



Ministry
of Justice

A Guide to Civil and Administrative Justice Statistics

Ministry of Justice

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Introduction

This document aims to provide a comprehensive guide to the civil (non-family) Court and Administrative system, focusing on concepts and definitions published in Ministry of Justice statistics. It also covers overall statistical publication strategy, revision policies, data sources, quality and dissemination.

Figures for these are disseminated in the following publications:

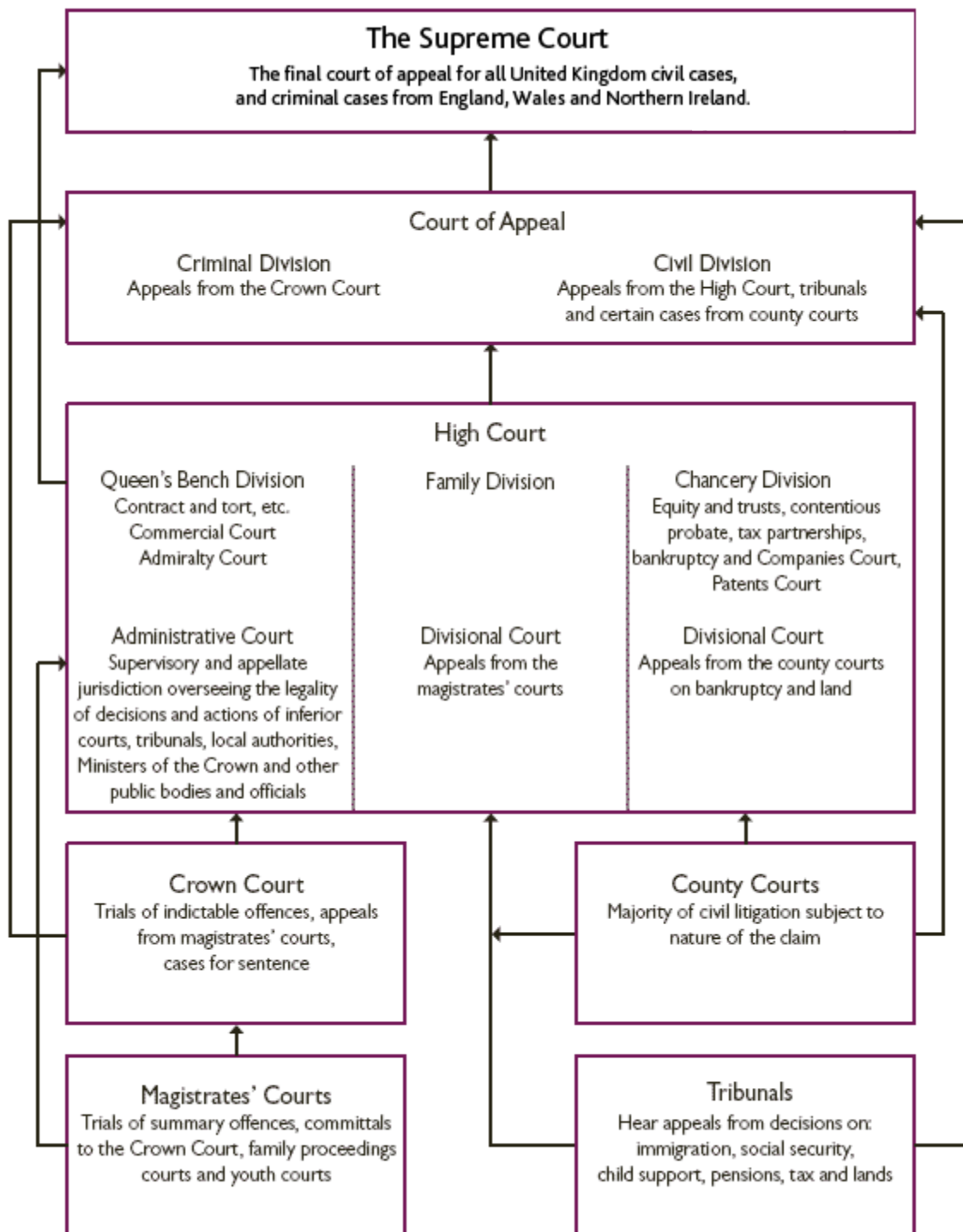
- [Civil Justice Statistics](#) (Includes Civil Court Statistics from the now defunct “Court Statistics Quarterly” Publication; a chapter on Judicial Reviews; every six months a chapter on Privacy Injunctions; and annually figures from the Royal Courts of Justice)
- [Mortgage and Landlord Possession statistics](#)
- [Tribunals Statistics Quarterly](#) (including Gender Recognition Statistics, tribunal information formerly in the Annual Tribunals Statistics publication)
- [Coroners Statistics](#)

The focus of this document is mostly on civil and administrative aspects of Justice. For further information on Criminal Justice Statistics please see the [Guide to Criminal Justice Statistics](#) and for Family Court Statistics, the [Guide to Family Court Statistics](#).

The key areas covered in this guide are:

- A high level background to the Court and Administrative system on the topics featured within the bulletin.
- Information on the frequency and timings of the bulletin and the revisions policy.
- Major legislation coming into effect in the period covered by the bulletin.
- A list of relevant internet sites on the Court and Tribunal system.

Figure 1: Simplified overview of Court and Administrative Systems



Background to the Civil Court and Administrative System

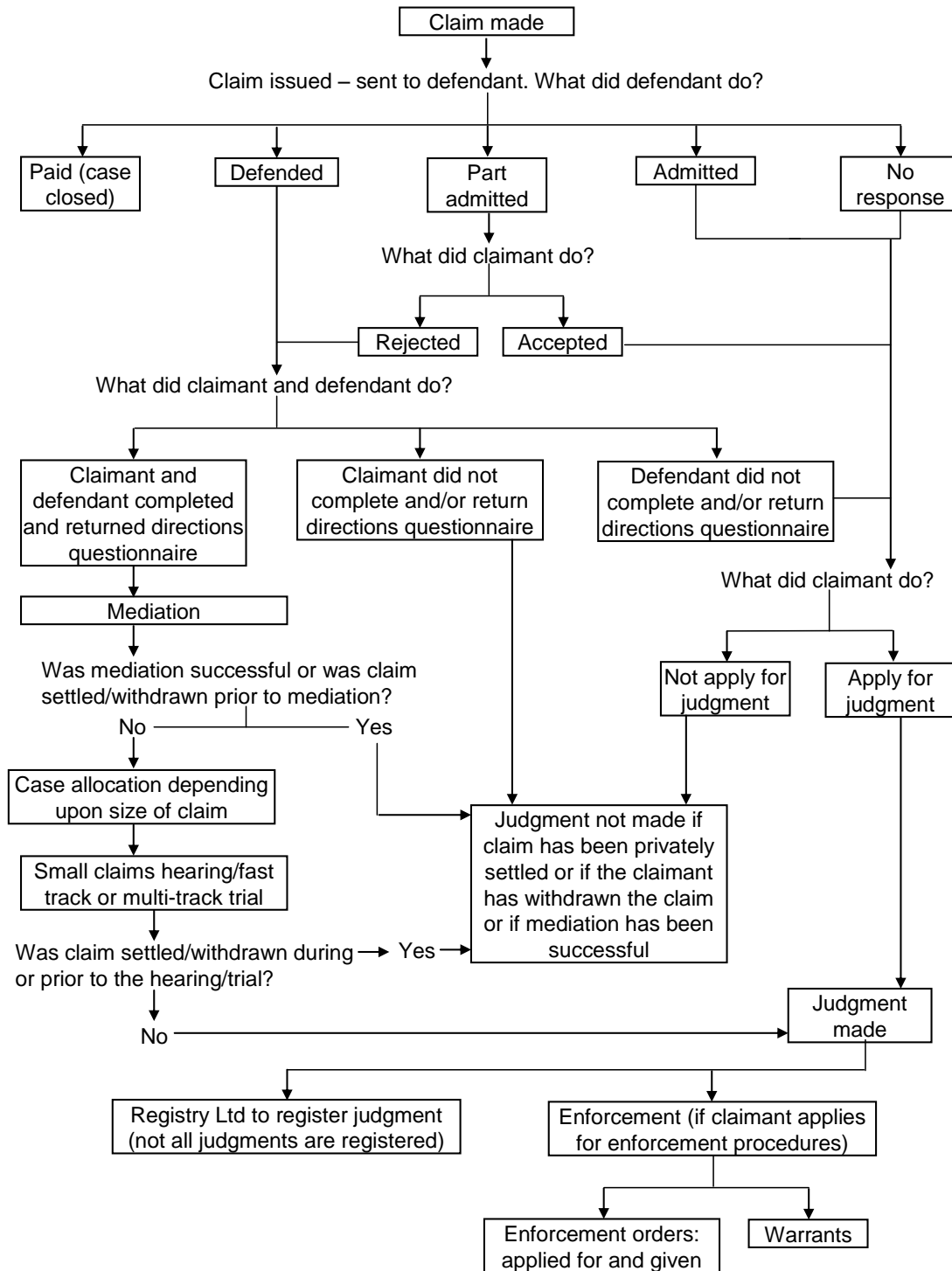
There are a number of ways individuals and organisations enter the Civil Court and Tribunal System. These vary depending on the type of court they are engaging with. Details can be found in the sections below.

1. Civil (excluding family)

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

Figure 2 on the next page provides a schematic summary of the process that specified money cases can go through. Specified money claims constitute the most common kind of civil case, accounting for nearly three-quarters of all civil claims. Not every case will go through every stage.

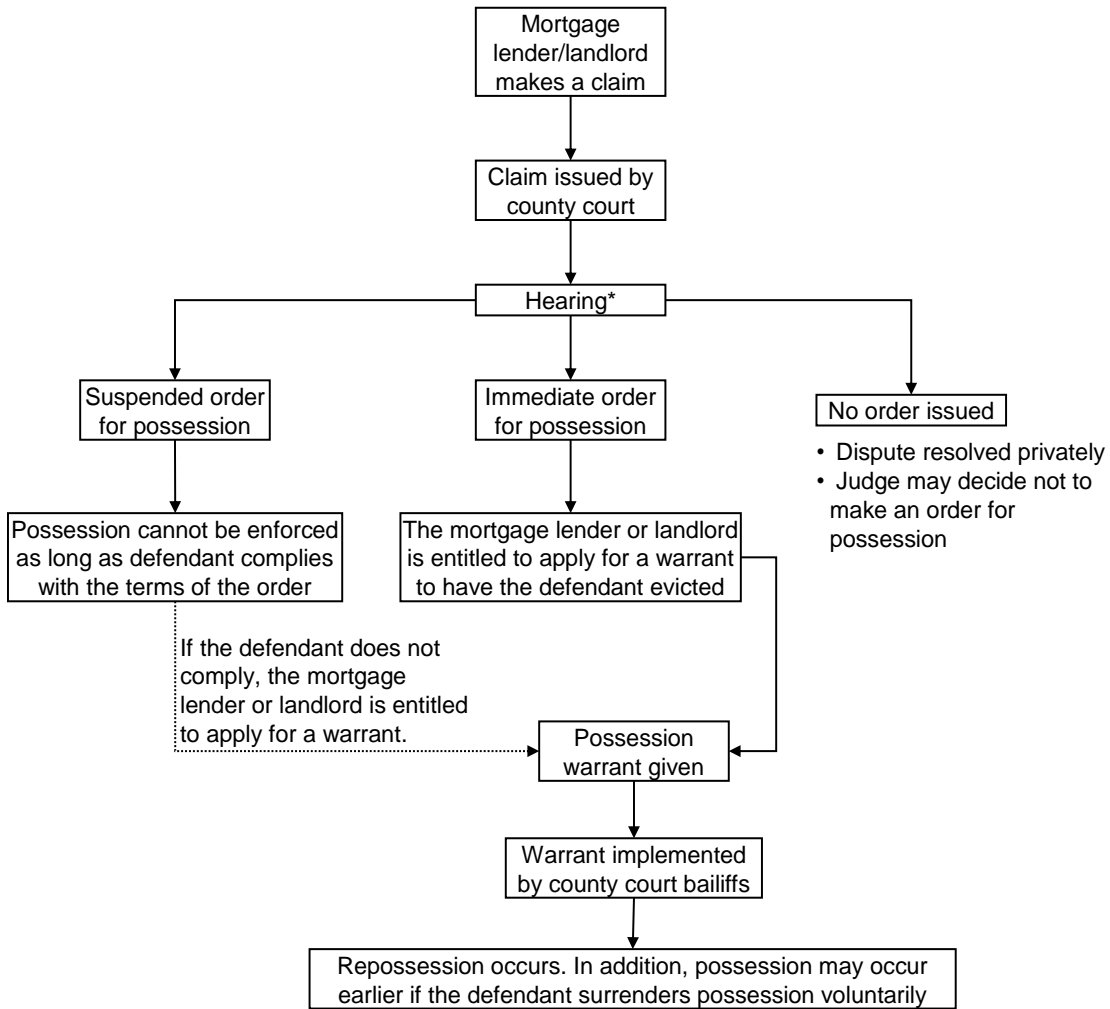
Figure 2: A simplified description of the main court processes for specified money cases



The process for unspecified claims is very similar, at least at the level of detail presented here. The primary difference is that the defendant has an additional option available to them when first being notified of the claim: as well as paying it,

defending it, part or totally admitting it, or giving no response, they can also agree responsibility for the claim but not agree the amount of compensation owed.

Figure 3: A simplified description of the main court processes for possession cases

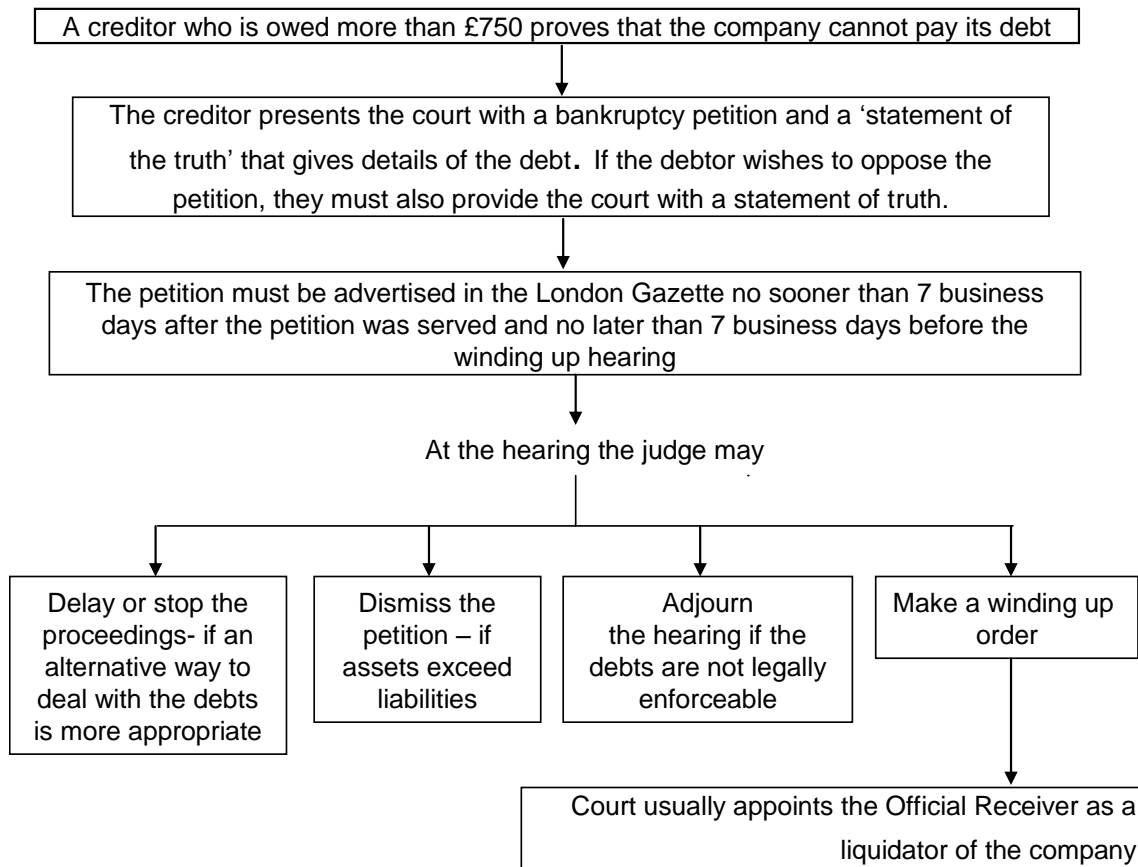


* In cases involving a fixed-term tenancy, a landlord possession may not require a hearing under the accelerated procedure

The process for return of goods claims is very similar to possession cases except that the item being disputed is ownership of goods rather than possession of a property.

Figure 4 on the next page provides a similar summary of the process that company winding-up cases can go through.

Figure 4: A simplified description of the main court processes for company winding-up cases



The process for creditor's petitions cases is very similar except that the petition need not be advertised in the London Gazette.

The process for debtor's petition changed in April 2016. Previously and the debtor would need to present a 'statement of affairs' to the court that shows that they are unable to pay their debts along with the bankruptcy petition. However, from 6 April 2016, debtor petitions moved from the courts to an online system,

Claims issued

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

Claimants who issue a large number of claims each year, such as banks, credit card and store card issuers, utility companies and debt recovery companies, can file them to the County Court Business Centre (CCBC) . This centralized claim processing service facilitates the removal of repetitive staff-intensive work from local courts to a single, more straightforward service. After processing the claims, the information is sent electronically to the court(s) selected by the claimant.

Case progression, hearings and judgments

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

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

- Small claim track. This track is generally for cases with a claim value of up to £10,000. These require less preparation by the parties involved than the more complex cases allocated to the fast or multi track. The hearings are designed to be accessible to people who do not have representation by a solicitor or counsel, and are dealt with in about an hour.
- Fast track. This track is generally for cases with a claim value of between £10,000 and not more than £25,000, with issues not complex enough to merit more than a one day trial.
- Multi track. This track is generally for cases with a claim value exceeding £25,000 with more complex issues. They generally last more than one day at trial.

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

Enforcement

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

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

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

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

In certain circumstances, a debtor may apply to a county court to combine debts with a total not exceeding £10,000 into a single administration order, which allows a District Judge to make an order for the debtor to make regular payments to the court. The court will then distribute the money to the creditors

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

2. Mortgage and Landlord Repossessions

In England and Wales the process of possessing a property by a landlord or a mortgage lender is carried out by the county courts. This only happens as a last resort after all other options of recovering the money owed have been explored. This section describes the court process of possessing a property in detail and Figure 3 provides a summary.

To obtain a court order granting the entitlement to take possession of a property, a claimant – a mortgage lender or a landlord – must first make a claim for possession of property which is then issued by a county court. Generally, the issuing process involves the arrangement of an initial hearing before a judge. At such a hearing, a judge may:

- grant an order for outright possession of the property at a date decided by the judge;
- grant a suspended order for possession of the property; or,
- grant no order for possession (for example, after deciding the claimant has no legal right to take possession of the property).

The suspended order for possession of the property usually requires the defendant to pay the latest mortgage or rent instalment, plus some of the arrears that have built up, within a certain defined period. As long as the defendant complies with the terms of the suspension, the possession order cannot be enforced.

More than one order may be granted during the course of an individual case. For example, it is possible that after an initial possession order is granted, a party may make an application to the court for the order to be varied or set aside, which could then result in another order being made.

The possession order states that that the defendant should vacate the property and that the claimant has entitlement to take possession of the property (and sometimes that costs must be paid). If the defendant will not permit or allow possession, a warrant can then be sought to have the defendant evicted by bailiffs, so taking possession of the property. Only then does repossession occur. Actual repossession figures (including voluntary repossessions such as where the mortgagee or tenant hands back the keys) are only available for mortgages and are compiled by the [Bank of England Statistics](#), who provide quarterly statistics aggregated from the returns from around 300 regulated mortgage lenders and administrators, providing data on their mortgage lending activities and the [Council of Mortgage Lenders](#) (CML).

Throughout the court process, even where a warrant for possession is issued, the claimant and defendant can still negotiate a compromise arrangement to prevent eviction.

Seasonal Adjustment

The publication includes seasonally adjusted figures for claims, orders, warrants and repossessions, to account for seasonal trends. Seasonal adjustments make it easier to observe the underlying trends, and other non-seasonal movements. Lags in judicial processing caused by events such as Easter or Christmas, can cause distortions to the time series.

To seasonally adjust these time series, we use X-12 ARIMA software. The X-12-ARIMA is a seasonal adjustment software developed and supported by the United States Census Bureau. The X-12 ARIMA procedure makes additive or multiplicative adjustments to create a seasonally adjusted time series.

The X-12 ARIMA works by modelling the original time series as an autoregressive moving average process (ARIMA) in order to detect and adjust for outliers and other distorting effects. It also detects and estimates for factors such as calendar effects.

For a fuller explanation on how the X12A program seasonally adjusts time series see: <https://www.census.gov/ts/x12a/v03/x12adocV03.pdf>; and www.ons.gov.uk/ons/guide-method/method.../guide-to-seasonal-adjustment.pdf

Other sources of possession statistics

The numbers of actual repossessions (including where there is no action by county court bailiffs) are produced by the Bank of England and the Council of Mortgage Lenders (CML). The statistics shown for "properties taken into possession" are published figures from the CML, which is an industry body representing around 94 % of the UK residential lending industry. It should be noted that:

- The Ministry statistics on court actions cover England and Wales only. CML statistics cover the whole of the UK.
- CML statistics on actual possessions include properties surrendered voluntarily.
- Given the time lags involved, some of the court orders for the possessions shown by CML may have been granted in earlier time periods.

Mortgage possessions counted in the CML statistics mainly relate to the non-repayment of loans which are secured as a "first charge" against the property. The large majority of "second charge" lending (any loan secured on a property where a separate first charge loan already exists) falls outside the CML's membership, therefore any resulting repossessions will not be counted in their figures. A [comprehensive review](#) of statistics relating to the housing market has been published by the National Statistician's Office.

3. High Court - Chancery and Queen's Bench Divisions

The High Court deals with higher level civil disputes within three divisions

- the Queen's Bench Division
- the Chancery Division
- the Family Division

The work of the Queen's Bench Division, not including the specialist courts, consists mainly of claims for damages in respect of: personal injury, negligence, breach of contract, libel and slander (defamation), non-payment of a debt, and possession of land or property.

The work of the Queen's Bench Division is (with certain exceptions) governed by the Civil Procedure Rules (CPR). The Divisional Court, the Admiralty Court, Commercial Court and Technology and Construction Court are all part of the Queen's Bench Division. However, each does specialised work requiring a distinct procedure that to some extent modifies the CPR. For that reason each publishes its own Guide or Practice Direction, to which reference should be made by parties wishing to proceed in the specialist courts. For a more in-depth explanation of the work and practice of the Queen's Bench Division with particular regard to proceedings started in the Central Office, see the [Queen's Bench Guide](#)

The Chancery Division is a part of the High Court of Justice. The areas of work that it deals with are: business and property related disputes, competition and general Chancery Claims. The Chancery Division also deals with claims relating to: patents, intellectual Property, companies, insolvency, trust, probate and appeals to the High Court, Chancery Division from the lower court.

The Family Division of the High Court has Jurisdiction to deal with all matrimonial cases, the Children Act 1989 and the Child Abduction and Custody Act 1985. It also deals with cases relating to Part IV Family Law Act 1996 (Family Homes and Domestic Violence), Adoption Section Inheritance Act 1975 applications and Probate and Court of Protection work.

Judicial Reviews at the Administrative Court

The Administrative Court in the Queen's Bench Division of the High Court processes the majority of Judicial reviews (JR). A JR is a process by which individuals, businesses and other affected parties can challenge the lawfulness of decisions or actions of the Executive, including those of Ministers, local authorities, other public bodies and those exercising public functions. It is a largely judge-developed procedure and can be characterised as the rule of law in action, providing a key mechanism for individuals to hold the Executive to account. It is, however, intended to operate quickly and proportionately. Certain protections are in principle provided against spurious claims: only those with sufficient interest are able to bring a case and they must first obtain permission for their case to be heard.

There are three main grounds on which a decision or action may be challenged:

1. **Illegality:** for example, it was not taken in accordance with the law that regulates it or goes beyond the powers of the body;
2. **Irrationality:** for example, that it was not taken reasonably, or that no reasonable person could have taken it;
3. **Procedural irregularity:** for example, a failure to consult properly or to act in accordance with natural justice or with the underpinning procedural rules

JR is often described as a remedy of last resort: the courts will normally expect parties to use other avenues, including a right of appeal, where they are available.

Judicial Review applications

Before bringing JR proceedings, parties should normally adhere to the Pre-Action Protocol, which encourages them to seek to settle their differences without reference to the Court. JR proceedings are commenced by filing a claim form with the Court, setting out the matter the claimant wants the Court to decide and the remedy sought. The claim must be submitted promptly and in any event within three months of the grounds giving rise to the claim. The Court's permission is required for a claim for JR to proceed. This can be in the form of an oral or paper hearing; with an oral hearing taking generally longer.

Oral renewal

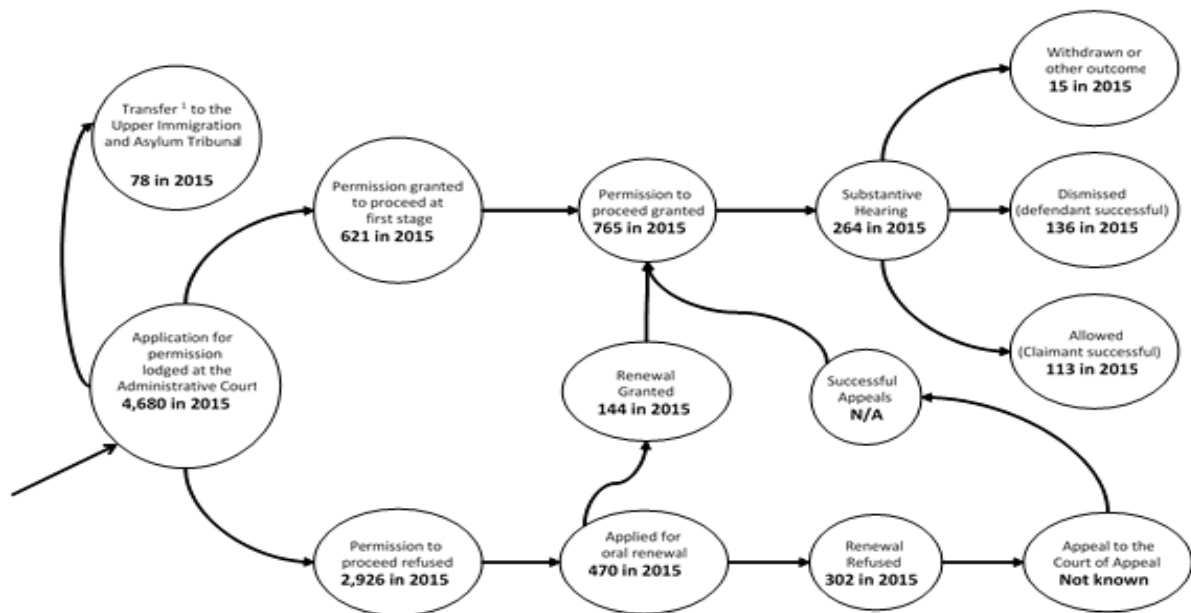
In cases where the Court refuses permission (either in full or in part) the claimant may request that the decision be reconsidered at a hearing (referred to in this publication as an "oral renewal"). The oral renewal is a full reconsideration of the decision on permission, supported by oral submissions. Where permission is granted, the claim will continue to a hearing. Where it is refused, the claimant may consider whether he or she wishes to appeal to the Court of Appeal. This

publication does not cover statistics from the Court of Appeal (see Figure 12 shows a simplified Judicial Review process).

Totally Without Merit

In refusing permission for judicial review, a judge can certify a case to be totally without merit (TWM). As part of the Government's reforms to judicial review procedure, since 1st July 2013 a case refused permission and certified as totally without merit cannot be renewed at an oral hearing.

Figure 12: Flow chart showing a simplified Judicial Review process, with 2015 case progression figures



Please note applications can be withdrawn at any stage in the process where cases may be on court waiting lists, withdrawn by the claimant or settled privately.

Judicial Review topics

To aid with the presentation of the JR data four types have been created; Criminal, Civil (other), Civil (Immigration and Asylum) and Unknown. The lists below show how topics are categorised into each group.

Civil (Immigration and Asylum): Asylum Support, Asylum Fresh Claim, Cart – Immigration, Fresh claim not mandatory transfer, Human rights fresh claim, Immigration Asylum only, Immigration asylum fresh claim, Immigration Detention,

Immigration legislation validity, Immigration Not Asylum and Naturalisation, Citizenship, Immigration Sponsor Licensing and Immigration Declaration of Incompatibility.

Since November 2013, the majority of these cases are processed by the Upper Tribunal for Immigration and Asylum Cases (UTIAC), rather than the Administrative Court. The figures relating UTIAC JRs can be found in the Tribunal and Gender Recognition Certificate Statistics Quarterly Publication.

Extradition Parts 1 and 2 (appeals from the decision District Judge on the matter of extraction) are also currently included in this category, but discussions are under way as to whether it is better placed in a different category.

Civil (Other): Other, Age Assessment¹, Agriculture & Fisheries, Animals, Anti Social Behaviour Order, Armed Forces, Bail, Bind Over, Broadcasting, Bye-Laws, Caravans and Gypsies, Care Standards, Care Proceedings, Cart - Other, Child Support, Community Care, Companies, Consumer Protection, Contempt, Coroners, Costs and Legal aid (Civil), County Court, Criminal Cases Review Commission, Criminal Injuries Compensation Authority, Crown Court, Disciplinary Bodies, E.C., Education, Elections, Employment, Firearms, Food and Drugs, Family, Children and Young Persons, Freedom of Information, Health and Safety, Highways, Homelessness, Housing, Housing Benefit, Inquiries, Jurisdiction (Crown Office), Land, Licensing, Local Government, Magistrates Courts Procedure, Mental Health, Parole, Police (Civil), Pollution, Prisons, Prisons (not parole), Proceeds of Crime Act, Public Contract Regulations 2006, Public Funding and Grants, Public Health (Not Disciplinary matters), Public Utilities (include OFTEL etc), Rates/Community Charge/Council Tax, Registered Homes, Road Traffic, Social Security, Solicitors Disciplinary Appeal Tribunal, Solicitors Regulation Authority, Statutory Nuisance, Tax, Town and Country Planning, Trade and Industry, Transport - Not RTA, VAT, Valuation Tribunal Appeals, Vexatious Litigants, Welsh Devolution Issues

Criminal: Cautions, Committal for Trial and for Sentence, Costs and Legal aid (Criminal), Criminal Fine Enforcement, Criminal Law (General), Custody Time Limits, Decision as to Prosecution, Drug Trafficking, Evidence, Financial Penalties - Enforcement, PACE, Public Order Act, Sentencing, Terrorism, Trade Descriptions.

Unknown category: covers a small number of cases where topic was not known.

¹ Age assessment has been categorised as 'Civil other' by default. Although some of these cases may actually be 'Civil - Immigration and Asylum', it is not possible to distinguish which, based on the information held on the database. If an age assessment case is transferred to the UTIAC, then it is re-assigned to the 'Civil – Immigration and Asylum' category.

Privacy Injunctions

A person or organisation who wishes to prevent the publication or dissemination of private or confidential information can apply to the High Court for an injunction to stop this from occurring. These are called privacy injunctions.

In a court case (whether or not the claim relates to personal information), the court may, exceptionally, rule that the identities of one or both of the parties involved in the case cannot be revealed. When it does this in an injunction case, it is called an anonymised injunction. A privacy injunction may be, but is not always, anonymised.

In all privacy injunction cases, the person or organisation applying for a privacy injunction – called the claimant – may initially seek an interim injunction. The court may issue an interim injunction at the start of a case, to prohibit publication before the matter is resolved, if this could thwart any subsequent injunction it may decide to grant.

If an interim injunction is granted, it will normally only last for a short period of time initially. The court will usually set a date by which a second hearing will take place. At that second hearing the court will decide whether or not to continue the interim injunction (perhaps with some variation in its terms). The defendant – the person or organisation against whom the privacy injunction is directed – may oppose the continuation of the injunction, or agree to adhere to it. If the court continues the injunction after this second hearing, it will normally last until a full trial can take place. Interim injunctions are granted only on the basis of witness statements, without oral evidence or disclosure of documents.

After hearing all the evidence and arguments at the full trial, the court can decide to:

- continue (or vary) the interim injunction as a final injunction – which makes the injunction permanent; or
- cancel it (also termed “discharge”) – which means the injunction no longer exists so there is no restriction on the publication or dissemination of the information in question.

Whether an injunction is appropriate or justified depends on the specific circumstances of an individual case.

If, at the trial, the court decides that the claimant was wrong to apply for the injunction, they may be ordered to pay compensation for any damage caused. Third parties affected by an injunction may apply to the court for an injunction to be discharged, and in some cases for compensation.

In April 2010, a committee chaired by the Master of the Rolls was formed to examine legal and procedural issues relating to privacy injunctions, in the light of concerns raised following several high-profile court cases. The concerns centred around the perceived growth in the use of so-called “super-injunctions” and the increasing frequency with which High Court proceedings concerning the misuse of private information were being anonymised.

The Committee published its report, “Super-Injunctions, Anonymised Injunctions and Open Justice” in May 2011. It noted that no statistics on anonymised injunctions and super-injunctions were collected at that time. Therefore one of its recommendations was that the Ministry of Justice, with the assistance of HM Courts and Tribunals Service, should collect data about injunctions containing publicity restrictions, including super-injunctions, which are applied for and granted. The Committee’s report can be found on the judiciary website at www.judiciary.gov.uk/media/media-releases/2011/committee-reports-findings-super-injunctions-20052011. Data subsequently began being collected by the Ministry of Justice in August 2011 and is published in <https://www.gov.uk/government/collections/civil-justice-statistics-quarterly> every 6 months, in March and September.

4. The Court of Appeal

The Court of Appeal is divided into two Divisions, criminal and civil. The Criminal Division, presided over by the Lord Chief Justice and the Vice-President of the Criminal Division, hears appeals in criminal cases from the Crown Court. 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.

5. The UK Supreme Court

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

The Offices of the Supreme Court supports the Supreme Court and covers;

- The Court Funds Office
- The Offices of the Official Solicitor and the Public Trustee
- Tipstaff

The Court Funds Office

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

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

The Offices of the Official Solicitor and the Public Trustee

The Offices of the Official Solicitor and the Public Trustee support both the Official Solicitor and the Public Trustee. The Official Solicitor is a statutory office holder appointed by the Lord Chancellor section 90 of the Senior Courts Act 1981.

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

objective is to secure the best value for the beneficiaries.

Tipstaff

The duties of the Tipstaff are many and varied but, in broad practical terms, the Tipstaff is the enforcement officer for the High Court. The principal areas of specific duties emanate from the Queen's Bench, Chancery and Family Divisions and involve issues of bankruptcy, insolvency, wardship, child abduction, contempt of court and many other miscellaneous orders which involve taking action to enforce, or prevent breach of, orders of the court.

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

6. Judicial Committee of the Privy Council

The Judicial Committee of The Privy Council (JCPC) is the court of final appeal for the UK overseas territories and Crown dependencies, and for those Commonwealth countries that have retained the appeal to Her Majesty in Council or, in the case of Republics, to the Judicial Committee. The JCPC has both a Commonwealth and a domestic jurisdiction. In its Commonwealth jurisdiction, which is by far the largest part of its work, it hears appeals from those independent Commonwealth countries which have retained the appeal to Her Majesty in Council or, in the case of Republics, to the Judicial Committee itself. It also hears appeals from the United Kingdom overseas territories. By agreement with the Sultan of Brunei, the Committee can hear appeals from the Brunei Court of Appeal, but in civil cases only, and gives its advice to the Sultan.

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

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

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

7. The Judiciary

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

- **Divisional Heads:** The Lord Chief Justice is the Head of the Judiciary for England and Wales and also Head of Criminal Justice.
- **Lords Justices:** Together with the Lord Chief Justice and the Heads of Divisions, the Lords Justices are judges of the Court of Appeal.
- **High Court Judges:** There is a statutory limit of 108 High Court Judges who may sit in England and Wales to deal with the more complex and difficult cases. High Court Judges are assigned to one of the three divisions of the High Court: the Chancery Division; the Queen's Bench Division; and the Family Division.
- **Circuit Judges, Recorders and District Judges:** The majority of Crown Court work is undertaken by Circuit Judges and Recorders. In the county courts most of the work is undertaken by Circuit Judges, District Judges and deputy District Judges.
- **District Judges (Magistrates' Courts):** Full-time District Judges (Magistrates' Courts) are salaried members of the judiciary appointed by the Queen on the recommendation of the Lord Chancellor. Generally sitting alone in a magistrates' court, they are responsible for deciding cases of law and fact and for imposing sentences.
- **The Magistracy (Justices of the Peace):** Justices of the Peace (JP) (magistrates) are appointed by the Lord Chancellor on behalf of the Sovereign.

8. Tribunals

Tribunals are specialist judicial bodies which decide disputes in particular areas of law. Appeals to tribunals are generally against a decision made by a Government department or agency. The exception to this is the Employment Tribunal where cases are on a party v party basis (specifically, employee versus employer). There are tribunals in England, Wales, Scotland and Northern Ireland covering a wide range of areas affecting day-to-day life. HM Courts & Tribunals administers many of them although some are the responsibility of the devolved governments in Scotland, Wales and Northern Ireland.

Tribunals have a two-tier structure (see Figure 13). The First Tier tribunal hears first instance appeals, primarily (but not exclusively) against certain decisions made by Government departments or other public bodies). The Upper Tribunal generally hears appeals from decisions of the First Tier tribunal although it also deals with certain matters at first instance.

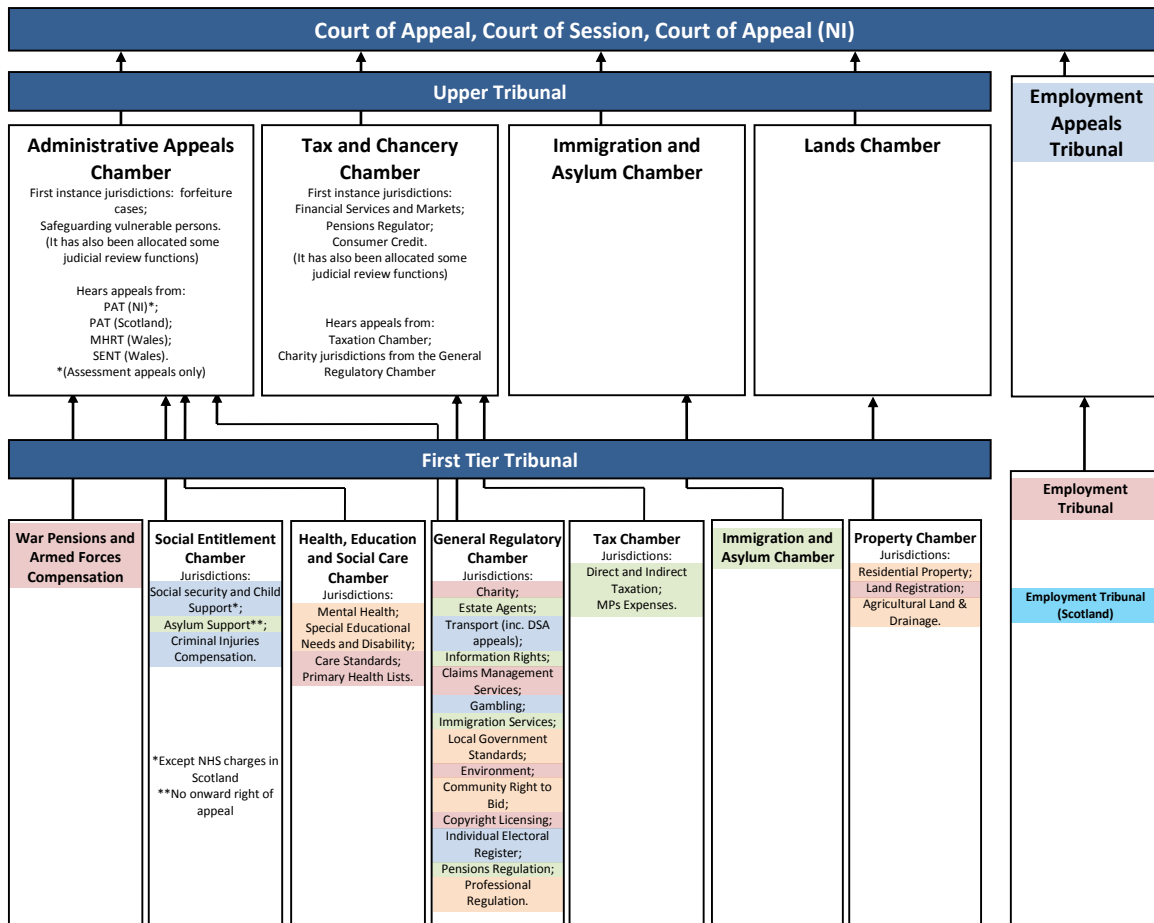
The two tiers are divided into chambers which deal with particular areas of work. There are seven chambers in the First Tier Tribunal:

- War pensions and Armed Forces Compensation: deals with appeals against decisions in those matters.
- Social Entitlement: mainly deals with appeals against decisions of DWP on entitlement to welfare benefits but also appeals against decisions on child maintenance payments, Asylum Support and Criminal Injuries Compensation.
- Health, Education and Social Care: this deals with a range of appeals including decisions taken under the Mental Health Act and assessments of Special Educational Needs.
- Tax Chamber: appeals against assessments of direct and indirect taxation and also appeals in cases of MPs' expenses.
- Immigration and Asylum: appeals against decisions of the Home Office relating to permission to stay in the UK, deportation from the UK and entry clearance to the UK.
- Property: primarily disputes about rent and land valuations.
- General Regulatory: this deals with a wide range of matters, mainly in relation to regulated services, such as Charity, Information Rights, Claims Management, Gambling and Transport.
- HMCTS is also responsible for a number of specialist tribunals, including, for example, the Gender Recognition Panel.

- The Upper Tribunal has four Chambers: Tax and Chancery, Immigration and Asylum, Lands and Administrative Appeals.

In addition, HMCTS is also responsible for the administration of the Employment Tribunals and the Employment Appeals Tribunal, although these sit outside the unified structure.

Figure 13: First and Upper tier tribunal chambers



Key: United Kingdom Great Britain England and Wales England only Scotland only

Appeals to the First Tier Tribunal are against the decisions from government departments and other public bodies. The Upper Tribunal hears appeals from the First Tier Tribunal on points of law; specifically, an appeal made over the interpretation of a legal principle or statute. Further appeals may be made, with permission, to the Court of Appeal.

Tribunal judges are legally-qualified. Tribunal members are specialist non-legal members of the panel and include doctors, chartered surveyors, ex-service

personnel or accountants. Tribunals often sit as a panel comprising a judge and non-legal members however in some jurisdictions cases may be heard by a judge or member sitting alone.

The following simplified flowcharts show the stages of Tribunal receipts and disposals for the three main Tribunal types. Following the process shown in the flowcharts, cases can be progressed to the Upper Tribunal, the Court of Appeal and ultimately to the Supreme Court. Please note these are simplified flowcharts and do not cover all the possible processes involved.

Figure 14: Immigration and Asylum Tribunal receipts and disposals

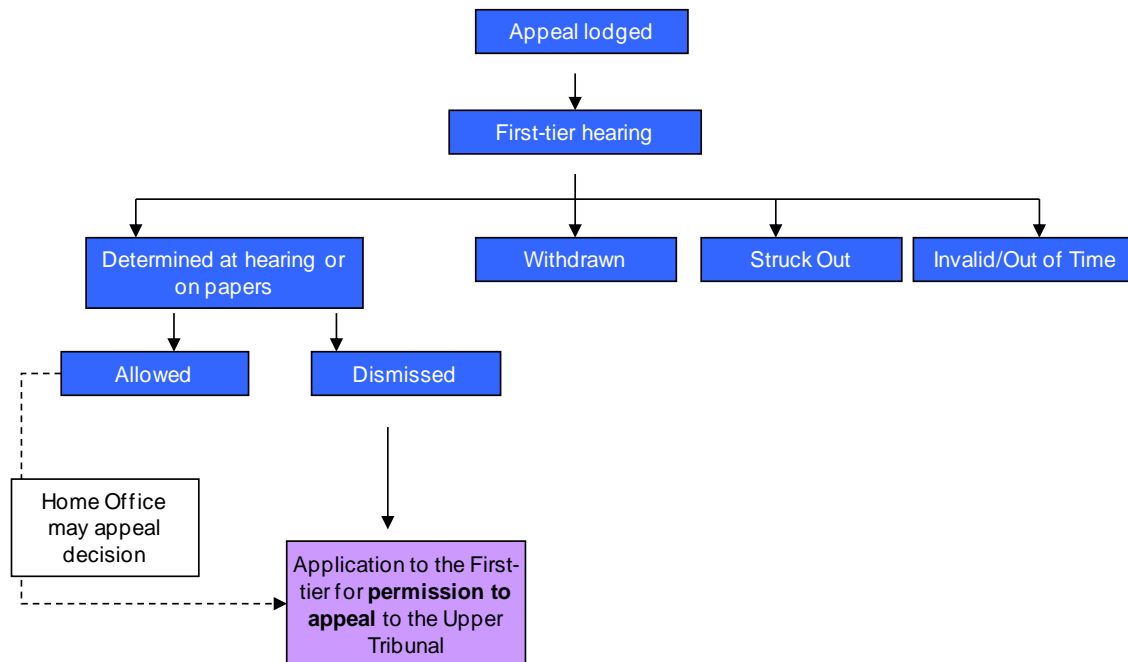
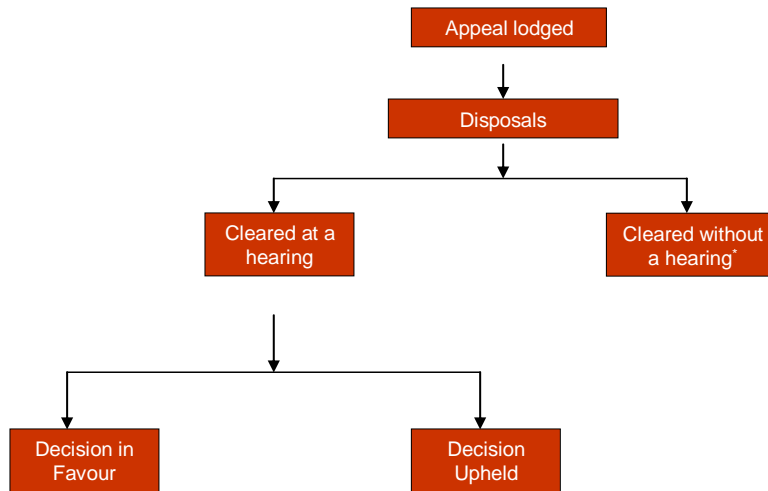
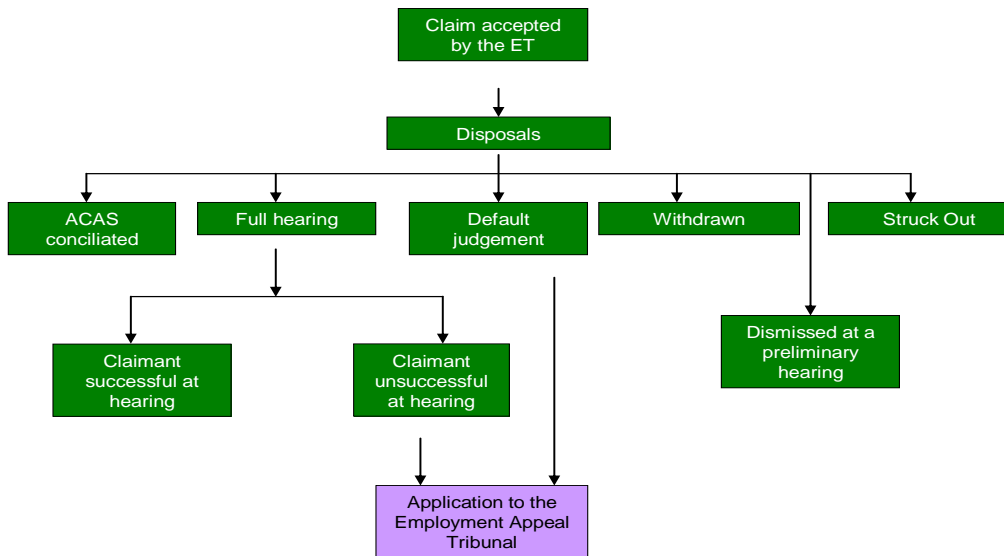


Figure 15: SSCS Tribunal receipts and disposals



*Cleared without a hearing includes strike outs, superseded and withdrawals prior to a hearing.

Figure 16: Employment Tribunal receipts and disposals



*ACAS provides a mediation service in which applicants are given the opportunity to settle workplace disputes out of court

Employment tribunals can cover 'single' or 'multiple' claims, for more information please see the case studies below.

Single claim - *Bob works for a Building Company and has done so for a number of years. He is just over 50 years old and was recently overlooked for promotion. Those promoted were much younger. Bob decided to issue a claim to the Employment Tribunal alleging age discrimination.*

In this instance the claim issued would be categorised as a '**single**' claim with one jurisdictional complaint. If Bob also included a complaint in respect of unpaid wages in his claim, the tribunal would still categorise it as a single claim, but there would be two jurisdictional complaints within it that would need to be processed, managed and disposed of. As a rule of thumb, the greater the number of jurisdictional complaints within a claim, the more work it represents for the tribunal to hear and determine.

Multiple claim (simple scenario) - *Two hundred individuals who work for Sunnydale Council bring claims to the Employment Tribunal for failure to provide equal pay for equal work. They present their claims jointly on one claim form and are all represented by the same lawyer.*

In this instance, the tribunal would formally issue 200 claims, recognising 200 claimants and assigning 200 claim numbers. Given that each of the claimants presented a sole ground of complaint (equal pay), the tribunal would also recognise 200 jurisdictional complaints.

In this scenario, the 'workload' generated by the 200 claims would be most unlikely to equate to the workload generated by 200 single claims for equal pay. Accordingly, a better measure of the workload before the tribunal in respect of these proceedings is as a **Multiples Claims Case.**

Multiple claim (more complex scenario) - *Katie was dismissed by her employer and brings a claim for unfair dismissal. Sue was also dismissed in relation to the same incident and brings a separate claim (on a separate claim form) for unfair dismissal, against the same employer. Sue also includes a complaint for unlawful deduction of wages prior to her dismissal. Although the claims were presented separately, an Employment Judge subsequently directs that the claims be joined as a multiple, and are from that point processed and managed together.*

In this instance the official statistics would show:

- a. One multiple claim case receipt
- b. Two multiple claim receipts (with Katie and Sue as the claimants)
- c. Three jurisdictional complaints (2 x unfair dismissal, 1 x unlawful deduction)

For more information on the various areas of the tribunal system please see the links given below:

For tribunal judgements: www.bailii.org/databases.html#uk

Social Security and Child Support

DWP have carried out analysis on the overturn rates for ESA by region and health condition, for further information see:

www.gov.uk/government/publications/employment-and-support-allowance--6

Employment Tribunal Fees

Fees for Employment Tribunals and the Employment Appeals Tribunal were introduced on 29th July 2013, alongside wider reform of procedural rules (following the Underhill Review of Employment Tribunal Rules).

<http://www.justice.gov.uk/tribunals/employment>

www.gov.uk/government/publications/employment-tribunal-receipt-statistics-management-information-july-to-september-2013

www.gov.uk/government/consultations/employment-tribunal-rules-review-by-mr-justice-underhill

Special Educational Needs and Disability Tribunals

www.gov.uk/government/collections/statistics-special-educational-needs-sen

Scotland

www.mhtscotland.gov.uk/mhts/Annual_Reports/Annual_Reports_main

www.asntscotland.gov.uk/asnts/181.25.141.html

<https://www.prhpscotland.gov.uk/who-we-are/annual-reports>

Northern Ireland

www.courtsni.gov.uk/en-GB/Services/Statistics%20and%20Research/Pages/default.aspx

9. Gender Recognition Certificates

Under United Kingdom law, individuals are considered by the State to be of the gender – either male or female – that is recorded on their birth certificate. The Gender Recognition Act 2004 (GRA), which came into effect on 4 April 2005, enables transsexual people who experience severe gender variance to change their legal gender. They can do this by applying to the Gender Recognition Panel (GRP) for a Gender Recognition Certificate (GRC). A GRC entitles the individual to recognition of the gender stated on the certificate “for all purposes”. Those with a UK birth entry may use their GRC to obtain a new birth certificate recording their new name and legal gender.

Individuals seeking to change their gender status must provide the GRP with evidence demonstrating a diagnosis of persistent gender dysphoria, they have lived permanently in the acquired gender for two years or more and intend to live in the acquired gender for the rest of their lives. Genital surgery is not requirement however if this has taken place then the applicant must provide details.

The GRP is part of Her Majesty’s Courts and Tribunals Service (HMCTS), which is an executive agency of the Ministry of Justice. The panel comprises judicially trained legal and medical members and is supported by an administrative team. The applicant is not required to appear in person and the panel sit in private to consider the documentary evidence.

The Marriage (Same Sex Couples) Act 2013 and the Marriage and Civil Partnerships (Scotland) Act 2014 introduced same-sex marriage which changed the process of obtaining a GRC. Prior to the act, a married individual wishing to obtain a GRC had to either divorce or annul their marriage using an Interim GRC and then if they wished to stay with their partner, they could form a civil partnership. The introduction of the act means in a pre-Act marriage where one individual wishes to obtain a GRC can be converted to a same-sex marriage with the consent of the spouse.

There are three application processes for applying for a GRC:

- **Standard track** applications are submitted if the individual:
 - a. has been diagnosed with gender dysphoria,
 - b. has lived in the acquired gender in the UK for at least 2 years and
 - c. intends to live in the acquired gender for the rest of their lives.

- **Alternative track** applications are submitted if the individual:
 - a. has been diagnosed with gender dysphoria or had surgery to change their sexual characteristics,
 - b. lives in England, Wales or Scotland most of the time,
 - c. intends to live in the acquired gender for the rest of their lives,
 - d. is in (or has been in) a protected marriage or protected civil

partnership and
e. has lived in the acquired gender for at least 6 years before 10 December 2014 (16 December 2014 for Scottish marriages and civil partnerships).

- **Overseas track** applications are those submitted under the overseas application process, on the basis of having changed gender under the law of an approved country or territory outside the United Kingdom.

The overseas process requires applicants to demonstrate that they have been legally recognised in their acquired gender in a country or territory that is listed in the Gender Recognition (Approved Countries and Territories) Order 2011. The list is available on the Ministry of Justice website (www.justice.gov.uk/tribunals/gender-recognition-panel/overseas-application-process).

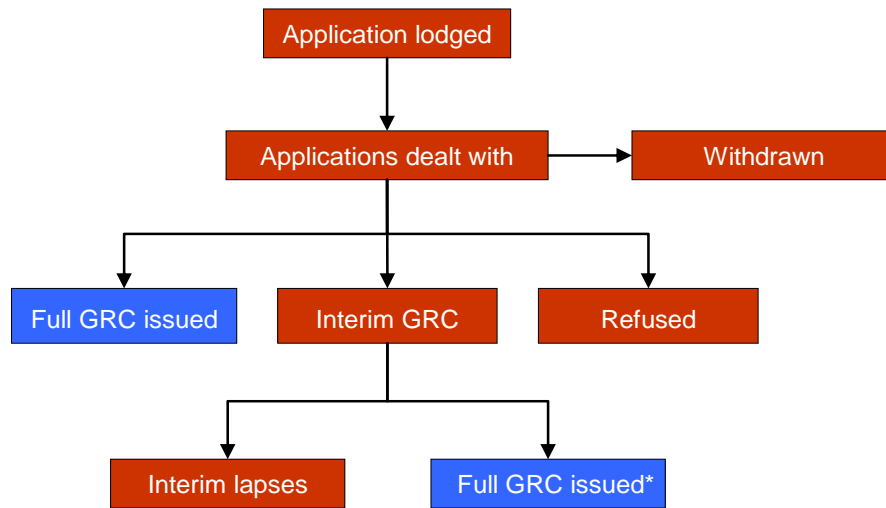
Under all circumstances, an applicant must also prove that they are at least 18 years of age at the date of application.

A full GRC issued by the GRP shows that a person has satisfied the criteria for legal recognition in the acquired gender. It is issued to successful applicants. From the date of issue, the holder's gender becomes the acquired gender for all purposes. Such individuals are entitled to all the rights appropriate to a person of their acquired gender, for example the right to retire and receive state pension at an age appropriate to their acquired gender. A person whose birth was registered in the UK is able to obtain a new birth certificate showing their recognised legal gender.

An interim GRC is issued to a successful applicant if he or she is married and either needs (or wants) to end that marriage before a full gender recognition certificate can be issued) or is in a civil partnership at the time of the application. The interim certificate is issued to allow the applicant and his or her spouse or civil partner to end their marriage or civil partnership easily. It has no legal significance beyond this use. When the marriage or civil partnership is ended, a full GRC will be issued to the applicant.

Figure 17 shows the stages of the GRC process. Note that the figures in the published tables relate to the workload in the latest quarter, so the figures for receipts will not sum to the same total as the number of cases dealt with, as some will relate to applications received in earlier periods.

Figure 17: The Gender Recognition Certificate process



*At this stage a full GRC could be issued by either a court or the GRP.

More information about the gender recognition process and guidance notes can be found on the Ministry of Justice website at:

www.justice.gov.uk/tribunals/gender-recognition-panel

Further information about the Marriage (Same Sex Couples) Act 2013 can be found at:

www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society/supporting-pages/equal-marriage-for-gay-lesbian-bisexual-and-trans-people-and-protecting-lgbt-rights

Further information about the Marriage and Civil Partnership (Scotland Act) 2014 can be found at: www.nrscotland.gov.uk/news/2014/same-sex-marriage-in-scotland-news

10. Coroners

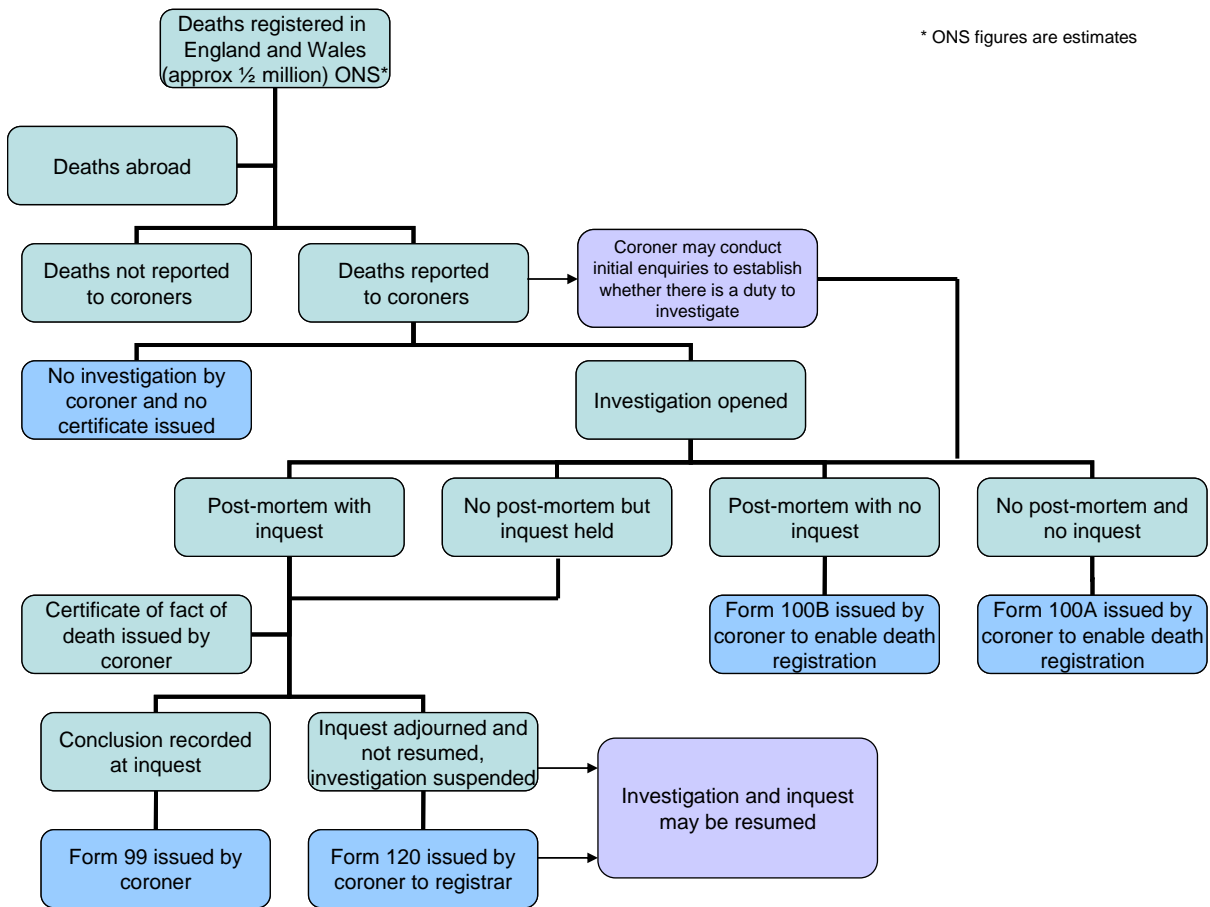
In England and Wales, coroners are required by law to investigate violent or unnatural deaths, cases where the cause of death is unknown, and those deaths which occur in custody or state detention. The coroner must then establish who the deceased was and how, when and where the death occurred. At the close of an inquest, coroners (or juries if they have been summoned) are required to record a conclusion covering these questions.

In the majority of deaths reported to them, coroners' investigations are concluded without an inquest being held. The coroner will have satisfied themselves, by means of a post-mortem examination or other investigation, on the physical cause of death and that the death was not one on which he or she is required by law to hold an inquest. A post-mortem examination may also take place in order to determine whether or not an investigation is necessary.

Conclusions are recorded in nearly all cases that proceed to inquest. The exceptions are inquests adjourned by the coroner if, for example, criminal proceedings take place. The inquest is usually not resumed because the relevant evidence has been heard elsewhere. Most inquests are held by a coroner sitting alone, without a jury, but a jury must be summoned in some circumstances, for example where the deceased died while in custody or state detention and the death was violent or unnatural, or of unknown cause; where the death resulted from an act or omission of a police officer or member of a service police force in the purported execution of their duties; or where the death was caused by an accident, poisoning or disease which must be reported to a government department or inspector. Jury inquests are no longer required where the deceased died in custody from natural causes.

Figure 18 shows the possible outcomes involved when a death is reported to a coroner.

Figure 18: Deaths reported to coroners, 2015



Conclusions recorded in 2015 may relate to deaths from 2015 or earlier years. It is not possible to follow the flow of cases through the system due to the way the data is collected.

In England and Wales a coroner also handles investigations regarding finds reported to them under the provisions of the Treasure Act 1996. The coroner will inquire into any treasure which is found in their area and establish who the finders were. By law, all treasure finds must be reported to the coroner within 14 days, the only exception being where treasure finds occurred before 24 September 1997, where the find is dealt with under common law “Treasure Trove”. Such cases are extremely rare and the vast majority of cases fall under the Treasure Act 1996.

Timeliness of inquests

For the purpose of determining the timeliness of inquests, the time taken to conduct an inquest is deemed to be from the day the death was reported to the coroner until either (a) the day the inquest is concluded by the delivery of a verdict or (b) the day the coroner certifies that an adjourned inquest will not be resumed.

The average time for an inquest to be conducted is estimated in the following way: Coroners are asked in their annual return to state how many inquests were concluded within certain time periods. There are five time bands, which are: within one month; 1-3 months; 3-6 months; 6-12 months; and over 12 months. All the inquests falling within a time-band are then assumed to have been completed at or near the mid-point of the various time-bands for the purposes of calculating the average, although inquests within the “under one month” band are assumed to have taken 3 weeks for this purpose of this estimation, and those inquests taking over a year to conclude were deemed to have taken 18 months, although the time-band itself is open-ended. Numbers are then aggregated and the average figure (in weeks) calculated in the normal way.

Only deaths occurring within England and Wales are included in the calculation. Statistics are not collected on the time taken for inquests where the death occurred outside England and Wales. Deaths occurring abroad are often significantly delayed because of the difficulty, for example, of obtaining reports from other countries.

Data Sources and Data Quality

This section outlines the different data sources used to compile the statistics presented in the bulletins with discussion on data quality where relevant.

Timeframe and Publishing Frequency of Data

The publishing frequency and scheduled revisions policy of data in this guide varies.

- **Civil Justice Statistics** (which contains Judicial Review data) is published quarterly with additional data on the Royal Courts of Justice released annually in June each year and Privacy Injunctions released biannually (in March and September). The data in the current quarter is provisional and previous are quarter revised for civil court data and Judicial Reviews its revised back to the year 2000 each quarter
- **Mortgage and Landlord Possession Statistics** is published quarterly and has the same revisions policy as Civil Justice Statistics
- **Tribunals and Gender Recognition Certificate Statistics** is published quarterly with the following additional data published annually, at different quarters in the year;
 - December - Special Educational Needs Tribunals;
 - June - Postponements, Adjournments and judicial sitting days by tribunal jurisdiction;
 - September - Employment Tribunal legal representation and compensation awarded, and more detailed Employment Appeals Tribunals data;

Also, in the 4th quarter (published in June) the figures for Q1-Q3 of the same year are reconciled and Q4 is reconciled in Q1 of the following year.

- **Coroners Statistics** is released annually and there is no scheduled revisions policy for this publication

Each quarter the latest reference period will be published so statistics will be for the year ending March, June, September or December. For upcoming publications please see the [MoJ publication schedule](#)

Data Quality

Civil cases (non-family) including mortgage and landlord repossession

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

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

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

High Court and Court of Appeal

The High Court and the Appellate Courts use a variety of local administration systems to produce published information. Below are details on the database used for Judicial Reviews. Further information on other databases used by the Appellate courts will be added over time.

Administrative Court – the Administrative Court covers a range of issues including Judicial Reviews. The Administrative Court database is called COINS. COINS stands for “Crown Office Information Network System”. This is because the Administrative Court Office was formerly known as the Crown Office.

Data for Judicial Reviews is extracted from the CIONS database and provided to JSAS for analysis. This extraction is based on a live administrative system and figures are subject to change with new extractions. Extractions are typically done four weeks prior to publication.

Other Courts and Offices

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

Tribunals

Information presented on Tribunals is management information drawn from a number of administrative sources. These are owned and managed by HMCTS, who provide the data to a central statistics team in MoJ for publication. The different Tribunals management information systems are listed below;

- Immigration and Asylum: The database used by HMCTS to record Tribunal information with respect to Immigration and Asylum is called ARIA. ARIA went live in 2000 and holds around 150,000 records (receipts) per year.
- Employment: ETHOS: The database used by HMCTS to hold information with respect to Employment (single and multiple) Tribunals. The database went live in 2007 and holds around 200,000 records per year. After a period of time after a case has closed (normally a year) the records are archived onto a separate database called COIT.
- Employment Tribunal Fees: The data on fees and remissions is sourced from the Employment Tribunal Fees administrative system, which is used for case management and the processing of remission applications and fee payments.
- Social Security and Child Support: The database used by HMCTS to hold Tribunal information with respect to the Social Security and Child Support is called GAPS2. This database went live in 2007 and holds around 400,000 records per year.
- Mental Health – The database used by HMCTS to record Tribunal information with respect to Mental Health Tribunals is called MARTHA. MARTHA went live in 2008 and holds around 30,000 records (receipts) per year.
- There are also a range of smaller systems that hold information on the special tribunals. Some of this data is in the progress of being migrated onto the GAPs2 system. This includes information on Special Educational Needs.

Although care is taken when processing and analysing the data, the details are subject to inaccuracies inherent in any large-scale recording system and it is the best data that is available at the time of publication. Thus, it is possible that some revisions may be issued. At the end of each financial year the quarterly data is revised, so that the annual figures are the sum of the four quarters. At present these revisions are not made within the year.

The statistics are based on case management systems where a number of processes are recorded throughout the life of an appeal. In some instances, a case can re-enter the process or have a number of outcomes, meaning that there is not necessarily one receipt or one disposal per case. The quality of management information is being examined. Thus, care should be taken when comparing receipts and disposals.

Gender Recognition Certificates

Figures on Gender Recognition Certificates cover those that are applied for and granted by Her Majesty's Courts and Tribunals Service's Gender Recognition Panel (GRP). This panel is not a Tribunal but is presided over by a Tribunal Judge. The data are taken from a central database in the Ministry of Justice called GRS2000.

The figures presented in this bulletin are collected from officials at the GRP. The data collected are quality-assured and validated in a process that highlights inconsistencies between quarters, and other areas. Checks are made to ensure that each month's data are arithmetically correct, with subtotals and grand totals correctly summed. Unusual values encountered are queried with the data supplier to confirm whether these are correct, or are an error in the information provided which requires amendment.

Coroners

Figures in relation to deaths reported to coroners are collected via statistical returns from each coroner area. The process by which coroners provide their returns can vary according to the case management system they use. Many coroners use a system provided by an external contractor, while other coroners use alternative computer systems. Although care is taken in completing, analyzing and quality-assuring the data provided on the statistical returns, the figures are, of necessity, subject to possible inaccuracies inherent in any large-scale collection of this type. Every effort is made, however, to ensure that the figures presented in this publication are accurate and complete.

Returns are individually quality-assured and validated in a process that highlights inconsistencies between years, and other areas. Checks are made to ensure that each return is arithmetically correct, including with subtotals and grand totals correctly summed. Unusual values encountered in a return are queried with the

data supplier, to confirm whether these are correct, or an error in the information provided which requires amendment.

Privacy Injunctions

Data is collected via statistical returns filled out at court hearings and returned securely to the Ministry of Justice statistics team. The forms are completed by judges, who with their full understanding of the circumstances of the case thus determine whether an injunction has met the criteria for inclusion in the statistics. This means, therefore, that only an injunction deemed by the judge to meet these criteria is included. It is possible that the figures presented constitute an undercount, if any relevant statistical returns have not yet been completed by a judge or forwarded to the statistics team.

Revisions

In accordance with Principle 2 of the Code of Practice for Office Statistics, the Ministry of Justice is required to publish transparent guidance on its policy for revisions. A copy of this statement can be found at:

www.gov.uk/government/publications/ministry-of-justice-statistics-policy-and-procedures

The three reasons specified for statistics needing to be revised are;

- changes in sources of administrative systems or methodology changes
- receipt of subsequent information, and;
- errors in statistical systems and processes.

Each of these points, and its specific relevance to the civil justice and tribunal statistics publications, are addressed below:

1. Changes in source of administrative systems/methodology changes

The data within the aforementioned publications come from a variety of administrative systems. Each publication will clearly present where there have been revisions to data accountable to switches in methodology or administrative systems. In addition, statistics affected within the publication will be appropriately footnoted.

2. Receipt of subsequent information

The nature of any administrative system is that data may be received late. For the purpose of these statistics publications, the late data will be reviewed on a quarterly basis but, unless it is deemed to make significant changes to the statistics released; revisions will only be made as part of the final release containing the calendar year statistics. However, should the review show that the late data has a major impact on the statistics then revisions will be released as part of the subsequent publication.

3. Errors in statistical systems and processes

Occasionally errors can occur in statistical processes; procedures are constantly reviewed to minimise this risk. Should a significant error be found, the publication on the website will be updated and an errata slip published documenting the revision.

Legislation coming into effect in the reporting period

The legislation described below relates mainly to legislation that came into force in the period from January 2000 to the end of 2015. It is only a short summary of the sections that may have affected the published statistics. The following web site has details of all legislation that has come into force in the intervening period. www.legislation.gov.uk/

The coverage in the Civil Justice, Tribunal and Coroner Statistics Publications may have been affected by the following legislation, which has altered the modes of trial, sentencing framework or significantly altered the range of offences:

- Financial Services and Market Act 2000
- Civil Partnership Act 2004
- Gender Recognition Act 2004
- Tribunals, Courts and Enforcement Act 2007
- Mental Health Act 2007
- Coroners and Justice Act 2009
- Welfare Reform Act 2012
- Legal Aid, Sentencing and Punishment of Offenders Act 2012
- Cheshire West Supreme Court's judgment 2014

The **Financial Services and Market Act 2000** introduced a Mortgage Pre-Action Protocol (MPAP) for possession claims relating to mortgage or home purchase plan arrears. The Protocol gives clear guidance on what the courts expect lenders and borrowers to have done prior to a claim being issued. The main aims of it were to ensure that the parties act fairly and reasonably with each other in any matters concerning the mortgage arrears, to encourage more pre-action contact between lender and borrower and to enable efficient use of the court's time and resources.

The **Civil Partnership Act 2004** grants civil partnerships in the United Kingdom with rights and responsibilities identical to civil marriage. Civil Partners are entitled to the same property rights as married opposite-sex couples, the same exemption as married couples social security and pension benefits, and also the ability to get parental responsibility for a partner's children, as well as responsibility for reasonable maintenance of one's partner and their children, tenancy rights, full life insurance recognition, next-of-kin rights in hospitals, and others. There is a formal process for dissolving partnerships akin to divorce.

The **Gender Recognition Act 2004** enables transsexual people to apply to the Gender Recognition Panel (GRP) to receive a Gender Recognition Certificate (GRC).

The **Tribunals, Courts and Enforcement Act 2007** was amended with a statutory instrument (The Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013) to allow for fees in the Employment Tribunal. These came into effect on the 29th July 2013.

The **Mental Capacity Act Deprivation of Liberty Safeguards** (MCA DoLS) were introduced, as part of the **Mental Health Act 2007**, by the Department of Health in April 2009. The MCA DoLS are new statutory safeguards.

Deprivation of Liberty Safeguards is the procedure prescribed in law when it is necessary to deprive of their liberty a resident or patient who lacks capacity to consent to their care and treatment in order to keep them safe from harm. It is defined as a form of state detention and therefore any deaths that occur while under s DoLS should be reported to Coroners.

Part 1 of the **Coroners and Justice Act 2009** (the 2009 Act) provided for a number of structural and procedural changes to the coroner system in England and Wales. The provisions of the 2009 Act, as well as the rules and regulations made under it, came into force in July 2013. The 2009 Act essentially replaces the Coroners Act 1988² (the 1988 Act) as the legislation governing coroner services.

The **Welfare Reform Act 2012** introduced changes to the process for SSCS tribunal appeals, from April 2013 onwards. There were three changes:

- DWP will reconsider all decisions before an appeal can be lodged (known as mandatory reconsideration);
- appeals must be sent directly to HMCTS (known as direct lodgement);
- there are time limits for DWP to return its responses to HMCTS (introduced in October 2014).

Mandatory reconsideration and direct lodgment were introduced for Personal Independence Payment and Universal Credit appeals in April 2013. On 28 October 2013, they were introduced for all other DWP-administered benefits and child maintenance cases, and for appeals against decisions made by HMRC on 1 April 2014.

² The Coroners Act 1988 was repealed in July 2013 with the exceptions of section 13 (application for a fresh coroner investigation or inquest) and 4A(8) (a coroner in Wales being regarded as a coroner for the whole of Wales).

Following the introduction of **the Legal Aid, Sentencing and Punishment of Offenders Act 2012** on 1 April 2013 the scope of services funded as part of civil legal aid changed. This legislation removed legal aid eligibility for some civil cases.

The **Supreme Court's 2014 judgment** in the case of P v Cheshire West and Chester Council and P&O v Surrey County Council (Cheshire West) clarified the circumstances in which a DoLS are likely to be required, which resulted in many more circumstances amounting to a deprivation of liberty by the state and therefore a rise in the number of DoLS cases due to this judgement.

Directory of Related Internet Websites on the Courts and Tribunals

The following list of web sites contains information in the form of publications and/or statistics relating to the criminal justice system that may be of interest.

The following **Ministry of Justice** website lists **Statistical and Research publications**:

www.gov.uk/government/organisations/ministry-of-justice/about/statistics

For historic publications, see the links to 'earlier volumes in the series' (on Home Office site) on individual publication pages.

Information on the **bodies within the justice system**, such as HM Prison Service, the Youth Justice Board and HM Courts & Tribunals Service can be found at: www.gov.uk/government/organisations

The **Welsh Assembly Government**, www.wales.gov.uk gives information on all aspects of the Welsh Assembly together with details of publications and statistics.

The **Scottish Government**, www.scotland.gov.uk gives information on all aspects of the Scottish Executive together with details of publications and statistics.

The **Government Statistics release calendar**, lists the release dates and links to all Government Official Statistics:
<https://www.gov.uk/government/statistics/announcements>

Contacts

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