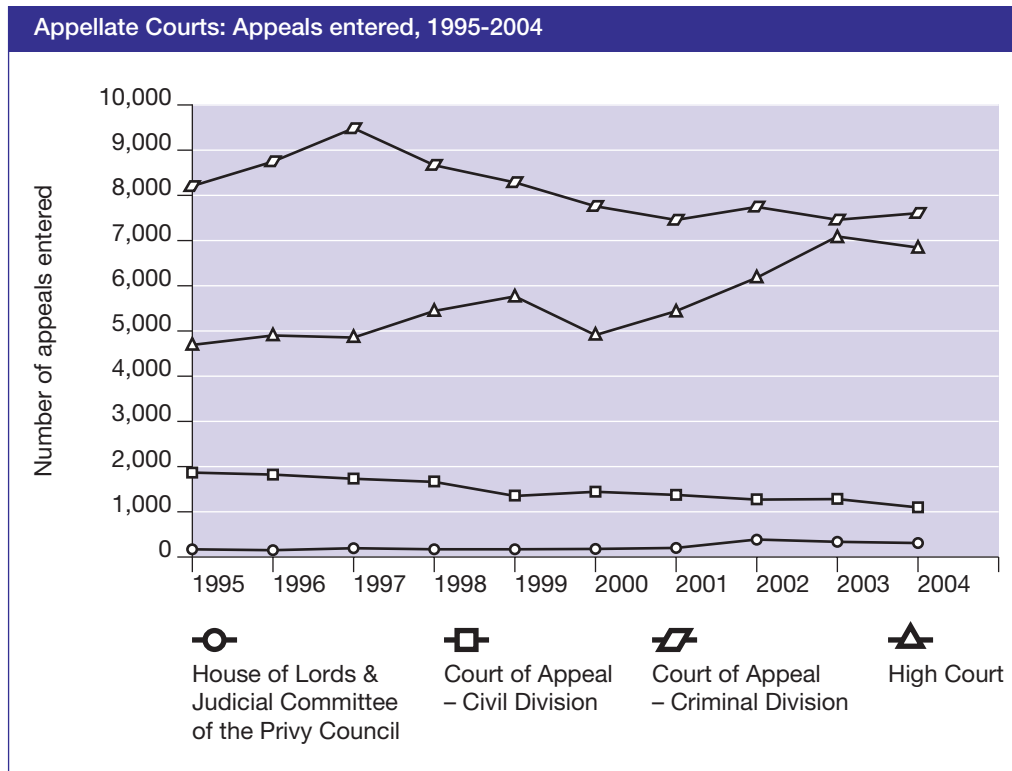
**The House of Lords** – the supreme Court of Appeal in Great Britain and Northern Ireland

**The Court of Appeal** – divided into the *Criminal Division* hearing appeals from the Crown Court and Courts Martial, and the *Civil Division* hearing appeals mainly against decisions in the High Court and county courts

**The High Court** – has three Divisions, Chancery Division (Chapter 2), Queen's Bench Division (Chapter 3) and Family Division (Chapter 5), each of which handles different types of civil work. It exercises an appellate jurisdiction through its three Divisions in such matters as bankruptcy, judicial review, 'case stated' (ruling whether a court or tribunal was wrong in law or in excess of its jurisdiction) and appeals from magistrates' courts in domestic matters including orders involving children.

During 2004 –

- 68 appeals were disposed of by the Judicial Committee of the Privy Council (Table 1.1)
- over 41% of appeals disposed of by the House of Lords were allowed (Table 1.4)
- of the appeals heard by the Court of Appeal Criminal Division, over 38% against conviction and over 69% against sentence were allowed (Table 1.8)
- in the Civil Division of the Court of Appeal 1,059 final appeals were disposed of, nearly 28% of which were allowed (Table 1.9)
- appeals and applications entered in the Queen's Bench Division decreased by 4% (Table 1.17)



## The Judicial Committee of the Privy Council

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

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

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

- a) appeals and references under the devolution statutes of 1998, which give the Judicial Committee jurisdiction to hear and determine 'devolution issues', i.e. issues as to the functions and powers of the devolved legislative and executive authorities established in Scotland, Northern Ireland and Wales

- b) appeals from the Channel Islands and Isle of Man, which are analogous to Commonwealth appeals and are dealt with under the same rules
- c) appeals under the Veterinary Surgeons Act 1966 from decisions of the Disciplinary Committee of the Royal College of Veterinary Surgeons; until April 2003 appeals also lay from the professional conduct and other committees of the bodies governing the medical, dental and other health-care professions as well, but these now lie to the High Court
- d) appeals against pastoral schemes under the Pastoral Measure 1983

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

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

More information about the Judicial Committee and its work including the full text of recent judgments and statistics for 1996-2004, can be found on the Privy Council Office website, at [www.privycouncil.gov.uk](http://www.privycouncil.gov.uk).

In 2004 the Judicial Committee sat on 103 days (125 in 2003). A total of 71 appeals were entered during the year (73 in 2003), one being an appeal that was dismissed for non-prosecution and subsequently restored. Seventy-one petitions for special leave to appeal were dealt with, a substantial increase on the figure (49) for 2003.

Of the Commonwealth appeals disposed of during 2004, 47 were civil and 12 were criminal; these figures are exactly the same as 2003. Of these, six appeals (all but one of them civil) were either dismissed for non-prosecution or withdrawn. Trinidad and Tobago was by far the largest single source of appeals in 2004.

Among the civil matters from the Commonwealth heard during the year were: a challenge on environmental grounds to the construction of a dam in Belize; an appeal from New Zealand turning on the extent to which privilege in the law of defamation extends to an affirmation by a Member of Parliament outside Parliament of a defamatory statement he had made in Parliament; an application by a successful New Zealand appellant for costs against a non-party; two appeals from Trinidad and Tobago relating to the powers of the courts to order postponement of reports of legal proceedings in open court in order to avoid prejudice to a forthcoming trial; three cases from different Caribbean jurisdictions in which the Attorney General in each case was held vicariously responsible for unlawful violence by police officers (in two cases caused by shooting), and another case in which a private security company was likewise held responsible for unlawful violence (again by shooting) on the part of one of its employees.

On the criminal side, the Judicial Committee sat as Board of nine to determine appeals from Barbados, Jamaica and Trinidad and Tobago relating to the constitutionality of the mandatory death sentence in these countries. Among other cases, an appeal from Grenada raised the issue of how far constitutional guarantees of freedom of expression protected one who was charged with a criminal libel against the Prime Minister of Grenada; and appeals from Jamaica, The Bahamas and St. Christopher and Nevis raised issues of rights of appeal in extradition cases. In addition, special leave to appeal was granted to seven men who were on trial for sexual offences in the Pitcairn Islands, the grounds of the petition raising questions as to British jurisdiction, whether the relevant criminal law had been validly promulgated in the Islands and the constitution of the court of trial.

In its devolution jurisdiction, the Privy Council's volume of business remained low. The only appeals disposed of were a group of four in which the appellants, who were all serving prison sentences for murder, challenged, on human rights grounds, legislation passed by the Scottish Parliament in 2001 under which the High Court imposed new sentences which had the effect of postponing the earliest possible release date of each appellant.

Looking ahead, there is likely to be a decline in the Judicial Committee's volume of work. The last appeal under the Medical Act was disposed of in 2004. New Zealand, one of the largest single sources of appeals, legislated in 2003 to abolish appeals to the Privy Council for all appeals heard by the New Zealand Court of Appeal after the end of that year; at the end of 2004 there were only eight appeals from New Zealand still outstanding and these will probably be disposed of before the end of 2005. Progress is being made on the establishment of the Caribbean Court of Justice, which will take over the Judicial Committee's appellate jurisdiction in respect of most of the



Commonwealth countries in the Caribbean. Finally, under the Government's proposals for a new Supreme Court for the United Kingdom, the devolution jurisdiction of the Judicial Committee will be transferred to the Supreme Court, though the Judicial Committee and its jurisdiction will otherwise be unaffected.

**Table 1.1****Judicial Committee of the Privy Council: Appeals entered and disposed of, showing results, 2004**

Courts from which appeals were brought	Number of appeals entered	Appeals disposed of after a hearing			Appeals disposed of		Total
		Dismissed	Varied	Allowed	Without a hearing <sup>1</sup>		
<b>Overseas:</b>							
Antigua and Barbuda	1	–	–	–	–	–	–
The Bahamas	7	2	–	–	–	–	2
Barbados	2	2	1	–	–	–	3
Belize	3	1	–	–	–	–	1
British Virgin Islands	1	1	–	1	–	–	2
Cayman Islands	1	–	–	–	–	–	–
Dominica	2	–	1	–	–	–	1
Gibraltar	1	–	–	–	–	–	–
Grenada	–	1	–	1	–	–	2
Isle of Man	2	1	–	–	–	–	1
Jamaica	9	5	1	3	1	–	10
Jersey	1	–	–	1	–	–	1
Mauritius	3	2	–	1	–	–	3
Montserrat	2	–	–	–	–	–	–
New Zealand	11	9	–	3	4	–	16
St. Christopher and Nevis	2	1	–	–	1	–	2
St Lucia	2	–	–	–	–	–	–
Trinidad and Tobago	19	8	1	6	–	–	15
Turks and Caicos Islands	–	1	–	–	–	–	1
<b>United Kingdom:</b>							
Appeals under Medical Act 1983	–	–	–	–	1	–	1
Appeals under Veterinary Surgeons Act 1966	–	2	–	–	1	–	3
Appeals under the Scotland Act 1998	2	4	–	–	–	–	4
<b>Total</b>	<b>71</b>	<b>40</b>	<b>4</b>	<b>16</b>	<b>8</b>	<b>–</b>	<b>68</b>

<sup>1</sup> Dismissed for non-prosecution or withdrawn

**Table 1.2**

**Judicial committee of the Privy Council: Petitions for special leave to appeal heard, granted and refused, 2004**

	Granted	Refused	Total number heard
<b>Commonwealth or other territory</b>			
Antigua and Barbuda	1	–	1
Akrotiri and Dhekelia	1	–	1
The Bahamas	5	6	11
Barbados	–	1	1
Belize	1	1	2
Bermuda	–	1	1
British Virgin islands	1	–	1
Cayman Islands	1	2	3
Dominica	1	–	1
Gibraltar	–	1	1
Grenada	1	–	1
Guernsey	–	1	1
Isle of Man	1	1	2
Jamaica	9	1	10
Jersey	1	2	3
Mauritius	2	2	4
Montserrat	–	1	1
New Zealand	2	8	10
Pitcairn Islands	1	–	1
St. Christopher and Nevis	–	1	1
St Lucia	–	1	1
Trinidad and Tobago	4	6	10
Petitions from Scotland under the Scotland Act 1998	–	3	3
<b>Total</b>	<b>32</b>	<b>39</b>	<b>71</b>

## The House of Lords

The House of Lords is the final court of appeal in the United Kingdom of Great Britain and Northern Ireland. The judicial function of the House is exercised by twelve Lords of Appeal in Ordinary (“law lords”), together with other Lords of Appeal as required.

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

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

### Civil appeals

An appeal lies to the House of Lords –

- a) from any order or judgment of the Court of Appeal in England, with the permission of that court or, if refused, by leave of the House of Lords, subject to restrictions in respect of specific matters
- b) from any order or judgment of any court in Scotland from which error or appeal lay on or immediately before 1 November 1876 by common law or by statute. Leave to appeal from an interlocutor of the Inner House of the Court of Session is not normally required
- c) from any order or judgment of the Court of Appeal in Northern Ireland, with the permission of that court or, if refused, by leave of the House of Lords, subject to statutory restrictions
- d) subject to statutory restrictions, direct from a decision of the High Court of Justice in England and Wales by leave of the House of Lords
- e) subject to statutory restrictions, direct from a decision of the High Court of Justice in Northern Ireland by leave of the House of Lords

### Criminal appeals

An appeal lies, with leave, to the House of Lords at the instigation of the defendant or the prosecutor –

- a) from any decision of the Court of Appeal (Criminal Division) in England on an appeal to that court

- b) from any decision of the Courts-Martial Appeal Court on an appeal to that court
- c) from any decision of the Court of Appeal in Northern Ireland on an appeal to that court
- d) from any decision of the High Court of Justice in England and Wales in a criminal cause or matter
- e) from any decision of the High Court of Justice in Northern Ireland in a criminal cause or matter

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

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

Petitions for leave to appeal are referred to an Appeal Committee of three Lords of Appeal in Ordinary. Leave to appeal is usually determined on the basis of written submissions by the parties, but the Committee may decide to hear counsel before making a final decision on the application for leave.

During 2004, 217 petitions for leave to appeal were presented and 271 were disposed of, 95 of which were allowed.

**Table 1.3**

House of Lords: Petitions for leave to appeal presented and disposed of,  
showing results, 2004

Courts from which appeals were brought	Number of petitions presented	Petitions disposed of						Total
		Withdrawn	Allowed	Allowed on terms	Refused	Dismissed as inadmissable		
<b>England &amp; Wales:</b>								
Court of Appeal								
Civil	164	5	70	1	126	–	202	
Criminal	28	–	20	–	13	1	34	
High Court								
Civil	7	–	1	–	6	–	7	
Criminal	9	2	1	–	11	1	15	
<b>Scotland:</b>								
Court of Session	–	–	–	–	–	–	–	
<b>Northern Ireland:</b>								
Court of Appeal								
Civil	7	–	3	–	6	–	9	
Criminal	–	–	–	–	1	–	1	
High Court								
Civil	2	–	–	–	3	–	3	
Criminal	–	–	–	–	–	–	–	
<b>Other:</b>								
Courts Martial								
appeals Court	–	–	–	–	–	–	–	
Attorney General's								
Reference	–	–	–	–	–	–	–	
<b>Total</b>	<b>217</b>	<b>7</b>	<b>95</b>	<b>1</b>	<b>166</b>	<b>2</b>	<b>271</b>	

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

During 2004, 111 appeals were presented of which 79 were from the Civil Division of the Court of Appeal. A total of 77 appeals received judgment.

**Table 1.4**

House of Lords: Appeals presented and disposed of, showing the courts appealed from and results, 2004

Courts from which appeals were brought	Number of petitions presented	Without a judgment	Appeals disposed of		Total
			Judgement		
			Allowed <sup>1</sup>	Dismissed	
<b>England &amp; Wales:</b>					
Court of Appeal					
Civil	79	7	23	22	52
Criminal	20	1	3	6	10
High Court					
Civil	1	–	1	–	1
Criminal	2	–	–	1	1
<b>Scotland:</b>					
Court of Session	6	2	4	4	10
<b>Northern Ireland:</b>					
Court of Appeal					
Civil	2	–	1	2	3
Criminal	1	–	–	–	–
High Court					
Civil	–	–	–	–	–
Criminal	–	–	–	–	–
<b>Other:</b>					
Courts Martial appeals Court	–	–	–	–	–
Attorney General's Reference	–	–	–	–	–
<b>Total</b>	<b>111</b>	<b>10</b>	<b>32</b>	<b>35</b>	<b>77</b>

<sup>1</sup> One appeal from the Civil Division of the court of Appeal was allowed in part

**Table 1.5**

**House of Lords: Civil Appeals from the Court of Appeal in England and Wales determined, showing subject matter, 2004**

Subject matter	Total determined
Administrative	6
Commercial	2
Company	2
Contract	–
Crime	–
Discrimination	–
Employment	4
European Law	–
Family	1
Finance & Credit	–
Human Rights	13
Intellectual property	4
International	–
Land	1
Planning	2
Practice & Procedure	1
Revenue	4
Sale of Goods	–
Tort	5
Trusts	–
<b>Total</b>	<b>45</b>

During 2004, 2 causes were referred to the Court of Justice of the European Communities for a ruling; one determination was received and 3 references were pending at the end of the year. The total number of days sat for judicial business was 120. (NB. More than one judicial Committee may sit at once. This means that on a single sitting day the House may hear more than one petition for leave to appeal, may hear two appeals concurrently, or may hear an appeal as well as petitions for leave to appeal). No peerage claim was heard this year and the Committee for Privileges Sub-Committee on Lords' Interests did not have to hear any allegation of non-compliance with the Code of Conduct for Members of the House of Lords.

**Table 1.6**  
**House of Lords: Judicial and Privileges days sat, 2004**

Nature of Proceedings	
Sitting for judicial business	
Days Sat to hear petitions for leave	7
Days sat for a directions hearing	–
Days sat to hear appeals	119
Committee for Privileges	
Days sat to hear peerage claims	–
Days sat to hear Code of Conduct references	–

## The Court of Appeal

The Court of Appeal is divided into two Divisions, criminal and civil. Its courtrooms and offices are situated in the Royal Courts of Justice in London. The judges of the Court of Appeal are the Lord Chief Justice, the Master of the Rolls and 37 Lords Justices. The President of the Family Division and the Vice-Chancellor of the Chancery Division also sit there for part of their time. The Criminal Division, presided over by the Lord Chief Justice and the Vice-President of the Criminal Division, hears appeals in criminal matters from the Crown Court. Courts are constituted from the Lord Chief Justice, Vice-President and Lords Justices assisted by High Court judges as required. The Civil Division, presided over by the Master of the Rolls, hears appeals mainly against decisions of the High Court and county courts and also of tribunals and certain other courts, such as the Patents Court. In the Civil Division, courts of two or three judges are normally constituted from the Master of the Rolls and the Lords Justices.

### Criminal Division

During 2004, a total of 7,591 applications for leave to appeal were received, of which 1,782 were against conviction in the Crown Court and 5,809 against the sentence imposed. Of the applications for leave to appeal which were considered by a single judge, nearly 23% (348) of those seeking to appeal against conviction were granted as were just over 32% (1,740) against sentence (28% and nearly 33% respectively in 2002). Of those applications which were refused, 545 were renewed to the Full Court against conviction and 890 against sentence.



Table 1.7

## Court of Appeal (Criminal Division): Results of applications for leave to appeal, 1995-2004

	1995	1996	1997 <sup>1</sup>	1998	1999	2000	2001	2002	2003 <sup>2</sup>	2004
<b>Received:</b>										
Conviction	2,393	2,288	2,318	2,099	2,104	2,068	1,943	1,914	1,787	1,782
Sentence	5,794	6,436	7,160	6,550	6,170	5,672	5,497	5,804	5,664	5,809
<b>Total</b>	<b>8,187</b>	<b>8,724</b>	<b>9,478</b>	<b>8,649</b>	<b>8,274</b>	<b>7,740</b>	<b>7,440</b>	<b>7,718</b>	<b>7,451</b>	<b>7,591</b>
<b>Considered by single judge:</b>										
<b>Conviction:</b>										
Granted	472	419	589	542	480	508	438	405	472	348
Refused	1,444	1,429	1,530	1,407	1,402	1,351	1,145	1,334	1,213	1,187
<b>Sentence:</b>										
Granted	1,263	1,544	1,801	1,909	1,743	1,597	1,551	1,695	1,736	1,740
Refused	3,846	4,629	4,810	4,613	4,095	3,892	3,475	3,876	3,582	3,634
<b>Total</b>	<b>7,025</b>	<b>8,021</b>	<b>8,730</b>	<b>8,471</b>	<b>7,720</b>	<b>7,348</b>	<b>6,609</b>	<b>7,310</b>	<b>7,003</b>	<b>6,909</b>
<b>Applications renewed:</b>										
Conviction	579	474	665	668	637	551	422	457	561	545
Sentence	635	823	1,105	1,147	1,072	932	759	825	878	890
<b>Total</b>	<b>1,214</b>	<b>1,297</b>	<b>1,770</b>	<b>1,815</b>	<b>1,709</b>	<b>1,483</b>	<b>1,181</b>	<b>1,282</b>	<b>1,439</b>	<b>1,435</b>
<b>Applications to renew granted by Full Court:</b>										
Conviction	123	155	131	172	123	144	150	140	138	144
Sentence	151	146	391	377	306	291	240	252	338	283
<b>Total</b>	<b>274</b>	<b>301</b>	<b>522</b>	<b>549</b>	<b>429</b>	<b>435</b>	<b>390</b>	<b>392</b>	<b>476</b>	<b>427</b>

<sup>1</sup> From 1997, figures relate to applications rather than appellants

<sup>2</sup> Figures do not include applications made by Attorney General. In 2004, 5 applications by the Attorney General Under section 36 of the Criminal Justice Act 1972 were received, (compared to 3 in 2003) and 160 applications by Attorney General under section 36 of the Criminal Justice Act 1988 (unduly lenient sentences) were received (compared to 101 in 2003).

Of the appeals heard by the Full Court during 2004, over 38% (240) against conviction were allowed and over 69% (1,348) against sentence were allowed. 66 retrials were ordered by the Full Court, as compared to 45 in 2003.

**Table 1.8****Court of Appeal (Criminal Division): Results of appeal heard by Full Court, 1995-2004<sup>1</sup>**

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

<sup>1</sup> From 1997, figures relate to applications rather than appellants

### **Civil Division**

Applications for permission to appeal remained stable at 2,430 over the last year, compared to 2,448 in 2003 and 2,434 in 2002. This reflects the fact that the universal requirement for permission to appeal is operating as a filter on the weight and quality of work coming before the court, as envisaged by CPR Part 52.

In the area of substantive appeals the Court has seen a continuing increase in appeals from Tribunals, issuing 240 in 2004 as opposed to 204 in 2003. Appeals from Tribunals overall have more than doubled in the last three years. Appeals in Family cases have also seen a sharp upturn on the previous years.

In contrast, appeals from the Queens Bench Division continued to reduce, falling from 309 in 2003 to 194 in 2004. Similarly appeals from the Chancery Division decreased from 177 to 121.

**Table 1.9**

**Court of Appeal (Civil Division): Final Appeals filed and disposed of, showing court appealed from and results, 2004**

Court or tribunal appealed from	Filed	Allowed	Dismissed	Disposed of			Total
				Dismissed by consent	Struck out for failure to provide documents	Otherwise disposed of	
Chancery	111	38	45	37	1	7	128
Revenue	16	7	12	–	–	–	19
Bankruptcy	22	3	11	1	–	1	16
Family Division	2	3	2	–	–	–	5
Queen's Bench	110	31	55	42	–	14	142
Queen's Bench							
Administrative Court	116	37	64	16	–	11	128
Queen's Bench Commercial	58	20	33	22	–	2	77
Queen's Bench Admiralty	2	–	1	1	–	–	2
County Court	246	85	101	63	1	21	271
County Court Divorce	15	7	–	4	–	1	12
County Court Admiralty	–	–	–	–	–	–	–
Lands Tribunal	5	1	9	2	–	–	12
Employment Appeal Tribunal	74	32	32	15	–	1	80
Immigration Appeal Tribunal	150	24	27	21	–	61	133
Patents Court	11	2	3	1	–	–	6
Social Security Commissioner	17	4	11	1	–	–	16
Other Tribunals	11	1	7	3	–	1	12
<b>Total</b>	<b>966</b>	<b>295</b>	<b>413</b>	<b>229</b>	<b>2</b>	<b>120</b>	<b>1,059</b>

**Table 1.10**

**Court of Appeal (Civil Division): Interlocutory Appeals filed and disposed of, showing the courts appealed from and results, 2004**

Court or tribunal appealed from	Filed	Allowed	Dismissed	Disposed of			Total
				Dismissed by consent	Struck out for failure to provide documents	Otherwise disposed of	
Chancery	10	5	4	2	–	–	11
Revenue	–	–	–	–	–	–	–
Bankruptcy	1	–	–	1	–	–	1
Family Division	22	15	9	–	1	1	26
Queen's Bench	14	5	8	2	–	1	16
Queen's Bench Administrative Court	1	1	–	–	–	1	2
Queen's Bench Commercial	10	1	6	6	–	–	13
Queens Bench Admiralty	–	–	–	–	–	–	–
County Court	3	–	–	–	–	–	–
County Court Divorce	48	27	12	2	1	3	45
County Court Admiralty	–	–	–	–	–	–	–
Lands Tribunal	–	–	–	–	–	–	–
Employment Appeal Tribunal	–	–	–	–	–	–	–
Immigration Appeal Tribunal	–	–	–	–	–	–	–
Patents Court	2	–	–	2	–	–	2
Social Security Commissioner	–	–	–	–	–	–	–
Other Tribunals	–	–	–	–	–	–	–
<b>Total</b>	<b>111</b>	<b>54</b>	<b>39</b>	<b>15</b>	<b>2</b>	<b>6</b>	<b>116</b>

Table 1.11

## Court of Appeal (Civil Division): Applications set down and disposed of, 1995-2004

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

<sup>1</sup> Includes new 'leave to appeal' cases

## The High Court

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

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

- c) the Divisional Court of the Family Division hears appeals from magistrates' courts in a wide variety of domestic matters including orders involving children. The appeals are entered at the Principal Registry in London

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

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

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

In 2003 a new jurisdiction was added by S101 of the Nationality Immigration and Asylum Act 2002 – a statutory review of decisions of the Immigration Appeal Tribunal as to whether or not to grant permission to appeal.

### **Chancery**

The number of bankruptcy appeals from county courts (69) accounted for 69% of disposals in 2004 (48% in 2003). Of these, 8 were allowed, 18 withdrawn or struck out and the remaining 43 dismissed after hearing.

**Table 1.12**

**High Court – Chancery Division: Appeals and special cases from inferior courts and tribunals set down and determined, showing subject matter and results, 2004**

Subject matter	Set down for hearing	After hearing			Disposed of	
		Allowed	Dismissed	Withdrawn or struck out	Total	
Bankruptcy:						
County courts	102	8	43	18	69	
High Court Registrars	50	6	20	5	31	
<b>Total</b>	<b>152</b>	<b>14</b>	<b>63</b>	<b>23</b>	<b>100</b>	

### Queen's Bench

In the Queen's Bench Divisional Court a total of 4,207 applications for leave to apply for judicial review were received in 2004. Over 27% of the total applications for leave to apply for judicial review dealt with in 2004 were allowed. During 2004, in immigration matters nearly 25% (469) of the 1,897 applications for permission determined were allowed, and in criminal and other matters just over 43% (567) of the total 1,308 applications for permission determined were allowed. Of the 345 substantive applications for judicial review disposed of in 2004, just over 45% (156) were allowed, over 51% (178) were dismissed and 3% (11) were withdrawn (see table 1.13).

**Table 1.13**

**High Court – Queen's Bench Division – Administrative Court Matters: Applications for permission to apply for judicial review and applications for judicial review disposed of and results, 2004**

Nature of review	Applications for judicial review disposed of								
	Applications for permission to apply for judicial review			Determined by the Court					
	Received	Granted	Refused	Single Judge		Divisional Court		Withdrawn <sup>1</sup>	Total
				Allowed	Dismissed	Allowed	Dismissed		
Immigration	2,221	469	1,428	26	40	–	–	2	68
Criminal	301	77	279	5	3	38	16	–	62
Others	1,685	490	1,029	87	116	–	3	9	215
<b>Total</b>	<b>4,207</b>	<b>1,036</b>	<b>2,736</b>	<b>118</b>	<b>159</b>	<b>38</b>	<b>19</b>	<b>11</b>	<b>345</b>

<sup>1</sup> The method for entering withdrawn matters on the database altered in 2000, therefore the withdrawn figures are lower than in the previous years

A total of 130 appeals by way of case stated were received in 2004, an increase of just over 9% on the number received in 2003 (119). The vast majority, just over 89% (116), were appeals from magistrates' courts. Of the total number of 97 cases disposed of in 2004, over 49% (48) were allowed and (48) dismissed.

**Table 1.14**

**High Court – Queen's Bench Division – Administrative Court Matters: Appeals by way of case stated received and disposed of and results, 2004**

Court or tribunal appealed from	Total Received	Determined by the court				Disposed of	
		Single judge		Divisional Court		Withdrawn	Total
		Allowed	Dismissed	Allowed	Dismissed		
Crown Court	14	1	2	3	5	–	11
Magistrates' Court	116	15	18	29	23	1	86
<b>Total</b>	<b>130</b>	<b>16</b>	<b>20</b>	<b>32</b>	<b>28</b>	<b>1</b>	<b>97</b>

A total of 2,282 appeals and applications other than by way of judicial review and case stated were received in the Administrative Court during 2004, an increase of nearly 175% on the total number received in 2003. The increase is due to the effect of the new Statutory Review s.101 NIAA. Over 19% of the cases (444) were concerned with statutory appeals. Of the total number of 1,990 cases disposed of in 2004, 22% (439) were allowed, over 77% (1,546) were dismissed (see table 1.15).



Table 1.15

High Court – Queen’s Bench Division – Administrative Court Matters: Appeals and applications received and disposed of (other than by judicial review and case stated) and results, 2004

Nature of appeal/application	Total Received	Determined by the court				Disposed of	
		Single judge		Divisional Court		Withdrawn	Total
		Allowed	Dismissed	Allowed	Dismissed		
Statutory:							
Planning and related <sup>1</sup>	172	28	65	–	–	1	94
Others	272	73	37	27	22	4	163
Habeas Corpus	20	–	–	–	1	–	1
Committal for Contempt	2	–	–	–	1	–	1
Statutory Review							
S.101 NIAA 2002	1,816	311	1,420	–	–	–	1,731
<b>Total</b>	<b>2,282</b>	<b>412</b>	<b>1,522</b>	<b>27</b>	<b>24</b>	<b>5</b>	<b>1,990</b>

<sup>1</sup> Includes appeal/applications under Town and County Planning Acts, Enforcement and Compulsory Purchase

### Family

In the Family Division 6 appeals against orders made on domestic matters were disposed of in 2004. Of these, two were allowed and four dismissed, compared with 15 disposed of in 2003, when seven were allowed and five dismissed. No appeals dealt with were withdrawn or struck out (20% in 2003). Cases ‘pending’ for more than one year can also be dismissed at the discretion of the President of the Family Division.

During 2004, 41 appeals were made under section 94 of the Children Act 1989 and 22 were disposed of. Of these, six were allowed, eleven were dismissed and five were withdrawn or struck out.

**Table 1.16**  
**High Court – Family Division: Appeals set down and disposed of showing subject matter and results, 2004**

	Set down	Disposed of			Total
		Allowed	Dismissed	Withdrawn or struck out	
<b>Appeals to Divisional Court from orders made by magistrates' courts</b>					
Domestic matters					
Adoption Act/Child Support Agency	3	–	1	–	1
Maintenance/Affiliation					
Matrimonial proceedings	5	2	3	–	5
By way of 'case stated'	1	–	–	–	–
Children Act 1989					
Under section 94	41	6	11	5	22
<b>Total</b>	<b>50</b>	<b>8</b>	<b>15</b>	<b>5</b>	<b>28</b>

**Table 1.17**  
**Appellate courts: Appeals entered in selected years since 1938, by nature of court**

	1938	1958	1968	1978	1988	1998	2000	2001	2002	2003	2004
<b>Nature of court</b>											
Judicial Committee of the Privy Council	107	44	37	52	61	78	90	102	103	73	71
<b>House of Lords:</b>											
From Courts in											
England & Wales	32	29	41	77	75	77	63	80	243	228	208
Elsewhere	11	23	11	6	15	6	16	4	10	9	9
<b>Court of Appeal:</b>											
Civil Division	574	668	948	1,401	1,645	1,640	1,420	1,358	1,251	1,276	1,077
Criminal Division <sup>1</sup>	–	–	6,414	6,099	7,235	8,649	7,740	7,440	7,718	7,451	7,591
<b>High Court:</b>											
Chancery Division											
	–	27	119	74	111	186	147	107	145	120	152
Queens Bench											
Division <sup>2</sup>	263	186	394	510	1,800	5,215	4,734	5,293	5,947	6,899 <sup>4</sup>	6,619 <sup>4</sup>
Family Division	–	102	263	247	240	19	12	13	62 <sup>3</sup>	60 <sup>3</sup>	50 <sup>3</sup>
<b>Total</b>	<b>987</b>	<b>1,079</b>	<b>8,227</b>	<b>8,466</b>	<b>11,182</b>	<b>15,870</b>	<b>14,222</b>	<b>14,397</b>	<b>15,479</b>	<b>16,116</b>	<b>15,777</b>

<sup>1</sup> Includes applications

<sup>2</sup> Includes judicial review, appeals by way of case stated and statutory appeals

<sup>3</sup> Includes appeals under s94 Children Act 1989

<sup>4</sup> Includes Statutory Review s.101 NIAA

## High Court – Chancery Division

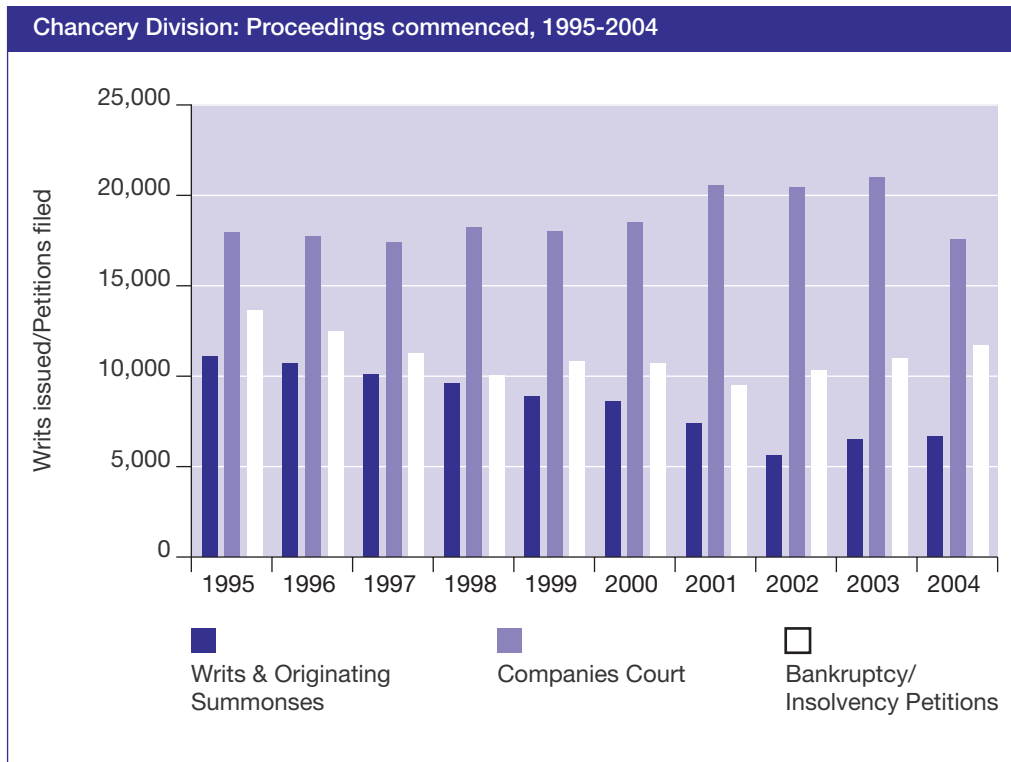
In England and Wales civil justice is administered mainly by the county courts (Chapter 4) and the High Court, the latter handling the more substantial and complex cases.

The Chancery Division of the High Court comprises the Lord Chancellor, the Vice-Chancellor (its Head for practical purposes) and 17 High Court judges. Although there is some overlap with the Queen’s Bench Division, certain matters are specifically assigned to the Chancery Division. The principal business of the Division comprises corporate and personal insolvency disputes, business, trade and industry disputes, the enforcement of mortgages, intellectual property matters, copyright and patents, disputes relating to trust property and contentious probate actions.

Most Chancery business is dealt with in the Royal Courts of Justice in London and in eight provincial High Court centres which have Chancery jurisdiction.

During 2004 –

- the total number of proceedings started decreased by nearly 7% to 35,457 (Table 2.1)
- bankruptcy petitions issued in London increased by nearly 6% to 11,533 (Table 2.5)
- the number of company winding up petitions decreased by 18% to 8,086 (Table 2.7)



## Chancery

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

In 2004 there was a decrease of nearly 11% in the number of claims and originating proceedings issued in London, from 4,533 in 2003 to 4,049; of these, disputes over land accounted for nearly 39%. In dealing with this work in 2004, masters in London held 5,306 appointments in chambers (4,036 in 2003).

**Table 2.1****Chancery Division: Summary of proceedings started, 2004**

Nature of proceedings	
<b>Claims and other originating proceedings issued:</b>	
London	4,533
Outside London <sup>1</sup>	1,977
Bankruptcy petitions	11,533
<b>Companies Court proceedings<sup>2</sup>:</b>	
London	11,950
Outside London	5,458
Patents Court appeals received	6
<b>Total</b>	<b>35,457</b>

Without Notice

<sup>1</sup> Contains an estimated 209 originating summonses<sup>2</sup> Excluding transfers from the Chancery Division.**Table 2.2****Chancery Division: Matters dealt with in chambers by masters in London, 2004**

<b>Orders made by masters<sup>1</sup>:</b>	
Drawn up by drafting section	7,356
Not drawn up	1,872
Drawn up by solicitors	11
<b>Transfers Out:</b>	<b>252</b>
<b>Enforcement Issues:</b>	
Possession	41
Writs of fi-fa	72
<b>Appointments before the masters:</b>	
On notice	4,499
Without Notice	807

<sup>1</sup> Includes final and introductory orders

**Table 2.3****Chancery Division: Claims and originating proceedings issued in London by nature of proceedings, 2004**

<b>Nature of proceedings</b>	
<b>Land:</b>	
Contracts of sale and purchase	31
Landlord and Tenant	197
Mortgages and charges	26
Squatters and trespassers	5
Restrictive covenants	–
Other Proceedings	1324
<b>Business and industry:</b>	
Partnership	54
Business fraud claims	5
Contracts of sale & purchase of shares & business	59
Other Disputes	620
<b>Intellectual property:</b>	
Confidential information	5
Passing off and trade marks	66
Patents and registered designs <sup>1</sup>	153
Copyright and design right <sup>1</sup>	195
<b>Professional negligence:</b>	
Claims against solicitors	12
Claims against accountants	1
Claims against surveyors and estate agents	–
Claims against members of other professions	8
<b>Trusts, wills and probate:</b>	
Contentious probate actions	80
Disputes relating to Trust property	20
Variation of Trusts	4
Inheritance (provision for dependants)	8
Guardianship of minors' estate	–
Charities	2
Other applications concerning wills and trusts	175
<b>Other:</b>	
Other debts, damages and accounts	995
Revenue appeals	4
Solicitors	–
Originating process not otherwise classified	–
<b>Total</b>	<b>4,049</b>

**Table 2.4****Chancery Division: Cases listed in London, set down and disposed of, 2004**

	Number of cases set down	Cases disposed of		
		After trial or hearing	Otherwise <sup>1</sup>	Total
Trial list	858	371	568	919
General list	344	248	81	289
Interim hearing list <sup>2</sup>	3,239	2,299	331	2,630
<b>Total</b>	<b>4,441</b>	<b>2,918</b>	<b>980</b>	<b>3,838</b>

<sup>1</sup> Settled out of court

<sup>2</sup> Now also includes the Interim Applications List

## Bankruptcy

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

The number of bankruptcy petitions issued in the High Court in London during 2004 increased by nearly 6% to 11,533(10,850 in 2003). The total number of bankruptcy petitions filed in the High Court and the county courts during 2004 was, at 44,235, over 21% more than in 2003.

**Table 2.5****Chancery Division: Bankruptcy petitions issued<sup>1</sup>, 2004**

Petitions issued	
By creditors	9,567
By debtors and legal representatives of deceased debtors	1,966
<b>Total</b>	<b>11,533</b>

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

During 2004, other applications dealt with by the registrars and administratively (mainly to set aside statutory demands, for interim orders, transfers and summonses) decreased by over 28% to 9,427.

**Table 2.6****Chancery Division: Summary of bankruptcy proceedings before registrars<sup>1</sup> under the Insolvency Act 1986, 2004**

Nature of proceedings	
<b>Applications filed:</b>	
Bankruptcy petitions by creditors	9,567
Bankruptcy petitions by debtors	1,966
Other applications and summonses	9,427
<b>Total applications</b>	<b>20,960</b>
<b>Number of appointments before registrars:</b>	
Listed	24,802
Unlisted	9,433
<b>Orders made:</b>	
Bankruptcy orders on creditors' petitions	4,220
Bankruptcy orders on debtors' petitions	1,956
<b>Total orders made</b>	<b>6,176</b>
Withdrawn/dismissed	5,514
Transfers to county courts	2,989
Orders	20,953

<sup>1</sup> Figures are for Royal Courts of Justice only

## Companies Court

The Companies Court in London deals predominantly with the compulsory liquidation of companies and other matters under the Insolvency Act 1986 and Companies Acts. Unlike an individual, a company cannot be made bankrupt but may, because of insolvency or if there is some other reason it should cease to exist, be wound up instead. In addition to winding up proceedings, the Court exercises other powers in relation to registered companies. For example, a company can only reduce its capital with the approval of the Court. The Court also deals with an increasing number of claims to prevent individuals from being a director, liquidator, administrator, receiver or manager of a company or to take part in the running of a company under the Company Directors Disqualification Act 1986. Most proceedings in the Companies Court are dealt with by registrars but certain applications are heard by judges. The Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester, Newcastle-upon-Tyne and Preston District Registries have concurrent jurisdiction with the Companies Court in London.



The overall number of originating proceedings started in the Companies Court in London and the above district registries outside London in 2004 (17,408) was 16% less than in 2003. Orders made fell by nearly 9% to 22,480. 51% (8,850) of proceedings started were company winding up petitions; in London they fell by 14% to 4,429 and outside London they fell by over 12% to 4,121. Overall, winding up petitions remained steady. Winding up petitions in the High Court and the county courts during 2004 totalled 10,006.

**Table 2.7****Chancery Division: Summary of Companies Court proceedings<sup>1</sup>, 2004**

	London	Outside London	Total
<b>Applications filed:</b>			
Winding-up petitions	4,429	4,121	8,550
Other petitions, applications and summonses	7,521	1,337	8,858
<b>Orders made:</b>			
On winding-up petitions:			
Winding-up orders made	1,995	1,852	3,847
Dismissed/Withdrawn	2,416	2,365	4,781
On other petitions, applications and summonses	10,495	845	11,340
Transfers to county courts	1,433	1,079	2,512
<b>Applications before registrar:</b>			
Listed	12,221	2,943	15,164
Unlisted	494	639	1,133

<sup>1</sup> See chapter 4 for company winding-up petitions filed in the county courts

**Table 2.8****Chancery Division: Petitions for winding up by the Court presented at centres outside London, since 1998**

Centre	1998	1999	2000	2001	2002	2003	2004
Birmingham CJC	354	384	388	553	567	737	576
Bristol	61	43	65	60	55	85	1,086
Cardiff	13	19	23	36	43	49	35
Leeds	3,207	2,640	2,514	1,925	3,166	1,986	1,226
Liverpool	1,704	1,090	1,294	963	1,848	1,091	584
Manchester	489	458	586	621	548	602	544
Newcastle-upon-Tyne	98	61	50	78	97	94	70
Preston	15	23	39	35	45	41	–
<b>Total</b>	<b>5,941</b>	<b>4,718</b>	<b>4,959</b>	<b>4,271</b>	<b>6,369</b>	<b>4,685</b>	<b>4,121</b>

## Patents Court

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

The Patents Court diary and judgment can be found on the internet at [www.courtservice.gov.uk](http://www.courtservice.gov.uk) together with a list of all trials and applications set down for hearing.

47 actions, which included trials, appeals, applications for strike out, were listed. Of these 27 were withdrawn due to settlement or by order resulting from an interlocutory hearing. The hearings took about 80 court days, not taking into account pre-reading or judgment writing time.

163 interlocutories, which included case management conferences, applications for directions, summary judgment etc, were listed and 46 withdrawn by consent. In the majority of cases of those withdrawn the terms of the order sought were agreed by the parties. The average time for this type of hearing is 45 minutes and the total time taken throughout the year is about 11 court days.

6 appeals against the decision of the Comptroller General of Patents were listed with one adjourned sine die, one withdrawn and judgment being given in the remaining four cases.

## High Court – Queen's Bench Division

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

At the end of 2004 the Queen's Bench Division comprised the Lord Chief Justice (its President) and 72 High Court judges.

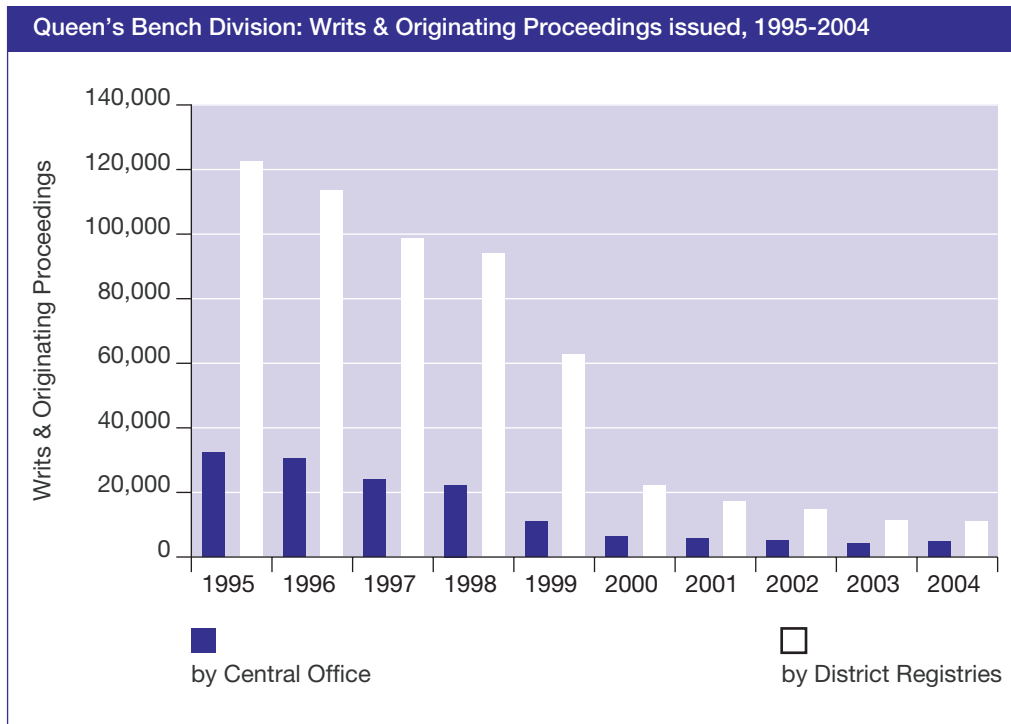
It contains within it the Commercial Court and the Admiralty Court (dealing with shipping matters such as damage to cargo and collision of ships) and administers the Technology and Construction Court (formerly the Official Referees Court) which hear cases involving prolonged examination of technical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

Judges of the Queen's Bench Division also hear the most important criminal cases in the Crown Court (Chapters 6 and 9) and they also sit in the Employment Appeals Tribunal (Chapter 7).

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

During 2004 –

- total claims and originating proceedings issued increased by over 4% to 14,830 (Table 3.1)
- disposal of actions set down for trial fell 40% to 991 in 2004; over 60% of disposals were cases settled, struck out or withdrawn before the hearing (Table 3.5)
- over 65% of court judgments related to medical and personal injury cases, over 59% of which were for sums in excess of £50,000 (Table 3.6)
- the average waiting time from issue of claim to start of trial decreased by 41% to 97 weeks (Table 3.8)



## Queen’s Bench

The Queen’s Bench Division deals with common law business, that is, actions relating to contract (except those specifically allocated to the Chancery Division – see Chapter 2) and tort. Examples of contract cases dealt with in the Queen’s Bench Division are failure to pay for goods and services and breach of contract. There are several types of tort (civil wrongs) including wrongs against the person only (e.g. defamation of character, libel) wrongs against property only (e.g. trespass) and wrongs which may be against people or property (e.g. negligence or nuisance). Some matters may involve both contract and tort, e.g. personal injury cases which show negligence and breach of a contractual duty of care. Others may be crimes as well as torts, for example assault.

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

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

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

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

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

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

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

During 2004, 14,830 claims and originating proceedings were issued, over 4% more than in 2003 (14,191).

**Table 3.1**  
Queen’s Bench Division: Proceedings started, 2004

Nature of proceedings	
<b>Claims and originating summonses:</b>	
Issued by Royal Courts of Justice	4,292
Issued by district registries <sup>1</sup>	10,538
<b>Total</b>	<b>14,830</b>

<sup>1</sup> Includes an estimated 1,115 originating summonses

In London over 64% of claims were for an unliquidated amount of money and nearly 22% were for amounts in excess of £50,000. Over 24% of claims were for debt and a further 17% were personal injury.

**Table 3.2****Queen's Bench Division: Proceedings started, 2004**

Nature of claim	£15,000 – £50,000	Over £50,000	Unliquidated	Total
Claim for Debt (goods sold & delivered, work carried out etc)	338	374	339	<b>1,051</b>
Breach of contract	78	186	410	<b>674</b>
Clinical Negligence <sup>2</sup>	12	57	315	
Personal Injury Actions	34	110	605	<b>749</b>
Other Negligence (inc. professional negligence)	6	24	89	<b>119</b>
Defamation (libel, slander)	30	31	206	<b>267</b>
Tort (eg. nuisance, trespass, assault wrongful arrest etc)	7	8	15	<b>30</b>
Recovery of land / property	–	–	22	<b>22</b>
Miscellaneous	110	146	740	<b>996</b>
<b>Total</b>	<b>615</b>	<b>936</b>	<b>2,741</b>	<b>4,292</b>

<sup>1</sup> Figures given are for the Royal Courts of Justice only

<sup>2</sup> Previous years data is not available

In London the number of judgments given either in default of a response by the defendant or as summary judgments during 2004 totalled 679, an increase of 11% from 2003 (613).

**Table 3.3****Queen's Bench Division – Judgment without trial: judgments by default and summary judgment (Under Order 14) by amount of judgment<sup>1</sup>, 2004**

Type of judgment	£15,000 – £50,000	Over £50,000	Unliquidated	Total
By default	310	216	131	<b>657</b>
Order (including order 14)	9	6	7	<b>22</b>
<b>Total</b>	<b>319</b>	<b>222</b>	<b>138</b>	<b>679</b>

<sup>1</sup> Figures given are for the Royal Courts of Justice only

**Table 3.4**

**Queen’s Bench Division: Actions set down for trial and disposed of by type of claimant and defendant, whether civil funding granted, and nature of claim<sup>1</sup>, 2004**

	Claimant					Defendant					Civil funding granted				
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Debt	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10
Breach of Contract	10	30	40	10	100	30	-	40	30	100	-	-	-	70	40
Recovery of Land/Property	-	-	10	-	10	10	-	-	-	10	-	-	-	10	-
Negligence: Medical	280	10	-	-	290	30	10	250	-	290	240	-	-	30	180
Personal Injury	390	10	-	-	400	270	-	110	30	400	80	-	10	70	360
Actions against Solicitors	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10
Other	30	30	-	-	60	10	-	40	-	60	10	-	10	30	30
Miscellaneous	80	10	30	-	130	30	30	70	-	130	-	10	-	100	-
<b>Total</b>	<b>800</b>	<b>100</b>	<b>80</b>	<b>-</b>	<b>991</b>	<b>380</b>	<b>40</b>	<b>520</b>	<b>60</b>	<b>991</b>	<b>330</b>	<b>-</b>	<b>30</b>	<b>310</b>	<b>640</b>

<sup>1</sup> All figures in italics are weighted estimates based on two months sample data and may not add up due to rounding

A An Individual

F An Individual

K Claimant only

B A number of Individuals

G A number of Individuals

L Defendant only

C A corporation or firm

H A corporation or firm

M Both parties

D A number of corporations or firms

I A number of corporations or firms

N Neither party

E Total

J Total

O Not known

During 2004, 1,963 cases were set down for trial (6% more than 2003). There were 991 disposals in 2004, a decrease of 40% on 2003. Of these, just over 31% were determined after a trial. Over 60% of cases set down for trial were settled by consent order, struck out (e.g. where a case is considered to be frivolous) or withdrawn before hearing. Nearly 40% of disposals were personal injury cases. Over 91% of claimants in cases disposed of were individuals or groups of individuals whereas 59% of defendants were one or more firms or corporations. Civil funding was granted in 36% of cases – in most cases to the claimant only.



**Table 3.5****Queen's Bench Division: Actions set down for trial disposed of, and results of trial, nature of claim<sup>1</sup>, 2004**

	Method of disposal									
	Attending Court					Results of actions after attending court				
	A	B	C <sup>2</sup>	D	E	F	G	H	I	J
Debt	–	–	–	–	–	–	–	–	–	–
Breach of Contract	–	70	–	30	100	40	40	–	–	80
Recovery of Land/Property	–	10	–	–	10	10	–	–	–	10
Negligence: Medical	–	40	–	250	290	240	–	–	10	250
Personal Injury	–	130	40	240	400	150	40	30	10	240
Actions against Solicitors	–	–	–	–	–	–	–	–	–	–
Other	–	30	10	10	60	30	10	10	–	60
Miscellaneous	–	30	30	70	130	70	10	–	30	110
<b>Total</b>	<b>1963</b>	<b>310</b>	<b>80</b>	<b>600</b>	<b>991</b>	<b>540</b>	<b>110</b>	<b>40</b>	<b>60</b>	<b>750</b>

<sup>1</sup> All figures in italics are weighted estimates based on two months sample data and may not add up due to rounding

<sup>2</sup> includes settled at door of court and approval of prior settlement given

A Numbers set down during year

E Total

I No court judgment

B Determined after trial

F Judgment for claimant

J Total

C Settled during course of trial or hearing

G Judgment for defendant

D Settled with consent order, struck out or withdrawn before hearing

H Judgment for claimant and defendant

There were 750 judgments in 2004, over 2% more than in 2003. 72% of judgments were in favour of the claimant only. In 2004, over 65% (490) of judgments related to claims for medical and personal injury; over 59% of these judgments were for sums in excess of £50,000.

**Table 3.6****Queen’s Bench Division: Court judgments showing nature of claim and amount of judgment<sup>1</sup>, 2004**

	up to and including 1K	£5,000.01 – £10,000	£10,000.01 – £15,000	£15,000.01 –£50,000	over £50,000	No money Judgments	Total
Debt	–	–	–	–	–	–	–
Breach of Contract	–	–	–	–	30	60	80
Recovery of Land/Property	–	–	–	–	–	10	10
Negligence: Medical	–	–	–	–	210	40	250
Personal Injury	–	–	–	30	80	130	240
Actions against Solicitors	–	–	–	–	–	–	–
Other	–	–	10	–	10	30	60
Miscellaneous	–	–	–	–	–	110	110
<b>Total</b>	–	–	<b>10</b>	<b>30</b>	<b>330</b>	<b>380</b>	<b>750</b>

<sup>1</sup> All figures in italics are weighted estimates based on two months sample data and may not add up due to rounding**Table 3.7****Queen’s Bench Division: Trial hearings by type of judge and nature of claim<sup>1</sup>, 2004**

	High Court Judge	Deputy High Court Judge	Circuit Judge sitting as a High Court Judge	Other	Total	Average hearing time <sup>1</sup>
Debt	–	–	–	–	–	–
Breach of Contract	60	–	30	–	80	16 Hours 12 Mins
Recovery of Land/Property	10	–	–	–	10	0 Hours 1 Mins
Negligence: Medical	240	10	–	–	250	4 Hours 4 Mins
Personal Injury	170	40	30	–	240	4 Hours 55 Mins
Actions against Solicitors	–	–	–	–	–	–
Other	40	–	10	–	60	9 Hours 10 Mins
Miscellaneous	100	–	10	–	110	3 Hours 21 Mins
<b>Total</b>	<b>610</b>	<b>60</b>	<b>80</b>	–	<b>750</b>	<b>5 Hours 42 Mins</b>

<sup>1</sup> All figures in italics are weighted estimates based on two months sample data and may not add up due to rounding<sup>2</sup> Trials only

In 2004 the average period between issue of a claim and start of trial or date of disposal of actions set down for trial, was 97 weeks – 164 weeks in 2003.

**Table 3.8****Queen’s Bench Division: average waiting times for trials by centre and nature of claim<sup>1</sup>, 2004**

Centre and nature of claim	Average time between issue of claim and setting down (weeks)	Average time between setting down and start of trial (or date of disposal) (weeks)	Average time between issue of claim and start of trial (or date of disposal) (weeks)
London:	23	58	81
Personal injury (including fatal)	16	67	85
Others	26	54	80
Outside London:	70	48	118
Personal injury (including fatal)	85	54	139
Others	40	35	74
<b>All Centres</b>	<b>43</b>	<b>54</b>	<b>97</b>

<sup>1</sup> All figures are estimates based on two months sample data. Figures have been rounded off to the nearest week**Table 3.9****Queen’s Bench Division: Average waiting times for trials<sup>1</sup> since 1996**

All Centres	1996	1997	1998	1999	2000	2001	2002	2003	2004
Average time between issue of claim and setting down (weeks)	135	138	143	141	133	135	103	108	43
Average time between setting down and start of trial (or date of disposal) (weeks)	44	41	35	33	31	38	47	55	54
Average time between issue of claim and start of trial (or date of disposal) (weeks)	179	178	178	174	164	173	149	164	97

<sup>1</sup> All figures are estimates based on two months sample data. Figures have been rounded off to the nearest week

Although Queen’s Bench Division cases are only tried at the Royal Courts of Justice and first tier centres outside London, interlocutory proceedings (applications preparatory or incidental to the main proceedings) are dealt with at all district registries and at the Royal Courts of Justice. This area of work increased in 2004 – applications for masters in London increased by nearly 45% to 9,446. The court determines what, if anything, must be done before a case can be set down for trial, gives directions as to when this is to be done and where the trial is to take place. If either party is dissatisfied with an order of a master, an appeal may be made to a judge in chambers (a private hearing).

**Table 3.10****Queen’s Bench Division<sup>1</sup>: Applications for masters in London, 2004**

	Total
<b>Type of application</b>	
For directions	–
Summary judgment (Order 14)	–
Other summonses	9,446
<b>Total</b>	<b>9,446</b>

<sup>1</sup> Figures given are for the Royal Courts of Justice only

During 2004, the number of enforcement proceedings issued in London decreased by nearly 10% to 19,026. Writs of fi-fa formed nearly 99% of proceedings. Outside London enforcement proceedings increased by nearly 44% to 29,654, writs of fi-fa accounted for 99% of proceedings. Charging orders and garnishee orders absolute were the second and third most common methods of enforcement respectively.

**Table 3.11****Queen’s Bench Division: Enforcement proceedings issued, 2004**

	London	Outside London	Total
<b>Nature of Enforcement</b>			
Writs of fi-fa	19,026	29,604	48,630
Writs of possession	22	22	44
Writs of Delivery	13	9	22
Charging orders	19	15	34
Garnishee orders absolute	160	1	161
Application for orders to attend court for questioning	..	3	3
<b>Total</b>	<b>19,240</b>	<b>29,654</b>	<b>48,894</b>

## Admiralty Court

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

During 2004, there were 158 Admiralty actions started in the Royal Courts of Justice. Of the claims issued in London, 13 (8%) related to damaged cargo.

**Table 3.12****Queen's Bench Division: Admiralty proceedings<sup>1</sup>, 2004**

Nature of proceedings	
Claims issued	158
<b>Summonses issued:</b>	
Judges	52
Registrars	16
Applications heard	82
References to registrar	2
Warrants of arrest executed <sup>2</sup>	36
Sales by the Court	8

<sup>1</sup> Figures are for the Royal Courts of Justice only

<sup>2</sup> Vessels or property arrested

**Table 3.13****Queen's Bench Division: Admiralty claims issued showing nature of action<sup>1</sup>, 2004**

Nature of action	
Collision	29
Damage to cargo	13
Personal injury (including fatal)	11
Mortgage	1
Limitation of liability	23
Others	81
<b>Total</b>	<b>158</b>

<sup>1</sup> Figures are for the Royal Courts of Justice only

**Table 3.14****Queen's Bench Division: Admiralty actions for trial in the High Court set down, tried or otherwise disposed<sup>1</sup>, 2003**

Actions for trial	
Set down during year	18
Tried during year	3
Otherwise disposed of	19

<sup>1</sup> Figures are for the Royal Courts of Justice only

## Commercial Court

The Commercial Court also deals with shipping matters but is largely concerned with matters regarding contracts related to ships, insurance, carriage of cargo and the construction and performance of mercantile contracts. Other matters dealt with involve banking, international credit, contracts relating to aircraft, the purchase and sale of commodities and the practice of arbitration and questions arising from arbitrations. There are twelve Commercial Judges who hear all commercial cases and interlocutory applications.

During 2004, 806 (nearly 85%) of the 947 claims were unspecified. The majority of these (59%) were for breach of contract.

**Table 3.15**

**Commercial Court: Claims issued showing nature and amount of claim<sup>1</sup>, 2004**

Nature of claim	Under £20,000	Over £20,000	Unspecified claims	Total
Claim for Debt (goods sold & delivered, work carried out etc)	–	–	–	–
Breach of contract	5	121	434	<b>560</b>
Miscellaneous	–	15	372	<b>387</b>
<b>Total</b>	<b>5</b>	<b>136</b>	<b>806</b>	<b>947</b>

<sup>1</sup> Figures given are for the Royal Courts of Justice only

## Technology and Construction Court

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

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

There are seven full-time circuit judges based in London assigned to the Supreme Court Group. They are nominated by the Lord Chancellor, and presided over by a resident High Court judge. Outside London, nominated circuit judges sit on each of the circuits with further full-time designated judges at Birmingham, Manchester and Liverpool.

**Table 3.16****Technology and Construction Court: Actions received, tried and disposed of<sup>1</sup>, 2004**

<b>Received:</b>	
Claims and originating summonses issued in registry	265
By transfer	76
<b>Total</b>	<b>341</b>
<b>Disposed of:</b>	
Tried	7
Struck out, settled or discontinued	71
Transferred	25
Default judgments entered	12
<b>Total</b>	<b>115</b>
Number of summonses and interlocutory applications heard during year	668

<sup>1</sup> Figures are for the Royal Courts of Justice only

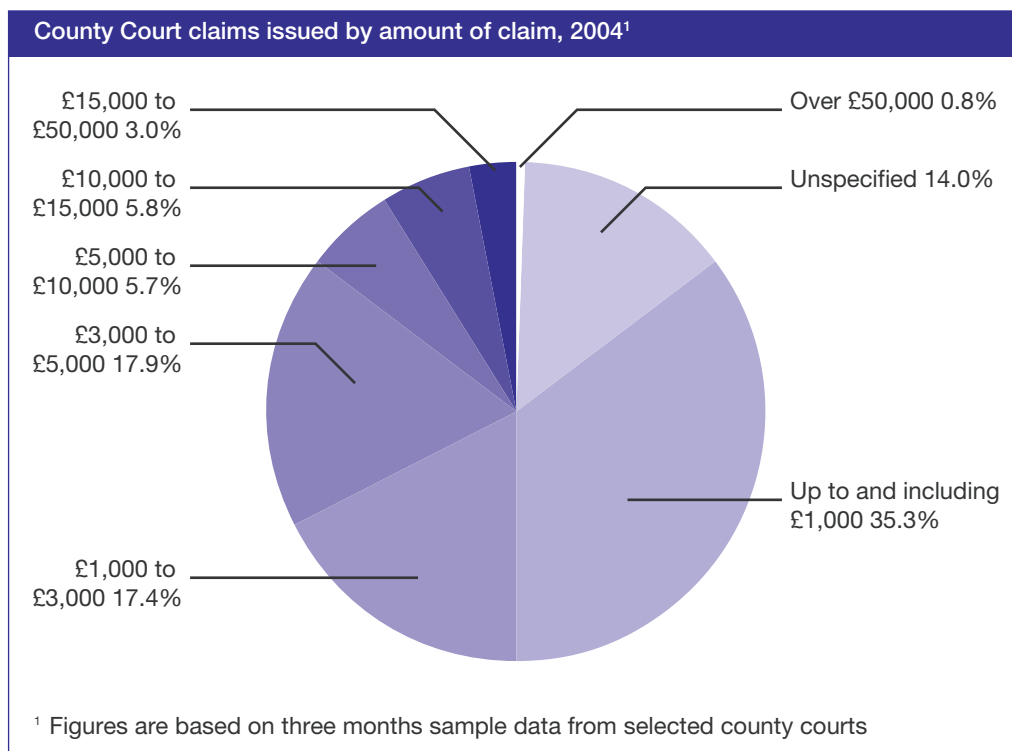
## County Courts

Around 220 county courts in England and Wales hear civil proceedings which can be commenced in either county courts or the High Court.

County courts also handle family proceedings such as divorce, domestic violence and matters affecting children. Generally the High Court handles the more substantial, important and complex cases (Chapters 2, 3, and 5).

During 2004 –

- claims issued rose by over 1% (Table 4.1)
- Mortgage possession orders made rose by 14% to 46,409 (Table 4.6)
- 46,100 claims were disposed of by way of small claims procedure (Tables 4.7 & 4.8)
- the average waiting period for a trial was 53 weeks between issue and trial (Table 4.16)
- creditors' and debtors' bankruptcy petitions rose by 27% (Table 4.21)
- company winding-up petitions entered rose from 317 to 1,456





## Introduction

Since 1 July 1991 county courts have had jurisdiction to deal with all contract and tort cases and recovery of land actions, regardless of value. In addition, all county courts may deal with the following types of proceedings –

- a) certain equity and contested probate actions (for example, actions concerning an alleged breach of trust obligation by a trustee or questions concerning the administration of a will) where the value of the trust, fund or estate does not exceed £30,000
- b) any action which all parties agree to have heard in a county court (e.g. defamation cases) except cases on certain aspects of trust, family and admiralty law

Some courts also hear –

- a) divorce matters (see Chapter 5)
- b) bankruptcy and insolvency matters
- c) matters under the Race Relations Act 1976

Other than at the smallest courts, each county court is assigned at least one circuit judge and one district judge. Circuit judges generally hear cases worth over £15,000, or those involving greater importance or complexity. Claims between £5,000 and £15,000 are tried by either circuit or district judges. District judges hear small claims (in most instances, these are claims under £5,000), repossession claims and the assessment of damage awards in uncontested cases. District judges also case manage most of the cases proceeding in the county courts.

## Claims and miscellaneous hearings

### Starting a case

The normal method of taking someone to court is for the person doing so (the claimant) to complete a claim form and issue it at a county court. The claim can be issued in any county court. On receipt of the claim form the court allocates a claim number and enters the details into the court's records. A response pack is attached to the claim form which is then sent to (served on) the person being sued (the defendant). The defendant has a specific time limit in which to reply to the claim. During that time a defendant can either

pay the claim, dispute it (defend it), admit the claim and ask for more time to pay it or ignore it. If the claim is defended, a judge will allocate the claim to one of three tracks for case management purposes –

- a) the small claims track – generally for cases with a value up to £5,000
- b) the fast track – for cases with a value over £5,000 but less than £15,000
- c) the multi-track – cases with a value in excess of £15,000

Each track involves a different degree of judicial involvement. Procedures in the small claims track are the most informal.

If a defendant does not reply to the claim, the claimant can ask the court to enter judgment, that is to make an order that the defendant pay the claim. If the defendant has admitted the claim and asks for more time to pay and the claimant accepts the offer, a request for judgment can similarly be made.

Should the judgment not be paid as the court has ordered, it is open to the claimant to issue enforcement proceedings to obtain payment. Judgments and enforcement are explained in more detail later in this chapter.

### **The Claim Production Centre**

The Claim Production Centre (CPC) was set up in January 1990 to process claim requests received on magnetic media from major claimants – i.e. claimants who generally issue more than 1,000 claims annually. Issue and dispatch of claims is guaranteed within 24-48 hours. The CPC has customers such as banks, credit card and storecard issuers, mail order catalogues, utilities and solicitors specialising in debt recovery. It issued 707,723 claims representing 53% of the total default claims issued in 2004. Although located in Northampton, the CPC is deemed to be part of the court in whose name the claim is issued and once the claim is issued and served, that court will deal with the case in the usual way.

The 2004 figure of 1,597,123 claims entered represented an increase of over 1% on the 2003 figure. Money claims issued represented over 85% of the total. The remainder were fixed date actions, nearly 89% of which were actions for the recovery of land, mostly relating to residential premises.

**Table 4.1****Claims issued and warrants of execution<sup>1</sup> issued in selected years, 1938**

Year	Claims issued			Warrants of execution against goods issued
	Money <sup>1</sup> claims <sup>2</sup>	Claims for the recovery of land <sup>3</sup>	Total	
1938	1,192,777	19,476	1,212,253	458,403
1958	1,273,193	27,749	1,300,942	813,689
1968	1,441,079	40,337	1,481,416	1,621,383
1978	1,356,519	111,026	1,467,545	1,070,533
1988	2,099,805	185,320	2,285,125	1,215,701
1998	2,010,606	234,718	2,245,324	543,848
2000	1,631,966	239,957	1,871,923	470,270
2001 <sup>4</sup>	1,478,360	243,356	1,721,716	394,414
2002	1,386,418	242,139	1,628,557	374,020
2003	1,347,414	227,178	1,574,592	355,157
2004	1,364,866	232,257	1,597,123	309,521

<sup>1</sup> For years prior to 1978 figures relating to the Mayor's and City of London Court are not included

<sup>2</sup> From 1988 includes unliquidated claims

<sup>3</sup> From 1990 does not include Order 24 originating applications

<sup>4</sup> The data extraction method has changed, please see chapter 11 for further details

**Table 4.2****Summary of proceedings started, 2004**

Nature of proceedings	
Claims entered:	
'Money' claims	
Default actions	1,335,775
Fixed date actions (other than for possession)	29,091
Actions for possession of land	232,257
Bankruptcy petitions	32,702
Companies Act:	
Winding-up petitions	5,577
Family matters (major areas of work) <sup>1</sup> :	
Adoption applications (originating)	3,464
Divorce, nullity and judicial separation petitions	168,427

<sup>1</sup> For details of these and other family matters dealt with by county court see Chapter 5

**Table 4.3**  
Main proceedings started by circuit, 2004

Circuit	Default actions <sup>1</sup>		Fixed date actions <sup>2</sup>	
	Number	%	Number	%
Midland	112,843	8	45,315	17
North Eastern	108,378	8	34,862	13
Northern	103,473	8	31,410	12
South Eastern:				
London	91,396	7	61,018	23
Provinces	133,071	10	48,203	18
Wales & Chester	40,355	3	17,151	7
Western	80,621	6	23,389	9
County Court Bulk Centre <sup>3</sup>	665,638	50	–	–
<b>England &amp; Wales</b>	<b>1,335,775</b>	<b>100</b>	<b>261,348</b>	<b>100</b>

<sup>1</sup> Including claims issued by the Claim production Centre

<sup>2</sup> Including actions for possession of land (except those under Order 24 of the County Court Rules)

<sup>3</sup> Referred to later in this chapter

**Table 4.4**  
Default actions: Claims issued by Claim Production Centre, 2004

Circuit	Number
Midland	2,224
North Eastern	1,299
Northern	2,368
South Eastern:	
London	6,359
Provinces	20,276
Wales & Chester	2,580
Western	6,979
County Court Bulk Centre <sup>1</sup> :	
Claims	613,728
Money Claim Online (MCOl)	51,910
<b>England &amp; Wales</b>	<b>707,723</b>

<sup>1</sup> Referred to later in this chapter

## Recovery of Land

The total number of actions started for recovery of land rose from 227,178 in 2003 to 232,257 in 2004. Mortgage possession actions increased by just over 16% from 67,029 in 2003 to 77,856. Of the total number of mortgage possession actions issued in 2004, over 99% concerned private mortgages and the remainder, local authorities. During 2004, a total of 46,409 mortgage possession orders were made, of which just over 56% were suspended.

**Table 4.5**

**Recovery of Land: Actions entered and orders made for recovery of land by type of action, 2004<sup>3</sup>**

<b>Local authority mortgage possessions:</b>	
Actions entered	282
Suspended orders made	12
Orders made	70
<b>Other mortgage possessions:</b>	
Actions entered	77,574
Suspended orders made	26,077
Orders made	20,250
<b>Other possession actions by social landlords<sup>1</sup>:</b>	
Actions entered	137,191
Suspended orders made	62,284
Orders made	30,669
<b>Other possession actions by private landlords<sup>2</sup>:</b>	
Actions entered	17,210
Suspended orders made	2,003
Orders made	8,628

**382,250**

<sup>1</sup> Includes actions by local authorities and housing associations

<sup>2</sup> Includes actions by all landlords except local authorities and housing associations

<sup>3</sup> The data extraction method has changed, please see chapter 11 for further details

**Table 4.6****Recovery of Land: Mortgage possession actions<sup>1</sup>, selected years since 1988**

	1988	1990	2001 <sup>3</sup>	2002	2003	2004
Actions entered	72,655	145,350	67,448	64,148	67,029	77,856
Orders made <sup>2</sup>	47,769	103,508	47,829	41,279	40,682	46,409

<sup>1</sup> Local authority and private

<sup>2</sup> Including suspended orders

<sup>3</sup> The data extraction method has changed, please see chapter 11 for further details

**Judgments and hearings**

Judgment can be entered in various ways in county courts. Most of the judgments in money claims are entered by default (i.e. in the absence of a response from the defendant within the allotted 14 days from the date of service of the claim) or by the claimant accepting the defendant's offer to pay all or part of the amount claimed. There is generally no need to involve either a circuit judge or a district judge in these cases. However, they become involved when there is a defence against all or part of the claim and the matter is set down for a trial or a small claims hearing. Fixed date actions can also lead to trials.

On 26 April 1999, the limit for small claims increased from £3,000 to £5,000 for all claims except personal injury which remained at £1,000 and housing disrepair for which the limits are £1,000 for the disrepair and £1,000 for damages. The increase has widened the value band of cases which are automatically referred to the small claims track when a defence is filed.

**Table 4.7****Proceedings disposed of by trial or claim hearing by circuit, 2004**

Circuit	Trials		Small Claims	
	Number	%	Number	%
Midland	2,096	13	6,378	14
North Eastern	2,047	13	5,941	13
Northern	2,942	19	4,237	9
South Eastern:				
London	3,858	25	9,131	20
Provinces	2,395	15	11,431	25
Wales & Chester	1,157	7	2,704	6
Western	1,239	8	6,278	14
<b>England &amp; Wales</b>	<b>15,734</b>	<b>100</b>	<b>46,100</b>	<b>100</b>

**Table 4.8**

Proceedings disposed of by small claim, by nature of claim and by circuit, 2004

Circuit	Personal injury	Other negligence	Debt	Non-possession housing disputes	Other	Total
Midland	708	564	4,291	60	755	6,378
North Eastern	353	563	4,526	71	428	5,941
Northern	764	386	2,589	47	451	4,237
South Eastern:						
London	1,896	992	5,423	180	640	9,131
Provinces	1,079	1,293	7,990	148	921	11,431
Wales & Chester	319	300	1,811	24	250	2,704
Western	491	541	4,720	47	479	6,278
<b>England &amp; Wales</b>	<b>5,610</b>	<b>4,639</b>	<b>31,350</b>	<b>577</b>	<b>3,924</b>	<b>46,100</b>

**Table 4.9**Small claims heard by nature of claim, type of claimant and defendant, 2004<sup>1</sup>

Nature of claim	Claimant				Defendant			
	individual	firm	corp	Total	individual	firm	corp	Total
Debt	<i>15,330</i>	<i>6,370</i>	<i>10,010</i>	<i>31,710</i>	<i>19,200</i>	<i>5,630</i>	<i>6,880</i>	<i>31,710</i>
Negligence – personal injury	<i>1,250</i>	<i>200</i>	<i>120</i>	<i>1,560</i>	<i>1,130</i>	<i>270</i>	<i>160</i>	<i>1,560</i>
Other negligence	<i>5,080</i>	<i>80</i>	<i>660</i>	<i>5,830</i>	<i>3,250</i>	<i>860</i>	<i>1,720</i>	<i>5,830</i>
Non possession housing dispute	<i>390</i>	–	<i>80</i>	<i>470</i>	<i>470</i>	–	–	<i>470</i>
Other	<i>5,000</i>	<i>590</i>	<i>940</i>	<i>6,530</i>	<i>3,520</i>	<i>1,410</i>	<i>1,600</i>	<i>6,530</i>
<b>Total</b>	<b><i>27,060</i></b>	<b><i>7,230</i></b>	<b><i>11,810</i></b>	<b><i>46,100</i></b>	<b><i>27,570</i></b>	<b><i>8,170</i></b>	<b><i>10,360</i></b>	<b><i>46,100</i></b>

<sup>1</sup> Figures in italics are weighted estimates based on three months sample data from selected county courts**Table 4.10**Small Claims heard by nature of claim and award, 2004<sup>1</sup>

Nature of claim	non monetary	£1k or less	£1k –£3k	£3k –£5k	Over £5k	Total
Debt	<i>4,540</i>	<i>10,830</i>	<i>11,300</i>	<i>3,170</i>	<i>1,880</i>	<i>31,710</i>
Negligence – personal injury	<i>270</i>	<i>860</i>	<i>310</i>	<i>120</i>	–	<i>1,560</i>
Other negligence	<i>1,090</i>	<i>1,840</i>	<i>2,150</i>	<i>510</i>	<i>230</i>	<i>5,830</i>
Non possession housing dispute	–	<i>200</i>	<i>230</i>	<i>40</i>	–	<i>470</i>
Other	<i>1,720</i>	<i>1,600</i>	<i>2,070</i>	<i>700</i>	<i>430</i>	<i>6,530</i>
<b>Total</b>	<b><i>7,620</i></b>	<b><i>15,330</i></b>	<b><i>16,070</i></b>	<b><i>4,540</i></b>	<b><i>2,540</i></b>	<b><i>46,100</i></b>

<sup>1</sup> Figures in italics are weighted estimates based on three months sample data from selected county courts

**Table 4.11****Average waiting and hearing times for small claims, by nature of claim, 2004<sup>1</sup>**

Nature of claim	(issue of claim to start of small claims)	Average waiting time in weeks	Average length of small claim (minutes)
Debt		<i>25</i>	<i>76</i>
Negligence – personal injury		<i>25</i>	<i>75</i>
Other negligence		<i>25</i>	<i>85</i>
Non possession housing dispute		<i>23</i>	<i>84</i>
Other		<i>24</i>	<i>67</i>
<b>Total</b>		<b><i>25</i></b>	<b><i>76</i></b>

<sup>1</sup> Figures in italics are weighted estimates based on three months sample data from selected county courts

**Table 4.12****Trials by nature of claim and whether civil funding granted<sup>1</sup>, 2004**

	Civil funding granted for				
	Number of cases	Both parties	Claimant only	Defendant only	Neither party
Debt	<i>1,670</i>	<i>150</i>	<i>210</i>	<i>170</i>	<i>1,440</i>
Negligence – personal injury	<i>10,110</i>	<i>1,770</i>	<i>2,850</i>	<i>1,800</i>	<i>7,230</i>
Other negligence	<i>700</i>	<i>60</i>	<i>140</i>	<i>60</i>	<i>560</i>
Other	<i>3,260</i>	<i>390</i>	<i>550</i>	<i>640</i>	<i>2,470</i>
<b>Total</b>	<b><i>15,730</i></b>	<b><i>2,380</i></b>	<b><i>3,740</i></b>	<b><i>2,670</i></b>	<b><i>11,700</i></b>

<sup>1</sup> All figures in italics are weighted estimates based on two months sample data and may not add up due to rounding

**Table 4.13****Actions set down for trial<sup>1</sup>, disposed of and results by nature of claim, 2004**

	Method of disposal				Result of action after attending court				
	Attending court				Total	For claimant	For defendant	For both	Total
	After trial	Settled during hearing	Struck out						
Debt	<i>1,240</i>	<i>330</i>	<i>90</i>	<i>1,670</i>	<i>1,270</i>	<i>230</i>	<i>80</i>	<i>1,580</i>	
Negligence – personal injury	<i>6,820</i>	<i>2,520</i>	<i>770</i>	<i>10,110</i>	<i>7,020</i>	<i>1,970</i>	<i>350</i>	<i>9,340</i>	
Other negligence	<i>520</i>	<i>170</i>	<i>20</i>	<i>700</i>	<i>520</i>	<i>120</i>	<i>50</i>	<i>680</i>	
Other	<i>2,230</i>	<i>850</i>	<i>180</i>	<i>3,260</i>	<i>2,180</i>	<i>700</i>	<i>200</i>	<i>3,080</i>	
<b>Total</b>	<b><i>10,810</i></b>	<b><i>3,870</i></b>	<b><i>1,060</i></b>	<b><i>15,730</i></b>	<b><i>10,990</i></b>	<b><i>3,020</i></b>	<b><i>670</i></b>	<b><i>14,670</i></b>	

<sup>1</sup> All figures in italics are weighted estimates based on two months sample data and may not add up due to rounding



**Table 4.14**  
Trials disposed of<sup>1</sup> by amount of award and nature of claim, 2004

	Monetary award							Non monetary	Total
	< £1k	£1 – 3k	£3 – 5k	£5 – 7.5k	£7.5 – 10k	£10k – 50k	> £50k		
Debt	60	150	180	290	200	390	80	230	1,580
Negligence – personal injury	260	1,760	1,500	860	390	1,120	380	3,060	9,340
Other negligence	50	150	80	120	60	120	–	110	680
Other	210	210	140	210	90	410	80	1,730	3,080
<b>Total</b>	<b>580</b>	<b>2,270</b>	<b>1,890</b>	<b>1,490</b>	<b>740</b>	<b>2,050</b>	<b>530</b>	<b>5,120</b>	<b>14,670</b>

<sup>1</sup> All figures in italics are weighted estimates based on two months sample data and may not add up due to rounding

**Table 4.15**  
Trials disposed of<sup>1</sup> by type of judge and average length of hearing, by nature of claim, 2004

	Heard by			Total	Average length of hearing
	Circuit judge	District judge	Deputy District judge		
Debt	890	530	150	1,580	3 Hours 44 Mins
Negligence – personal injury	4,620	3,990	730	9,340	3 Hours 23 Mins
Other negligence	390	230	60	680	3 Hours 49 Mins
Other	2,060	850	170	3,080	5 Hours 25 Mins
<b>Total</b>	<b>7,970</b>	<b>5,590</b>	<b>1,110</b>	<b>14,670</b>	<b>3 Hours 52 Mins</b>

<sup>1</sup> All figures in italics are weighted estimates based on two months sample data and may not add up due to rounding

**Table 4.16**  
Average waiting times<sup>1</sup> for the trials by centre and nature of claim, 2004

	Average time between issue and allocation (weeks)	Average time between allocation and trial (or date of disposal) (weeks)	Average time between issue and trial (or date of disposal) (weeks)
<b>London:</b>	<b>25</b>	<b>28</b>	<b>53</b>
Personal injury	28	31	60
Other	18	22	40
<b>Outside London:</b>	<b>23</b>	<b>30</b>	<b>54</b>
Personal injury	23	29	53
Other	24	32	56
<b>England &amp; Wales</b>	<b>25</b>	<b>28</b>	<b>53</b>

<sup>1</sup> Figures are based on two months sample data and may not add up due to rounding

**Table 4.17****Average waiting times<sup>1</sup> for trials in selected years**

	1990	2001	2002	2003	2004
<b>Average waiting time (in weeks) between:</b>					
Issue and allocation	63	39	28	26	25
Allocation and trial	17	35	31	32	28
Issue and trial	81	73	58	59	53

<sup>1</sup> Figures are based on two months sample data and may not add up due to rounding

### Registration of judgments

Registry Trust Ltd (a private non-profit making company limited by guarantee) administers the Registry of County Court Judgments, a statutory public register originally set up 150 years ago. Entries on the Register can be cancelled when a judgment is set aside, reversed or is paid in full within a month. Judgments paid in full after a month can be noted on the Register as satisfied. All entries are automatically removed at the end of the sixth calendar year after the date of judgment. The Register is open for public inspection, on payment of a statutory fee, and is used in particular by credit reference agencies to assist lenders in making responsible credit granting decisions, for the benefit of both consumers and businesses. During 2004, 772,265 judgments were registered, 3% fewer than in 2003. The number of judgments satisfied or cancelled in 2004 was 188,894, a 2% rise against the number in 2003.

**Table 4.18****Registry of County Court Judgments: Judgments registered, satisfied, cancelled and searches carried out, 2004**

<b>Judgments:</b>	
Registered	772,265
Satisfied	113,254
Cancelled	75,640
<b>Searches:</b>	
Postal	18,710
Personal	3,613

## Enforcement of judgments

### Warrants of execution

There are various methods of enforcing judgments in county courts. The most common method is the warrant of execution against a debtor's goods, where, unless the amount due under the warrant is paid, saleable items owned by a debtor can be sold. During 2004, 309,521 such warrants were issued, a decrease of nearly 13% over 2003. The number of warrants issued for possession of land fell by just over 2% to 118,750, and the number of warrants executed (possession taken) fell from 52,053 to 50,493.

### The County Court Bulk Centre

The County Court Bulk Centre (CCBC) was set up in March 1992, initially to process the work of 'distributed' claimants who, until the venue rule change in July 1991, had issued in all or most county courts. The CCBC is a central processing unit, attached to Northampton County Court, and is designed to relieve the courts of the routine repetitive tasks associated with processing large volumes of debt recovery cases, such as entry of judgment and issue of warrants of execution. The CCBC provides a service for entry of judgment and warrant production for major claimants who between them issued 613,728 claims through the Claim Production Centre during 2003. The CCBC also entered 448,472 judgments (decrease by nearly 1% on 2003) and issued 178,179 warrants of execution (a decrease of 10% on 2003).

Money Claim Online (MCOL), the Court Service's first online service, was launched in February 2002. The service enables claimants to issue claims over the Internet to recover money owed to them by logging on to [www.courtservice.gov.uk/mcol](http://www.courtservice.gov.uk/mcol). The claimant pays the court fee by credit or debit card. Claims are issued in the name of Northampton County Court. Claimants can view the progress of their claim online and, where appropriate, the user can request entry of judgment and issue a warrant of execution online. The scope of MCOL was extended in January 2003 to enable both MCOL and CCBC defendants to reply to a claim online. MCOL is now issuing more claims than any local county court and issued 51,910 claims in 2004 compared to 34,137 in 2003.

### Traffic Enforcement Centre

The Traffic Enforcement Centre (TEC) enables authorities which have de-criminalised on-street parking to collect penalty charges through the civil courts in the name of Northampton County Court. TEC also deals with unpaid penalty charges relating to vehicle emissions and, for London, fixed penalties for the encroachment of bus lanes. 2003 saw the introduction of London Congestion Charging and this also impacted on TEC for registration of unpaid penalty charges. During 2004 TEC received a total of 1,811,878 registrations and authorised the issue of 1,452,340 warrants of execution, which were processed by certificated bailiffs.

### Charging orders

In order to obtain security for payment of a judgment or order, rather than to obtain the money itself, a creditor (the person to whom the debt is owed) may impose a charge on the debtor's property, for example on the debtor's house. Should the debtor later sell the property the creditor is assured of receiving some money before most other claims are met. This is called a charging order. Once a charging order has been made absolute a claimant may apply for an order for sale. The number of applications for charging orders issued in 2004 rose by 30% to 45,562. Changes to the procedure, introduced in March 2002, included providing a standard form for the statement of truth.

### Garnishee orders (now known as third party debt orders)

Garnishee orders, now known as third party debt orders, are a method of enforcement used by creditors to secure the payment of an outstanding judgment debt by freezing then seizing money owed or payable by a third party to a debtor in order to pay the judgment debt. The debts targeted are usually within deposit-taking institutions such as banks and building societies. The number of garnishee / third party debt orders rose in 2004 by over 5% to 6,396. Changes to the procedure were introduced on 25 March 2002, which included removing the need for creditors to supply details of the branch of the bank where a debtor's account is held.

**Table 4.19**  
Enforcement proceedings, 2004<sup>1</sup>

Nature of proceedings	
Warrants of execution against goods issued	309,521
Warrants of delivery of goods	3,383
Warrants of possession of land:	
Issued	118,750
Executed	50,493
Interpleader summonses	347
Judgment summonses issued	58
Third part debt orders issued	6,396
Charging order applications issued	45,562

<sup>1</sup> The data extraction method has changed, please see chapter 11 for further details

### Attachment of earnings orders

Another common method of enforcement is for a creditor to obtain an attachment of earnings order which obliges the debtor's employer to deduct a set sum from the debtor's pay and forward it to the court. The number of applications to secure payment of a debt in this way decreased by just over 13% in 2004 to 75,398. Orders made as a result of such applications were just over 2% more than in 2003. Applications to secure payment of maintenance during 2004 decreased by nearly over 5% to 698.

**Table 4.20**

**Enforcement proceedings: Proceedings under the Attachment of Earnings Act 1971, 2004**

Nature of proceedings	
To secure payment of maintenance:	
Applications	698
Orders made <sup>1</sup>	754
To secure payment of a judgment debt:	
Applications	75,398
Orders made <sup>2</sup>	40,786

<sup>1</sup> Includes re-direction and discharge of orders

<sup>2</sup> Includes re-direction of orders

<sup>3</sup> The data extraction method has changed, please see chapter 11 for further details

### Administration orders and oral examinations/orders to obtain information from judgment debtors

In certain circumstances a debtor may combine his debts into an administration order. The debtor must have a judgment debt and at least one other which he is unable to pay. The total indebtedness should not exceed £5,000. Once the debts have been examined and found to be correctly calculated a district judge can make an order for the debtor to make regular payments to the court. The court will then distribute the money in the appropriate proportions to the creditors listed by the debtor. 3,894 administration orders were granted in 2004, over 12% less than in 2003.

Changes to the oral examination procedure were introduced on 26 March 2002. The name was changed to orders to obtain information from judgment debtors and the process was streamlined and standardised to enable information to be obtained faster. Orders to obtain information from judgment debtors are used to assist the claimant in determining the most appropriate method of enforcing a judgment; it is not a method of enforcement. However, the fact that debtors will be ordered to attend court to provide details of their means often results in the debtor paying the debt. The debtor has to provide information such as income, expenditure, employment and bank accounts. A total of 34,806 orders were made for orders to obtain information from judgment debtors in 2004.

### Bankruptcy and company winding-up

A person or company with debts which they are unable to pay is called insolvent. When speaking about individuals the term bankrupt is used to indicate insolvency. Proceedings in insolvency are presently regulated by the Insolvency Act 1986. Proceedings start with the issue of a petition for bankruptcy which either the debtor or a creditor may issue. Proceedings may be started at county courts with the appropriate jurisdiction or in the Chancery Division of the High Court. The total of 32,702 bankruptcy petitions issued during 2004 was 27% more than in 2003.

**Table 4.21**

**Bankruptcy petitions issued<sup>1</sup>, 2004**

By creditors	7,892
By debtors or by legal representatives of deceased debtors	24,810
<b>Total</b>	<b>32,702</b>

<sup>1</sup> See also Table 2.5 (High Court – Bankruptcy)

When it becomes necessary to bring to an end a company's existence, whether due to insolvency or for some other reason, the process is called 'winding-up'. There is a restriction on proceedings that may be started in county courts based on the paid-up capital of the company to be wound up; most winding-up work is commenced and carried out in the Chancery Division of the High Court at the Royal Courts of Justice and at eight provincial centres. County courts issued 1,456 petitions for winding-up in 2004, compared with 317 in 2003 (see Chapter 2 for overall trends in company winding-up petitions).

## Family Matters

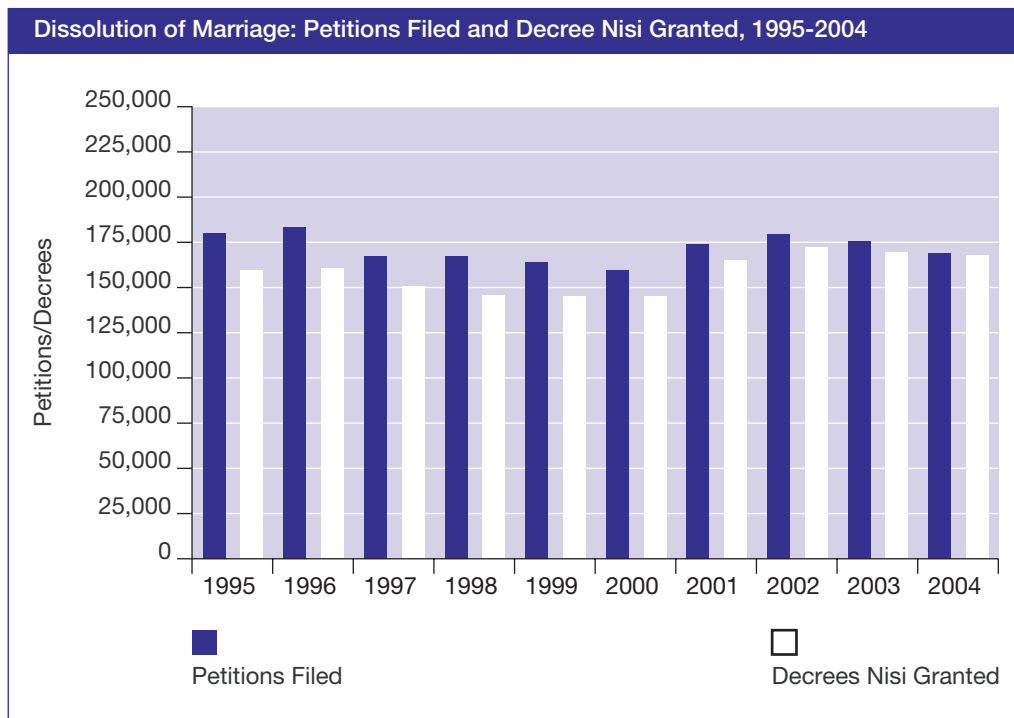
Family matters are dealt with in the Family Division of the High Court, in county courts and, with the exception of divorce proceedings, in family proceedings courts (those parts of magistrates' courts having a family jurisdiction).

Most matters affecting children are dealt with under the Children Act 1989 in all three levels of courts.

Contentious probate matters are dealt with in the Chancery Division of the High Court (Chapter 2).

During 2004 –

- Children Act applications in public law cases decreased by 3% (Table 5.1)
- the number of residence orders made in private law proceedings fell by 88 and contact orders made rose by over 4% (Table 5.3)
- adoption orders decreased by over 3% to 4,539 (Table 5.4)
- 167,193 petitions were filed for divorce, a decrease of over 3% (Table 5.6)



## The Children Act 1989

### Courts' jurisdiction

The Children Act 1989, which was implemented in October 1991, established for the first time a concurrent family jurisdiction across all tiers of court, including the family proceedings courts.

#### *County Courts*

County courts were given five different types of jurisdiction –

- i) non-divorce county courts which have no family jurisdiction
- ii) divorce county courts which can issue all private law family proceedings, contested matters being transferred to family hearing centres for trial
- iii) family hearing centres which can issue and hear all private law family cases whether or not they are contested
- iv) care centres which have full jurisdiction in private and public law matters
- v) Specialised Adoption Centres, which have jurisdiction to issue, process and hear adoption applications under guidance issued by the President of the Family Division

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

Private law cases are those brought by private individuals, generally in connection with divorce or the parents' separation.

#### *The High Court*

The High Court has jurisdiction to hear all cases relating to children and exercises an exclusive jurisdiction in wardship. The High Court also hears appeals from family proceedings courts and cases transferred from the county courts or family proceedings courts. The Family Division of the High Court consists of the President and 17 High Court judges. High Court work is dealt with at the Principal Registry of the Family Division (PRFD) in London and in the provinces by those district registries which have divorce jurisdiction.



### *Family Proceedings Courts*

Family proceedings courts' work is dealt with by lay magistrates and sometimes by district judges (magistrates' courts) sitting with lay colleagues. The lay magistrates sitting at these courts are drawn from a specially selected family panel and have had to undertake special and ongoing training. The district judges (magistrates' courts) are also specially trained. Family proceedings courts have full private and public law jurisdiction under the Act although they do not deal with divorce cases.

### **Judges' and magistrates' jurisdiction**

In order to hear proceedings under the Children Act 1989 in the county courts, judges must be specially nominated for family work by the Lord Chancellor. These judges receive special family work guidance. Circuit judges not so nominated may still hear matrimonial and domestic violence injunctions –

- district judges can hear private law family work but have a limited jurisdiction (district judges of the PRFD have full private law and public law jurisdiction)
- nominated care district judges have increased jurisdiction and can hear uncontested public law cases and contested private law cases
- circuit family judges have full private law jurisdiction but do not deal with public law cases
- nominated care judges have full public and private law jurisdiction
- designated family judges also have full jurisdiction in public and private law: based at care centres, they also chair local Family Court Business Committees and Family Court Forums
- lay magistrates and district judges (magistrates' courts) hear cases in both public and private law

### **Applications**

Proceedings under the Children Act are started by application in the manner prescribed by the Family Proceedings Rules 1991 (for county courts and the High Court) and the Family Proceedings Courts (Children Act 1989) Rules 1991 (for family proceedings courts). Public law cases must start in the family proceedings court but may be transferred up to the county court –

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

Private law cases can commence at any family proceedings court or county court. Cases can also be transferred laterally between courts.

During 2004 a total of 22,051 public law applications were made (a decrease of 3% from 2003) and 107,349 private law applications (a decrease of over 7%) were made.

**Table 5.1****Public and Private law applications<sup>1</sup> made in each tier of court by circuit, 2004**

Circuit	Public Law				Private Law			
	FPC <sup>2</sup>	CC <sup>3</sup>	HC	Total	FPC <sup>2</sup>	CC	HC	Total
Midland	3,192	754	31	3,977	4,347	13,749	39	18,135
North Eastern	2,281	1,304	58	3,643	3,808	15,068	26	18,902
Northern	2,018	723	29	2,770	3,053	10,250	31	13,334
<b>South Eastern:</b>								
London	2,490	–	–	2,490	2,590	7,800	–	10,390
Provinces	2,226	1,953	12	4,191	1,595	18,938	5	20,538
PRFD/RCJ	–	935	21	956	–	4,942	158	5,100
Wales & Chester	735	876	34	1,645	1,030	7,366	6	8,402
Western	1,543	799	37	2,379	1,040	11,447	61	12,548
<b>England &amp; Wales</b>	<b>14,485</b>	<b>7,344</b>	<b>222</b>	<b>22,051</b>	<b>17,463</b>	<b>89,560</b>	<b>326</b>	<b>107,349</b>

<sup>1</sup> Some inconsequential applications have been excluded

<sup>2</sup> Figures in italics are weighted estimates based on data received from a number of family proceedings courts, and may not add up due to rounding

<sup>3</sup> The county court public law applications are not comparable with those published in previous years due to a change in the method of collection. They no longer include cases that have been transferred from Family Proceedings courts

### *Disposal of applications*

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

- i) withdrawn applications: can only be withdrawn by order of the court
- ii) 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 of no order
- iii) 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 the order at all
- iv) order made

## Orders

The Act provides a wide range of orders which can be made according to the child's best interests. Below are some typical orders.

### *Care/Supervision Orders*

On an application from a local authority or authorised person (at present only the NSPCC), if the court is satisfied that a child is suffering, or is likely to suffer, significant harm and that the harm or likelihood of harm is attributable to (i) the care given to the child or the likelihood of the care not being what it would be reasonable to expect a parent to give a child, or (ii) where the child is beyond parental control, the court may make an order –

- a) placing the child in the care of a designated local authority
- b) putting the child under the supervision of a designated local authority or probation officer

No care or supervision order may be made in respect of a child who has reached the age of 17 (or 16 in the case of a child who is married). The effect of a care order is to impose a duty on the local authority to keep a child in care, have parental responsibility for the child and (subject to certain provisions under the Act) determine the extent to which a parent or guardian may meet his or her parental responsibility for the child. 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*

A court may make an emergency protection order if it is satisfied that there is reasonable cause to believe that a child is suffering, or is likely to suffer, significant harm if not removed to accommodation provided by the applicant or does not remain in the place he or she is presently living. 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.

### *Exclusion Requirements*

In October 1997 changes to the Children Act gave courts the power to order the exclusion of the suspected abuser from the child's home in cases where ill-treatment of a child is alleged, and either an Interim Care Order (ICO) or Emergency Protection Order (EPO) is made. (Previously, the child would usually have been removed.)

The court can add a power of arrest to the 'exclusion requirement'.

Where exclusion is ordered, there must be a person remaining in the property with the child. That person must agree to care for the child and consent to the exclusion requirement.

### Section 8 orders

Orders made under section 8 of the Act are frequently sought for –

- residence (where the child should live)
- contact (whom the child sees)
- prohibited steps (to prevent an action being taken)
- specific issue (about a specific aspect of the child's upbringing)

It is always preferable that agreement between the parents about arrangements for the children be reached rather than an order having to be imposed. During 2003 a total of 115,496 section 8 orders were made in private law, an increase of over 3% on 2003.

**Table 5.2**

Disposal of selected application type in public law in all tiers of court<sup>1</sup>, 2004<sup>2,3</sup>

Nature of application	Applications withdrawn	Orders refused	Orders of no orders	Orders made
Care	380	11	306	7,796
Contact with a child in care	140	43	38	361
Discharge of care	150	27	8	900
Refusal of contact	93	10	15	1,851
Emergency protection order	283	45	21	2,390
Secure accommodation	80	2	21	945
Supervision	59	1	30	3,012
Supervision order – discharge	6	4	–	33
<b>Section 8:</b>				
Residence	118	18	6	2,976
Contact	110	20	42	2,045
Prohibited steps	3	2	1	235
Specific issue	4	–	–	162

<sup>1</sup> Contains imputed data for family proceedings courts

<sup>2</sup> Concern was expressed over the response rates of the Family Proceedings Courts and an exercise to assess the reliability of the 2003 Family Proceedings Courts contact and care order figures has been carried out since Judicial Statistics was last published. This exercise shows that in 2003 the number of care orders was underestimated by around 300, or 6% of all orders in Family Proceedings Courts. The 2004 figures are also likely to be underestimated due to low response and a similar exercise is currently being undertaken on the 2004 data

<sup>3</sup> The county court public law applications are not comparable with those published in previous years due to a change in the method of collection. They no longer include cases that have been transferred from Family Proceedings courts

**Table 5.3****Disposal of selected application type in private law in all tiers of court<sup>1</sup>, 2004<sup>2</sup>**

Nature of application	Applications withdrawn	Orders refused	Orders of no orders	Orders made
Parental Responsibility	952	214	472	10,522
<b>Section 8:</b>				
Residence	1,480	178	1,246	31,878
Contact	2,751	504	3,002	70,169
Prohibited steps	342	27	216	9,556
Specific issue	334	43	175	3,893

<sup>1</sup> Contains imputed data for family proceedings courts

<sup>2</sup> Concern was expressed over the response rates of the Family Proceedings Courts and an exercise to assess the reliability of the 2003 Family Proceedings Courts contact and care order figures has been carried out since Judicial Statistics was last published. This exercise shows that in 2003 the number of contact orders was underestimated by around 200, or 11% of all orders in Family Proceedings Courts. The 2004 figures are also likely to be underestimated due to low response and a similar exercise is currently being undertaken on the 2004 data.

### **‘The Voice of the Child’**

On the 1st April 2001, the Lord Chancellor became responsible for the Children and Family Court Advisory and Support Service (CAFCASS). With effect from 12th January 2004 the Lord Chancellor’s responsibilities for CAFCASS were transferred to the secretary of state for the Department for Education and Skills. This new organisation brings together the work of three existing court advisory services –

- the Family Court Welfare Service
- the Guardian ad Litem (GAL) and
- the Reporting Officer Panels and the Children’s Division of the Official Solicitors Office

Amalgamating the work of each of the above services now provides an improved service to the courts, better safeguards regarding the interests of children, reduces wasteful overlaps and so increases efficiency.

CAFCASS advises the courts on issues such as placing children in local authority care, applications regarding section 8 orders. Examples are residence, contact, or prohibited steps order to prevent a child being taken abroad.

### *What it will mean for us in the Family Courts*

As a consequence, some of the family court staff's job titles have changed –

- the term Guardian ad Litem is replaced with the new term Children's Guardian
- Guardian ad Litem (in Human Fertilisation cases) becomes Parental Order Reporter
- Welfare Officer remains unchanged except in cases that involve appointments under section 7(1)(a) of the Children's Act. In this case the term welfare officer will change to Children and Family Reporter
- finally, the term Reporting Officer remains unchanged

### *Children's Guardian*

The court will appoint a Children's Guardian for the child in specified proceedings (broadly, public law proceedings) unless satisfied that it does not need to do so in order to safeguard the child's interests. The role of the Children's Guardian includes ensuring that the court is fully informed of the relevant facts which relate to the child's welfare and that the wishes and feelings of the child are clearly established.

The new service will combine the family court welfare service currently provided by the Probation Service, the Children's branch of the Official Solicitor's Department and local authority Guardian ad Litem and Reporting Officer services. They are all described as officers of CAFCASS.

### *The Welfare Officer*

The welfare officer plays a very significant role in private law proceedings (a Children's Guardian cannot be appointed in such proceedings). He or she is responsible for providing the court with information about matters relating to the welfare of the child which enables the court to make decisions which are in the child's best interests. As part of that process the welfare officer has particular regard to the wishes and feelings of the child concerned. The welfare officer may also have a role to play in helping the parents or other adults closely concerned with the child to reach agreement about issues which are in dispute and thus avoid the need for a contested court hearing. National Standards for Probation Service Family Court Welfare Work came into effect on 1 January 1995.

### *Protocol for Judicial Case Management in Public Law Children Act Cases*

The 1st November 2003 saw the introduction of the protocol for Judicial Case Management in Public Law Children Act Cases. Delay in care cases has been identified as one blot on the otherwise successful implementation of the Children Act 1989.

The protocol sets a guideline of 40 weeks for the conclusion of care cases. Some cases will need to take longer than this, but many more cases should take less.

The aim of the Protocol is to reduce delay and improve the quality of justice for children and families by –

- Proper court control of proceedings
- Identifying and promoting best practice
- The consistent application of best practice by all courts
- Providing predictable standards which the courts will treat as the normal and reasonable approach to the conduct of proceedings by parties

### **Other Child Matters**

#### *Wardship*

Wardship is where the court assumes responsibility for the welfare of a child and exercises parental responsibility. Only the High Court can order that the child be made or cease to be a ward of court. Under the Children Act, the use of wardship by local authorities is severely limited and leave to make an application for any exercise of the court's inherent jurisdiction must be granted by the High Court. The Act does not affect applications made by private individuals but the same result could generally be achieved by obtaining a prohibited steps order or a specific issue order under section 8. Care orders in respect of wards of court will bring that wardship to an end. Those wardships that had not been returned to the High Court for a further application by 14 October 1992, i.e. during the transitional period allowed for by the Children Act, were generally treated as discharged.

#### *Adoption*

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

- a) the adoptive parent(s) are suitable and consent to the adoption
- b) the consent of the natural parent(s) has been obtained (after October 14 1991 it became necessary to obtain the consent of each parent or guardian with parental responsibility for the child)

- c) The court may dispense with the natural parents' consent if, for example, a parent has persistently ill-treated the child or the court takes the view that the adoption order is in the child's best interests and consent is being unreasonably withheld. The court's first consideration is to safeguard and promote the welfare of the child, taking into account the child's views (having regard to their age and understanding) and giving them due consideration.

During 2004, 4,539 orders for adoption were made (a decrease of over 3%). Of these, 23% (1,040) were made to step-parents, just over 11% more than in 2003 (when 1,172 of the 4,713 orders were to step-parents).

**Table 5.4**  
Adoption of children: Summary of proceedings, 2004

Nature of proceedings	Family proceedings courts <sup>1</sup>	County Courts	High Courts	Total
<b>Applications:</b>				
By step-parents	562	544	1	<b>1,107</b>
By others	791	2,920	4	<b>3,715</b>
<b>Total</b>	<b>1,353</b>	<b>3,464</b>	<b>5</b>	<b>4,822</b>
<b>Orders made:</b>				
to step-parents	477	547	16	<b>1,040</b>
to others	691	2,741	67	<b>3,499</b>
<b>Total</b>	<b>1,168</b>	<b>3,288</b>	<b>83</b>	<b>4,539</b>

<sup>1</sup> Contains imputed data for family proceedings courts

### Matrimonial Matters

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



*Divorce*

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

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

*Nullity*

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

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

Examples of voidable marriages are those –

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

*Judicial Separation*

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

**Procedure**

The procedure is for one party (the petitioner) to petition for divorce, nullity or judicial separation. A district judge considers the evidence and, in divorce and nullity cases, if the grounds are proven, a decree nisi, which is a provisional measure, will be made. Six weeks later the petitioner can apply for a decree absolute, which is the final measure. Alternatively the respondent (i.e. the other party) can apply a further three months later. Only when the decree absolute has been issued by the court can either party remarry. For judicial separation, a district judge considers the evidence and makes a (final) decree for judicial separation, there being no provisional stage. In most cases of divorce or separation all the proceedings are dealt with in the county court. However, if the case is of sufficient complexity, difficulty or gravity it can be transferred to the High Court. It is also usual for the High Court to hear cases when it is already dealing with proceedings between the couple, especially where the interests of children are involved, for instance, where children of the family might still be the subject of wardship proceedings.

Where the couple has children, the court has to be satisfied with the arrangements for their welfare. The arrangements have to be submitted in writing and will, if possible, have been agreed by both parents. However, both the petitioner in the divorce and the respondent may file alternative proposals. If the district judge is dissatisfied in any way with the arrangements made for the child (e.g. because of conflict in counter proposals issued by the parties) then the district judge may order the parents to appear in order to resolve the issues. At this appointment the district judge may, if the issues are uncontested, consider making a section 8 order.

During 2004 petitions for divorce fell by over 3% to 167,193 (173,240 in 2003). Petitions filed for nullity increased by over 6% to 492 while petitions for judicial separation fell by just over 10% to 742. Divorce decrees nisi and absolute fell by 1% to 166,042 and 153,689 respectively. Separation decrees granted decreased by just over 10% to 419 (467 in 2003).

**Table 5.5****Matrimonial suits: Summary of proceedings in selected years since 1938**

	1938	1958	1968	1978	1988	1998	2002 <sup>1</sup>	2003	2004
<b>Dissolution of marriage:</b>									
Petition filed	9,970	25,584	54,036	162,450	182,804	165,870	177,223	173,240	167,193
Decrees nisi	7,621	23,456	47,959	151,533	154,788	144,231	170,966	167,992	166,042
Decrees absolute	60,692	22,195	45,036	142,726	152,139	141,543	147,465	154,284	153,689
<b>Nullity of marriage:</b>									
Petition filed	263	655	971	1,117	604	505	443	463	492
Decrees nisi	170	496	819	959	389	281	216	204	308
Decrees absolute	158	459	758	941	494	267	186	193	244
<b>Judicial Separation:</b>									
Petition filed	71	158	233	2,611	2,925	916	1,001	826	742
Decrees granted	25	88	105	1,228	1,917	519	560	467	419

<sup>1</sup> The data extraction method has changed, please see chapter 11 for further details

**Table 5.6****Matrimonial suits: Petitions filed and decrees granted by circuit, 2004<sup>2</sup>**

Circuit	Petitions Filed			Decree Nisi		
	Divorce	Nullity	Judicial separation	Divorce	Nullity	Judicial separation <sup>1</sup>
Midland	28,819	83	102	28,689	60	61
North Eastern	24,724	41	111	25,320	25	60
Northern	17,868	45	107	17,326	36	56
<b>South Eastern:</b>						
London	14,756	97	76	14,130	78	46
Provinces	37,687	95	124	37,145	62	55
PFRD/RCJ	8,529	60	83	7,995	13	50
Wales & Chester	11,582	29	58	11,690	12	39
Western	23,228	42	81	23,747	22	52
<b>England &amp; Wales</b>	<b>167,193</b>	<b>492</b>	<b>742</b>	<b>166,042</b>	<b>308</b>	<b>419</b>

<sup>1</sup> Final decrees

<sup>2</sup> The data extraction method has changed, please see chapter 11 for further details

## Maintenance

In many matrimonial cases where there are no children to the marriage no formal order for financial provision (ancillary relief) is sought by either party. It is more common for maintenance to be sought where there are children and the Children Act gave a wide range of powers to all tiers of court in this respect. Under the Child Support Act 1991, which came into force on 5 April 1993, the courts lost a substantial part of their jurisdiction to make orders for child maintenance (although they may still make orders for spousal maintenance). This work is instead being handled by the Child Support Agency, which operates its own collection and enforcement service for child maintenance assessments. It can make orders for maintenance to be deducted from earnings and can apply to magistrates' courts for a range of enforcement action. Orders for financial provision are not dependent upon divorce proceedings and may be made for children (these have also been affected by the Child Support Act).

During 2004 15,612 maintenance orders in respect of children, 10,200 lump sum and 11,673 property adjustment orders were made in the county courts (12,310, 8,822 and 10,740 in 2003, respectively).

**Table 5.7**

**Matrimonial suits: Orders made for ancillary relief, under the Matrimonial Causes Act 1973, in the county courts, 2004<sup>1</sup>**

Nature of proceedings	
Periodical Payments	5,862
Maintenance Pending Suit	1,819
Application Dismissed	2,233
Lump Sum Orders	10,200
Property Adjustment Orders	11,673
Pension Sharing or Attachment Orders	3,714
Secure Provision Order	1,913
Above orders made for child	15,612
Above orders made by consent	12,064
Other ancillary relief consent orders	58,344

<sup>1</sup> The data extraction method has changed, please see chapter 11 for further details

### Enforcement of Maintenance

In some cases payments of maintenance are not made as ordered and action can be taken to enforce payment. This is usually done by using the enforcement procedures available in magistrates' courts. If the order was originally made in the county court, the person due to receive the money may apply to the county court to have the maintenance order registered in the magistrates' court for collection. Where the payer is employed, it is also possible to apply for an order from the county court for payments to be taken direct from their salary. These are called attachment of earnings orders. Magistrates' courts can also make similar orders for deductions from pay. The final sanction used to make someone comply with certain civil orders (including matrimonial) is to order their committal to prison for contempt of court. Usually the threat of this is sufficient but occasionally it will result in arrest and imprisonment. These powers have been modified by the Child Support Act 1991 which transfers certain functions to the Child Support Agency, which has enhanced enforcement powers.

During 2004, 948 applications to have maintenance orders registered in magistrates' courts were granted in the county courts, over 4% more than in 2003. In addition, 754 attachment of earnings orders were made.

**Table 5.8**

#### Matrimonial suits: Enforcement proceedings in the county courts, 2004<sup>2</sup>

Nature of enforcement proceedings	
<b>Attachment of earnings orders on maintenance orders:</b>	
Applications made	698
Orders made <sup>1</sup>	754
<b>Registration of maintenance orders in magistrates' courts:</b>	
Orders made	948

<sup>1</sup> Includes discharge orders

<sup>2</sup> The data extraction method has changed, please see chapter 11 for further details

### Domestic Violence

Part IV of the Family Law Act provides single and unified domestic violence remedies in the magistrates' courts and the county courts. Two types of order can be granted: a non- molestation order, which can either prohibit particular behaviour or general molestation; and an occupation order, which can define or regulate rights of occupation of the home.

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

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

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

**Table 5.9**

**Family Law Act 1996 – part IV: Domestic Violence applications and orders made in the county courts, 2004<sup>1</sup>**

Nature of proceedings	
<b>Non-molestation orders:</b>	
Applications received ex-parte	12,811
Applications received on notice	4,772
Orders with power of arrest attached	20,890
Orders without power of arrest attached	2,467
<b>Occupation orders:</b>	
Applications received ex-parte	6,920
Applications received on notice	3,319
Orders with power of arrest attached	7,640
Orders without power of arrest attached	1,435
Number of cases where undertakings accepted	3,366
<b>Warrants of arrest:</b>	
Applications made	21
Warrants issued	135
<b>Remands:</b>	
Into custody	608
On bail	219
For medical report	13

<sup>1</sup> The data extraction method has changed, please see chapter 11 for further details

### **Protection from Harassment Act 1997**

New legislation was introduced in two stages to provide protection to victims of harassment. In June 1997, implementation of section 3(1) and (2) came into force. These allow civil proceedings to be taken against anyone pursuing a course of harassment and may result in the grant of injunction, an award of damages, or both.

In September 1998, the remainder of section 3 came into force. The effect of this in the civil courts was to make breach of a civil injunction enforceable by warrant of arrest.

### **Probate**

Following the wider spread of home and share ownership, it is becoming increasingly necessary either to obtain probate of a will or letters of administration (if there is no will) when someone dies. The power of the executor to administer the estate comes from the terms of the will itself but in other cases distribution may only be possible once a grant of probate or administration has been issued. This enables the asset holders to release the accounts of the deceased to the person named in the grant.

The Family Division deals with all cases of non-contentious (uncontested) probate. If the validity of the will is challenged, the Chancery Division has jurisdiction to hear such applications. There are 12 Probate Registries in England and Wales: 10 District Probate Registries in various locations throughout England, the Probate Registry of Wales and the Principal Registry in London.

In 2004 there were 294,018 grants of representation issued (272,328 in 2003). Of these, there were 83,570 personal applications and 210,448 made by solicitors. In 209,822 of these cases the deceased left a will.

The outcome of the Probate Review has been announced by Ministers and a team set up to implement those decisions. During the year there was an 8% increase in workload largely as a consequence of applications made to secure compensation under the DTI (British Coal Board) Respiratory Disease and Vibration White Finger compensation schemes.

**Table 5.10**

**High Court Family Division – Probate: Grants in non-contentious proceedings issued, re-sealed and revoked, 2004**

Nature of application	On personal Application	On Application by Solicitors	Total
<b>Probates:</b>			
Principal Registry	9,404	3,945	13,349
District Probate Registries <sup>1</sup>	49,850	133,508	183,358
<b>Letters of Administration with will annexed:</b>			
Principal Registry	806	300	1,106
District Probate Registries <sup>1</sup>	3,816	8,193	12,009
<b>Letters of Administration:</b>			
Principal Registry	2,906	3,207	6,113
District Probate Registries <sup>1</sup>	16,788	61,295	78,083
<b>Total</b>	<b>83,570</b>	<b>210,448</b>	<b>294,018</b>
Grants revoked	–	–	297
Grants re-sealed	–	–	527
Standing Searches	–	–	1,053

<sup>1</sup> The figures for individual registries are available on application to the Principal Probate Registry



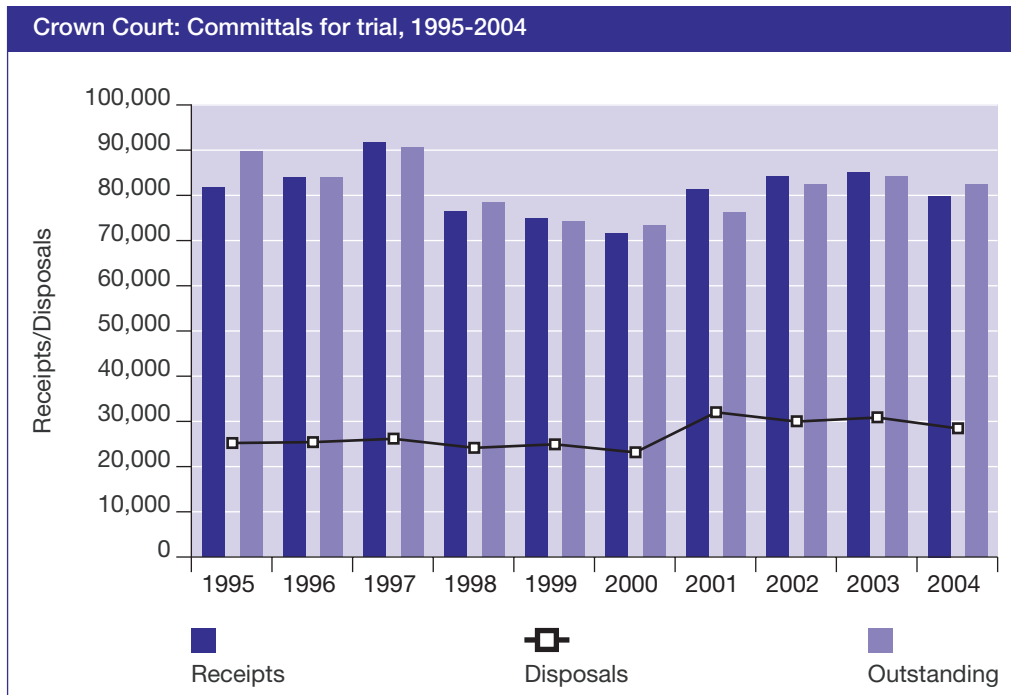
## The Crown Court

The Crown Court, which sits at around 90 locations in England and Wales, deals with criminal matters including –

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

During 2004 –

- total receipts for committals for trial increased by nearly 1% to 79,232 and disposals by 2% to 81,750 (Table 6.2)
- cases dealt with where a plea of guilty was recorded increased by 4% to 42,185 (Table 6.8)
- the average waiting time for defendants on bail was 16.2 weeks and 14.0 weeks for those held in custody (15.7 and 13.5 weeks respectively in 2003) (Table 6.18)
- receipts of committals for sentence increased by nearly 7% to 31,156, while appeals fell by nearly 1% to 12,882 (Tables 6.12 and 6.13)



## Introduction

The Crown Court is the only court which has jurisdiction to hear criminal trials on indictment and it also exercises the appellate and other jurisdictions which had been exercised, prior to its establishment in 1972, by Quarter Sessions. It is a unitary court but currently sits at around 90 centres throughout England and Wales. Court centres are of three kinds. First-tier centres are those visited by High Court judges for Crown Court work, and also for High Court civil business. Second-tier centres are those visited by High Court judges for Crown Court business, but not for civil business. Third-tier centres are those not normally visited by High Court judges at all. Circuit judges and recorders may sit at all three classes of centre to deal with Crown Court cases.

## Reform of the Criminal Law

In July 2002 the three Ministers with responsibility for the Criminal Justice System, the Lord Chancellor, the Home Secretary and the Attorney General, jointly published a White Paper – *Justice for All*. This followed Lord Justice Auld's *Review of the Criminal Courts of England and Wales* which was published in October 2001, John Halliday's report on sentencing *Making Punishment Work* published in July 2001 and the Government's own report *Criminal Justice: The Way Ahead* presented to Parliament in February 2001.

The White Paper focused on the areas which the Government regarded as most in need of reform –

- ensuring a better deal for victims and witnesses

- improving the investigation and charging process for crimes
- making trials fairer and more effective, and
- rationalising sentencing and improving rehabilitation

The Government invited comments on the White Paper proposals and the Criminal Justice Bill was presented to Parliament in November 2002. This Bill contains measures to implement many of the proposals and will be followed by further legislation to give effect to others. The Bill received Royal Assent on 20th November 2003.

## Committals for Trial

For the purpose of trial in the Crown Court, offences are divided into four classes of seriousness according to directions given by the Lord Chief Justice, with the concurrence of the Lord Chancellor –

- **Class 1.** These are the most serious offences and are generally to be tried by a High Court judge unless a particular case is released on the authority of a Presiding judge to a circuit judge. The offences include treason and murder.
- **Class 2.** These offences are generally also to be tried by a High Court judge unless a particular case is released on the authority of a Presiding judge to a circuit judge or other judge. The offences include manslaughter and rape.
- **Class 3.** These may be listed for trial by a High Court judge, but may be tried by a circuit judge or recorder if the listing officer, acting under the directions of a judge, so decides. Class 3 offences include all offences triable only on indictment other than those specifically assigned to classes 1, 2 and 4, for example, aggravated burglary, kidnapping and causing death by dangerous driving.
- **Class 4.** These offences are normally tried by a circuit judge or recorder, although they may be tried by a High Court judge. They include grievous bodily harm, robbery and conspiracy, and all ‘either way’ offences – those which may be tried either on indictment at the Crown Court or summarily i.e. at magistrates’ courts. Either way offences may be committed by the magistrates’ courts to the Crown Court for trial. The magistrates are required to ask defendants to indicate their plea to the charge. Where a guilty plea is indicated, the summary trial procedure is deemed to have been complied with and the defendant is deemed to have pleaded guilty under it.
- Where a defendant indicates a not guilty plea or gives no indication on his plea, the court, having had regard to various factors, including representations by the prosecution and the defence, indicates whether it

considers the offence more suitable for summary trial than on indictment. However, a court may only proceed to summary trial with the consent of the defendant.

- Since 15 January 2001 all indictable only cases have been ‘sent for trial’ to the Crown Court after they have had their first appearance in the magistrates’ court. This procedure under Section 51 of the Crime and Disorder Act 1998 replaced committal proceedings and reduces the number of hearings these cases have at the magistrates’ court. While the time that indictable only cases spend in the Crown Court has increased, it is hoped that the overall time from arrest to sentence will decrease. On receipt at the Crown Court, cases have a preliminary hearing where the judge: sets the timetable for service of the prosecution case; identifies any particular issues in the case; sets a date for the plea and directions hearing, and deals with any bail application. In some cases the defendant may also give an indication of his plea at the hearing.

## Committals for Sentence

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

## Appeals

In its appellate jurisdiction the Crown Court deals mainly with appeals against conviction and/or sentence in respect of criminal offences, e.g. a compensation order or driving disqualification. The Crown Court may, if it considers it appropriate, vary all or any part of the sentence. There are also rights of appeal from other orders of magistrates’ courts (for example by persons ordered to enter into a recognisance to keep the peace).

In addition to appeals in criminal matters the Crown Court also deals with a comparatively small number of appeals in certain non-criminal matters. The most important of these are –

- (a) appeals from the decisions of Justices in licensing matters
- (b) appeals against decisions of Chief Officers of Police in firearm or shotgun certificate cases

Appeals are usually heard by a circuit judge sitting with two lay magistrates. Sometimes one magistrate is acceptable whereas for certain types, four magistrates may be required.

## Receipts, Disposals and Results

During 2004, 79,232 cases were received for trial at the Crown Court, a decrease of 1% on the 2003 total. Committals for trial disposed of during 2004 totalled 81,750, an increase of 2%. As receipts exceeded disposals the number of cases outstanding decreased by nearly 8% to 28,198 compared with 30,589 at the end of 2003.

**Table 6.1**

**Committals for trial, committals for sentence, and appeals: Number of cases received and disposed of, 1990 to 2004**

Year	Committals for trial		Committals for sentence		Appeals	
	Receipts <sup>1</sup>	Disposal <sup>2</sup>	Receipts <sup>1</sup>	Disposal <sup>2</sup>	Receipts <sup>1</sup>	Disposal <sup>2</sup>
1990	103,011	100,005	15,270	14,988	17,801	17,557
1991	104,754	101,999	16,554	15,995	19,150	18,433
1992	100,994	100,742	14,883	15,546	20,783	19,765
1993	86,849	85,566	11,088	10,956	24,531	23,722
1994	89,301	86,980	11,485	11,226	25,262	25,644
1995	81,186	88,985	11,718	11,726	25,240	26,062
1996	83,328	83,274	12,002	11,762	18,981	20,304
1997	91,110	90,096	14,871	13,378	16,269	16,196
1998	75,815	77,794	29,774	28,224	16,278	16,473
1999	74,232	73,539	31,928	30,641	15,413	15,381
2000	71,002	72,762	27,591	28,713	13,902	14,359
2001	80,551	75,565	25,960	25,717	12,596	12,679
2002	83,449	81,766	28,837	28,235	11,910	11,940
2003	84,412	83,497	30,757	30,328	11,858	11,746
2004	79,232	81,750	31,156	30,979	12,882	12,578

<sup>1</sup> Receipts include committals direct from PSDs, bench warrants executed (trial and sentence only) and cases transferred in, less cases transferred out

<sup>2</sup> Disposals are total cases dealt with

**Table 6.2**

**Committals for trial: Cases received and disposed of and outstanding at end of year, by circuit, 2004**

Circuit	Receipts <sup>1</sup>	Disposal <sup>2</sup>	Outstanding
Midland	15,325	15,790	5,310
North Eastern	12,241	12,829	3,864
Northern	12,733	13,284	4,481
South Eastern:			
London	15,502	15,886	6,166
Provinces	11,194	11,435	4,549
Wales & Chester	5,325	5,371	1,286
Western	6,912	7,155	2,542
<b>England &amp; Wales</b>	<b>79,232</b>	<b>81,750</b>	<b>28,198</b>

<sup>1</sup> Receipts include committals direct from PSDs, bench warrants executed (trial and sentence only) and cases transferred in, less cases transferred out

<sup>2</sup> Disposals are total cases dealt with

Tables 6.3 to 6.5 illustrate the distribution of committals for trial disposed of according to class of case. The total number of cases disposed of decreased by 1,747 on the 2003 figure and the proportion in Classes 1, 2 and 3 decreased to 14.4 per cent.

**Table 6.3**

**Committals for trial: Number of cases disposed of, showing percentage in each class of case, 2004**

Circuit	Class 1	Class 2	Class 3	Class 4	Total Disposed
Midland	1.6	4.0	11.2	83.2	15,790
North Eastern	1.4	3.6	9.3	85.7	12,829
Northern	1.5	3.0	9.2	86.4	13,284
South Eastern:					
London	1.7	3.3	6.1	88.9	15,886
Provinces	1.3	3.7	8.0	87.0	11,435
Wales & Chester	1.3	4.5	15.0	79.2	5,371
Western	1.7	4.8	9.1	84.4	7,155
<b>England &amp; Wales</b>	<b>1.5</b>	<b>3.7</b>	<b>9.2</b>	<b>85.6</b>	<b>81,750</b>

**Table 6.4**

**Committals for trial: Cases involving a not guilty plea disposed of showing percentage in each class, 2004**

Circuit	Class 1	Class 2	Class 3	Class 4	Total Disposed
Midland	2.8	8.7	9.8	78.8	4,472
North Eastern	2.9	7.8	9.3	80.0	3,631
Northern	2.0	5.2	8.2	84.6	5,065
South Eastern:					
London	2.6	5.3	6.5	85.6	7,530
Provinces	2.0	6.6	7.4	84.0	4,332
Wales & Chester	2.1	7.5	13.3	77.2	2,331
Western	2.0	8.4	8.0	81.6	2,706
<b>England &amp; Wales</b>	<b>2.4</b>	<b>6.7</b>	<b>8.4</b>	<b>82.5</b>	<b>30,067</b>

**Table 6.5**

**Committals for trial: Cases heard<sup>1</sup> by High Court judges as percentage of all cases heard, in each class, 2004**

Circuit	Class 1		Class 2		Class 3		Class 4	
	Number of cases heard	% heard by High Court judge	Number of cases heard	% heard by High Court judge	Number of cases heard	% heard by High Court judge	Number of cases heard	% heard by High Court judge
Midland	230	39.6	567	6.9	1,546	2.3	11,296	2.3
North Eastern	176	42.6	419	7.6	1,104	3.1	9,759	2.5
Northern	178	41.6	348	4.3	1,073	1.9	9,920	1.5
Southern								
London	260	6.9	471	0.6	872	0.7	12,490	0.5
Provinces	146	20.5	409	4.4	826	2.7	8,908	1.2
Wales & Chester	70	35.7	228	3.9	748	2.4	3,926	2.8
Western	110	52.7	320	6.3	584	1.4	5,444	1.5
<b>England &amp; Wales</b>	<b>1,170</b>	<b>31.7</b>	<b>2,762</b>	<b>4.9</b>	<b>6,753</b>	<b>2.1</b>	<b>61,743</b>	<b>1.6</b>

<sup>1</sup> Excludes bench warrants issued, unfit to plead, left on file etc.

Nearly 83% of committals for trial were heard by circuit judges, with recorders accounting for a further 14%. High Court judges heard just over 2% of cases and deputy High Court and deputy circuit judges between them dealt with less than 1%.

**Table 6.6****Committals for trial: Cases dealt with<sup>1</sup> in each circuit, by type of judge, 2004**

Circuit	High Court Judge	Deputy High Court Judge	Circuit Judge	Deputy Circuit Judge	Recorder	Total
Midland	420	6	10,808	160	2,245	13,639
North Eastern	381	3	9,338	5	1,731	11,458
Northern	256	3	9,849	41	1,370	11,519
South Eastern:						
London	95	5	11,715	55	2,223	14,093
Provinces	176	3	8,769	107	1,234	10,289
Wales & Chester	161	–	4,194	–	617	4,972
Western	170	4	5,220	61	1,003	6,458
<b>England &amp; Wales</b>	<b>1,659</b>	<b>24</b>	<b>59,893</b>	<b>429</b>	<b>10,423</b>	<b>72,428</b>

<sup>1</sup> Excludes bench warrants issued, unfit to plead, left on file etc.

Defendants are committed to a fixed plea and directions hearing (PDH) in the Crown Court – within four weeks if the defendant is in custody and six weeks if the defendant is on bail. At the PDH directions are given to enable contested cases to be made ready for listing. Defendants who plead guilty are, wherever possible, dealt with immediately whilst for those pleading not guilty the earliest possible hearing dates are arranged to take place after the case is ready for trial.

A ‘cracked’ trial is a case that is listed at the Crown Court for a contested trial by jury but on the day of the trial, for one of a number of reasons, it is disposed of in some other way. The largest percentage of cracked trials occur when the defendant pleads guilty on the trial date (60.4% in 2004).

Other main reasons for cracking include where the prosecution accepts a plea of guilty to an alternative charge (18.9%), the prosecution offer no evidence (18.6%) and the defendant being bound over in a sum of money to keep the peace for a specified period (2%). The percentage of cracked trials as a proportion of all cases disposed of decreased to 22.5%.



**Table 6.7**  
**Cracked Trials: By reason for crack, 2004**

Circuit	Defendant Pleads guilty		Prosecution accepts guilty		No evidence offered		Bind over		Unfit to plead		Total Number
	Number	%	Number	%	Number	%	Number	%	Number	%	
Midland	2,097	60.1	698	20.0	599	17.2	89	2.6	5	0.1	3,488
North Eastern	2,633	67.2	685	17.5	547	14.0	54	1.4	–	0.0	3,919
Northern	2,262	60.3	792	21.1	628	16.7	65	1.7	3	0.1	3,750
South Eastern:											
London	1,708	55.0	427	13.7	896	28.8	67	2.2	10	0.3	3,108
Provinces	1,241	59.8	355	17.1	443	21.3	36	1.7	1	0.0	2,076
Wales & Chester	533	57.4	264	28.4	114	12.3	16	1.7	1	0.1	928
Western	651	56.6	257	22.3	196	17.0	39	3.4	7	0.6	1,150
<b>England &amp; Wales</b>	<b>11,125</b>	<b>60.4</b>	<b>3,478</b>	<b>18.9</b>	<b>3,423</b>	<b>18.6</b>	<b>366</b>	<b>2.0</b>	<b>27</b>	<b>0.1</b>	<b>18,419</b>

Tables 6.8 to 6.11 show how cases and defendants committed for trial are dealt with, according to plea. A guilty plea is recorded when a defendant –

- a) pleads guilty to all counts
- b) pleads guilty to some counts and not guilty to others and no jury is sworn in respect of the not guilty counts
- 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 2004 the number of not guilty plea cases was 1.7% lower than in 2003; also the number of guilty plea cases showed a decrease of nearly 1%. The guilty plea rate was 58.4% (57.8% in 2003).

**Table 6.8****Committals for trial: Cases dealt with<sup>1</sup>, according to plea**

Circuit	Not Guilty	Guilty	% Guilty
Midland	4,472	9,114	67.1
North Eastern	3,631	7,810	68.3
Northern	5,065	6,409	55.9
South Eastern:			
London	7,530	6,526	46.4
Provinces	4,332	5,949	57.9
Wales & Chester	2,331	2,640	53.1
Western	2,706	3,737	58.0
<b>England &amp; Wales</b>	<b>30,067</b>	<b>42,185</b>	<b>58.4</b>

<sup>1</sup> Excludes cases where no plea was recorded i.e. bench warrants issued, unfit to plead, left on file etc.

During 2004, just under 67% of the defendants who pleaded not guilty to all counts were acquitted representing over 17% of the total 95,343 dealt with. Of these, almost 58% were discharged by the judge, over 11% were acquitted on the direction of the judge and over 31% were acquitted by a jury. Of the defendants convicted in 2004 after a plea of not guilty to some or all counts, 23% were convicted on a majority verdict by a jury, the remainder being convicted unanimously.

**Table 6.9****Committals for trial: Defendants dealt with showing result according to plea, 2004**

Circuit	Not guilty to all counts				Not guilty to some counts				All Defendants
	Guilty	Acquitted	Convicted	Total	% acquitted	Acquitted	Convicted	Total	Total <sup>1</sup>
Midland	10,846	2,639	1,201	3,840	68.7	337	144	481	15,167
North Eastern	9,309	2,123	1,053	3,176	66.8	199	134	333	12,818
Northern	7,617	2,412	867	3,279	73.6	710	102	812	11,708
South Eastern:									
London	7,745	4,767	2,473	7,240	65.8	222	217	439	15,424
Provinces	7,185	2,504	1,577	4,081	61.4	163	168	331	11,597
Wales & Chester	3,255	942	529	1,471	64.0	544	67	611	5,337
Western	4,431	1,572	784	2,356	66.7	178	99	277	7,064
<b>England &amp; Wales</b>	<b>50,388</b>	<b>16,959</b>	<b>8,484</b>	<b>25,443</b>	<b>66.7</b>	<b>2,353</b>	<b>931</b>	<b>3,284</b>	<b>79,115</b>

<sup>1</sup> Excludes 16,228 defendants for whom: bench warrant issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results

**Table 6.10**

Committals for trial: Defendants acquitted<sup>1</sup> after a plea of not guilty showing the number and manner of acquittal, 2004

Circuit	Not guilty to all counts				Not guilty to some counts			
	Discharged by judge	Acquittal directed by judge	Jury verdict	Total acquittals	Discharged by judge	Acquittal directed by judge	Jury verdict	Total acquittals
Midlands	1,638	247	764	2,649	23	77	239	339
North East	1,301	213	611	2,125	13	42	144	199
Northern	1,406	279	740	2,425	39	57	619	715
South Eastern:								
London	2,787	593	1,390	4,770	21	89	112	222
Provincial	1,360	237	907	2,504	23	42	98	163
Wales & Chester	464	118	361	943	43	20	481	544
Western	852	189	533	1,574	20	36	124	180
<b>England &amp; Wales</b>	<b>9,808</b>	<b>1,876</b>	<b>5,306</b>	<b>16,990</b>	<b>182</b>	<b>363</b>	<b>1,817</b>	<b>2,362</b>

<sup>1</sup> Acquitted on those counts to which they pleaded not guilty

**Table 6.11**

Committals for trial: Defendants convicted after a plea of not guilty showing the number and percentage convicted on a majority verdict, and the number of dissenting jurors, 2004

Circuit	Convicted after plea of not guilty <sup>1</sup>	Majority verdicts			Total	as % of convictions
		Dissentients				
		1	2			
Midlands	1,348	118	145	263	20	
North East	1,188	82	114	196	16	
Northern	974	89	154	243	25	
South Eastern:						
London	2,695	296	436	732	27	
Provincial	1,746	147	225	372	21	
Wales & Chester	596	31	85	116	19	
Western	886	82	121	203	23	
<b>England &amp; Wales</b>	<b>9,433</b>	<b>845</b>	<b>1,280</b>	<b>2,125</b>	<b>23</b>	

<sup>1</sup> Convicted on at least one count to which the defendant pleaded not guilty

In 2004 the number of committals for sentence received at the Crown Court increased by nearly 1.4% to 31,156, whilst disposals increased by just over 2% from 30,328 in 2003 to 30,979 in 2004. The number outstanding at the end of 2004 decreased by just over 6% to 3,882 (4,136 in 2003).

**Table 6.12**

**Committals for sentence<sup>1</sup>: Cases received and disposed of and outstanding at end of year, by circuit, 2004**

Circuit	Receipts <sup>2</sup>	Disposals <sup>3</sup>	Outstanding
Midland	6,779	6,746	803
North Eastern	5,355	5,494	677
Northern	4,431	4,403	571
South Eastern:			
London	4,524	4,264	611
Provinces	4,596	4,592	571
Wales & Chester	1,885	1,863	175
Western	3,586	3,617	474
<b>England &amp; Wales</b>	<b>31,156</b>	<b>30,979</b>	<b>3,882</b>

<sup>1</sup> Includes committals from PSDs after breach, bring backs and deferred sentences

<sup>2</sup> Receipts include committals direct from PSDs, bench warrants executed (trial and sentence only) and cases transferred in, less cases transferred out

<sup>3</sup> Disposals are total cases dealt with

Appeals received in 2004 increased by over 8% compared with 2003 (12,882 and 11,858 respectively) whilst disposals increased 1% (from 11,746 in 2003 to 12,578 in 2004). The number of appeals outstanding increased by 16% to 2,079.

Of the appellants dealt with in 2004, 5,373 (just over 42%) had their appeals allowed or their sentence varied. Of the remainder, 3,832 (just over 30%) were dismissed and 3,373 (nearly 27%) were abandoned or otherwise disposed.

**Table 6.13**

**Appeals against decisions of magistrates' courts: Appeals received and disposed of and outstanding at end of year, by circuit, 2004**

Circuit	Receipts <sup>1</sup>	Disposals <sup>2</sup>	Outstanding
Midland	2,306	2,245	299
North Eastern	1,822	1,839	264
Northern	1,773	1,742	321
South Eastern:			
London	1,804	1,695	382
Provinces	2,527	2,443	469
Wales & Chester	1,063	1,057	119
Western	1,587	1,557	225
<b>England &amp; Wales</b>	<b>12,882</b>	<b>12,578</b>	<b>2,079</b>

<sup>1</sup> Receipts include committals direct from PSDs, bench warrants executed (trial and sentence only) and cases transferred in, less cases transferred out

<sup>2</sup> Disposals are total cases dealt with

**Table 6.14**

**Appeals against decisions of magistrates' courts: Appellants dealt with showing results, 2005**

Circuit	Allowed	Dismissed	Varied	Abandoned <sup>1</sup> or otherwise disposed <sup>2</sup>	Total
Midland	495	606	467	677	2,245
North Eastern	486	512	295	546	1,839
Northern	289	542	427	484	1,742
South Eastern:					
London	450	526	301	418	1,695
Provinces	657	775	403	608	2,443
Wales & Chester	249	368	189	251	1,057
Western	393	503	272	389	1,557
<b>England &amp; Wales</b>	<b>3,019</b>	<b>3,832</b>	<b>2,354</b>	<b>3,373</b>	<b>12,578</b>

<sup>1</sup> Includes both abandoned in court and abandoned before court appearance

<sup>2</sup> includes those remitted to the magistrates' court

## Waiting Times

Details of waiting times are given in Tables 6.15 to 6.20. They show the waiting times between committal or lodging of an appeal, and start of Crown Court hearing for defendants and appellants whose cases were heard during 2004.

**Table 6.15**

**Committals for trial: Defendants dealt with<sup>1</sup> showing average waiting time and percentages who waited less than 8 weeks and less than 16 weeks, 2004**

Circuit	No. of defendants	Average waiting time	% waiting less than	
			8 weeks	16 weeks
Midlands	15,167	15.0	38.8	67.7
North East	12,818	14.3	39.1	66.1
Northern	11,708	15.6	33.2	62.7
South Eastern:				
London	15,424	17.1	27.5	57.1
Provincial	11,597	17.2	32.7	59.7
Wales & Chester	5,337	10.5	48.5	83.8
Western	7,064	16.0	35.8	65.2
<b>England &amp; Wales</b>	<b>79,115</b>	<b>15.5</b>	<b>35.3</b>	<b>64.4</b>

<sup>1</sup> Includes bench warrants issued, no plea recorded, indictment to lie on file and found unfit to plead

Waiting times of defendants tend to vary according to the plea entered and whether the defendant is on bail or in custody. On average, defendants who pleaded guilty during 2004 waited 12.4 weeks whilst those who pleaded not guilty waited 20.9 weeks. Defendants committed on bail waited an average of 16.2 weeks in 2004 and for those committed in custody the average was 14 weeks. Waiting times also vary by circuit; in 2004 the shortest average waiting time was in the Wales and Chester circuit – 10.5 weeks – while the longest was 17.2 weeks in the South Eastern Provinces.

**Table 6.16**

Committals for trial: Defendants dealt with<sup>1</sup> showing percentages who waited less than 8 weeks and less than 16 weeks according to plea, 2004

Circuit	Defendants pleading guilty			Defendants pleading not guilty		
	Number	% waiting less than		Number	% waiting less than	
		8 weeks	16 weeks		8 weeks	16 weeks
Midlands	10,846	46.9	76.2	4,321	15.1	45.1
North East	9,309	46.9	73.4	3,509	14.3	43.6
Northern	7,617	44.2	72.3	4,091	12.5	43.5
South Eastern:						
London	7,745	39.9	70.3	7,679	11.2	40.0
Provincial	7,185	45.2	73.3	4,412	8.8	33.8
Wales & Chester	3,255	58.1	88.5	2,082	27.5	74.1
Western	4,431	45.2	73.8	2,633	14.6	46.6
<b>England &amp; Wales</b>	<b>50,388</b>	<b>45.7</b>	<b>74.4</b>	<b>28,727</b>	<b>13.5</b>	<b>43.8</b>

<sup>1</sup> Includes bench warrants issued, no plea recorded, indictment to lie on file and found unfit to plead

**Table 6.17**

Committals for trial: Defendants dealt with<sup>1</sup> showing percentages who waited less than 8 weeks and less than 16 weeks according to whether on bail or in custody, 2004

Circuit	Defendants on bail			Defendants in custody		
	Number	% waiting less than		Number	% waiting less than	
		8 weeks	16 weeks		8 weeks	16 weeks
Midlands	10,484	37.4	66.5	4,683	38.9	69.1
North East	9,072	36.2	62.1	3,746	42.4	72.8
Northern	8,527	31.6	60.1	3,181	37.1	68.1
South Eastern:						
London	9,544	24.1	52.3	5,880	28.1	60.0
Provincial	7,941	29.4	54.9	3,656	35.6	65.7
Wales & Chester	3,755	44.4	82.7	1,582	50.1	83.2
Western	4,975	33.1	62.0	2,089	35.5	67.6
<b>England &amp; Wales</b>	<b>54,298</b>	<b>32.9</b>	<b>61.3</b>	<b>24,817</b>	<b>36.6</b>	<b>67.6</b>

<sup>1</sup> Includes bench warrants issued, no plea recorded, indictment to lie on file and found unfit to plead

**Table 6.18**

**Committals for trial: Average waiting time of defendants dealt with<sup>1</sup> whether pleading guilty or not guilty and whether committed on bail or in custody, 2004**

Circuit	pleads guilty	pleads not guilty	on bail	in custody
Midlands	12.3	21.6	15.4	14.1
North East	12.2	20.1	15.2	12.3
Northern	12.7	20.8	16.4	13.4
South Eastern:				
London	13.3	21.0	17.7	16.2
Provincial	12.8	24.3	18.5	14.3
Wales & Chester	8.7	13.4	10.8	9.9
Western	12.8	21.5	16.8	14.1
<b>England &amp; Wales</b>	<b>12.4</b>	<b>20.9</b>	<b>16.2</b>	<b>14.0</b>

<sup>1</sup> Includes bench warrants issued, no plea recorded, indictment to lie on file and found unfit to plead

**Table 6.19**

**Committals for sentence<sup>1</sup>: Defendants dealt with, showing average waiting time and percentages who waited less than 8 weeks and less than 16 weeks, 2004**

Circuit	No. of defendants	Average waiting time	% waiting less than	
			8 weeks	16 weeks
Midlands	6,695	5.4	84.5	96.0
North East	5,461	5.9	81.3	96.1
Northern	4,359	6.4	78.4	93.7
South Eastern:				
London	4,259	6.0	83.9	97.0
Provincial	4,607	7.1	73.1	93.7
Wales & Chester	1,872	4.4	91.2	97.5
Western	3,604	6.3	81.2	94.9
<b>England &amp; Wales</b>	<b>30,857</b>	<b>6.0</b>	<b>81.4</b>	<b>95.5</b>

<sup>1</sup> Excludes committals after breach, 'bring backs' and deferred sentence



**Table 6.20**

Appeals against decisions of magistrates' courts: Appellants dealt with<sup>1</sup>, showing average waiting time and percentages who waited less than 8 weeks and less than 16 weeks, 2004

Circuit	No. of defendants	Average waiting time	% waiting less than	
			8 weeks	16 weeks
Midlands	1,852	6.1	76.8	93.7
North East	1,537	7.2	70.2	91.6
Northern	1,472	6.3	73.1	92.5
South Eastern:				
London	1,368	9.0	55.1	84.9
Provincial	2,030	8.6	60.0	86.7
Wales & Chester	897	6.2	77.6	94.3
Western	1,296	7.4	66.3	92.7
<b>England &amp; Wales</b>	<b>10,452</b>	<b>7.3</b>	<b>68.0</b>	<b>90.7</b>

<sup>1</sup> Excludes case abandoned before appearance in court

## Other Waiting Times Statistics

Information concerning waiting times for cases involving persistent young offenders (PYO) in the Crown Court is collected by the Department for Constitutional Affairs and is a National Statistic. During 2004 the average time between arrest and sentence for persistent young offenders sentenced in the Crown Court was 186 days.

## Hearing Times

**Table 6.21**
**Average hearing times<sup>1</sup> for cases disposed of, 2004**

Circuit	Committal for trial							
	Not guilty pleas		Guilty pleas		Cases for sentence <sup>2</sup>		Appeals <sup>3</sup>	
	Total cases	average hearing time	Total cases	average hearing time	Total cases	average hearing time	Total cases	average hearing time
Midlands	4,472	8.2	9,114	1.0	5,767	0.4	1,825	0.8
North East	3,631	7.7	7,810	1.0	4,671	0.4	1,519	0.8
Northern	5,065	6.0	6,409	1.1	3,566	0.6	1,442	0.9
South Eastern:								
London	7,530	12.3	6,526	1.7	3,586	0.7	1,339	1.6
Provincial	4,332	11.7	5,949	1.4	4,068	0.6	2,009	1.2
Wales & Chester	2,331	7.4	2,640	1.2	1,596	0.5	889	1.1
Western	2,706	10.9	3,737	1.3	3,030	0.6	1,281	1.0
<b>England &amp; Wales</b>	<b>30,067</b>	<b>9.5</b>	<b>42,185</b>	<b>1.2</b>	<b>26,284</b>	<b>0.6</b>	<b>10,304</b>	<b>1.1</b>

<sup>1</sup> Hearing times exclude lunch adjournments

<sup>2</sup> Includes cases brought back or deferred for sentence but excludes those with no hearing

<sup>3</sup> Excludes cases abandoned before appearance in court

## Tribunals

The Lord Chancellor has administrative responsibility for several tribunals –

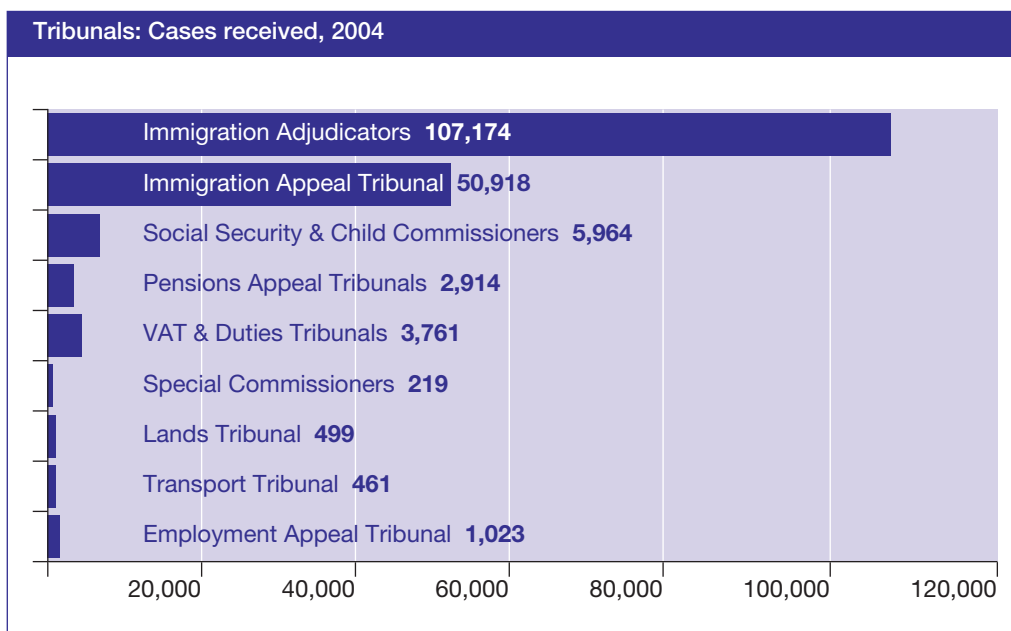
- Adjudicator to HM Land Registry
- Finance and Tax Tribunal, comprising –
  - Special Commissioners of Income Tax
  - Value Added Tax and Duties Tribunals
  - Financial Services and Markets Tribunals
- Gender Recognition Panel (administrative support established end of 2004)
- Immigration Appellate Authorities, comprising –
  - Immigration Adjudicators
  - Immigration Appeal Tribunal (IAT)
- Asylum and Immigration Tribunal
- Immigration Services Tribunal
- Information Tribunal (administrative support established end of 2004)
- Lands Tribunal
- Pathogen Access Appeals Commission
- Pensions Appeal Tribunals
- Proscribed Organisation Appeals Commission
- Social Security and Child Support Commissioners (now the Commissioners Office)
- Special Immigration Appeals Commission
- Transport Tribunal

In addition, the Pension Regulatory Tribunal will be established in April 2005 to deal with appeals against decisions by the Pensions Regulator.

Statistical information on the Employment Appeal Tribunal for which the Department of Trade and Industry has administrative responsibility is included at the end of this chapter, together with information on the General Commissioners.

During 2004 –

- the number of appeals received by the Immigration Adjudicators increased by just over 6% to 107,174 (Table 7.4)
- the number of cases disposed of by the Immigration Appeal Tribunal increased by nearly 5% to 48,490 (Table 7.5)
- disposals at the Pensions Appeal Tribunals increased by nearly 6% to 3,000



## The Tribunal Services Programme

In July 2004 the Government published the White Paper *Transforming Public Services: Complaints, Redress and Tribunals*, which set out detailed plans for the creation of a single Tribunals Service agency in the DCA that will provide common administrative support to the largest central government tribunals.

Over the period 2006-2008, DCA's current tribunals will be joined by –

- Employment Tribunals Service,
- Special Educational Needs and Disability Tribunal,
- Criminal Injuries Compensation Appeals Panel,
- Appeals Service and
- Mental Health Review Tribunal

which will transfer from their current sponsoring department. Other smaller central government tribunals will also join the service as appropriate.

## The Adjudicator to HM Land Registry

The Adjudicator currently deals with the following –

- Disputed applications to the Land Registry which have not been disposed of by agreement. The Land Registry must refer such cases to the Adjudicator.
- Applications for putting a document right or setting it aside.

In the future the Adjudicator will also determine appeals against decisions of the Land Registry concerning Network Access Agreements.

The offices and permanent hearing rooms are in London, but hearings can be arranged anywhere in England and Wales if necessary. Appeal lies to the High Court.

**Table 7.1**

**The Adjudicator to HM Land Registry: Referrals and Rectifications received and disposed of in England and Wales, April 2004 to December 2004**

	Number of cases received	Number of cases disposed of
Referrals	1,120	343
Rectifications	27	18
<b>Total</b>	<b>1,147</b>	<b>361</b>

The Tribunal's general enquiries number is 020 7029 9860 and the website address (to be operational in due course) is: [www.ahmlr.gov.uk](http://www.ahmlr.gov.uk)

Note: The Adjudicator to HM Land Registry is an independent statutory judicial office holder appointed by the Lord Chancellor under the provisions of the Land Registration Act 2002. His status is not that of a Tribunal established under the Tribunals and Inquiries Act 1992 although he is subject to the supervision of the Council of Tribunals.

## The Finance and Tax Tribunal

The Finance & Tax Tribunals are responsible for the administration of three separate tribunals which have different jurisdictions and rules of procedure. The three Tax Tribunals are as follows –

### The VAT and Duties Tribunals

The VAT & Duties Tribunals deal with appeals brought by traders and organisations against decisions made by HM Customs & Excise which relate to value added tax, customs duties, excise duties, landfill tax, insurance premium tax aggregates and climate change levy.

The Tribunals are headed by a president and as at 31st December there are five salaried legal Chairmen, and a part-time Vice-President for Scotland. There are also separate panels of fee-paid legally qualified Chairmen for England & Wales, Scotland and Northern Ireland and likewise separate panels of non-legal Members. Many of the Chairmen also sit as Special Commissioners.

There are permanent hearing centres based in Manchester, London and Edinburgh but hearings are also held at sundry locations across the country including Northern Ireland.

Hearings are informal and Appellants are able to present their own appeal or to instruct legal representation. Each tribunal hearing is heard by a legally qualified chairman who on occasion may be accompanied by one or two lay members. A Tribunal has power to award costs.

Appeals against decisions of the VAT & Duties Tribunal may be made on a point of law and go before the High Court (Chancery Division) or the equivalent authority in Scotland (the Court of Session) & Northern Ireland (the Court of Appeal). Exceptionally, an appeal can be made direct to the Court of Appeal if certain conditions are met.

The number of new appeals received in 2004 was 3,761, an increase of 41% over 2003. However this was almost entirely due to 1,071 appeals relating to the same issue which were received in 2004. The total number of disposals, either by way of a hearing or otherwise, decreased slightly from 3,293 in 2003 to 3,018 in 2004.

**Table 7.2****The VAT & Duties Tribunals: Appeals received and disposed of, 2004**

	Number of cases received	Cases disposed of		
		Heard or determined	Otherwise disposed of	Total
VAT Appeals	3,393 <sup>1</sup>	495	1,670	2,165
Customs & Excise Duties, Insurance Premium Tax, Landfill Tax, Climate Change Levy, Aggregates Levy:	368	250	603	853
<b>Total</b>	<b>3,761</b>	<b>745</b>	<b>2,273</b>	<b>3,018</b>

<sup>1</sup> This includes 1,071 related appeals

### The Special Commissioners

The Special Commissioners hear and determine appeals resulting from decisions of the Inland Revenue relating to all direct taxes including income tax, corporation tax, capital gains tax and inheritance tax. The jurisdiction of the Special Commissioners extends to the whole of the United Kingdom, with appeals heard at four main locations – London, Manchester, Belfast and Edinburgh – but will also conduct hearings at other convenient centres throughout the United Kingdom should a more local venue be deemed necessary.

The Tribunal consists of a Presiding Special Commissioner and as at the 31st December there are five full-time Special Commissioners. There are also 12 deputy Special Commissioners. All also sit as Chairmen of the VAT and Duties Tribunals.

The hearings are informal and appellants are able to present their own appeal or to instruct legal representation. The Special Commissioners are legally qualified and usually sit alone although two commissioners may sit for lengthier, more complex appeals.

Appeals against decisions of the Special Commissioners may be made on a point of law and go before the High Court (Chancery Division) or the equivalent authority in Scotland (the Court of Session) & Northern Ireland (the Court of Appeal). Exceptionally, an appeal can be made direct to the Court of Appeal if certain conditions are met.

During 2004, the Special Commissioners received and disposed of 219 and 229 cases respectively (178 and 187 in 2003).

**Table 7.3**

**The Special Commissioners: Cases received and disposed of, 2004**

	Number of cases received	Heard or determined	Cases disposed of	
			Otherwise disposed of	Total
Appeals	219	105	124	229
<b>Total</b>	<b>219</b>	<b>105</b>	<b>124</b>	<b>229</b>

### **The Financial Services and Markets Tribunal**

The Financial Services & Markets Tribunal is an independent judicial body established under Section 132 of the Financial Services and Markets Act 2000 and hears references arising from decision notices which are issued by the Financial Services Authority (FSA). The decision notices issued by the FSA cover a wide range of regulatory and disciplinary matters and the organisation or individual to whom the notices are directed have the right to refer the matter to the tribunal. The Tribunal will determine the appropriate course of action for the FSA to take.

The majority of hearings are heard in London although the tribunal will sit at other locations within the UK with appropriate justification. Each tribunal hearing consists of a legally qualified chairman and may include one or two lay members with specialist experience within the financial sector.

Appeals against decisions of the Financial Services & Markets Tribunal are made directly to the Court of Appeal.



38 new references were received and 15 were disposed of during 2004.

The Tribunals' general enquiries number is 020 7612 9700 and the website address is: [www.financeandtaxtribunals.gov.uk](http://www.financeandtaxtribunals.gov.uk)

## Gender Recognition Panel

The Gender Recognition Panel has been established following the Gender Recognition Bill receiving Royal Assent on 1 July 2004. This allows individuals to be given legal recognition in their acquired gender.

The President of the Gender Recognition Panel is also President of the Appeals Service (tAS). He is supported by a Deputy President and 6 legally qualified panel members who are also tAS members.

Cases will mainly be decided on paper applications to the panel.

## The Immigration Appellate Authorities

The Immigration Appellate Authority (IAA) hears appeals against decisions made by the Home Secretary (and his officials) in asylum and immigration matters. The main types of appeal heard are against decisions to –

- Refuse a person political Asylum
- Refuse a person entry to, or leave to remain in, the UK for permanent settlement
- Deport someone already in the UK
- Refuse a person entry to the UK for a family visit.

The IAA has two tiers: The Immigration Adjudicators and The Immigration Appeal Tribunal

### The Immigration Adjudicators

The Immigration Adjudicators are an independent judicial body, which is constituted under the Immigration Act 1971 and the Immigration and Asylum Act 1999. They form the first tier in considering appeals against decisions made by the Immigration Officers, Entry Clearance Officers and the Secretary of State for Home Affairs.

As at 31st December the adjudicator tier consists of the Chief Adjudicator, the Deputy Chief Adjudicator, 164 salaried adjudicators, including a Regional and a deputy Adjudicator at each main hearing centre and 387 fee paid adjudicators. Jurisdiction covers the whole of the United Kingdom with 9 main hearing

centres including Taylor House in Central London, Hatton Cross, Birmingham, Bradford, Manchester, Stoke, Newport, North Shields and Glasgow.

### The Immigration Appeal Tribunal

The Immigration Appeal Tribunal is an independent judicial body, which is constituted under the Immigration Act 1971 and the Immigration and Asylum Act 1999. It deals with applications for permission to appeal and appeals against decisions made by Immigration Adjudicators. In certain matters the Tribunal has jurisdiction in the first instance.

As at the 31st December the Tribunal consists of the President, the Deputy President, 26 full time vice-presidents, 36 legally qualified members and 60 lay members. Jurisdiction covers the whole of the United Kingdom and the Tribunal sits in London, but parties may also attend hearings in Manchester, Glasgow, Birmingham and Leeds via video conferencing links.

**Table 7.4**

The Immigration Adjudicators: Appeals received and disposed of, 2004

	Asylum	Immigration	Visit Visa	Total
Receipts	47,002	31,404	28,768	<b>107,174</b>
Disposed of	55,974	30,539	22,707	<b>109,220</b>

**Table 7.5**

The Immigration Appeals Tribunal: Cases received and disposed of, 2004

	Applications			Appeals			Total
	Asylum	Immigration	Visit Visa	Asylum	Immigration	Visit Visa	
Receipts	29,264	4,751	2,540	9,467	1,317	3,579	<b>50,918</b>
Disposed of	30,519	3,583	2,124	8,783	754	2,727	<b>48,490</b>

## Asylum and Immigration Tribunal

During 2004 work was under way to prepare the Immigration Appellate Authority (IAA) for the creation of a single tier appeal system pursuant to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.

Section 26 of the 2004 Act provides for the unification of the Immigration Adjudicators with the Immigration Appeal Tribunal, to create the Asylum and Immigration Appeal Tribunal (AIT).

The AIT commenced its operations from the 4th April 2005 with Mr Justice Hodge appointed as the President Designate of the Tribunal. The President is supported by two Vice Presidents, Mr CMG Ockelton and Miss Arfon-Jones. The 2004 Act provides for all legal and non legal members of the IAA's two tier appellate system to transfer to the AIT upon commencement.

The institution of the AIT introduces a number of changes to the appeals process including –

- Appeals lodged directly with the Tribunal;
- Speedier end to end processes;
- New onward appeal rights; and
- New legal aid provisions for onward appeal rights;

The Tribunal's general enquiries number is 0845 6000 877 and the website address is: [www.ait.gov.uk](http://www.ait.gov.uk)

## The Immigration Services Tribunal

The Immigration Services Tribunal was created by the Immigration, Nationality & Asylum Act 1999. It is not connected to the Immigration Appellate Authority and has the following functions –

- to hear appeals against decisions of the Office of the Immigration Services Commissioner concerning the registration of immigration advisors, and
- to consider disciplinary charges brought by the Commissioner against immigration advisors.

The Tribunal also has a number of interlocutory powers in respect of both types of cases.

The Tribunal consists of a President who is the judicial head, judicial members who are legally qualified and lay members with experience in the provision of immigration services or in the law and procedures relating to immigration. As at the 31st of December there were a President, 3 legally qualified Chairmen and 8 lay Members.

Hearings are in public (unless the Tribunal directs otherwise). The tribunal hearing rooms are in London although appeals can be heard wherever is appropriate.

**Table 7.6**  
The Immigration Services Tribunal: Appeals and applications received and disposed of, 2004

	Number of cases received	Cases disposed of	
		Heard or determined	Otherwise disposed of
<b>Appeals:</b>			
against decision of ISC	21	10	–
<b>Applications:</b>			
Disciplinary charges	1	1	–
<b>Total</b>	<b>22</b>	<b>11</b>	<b>–</b>

## Information Tribunal

The Information Tribunal deals with appeals against the decision of the Information Commissioner. Appeals are made under the Data Protection Act (1998), Freedom of Information Act (2000), and National Security Appeals. The Tribunal is headed by a Chairman who deals with Data Protection and Freedom of Information appeals and National Security cases are handled by the President. They are assisted by four deputy Chairmen, and a number of lay members.

The workload of this Tribunal is expected to increase significantly during 2005, from current relatively low levels. This is due to the full implementation of the Freedom of Information Act on 1 January 2005.

## The Lands Tribunal

The Lands Tribunal was set up in 1949 in order to resolve disputes about land, both as an appellate body and as a tribunal of first instance. The main jurisdictions are –

- Disputed valuations in relation to the compulsory purchase of land or property.
- Claims for compensation for loss of value arising from public works.
- Discharge and modification of restrictive covenants.
- Appeals against decisions of Leasehold Valuation Tribunals.
- Appeals against decisions of Valuation Tribunals.

The Tribunal comprises a full-time legal President, together with three full-time surveyor members and one part-time legal member.

Tribunal hearings usually consist of a single member sitting alone although more complex cases may require two or three members. The President of the Tribunal must have been a judge or a barrister, and other members must be either lawyers or persons experienced in the valuation of land.

The Lands Tribunal's jurisdictions cover England and Wales and the majority of hearings are heard at the Tribunal's hearing centre in London although cases may be heard wherever is appropriate. The tribunal also has the power to award costs.

Appeals from decisions of the Lands Tribunal lie to the Court of Appeal on a point of law.

Total cases increased from 430 in 2003 to 499 in 2004, a rise of 16%. Rating appeals rose by over 123%, references decreased by 13%, and other cases together increased by 21%. The number of cases disposed of rose from 498 in 2003 to 559 in 2004. Cases heard or determined rose by over 79%, and cases disposed of by consent, withdrawal or otherwise increased by just over 2%.

**Table 7.7****The Lands Tribunal: Cases received and disposed of showing class of jurisdiction, 2004**

Class of Jurisdiction	Number of cases received	Cases disposed of		
		Heard or determined	Otherwise disposed of	Total
<b>References:</b>				
Acquisition of land	94	5	108	113
Land compensation	20	6	66	72
References by consent	4	–	–	–
Blight Notice	8	–	10	10
Other	7	2	12	14
<b>Total</b>	<b>133</b>	<b>13</b>	<b>196</b>	<b>209</b>
<b>Law of Property:</b>				
Law of Property	89	10	69	79
Rights of Light	78	64	16	80
Absent Owners	42	1	18	19
Leasehold Reform	90	23	86	109
<b>Total</b>	<b>299</b>	<b>98</b>	<b>189</b>	<b>287</b>
<b>Rating appeals:</b>				
up to £50,000	35	2	32	34
over £50,000	32	–	29	29
<b>Appeals</b>	<b>67</b>	<b>2</b>	<b>61</b>	<b>63</b>
<b>Totals</b>	<b>499</b>	<b>113</b>	<b>446</b>	<b>559</b>

The Tribunal's general enquiries number is 020 7029 9790 and the website address is: [www.landtribunal.gov.uk](http://www.landtribunal.gov.uk)

## The Pathogens Access Appeals Commission

Hears appeals against decisions to restrict access to a prescribed set of dangerous pathogens and toxins and regarding the arrangements for keeping such materials.

## The Pensions Appeal Tribunals

The Pensions Appeal Tribunals hear appeals from ex-servicemen or women who have had their claims for a War Pension rejected by the Veterans Agency on behalf of the Secretary of State for Defence. The Tribunals jurisdiction covers England and Wales (Scotland and Northern Ireland have their own Tribunals), and is independent from the Veterans Agency.

The Pensions Appeal Tribunal deals with appeals about –

- An appellant's entitlement to a war pension; or
- The percentage at which the Veterans Agency has assessed an appellant's disability.
- Whether an appellant is entitled to one of the allowances that supplement a war pension.
- The backdating of the date that from which a pension was awarded.
- Whether compensation from a third party is reasonable.

The Pensions Appeal Tribunals are headed by a legally qualified President and Deputy President. The appeal hearings are heard by a panel comprising of a part-time Legal Chairman, Medical Member and a Service Member. There are 29 legal chairmen, 34 medical members and 21 service members all working part time for the Tribunal.

The Tribunal has hearing centres covering England and Wales, and these are situated in London, Birmingham, Leeds, Manchester and Newcastle with limited access of Tribunal Hearing Centres in Plymouth and Exeter. Their jurisdiction is to deal with the cases of appellants resident in England and Wales, and in the rest of the world except Scotland and Northern Ireland.

Travelling and subsistence expenses are reimbursed to appellants, as are medical expenses authorised by the Tribunal, but no legal costs are awarded. In entitlement cases only an appeal on a point of law may be made by either party, with leave, to a nominated High Court Judge, or alternatively a joint application may be made by both parties to the President of the Tribunal for him to direct that the decision of the Tribunal be set aside and the matter re-heard, on the grounds of fresh evidence or error of law.

The introduction of the Armed Forces (Pensions and Compensation) Bill, which came into force in April 2005, will bring about an amendment to the Pensions Appeal Tribunals Act 1943. It will change the avenue of appeal, and in future appeals lodged on or after the 6 April 2005 will no longer be heard by the High Court but will now be heard by the Social Security Commissioners (who for the purposes of these cases will be known as Pensions Appeal Commissioners).

During 2004, 2,914 cases were received (2,088 in 2003). The total number of cases disposed of was 3,000, of which 2,918 were heard or determined, and 82 were otherwise disposed of.

The Tribunal's general enquiries number is 020 7029 9818 and the website address is: [www.pensionsappealtribunals.gov.uk](http://www.pensionsappealtribunals.gov.uk)

### **The Proscribed Organisation Appeals Commission**

The Proscribed Organisation Appeals Commission is an independent tribunal established by the Terrorism Act 2000. It deals with appeals against decisions made by the Home Secretary to refuse to de-proscribe organisations.

The Secretary of State for Constitutional Affairs is responsible for appointing members of the Commission. Jurisdiction covers the whole of the United Kingdom with a dedicated hearing centre based in central London.

### **The Social Security and Child Support Commissioners**

Commissioners are appointed by the Queen to determine applications for leave to appeal and appeals on point of law against decisions made by Appeal Service tribunals in Social Security, Tax Credit, Child Support, Housing and Council Tax Benefit and Compensation Recovery cases. Commissioners also have an originating jurisdiction in Forfeiture Act cases. During 2005 Commissioners expect to deal additionally with appeals in Child Trust Fund cases and appeals from decisions of the Pensions Appeal Tribunals.

As at the 31st of December, apart from the Chief Commissioner, there were 17 full-time Commissioners whose jurisdictions covered England, Wales and Scotland. Commissioners decide most appeals on the papers, but may grant an oral hearing requested by a party or may direct one. Hearings are held in London, Cardiff and Edinburgh, and at other centres in major cities in the UK. They also offer oral hearings by video conferencing.

Travelling and subsistence allowances are reimbursed to parties who attend oral hearings. There are no fees for bringing proceedings and no legal costs are awarded.

Appeals against decisions of the Commissioners lie to the Court of Appeal on a point of law in England and Wales and to the Court of Session in Scotland. Leave to appeal must be obtained from the Commissioner or the Court.

The number of applications received by the Commissioners in England and Wales in 2004 decreased by over 12% to 3,913, the number of appeals fell to 2,051, a decrease of 8%. The total number of cases disposed of totalled 6,313, a decrease by 6% on last year's figures.



**Table 7.8**

**The Social Security Commissioners: Applications and appeals received and disposed of in England and Wales, 2004**

	Number of cases received	Cases disposed of		Total
		Heard or determined	Otherwise disposed of	
Applications	3,913	3,951	115	4,066
Appeals	2,051	2,217	30	2,247
<b>Total</b>	<b>5,964</b>	<b>6,168</b>	<b>145</b>	<b>6,313</b>

The Tribunal's general enquiries number is 020 7029 9850 and the website address is: [www.osspsc.gov.uk](http://www.osspsc.gov.uk)

### The Special Immigration Appeals Commission

The Special Immigration Appeals Commission is an independent commission established by the Special Immigration Appeals Commission Act 1997. It deals with appeals against decisions made by the Secretary of State for Home Affairs under the terms of Part 4 of the Anti-Terrorism, Crime and Security Act 2001.

The Secretary of State for Constitutional Affairs is responsible for appointing members of the Commission. Jurisdiction covers the whole of the United Kingdom with a dedicated hearing centre based in central London.

### The Transport Tribunal

The Transport Tribunal was set up in accordance with the Transport Act 1985 to hear and decide appeals against decisions of Traffic Commissioners. These appeals concern operators of road vehicles (both heavy goods and public service vehicles) and the premises which are used as operating centres for the vehicles. An operator may also apply to the Tribunal for a decision of a Commissioner to be stayed (i.e. deferred). Since April 2002 the Transport Tribunal has an additional jurisdiction which considers appeals against decisions of the Register of Approved Driving Instructors. The Tribunal also oversees the resolution of disputes under the Postal Services Act 2000 and the Tribunal members also form the London Service Permit Appeal Panel which hears appeals from Transport for London.

The Tribunal is a Court of Record, and its jurisdictions cover England, Scotland and Wales. The tribunal consists of a President, three legal Chairmen and six lay Members all of whom have experience in transport operations and its law and procedures.

There are tribunal hearing rooms in London and Edinburgh although appeals can be heard wherever appropriate.

Appeals against the decisions of the Transport of the Tribunal may be made only on a point of law to the Court of Appeal, or the Court of Session in Scottish cases.

Total matters received rose from 400 in 2003 to 461 in 2004, comprising 439 appeals and 22 applications for stays. The number of matters disposed of fell from 507 in 2003 to 457 in 2004.

**Table 7.9****The Transport Tribunal: Appeals and Applications received and disposed of, 2004**

	Number of cases received	Cases disposed of		
		Heard or determined	Otherwise disposed of	Total
Applications for stays	22	22	–	22
<b>Appeals:</b>				
Goods Vehicle	117	71	49	120
Public Service Vehicle	11	16	3	19
Driving Instructor	333	188	130	318
<b>Total</b>	<b>461</b>	<b>275</b>	<b>182</b>	<b>457</b>

The Tribunal's general enquiries number is 020 7029 9790 and the website address is: [www.transporttribunal.gov.uk](http://www.transporttribunal.gov.uk)

Further information on all the Tribunals within the Tribunals Group can be found in the Tribunals Group Business Plan 2004-2005:  
[http://www.pensionsappealtribunals.gov.uk/info/internet\\_version.pdf](http://www.pensionsappealtribunals.gov.uk/info/internet_version.pdf)

## The Employment Appeal Tribunal

The Employment Appeal Tribunal was constituted by the Employment Protection Act 1975 and is a superior court of record (that is, not subject in any way, save in matters of appeal, to any other court). The Tribunal hears appeals on question of law arising from any decisions of, or any proceedings before, an industrial tribunal. For example, it deals with unfair dismissal and redundancy matters and allegations of discriminatory acts. It may also hear applications for compensation from persons unreasonably excluded from unions. The Tribunal has wide discretion regarding costs. For example, the party against whom the decision has been made may have to pay all or part of the costs

of the other party and either party may be penalised if there has been unreasonable delay or conduct on their part. There is a right to appeal from the Tribunal to the Court of Appeal (Civil Division) in England and Wales and to the Court of Session in Scotland.

The Tribunal consists of a High Court Judge, who presides, and normally two other Members who have special knowledge or experience of industrial relations, either as representatives of employers or of workers, and are appointed on the joint recommendation of the Lord Chancellor and the Secretary of State for Employment.

**Table 7.10****The Employment Appeal Tribunal: Cases received and disposed of showing class of jurisdiction, 2004**

	Number of cases received	Cases disposed of				Total
		by hearing			Withdrawn	
		Dismissed	Allowed	Remitted	Withdrawn	
Employment Particulars	54	21	12	11	8	52
Protection Of Wages	32	17	9	3	7	36
Guarantee Payments	–	–	–	–	–	–
Sunday Working/Employment Protection	–	–	–	–	–	–
Time Off Work	2	2	–	1	–	3
Maternity Rights	2	1	1	–	1	3
Unfair Dismissal	325	177	64	57	110	408
Redundancy/Insolvency	25	13	3	4	4	24
Employment Rights Act (Other Parts)	6	3	–	1	1	5
Employment Tribunals Act 1996	–	–	–	–	–	–
Equal Pay Act	13	8	3	4	3	18
Sex Discrimination Act 1976	57	32	10	14	12	68
Race Relations Act 1976	66	48	11	15	17	91
Trade Union/Labour Relations Act	5	4	3	4	2	13
Disability Discrimination Act 1995	73	41	14	16	12	83
Transfer Of Undertaking	27	22	5	6	5	38
Jurisdiction	51	16	12	6	3	37
Interlocutories	2	1	–	1	2	4
Working Time Regulation	24	11	2	2	12	27
Employment Tribunal Procedures	239	126	37	39	52	254
Others	3	2	1	–	–	3
Employment Rights Act 1996	–	–	–	–	–	–
Unfair Dismissal	–	–	–	–	–	–
Contract Of Employment	–	–	–	–	–	–
National Minimum Wage	9	4	2	–	2	8
Human Rights Act	–	3	–	–	–	3
Part Time Workers	8	1	1	2	5	9
<b>Total</b>	<b>1023</b>	<b>553</b>	<b>190</b>	<b>186</b>	<b>258</b>	<b>1187</b>

## The General Commissioners

The General Commissioners are an independent tribunal constituted by the Taxes Management Act 1970 (as amended by subsequent Finance Acts). General Commissioners are appointed by the Lord Chancellor (or, in Scotland, by the Scottish Ministers) to local Divisions. There are currently 392 Divisions.

As at 1 April 2005 there were 1,855 General Commissioners of Income Tax in England & Wales. Of that total, 1,459 were men (78.65%), and 396 were women (21.35%). During 2004/05, 5 men were appointed. (Note: since June 2001 there has been a moratorium on new appointments save in exceptional circumstances where amalgamation of Divisions or dual appointments are not possible.)

As at 1 April 2005 there were 221 General Commissioners in Scotland, of whom 193 were men (87.3%) and 28 (12.7%) were women.

As at 1 April 2005 there were 52 General Commissioners in Northern Ireland. Of that total were 43 men (82.7%) and 9 (17.3%) were women.

The General Commissioners hear appeals by taxpayers on a variety of matters including income tax, National Insurance contributions, Stamp Duty Land Tax and statutory sick pay.

Appeals from the General Commissioners are by way of case stated, on a point of law, to the High Court (the Court of Sessions in Scotland or the Court of Appeal in Northern Ireland).

During 2004/05, 33,805 cases were received, 22,615 were decided and 3,466 were withdrawn.

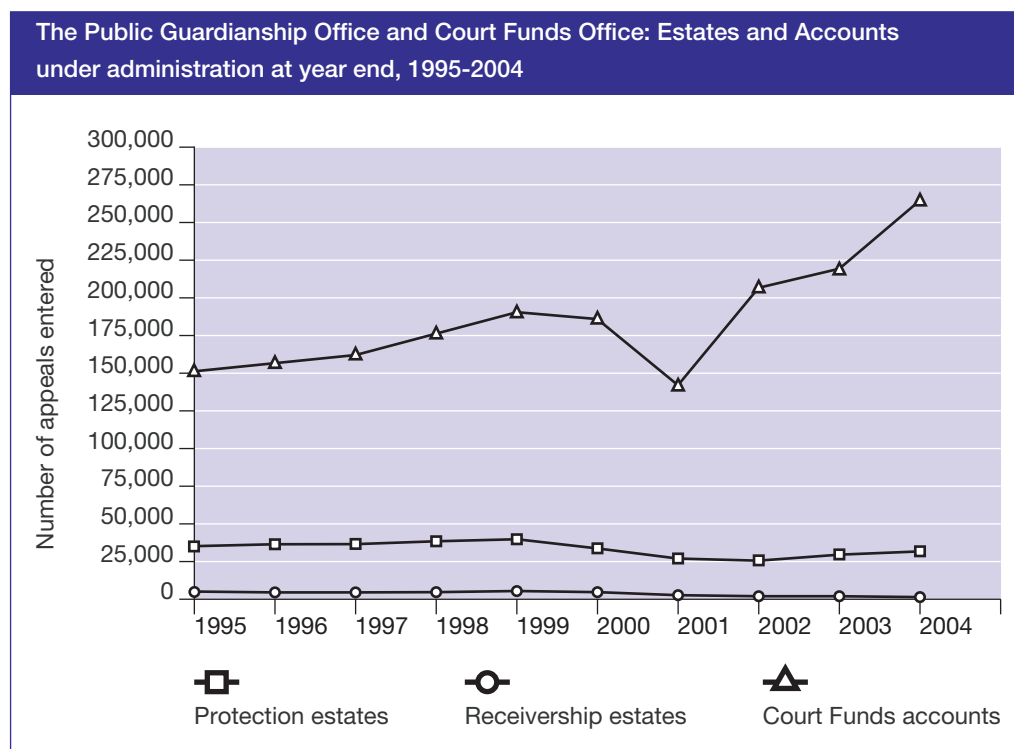
## Offices of the Supreme Court

Offices of the Supreme Court include –

- **The Office of Official Solicitor and Public Trustee** – which has a duty to protect the interests of mentally incapacitated adults and children (other than the subject of child welfare proceedings) who are under a legal disability and to act as trustee when there is no-one else or suitable to do so
- **The Tipstaff** – whose main responsibility is the execution of warrants and orders issued by Judges throughout all divisions of the Supreme Court Group
- **The Court of Protection** – which is responsible for the management and administration of the property and affairs of persons suffering from mental disability
- **The Public Guardianship Office** – which deals with private monies either held in court pending a court case, or in trust, or on behalf of the mentally disabled
- **Court Funds Office** – involves receiving, holding and paying out money paid in satisfaction, awards by courts to minors and certain other sums

During 2004 –

- new referrals decreased by nearly 2% to 2,886 and active caseload decreased by 3% to 5,334 (Table 8.1)
- in the Court of Protection, orders made under the Mental Health Act 1983 by Masters, Assistant Masters and nominated officers increased by 12% to 5,481 (Table 8.3)
- the number of accounts at the Court Funds Office at the end of the year increased by over 20% to 263,439. They held a nominal value of £4.25 billion.



## The Office of the Official Solicitor and Public Trustee

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

In family proceedings he will act as a guardian ad litem of a parent suffering from mental disability within the meaning of the Mental Health Act 1983; and in any civil litigation (e.g. personal injury claims, possession actions or applications in connection with inheritances) he will be invited by the court to act as the litigation friend of a party under disability when there is no one else suitable or able to do so. He is also brought in to represent incapacitated adults in medical or welfare cases where issues arise as to what lawfully should be done in their best interests. Other cases may involve him representing an estate of a deceased person, usually in circumstances in which there is a need to protect the property of a child or person under mental disability, or some person

wishes to claim against an estate for which no personal representative is willing to act. He administers estates and acts as trustee when there is no-one else suitable to do so. He reviews the cases of persons committed to prison for contempt of court. His office represents persons without mental capacity in proceedings concerning their property and affairs before the Court of Protection. He can also be called upon to assist the courts by providing an advocate to the court.

His office administers the Child Abduction Unit in England and Wales (the Central Authority under the Hague and European Conventions on Child Abduction) to ensure that an aggrieved parent may, with minimal delay, make application to enforce orders in the child's home country, and where the claim is made out, secure the return of the child or to pursue access rights.

In 2004 noteworthy cases in which the Official Solicitor was involved included the following –

- **MH:** In the Court of Appeal a declaration was granted on behalf of a learning disabled adult who lacks capacity that the operation of section 2 and 29(4) of the Mental Health Act 1983 is incompatible with the European Convention on Human Rights (leave to appeal to the House of Lords has been given).
- **R v The General Medical Council ex parte Burke:** The Official Solicitor intervened to assist the court in the case of a 44 year old man suffering from a degenerative brain condition who, challenged guidance issued by the General Medical Council complaining that it would not protect him from doctors' withholding or withdrawing artificial nutrition or hydration treatment when his death was not imminent, and he had made known his wish that the treatment should continue. Aspects of the guidance were declared unlawful and general principles established. This is being appealed to the Court of Appeal.

The Public Trustee, appointed under the Public Trustee Act 1906, acts as executor or administrator of deceased persons' estates or trustee of wills or settlements, when he is nominated to do so and accepts that nomination. Increasingly, since the policy changes announced by the Lord Chancellor in April 2000 in "Making Changes – the Future of the Public Trust Office", this function has concentrated upon providing a public sector service of last resort where there is a social need for the Public Trustee to act which could not be met in the private sector. Since 1 April 2001, the office has been combined with that of the Official Solicitor following the appointment of the same individual to the two statutory offices.

**Table 8.1**

**Supreme Court – Office of the Official Solicitor and Public Trustee: cases accepted and carried forward, 2004**

Official Solicitor	New Referrals	Average Monthly Active cases
Family Litigation	792	755
Divorce	181	503
Civil Litigation	641	1,070
Court of Protection	511	459
Bails/Contempts	315	84
Child Abduction	404	330
Estates	33	758
<b>Public Trustee</b>		
Trusts & Executorships	9	1,366
Pension & Institutional Funds	–	9
<b>Total</b>	<b>2,886</b>	<b>5,334</b>

## Tipstaff

The Tipstaff is appointed under section 27 of the Courts Act 1971, a general provision which enables the Lord Chancellor to appoint officers and other staff in the Supreme Court and county courts.

The duties of the Tipstaff are many and varied but broadly the Tipstaff is the enforcement officer for all issues falling within the jurisdiction of England and Wales. The principal areas of specific duties emanate from the Queens Bench, Chancery and Family Divisions and involve issues of Bankruptcy, Insolvency, Wardship, Contempt of Court, Writ Ne Exeat Regno (no exit from this jurisdiction) and many other miscellaneous orders which involve taking action to enforce, or prevent breach of, orders of the Court.

About 80% of the Tipstaff's work is in the Family Division and usually involves a missing or abducted child. In these cases a Collection Order (return of a child) or a Location Order (the whereabouts of a child discovered) is granted. When the child's whereabouts is known, but there is a fear that there could be a removal from the jurisdiction, a Passport Order could be asked for, seizing certain passports and/or travel documents thus preventing a wrongful removal.

At the moment there is one Tipstaff, with one deputy and three assistants to cover England and Wales, and they are based at the Royal Courts of Justice in London.



During 2004, 20 persons were conveyed to prison by the Tipstaff or his assistants, 2 fewer than in 2003. In 2004, 334 warrants were executed (356 in 2003) and 42 warrants were suspended, discharged or expired.

**Table 8.2**  
Supreme Court – Tipstaff: warrants dealt with, 2004

Warrants issued by	Warrants executed	Persons Conveyed	Warrants suspended or discharged
Chancery Division	6	2	–
Queen’s Bench Division	10	8	2
Bankruptcy	5	3	10
Insolvency	–	–	19
Family Division	15	7	9
Collection/Location/Seizure/ of passports Orders <sup>1</sup>	296	–	–
Port Alert Orders	2	–	2
<b>Total</b>	<b>334</b>	<b>20</b>	<b>42</b>

<sup>1</sup> Includes previous editions Child Abduction category

## Court of Protection

The Court of Protection is an office of the Supreme Court which exercises judicial functions in respect of the property and financial affairs of persons who are incapable, by reason of mental disorder, of managing and administering their own property and affairs. Such persons are technically known as patients.

The Court’s powers are conferred by the Mental Health Act 1983, Enduring Powers of Attorney Act 1985, the Court of Protection Rules 2001, and the Court of Protection (Enduring Powers of Attorney) Rules 2001.

These powers are exercisable by the Lord Chancellor, nominated judges (the judges of the Chancery Division and (since 5th May 2000) the judges of the Family Division), the Master, Assistant Masters and other nominated officers of the Court of Protection, and the Public Trustee.

Certain orders can only be made by the Lord Chancellor or a nominated judge but, subject to these exceptions, the jurisdiction is in practice exercised by the other people mentioned.

In 2004 there were four orders made by a nominated judge (three in 2003) with 8,683 orders being made by the Master, Assistant Masters or nominated officers (6,094 in 2003).

The Court of Protection approved 415 damages awards in 2004. Of these, 174 (42%) were in respect of road traffic accidents, with the average date of birth of the claimant being 24 May 1979. 153 (37%) were for clinical negligence, with the average date of birth of the claimant being 30 January 1991. 101 (66%) of the clinical negligence cases were for birth or prenatal injuries. Of the other cases, 27 were awards made by the Criminal Injuries Compensation Authority, 20 were damages for sexual or physical abuse suffered whilst the claimant was in the care of a local authority, 16 were for work injuries, and the remaining 25 cases were for miscellaneous variety of accidents.

Since 1 October 2001, to make the Court more accessible to the public by providing it with a regional presence, a district judge sitting as a part-time Deputy Master of the Court of Protection has heard contentious matters at Preston Combined Court Centre.

**Table 8.3**
**Supreme Court – Court of Protection: Proceedings under the Mental Health Act 1983 and the Enduring Powers of Attorney Act 1985, 2004**

Nature of Proceedings	
Orders made on first applications under the Mental Health Act 1983 by Master, Assistant Masters and nominated officers	5,481
Orders made on subsequent applications	709
Orders made by a nominated judge	4
Orders for sale and purchase of property	2,493
Wills executed for clients and sealed with the Court's seal and orders for settlement and gifts, excluding those made on applications relating to Enduring Powers of Attorney	341
Orders made on applications relating to Enduring Powers of Attorney dealt with by the Judicial Support Unit Department	358
Applications for orders appointing new trustees under sections 36(9), 54 and 96(1)(k) of the Trustee Act 1925 and section 20(2)(c) of the Trusts of Land and Appointment of Trustees Act 1996	473
Orders determining proceedings on a patient's recovery	114
Visits carried out by the Lord Chancellor's medical visitors	84

## The Public Guardianship Office

The Public Guardianship Office (PGO) was established as an Executive Agency on 2 April 2001. The agency operates as part of the Court of Protection, and undertakes the Mental Health functions previously carried out by the Public Trust Office.

The PGO provides an integrated service for its clients, safeguarding their financial interests while avoiding unnecessary state intervention. Its major function is to protect and promote the interests of its clients by overseeing and supporting the activities of Receivers appointed by the Court of Protection to manage their financial affairs. Where the Court of Protection adjudges a person mentally incapable of managing their own financial affairs, and there is no one else willing or suitable to act as Receiver, the PGO will appoint one of the professionals from the panel of Receivers to act on behalf of that person. In exceptional cases if no one can be appointed as Receiver the PGO will take the role itself. In addition, the PGO carries out the administrative functions arising from the Court of Protection's jurisdiction under the Enduring Powers of Attorney Act 1985.

At the end of 2004 the agency was protecting the affairs of some 30,471 Protection Division clients, an increase of over 7% on 2003. It was also directly managing the affairs of 239 Receivership clients, a decrease of 54% on 2003. The agency was responsible for approximately £2.75 billion of clients' funds.

**Table 8.4****The Public Guardianship Office: Matters under administration, 2004**

<b>Nature of Proceedings</b>	
<b>Protection Work:</b>	
Estates under administration:	
At year start	28,309
Total applications brought in during year	9,529
At year end	30,471
Annual accounts and enquiries passed	12,875
Short Orders issued	1,596
Schedules (other than orders) for dealing with funds	29,210
Lodgement schedules (other than orders) for payment into Court	4,307
Enduring Powers of Attorney:	
Applications received during year	16,314
Number registered during year	14,340
Total remaining registered during year	87,653
<b>Receivership Work:</b>	
Estates under administration at year start	521
Estates under administration at year end	239

**Estimated value of funds under administration was £2.75 billion**

## Court Funds Office

Court Funds Office transferred to the Supreme Court Group of the Court Service on the 1 April 2001. Court Funds work involves receiving, holding and paying out money paid in satisfaction, awards by Courts to minors, money held on behalf of Public Guardianship Office, Protection and Receivership clients and certain other sums.

It manages money held in court on behalf of clients who may –

- be involved in a civil legal action
- be patients who, under the Court of Protection, are not able to manage their property and affairs
- be Children under the age of 18

These are non-agency assets and are not included in the accounts. The assets held at the balance sheet date comprised cash, securities and Index Tracker Funds. These items, with their market value as at 28 February 2005 are listed below.

- **Cash:** held and invested on behalf of the Accountant General through the Commissioners for the Reduction of National Debt's Court Funds Investment Account (CRND) – £4.25bn (2003-2004:£4.00bn)
- **The Index Tracker Fund (formerly the Common Investment Fund):** administered on behalf of the Accountant General by an appointed Fund Manager. The beneficiaries have units shares in the fund. The fund itself, detailed below, consists of a balanced portfolio managed by the Fund Manager in accordance with the investment strategy in force at the time (2003-2004, 3,868,780 units, valuation £30,382,689.97)

Title of Fund	Units in issue	Net Asset value
Net Asset Value	Per Unit	Of the Fund
Equity Index Tracker		
£36,909,603.31	4,186,660.99	881.60p

- **Securities:** A combination of units and stock holdings in the name of the Accountant General with a total market valuation of approximately £233 million as at 28th February 2005. [E&OE]. This is based on information on the Fund Accounting system as at 28th February 2005 and the annual reconciliation exercise to validate this is being finalised

Further information can be obtained as follows –

- **Cash holdings:** Funds in Court Part A Accounts for 2004/2005
- **The Index Tracker Fund:** Legal and General's Fund Performance booklet as at 28th February 2005.
- **Securities:** Funds in Court Part A Accounts for 2004/2005

From 1st April 2003, all Payments in Satisfaction and Payments under Order were made directly into Court Funds Office.

The following information refers to CFO work only.

The Court Funds Office opened 230,957 new accounts in 2004, an increase of over 15% on 2003; 134,898 accounts were closed, an increase of over 24% on 2003. The net result was an increase of over 20%, with 263,439 accounts remaining open at the end of the year. The nominal value of these accounts was £4.25 billion.

The accounts relating to Court Funds are published annually in a parliamentary White Paper with 28th February being the end of financial year. Further information regarding the Court Funds Office can be found on this site; [www.hmcourts-service.gov.uk/infoabout/cfo/index.htm](http://www.hmcourts-service.gov.uk/infoabout/cfo/index.htm) .

## The Judiciary

### Divisional Heads

The four Heads of Division are –

- the Lord Chief Justice of England – the senior judicial officer in England and Wales. He heads the Queen’s Bench Division of the High Court and also the criminal branch of the Court of Appeal
- the Master of the Rolls, who heads the civil branch of the Court of Appeal
- the President of the Family Division
- the Vice-Chancellor, heads the Chancery Division which handles cases involving large sums of money and nationally important legal financial issues

### Lords Justices

Together with the Lord Chief Justice and the Master of the Rolls, the Lords Justices are judges of the Court of Appeal. As at 1 January 2005 there were 37 Lords Justices in office.

### High Court Judges

As at 1 January 2005 there were 107 High Court judges in office. 17 were assigned to the Chancery Division (Chapter 2), 72 to the Queen’s Bench Division (Chapter 3) and 18 to the Family Division (Chapter 5).

### Circuit and District Judges

The numbers of circuit and district judges, and part-time recorders sitting at 1 January 2005 are shown in Table 9.1.

During 2004 –

- 34 additional circuit judges were put in post throughout England and Wales although there were 55 recorders and 3 district judges fewer (Table 9.1)
- at 26%, London (including the Royal Courts of Justice) accounted for the highest proportion of days sat by all judges in England and Wales (66,451) (Table 9.3)
- 1,739 lay magistrates were appointed while the total in England and Wales fell by over 1% to 28,253

In the Court of Appeal a bench of two or three judges sits on each case. In the Criminal Division the bench consists of the Lord Chief Justice or a Lord

Justice and one or more, usually two High, Court judges. In the Civil Division the majority of cases are heard by a bench solely composed of Lords Justices.

The bulk of Crown Court work is undertaken by circuit judges and recorders. In the county courts most of the work is undertaken by circuit judges, district judges and deputy district judges.

**District Judges (Magistrates’ Courts)**

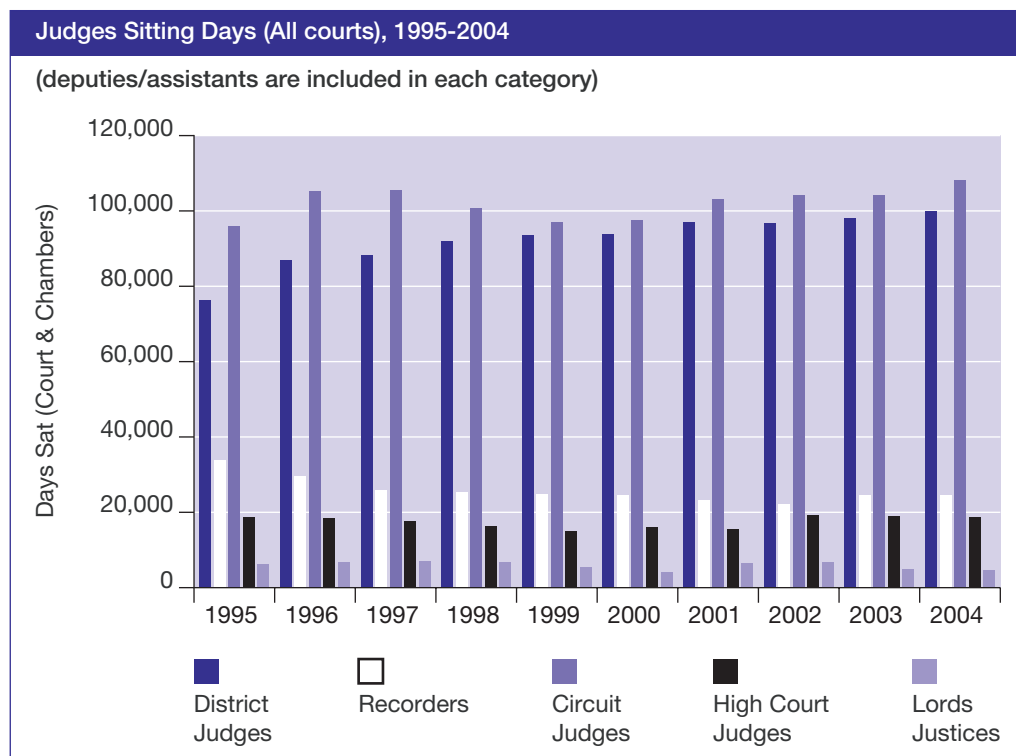
There were 124 district judges (magistrates’ courts) in post at 1 January 2005. They are appointed by the Queen on the recommendation of the Lord Chancellor. Their role is to support the lay magistracy and to deal with the full range of cases which come before the lay bench. They are entitled to sit with lay magistrates or to sit alone.

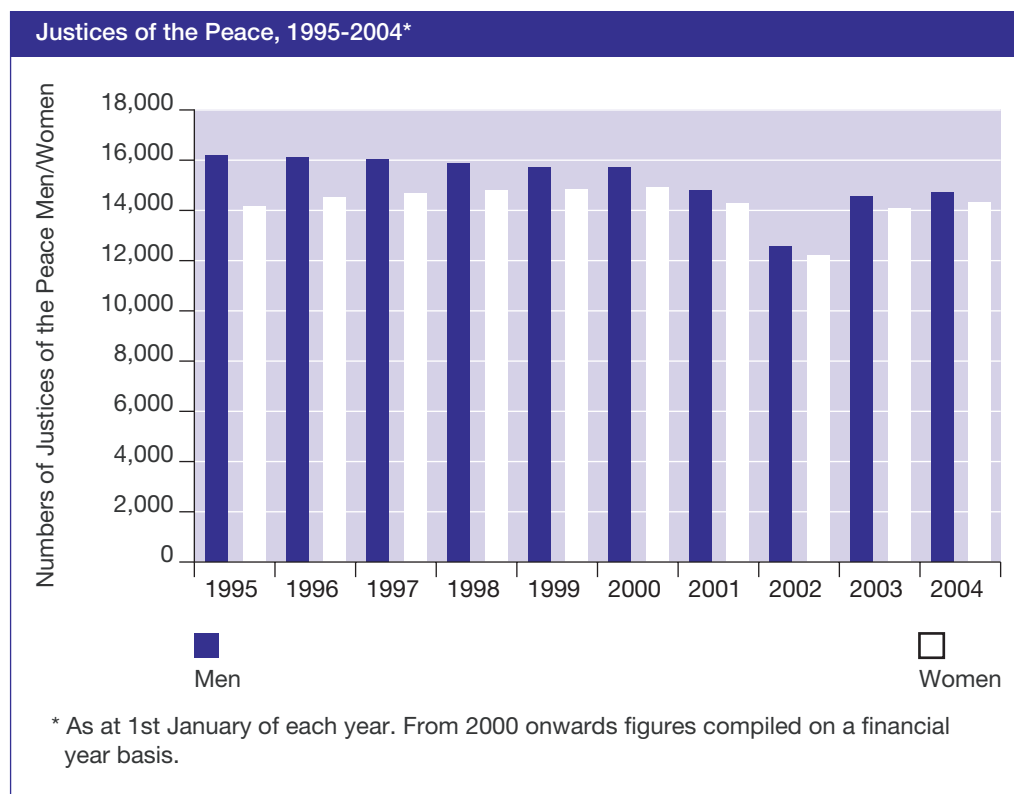
**Justices of the peace**

Justices of the peace (lay magistrates) are appointed by the Lord Chancellor on behalf of the Sovereign, except in Greater Manchester, Merseyside and Lancashire where appointments are made by the Chancellor to the Duchy of Lancaster.

In the magistrates’ court the justices usually sit as a bench of three: when sitting as a Youth Court or Family Proceedings Court there must be at least one male and one female justice on the bench.

In the Crown Court justices sit with a judge to hear appeals and cases committed from magistrates’ courts for sentence.





## Judges

At 1 January 2005, just over 44% of circuit judges and recorders were assigned to the South Eastern circuit. There are 643 circuit judges, an increase of over of 5% on the previous year.

The number of district judges in post has decreased by 3 to 433.

**Table 9.1**

**Circuit judges, recorders and district judges in post in each circuit at 1 January 2005**

Circuit	Circuit Judges	Recorders	District Judges
Midland	89	204	64
North Eastern	75	135	61
Northern	94	177	63
South Eastern	285	596	167
Wales & Chester	41	83	32
Western	59	155	46
<b>England &amp; Wales</b>	<b>643</b>	<b>1,350</b>	<b>433</b>



Table 9.2 shows the number of days sat by each category of judge according to the type of work undertaken, while Table 9.3 shows the distribution of days sat by circuit. Sittings by deputy High Court judges include retired Lords Justices, retired High Court judges and circuit judges sitting as High Court judges under section 9(1) of the Supreme Court Act 1981 and Queen's Counsel sitting as deputy High Court judges under section 9(4) of the Act. Deputy circuit judge sittings refer only to sittings by retired circuit judges.

In 2004 a total of 252,911 days were sat by judges on all types of work (excluding tribunals and other official functions) with days sat in the Crown Court (93,563) accounting for 37%. Total days in the county court and the High Court accounted for 54% and nearly 7% respectively. The remaining 5,869 days were sat in the Court of Appeal.

Circuit judges sat nearly 42% of all days during 2004, Lords Justices accounted for over 1%, High Court judges nearly 6%, deputy High Court judges just over 1%, deputy circuit judges nearly 1%, recorders over 9%, district judges 31% and deputy district judges just over 8%.

In the Crown Court circuit judges sat just over 74% of days while recorders accounted for nearly 21%. Of the days sat on county court work circuit judges sat over 23%, with district judges and deputy district judges accounting for over 72%.

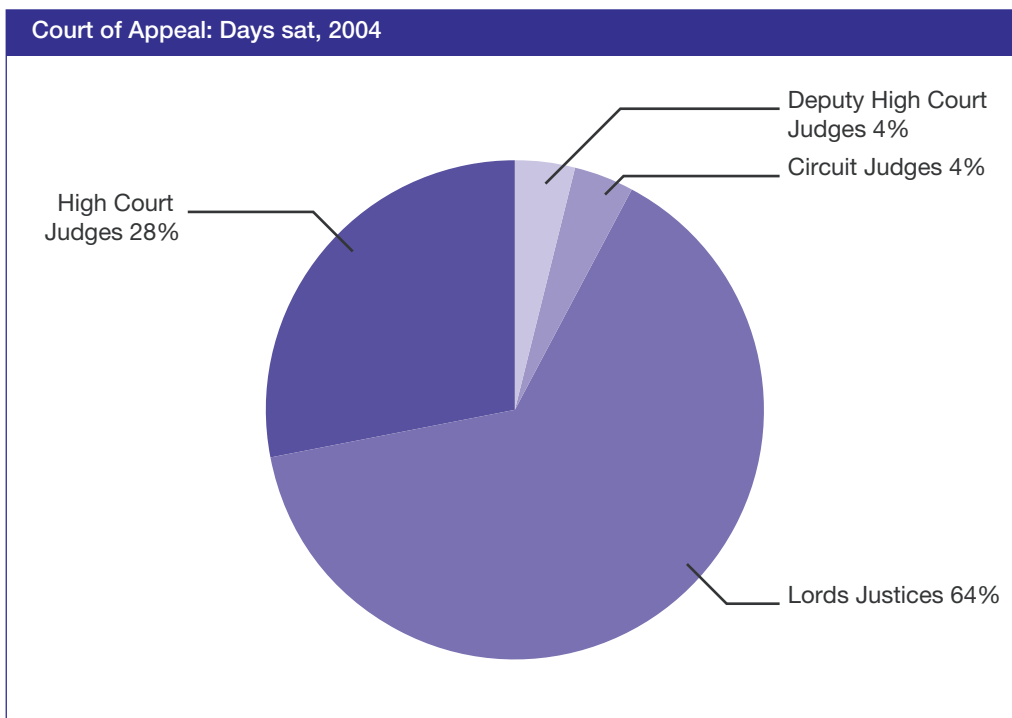
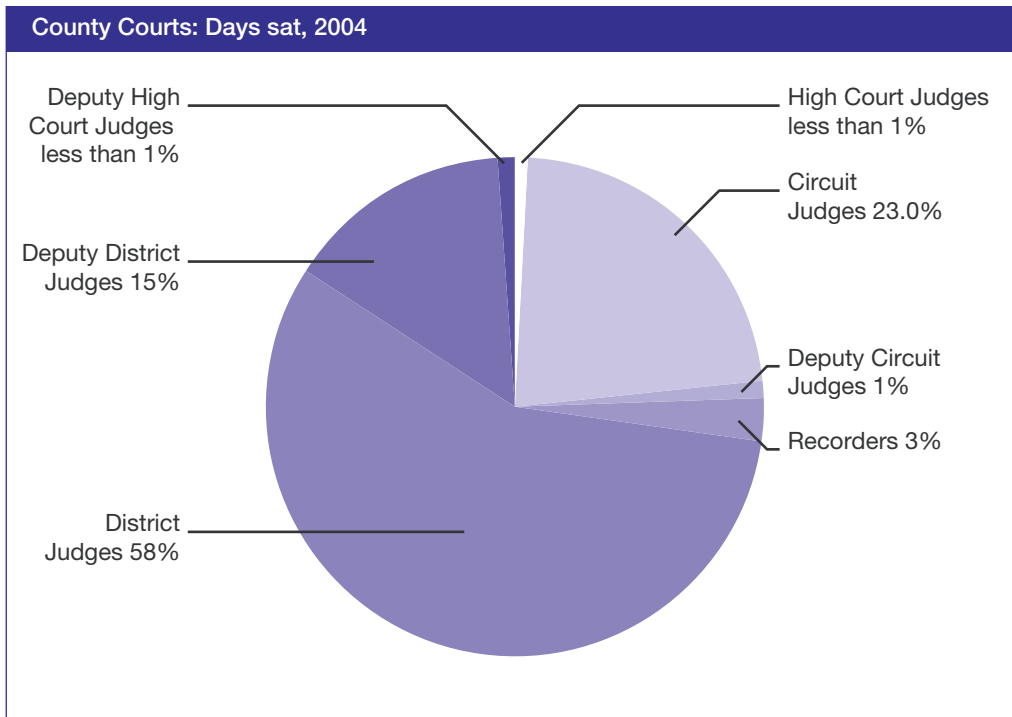
**Table 9.2****Days sat<sup>1</sup> by judges showing type of work dealt with, 2004**

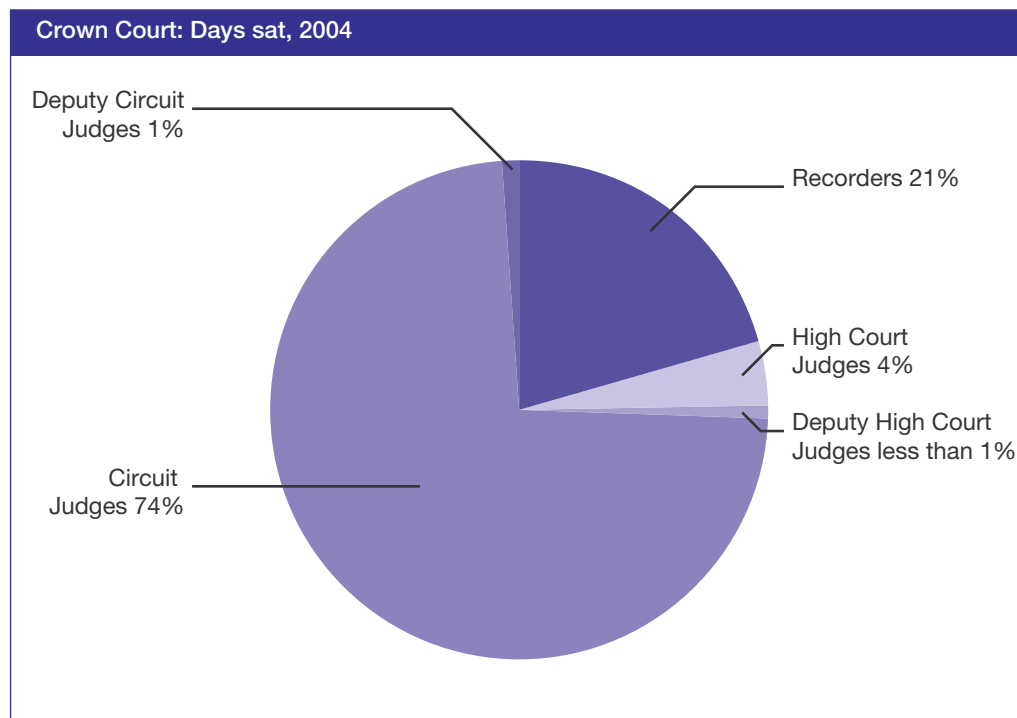
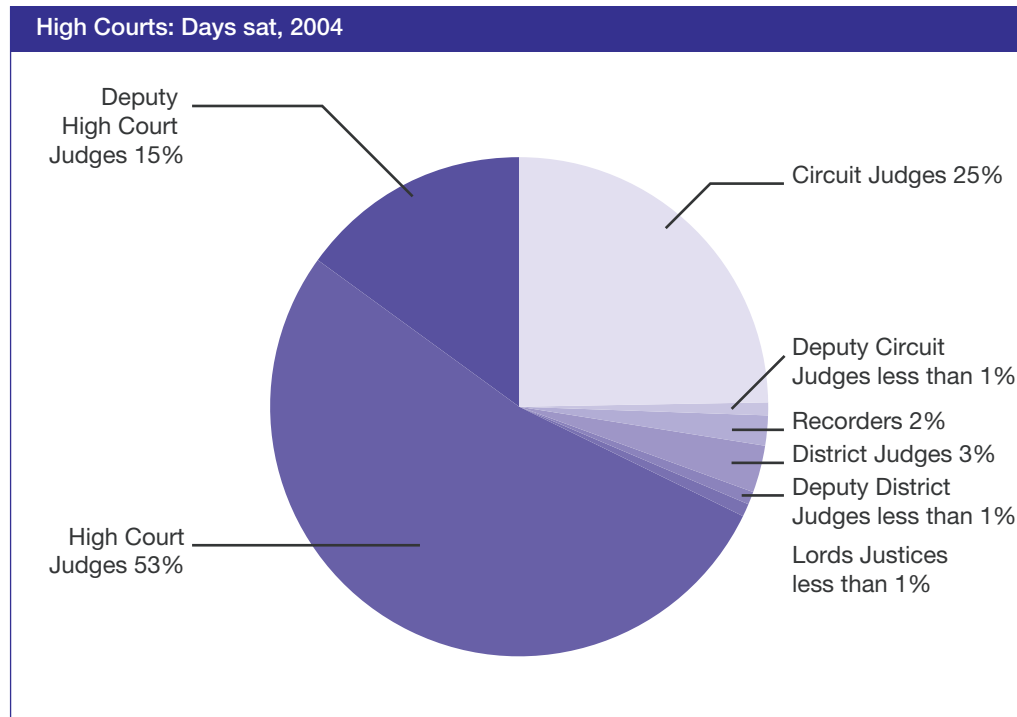
Type of judge	Court of Appeal		High Court				Crown Court	County Court			Total
	Criminal	Civil	Queen's		Family Division	T&C court	General List	Family Law			
			Chancery Division	Bench Division <sup>2</sup>				Public	Private		
Lords Justices	805	2,955	41	173	45	14	–	28	–	25	4,086
High Court judges	1,412	211	2526	3980	2361	288	3,741	47	128	61	14,755
Deputy High Court judges	124	124	1200	686	413	234	162	127	129	35	3,234
Circuit judges	238	–	1212	830	1072	1032	69,350	11,484	13,303	7,185	105,706
Deputy circuit judges	–	–	–	–	5	–	935	449	258	238	1,885
Recorders	–	–	46	16	163	42	19,375	2,924	224	1,189	23,979
District judges	–	–	284	180	–	–	–	53,296	2,504	22,160	78,424
Deputy district judges	–	–	14	6	–	–	–	17,515	97	3,210	20,842
<b>Total<sup>4</sup></b>	<b>2,579</b>	<b>3,290</b>	<b>5,323</b>	<b>5,871</b>	<b>4,059</b>	<b>1,610</b>	<b>93,563</b>	<b>85,870</b>	<b>16,643</b>	<b>34,103</b>	<b>252,911</b>

<sup>1</sup> Days sat in court and chambers<sup>2</sup> Admiralty Court and Administrative Court sittings are included in the Queen's Bench Division figures<sup>3</sup> T&C court – Technology and Construction Court, formally the Official Referee's court<sup>4</sup> These figures represent only the days sat in court or in chambers in the jurisdictions shown. Judges sit in other areas, and also undertake a range of other functions outside the courtroom that are not shown here**Table 9.3****Days sat<sup>1</sup> by judges, by type of judge and circuit, 2004**

Type of judge	Midland	North			South Eastern:		Wales & Chester	Western	England & Wales
		Eastern	Northern	London <sup>2</sup>	Provinces				
Lords Justices	4	–	14	4,066	–	2	–	4,086	
High Court judges	1,154	824	1,287	9,970	451	584	485	14,755	
Deputy High Court judges	951	250	91	1,474	71	321	75	3,233	
Circuit judges	14,255	11,048	15,234	29,487	19,727	7,396	8,559	105,706	
Deputy circuit judges	195	97	216	294	765	86	232	1,885	
Recorders	3,985	2,799	2,838	6,424	3,919	1,704	2,311	23,980	
District judges	11,545	11,307	12,614	12,216	15,696	6,174	8,872	78,424	
Deputy district judges	3,835	2,957	3,649	2,521	3,794	1,394	2,692	20,842	
<b>Total<sup>3</sup></b>	<b>35,924</b>	<b>29,282</b>	<b>35,943</b>	<b>66,452</b>	<b>44,423</b>	<b>17,661</b>	<b>23,226</b>	<b>252,911</b>	

<sup>1</sup> Days sat in court and chambers<sup>2</sup> Includes the Royal Courts of Justice<sup>3</sup> These figures represent only the days sat in court or in chambers in the jurisdictions shown. Judges sit in other areas, and also undertake a range of other functions outside the courtroom that are not shown here





## The Lay Magistracy

The Lord Chancellor appoints justices on the advice of committees which have been set up throughout England and Wales. It is the aim of both the Lord Chancellor and the Chancellor of the Duchy of Lancaster that once suitability has been established each bench of magistrates should broadly reflect the community it serves.

Most of the work of justices is done in court – mainly a magistrates' court (including the Youth Court and Family Proceedings Court) – and in the Crown Court. About 98% of all criminal cases are dealt with by magistrates. The bulk of these are purely summary offences which can only be tried in a magistrates' court and include motoring offences. The remainder are 'either way' offences which may be tried either in the magistrates' court or in the Crown Court before a judge and jury.

Criminal cases involving children and young persons up to and including the age of 17 are normally dealt with in the Youth Court (prior to October 1992, this was known as the Juvenile Court and dealt with children and young persons up to the age of 16). Justices sitting in the Family Proceedings Court deal with the court's family business, such as cases concerning children and young persons who are believed to be in need of care, matters concerning residence and contact with children and maintenance (see chapter 5).

The names of justices of the peace who reach the compulsory retiring age of 70 may be transferred to the Supplemental List and thereafter perform limited functions such as signing any document for the purpose of authenticating another person's signature. Unlike district judges (magistrates' court), lay magistrates are unpaid but many receive certain allowances to cover travelling expenses, subsistence and financial loss occasioned by the performance of their duties.

**Table 9.4**

**Justices of peace in England and Wales<sup>1</sup> as at 1 April 2005<sup>2</sup> and selected years since 1978**

Year	Total	Men	Women
1978	23,483	14,633	8,850
1988	27,926	15,992	11,934
1990	28,667	16,090	12,577
1991	29,062	16,098	12,964
1992	29,441	16,105	1,336
1993	29,686	16,087	13,599
1994	30,054	16,151	13,903
1995	30,088	16,045	14,043
1996	30,326	15,951	14,375
1997	30,374	15,858	14,516
1998	30,361	15,713	14,648
1999	30,260	15,561	14,699
2000	30,308	15,544	14,764
2001 <sup>2</sup>	28,735	14,639	14,096
2002 <sup>2</sup>	24,526	12,439	12,087
2003 <sup>2</sup>	28,344	14,392	13,952
2004 <sup>2</sup>	28,705	14,555	14,150
2005 <sup>2</sup>	28,253	14,256	13,997

<sup>1</sup> Including the Duchy of Lancaster

<sup>2</sup> Figures are now compiled on a financial year basis

At 1 April 2004 there was a total of 28,253 justices of the peace in England and Wales, over 1% fewer than a year previously. Of the total, 14,256 (over 50%) were men and 13,997 (over 49%) were women. During 2004/05, 892 men and 847 women were appointed justices of the peace. At the same time, 1,436 magistrates were lost from the bench through resignation and removal (874), compulsory retirement (488) or death (74).

**Table 9.5**  
**Justices of peace appointed<sup>1</sup> since 1990**

Year	Total	Men	Women
1990	2,059	996	1,063
1991	2,017	1,008	1,009
1992	2,070	1,080	990
1993	2,062	1,045	1,017
1994	1,593	810	783
1995	1,843	907	936
1996	1,682	830	852
1997	1,573	764	809
1998	1,609	816	793
1999	1,743	884	859
2001 <sup>2</sup>	1,618	834	784
2002 <sup>2</sup>	1,474	763	711
2003 <sup>2</sup>	1,623	838	785
2004 <sup>2</sup>	1,807	1,002	805
2005 <sup>2,3</sup>	1,739	892	847

<sup>1</sup> England and Wales including the Duchy of Lancaster

<sup>2</sup> Figures are now compiled on a financial year basis

<sup>3</sup> Some appointments data was not available at the time of collection and is not included

## District Judges (Magistrates' Courts)

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

There were 124 full-time district judges (magistrates' courts) in post at 1 January 2005. They are appointed by the Queen on the recommendation of the Lord Chancellor. They are full-time members of the judiciary and deal with a broad range of business that comes before the magistrates' courts but in particular may be expected to hear the lengthier and more complex criminal matters coming before those courts. They are entitled to sit with lay magistrates or to sit alone.

## Publicly Funded Legal Services and Taxation of Costs

### The Administration of Publicly Funded Legal Services

The Legal Services Commission (which replaced the Legal Aid Board in April 2000) is responsible to the Lord Chancellor for the administration of civil and family publicly funded legal services and all criminal public funding below the Crown Court.

### Civil Funding

Access to publicly funded civil and family legal services in England and Wales is provided through the Community Legal Service, administered by the Legal Services Commission. The different levels of service provided are –

- i) **Legal Help** – this provides initial advice and assistance with legal problems and covers work previously carried out under the ‘green form’ scheme
- ii) **Help at Court** – this allows for somebody (a solicitor or adviser) to speak on behalf of a person at certain court hearings, without formally acting for that person in the whole proceedings
- iii) **Approved Family Help** – this provides help in relation to a family dispute, including assistance in resolving that dispute through negotiation or otherwise. This includes the services covered by Legal Help, but also includes issuing proceedings and representation where necessary to obtain disclosure of information from another party, or to obtain a consent order following an agreement of matters in dispute. It is available in two forms –

Help with Mediation: legal advice and assistance if a person is attending family mediation

General Family Help: legal advice and assistance on family matters where a person is not attending family mediation

- iv) **Family Mediation** – this level of service covers mediation for a family dispute, including finding out whether mediation appears suitable or not



- v) **Legal Representation** – this level of service provides legal representation so that a person can be represented in court if taking or defending proceedings. This is the same level of service previously called civil legal aid. It is available in two forms –

Investigative Help: funding is limited to investigation of the strength of a claim

Full Representation: funding is provided to represent people in legal proceedings

- vi) **Support Funding** – this provides partial funding of very expensive cases which are otherwise funded privately. It is available in two forms –

Investigative Support: funding is limited to investigation of the strength of a claim with a view to a conditional fee agreement

Litigation Support: provides partial funding of high cost proceedings under a conditional fee agreement

The availability of funding will normally be restricted to those who qualify on financial grounds ('the means test') and who can satisfy the Legal Services Commission that funding should be made available in the particular circumstances of the case. The Commission's 'Funding Code' describes the various circumstances. A person who is entitled to funding may be called upon to make a contribution towards the cost of a case depending on their financial circumstances.

#### **Detailed Assessment of Costs in Civil Proceedings**

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

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

The office responsible for assessing costs depends on the type of case and whether it is publicly funded. The Supreme Court Costs Office (SCCO) deals mainly with costs relating to all proceedings in the Chancery, Family and Queen's Bench Divisions of the High Court, the Court of Appeal (Civil Division) and the London County Court Group. It also deals with costs in matters involving the Court of Protection, various tribunals and assessments transferred from county courts and district registries. It also deals with appeals against the determination of costs in the Crown Court.

The Privy Council, House of Lords, Lands Tribunal, and, except as above, district registries and county courts are responsible for the detailed assessment of costs in their respective courts.

In 2004, the SCCO assessed 13,397 bills as against 13,195 in 2003. Although the number of legal aid only assessments fell by 20% (because of the transfer of assessments under £2500 to the Legal Services Commission), increases in other assessment work (Court of Protection 38% and Between Parties Assessments 20.2%) meant that there was an overall increase of 1.5% in the number of assessments carried out. The substantial increases in Court of Protection assessments has been brought mainly about by the withdrawal of agreed costs resulting in more bills requiring formal assessment. The Pilot Scheme whereby detailed assessment hearings in matters before London County Courts has largely accounted for the increase in between parties' assessments. A random sample over three years (2002-2004) of completed between parties' assessments shows an average reduction of 23.7%.

Between Parties Assessments	3320
Receivers' Costs in the Court of Protection	3247
Appeals from Crown Court Determining Officers	430
Civil Legal Aid	6400

**Table 10.1**

**Taxation of Costs: Bills taxed under headings shown, amounts brought in allowed, and average amounts at which bills were allowed, 2004**

	Number of bills taxed	Brought in at (£)	Allowed at (£)	Average amount at which bills were allowed (£)
<b>Judicial Committee of the Privy Council:</b>				
Petitions for special leave	2	8,226.90	8,255.45	4,127.73
Appeals	19	1,058,828.00	774,239.89	40,749.46
<b>House of Lords:</b>				
Petitions for leave	32	155,674	110,000	3,437
Petitions of appeal	33	2,079,764	1,668,752	50,568
<b>Supreme Court Costs Office<sup>1</sup></b>				
Administrative Court	607	8,103,393	..	..
Chancery Division	408	25,857,912	..	..
Court of Appeal	475	12,419,364	..	..
Court of Protection	3,247	15,423,250	..	..
Family Division	4,144	47,719,328	..	..
Queen's Bench	1,625	78,737,533	..	..
Other Tribunals	174	6,379,927	..	..
From County Courts	2,287	55,701,676	..	..
Appeals for Crown				
Court in Criminal Cases	430	–	–	–
<b>Lands Tribunal</b>	–	–	–	–

<sup>1</sup> Amounts allowed: A random sample over three years (2002-2004) of completed between parties' assessments shows an average reduction of 23.7%

## Criminal Public Funding

The Criminal Defence Service (CDS) was introduced in April 2001 – it replaced the old legal aid scheme.

Advice and assistance is available to individuals who are arrested and held in custody at a police station or other premises and for individuals who are involved in criminal investigations, without reference to their financial resources. Advocacy assistance is also available without reference to a defendant's means for individuals appearing before a magistrates' court or the Crown Court. An accused person can have publicly funded representation where the court decides that it is in the interests of justice to do so. A representation order covers all criminal proceedings; preliminary or incidental including any related bail proceedings. Where a defendant has a representation order in a magistrates' court or the Crown Court, the representation order covers obtaining advice on appeal and the preparation of any application for leave to appeal or giving notice of appeal against conviction or sentence.

Where a notice of leave to appeal has been given, an application for a further representation order can be made directly to the Court of Appeal to cover those proceedings. Once granted a representation order may provide for a solicitor and in certain cases an advocate, in a magistrates' court or Crown Court.

Where a case is heard in a magistrates' court, no details of the applicant's means are required, as there is no power to recover the cost of the applicant's representation. However, where a case is heard in the Crown Court or a higher court on appeal, the applicant must provide truthful details of his or her means to the court. At the end of the case, the judge has a new power to order the defendant to pay back some or all of the costs of his or her defence, the Recovery of Defence Costs Order. If necessary, the judge will order an investigation of the defendant's means before making the order, where for example further information has come to light. Such enquiries may be undertaken by the Legal Services Commission's Special Investigations Unit, or by the court.

In 2004, 111,201 applications were made in magistrates' courts for representation in the Crown Court and of these virtually all were granted. Similarly, of the 12,376 applications to the Crown Court, nearly all were granted.

**Table 10.2****Criminal public funding: Applications<sup>1</sup> filed in the magistrates' courts for representation in the Crown Court, by type of proceeding, 1998–2004**

	1998	1999	2000	2001	2002	2003	2004
<b>Trial on indictment</b>							
Applications	87,741	81,419	79,887	81,864	89,501	89,718	88,277
Granted	87,734	81,413	79,877	81,860	89,501	89,718	88,277
Refused	7	6	10	4	–	–	–
<b>For sentence or to be dealt with</b>							
Applications	20,328	21,982	19,110	17,562	19,639	19,511	18,986
Granted	20,324	21,982	19,110	17,562	19,638	19,511	18,986
Refused	4	–	–	–	–	–	–
<b>Appeals against magistrates' court decision:</b>							
Convictions and sentence:							
Applications	1,382	1,360	1,264	1,240	1,347	1,357	1,397
Granted	1,382	1,360	1,264	1,239	1,347	1,357	1,397
Refused	–	–	–	1	–	–	–
Sentence only:							
Applications	2,529	2,489	2,557	2,407	2,512	2,484	2,541
Granted	2,528	2,489	2,557	2,407	2,512	2,484	2,541
Refused	1	–	–	–	–	–	–

<sup>1</sup> Applications granted include a small number of applications granted in the magistrates' courts and extended by the Crown Court. Applications refused include a small number of applications refused in the magistrates' court and later granted by the Crown Court

**Table 10.3****Criminal public funding: Applications<sup>1</sup> filed in the Crown Court, by type of proceeding, 1998–2004**

	1998	1999	2000	2001	2002	2003	2004
<b>Trial on indictment</b>							
Applications	6,627	6,173	6,685	6,627	5,310	4,809	4,838
Granted	6,445	6,011	6,476	6,485	5,152	4,644	4,670
Refused	182	162	208	162	158	165	168
<b>For sentence or to be dealt with</b>							
Applications	2,626	2,915	3,521	2,583	2,907	3,767	4,554
Granted	2,604	2,882	3,486	2,561	2,897	3,740	4,532
Refused	22	33	35	22	10	27	22
<b>Appeals against Magistrates court decision</b>							
Convictions and sentence:							
Applications	1,678	1,424	1,340	1,228	1,273	1,267	1,328
Granted	1,656	1,401	1,330	1,210	1,256	1,245	1,307
Refused	22	23	10	18	17	22	21
Sentence only:							
Applications	2,079	1,944	1,948	1,655	1,590	1,662	1,656
Granted	2,067	1,937	1,937	1,653	1,585	1,656	1,651
Refused	12	7	11	2	5	6	5

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

The percentage of defendants and appellants applying for criminal public funding, the grant rate and thus the percentage represented under criminal public funding varies considerably according to the type of proceeding. A higher percentage of defendants are publicly funded for proceedings in the Crown Court than in magistrates' courts. The majority of defendants appearing at the Crown Court for trial or for sentence are publicly funded (over 94% and almost 79% respectively in 2004).

**Table 10.4**

**Criminal public funding: Defendants and appellants in the Crown Court, by type of proceeding and representation, 2004**

	Represented under legal aid	Privately not represented	Total
Trial on indictment	91,173	5,334	96,507
For sentence or to be dealt with	23,329	6,237	29,566
Appeals against magistrates' court decisions:			
Conviction and sentence	2,680	2,309	4,989
Sentence only	4,163	2,631	6,794

99% of successful applications to the Crown Court covered payment to a solicitor and one or two barristers.

**Table 10.5**

**Criminal public funding: Successful public funds applications to the Crown Court, by type of proceeding and extent of public funds granted 2004**

	Solicitor Only	Solicitor & Counsel	Solicitor & two counsel	Counsel only	Total applications granted
Trial on indictment	2	2,777	1,890	1	4,670
For sentence or to be dealt with	6	4,457	–	69	4,532
Appeals against Magistrates' courts decisions					
Conviction and sentence	2	1,303	1	1	1,307
Sentences only	4	1,640	–	7	1,651

## Publicly Funded Legal Services Expenditure

The Department for Constitutional Affairs provides a grant to the Legal Services Commission to cover the net cost of the publicly funded services it provides.

Table 10.6 shows net publicly funded legal services expenditure during 2004 by category of funding granted.

In 2004 total net expenditure on publicly funded legal services was £2,059 million, unchanged on 2003.

**Table 10.6**  
Publicly funded legal services expenditure 2004

	Net Payments (£000s)
<b>Community Legal Service:</b>	
Civil and Family Representation	484,473
Legal Help	367,853
<b>Total</b>	<b>852,326</b>
<b>Criminal Defence Service:</b>	
Higher Courts	683,515
Magistrates' Courts, Duty Solicitor, Free Standing Advice and Assistance	523,381
<b>Total</b>	<b>1,206,896</b>
<b>Total Publicly Funded Legal Services</b>	<b>2,059,222</b>

### Other Publicly Funded Legal Services Statistics

Detailed statistics on the Legal Services Commission's administration of publicly funded legal services are included in the Commission's annual report for 2003/2004.



## Data Quality and Sources

Please note that the data in this edition of Judicial Statistics relates to the calendar year 2004 at which time the Information Management and Analysis Group (IMAGE) within the Court Service (an executive agency of the Department for Constitutional Affairs (DCA)) collated and published the data on behalf of the DCA. Since 1st April 2005 the Court Service has ceased to exist and the agency has merged with other elements of the DCA to form Her Majesty's Courts Service. In addition IMAGE has become part of a larger Division and is now known as the Performance Directorate.

Enquiries regarding the data in this edition should be directed to –

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Provided in this chapter are the sources of each data series. Where information is provided specifically for this publication the telephone numbers for the originating office are provided as readers may wish to contact the relevant office directly.

### Chapter 1: Appellate Courts

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

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

Tables	Data Source	Contact Number
1 – 1.2	Privy Council Office	020 7276 0486
1.3 – 1.6	Judicial Office	020 7219 3106
1.7 – 1.8	Criminal Appeal Office	020 7947 6908
1.9 – 1.11	Civil Appeal Office	020 7947 6216
1.12	Chancery Division, RCJ	020 7947 7518
1.13 – 1.15	Administrative Office	020 7947 6908
1.16	Family Proceedings Dept, PRFD	020 7947 7305
1.17	Total of all tables	–

RCJ – Royal Courts of Justice

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

## Chapter 2: High Court – Chancery

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

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

Table	Data Source	Contact Number
2.1	Total of all tables	–
2.2, 2.4 – 2.8	High Court	020 7210 0375
2.3	Chancery Chambers, RCJ	020 7947 6877
Patents Text	Patents Court, RCJ	020 7947 6778

## Chapter 3: High Court – QBD

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

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

Table	Data Source	Contact Number
3.1	Total of all tables	–
3.2 – 3.11, 3.15	High Court	020 7210 0375
3.12 – 3.14	Admiralty Marshall, RCJ	020 7947 6111

The Admiralty Marshal also provides Commercial Court text. High Court also provides data for the Technology & Construction Court.

## Chapter 4: County Court

The majority of the information in this chapter was collected and collated electronically within the Information Management and Analysis Group (IMAGe) of the Court Service on a monthly basis. Some information is provided on manual forms and some is on a sample basis. Details are provided below.

Tables	Data Source	Contact Number
4.1 – 4.2	Total of all tables	–
4.3	BMS & CPC	020 7210 0375
4.4	CPC	020 7210 0375
4.5 – 4.8	Stats Module	020 7210 0375
4.9 – 4.18	Small Claims & Trial Sampler	020 7210 0375
4.18	Registry of County Court Judgements	020 7391 7288
4.19	BMS & Stats Module	020 7210 0375
4.20	BMS & MBR	020 7210 0375
4.21	BMS	020 7210 0375

The *Business Management System (BMS)* is available in all county courts. It provides a system by which managers of all levels within the organisation can monitor and assess the workloads of all courts. Information is provided on a monthly basis 10 working days after the end of the period to which it relates.

*CPC* (Claim Production Centre) is the Bulk Centre situated in Northampton, which deals with claim requests from major claimants i.e. claimants who generally issue more than 1,000 claims annually. CPC customers include banks, credit and storecard issuers, mail order catalogues, utilities and solicitors specialising in debt recover. Data are sent electronically after the end of each month.

**Stats Module** is a manual form completed monthly by all county courts. It provides data on a number of different matters not collected by the electronic systems. This information is available 10 working days after the period to which it relates.

**Small claims:** This is a form completed by 29 courts (from a total of 220 courts). The sampler is carried out 3 times a year (February, July & October). **The response rate is 100%**. Forms are returned 7 working days of the end of the sampler month. Information from these forms is grossed up to E&W levels.

- The grossing up of sample data is done by taking the number of forms received divided by statistical module, (SM 63 – 67) that is provided by all the courts. This gives a weighted figure that is used in multiplying actual figures.

**Trial samplers:** This is a form completed by 219 courts. The sampler is carried out twice a year in March and September. **The response rate is 100%**. Forms are returned 15 working days after the sampler month. Information from these forms is grossed up to E&W levels. Out of the 219, some courts are NIL and apparently don't do this kind of work. Roughly 88 courts (estimate from period Mar 03 – Mar 05) have nil returns all the time. The forms usually need chasing. We can gather how many forms the courts need to send in by using SM22-23.

- The grossing up of sample data is done by taking the number of forms received divided by statistical module, (SM 22 & 23) that is provided by all the courts. This gives a weighted figure that is used in multiplying actual figures.

**MBR (Monthly Business Return)** – This is a monthly manual return sent by the Principal Registry of the Family Division, as there is no electronic Business Management System (BMS) available.

## Chapter 5: Family Matters

The majority of information in this chapter was collected and collated electronically within the Information Management and Analysis Group (IMAGE) of the Court Service on a monthly basis. Some information is provided on manual forms and some is on a sample basis. Details are provided below.

Tables	Data Source	Contact Number
5.1– 5.3	Children Act Private & Public Law Forms	020 7210 0374
5.4	Children Act Private Law Forms	020 7210 0374
5.5 – 5.7, 5.9	Stats Module & MBR	020 7210 0374
5.8	BMS & MBR	020 7210 0374
5.10	Principle Registry of the Family Division	020 7947 7159

**Children Act Private Law Forms** – Returns are made per child that means the volume counts each child separately even when more than one child is included in an application or order. The numbers include section 8 orders and other Part 11 applications, financial applications, family assistance orders, adoptions, freeing orders, Section 30 of the Human Fertilisation and Embryology Act 1990. Monthly returns are sent by County & High Courts 10 working days at the end of the calendar month. Quarterly returns are sent by Family Proceeding Courts.

**Children Act Public Law** – Returns are made per child that means the volume counts each child separately even when more than one child is included in an application or order and comprise care orders, supervision orders, recovery orders, emergency protection orders & transfers. Monthly returns are sent by County & High Courts 10 working days at the end of the calendar month. Quarterly returns are sent by Family Proceeding Courts.

**Principle Registry of the Family Division (PRFD)** a division of the High Court.

**StatsMod, MBR, BMS** – as per chapter 4.

Additional notes –

- Tables 5.2 and 5.3 do not include interim orders.
- Tables 5.2, 5.3 and 5.4 contain imputed data for family proceedings courts

‘Data are imputed for courts who do not respond in a given period. The estimate for each period is based on the average number of applications previously returned.’

## Chapter 6: Crown Court

All the information in this chapter was collected and collated electronically within the Information Management and Analysis Group (IMAGe) of the Court Service on a monthly basis.

Tables	Data Source	Contact Number
6.1 – 6.20	CREST	020 7210 0378

**CREST** is the name of the case management system used within all Crown court centres. All information regarding the management of a case such as dates, charge details, etc. are entered onto the CREST system. The CREST system is updated daily and downloads taken monthly. Due to the nature of the system if records are changed retrospectively then these changes will be incorporated the following month.

## Chapter 7: Tribunals

All information within this chapter is provided directly from the Tribunals and is provided specifically for this publication.

Any queries about the data should be directed to Noreen Razvi on: 0207 566 1323 (except where alternative contact numbers are given) in the Tribunals Directorate.

Tables	Data Source	Contact Number
7.1 – 7.2	Immigration Appellate Authority	Tribunals Directorate
7.3	Social Security and Child Support Commissioners	Tribunals Directorate
7.4 – 7.8	Pensions Appeals Tribunal	Tribunals Directorate
7.5 – 7.6	VAT & Duties Tribunal	Tribunals Directorate
7.7	Lands Tribunal	Tribunals Directorate
7.9	Employment Appeals Tribunal	020 7273 1054
Text	Proscribed Organisation Appeals Commission	Tribunals Directorate
Text	Special Immigration appeals Commission	Tribunals Directorate
Text	Financial Services & Markets Tribunal	Tribunals Directorate
Text	Immigration Services Tribunal	Tribunals Directorate
Text	Transport Tribunal	Tribunals Directorate

## Chapter 8: Other courts & Offices of the Supreme Court

All information within this chapter is provided directly from the sources given below specifically for this publication except for the High Court Tipstaff Form, which is provided on a monthly basis.

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

Tables	Data Source	Contact Number
8.1	Office of the Official Solicitor and Public Trustee	020 7911 7116
8.2	High Court Tipstaff Form	020 7210 0374
8.3 & 8.4	Public Guardianship Office	020 7664 7578
Text	Court Funds Office	020 7947 6132

## Chapter 9: Judiciary

The majority of data within this chapter is provided directly from the sources given below specifically for this publication.

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

Tables	Data Source	Contact Number
9.1	Judicial Appointments Form	<a href="http://www.dca.gov.uk/judicial/judapp.htm">www.dca.gov.uk/judicial/judapp.htm</a>
9.2 – 9.3	Stats 10A & Stats 10 (Crown)	020 7210 0374
9.4 – 9.5	Judicial Policy Directorate	020 7210 8390

**Stats 10A and Stats 10** are forms used within both the Crown courts and the county courts. The information provided monthly are the number of days sat at each court and also the number and level of judges sitting.

## Chapter 10: Publicly Funded Legal Services & taxation

The majority of information within this chapter is provided directly from the sources given below specifically for this publication.

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

Tables	Data Source	Contact Number
10.1	Privy Council Office,	020 7276 0486
	Lands Tribunal,	020 7566 1323
	Judicial Office,	020 7219 3105
	Supreme Courts Cost Office,	020 7210 0374
	Principal Registry of the Family Division	020 7947 7159
10.2 – 10.5	CREST (as per chapter 6)	020 7210 0378
10.6	Publicly Funded Legal Services	020 7210 8797

## MIS (Management Information Systems)

### Introduction of Management Information System Data

The information contained in this publication has been produced using the Management Information System (MIS), a new data warehousing facility drawing data directly from court-based information systems. The new facility enables the Department access to more complete data than was previously possible. In some instances this has meant that previously published figures will have changed, since the new facility has also enabled the Department to include late submitted data and also to revise erroneous data included in previous publications.











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