



Ministry
of Justice



Court Statistics Quarterly January to March 2013

Ministry of Justice
Statistics bulletin

Published 20 June 2013

Executive Summary

This report presents the latest statistics on cases that are received and processed through the court system of England and Wales in the first quarter of 2013 (January to March). These statistics focus on three main categories: civil, family and criminal cases. This edition also includes supplementary information on specialised courts functions including the Judicial Reviews, application under the Mental Capacity Act and the assessment of litigation costs, and publicly funded legal services.

Civil (excluding family) cases

- In Q1 2013, courts dealt with 357,000 new claims and 11,000 hearings or trials. These represent a reduction of around 26 and 38 per cent respectively in workload figures since 2007.
- Historically, just over 3.5 per cent of all claims issued have gone to hearing or trial.
- There were 11,000 insolvency petitions continuing the downward trend seen since 2009, after more than doubling between 2001 and 2009.

Family cases

- The number of applications across family courts remained at around 70,000 in Q1 2013 with the majority (44 per cent) being divorce applications.
- The average time for the disposal of a care or supervision application continued to drop to 42 weeks (down 24 per cent from Q1 2012).

Criminal cases

- In Q1 2013 magistrates' courts and the Crown Court held 48,000 trial hearings, of which 45 per cent were recorded as effective; 38 per cent as cracked and 17 per cent as ineffective. These figures have remained stable since 2009.
- The average number of days taken from offence to completion in either the magistrates' courts or the Crown Court increased slightly to 161 days in Q1 2013. However, timeliness between first listing to completion remained at 33 days.

Judicial Reviews

- Between 2007 and 2012 there has been an increase of 86 per cent in applications lodged, with the growth driven by Judicial Reviews on immigration and asylum.
- In 2007 six per cent of all applications reached a final hearing and three per cent decided in favour of the claimant.

The Mental Capacity Act

- In 2012, there were 25,000 applications made under the Mental Capacity Act 2005, an increase of six per cent since 2011. The majority of these (60 per cent) relate to applications for appointment of a property and affairs deputy.

Assessment of litigation costs, and publicly funded legal services

- In 2012, 95,000 applications for legal aid were made in magistrates' courts for representation in trial and committed for sentence cases at the Crown Court. This represents a decrease of 13 per cent on the previous year and continues the decreasing trend of applications observed since the introduction of Crown Court means testing in June 2010.
- For 2011/12 the Legal Services Commission delivered nearly 2.5 million acts of assistance, a decrease of nine per cent compared to the previous year. Total cash payments and net expenditure for all publicly funded legal services were also down compared to the previous year by two and three per cent respectively.

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Introduction

This report presents statistics on activity in the county, family, magistrates' and Crown courts of England and Wales. It gives provisional figures for the latest quarter (January to March 2013) with accompanying commentary and analysis. Supplementary information is provided in this edition on specialised courts and the judiciary. The figures themselves give a summary overview of the volume of cases dealt with by these courts over time, with statistics also broken down for the main types of case involved. The statistics are used to monitor court workloads, to assist in the development of policy, and their subsequent monitoring and evaluation.

For this (June) edition additional information is presented from chapter four onwards that was historically part of Judicial and Court Statistics. As the focus of this data is on annual trends it will only be presented in the January to March publication, usually published in June. For a mapping of the tables from Judicial and Court Statistics to Court Statistics Quarterly please see the supplementary tables covering chapter four to chapter nine.

[Annex A](#) provides summary information on data sources for the figures given in this report, along with a brief discussion on data quality. [Annex B](#) provides information on enforcement of financial impositions. Further information about the systems and data included in this publication can be found in the '**A Guide to Court and Administrative Justice Statistics**' which is published alongside this report. This is the first edition of this Guide and we welcome feedback on it. This guide also contains a **Glossary** section which provides brief definitions for the terms used in this report, along with information about statistical revisions and forthcoming changes. Information regarding the symbols and conventions used in the bulletin are given in the **Explanatory notes** section.

The structure and content of this report is continually being reviewed to reflect user requirements. Planned upcoming changes to the publications covered in this report are listed in [Annex C](#).

If you have any comments about these changes, or the report more generally, please contact the production team using the [contact details](#) at the back of this report.

Earlier editions of this publication can be found at:

<https://www.gov.uk/government/publications/court-statistics-quarterly--2>

There are a number of supplementary tables and csv files that support this publication, these include;

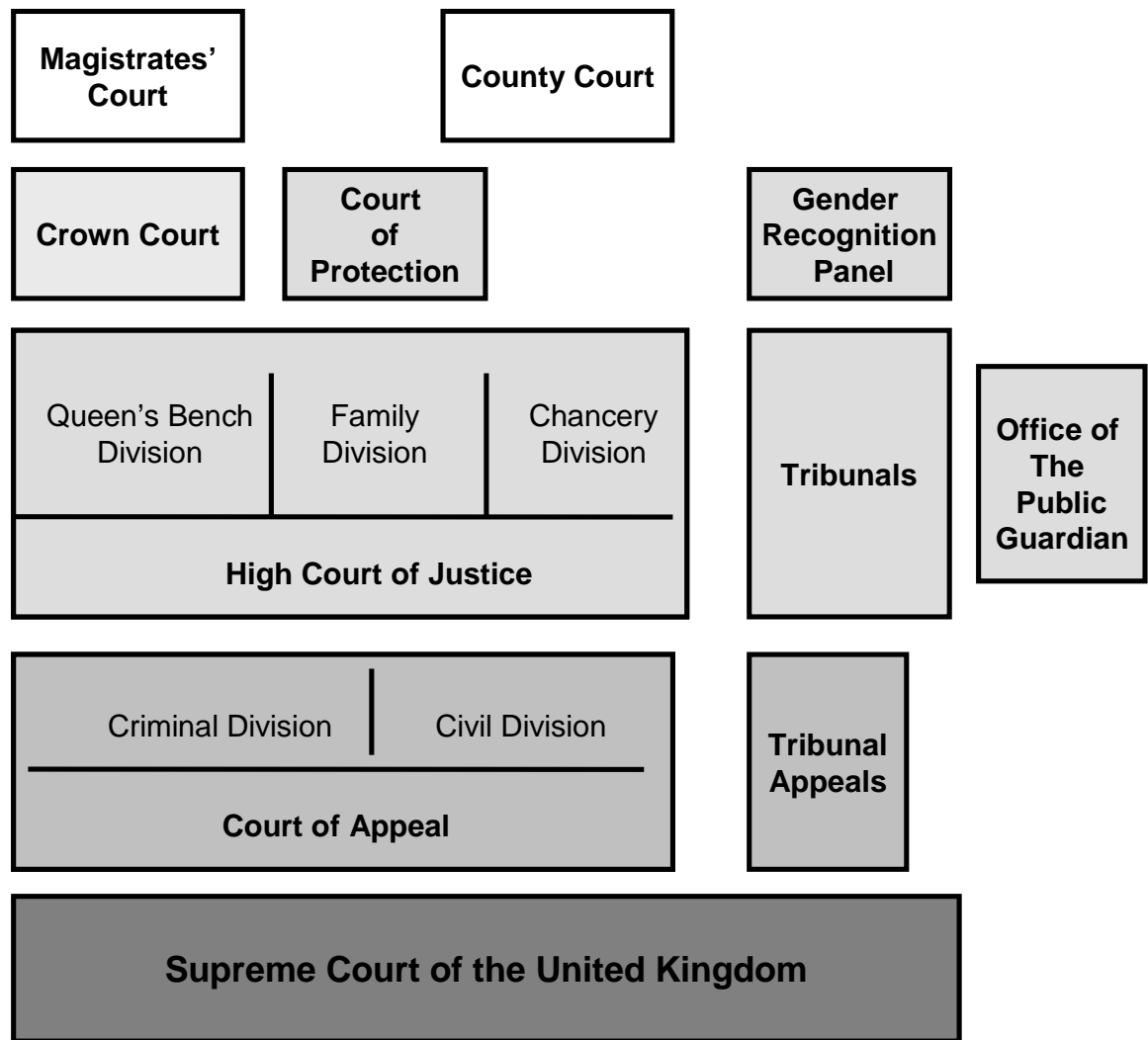
- Excel tables for chapters one to three
- Supporting information on Ancillary Relief and Judicial Reviews (csv files)

- Court level data for chapters one to three (csv files)
- Breakdown of insolvency figures by court, local authority and region (csv file)
- Excel tables for chapters four to nine

The Justice System

The vast majority of criminal and civil cases in England and Wales are dealt with at the Crown, magistrates' and county courts (see Figure A for a simplified description of the Justice System in England and Wales).

Figure A: Simplified view of court and administrative Systems in England and Wales¹



The vast majority of civil cases, which do not involve family cases or failure to pay council tax or child maintenance, are handled in the county courts.

¹ Some Tribunal cases can relate to other parts of the UK.

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

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

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

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

Chapter 1: Civil (excluding family) cases

This chapter contains statistics relating to civil cases at county courts in England and Wales. These typically include debt (claims for a specified amount of money), the repossession of property, personal injury (claims for an unspecified amount of money), the return of goods and insolvency.

The statistics do not include civil cases that are dealt with at magistrates' courts, such as the failure to pay council tax (see Chapter 3) or family cases such as divorce or parental disputes. Particularly important, complex or substantial cases are dealt with in the High Court.

Background

A civil claim against a person or a company (the defendant) starts when a person or company (the claimant) completes and submits a claim form to the County Court. This can be done either in person or online. A claimant who issues a large number of claims each year (such as banks, credit and store card issuers, utility companies and debt recovery companies) can also submit a form directly to the Claim Production Centre (CPC).

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 the full amount of the claim (in full or 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, further information is usually provided by each of the parties, after which the case is allocated by a judge to one of three case-management tracks (small claims track, fast track or multi track). Allocated cases which are not settled or withdrawn generally result in a small claim hearing or trial.

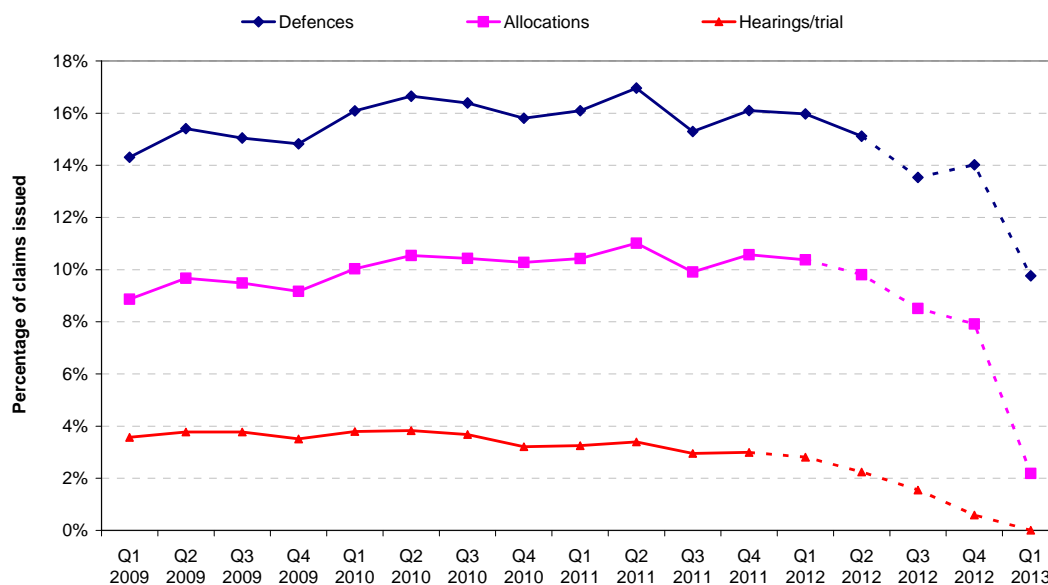
Case progression as at May 2013

Table 1.1 and Figure 1.1 track the cohort of claims issued in each period and show how they have progressed through the County Court system since 2009. The figures show the percentage of claims issued in each quarter that have been defended, allocated or reached hearing or trial as of when the information was extracted from the County Court database to produce this bulletin. For example, 14 per cent of the claims made in the first quarter of 2009 have been defended to date (with nine per cent allocated and four per cent reaching hearing or trial stage).

These figures differ from those presented in Tables 1.4 – 1.6 which show the total number of defences, allocations and hearings or trial in that quarter, irrespective of when the claim was issued that led to that defence, allocation or hearing or trial.

Caution should be exercised when interpreting these figures. This information is based on cases where data were available when the information was extracted from the County Court database to produce this bulletin; a proportion of claims made in each of these quarters are awaiting a defence, allocation and hearing or trial. Claims from earlier periods will inherently have had longer for the case to be processed than those from more recent periods so a lower proportion of these claims are likely to be still awaiting a defence, allocation and hearing or trial.

Figure 1.1: Percentage of claims that have been defended, allocated or proceeded to trial in England and Wales, Q1 2009 to Q1 2013¹



Note: The lines are dashed towards the end of the period because there has been insufficient time to allow the majority of the cases to progress through the county court system. Therefore the presented values are likely to be substantially different from the final values and are shown just for information only.

The apparent downward trend since 2012 in all the series in Figure 1.1 can be explained by the time taken to progress cases through the county court system. For example, it takes more than a year, on average, between a claim being issued and that claim to be heard in a hearing or trial. Consequently, claims made in the 2012 and 2013 may not yet have been defended, allocated or have a trial or hearing date (shown by the sharp decrease for Q4 2012 and Q1 2013).

The proportion of claims that have been defended has increased over most of the time period shown. For example, in 2009, 1,803,219 claims were issued of which 15 per cent (268,346) have been defended; this compared with 1,504,243 claims issued in 2011, of which 16 per cent (241,937) have been defended.

The same trend is evident among allocated claims. Of the claims issued in 2009, 167,465 (nine per cent of claims issued) were allocated to hearing or

trial; of the claims issued in 2011, 157,332 (ten per cent of claims issued) were allocated to hearing or trial.

It is more difficult to assess trends among hearings or judgments because they take longer to progress through the court process, and so the figures regarding hearing or trial are likely to be revised more substantially in the future. Nonetheless, current evidence is that the proportion of claims that have gone on to hearing or trial has remained largely stable where sufficient time has passed to allow a claim to progress through the County Court system. For example, of the claims issued in 2009, 65,957 (four per cent) went to hearing or trial. In 2010, 1,550,626 claims were issued of which 56,274 claims (also four per cent) went to hearing or trial.

Number of claims issued

In the first quarter of 2013 a total of 357,394 claims were issued (Table 1.2). The latest results continue the downward trend in the number of claims issued since 2008. The claims issued in the first quarter of 2013 included:

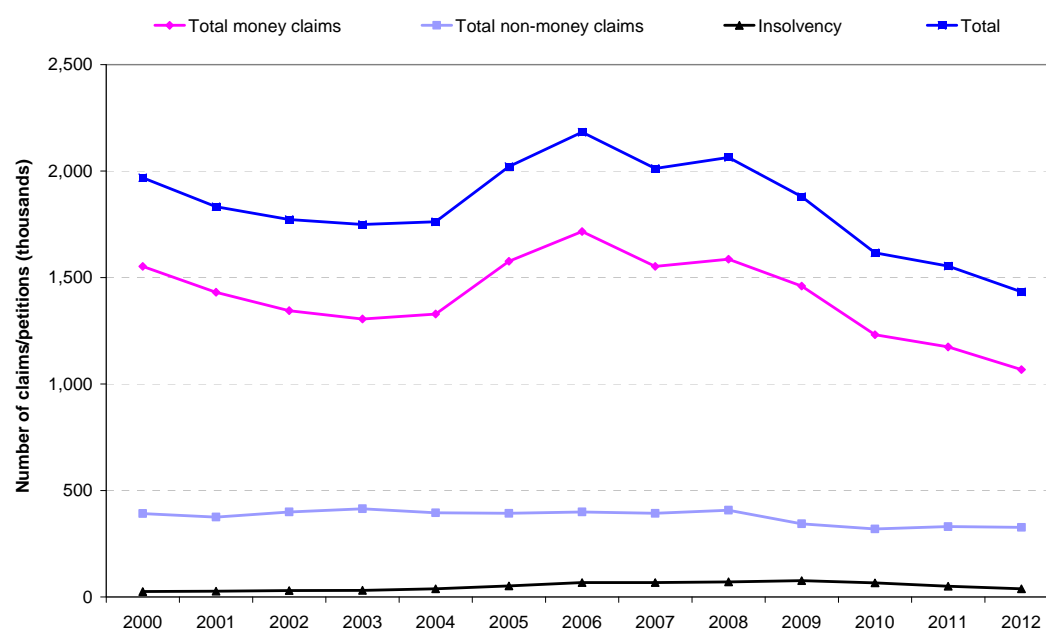
- Just over three quarters of all claims were money claims (272,128). Nearly 83 per cent of these (225,476) were claims for specified amounts of money with the remainder (46,652) for unspecified amounts of money. Specified money claims follow a similar downward trend to the overall number of claims described above.
- In 2012, 38 per cent of specified money claims had a value of up to £500, similar to 2011, compared with 49 per cent in 2006. Just 11 per cent had a value over £5,000 compared to 12 per cent in 2011 and 12 per cent in 2006 (Table 1.2a).
- The number of money claims for unspecified amounts has generally been on an upward trend since 2000. However, there has been a decrease over the last two years, which is partly due to the introduction of new guidance for road traffic accident personal injury cases which started for accidents on or after 6 April 2010. Since then, cases between £1,000 and £10,000 in value, where liability has been resolved but the amount of compensation hasn't, can be issued as non-money claims. In 2012, 49 per cent of these had a value of over £1,000 and up to £5,000, 34 per cent a value over £5,000 and up to £15,000, and 17 per cent a value of over £15,000 (Table 1.2b).
- There were 85,266 non-money claims. These have remained fairly constant around 80,000 per quarter since the end of 2009 after dropping from their reasonably constant level of around 100,000 per quarter between 2000 and 2008. The decrease between 2008 and 2009 can be partially explained by the fall in mortgage and landlord possession claims (see below).
- There were 56,895 mortgage and landlord repossession claims. The decline between the 2008 peak and 2012 is due to a fall in mortgage repossession claims that coincides with lower interest rates, a proactive approach from lenders in managing consumers in financial difficulties,

and various interventions, such as introduction of the Mortgage Pre-Action Protocol (MPAP)². The MPAP gives clear guidance on what the courts expect lenders and borrowers to have done prior to a claim being issued. It encourages more pre-action contact between lender and borrower and as such enables more efficient use of the court's time and resources.

- There were 28,371 non-money claims other than possessions claims (including for return of goods), which is in line with the results for previous years.
- There were 11,064 insolvency petitions (including in the Royal Courts of Justice), continuing the downward trend seen since 2009, after more than doubling between 2001 and 2009. The large decrease since 2009 has been steepest among bankruptcy petitions made by debtors, then among bankruptcy petitions made by creditors, and least severe among petitions for company windings up (Table 1.3).

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

Figure 1.2: Claims issued in the county courts, by type of case, England and Wales, 2000 to 2012



² For more information on the Mortgage Pre-Action Protocol please see [Annex B](#) of the [Mortgage and landlord possession statistics publication](#).

Number of defences, allocations, hearings and judgments

In the first quarter of 2013, 54,099 defences were made, which continues the general downward trend since the peak in 2007 (Table 1.4).

If the claim is defended, further information is usually requested from each of the parties. If the information is provided, the case is then allocated by a judge to one of three case-management tracks³. There were 39,912 allocations to one of these tracks in the first quarter of 2013. Allocations to track have generally fluctuated from 2008 between 34,000 and 45,000 per quarter.

In the first quarter of 2013 the make-up of allocations was as follows:

- 15,651 to the small claim track, continuing the lower level compared to the previous year. This track is generally for cases with a claim value of up to £5,000 which do require less preparation by the parties involved than the more complex cases allocated to the fast or multi track. The hearings are designed to be accessible to people who do not have representation by a solicitor or counsel, and are dealt with in about an hour.
- 18,706 to the fast track. This track is generally for cases with a claim value of between £5,000 and not more than £25,000, with issues not complex enough to merit more than a one day trial.
- 5,555 to the 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.

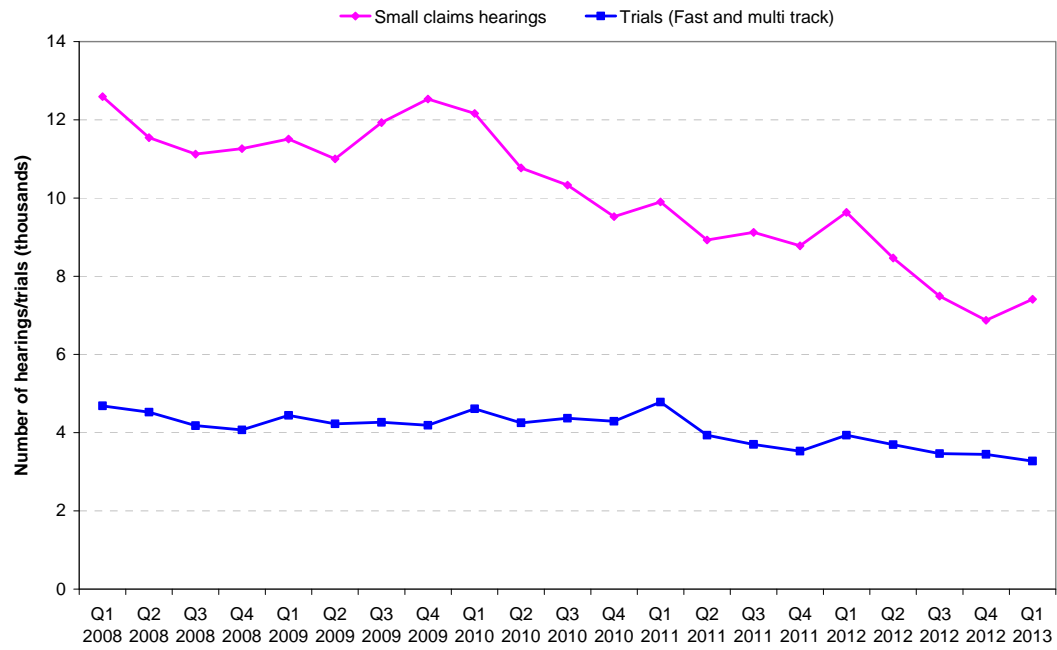
With effect from April 2009, there was a widening of the value of claims which could be allocated to the fast track from between £5,000 and £15,000 to between £5,000 and £25,000. Since that change was made, the number of allocations to the fast track has been rising and the number of allocation to the multi track has been falling.

Defended cases which are not settled or withdrawn generally result in a small claim hearing or trial (Figure 1.3). In total, there were 10,682 trials and small claim hearings in the first quarter of 2013 continuing the decline seen from 2007 onwards (Table 1.5). This comprised:

- 7,410 small claim hearings. On average, small claim hearings occurred 30 weeks after the claim was originally made and the time between issue and hearing has been around this level since 2008.
- 3,272 fast track and multi track trials. On average, trials occurred 59 weeks after the claim was originally made, up slightly from an average of 58 weeks in the first quarter of 2012.

³ For details of the way civil claims are processed please see **A Guide to Court and Administrative Justice Statistics**, Civil (excluding family).

Figure 1.3: Hearings in the county courts, by type, England and Wales, Q1 2008 to Q1 2013



Judgments

A judgment is a formal decision made by a court. In civil cases, it generally regards a claim(s) that has been issued. At the same time as making a judgment the court may also make a range of court orders with the aim of providing remedy for those whom the judgment is in favour of.

In the first quarter of 2013, there were 161,301 judgments made (Table 1.5b). These include:

- 131,778 judgments by default (where a defendant has failed to file a defence), accounting for 82 per cent of all judgements
- 17,147 judgments by admission (where a defendant admits the truth of the claim made),
- 3,000 judgments by determination (where a defendant has accepted liability but disputes the amount of the claim),
- 300 judgments by consent (a judgment issued by a judge based upon an agreement made by the claimant and defendant to settle the claim) and
- 9,076 judgments by judge (where the claim is settled by the decision of a judge following a hearing or trial).

Most judgments are registered with the Registry Trust Limited, a private non-profit making company limited by guarantee that administers the statutory public register of Judgments, Orders and Fines. 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. All entries are automatically removed at the end of the sixth calendar year after the date of judgment.

Overall, 630,126 county court judgments were registered with Registry Trust in 2012, continuing the decline from 2008 (Table 1.5c). Of these, 80 per cent of these related to consumers, with the remainder relating to companies. During the year, 106,680 entries were satisfied, the judgments having been paid in full after one month of the date of judgment. A further 63,043 entries were cancelled, the judgment having been made in error, set aside, reversed, or paid in full within one month of the date of judgment.

In 2012, 137,137 searches of the Registry were performed, mainly by individuals searching for themselves or others or by agents acting for law firms (Table 1.5d). This continued the increase in the number of searches since 2007, which can be at least partly explained by a reduction in the cost of a search following a price review in September 2011. The bulk of the rise in the number of searches has come from searches carried out online. Other (postal and personal) searches have fallen steadily from over 20,000 in 2006 to 1,605 in 2012. Additional information regarding the Register of Judgments, Orders and Fines can be obtained at www.trustonline.org.uk.

Enforcement

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

During the first quarter of 2013, 22,343 warrants of execution were issued (Table 1.6). This continues the decline from 2009 and also the longer term downward trend from 2000. Overall, in 2012 over 13 million pounds were recovered, with the vast majority (97 per cent) of this amount being recovered from warrants of execution where the creditor had provided a correct address for the debtor (Table 1.6a).

To enforce non-monetary decisions made by the county courts, various types of warrants can be issued. During the first quarter of 2013:

- 32,846 warrants of possession were issued to repossess property. The trends in these are generally similar to those in mortgage and landlord claims issued.
- 14,132 repossessions of properties were made by county court bailiffs. 4,480 (32 per cent) of the properties were on behalf of mortgage lenders (Table 1.7).

Figures for warrants of possession and repossession by county court bailiffs are presented in both this report and in [Mortgage and landlord possession statistics](#). However, there are slight differences in the figures, due to the possibility that a single claim can lead to more than one repossession occurring. This bulletin focuses on the workload within the County Court

system and consequently the figures show the total number of warrants and repossessions. The Mortgage and Possessions bulletin focuses on the number of people who are impacted by possession and repossession actions and therefore shows the number of claims that lead to warrants of possessions (or repossessions) being issued.

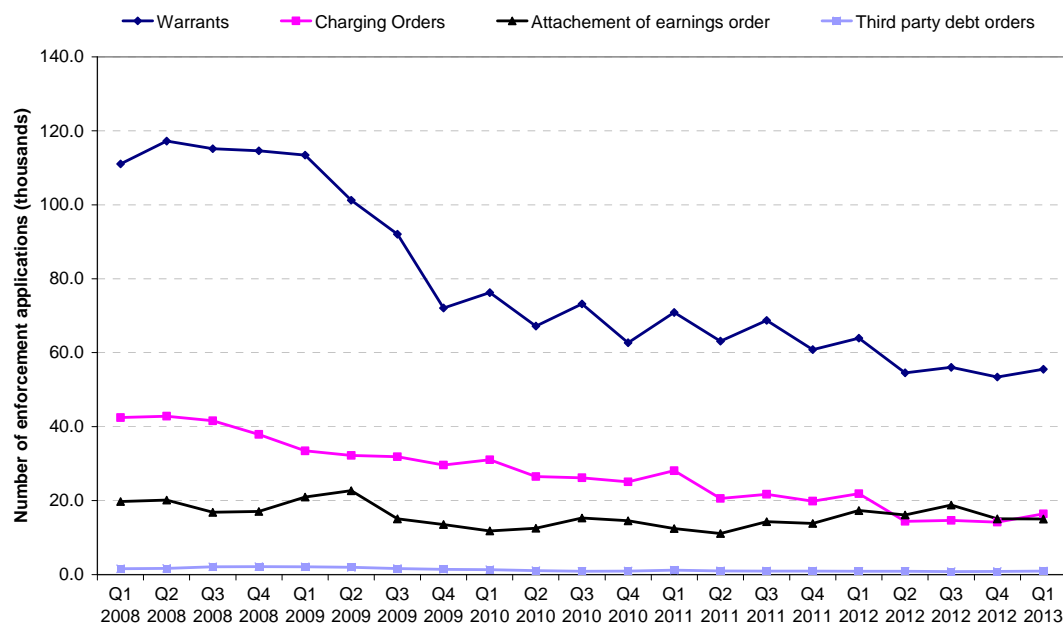
Figure 1.4 shows the other various types of court orders that can be obtained.

- The **attachment of earnings order** enables payment through the debtor's employer (Table 1.8).
- The **third party debt order** enables payment by freezing and then seizing money owed by a fourth party to the debtor.
- The **charging order** obtains security for the payment against the debtor's assets. This may be followed by an **order for sale** which forces the sale of these assets.

During the first quarter of 2013:

- 15,027 applications were made for attachment of earnings orders.
- 941 applications were made for third party debt orders, continuing the downward trend after peaking in 2008.
- 16,405 applications were made for charging orders.

Figure 1.4: Enforcement applications in the county courts, by type, England and Wales, Q1 2008 to Q1 2013



To assist in determining which of the above is the most appropriate method of enforcing a judgment creditors can apply for an order to obtain

information from the judgment debtors. This requires debtors to provide details of their means. There were 5,067 orders made to obtain information from debtors in the first quarter of 2013.

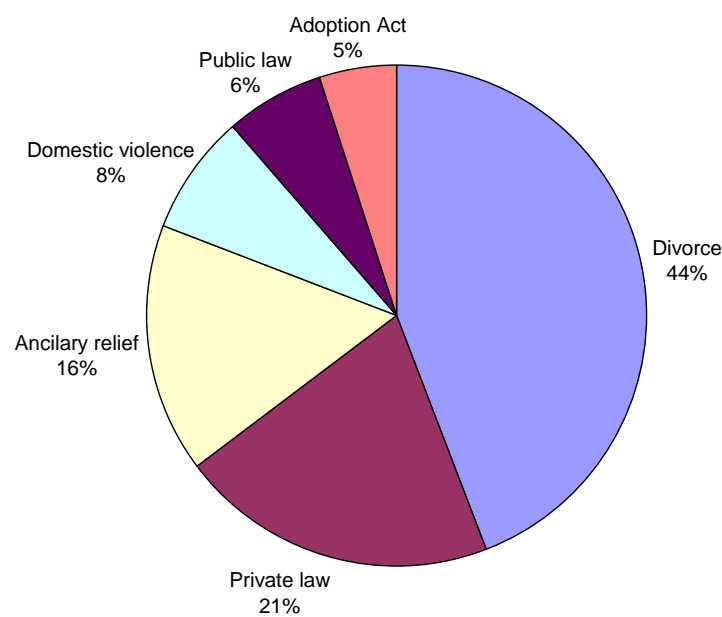
Chapter 2: Family cases

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

Total family court case workload

Family courts deal with just under 300,000 new applications each year. In the first quarter of 2013, there were 70,547 applications made to family courts and 79,413 disposals were processed. Table 2.1 shows the total number of applications and disposals dealt with by family courts in each quarter. In the first quarter of 2013 divorce made up 44 per cent of applications in family courts, with private law contributing 21 per cent and ancillary relief 16 per cent. In total, relationship breakdown cases account for over four-fifths of the courts' workload (Figure 2.1). A similar picture is seen in disposals, although the proportion of private law disposals is higher as cases tend to have more than one disposal, covering different children and order types.

Figure 2.1: Total family court applications by case type, 2013 Q1



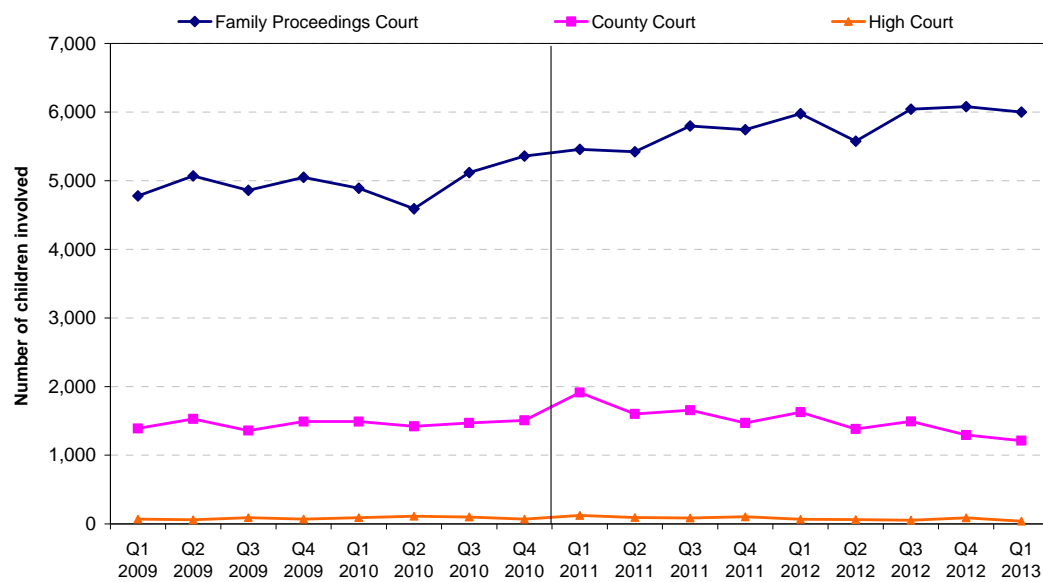
Public Law

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

The number of children involved in public law applications made by local authorities jumped in 2009 from around 20,000 per year to almost 26,000 per year following the publicity surrounding the Baby P case. Since 2011 the figures have stabilised at around 7,500 per quarter, with the latest figures showing that there were 7,249 children involved in public law applications made in the first quarter of 2013 (Figure 2.2).

The number of applications made, which can cover more than one child, has also been stable since Q1 2011, with between 4,000 and 4,500 applications per quarter. The trend in disposals tends to lag behind that for applications, due to the time taken for a decision to be reached in cases.

Figure 2.2: Number of children involved in public law applications made by tier of court, 2008 Q1 to 2013 Q1

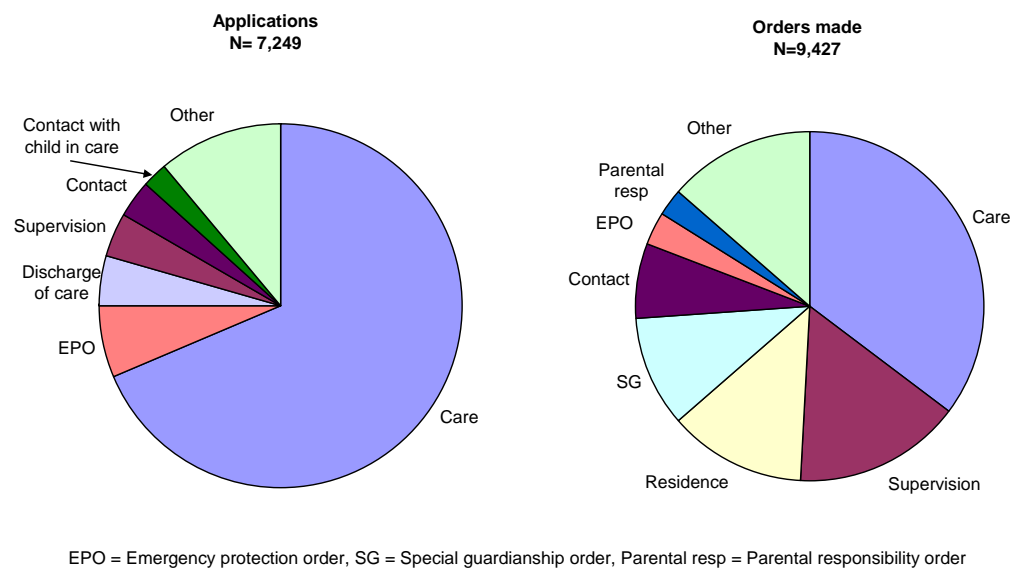


This chart shows from 2011 numbers for the full range of order types, whereas previously some minor application types were not included (see the Guide to Court and Administrative Justice Statistics for more information).

The number of children involved in orders made jumped at the end of 2010 and has continued to increase. There were 9,427 children involved in public law orders made in the first quarter of 2013, similar to the equivalent period of 2012. Annually the increase from 2011 to 2012 was 21 per cent. The number of orders made is generally higher than the number of applications made, as some orders relate to applications made in an earlier time period, and an application for one type can result in an order or orders of a different type being made.

Figure 2.3 shows that the most common type of order applied for in the first quarter of 2013 were for care (69 per cent of children involved in applications), followed by emergency protection (six per cent) and discharge of a care order (four per cent). The spread of the proportions for the type of orders made are normally different as an application for one type can result in an order of a different type being made. So for example, for care orders per quarter although there are about 5,000 children involved in applications, there are less than 4,000 children involved in care orders made (35 percent of all orders made in quarter 1 2013).

Figure 2.3: Public law applications and orders made, showing proportion of children involved in each order type, 2013 Q1



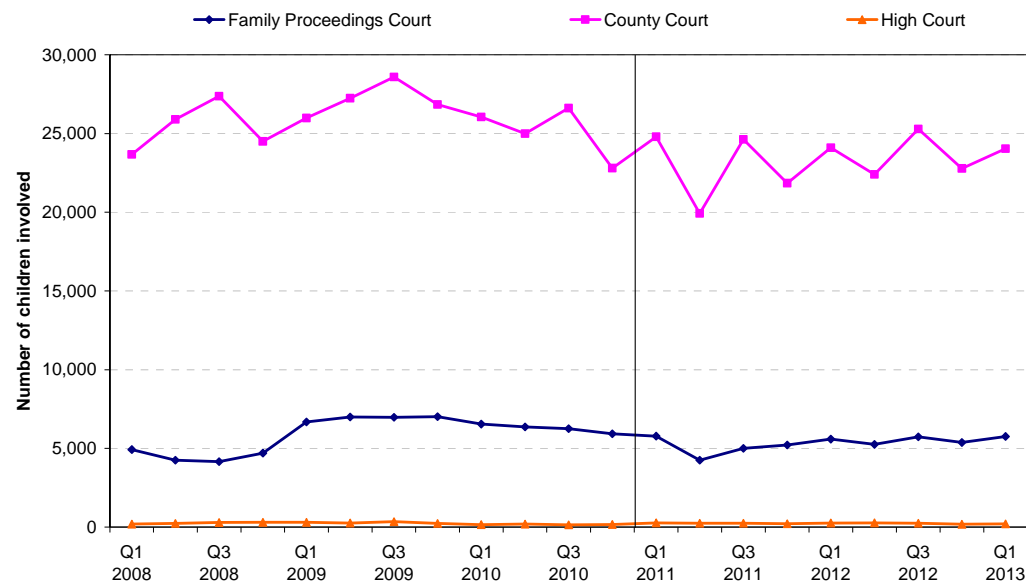
Private Law

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

The number of children involved in private law applications rose to a peak in 2009 and has since fallen back, to 117,500 in 2012, which was however a rise of 4 per cent on 2011. The first quarter of 2013 shows 30,010 children were involved in private law applications, similar to the level in the equivalent period of 2012 (Figure 2.4).

The number of applications made, which can cover more than one child, was 14,457, also similar to the same period in 2012.

Figure 2.4: Number of children involved in private law applications made by tier of court, 2008 Q1 to 2013 Q1

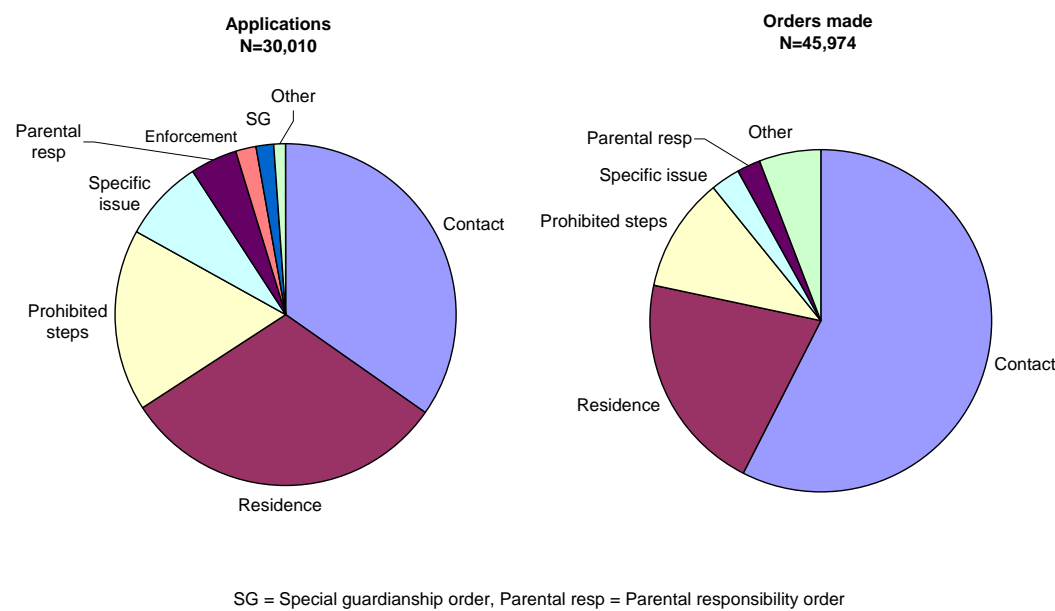


This chart shows from 2011 numbers for the full range of order types, whereas previously some minor application types were not included (see the Guide to Court and Administrative Justice Statistics for more information).

The number of children involved in private law orders made increased rapidly between 2007 and 2011, but over the most recent year the upward trend has slowed down, with on average around 48,000 children involved in orders made in each quarter over 2012. There were 45,974 children involved in private law orders made in the first quarter of 2013, similar to the equivalent period of 2012. The number of orders made is higher than the number of applications, as some orders relate to applications made in an earlier time period, and an application for one type can result in an order or orders of a different type being made.

Figure 2.5 shows that the most common types of order applied for in the first quarter of 2013 were contact (35 per cent of children involved in applications), residence (31 per cent) and prohibited steps (17 per cent). These were also the most common orders made, although the proportions varied as an application for one type can result in an order of a different type being made. In the first quarter of 2013 a contact order was made for 57 per cent of the children involved in orders made, a residence order was made for 21 per cent and a prohibited steps order was made for 11 per cent.

Figure 2.5: Private law applications and orders made, showing proportion of children involved in each order type, 2013 Q1

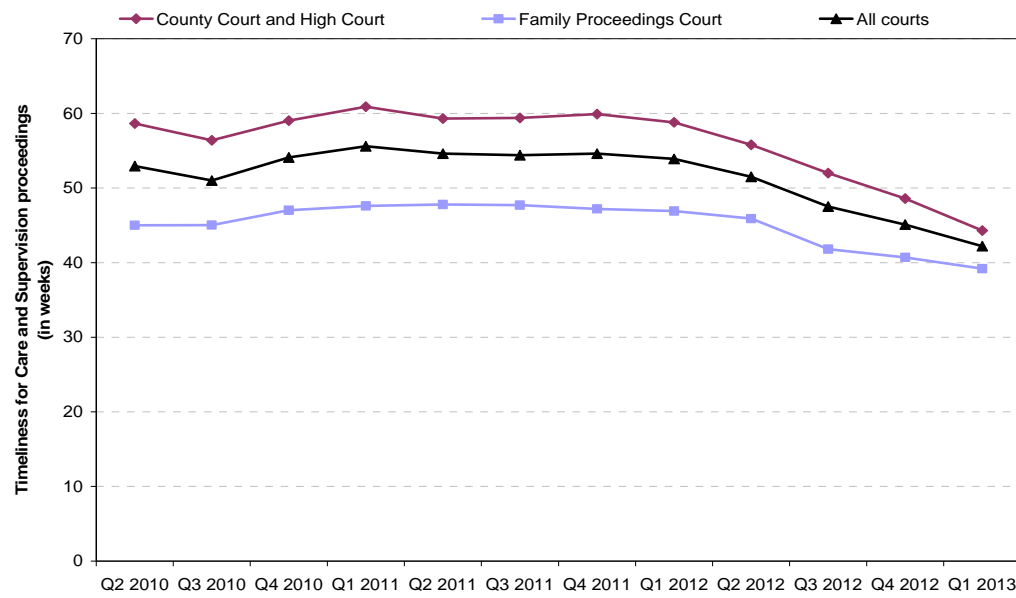


Timeliness of care proceedings

Statistics on the time taken to complete care and supervision cases in the family courts of England and Wales are given in Table 2.6. This table presents summary statistics showing the time, in weeks, between the date an application for a care or supervision order was lodged and the date the first care, supervision, or other substantive order was made in the case, for those cases disposed of during each quarter.

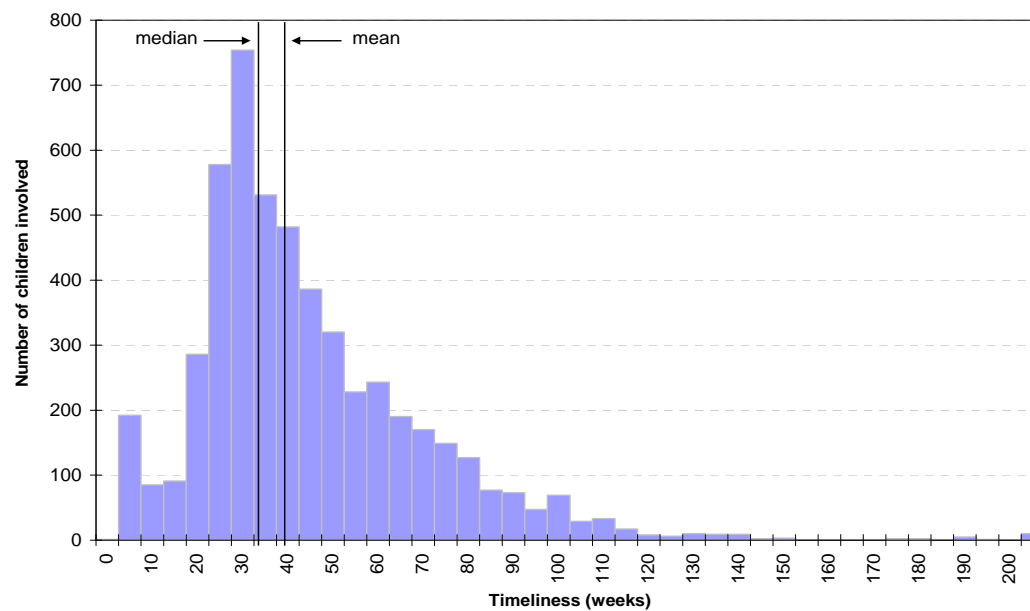
The average time for a disposal to be made in the first quarter of 2013 was 42.2 weeks, continuing the drop seen since early 2012, after timeliness had remained fairly constant over the previous five quarters. Separate figures for county and High Courts and family proceedings courts are shown in Figure 2.6.

Figure 2.6: Timeliness for Care and Supervision proceedings by tier of court, 2010 Q2 to 2013 Q1



The average time for a disposal can be skewed by cases that take a long time, thus the median time was also calculated. The median time to make a disposal in a case was 36.0 weeks in the first quarter of 2012. This indicates that for all children involved in care and supervision proceedings where a decision was reached during the first quarter of 2013, half (or 2,613) waited 36.0 weeks or less from application to a substantive disposal, and the other half waited at least 36.0 weeks. This median value is different to the average (mean) quoted in the paragraph above as it is not influenced by the few very long case durations. Figure 2.7 shows how many children experienced each timeliness band in their case proceedings for cases disposed during the first quarter of 2013.

Figure 2.7: Timeliness for Care and Supervision proceedings showing number of children involved in each timeliness band, all court tiers, 2013 Q1



Legal representation

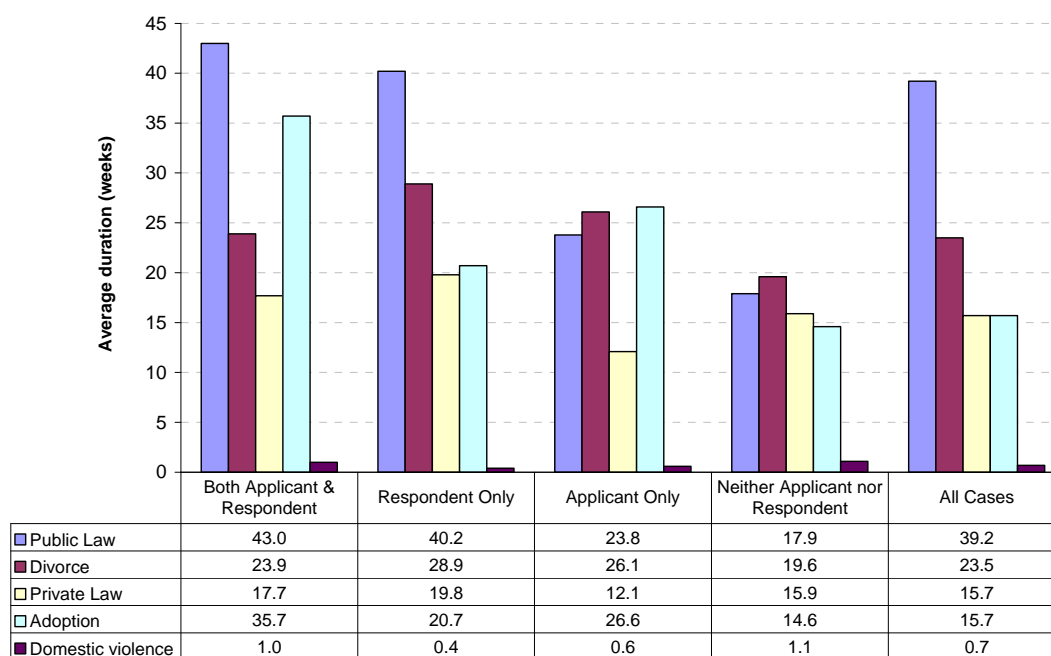
Figures on the legal representation of parties in family-related court cases are shown in Table 2.7. This gives the number of disposals made during each quarter and the average duration between application and first substantive disposal, for divorce, public law, private law, adoption and domestic violence cases, according to whether the applicant(s), respondent(s), both or neither had legal representation during the case.

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

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

In the first quarter of 2013 the average case duration for divorce cases varied between 20 weeks (no representation) and 29 weeks (respondent only represented) - see Figure 2.8 below. For public law, average case duration was between 18 weeks (no representation) and 43 weeks (both parties represented). The average case duration for private law cases varied between 12 weeks (applicant only represented) and 20 weeks (respondent only represented). For adoptions, average case duration was just under 15 weeks for the vast majority of cases, where neither party is represented. The average case duration for domestic violence cases was much shorter, at under one week for all representation categories.

Figure 2.8: Timeliness of cases according to legal representation of participants, by case type, 2013 Q1

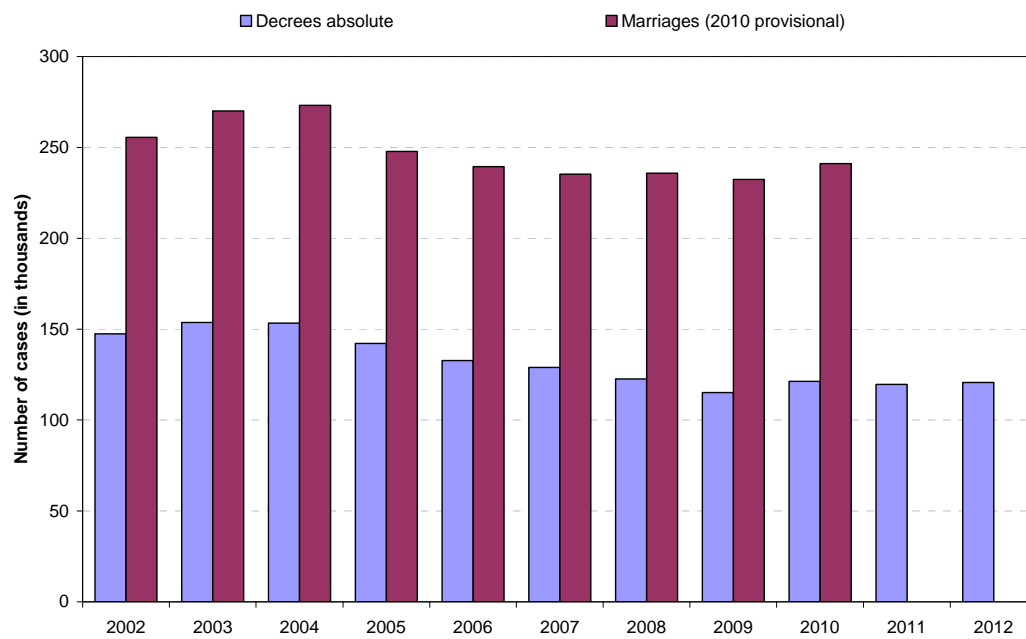


Matrimonial cases

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

The number of divorces peaked in 2003, and have fallen since then, levelling off at around 120,000 per year since 2008 (Figure 2.9). The decline generally reflects the smaller married population and a higher average age at marriage. Research by the Office for National Statistics⁴ shows that the younger a person marries, the higher the probability of getting divorced so the trend to delay marriage has partly contributed to the observed general decline in divorce over the last 20 years. There were 30,876 petitions filed for dissolution of marriage in the first quarter of 2013; a decrease of eight per cent compared with the equivalent period of 2012. Calendar year figures also show a drop from 2011 to 2012 of four per cent. The number of decrees absolute granted also dropped, by nine per cent to 28,697 in the first quarter of 2013 compared with 31,653 for the equivalent quarter of 2012.

Figure 2.9: Dissolution of marriage – marriages⁵ and decrees absolute granted, 2002 to 2012



⁴ Wilson B, Smallwood S. 2008. The proportion of marriages ending in divorce. Population Trends 131: 28-36.

⁵ The latest published calendar year information on the number of marriages is for 2010.

For further information on the proportion of marriages that end in divorce please see;

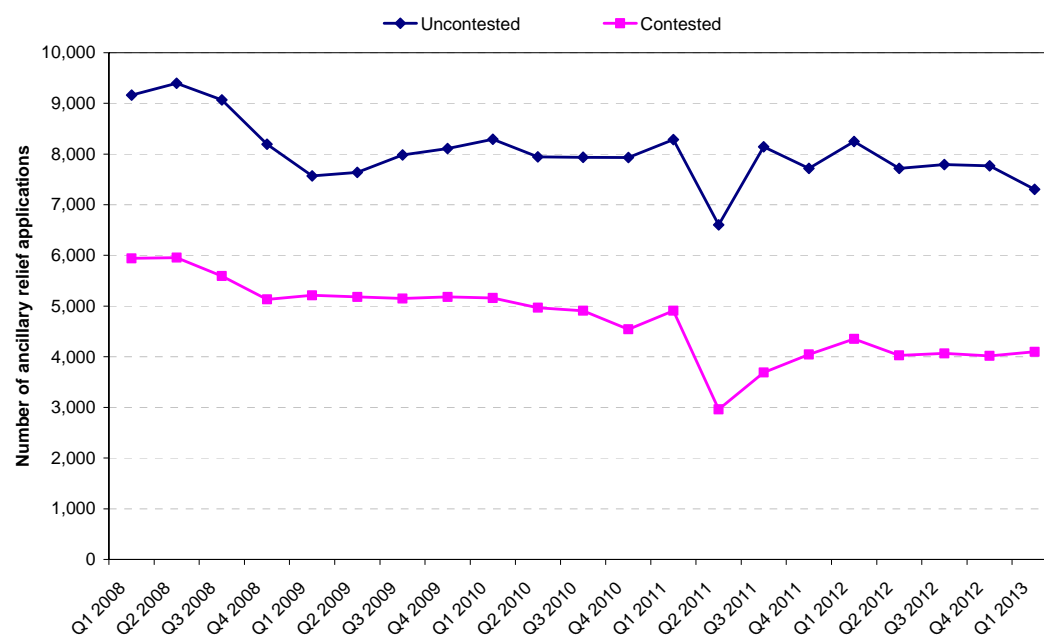
www.ons.gov.uk/ons/rel/vsob1/divorces-in-england-and-wales/2011/sty-what-percentage-of-marriages-end-in-divorce.html

Ancillary relief – financial disputes post-divorce / separation

During a divorce, a marriage annulment, or a judicial separation, there may still be a need for the court to settle disputes over money or property. The court can make a financial order, known as ancillary relief. These orders include dealing with the arrangements for the sale or transfer of property, maintenance payments, a lump sum payment or the sharing of a pension. Please note that the application figures in this section are known to under-represent the actual number of applications by at least five per cent due to data recording issues (see **A Guide to Court and Administrative Justice Statistics** for more information).

Applications for ancillary relief fell steadily between 2006 and 2011, but have increased slightly over the past year, following a similar trend in the numbers of divorces seen above. Apart from the sizeable dip seen in quarter two of 2011 (for which no particular explanations have as yet been determined), the number of recorded applications currently sits at just under 12,000 per quarter, with the latest figure of 11,401 for the first quarter of 2013 (Figure 2.10). Around two-thirds of applications are contested.

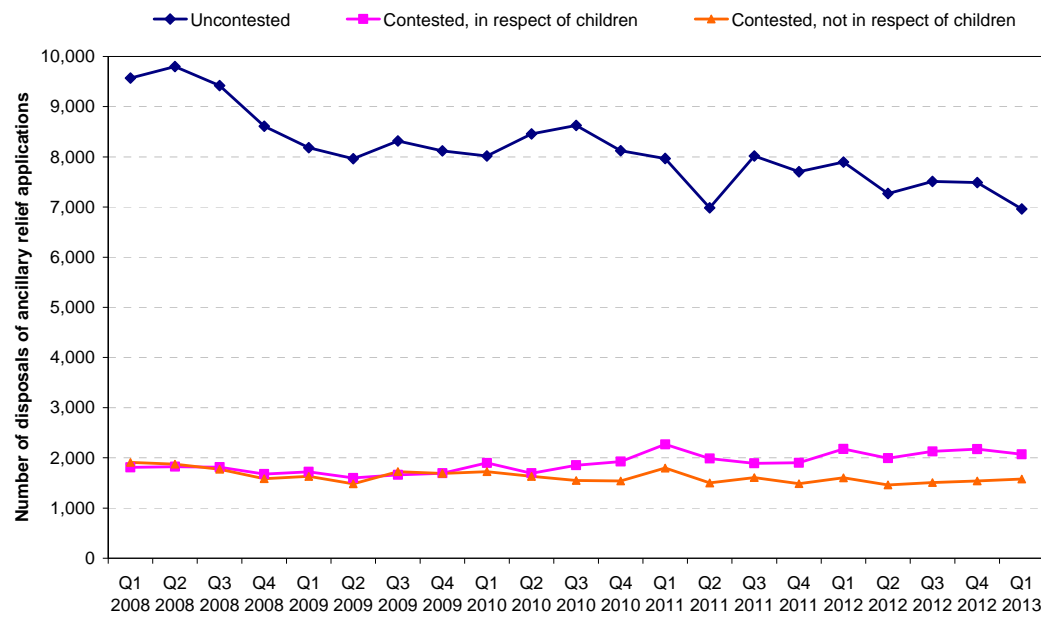
Figure 2.10: Ancillary relief applications, 2008 Q1 to 2013 Q1



Figures for the number of applications and disposals of ancillary relief indicate the number of application or order events, which may contain provision for several different types of application/order, rather than the sum of all the types contained within the application/order.

The numbers of ancillary relief orders made follows a similar trend to that for applications and for divorces, with an earlier long-term decline levelling out in the past couple of years. There are currently around 11,000 disposals made to settle financial disputes post-divorce or post-separation each quarter. During the first quarter of 2013, 10,610 orders were made, a decrease of nine per cent from the equivalent period of 2012 (Figure 2.11). Two-thirds of these were not contested, one quarter were initially contested but then proceeded with consent, and only nine per cent were contested throughout the case.

Figure 2.11: Disposal of ancillary relief applications, 2008 Q1 to 2013 Q1



Domestic violence

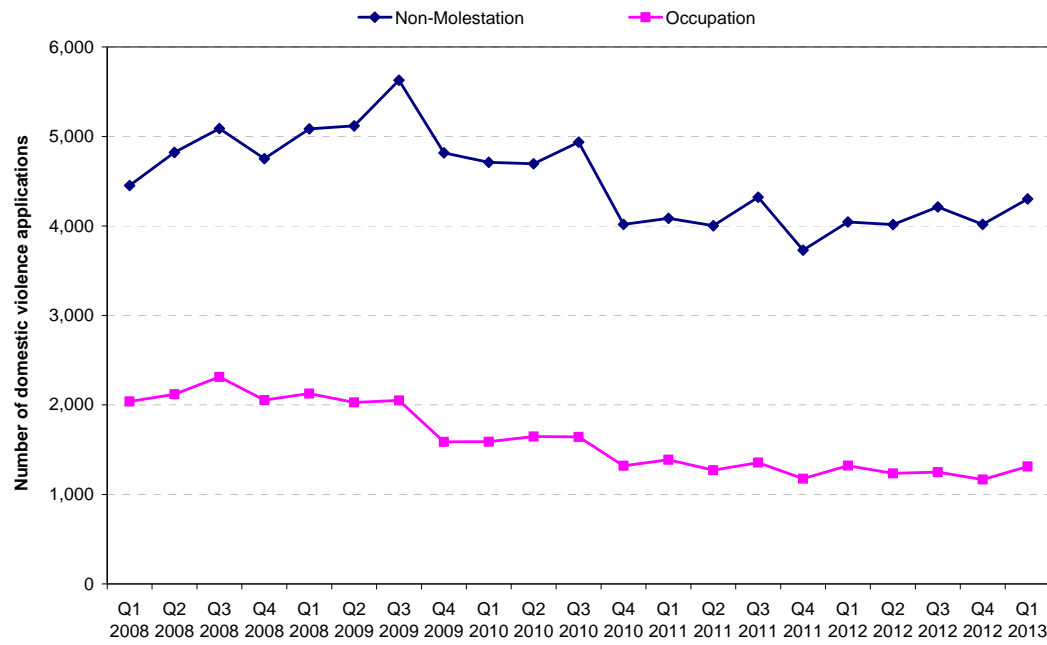
The Family Law Act 1996 provides domestic violence remedies in county courts and family proceedings courts, with the vast majority carried out in the former. Two types of order can be applied for: a non-molestation order – which prevents the applicant and/or any relevant children from being molested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

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

Both applications and orders made for domestic violence have been declining since 2003. Over this time both non-molestation and occupation orders have fallen, but a greater fall has been seen in occupation orders – in 2002 these made up nearly one-third of the orders made, but in 2012 only 12 per cent of orders were for occupation.

There were 5,611 applications for domestic violence remedies in the first quarter of 2013; this is five per cent up from the same quarter of the previous year, marking a change to the overall decline in numbers seen since 2009 (Figure 12). Of these applications 77 per cent were for non-molestation remedies. The majority of applications (84 per cent in Q1) were made *ex-parte* – that is, the application was brought by the applicant without notifying the other party involved.

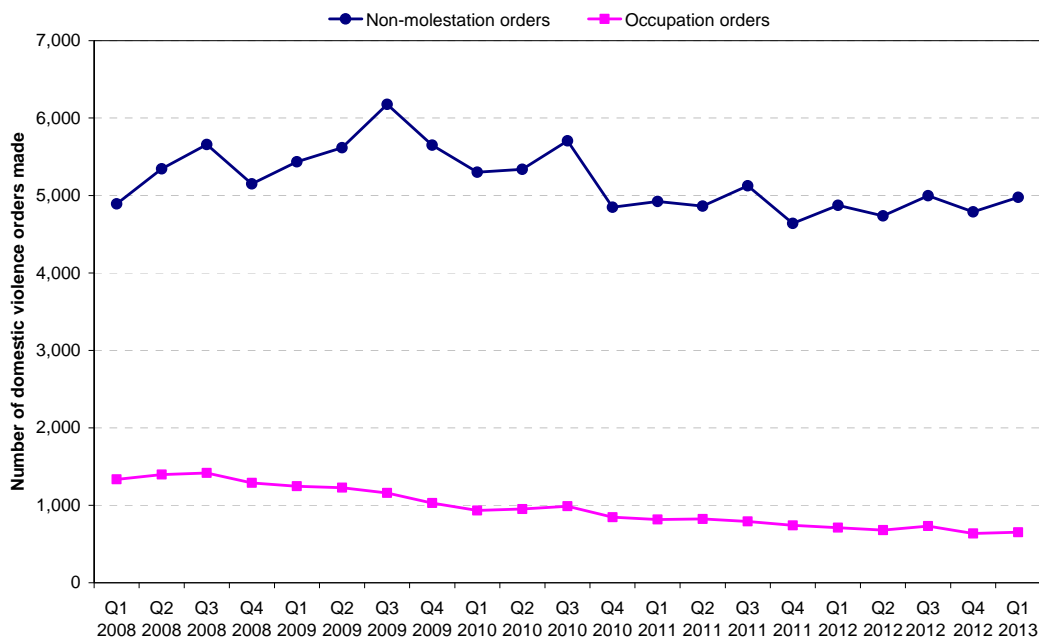
Figure 2.12: Domestic violence applications, 2008 Q1 to 2013 Q1



Figures 2.12 and 2.13 show that there is a seasonal pattern in the number of domestic violence applications and orders. The lowest levels are in the October-December quarter each year, then increasing each quarter through to a high in the July-September quarter. This pattern is superimposed on the overall downward trend since 2002, which may now be starting to increase again.

The number of domestic violence orders made was 5,628 in the first quarter of 2013, up slightly from the same quarter of the previous year; as with applications this may mark an end to the long-term downward trend. Of these orders made 88 per cent were for non-molestation. There were 651 occupation orders made in the first quarter of 2013, of which 46 per cent had a power of arrest attached to the order.

Figure 2.13: Domestic violence disposals made, 2008 Q1 to 2013 Q1



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

Forced Marriage Protection Orders

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

The number of applications and orders made for FMPOs is small (Figure 2.14). For the first quarter of 2013 there were 35 applications, in keeping with the average of around 30 applications per quarter since mid-2009. There were 23 orders made in the first quarter of 2013, a little below the average for the last four years of 33 orders per quarter.

Figure 2.14: Forced marriage protection applications and orders made, 2008 Q4 to 2013 Q1



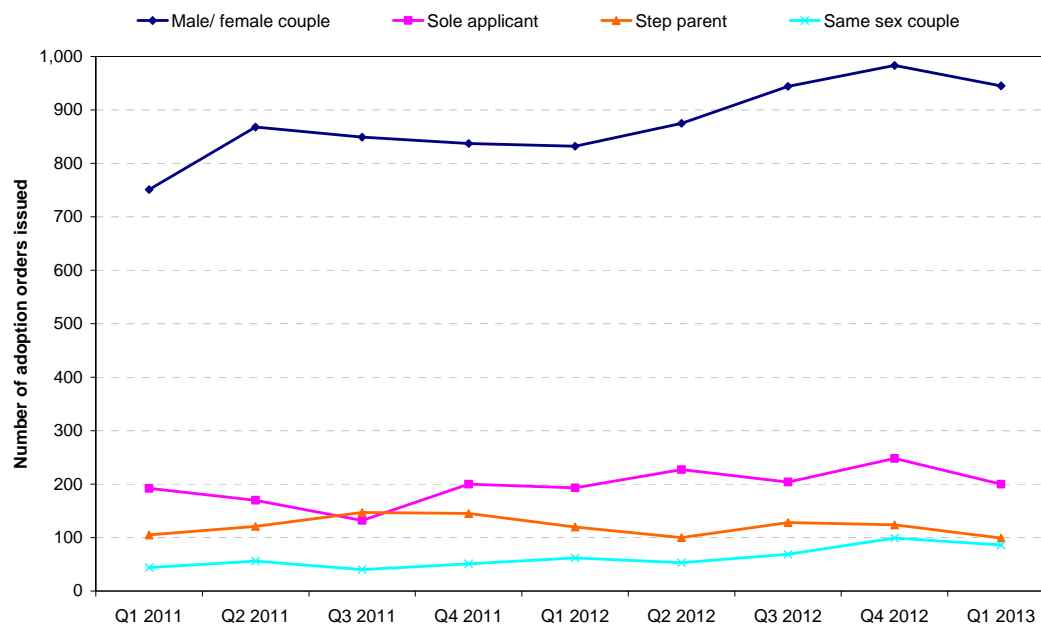
Adoptions

An adoption order made by a court extinguishes the rights, duties and obligations of the natural parents or guardian and vests them in the adopters. On 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. Most adoptions in the UK are 'standard' adoptions. Data is also provided in the table on other adoptions, which include foreign adoptions, convention adoptions and standard adoptions that include a foreign element. An adoption order is preceded by a placement order which allows a local authority to place a child with prospective adopters, unless parental consent has been given for the placement.

In the first quarter of 2013, 1,713 applications were made for a placement order, a similar level to that seen during 2012. There were 1,625 applications were made for an adoption order, the highest quarterly number so far since 2011.

During the first quarter of 2013, 1,327 adoption orders were issued, up 10 per cent from the same quarter of the previous year. In over two-thirds of these, the adopters were a male/female couple, while in 15 per cent the adopter was a sole applicant. In a further seven per cent the adopter was a step-parent and in six per cent the adopters were a same-sex couple (Figure 2.15). Figures on the sex and age band of adopted children can be found in Table 2.14 and timeliness figures can be found in Table 2.7.

Figure 2.15: Adoption orders issued, by adopter, 2011 Q1 to 2013 Q1



Probate

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

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

In 2012, 243,462 grants of representation were issued, a decrease of seven per cent from 2011. Of these 64 per cent were on application by solicitors and the remainder on personal application. There were also 98 contested probate cases, a reduction of 27 per cent from 2011. For more information on trusts, wills and probate please see table 5.14.

Chapter 3: Criminal cases

This chapter presents statistics on criminal cases dealt with in the magistrates' courts and the Crown Court. At the end of the first quarter of 2013, there were around 240 magistrates' courts and 77 Crown Court locations across England and Wales.

For further information on activity in the Criminal Justice System (CJS) for England and Wales, please see the Criminal Justice Statistics publication – the latest bulletin can be found at the link below:

www.gov.uk/government/publications/criminal-justice-statistics-quarterly-update-to-December-2012

The bulletin notes that the total number of individuals, which includes people and companies, who have been dealt with formally by the CJS in England and Wales has been declining since 2007, and is now at its lowest level since 1970. Police recorded crime peaked in 2003/04, and recorded offences are now lower than at any time over the past decade.

Completed criminal cases in the magistrates' courts

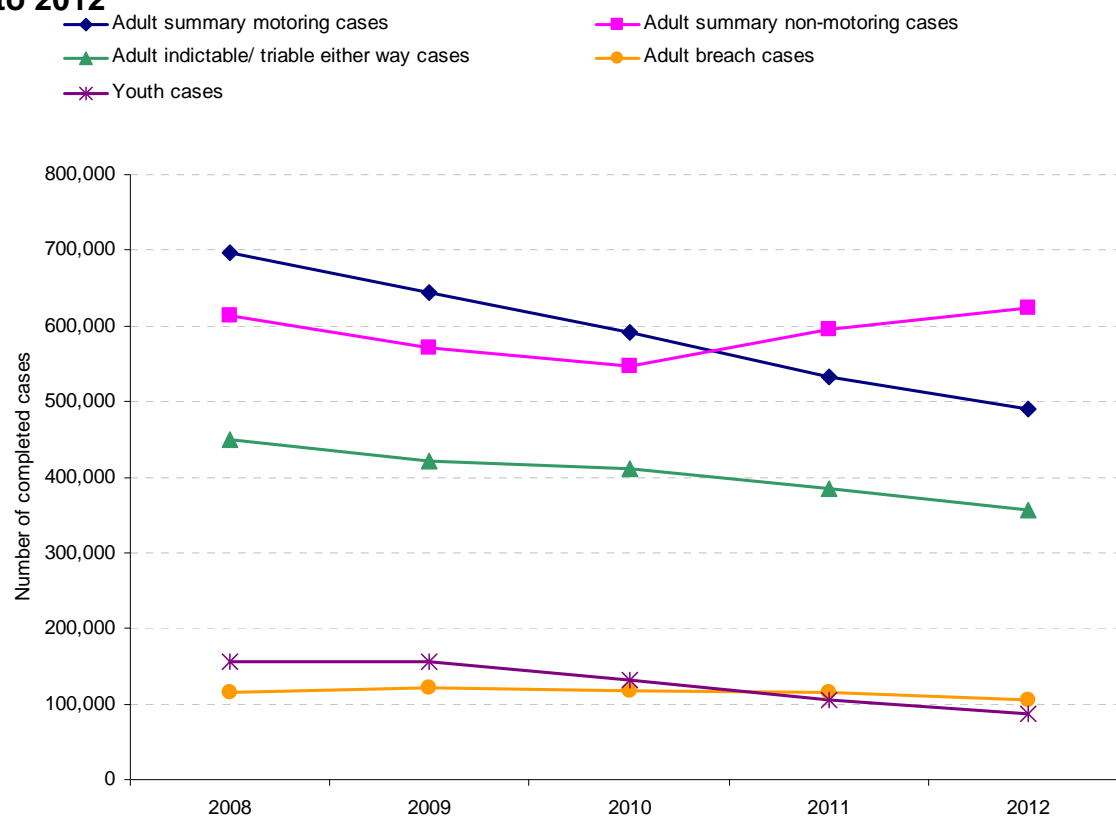
Virtually all criminal court cases start in the magistrates' courts. The less serious offences are handled entirely in magistrates' courts, with over 90 per cent of all cases being dealt with in this way. The more serious offences are passed on to the Crown Court, either for sentencing after the defendant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

Statistics are only available for criminal cases completing in the magistrates' courts which no longer require further administration. It should be noted that every separate offence that is dealt with during the course of a case is counted in the analysis below. However, if two or more offences from a case are dealt with on the same day, then only one is counted (generally the most serious offence is selected) for statistics by case type.

Figure 3.1 presents the number of cases completed in the magistrates' court by the type of case. There were 1,664,161 criminal cases completed in the magistrates' courts during 2012. This represents a four per cent decrease on the previous year and continues the general downward trend observed since 2008. The general downward trend has also been observed in the regions, with the greatest decline of eight per cent on the previous year seen in the South West and seven per cent in the North West (Table 3.12). The only region remaining relatively stable when compared with the previous year is Wales.

One of the main drivers of the decreasing number of completed criminal cases is the decline in the number of adult summary motoring cases being dealt by the magistrates' courts. Between 2008 and 2012, the number of completed adult summary motoring cases decreased by 30 per cent (from 696,729 cases to 490,712 cases).

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



Adult summary cases, which includes relatively minor offences (for example, driving whilst disqualified and TV license evasion), can be dealt with entirely within the magistrates' courts, and make up around two-thirds of the total number of criminal cases completed in the magistrates' courts. In the first quarter of 2013, there were 127,120 summary motoring cases and 149,882 summary non-motoring cases completed. Since the same quarter of the previous year, summary motoring cases have remained relatively stable while summary non-motoring cases have increased by seven per cent.

There were 84,338 indictable / triable-either-way cases completed in the first quarter of 2013, a decrease of 10 per cent compared with the same quarter of 2012. This continues the downward trend which has been seen since 2008 – a decrease of 21 per cent compared to 2012. Around a fifth (21 per cent) of all criminal cases completed in magistrates' courts are indictable / triable-either-way cases.

There were 23,527 adult breach cases (six per cent of all criminal cases) and 18,028 youth proceedings (four per cent of all criminal cases) completed in magistrates' courts during the first quarter of 2013. The number of youth proceedings has decreased by 25 per cent compared to the same quarter of 2012, continuing the downward trend which has been seen since 2009.

Criminal cases in the Crown Court

The Crown Court deals with serious criminal cases that are usually committed or sent from the magistrates' courts.

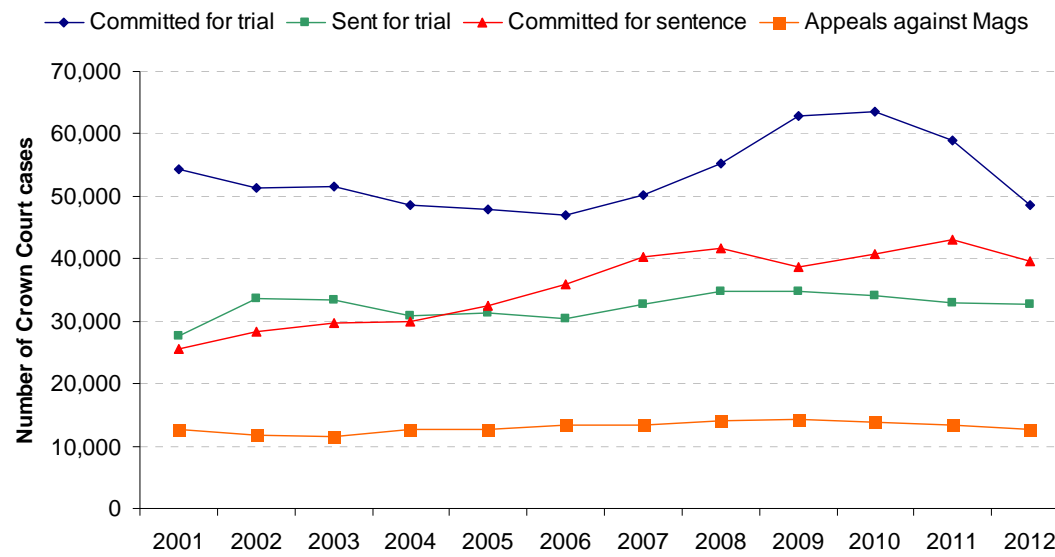
Serious 'indictable only' cases such as murder or serious sexual offences are sent for trial to the Crown Court as they cannot be heard summarily by the magistrates' courts. Triable either way cases are committed for trial if the defendant decides to be tried at the Crown Court or the magistrates' court decides that the circumstances of the case are sufficiently serious that it should be dealt with in the Crown Court.

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

Figure 3.2 shows that between 2004 and 2010 there was an increase of 25 per cent (from 122,062 cases to 152,336 cases) in the number of cases received by the Crown Court from the magistrates' courts. This was a result of a greater proportion of cases being committed and sent for trial. Consequently, the number of cases completed in the Crown Court also increased over the same period as a result of the increased work load.

However, as shown in Table 3.2, since the third quarter of 2011 the volume of cases received by the Crown Court has declined to 31,609 cases in the first quarter of 2013, a decrease of 19 per cent. The main driver of this change is the decline in the volume of either way cases being committed to the Crown Court for trial, a decrease of 28 per cent over the same period.

Figure 3.2: Crown Court receipts by case type, 2001 to 2012



Criminal cases committed for trial

Between 2006 and 2010, the number of cases committed for trial increased steadily, peaking in 2010 (63,541 cases). Since then a downward trend has been seen with a seven per cent decrease from 2010 to 2011 (58,913 cases) and an 18 per cent decrease from 2011 to 2012 (48,502 cases). There were 11,326 cases committed for trial in the first quarter of 2013, a decrease of 13 per cent compared with the same period in 2012 (13,027 cases). The general downward trend can also be seen in all regions, with the largest decline between 2011 and 2012 observed in London and the North East, 22 per cent and 21 per cent respectively (Table 3.13).

Similarly the number of completed committed for trial cases has also seen a downward trend, decreasing 21 per cent in 2012 compared to 2010 (65,478 cases down to 52,007 cases). This trend has continued into 2013 where by 11,992 committed for trial cases were completed within the Crown Court during the first quarter, a decrease of 21 per cent compared to the same period in 2012 (15,120 cases).

The decline in the number of cases committed for trial to the Crown Court appears to coincide with changes to the remuneration of Legal Aid for criminal cases. These changes were introduced on 3rd October 2011⁶ and included a change to the fee for either way cases which were deemed suitable for summary trial but instead were committed for trial to the Crown Court by election of the defendant who then later changed their plea to guilty. Since Q3 2011 there has been a decline in the number of defendants electing for their case to be heard in the Crown Court, and so choosing to remain in the magistrates' court.

Criminal cases sent for trial

The number of sent for trial receipts increased steadily from 2006 and peaked in 2009 at 34,869 cases. Since then, receipts have gradually decreased to 32,666 cases by 2012. The North West and South West were the only regions to have seen an increase in receipts from 2011 to 2012, growing by six per cent and 17 per cent respectively. In the first quarter of 2013 the number of cases sent for trial remained relatively stable at 8,257 cases compared to 8,157 in the same quarter of 2012.

Criminal cases committed for sentence

From 2000, the number of cases committed for sentence in the Crown Court following either a plea or trial in the magistrates' courts has increased by 63 per cent to a peak of 42,981 cases in 2011. Since then there has been an eight per cent decline in the number of cases committed for sentence to 39,579 cases in 2012.

In the first quarter of 2013 there were 9,207 cases committed for sentence to the Crown Court. This is a decrease of 14 cent when compared with the

⁶ www.justice.gov.uk/legal-aid/newslatest-updates/legal-aid-reform/february-2012-reforms

same quarter of 2012. Similarly, the number of committed for sentence cases which completed saw a 15 per cent decline during this period, decreasing from 10,874 cases to 9,235 cases.

Appeals

Since 2000 the number of appeals against magistrates' courts decisions has remained relatively stable, around 13,000. During the first quarter of 2013, the Crown Court received 2,819 appeals against magistrates' courts decisions, a 12 per cent decrease when compared with the same quarter in 2012, where by 3,214 cases were received.

Defendants

The average number of defendants per completed case in the Crown Court has remained stable since 2007 (Table 3.16). In 2012 there were on average 1.21 defendants per trial case, 1.01 defendants per committed for sentence case and one defendant per appeal.

Judge Caseload

A majority of Crown Court cases are heard by Circuit Judges. Where necessary, High Court Judges can hear and try the most serious and sensitive cases in the Crown Court (such as murder) while less complex or serious cases can be heard by Recorders.

Of all trial cases dealt with in 2012 in the Crown Court, 89 per cent were heard by Circuit Judges, nine per cent by Recorders and two per cent by High Court Judges (Table 3.15). High Court Judges sat in 24 per cent of all Class 1⁷ cases compared to only two per cent of Class 2 cases and one per cent of Class 3 cases (Table 3.14).

Effectiveness of trial hearings

In total 48,018 trial hearings were listed in both the magistrates' courts and the Crown Court during the first quarter of 2013. Of these,

- 45 per cent went ahead on the day they were scheduled and were effective.
- 38 per cent of trials were cracked, i.e. the case concluded without the need for re-scheduling the trial.
- 17 per cent were ineffective (i.e. did not go ahead on the day) and required re-scheduling.

⁷ Offences are divided into three classes of seriousness according. Class 1 involve the most serious offences such as treason and murder while Class 3 include less serious offences such as grievous bodily harm and robbery

Trials in the magistrates' courts

Between 2003 and 2006, there was a step change in the proportion of ineffective trials from 29 per cent to 19 per cent. The proportion of effective trials increased from 33 per cent in 2003 to 44 per cent in 2006. Since then rates of effective, cracked and ineffective trials in the magistrates' courts have all remained relatively stable.

There were 39,115 trial hearings listed in magistrates' courts during the first quarter of 2013 (Table 3.3). Of these trials, 44 per cent were recorded as effective, 38 per cent were recorded as cracked and 18 per cent were ineffective.

The main reasons for ineffective trials in the magistrates' courts in the first quarter of 2013 were due to court administration problems⁸ (21 per cent of all ineffective trials), absence of the defendant (20 per cent of all ineffective trials) and the absence of a prosecution witness (16 per cent of all ineffective trials).

In the first quarter of 2013 the main reasons for cracked trials were due to a late guilty plea being accepted (49 per cent of all cracked trials), the prosecution ending the case (16 per cent of all cracked trials) and insufficient evidence (14 per cent of all cracked trials).

A trial that has been removed from the list before the trial start date is labelled as vacated. Vacated trials are counted in the month the vacation happens rather than the date when they were due to start. As an example, a trial due to be heard in Q1 2013 that was removed from the list in Q4 2012 would be included in the vacated trial numbers for Q4 2012.

There has been a continued annual decline the number of vacated trials from 52,188 trials in 2008 to 45,873 trials in 2012.

Trials in the Crown Court

Between 2008 and 2010, the number of trials recorded in the Crown Court increased by 20 per cent as a result of the increasing number of trial receipts in the Crown Court. This increase was reversed by a decrease of four per cent in 2011 and a further seven per cent decline between 2011 and 2012.

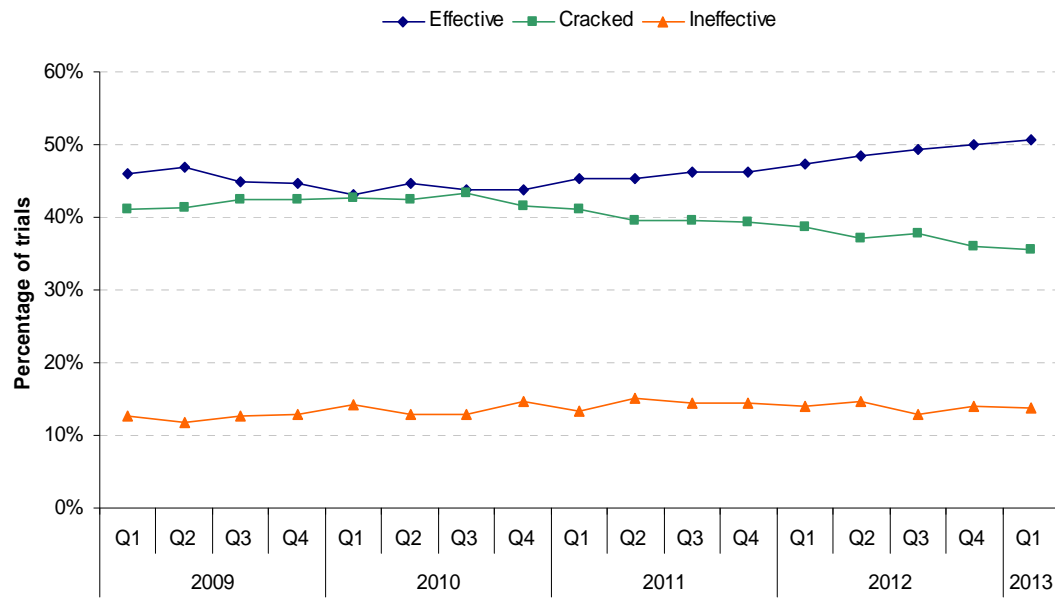
There were 8,903 trial hearings recorded in the Crown Court during the first quarter of 2013, a decrease of 19 per cent compared to the same period in 2012 (Table 3.4). Of the trials listed;

- 51 per cent went ahead on the day they were scheduled and were effective.

⁸ Court administration problems covers all trials that are ineffective due to 'Another case over-ran', 'Judge / magistrate availability', 'overlisting (insufficient cases drop out / floater / backer not reached)', and 'equipment / accommodation failure'.

- 36 per cent of trials were cracked, i.e. the case concluded without the need for re-scheduling the trial.
- 14 per cent were ineffective (i.e. did not go ahead on the day) and required re-scheduling.
- As can be seen in Figure 3.3, starting from fourth quarter of 2010, the rate of effective trials has increased as a result of fewer cracked trials.

Figure 3.3: Effectiveness of trial hearings in the Crown Court, 2009 Q1 to 2013 Q1



In the first quarter of 2013, the absence of prosecution witnesses accounted for 22 per cent of all ineffective trials. Other reasons for ineffective trials included absence of defendants (21 per cent of all ineffective trials), prosecution not being ready (16 per cent) and cases not reached/insufficient cases drop out (13 per cent).

The main reason for cracked trials during the first quarter of 2013 was defendants entering a late guilty plea (63 per cent of all cracked trials). Prosecution ended case and prosecution accepting a plea of guilty to an alternative charge each accounted for 18 per cent of all reasons for cracked trials.

A trial that has been removed from the list before the date of the trial is labelled as vacated. Vacated trials are counted in the month the vacation happened rather than the date they were due to be listed. As an example, a trial due to be listed in Q2 2012 that was vacated in Q4 2011 would be included in the vacated trial numbers for Q4 2011.

The number of vacated trials, excluding warned list cases⁹, has remained relatively stable between 2007 and 2012 with around 15,000 trials vacated each year.

Defendants' plea in the Crown Court

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

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

In the first quarter of 2013, the Crown Court dealt with 22,504 defendants involved in committed or sent for trial cases, a decrease of 16 per cent compared with the same quarter of 2012 (Table 3.5). Of these, 64 per cent pleaded guilty to all counts, 31 per cent pleaded not guilty to at least one count, and five per cent did not enter a plea¹⁰.

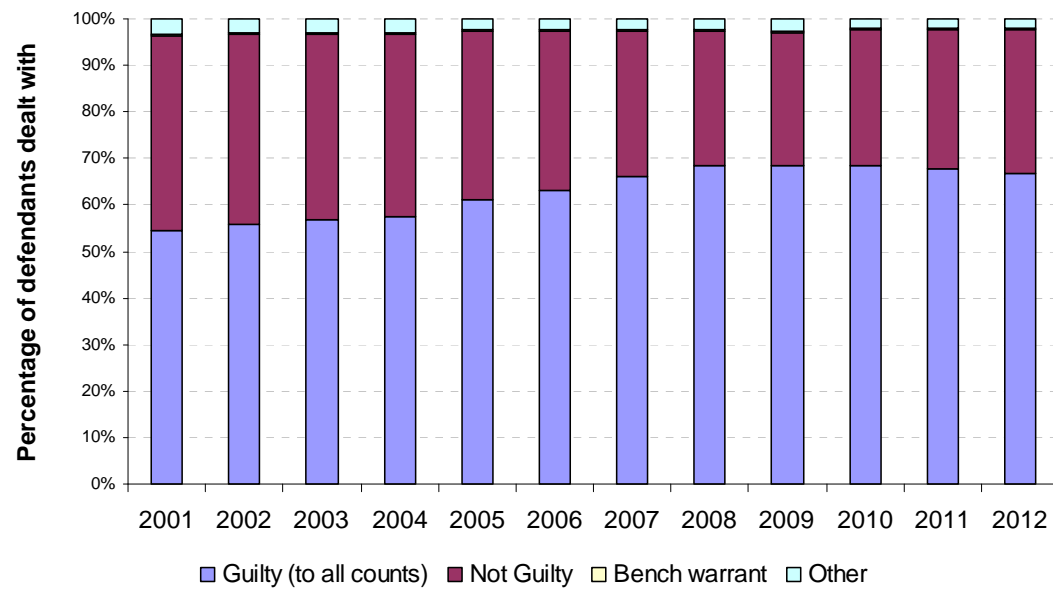
The guilty plea rate is the number of defendants pleading guilty to all counts as a proportion of all defendants with a plea. In the first quarter of 2013, the guilty plea rate was 68 per cent, a one percentage point reduction compared to the same quarter in the previous year. The guilty plea rate increased from 56 per cent in 2001 to 70 per cent in 2008 and has remained relatively stable since.

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

⁹ Cases in the warned list do not have a fixed date for trial but are allocated a period during which the court will try to list the case for trial

¹⁰ Due to rounding the percentages may not sum to 100%.

Figure 3.4: Defendants dealt with in the Crown Court by plea, 2001 to 2012



Acquitted

The proportion of defendants acquitted following a not guilty plea dropped by four percentage point to 58 per cent from 2011 to 2012 (Table 3.19). These defendants represent 18 per cent of all those who entered a plea. Of those who were acquitted, 59 per cent were discharged by the judge, typically because the prosecution ends the case, 32 per cent were acquitted by the jury, nine per cent were acquitted on the direction of the judge and one per cent were acquitted by other means¹¹ (Table 3.20).

Convicted

Forty two per cent of defendants who pleaded not guilty in trial cases were convicted in 2012. Of these convictions, 81 per cent were convicted by a jury who reached a unanimous verdict and the remaining 19 per cent were convicted by a jury who reached a majority verdict (Table 3.21).

Appeals

The proportion of appellants for criminal cases who had their appeals allowed or their sentence varied has increased from 41 per cent to 44 per cent between 2007 and 2012 (Table 3.25). Of the remaining appellants for criminal cases dealt with in 2012, 31 per cent were dismissed and 25 per cent were abandoned or otherwise disposed.

¹¹ Other means of acquittal includes where no plea is recorded, autrefois acquit and autrefois convict.

Timeliness of criminal cases

The timeliness figures present a measure of the average time taken from the initial committal of a criminal offence through to final case completion in the criminal courts. This includes a range of intermediate stages in the process in either the magistrates' courts or the Crown Court.

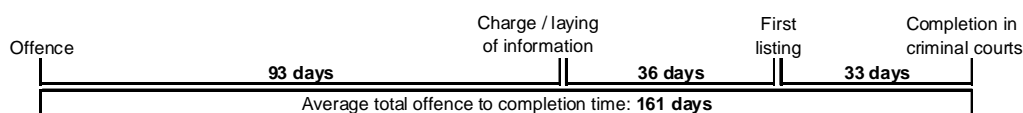
For defendants acquitted or sentenced during the first quarter of 2013, the average (mean) offence to completion time for all criminal cases was 161 days, an increase of one per cent compared to the same quarter of the previous year (Table 3.6).

However, half of defendants completed their case within 146 days of the offence. The median time provides a measure of the average time taken by providing the time that lies exactly in the middle of the total cases. Since the distribution of the time taken includes a large number of cases with a relatively shorter time between offence and completion, and a small number of longer-running cases, the median provides a useful measure for understanding how long half of these cases take to process.

On average (mean), the longest time is spent between offence to charge or summons and the shortest time is spent between first listing to completion in the courts. Of the 161 days from offence to completion, there were, on average (mean):

- 93 days between the date of the offence and the date the defendant was charged or the laying of information;
- 36 days between the date the defendant was charged or the laying of information and the first listing of the case in a magistrates' court; and,
- 33 days between the first listing of the case in a magistrates' court and the final completion of the case in either a magistrates' court or the Crown Court.

Figure 3.3: Average offence to completion time, all criminal cases, 2013 Q1



Note: Figures may not sum due to rounding

For criminal cases concluding in a magistrates' courts during the first quarter of 2013, the average (mean) offence to completion time for all criminal cases was 151 days, an increase of one per cent compared to the same quarter of the previous year (Table 3.6) and continues increases seen in the annual data.

For all criminal cases completing in the magistrates' courts the average number of hearings per defendant was 1.70 in 2012, a decrease of five per cent from 2011. A higher proportion of cases completed at the first listing in

2012 compared to 2011, increasing three percentage points to 65 per cent (Table 3.22). The more serious indictable/triable either-way offences on average require the highest number of hearings to reach a conclusion (2.08) and have the lowest proportion of cases completed at first listing (48 per cent) in 2012.

In cases where an initial guilty plea was entered¹² the average time from offence to completion is shorter than for cases where an initial not guilty plea was entered or cases where no plea is given. In 2012 all criminal cases where an initial guilty plea was entered completed on average after 100 days, compared to 168 days for cases with an initial not guilty plea was entered and 175 days for cases where no plea is given (Table 3.23).

Furthermore, fewer hearings were required on average to complete cases where the defendant's initial plea is guilty (1.31 hearings). In 2012, 81 per cent of all criminal cases involving an initial guilty plea were completed at the first listing, compared to 64 per cent of cases where no plea was given and five per cent of cases where a not guilty plea was entered.

The average duration of a case from offence to completion varies substantially based on the type of offence committed and its relative seriousness will determine how and where a case can be heard. In the first quarter of 2013:

Indictable /triable either-way cases took an average (mean) of 155 days from offence to the date the defendant's case was completed at either the magistrates' or Crown Courts, an increase of one per cent compared to the same quarter of the previous year (156 days).

Summary motoring cases took an average (mean) of 183 days from the date an offence was committed to the date the defendant's case was completed. This is a three per cent increase on the same quarter of 2012 (179 days) and represents a peak in the series. This is mainly driven by the increase in the average (mean) time taken from offence to charge or laying of information (an increase from 111 days to 118 days).

In comparison, summary non-motoring cases took an average (mean) of 142 days from the date an offence was committed to the date the defendant's case was completed, a one per cent decrease on the same quarter of the previous year.

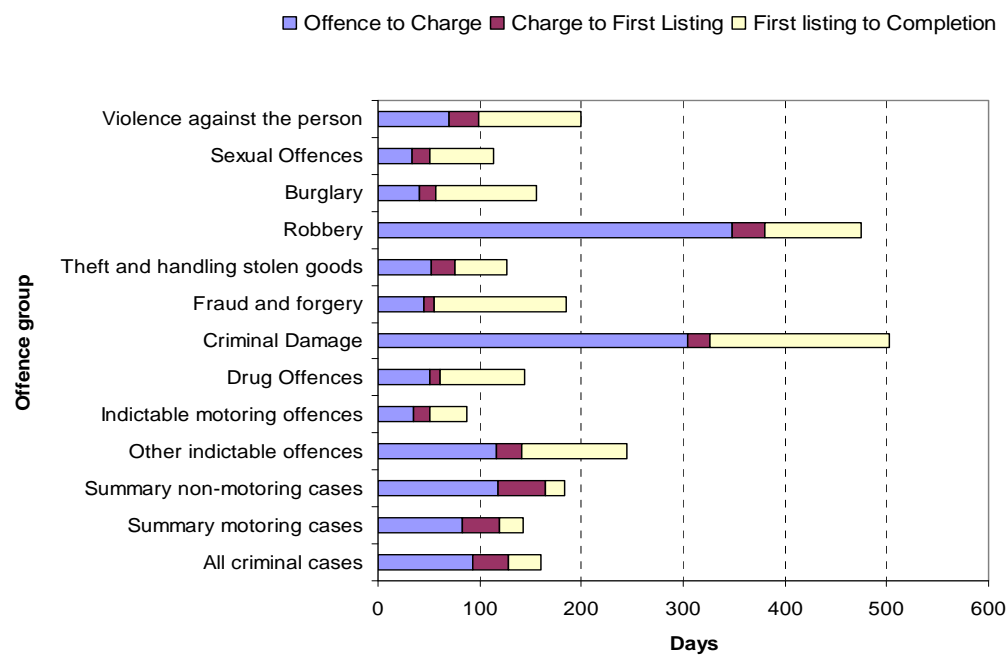
The median number of days from first listing to completion for summary cases (both motoring and non-motoring) is zero – showing that at least half of cases are completed within one day. Around 70 per cent of all summary motoring and summary non-motoring cases have an average duration from first listing to completion of zero.

Focusing in on the more serious indictable/triable either-way offences which typically carry more serious available sentences, in the first quarter of 2013

¹² Excludes cases sent or committed for trial to the Crown Court.

criminal cases involving sexual offences, and fraud and forgery offences took the longest time to conclude, at 502 days and 475 days respectively. The duration of fraud and forgery offences fell by 15 days overall compared to the same period of the previous year (490 days). Whereas the duration of sexual offences increased by 10 days overall compared to the same period of the previous year (492).

Figure 3.4: Timeliness of criminal cases in criminal courts, by offence group, 2013 Q1



For both sexual offences and fraud and forgery offences the changes seen are mostly accounted for in the time spent between offence and charge. This is likely to be caused by a number of reasons, one being these offences are often being reported to the police some time after the actual offence took place or take some time to detect.

In terms of regional timeliness (Table 3.24), criminal cases took the shortest time from offence to completion in the North East (145 days), and the longest to reach a conclusion in London at 170 days, on average in 2012.

The North East has the shortest offence to completion time on average for indictable/triable either-way cases (138 days). Whereas London has the longest offence to completion time for these cases (163 days)

The North West has the shortest offence to completion time on average for summary non-motoring cases (130 days). Whereas London has the longest offence to completion time for these cases (161 days)

While summary motoring cases take the shortest time to reach a conclusion in the South West (164 days) and the longest time to reach a conclusion on average in Wales (189 days).

Average waiting times in the Crown Court

Average waiting time refers to the average time between the date of sending or committal of a case to the Crown Court and the start of the substantive Crown Court hearing.

In the first quarter of 2013, the average waiting time for defendants dealt with in committed for trial cases was 13.8 weeks, similar to the same period in the previous year (Table 3.10). The average waiting time was 18.4 weeks for defendants who were dealt with in sent for trial cases, a slight decline of around one week when compared to the first quarter of the previous year.

Sent for trial cases tend to involve more serious offences and more time is usually allowed for the prosecution to prepare papers following the case being sent to the Crown Court from the magistrates' courts. Therefore, the average waiting time for sent for trial cases is generally higher than cases committed for trial.

For trial cases where a not guilty plea was entered, the average waiting time for defendants was 23.9 weeks, a slight decrease from the same quarter of the previous year (Table 3.11). The average waiting time was 11.8 weeks for those defendants who entered a guilty plea, a decrease compared with the same period in 2012.

The average waiting time was 5.5 weeks for defendants who were committed for sentence and 8.3 weeks for defendants appealing against the magistrates' courts decision.

Average hearing times in the Crown Court

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

In the first quarter of 2013 the average hearing time was 15.3 hours for trial cases where a not guilty plea was entered, an increase of 28 per cent compared with the first quarter of the previous year (Table 3.11). The average hearing time was 1.5 hours for trial cases where a guilty plea was entered; a slight increase when compared with the same quarter in 2012 (1.4 hours).

In 2012, the average hearing time rose by over half an hour for both committed for trial and sent for trial cases where a not guilty plea was entered when compared to 2011 (Table 3.30). The average hearing time for committal for trial cases rose to 8.5 hour and sent for trial cases increased to 19.6 hours.

Juror Statistics

There were 349,606 juror summons issued in 2012, a two per cent increase in compared to the number of summons issued in 2011 (Table 3.31). In the same year, around 23 per cent (79,858) of all summons were excused, no change when compared with the previous year.

Of the summons excused, four per cent were excused as they had already served in the last two years and 96 per cent were excused for other reasons including childcare, work commitments, medical, language difficulties, student, moved from area, travel difficulties and financial hardship. 16 per cent (54,991) of all summons issued resulted in failure to reply or were returned as undelivered.

In 2012, there were 168,914 jurors supplied to the court. The juror utilisation rate has increased over the last seven years to reach its current rate of 71 per cent in 2012 (Table 3.32). This coincides with the introduction of a programme on the part of the Her Majesty's Courts and Tribunals Service to avoid placing more of a burden on jurors than necessary and make the best use of their time. The number of juror sitting days has also increased over the same period, from 830,567 days in 2006 to 952,187 days in 2012.

Funding of Crown Court Representation

Under the Crown Court means testing scheme applications¹³ for legal aid in trial, committals for sentence and appeal cases are filed and processed in the magistrates' court (Tables 3.34 to 3.36).

In 2012, 95,055 applications for legal aid were made in magistrates' courts for representation in trial and committed for sentence cases at the Crown Court. This represents a decrease of 13 per cent on the previous year and continues the decreasing trend of applications observed since the introduction of Crown Court means testing in June 2010¹⁴.

Applications for legal aid made in the magistrates' courts for representation in the Crown Court in appeal cases saw a fall of eight per cent in 2012 when compared with the previous year. This is due to the processing of legal aid applications appeal cases moving from the Crown Court to the magistrates' courts. As a result there has been a 96 per cent decrease in legal aid applications for appeal cases filed in the Crown Court since 2010. For defendants in trial cases to the Crown court, the percentage of defendants receiving publicly funded legal representation was 98 per cent in 2009. Since the introduction of means testing in 2010, this percentage has declined year on year and in 2012 was 86 per cent. The remaining 14 per cent either received privately-funded representation or were not represented.

¹³ Applications for legal aid in contempt proceedings (as referred to in Section 12(2)(f) of the Access to Justice Act 1999) and breaches (failure to comply with an order of the Crown Court) are not subject to the means test, but must satisfy the interests of justice criteria before a Representation Order for the Crown Court is granted. These applications are filed and processed in the Crown Court

¹⁴ In 2010, means testing was extended to applicants for legal aid in the following criminal proceedings at the Crown Court. This included; trials, appeals from a magistrates' court decision, committals for sentences. The Crown Court means testing scheme was first piloted at five courts in January 2010, followed by a gradual roll out nationally by region between April 2010 and June 2010

The corresponding figure for defendants committed to the Crown Court for sentence, after a summary trial in the magistrates' courts, in 2012 was 81 per cent, and for those appealing against the decisions of magistrates' courts, was 42 per cent.

Chapter 4: Judicial Reviews

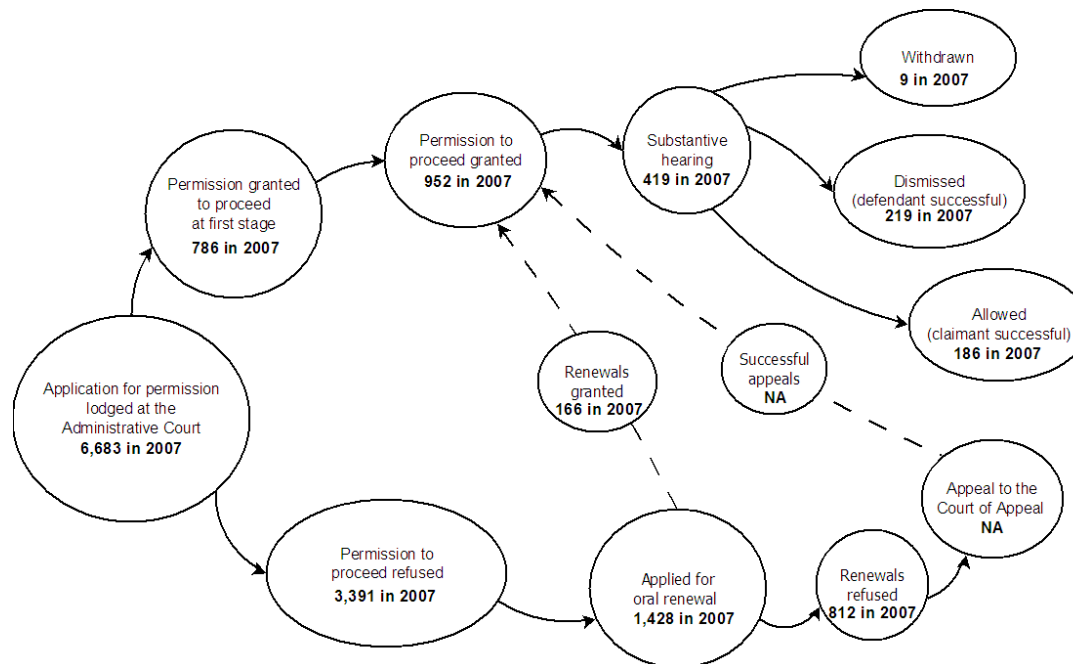
The data used in this chapter is taken from a system in the Administration Court (COINS) as a snapshot in May 2013 and it tracks the progress of Judicial Reviews (JRs) lodged between 1 January 2007 and 31 December 2012. Please be aware that this data is an update to figures published in 'Judicial Reviews 2007-2011'¹⁵ in April 2013. As this information has been extracted from a live database, there are minor revisions between the information presented here and earlier data.

There are two types of information presented in this chapter;

1. Judicial Review workload as dealt with by the administrative court. This includes the number of applications lodged in a year, and the number determined by a court (Table 4.1)
2. Information on cases progressed through the Judicial Review process that started in a given year (Tables 4.2 to 4.7)

Please note that for 2012 (or any other year) the cases covered in the workload figures may include cases which may have started in earlier years. As such the workload and case progression figures cannot be directly compared. The flowchart below shows the case progression for cases lodged in 2007.

Figure 4.1: Flow chart showing a simplified Judicial Review process, with 2007 case progression figures



¹⁵ www.gov.uk/government/uploads/system/uploads/attachment_data/file/192246/jr-ad-hoc.pdf

Also, these figures are unlikely to be the final figures on case progressions, particularly for applications lodged in 2012, since cases need time work their way through the Administrative Court system. For example the 2012 data relates to cases where an application for permission was lodged in 2012. If a final hearing for any of these cases has not yet taken place then this will not be reflected in the current 2012 figures. Once any outstanding final hearings for these cases have taken place they will be reflected in future editions of the 2012 figures. Therefore, the figures published here are likely to be an under count of the final figures.

For more information on the Judicial Review process please see the **A Guide to Court and Administrative Justice Statistics**.

Workload

- An increase of 86 per cent in applications lodged between 2007 and 2012 with the growth driven by Judicial Reviews on immigration and asylum.
- The number of Judicial Reviews disposed of has only increased by 27 per cent in the same period.

Case progression (based on 2007)¹⁶

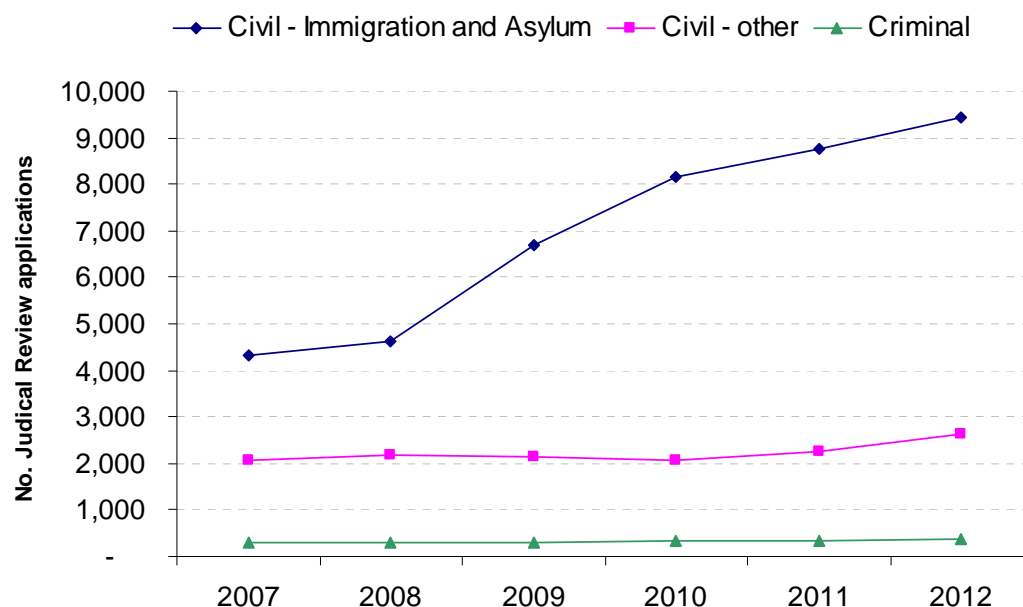
- Around eight per cent of all applications each year are granted permission to proceed at the first stage and around half refused. Of the refused ones, around 43 per cent apply for an oral renewal.
- In 2007 six per cent of all applications reached a final hearing and three per cent decided in favour of the claimant.
- For cases reaching a final hearing the total average time taken from date lodged to final hearing was around one year. This time has shown a decrease over the years; however this may reflect the fact that longer, more complex cases, have not yet been resolved.

Applications for permission to apply for Judicial Review

In 2012, there were 12,434 applications (Table 4.2) for permission to apply for Judicial Review, an 86 per cent increase since 2007. Immigration and Asylum cases have been driving this increase, and Figure 4.2 shows that over three quarters of all applications were concerning Immigration and Asylum, which fall under the Home Office.

¹⁶ The data from 2007 has been used for the case progression analysis to allow the maximum amount of time for cases to reach a final outcome.

Figure 4.2: Judicial Review Applications, by nature of review



In 2007, 14 per cent all applications were granted permission to proceed to a final hearing and 51 per cent refused. The remaining 35 per cent had other outcomes such as withdrawal, adjournment and resubmission. Similar values were found for applications lodged in 2008. Between 2009 and 2012, the percentage of application granted permission to proceed decreased to 10 per cent in 2012 as these cases have had less time to work their way through the court system.

Criminal JRs are twice more likely to be granted permission to proceed than civil JRs (30 per cent versus 14 per cent in 2007) (Table 4.3). Most of this is driven by the low rate of permissions granted to proceed for Civil (Immigration or Asylum); which was only nine per cent in 2007.

For all government departments, the Home Office had the lowest percentage of applications been granted permission to proceed (nine per cent in 2007), reflecting the fact that most applications concern immigration and asylum. This percentage remains the stable between 2008 and 2012 despite Home Office share of all JR applications increasing.

Local Authorities and Ministry of Justice had just over ten per cent each of all applications and a rate of applications granted to proceed of between 22 per cent and 27 per cent in 2007.

Oral renewals

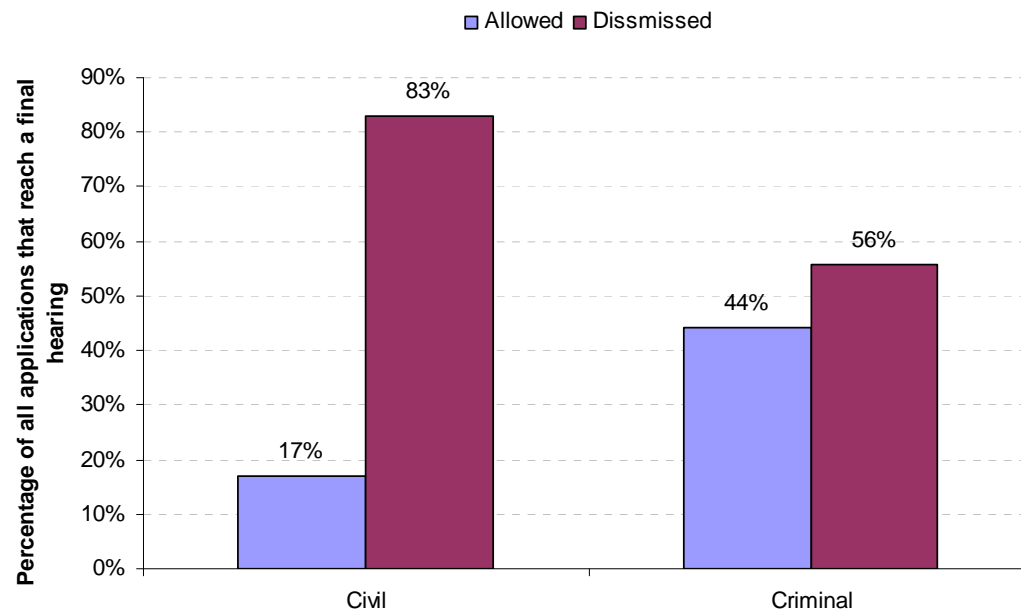
In 2007, 42 per cent of applications refused applied for an oral renewal and 12 per cent of these were granted. The majority of oral renewals are refused; the figure in 2007 was 57 per cent.

Final hearing

In 2007, 421 applications for Judicial Review reached a final hearing at court (six per cent of all applications). Of these, 44 per cent were allowed (claimant successful) and, 52 per cent were dismissed (defendant successful). As explained above, many other cases are withdrawn or settled prior to a final hearing and cases between 2008 and 2012 have had less time to work their way through the court system.

Criminal JRs are more likely to be allowed by the court at a final hearing than civil JRs (44 per cent versus 17 per cent in 2007). Again, the figures for civil law cases are driven by the low rate of permissions granted to proceed for Immigration or Asylum with two per cent in 2007.

Figure 4.3: Judicial Reviews outcomes for cases that reach a final hearing, 2007



For all defendants the pattern for disposal is similar to the pattern for applications. The Home Office had the lowest percentage of applications that reach a final hearing, with two per cent in 2007. In 2007, the claimant was successful (allowed) in ten per cent of JRs against the Ministry of Justice at final hearings; in particular, 25 and 17 per cent against Magistrates and Coroners respectively.

Timeliness

In 2007, the average time taken to reach a decision on whether to grant permission to proceed was 112 days and it took 353 days from lodging an application to a final hearing. Civil law cases took 380 days from lodging an application to a final hearing; the figure for criminal law cases was 199 days.

The average time taken to reach a decision on whether to grant permission to proceed has reduced over the last few years, from 112 in 2007 to 83 in

2012¹⁷. The average time taken from lodging an application to final hearing has also reduced.

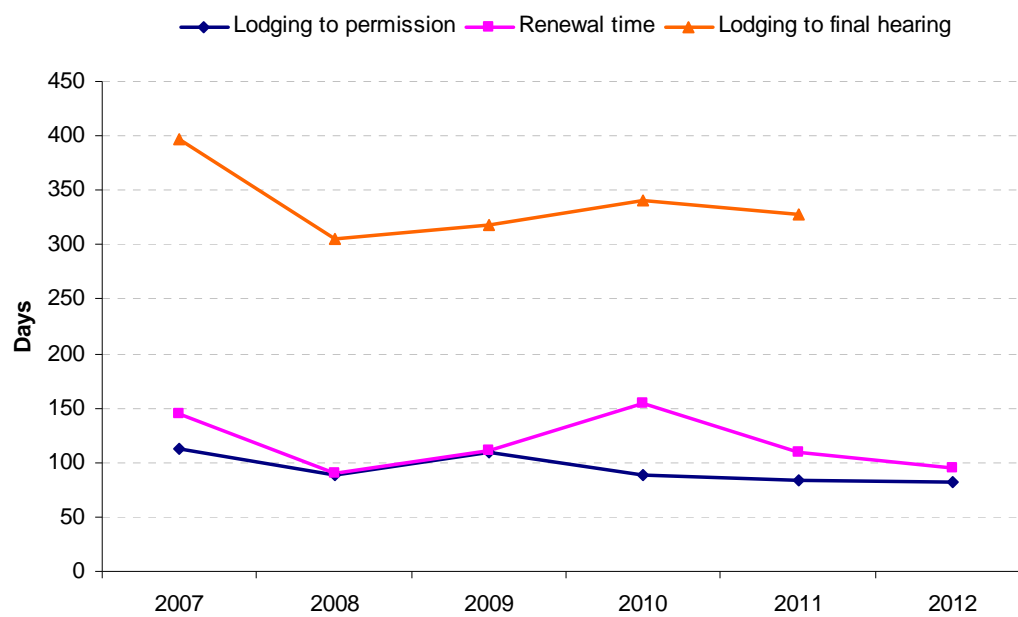
The average time taken from application for renewal to renewal decision was 146 days in 2007. This time has fluctuated over the last few years from 90 to 154 days.

The time from lodging to final hearing is potentially decreasing between 2007 and 2011; however this may reflect the fact that longer, more complex cases have not yet been resolved in the most recent years.

Totally Without Merit

From 1st October 2012, cases could be judged as being ‘totally without merit’ at the permission stage, which means they are not allowed to apply for oral renewal. Analysis of this information will be presented in a future edition when more data exists¹⁸.

Figure 4.4: Average time taken for each stage of the Judicial Review process, 2007 to 2011¹⁹



¹⁷ Please be aware these figures are unlikely to be the final figures on case progressions, particularly for applications lodged in 2011, since cases need time work their way through the Administrative Court system

¹⁸ Information on ‘Totally Without Merit’ cases can be found on the csv that accompanies this report.

¹⁹ Data is not shown for the average time taken between lodging to final hearing for 2012 as many cases will not have had time to progress all the way through the system.

Chapter 5: The Appellate Courts

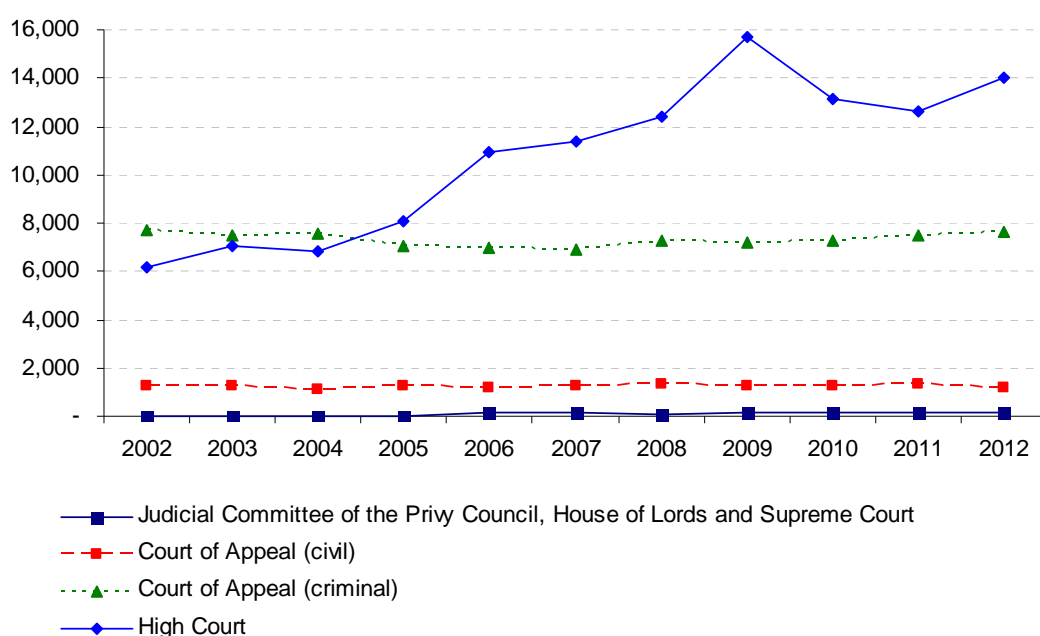
There are various appeal courts in England and Wales which are administered by HM Courts and Tribunals Service (HMCTS):

1. The Judicial Committee of the Privy Council - the final Court of Appeal for 23 Commonwealth territories and four independent Republics within the Commonwealth.
2. The Supreme Court - the Supreme Court of Appeal in the United Kingdom, replacing the Appellate Committee of the House of Lords in October 2009.
3. The Court of Appeal - divided into the Criminal Division, which hears appeals from the Crown Court and Courts Martial, and the Civil Division, which hears appeals mainly against decisions in the High Court and county courts.
4. The High Court - has three Divisions, Chancery Division, Queen's Bench Division and Family Division, each of which handles different types of civil work.

For more information on the roles of these specialised courts please see the **A Guide to Court and Administrative Justice Statistics** that was published alongside this publication. Please note the Court of Appeal also covers the Judicial Reviews which are explored in more detail in [Chapter 4](#).

The overall caseload of the appellate courts was 22,914 cases in 2012; this is an increase of seven per cent on the 21,485 cases in 2011. Over half of these cases (61 per cent) related to the High Court.

Figure 5.1: Appellate Courts: Overall caseload, 2002-2012



The Judicial Committee of the Privy Council

The Judicial Committee of the Privy Council has both a Commonwealth and a domestic jurisdiction. In its Commonwealth jurisdiction, which is by far the largest part of its work, it hears appeals from those independent Commonwealth countries which have retained the appeal to Her Majesty in Council or, in the case of Republics, to the Judicial Committee itself. It also hears appeals from the United Kingdom overseas territories²⁰.

In 2012, 27 appeals were entered, including seven each from Trinidad and Tobago and from Mauritius. 28 cases were dealt with (some of which may have originated from a previous year), 14 were dismissed after hearing and a further 14 were allowed after hearing. There were 52 petitions for special leave to appeal in 2012, of these 29 were granted and 23 refused (Tables 5.2 to 5.3).

The Supreme Court

The UK Supreme Court (UKSC) is the final court of appeal in the United Kingdom. In the UKSC in 2012, 217 petitions for permission to appeal were presented, and 207 were disposed of, of which 129 (62 per cent) were refused outright (Tables 5.4 to 5.6). In the UKSC in 2012, 116 appeals were presented and 86 were disposed of, of which 39 (45 per cent) were allowed. Of those disposed of, 14 related to family, nine to intellectual property, eight related to practice and procedure and three related to judicial review. For information on Judicial Reviews please see [Chapter 4](#).

The Court of Appeal

The Court of Appeal is divided into two Divisions, Criminal and Civil (Tables 5.7 to 5.11). The Criminal Division hears appeals in criminal cases from the Crown Court. The Civil Division 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.

- **Criminal Division**

During 2012, a total of 7,610 applications for leave to appeal were received, a two per cent increase on 2011 and a ten per cent increase on 2006. Of these 1,697 were against conviction in the Crown Court and 5,644 against the sentence imposed, the highest figures since 2006. Of the 7,610 applications for leave to appeal 5,663 (74 per cent) were considered by a single judge; 1,541 (27 per cent) of these were granted.

- **Civil Division**

In 2012, 1,181 appeals were filed in the Court of Appeal on civil cases, a similar number to the previous year: 196 from the Asylum and Immigration Tribunal, 199 appeals from the county courts (excluding family cases), and

²⁰ 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.

168 appeals from the Administrative Court of the High Court Queen's Bench Division.

In the Court of Appeal Civil Division a total of 3,835 applications were filed or set down, its highest level since 2005, and an increase of two per cent on 2011. 3,697 applications were disposed of in 2012, approximately the same number as in 2011.

The High Court

In England and Wales civil justice is administered mainly by the High Court and county courts ([Chapter 1](#)), the former handling the more substantial and complex cases. The High Court is divided into three main Divisions: the Chancery Division, the Queen's Bench Division and the Family Division (Tables 5.12 to 5.24).

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

The Queen's Bench Division of the High Court deals mainly with civil actions in contract and tort (civil wrongs) and also hears more specialist matters, such as applications for judicial review. It contains within it the Commercial Court and the Admiralty Court, which deals with shipping matters such as damage to cargo. It also administers the Technology and Construction Court which hears cases involving prolonged examination of technical issues, such as construction disputes.

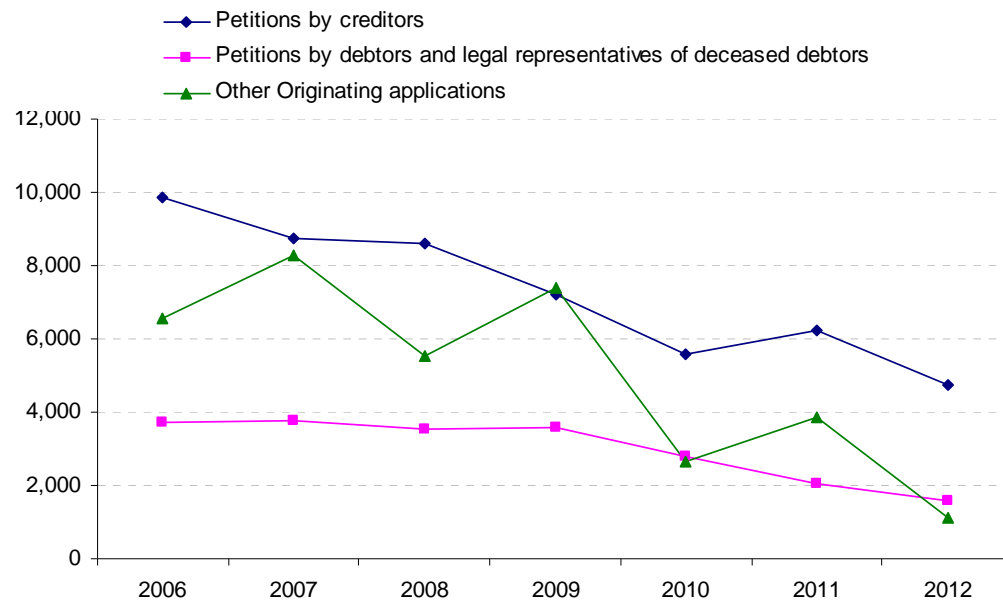
Chancery Division

28,961 proceedings were started in the High Court's Chancery Division in 2012, a decrease of 18 per cent compared to 2011 (Tables 5.12 to 5.18).

Bankruptcy Court

Bankruptcy is where an individual is unable to pay his or her debts. Proceedings are started with a petition for bankruptcy. There were 7,456 bankruptcy petitions applications files in the High Court in London during 2012, a decrease of 38 per cent since 2011 (Table 5.16).

Figure 5.2: Cases in the Bankruptcy Court, 2006-2012



Companies Court

The Companies Court in London primarily deals with the compulsory liquidation of companies and other cases 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 (Table 5.17).

There were 15,245 applications made in the Companies Court in 2012, a nine per cent decrease on 2011. Of these there were 5,808 applications filed for winding-up petitions in 2012, a 19 per cent decrease from the 7,166 in 2011. There were also 3,278 winding-up orders made and a further 2,951 winding-up orders dismissed or withdrawn.

Patents Court

The Patents Court deals only with cases concerning patents, registered designs and appeals against the decision of the Comptroller General of Patents. During 2012 there were 33 appeals filed in the Patents Court and 22 disposals, of which half were dismissed.

Queen's Bench Division

There were 14,454 proceedings started in the Queen's Bench Division in 2012 (Tables 5.19 to 5.24). This represents a four per cent increase on the number started in 2011. Of these 38 per cent were issued at the Royal Courts of Justice in London and the rest at the various High Court District Registries around the country.

The 5,549 proceedings issued at the Royal Courts of Justice included 1,434 related to debt (26 per cent), 1,053 (19 per cent) were personal injury, and 1,012 (18 per cent) concerned clinical negligence.

Of the 1,434 proceedings issued at the Royal Courts of Justice relating to debt, 54 per cent had a claim value of over £50,000. For personal injury proceedings 50 per cent had a claim value of over £50,000, and this was 56 per cent for clinical negligence claims.

Actions are normally started by way of a claim or an originating summons. A claim is the most common method and is used, for example, when a claim is based on an allegation of fraud or a civil wrong; it informs defendants what is claimed against them. An originating summons is used in certain cases, such as applications under specific Acts; it outlines the nature of the case.

If a defendant fails to respond to a claim, a claimant may be entitled to a judgment by default; there were 1,081 such judgments by default in 2012.

If a defendant responds any of the following may result:

- the claimant may discontinue the action;
- the parties may reach agreement between themselves;
- the court may decide that the defendant has no real defence to the action and gives summary judgment; or,
- a trial takes place, in some circumstances with a jury.

Judgments of the Queen's Bench Division may be enforced in many ways. By far the most common is the issuing of a writ of *fiери facias* (fi-fa). This directs the sheriff (the equivalent of the bailiff in the county courts) to seize, and if necessary, to sell the debtor's goods to raise money to pay off the debt. There were 43,397 writs of fi-fa issued in 2012, a decrease of six per cent compared to 46,327 in 2011.

Admiralty Court

The Admiralty Court is part of the Queen's Bench Division and deals with a range of naval cases such as ship collisions and damage to cargo (Tables 5.25 to 5.27). There is one Admiralty Judge who hears all admiralty cases and a number of interlocutory cases. The Admiralty Marshal is responsible for the detention and sale of ships which are the subject of proceedings in the Admiralty Court. In 2012 some 224 claims were issued in the Admiralty Court at the Royal Courts of Justice in London, an increase of five per cent on the previous year.

Commercial Court

The Commercial Court is part of the Queen's Bench Division and is largely concerned with disputes around contracts, insurance, carriage of cargo and the construction of ships (Table 5.28). Other cases dealt with at the Commercial Court include banking, international credit, contracts relating to aircraft, the purchase and sale of commodities and the practice of arbitration and questions arising from arbitrations. Some 1,141 claims were issued in 2012, a decrease of 14 per cent on the previous year. Around 23 per cent of

these related to arbitration applications and appeals, a further 11 per cent related to general commercial contracts and arrangements, including agency agreements.

Technology and Construction Court

Cases dealt with at the Technology and Construction Court include building and engineering disputes, computer litigation, professional negligence, sale of goods, valuation disputes, and questions arising from arbitrations and adjudications in building and engineering disputes. The court also deals with any cases from the Chancery Division or elsewhere within the Queen's Bench Division which involve issues or questions which are technically complex, or for which trial by judges at the court is for any reason desirable (Table 5.29).

A total of 452 claims were received in the Technology and Construction Court in 2012, a decrease of 14 per cent on the previous year. 240 claims were disposed of, a similar number to 2011.

Chapter 6: The Mental Capacity Act

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

When the Mental Capacity Act 2005 came into force on 1 October 2007, the role and function of the Court of Protection changed, and in addition, the Office of the Public Guardian (OPG) was established²¹. The OPG, an executive agency of the Ministry of Justice, supports the Public Guardian in registering Enduring Powers of Attorney (EPA), Lasting²² Powers of Attorney (LPA) and supervising Court of Protection (COP) appointed Deputies.

For more information on the roles of these specialised courts please see **A Guide to Court and Administrative Justice Statistics** that was published alongside this publication.

Court of Protection Hearings and the Office of the Public Guardian

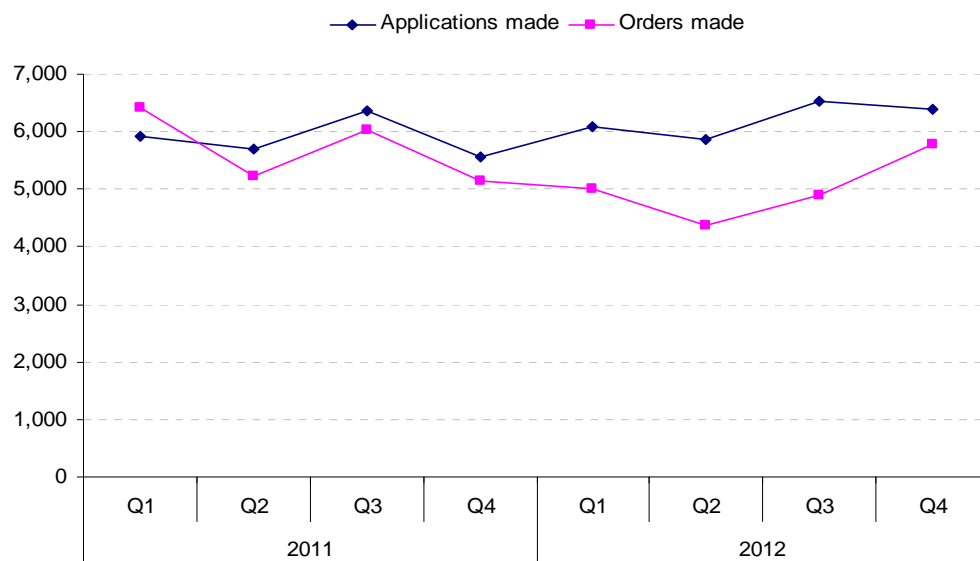
In 2012, there were 24,877 applications made under the Mental Capacity Act 2005, an increase of six per cent since 2011. The majority of these (60 per cent) relate to applications for appointment of a property and affairs deputy (Tables 6.1 to 6.2).

There were also 20,043 orders made, a decrease of 12 per cent since 2011. The majority (65 per cent) of orders related to appointing a deputy for property and affairs.

²¹ As there was a change in the type of data collected from October 2007, the data reported on previously for the old Court of Protection and Public Guardianship Office is no longer relevant, and therefore figures presented in this report are not fully comparable with figures published in earlier reports.

²² An LPA is a legal document that someone (the Donor) makes using a special form. It allows that person to choose someone in the present time, called the "Attorney", that they trust to make decisions on their behalf, at a time in the future when they either lack the mental capacity or no longer wish to make those decisions themselves

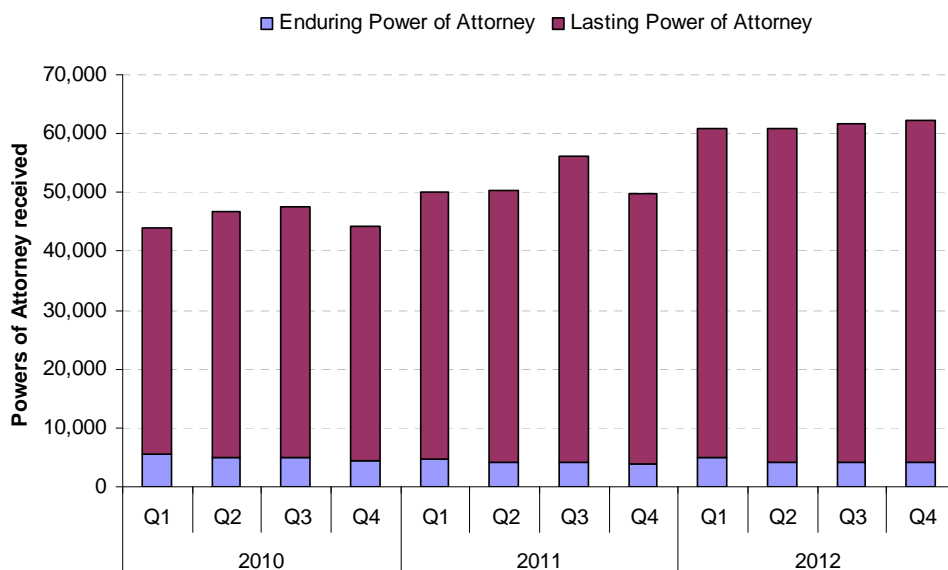
Figure 6.1: Applications and orders made under the Mental Capacity Act, Q1 2011 to Q4 2012



Powers of Attorney

There were 228,125 LPAs in 2012, an increase of 20 per cent on 2011. There were also 17,598 EPAs, an increase of four per cent on 2011 (Table 6.3). There were 10,475 Deputyships²³ appointed in 2012, a decrease of 20 per cent on 2011.

Figure 6.2: Powers of attorney, Q1 2010 to Q4 2012



²³ Deputyships - A Deputy is legally responsible for acting and making decisions on behalf of a person who lacks capacity to make decisions for themselves. The Deputy order sets out specific powers in relation to the person who lacks capacity.

Chapter 7: Offices of the Supreme Court

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

1. The Court Funds Office
2. The Offices of the Official Solicitor and the Public Trustee
3. Tipstaff

For more information on the roles of these specialised courts please see **A Guide to Court and Administrative Justice Statistics** that was published alongside this publication.

The Offices of the Official Solicitor and the Public Trustee

There were 7,125 new referrals to the Official Solicitor and the Public Trustee in 2012, an increase of 19 per cent on 2011 (Table 7.1). These were split between litigation cases (34 per cent) and administrative, trusts and estates cases (66 per cent).

The Offices of the Official Solicitor and the Public Trustee dealt with 12,703 active cases in 2012; this is an increase of nine per cent on 2011. The majority of active cases (77 per cent) were in relation to administrative, trusts and estates cases.

Tipstaff

The Tipstaff is the enforcement officer for the High 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). Orders of these types accounted for the majority (90 per cent) of all warrants executed by the Tipstaff in 2012.

In total, there were 364 warrants executed in 2012, a decrease of 22 per cent since 2011, and 489 warrants dismissed or suspended.

In 2012, Tipstaff casework included 426 child abduction warrants of arrest issued, 326 executed and 78 dismissed or suspended. There were 68 warrants of arrest issued within the five Divisions, some 24 per cent from the Insolvency Division and 22 per cent from the Family Division.

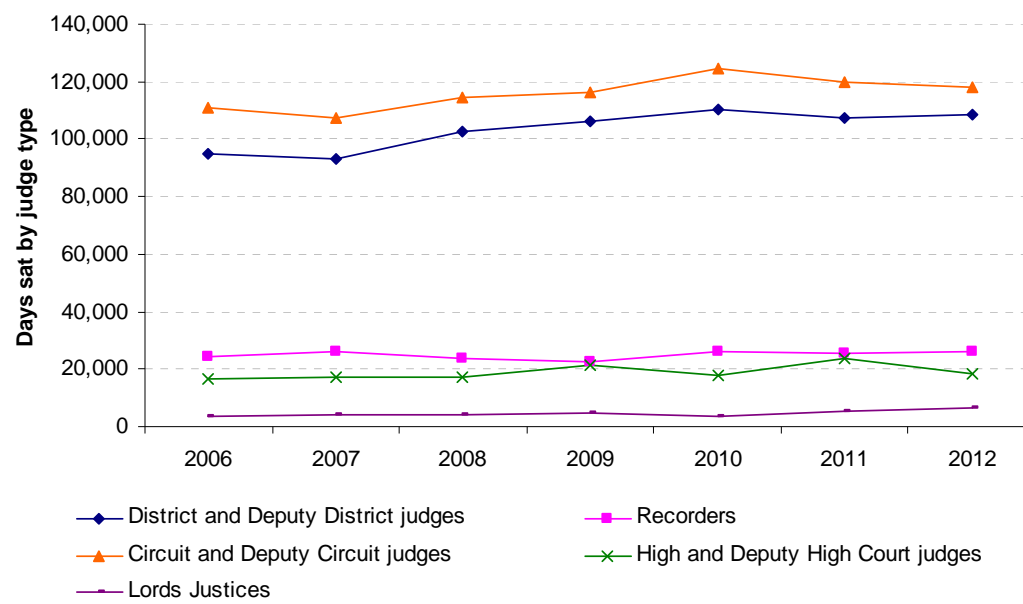
Chapter 8: The Judiciary

The Judiciary of England and Wales can be separated into eleven different types. For more information on the roles of these specialised courts please see the **A Guide to Court and Administrative Justice Statistics** that was published alongside this publication. This chapter deals with the number of days sat in court by judges, broken down by region and type of judge as well as the levels, by gender, of the Magistracy.

Judicial sitting days

During 2012, around 278,036 days were sat by judges (excluding magistrates) on all types of work (excluding tribunals and other official functions). This was a one per cent decrease from the number of days sat in 2011 (Tables 8.1 to 8.3).

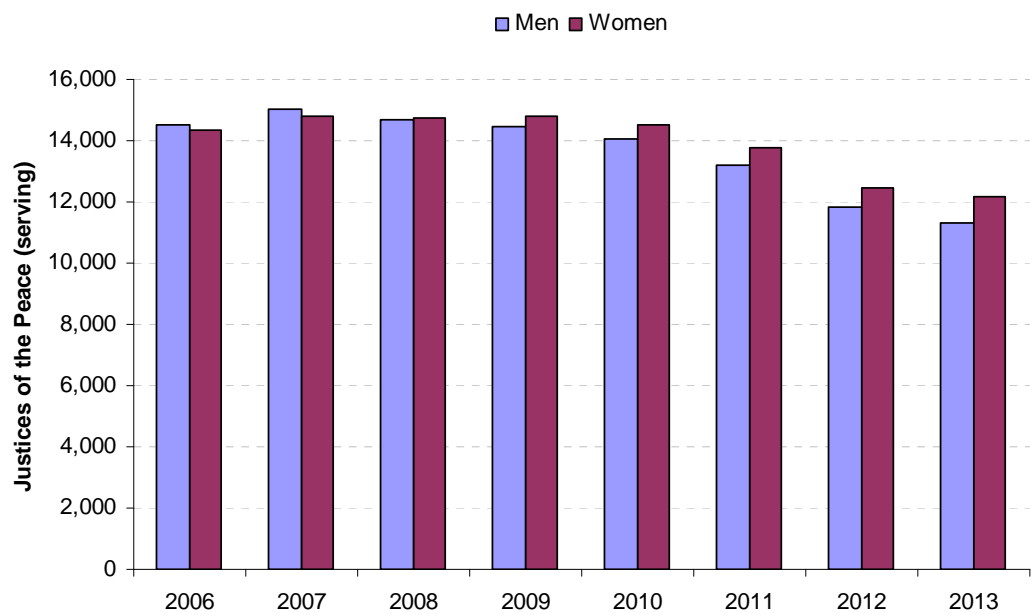
Figure 8.1: Judges Sitting Days, 2006-2012



Magistrates (Justices of the Peace)

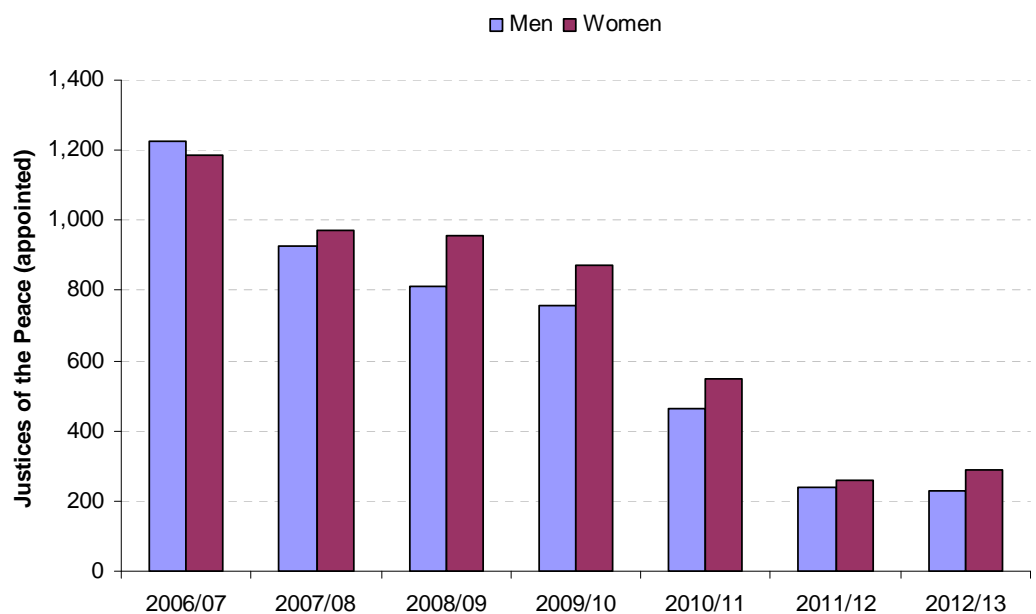
Between 1 April 2012 and 1 April 2013 there was a fall of three per cent in the number of Justices of the Peace (JPs) to 23,499 (Tables 8.4 to 8.5). This may have been due to courts' closures, bench mergers and a reduced workload going through the magistrates' courts. The proportion of men and women JPs was equal up to 2008 but since 2009 there have been slightly more women JPs than men. As of 1 April 2013; 52 per cent of JPs were women.

Figure 8.2: Justices of the Peace, by gender, 1 April 2006-2013



The number of people appointed as Justice of the Peace in 2012/13 rose four per cent from the 2011/12 level. This is a reversal of the falling trend between 2006/07 and 2011/12 when the number of JPs appointed reduced by 79 per cent. In 2006/07 the number of JPs appointed was broadly even across gender with 51 per cent being men and 49 per cent women. By 2012/13 these proportions had changed and men accounted for 44 per cent of appointments and women for 56 per cent.

Figure 8.3: Justices of the Peace appointed, by gender, 2006/07 to 2012/13



Chapter 9: Assessment of litigation costs, and publicly funded legal services

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

The Legal Services Commission (LSC) was abolished as a result of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012. In its place the Legal Aid Agency (LAA) became an executive agency of the Ministry of Justice on 1 April 2013. For the purpose of this report the LSC is still referred to as the data in this report (2012) covers a period before the creation of the LAA. For more information please see:

www.justice.gov.uk/about/laa

www.gov.uk/government/organisations/legal-services-commission

Detailed Assessment of Costs in Civil Proceedings

The office of the Senior Courts Cost Office (SCCO) is responsible for detailed assessment of costs and the process of examining and, if necessary, reducing the bill of costs of a solicitor or Litigant in Person (Tables 9.1 to 9.2). Costs include not only the solicitor's own professional fees, but also disbursements incurred including barristers' and experts' fees.

In 2012 the SCCO assessed 11,307 bills, a reduction of two per cent on the 11,561 assessed in 2011. This has been driven by a 47 per cent decrease in "Between parties" assessments, from 2,031 in 2011 to 1,067 in 2012.

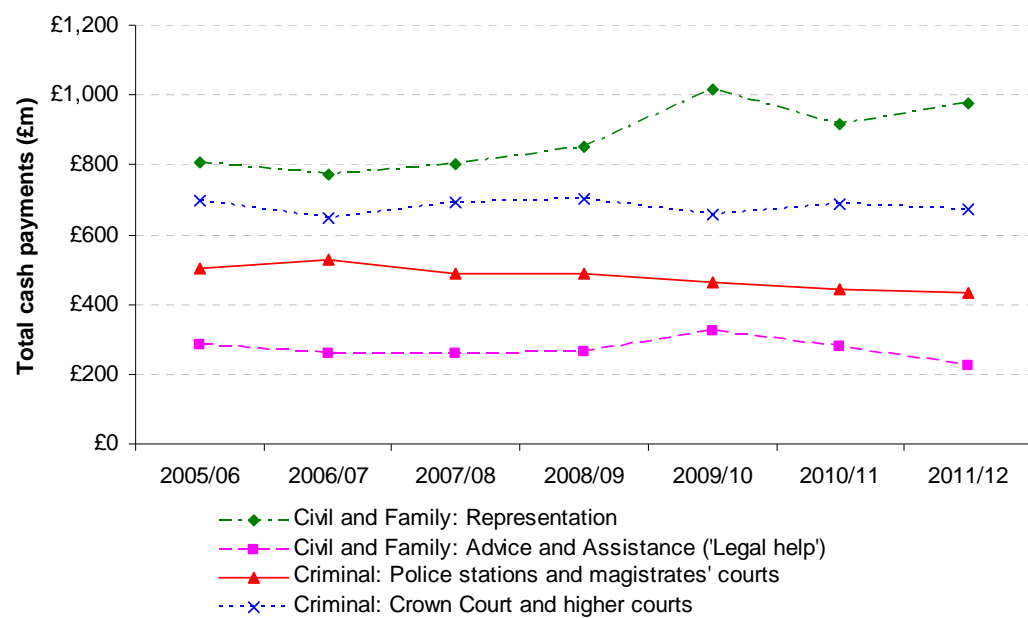
Publicly-funded legal services

The Legal Services Commission (LSC) operated the two Legal Aid schemes in England and Wales, through which nearly all publicly-funded legal services are commissioned from independent suppliers (Table 9.3).

The Community Legal Service (CLS) provided civil and family legal services. Work commissioned via the CLS is divided into two types: Legal advice and assistance; and Legal representation by solicitors and barristers in civil or family cases. The Criminal Defence Service (CDS) provides legal services to those arrested, charged or prosecuted in connection with a criminal offence.

For 2011/12 the LSC's CLS and CDS delivered nearly 2.5 million acts of assistance between them, a decrease of nine per cent compared to the previous year. Total cash payments and net expenditure for all publicly funded legal services were also down compared to the previous year by two and three per cent respectively.

Figure 9.1: Publicly-funded legal services, 2005/06 to 2011/12



Annex A: Data sources and data quality

This annex gives brief details of data sources for the figures given in this report, along with a brief discussion on data quality. All data is subject to statistical quality assurance procedures, which include the identification and removal of duplicate entries for the same event in a case and checks that data have been collated for all courts to ensure completeness.

Further information can be found in **A Guide to Court and Administrative Justice Statistics** via the www.gov.uk website. For future editions on Court Statistics Quarterly all information on data sources and data quality will be found in this guide.

Please also see the Excel tables provided alongside this report for further details on the data sources used in this publication.

Annex B: Enforcement of financial impositions

The following section provides updated management information on the collection of financial impositions through Her Majesty's Courts and Tribunals Service (HMCTS).

Financial impositions are ordered by the criminal courts for payment by offenders at sentencing and include financial penalties such as motoring fines, prosecutors' costs, compensation orders and victim surcharge. Financial penalties are the most commonly used sentence and form a significant part of HMCTS' collection and enforcement business. Accounting centres also enforce penalty notices for disorder and fixed penalty notices transferred to HMCTS for enforcement as fines. The financial imposition statistics presented here do not include confiscation orders.

Financial impositions and amounts paid

Financial penalties can be imposed by both the magistrates' courts and the Crown Court; however they are all enforced by the magistrates' courts.

The total value of financial penalties paid, regardless of the age of the imposition, has increased over the last nine years by around 25 per cent to £283 million in 2012; a three per cent increase compared with 2011 (Table B.1).

Table B.2 presents the value of financial penalties imposed by the criminal courts and the amount collected.

In 2012, around £404 million was imposed by the criminal courts, of which around £50 million (12 per cent) was paid within the imposition month and around £140 million (35 per cent) was paid within three months. Due to the timing of this publication we are not yet able to report on the amount paid within six, twelve and eighteen months after the imposition month for the 2012 accounts.

Each year there are a number of financial penalties that are cancelled, either administratively or legally. Legal cancellations can be applied after the case has been reconsidered by a judge or a magistrate and usually follow a change in circumstances. Administrative cancellations are only applied in accordance with a strict write off policy e.g. where the defendant has not been traced, these can then be re-instated if the defaulted is then traced. Figures produced at the end of March 2013 show that around £6 million (6 per cent) of the financial penalties imposed in the first quarter of 2013 had been remitted or cancelled.

Financial imposition accounts opened and closed

Table B.3 presents the number of financial penalty accounts opened and closed. An account is opened when a financial penalty is ordered in court and is closed when the imposition against the account has been paid or the

imposition is cancelled. Where a defendant has more than one financial penalty and/or account, these can be consolidated into one account.

There were 1,227,815 accounts opened during 2012, of which 145,727 accounts (12 per cent) were closed within the month of imposition and around 404,699 accounts (33 per cent) were closed within three months. Due to the timing of this publication we are not yet able to report on the number of accounts closed within six, twelve and eighteen months after the imposition month for the 2012 accounts.

Outstanding financial impositions

Table B.4 presents the total value of financial impositions outstanding. The amount outstanding is irrespective of the age of the imposition or the payment terms, and excludes all impositions already paid as well as both legal and administrative cancellations. Payment terms may include arrangements for offenders to pay amounts owed over a period of time.

At the end of the first quarter of 2013, the total value of financial impositions outstanding in England and Wales was £576 million. This represents a three per cent decrease in the monies owed at the end of the first quarter of 2012.

Annex C: Planned upcoming changes to publications

We are planning to make some changes to this bulletin, which are outlined below. If you would like to comment on any of these proposals or if you have any other feedback or questions about this statistical bulletin, or requests for further information, please direct them to the appropriate contact provided at the end of this report.

Civil (excluding family)

The introduction of a court-level CSV: We are planning to produce two supplementary CSV which provides information at the court-level, one providing selected information on case progression of claims through the County Court system, and the other providing information regarding the workload of the courts. There will also be two CSV at the national level. These CSV will include all the variables included in Table 1.1 – 1.8 and the additional tables provided annually in the June publication and will include full historical data available.

This will give users the freedom to analyse down to the court level across the full range of variables and also aggregate up to the regional or national level. This CSV will be accompanied by a guide explaining the variables to support the user in getting the best out of the data provided. This replaces the existing court-level information which is provided for a limited number of variables and goes back to 2011. It would also replace the Insolvency CSV which provides local and court-level breakdowns.

Tables: We are planning to continue production of Tables 1.1 and 1.2 which provide headline figures for the proportion of claims that are defended, allocated, or go to hearing or trial, and for the workload of the courts, including proceedings, defences, allocations, hearings and trials, judgment and enforcement. We are planning to discontinue the production of all other tables, as the information contained in those tables will be available in the court-level CSV.

Civil Court CSV: This CSV contains the same information as the main tables with some additional historical data added. We are planning to discontinue production of this output. Feedback from customers suggests there is rather limited use of this output, as customers find the main tables more straightforward to understand and can find quarterly information from the other supplementary CSV, which also provide local breakdowns on a quarterly basis. There will be no loss of information from this discontinuation as all the information it contains will be provided in the court-level CSV.

As a result of these proposed changes the possessions publication will consist of a

- bulletin describing headline results,
- supported by tables providing headline results,

- supported by CSV providing court-level breakdowns and national figures on a full range of variables with full historical data,
- supported by a guide which explains how to get the most out of the CSV.

We believe this format provides the best balance between providing a clear description of the main trends in the data and allowing the greatest freedom for users to carry out analysis in areas they have a particular interest in.

Family

Counting basis: Table 2.1 will be modified to show the number of cases started and completed. Figures on the number of applications, disposals or children involved (as for Public and Private law cases) will still be made available either in additional tables or CSV files.

More CSV files: We are planning to produce additional CSV files to the four family files already published. These will not only provide the data as given in the existing Excel tables, but also allow much more data to be published than is possible in table format – in other words, breakdowns and variables that have not been published previously.

These CSV files will be at the national England and Wales level. The court-level information currently provided in one of the existing CSV files for a limited number of variables will currently remain as it is.

As currently, these CSV files will be accompanied by a guide explaining the variables to support the user in getting the best out of the data provided.

Tables: As the information will be contained in the CSV files mentioned above, we are planning to gradually discontinue the production of certain tables – such as those on divorce, ancillary relief, and domestic violence (tables 2.8 to 2.11).

Criminal

Crown Court data

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

In 2010/11 the Ministry of Justice, with the support of a methodologist from the Office for National Statistics, undertook work to better understand the differences between the two publications. Among the key differences between the two datasets are:

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

Magistrates' courts data

For magistrates' courts data the number of proceedings reported in Judicial and Court Statistics exceeds those in Criminal Justice Statistics because the former counts issuance of a bench warrant as the end of a set of proceedings. This implies that a case may be counted once by Criminal Justice Statistics but twice, as two sets of proceedings, by Judicial and Court Statistics.

Explanatory notes

The United Kingdom Statistics Authority has designated these statistics as National Statistics, in accordance with the Statistics and Registration Service Act 2007 and signifying compliance with the Code of Practice for Official Statistics. Designation can be broadly interpreted to mean that the statistics:

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

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

The statistics in this bulletin relate to cases in the county, family, Crown and magistrates' courts in England and Wales. Calendar year statistics are also provided.

Breakdowns of many of the summary figures presented in this bulletin, such as split by case type or by HMCTS area, are available in the Comma Separated Value (csv) files that accompany this publication.

For the January to March (Q1) publications of Court Statistics Quarterly there is additional information on other areas of civil and administrative justice.

Revisions

The statistics in chapters one to three of this publication cover quarterly figures. The latest quarter are provisional, and are therefore liable to revision to take account of any late amendments to the administrative databases from which these statistics are sourced. The standard process for revising the published statistics to account for these late amendments is as follows:

An initial revision to the statistics for the latest quarter may be made when the next edition of this bulletin is published. Further revisions may be made when the figures are reconciled at the end of the year. If revisions are needed in the subsequent year this will be clearly annotated in the tables.

The statistics in chapters four to eight are compiled on an annual basis, and are less likely to be revised. If revisions are needed in the subsequent year this will be clearly annotated in the tables.

For more information please see the Guide to Court and Tribunals Statistics.

Symbols and conventions

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

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

Contacts

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