



Ministry of  
**JUSTICE**



# **Court Statistics Quarterly January to March 2012**

Ministry of Justice  
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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 2012) with accompanying commentary and analysis.

The commentary includes for each type of court, a brief description of the function and jurisdiction of the court concerned, together with an explanation of some of the main procedures involved.

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

Calendar year court statistics are published annually by the Ministry of Justice (MoJ) in the statistics report *Judicial and Court Statistics (JCS)*, which contains more detailed breakdowns of the figures, along with additional data on the activity of other types of court such as the Supreme Court and High Court. The publication of JCS in, conjunction with this publication, contains information from 2011.

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

[www.justice.gov.uk/statistics/courts-and-sentencing/judicial-quarterly](http://www.justice.gov.uk/statistics/courts-and-sentencing/judicial-quarterly)

Statistics on the work of the tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland during the period October to December 2011 are also published by the MoJ at the same time as this report. These quarterly tribunals statistics, along with annual statistics, can be found in separate reports on the MoJ website, at:

[www.justice.gov.uk/statistics/tribunals/quarterly](http://www.justice.gov.uk/statistics/tribunals/quarterly)

**Annex A** provides summary information on data sources for the figures given in this report, along with a brief discussion on data quality. **Annex B** provides high-level findings for the courts and tribunals which are administered by HMCTS. **Annex C** describes the differences between Office for National Statistics and Ministry of Justice figures on divorces.

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

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

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

# Background

Criminal and civil cases in England and Wales are dealt with at the Crown, magistrates' and county courts.

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

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

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.

## Main findings

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

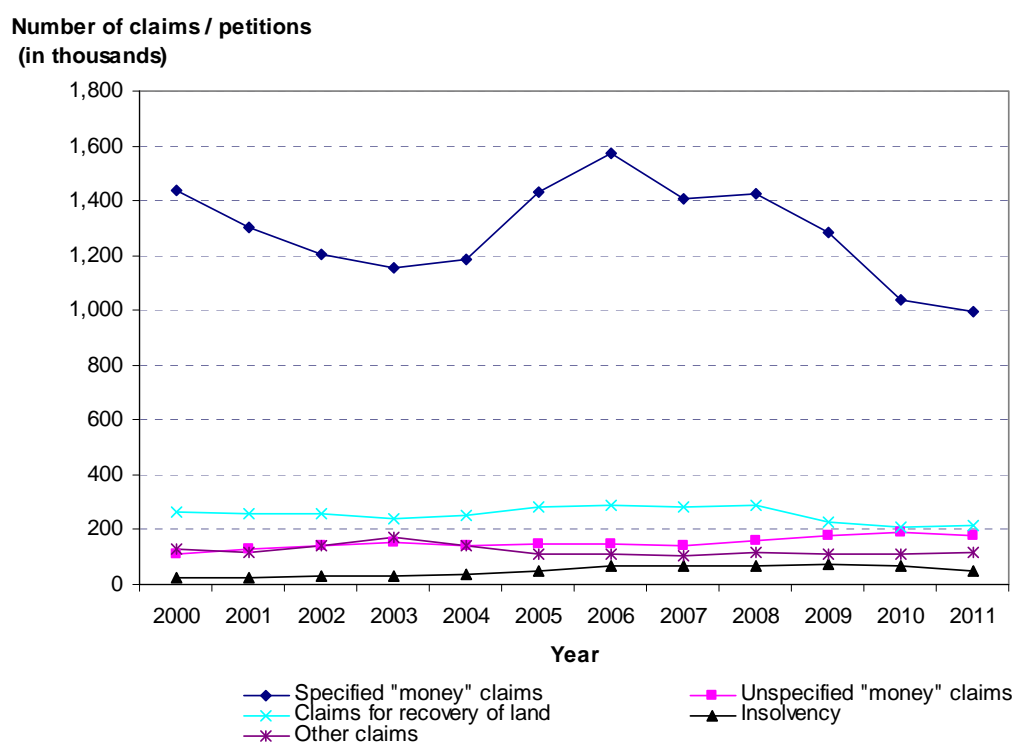
### County courts (non-family)

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

#### Key points

- Claims issued:** There were **370,243 claims issued** during the first quarter of 2012, ten per cent fewer than in the first quarter of 2011. This continues the general downward trend from the peak in 2006 (545,885 claims on average per quarter) which is mainly due to decreases among specified money (typically debt related) claims, claims for the recovery of land, and insolvency petitions (Figure 1).

**Figure 1: Claims issued in the county courts, by type of case, England and Wales, 2000 to 2011**



Only a small proportion of claims are defended, with defended cases that are not settled or withdrawn generally resulting in a small claim hearing or trial.

- **Claims defended:** There were **66,182 defences made** in the first quarter of 2012, five per cent fewer than in the first quarter of 2011 and continuing the general downward trend since the peak in defences in 2007. The fall in claims defended since 2007 reflects in part the reduction in claims issued over the same time-period.
- **Small claim hearings:** This track is generally for cases with a claim value of up to £5,000 which do not require substantial preparation by the parties involved. **9,518 small claim hearings** took place in the first quarter of 2012, a decrease of four per cent compared to the first quarter of 2011. On average, small claim hearings occurred 30 weeks after the claim was originally made, the same as in the first quarter of 2011.
- **'Fast track' and 'multi track' trials:** 'Fast track' is generally for cases with a claim value of between £5,000 and £25,000; 'multi track' is generally for cases with a value exceeding £25,000. **3,888 'fast track' and 'multi track' trials** were disposed of, a decrease of 19 per cent compared with the first quarter of 2011. On average, trials occurred 60 weeks after the claim was originally made, up from 54 weeks in the first quarter of 2011 and continuing the general upward trend seen since 2008.

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

- **Enforcement of judgement: 69,714 applications for enforcement of judgment amounts** were made (via warrants of execution, attachment of earnings orders, third party debt orders and charging orders) during the first quarter of 2011, a 10 per cent decrease on the same period of the year before. The number of these applications has declined particularly steeply since 2008 and in the first quarter of 2012 represents around half the number in the first quarter of 2008.
- **Warrants of possession:** To enforce non-monetary decisions made by the county courts, various types of warrants can be issued. In the first quarter of 2012, **33,522 warrants of possession were issued**, a decrease of two per cent on the equivalent quarter of 2011 and 18 per cent lower than in the first quarter of the peak year of 2008. In addition, **15,152 repossession of properties** were made by county court bailiffs, a one per cent increase on the first quarter of 2011. **6,077** of the repossessions were on behalf of mortgage lenders, seven per cent less than in the first quarter of 2011.

## Family matters

Family cases deal with issues such as parental disputes, child protection cases, divorce and separation, and cases of domestic violence.

### Key points

- **Divorces:** The number of divorces peaked in 2003, and has fallen since then, levelling off at around 120,000 divorces per year since 2008. The decline generally reflects the smaller married population and a higher average age at marriage. The younger a person marries, the higher the probability of getting

divorced so the trend to delay marriage has partly contributed to the observed general decline in divorce over the last 20 years. There were **31,603 decrees absolute granted for the dissolution of marriage** in the first quarter of 2012; an increase of two per cent compared to the first quarter of 2011.

- **Domestic violence:** Both applications and orders made for domestic violence have been declining since 2002. Over this time both non-molestation and occupation orders have fallen, but a greater fall has been seen in occupation orders – in 2002 these made up one-third of the orders made, but in 2011 only one-seventh of orders were for occupation. There were **5,157 domestic violence applications** in county courts in the first quarter of 2012; a drop of three per cent from the same period in the previous year. The number of **domestic violence orders made** also decreased by three per cent to **5,171** in the first quarter of 2012, compared with the corresponding quarter in 2011.
- **Forced marriage protection orders (FMPOs):** Following their introduction in 2008, the number of FMPOs made appears to have stabilised at around 150 per year. In the first quarter of 2012, **23 orders were made**.
- **Public law children's matters:** The number of children involved in public law applications made by local authorities jumped in 2009 from 19,760 per year to almost 25,810 per year following the publicity surrounding the Baby P case. Since then the numbers increased further in 2010 and 2011. There were **7,352 children involved in public law applications** made in the first quarter of 2012; a two per cent decrease on the same period for 2011.
- **Private law children's matters:** The number of children involved in private law applications, which generally follow a breakdown in their parents' relationship, rose to a peak in 2009 and has since fallen back to around 110,000 per year, a similar level to that last seen in 2006. There were **28,571 children involved in private law applications** made in the first quarter of 2012; a five per cent decrease from the same period for 2011.
- **Legal representation and timeliness:** In the first quarter of 2012 the average case duration for all public law children's cases and for divorce cases was just under a year. Private law children's cases on average took four months, while the average duration for domestic violence cases was one week. Across all case types, cases where only the respondent had legal representation generally took longest, followed by cases where both applicant and respondent had legal representation. Cases where there was no legal representation were generally the shortest. To some extent this reflects the fact that cases without legal representation are more likely to be uncontested, and possibly less complex and quicker to complete. Data on this subject is presented for the first time in this publication in Tables 2.7 and 2.8.

### **Magistrates' courts and the Crown Court**

Criminal court cases start in a magistrates' court, with the more serious offences passed on to the Crown Court.

Key points for the magistrates' courts

- **Criminal proceedings:** There were **432,311 criminal proceedings** completed in magistrates' courts in the first quarter of 2012, around four per cent fewer than in the same period of 2011. This continues the general downward trend observed

since 2008, which is mainly due to decreasing volumes in summary motoring, indictable and youth proceedings.

- **Trials: 43,110 trials** were recorded in magistrates' courts, with **44 per cent** recorded as **effective**, meaning they commenced on a scheduled date and reached a conclusion. **17 per cent** did not commence on the due date and required re-listing (recorded as '**ineffective**') and **39 per cent** did not commence on a scheduled date but were not re-listed as they had reached a conclusion (recorded as '**cracked**'). Rates of effective, cracked and ineffective trials in the magistrates' courts have remained relatively stable since 2006. Data is presented on the reasons for trials to be listed as ineffective for the first time in this publication in Tables 3.3 (magistrates' court) and 4.3 (Crown court).
- **Fines paid:** The total value of fines paid in magistrates' courts was **£71 million** in the first quarter of 2012, compared with £68 million in the corresponding quarter of the previous year.

#### Key points for the Crown Court

- **Total receipts:** The number of cases received from the magistrates' court increased steadily from 2006 and peaked in 2010 at 152,336 and then fell back slightly in 2011. In the first quarter of 2012, **34,648 cases were received**, a decrease of nine per cent compared to the same period last year, continuing the downward trend since 2010.
- **Trials recorded:** Between 2008 and 2010, the number of trials listed in the Crown Court increased by 20 per cent; this increase was reversed by a fall of four per cent in 2011. In the first quarter of 2012, **10,555 trials were recorded in the Crown Court**, a decrease of eight per cent compared with the same period in 2011. This continues the downward trend observed since 2010.

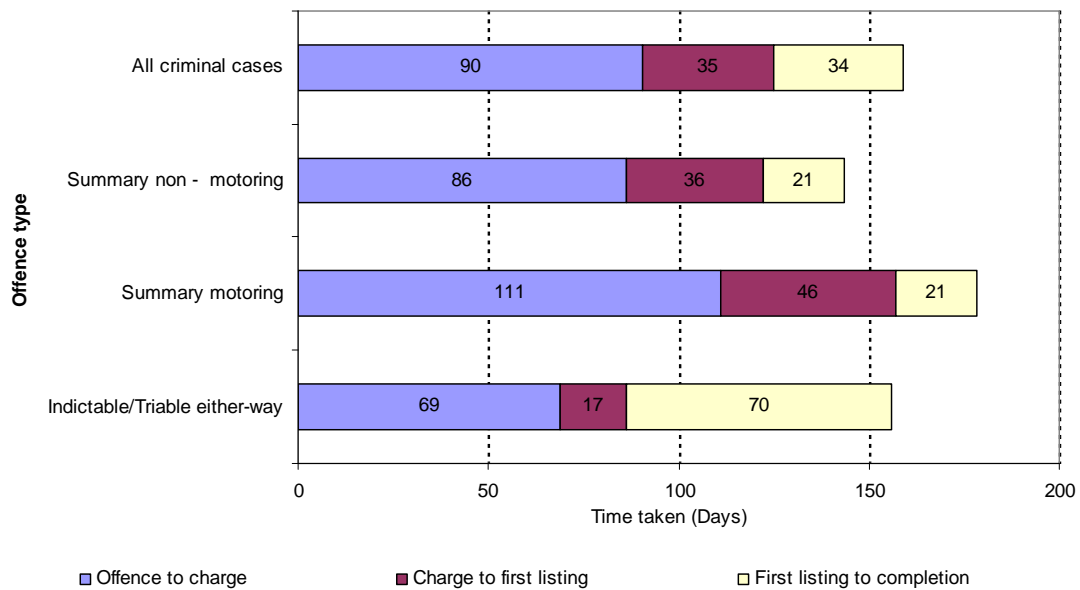
#### Timeliness of criminal proceedings (experimental statistics)

##### Key points

- **Offence to completion time:** For cases completed in either a magistrates' court or Crown Court during the first quarter of 2012, the average time taken between when an offence was committed and the criminal case was completed was **159 days**. This is a two per cent increase compared to the same period in the previous year; the bulk of the increase comes from the longer time taken from offence to first listing for summary cases heard in the magistrates' court.
- **Offence to completion time by type of case:** The time between offence to charge and from charge to first listing was longest for summary motoring cases, less for summary non-motoring cases and least for indictable/triable either-way cases. The opposite pattern is visible for time taken from first listing to completion with indictable/triable either way cases taking the longest time, probably reflecting the greater complexity of these cases. Overall, the average offence to completion time for indictable/triable either-way cases was **156 days**, compared to **144 days** for summary non-motoring cases and **179 days** for summary motoring cases (Figure 2).



**Figure 2: Average time taken from offence to completion, for all defendants in completed criminal proceedings by offence type, England and Wales, Q1 2012**



- Average waiting time:** The 'average waiting time' refers to the average time between the date of sending or committal to the Crown Court and the start of the substantive Crown Court hearing. In the first quarter of 2012, the 'average waiting time', for defendants where a not guilty plea was entered, was **24 weeks**, compared to **12 weeks** for defendants where a guilty plea was entered.

## Enforcement of financial impositions

### Key points

- Financial impositions and amounts paid:** In the third quarter of 2011, around **£97 million** was imposed by the criminal courts, of which around £12 million (12 per cent) was paid within one month of the imposition month, around £31 million (32 per cent) was paid within three months and around £39 million (41 per cent) was paid within six month of the imposition month.
- Outstanding financial impositions:** At the end of the first quarter of 2012, the total amount of financial impositions outstanding in England and Wales was **£593 million**. This represents a two per cent fall on the monies owed at the end of 2011.

# Commentary

## County courts (non-family) [Tables 1.1 – 1.7]

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

Information on the data sources used for the county court statistics can be found in **Annex A**. Explanations for some of the main terms used in this section can be found in the **Glossary**.

### Claims issued

Historically, the normal method of taking someone to court regarding a civil (non-family) matter is for the person (the claimant) doing so to complete a claim form and take it into a county court. However, the creation of electronic services has meant that claims for a specified amount of money (where the claim is for a set amount of money) or the repossession of property can be made via the internet ([www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk) and [www.possessionclaim.gov.uk](http://www.possessionclaim.gov.uk)). In addition, claimants who issue a large number of claims for a specified amount of money each year (e.g. banks, credit card and store card issuers, utility companies, debt recovery companies) can do so by filing them in computer readable form to the Claim Production Centre (CPC). Most of the work of the CPC is done at a central processing unit attached to Northampton county court.

In the first quarter of 2012 there were 370,243 claims (or petitions) issued, a decrease of ten per cent compared to the first quarter of 2011. This continues the downward trend from the peak in 2006 (545,885 claims on average per quarter) which itself followed an increase from 2003 (437,404 claims on average per quarter) after previously falling from 2000 (492,146 claims on average per quarter).

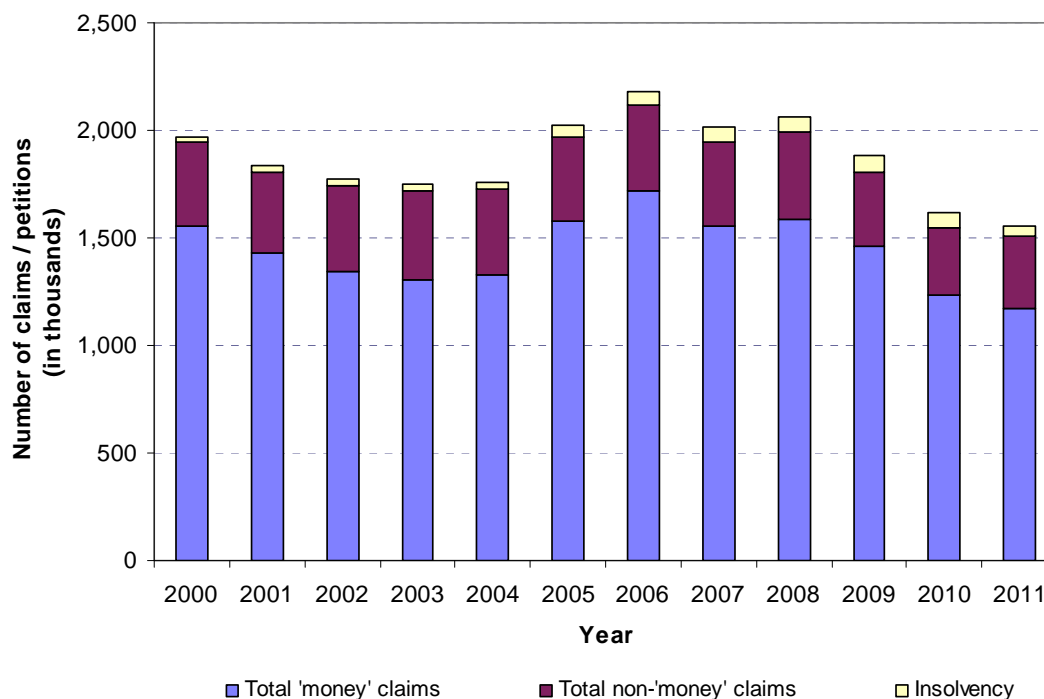
The claims issued in the first quarter of 2012 comprised:

- 273,758 'money' claims, a 13 per cent decrease compared to the first quarter of 2011. 229,139 of these were claims for specified amounts of money and 44,619 for unspecified amounts of money, representing decreases of 14 per cent and five per cent respectively compared to the same quarter a year earlier. The trends in the volumes of 'money' claims and claims for specified amounts are generally similar to those for the entire caseload. The numbers of claims for unspecified amounts have generally been on an upward trend since 2000. The decrease in these over the last two years is partly attributable to the introduction of the new protocol for road traffic accident personal injury cases which commenced for accidents on or after 6 April 2010. Such cases of value over £1,000 and not more than £10,000 where liability has been resolved but the amount of compensation hasn't could instead be issued as non-'money' claims.

- 85,966 non-‘money’ claims, an increase of two per cent compared to the first quarter of 2011. These have remained around 80,000 per quarter from 2009 onwards after dropping from their reasonably constant level around 100,000 between 2000 and 2008. Most of the 16 per cent decrease between 2008 and 2009 reflected the 21 per cent fall in mortgage and landlord possession claims. This coincided with lower interest rates, a proactive approach from mortgage lenders in managing consumers in financial difficulties, and various interventions, such as introduction of the Mortgage Pre-Action Protocol (MPAP). MPAP gave 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. During the first quarter of 2012, there were 55,527 mortgage and landlord possession claims, a decrease of two per cent compared to the same period a year ago. 1,800 claims related to return of goods and 28,639 to a miscellaneous assortment of other claims, these rising by four per cent and 10 per cent respectively compared to the first quarter of 2011.
- 10,519 insolvency petitions were issued in the first quarter of 2012 in the county courts and District Registries of the High Court, around 30 per cent less than in the same quarter of 2011. This continues the decrease since the peak in 2009, with volumes dropping by around 48 per cent since the first quarter of 2009, after trebling between 2000 and 2009.

From the third quarter of 2011 onwards, the insolvency petition figures were gathered from the same source as the other claim issues data. Due to extra quality assurance procedures that were applied as a result, the figures from the third quarter of 2011 onwards are approximately three per cent lower overall (both including and excluding the Royal Courts of Justice) than if they had been produced under the previous compilation process. Please see **Annex A** for more details. Adjusting for the change in source of the figures from the third quarter of 2011 onwards and including the Royal Courts of Justice, there was a 19 per cent decrease in bankruptcy petitions presented by debtors, a 17 per cent fall in bankruptcy petitions presented by creditors, and a 11 per cent decrease in company winding up petitions (to dissolve a company that cannot pay its debts) compared with the first quarter of 2011.

**Figure 1.1: Claims issued in the county courts, by type of case, England and Wales, 2000 to 2011**



### Case progression, hearings and judgments

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

In the first quarter of 2012, 66,182 defences were made, a decrease of five per cent compared with the first quarter of 2011 and continuing the general downward trend since the peak in defences in 2007. Despite this fall, the number of cases defended has generally increased since 2000 with total defences representing 24 per cent of the 'money' claims total (the vast majority of defences are made in 'money' claims) in the first quarter of 2012. This compares to 22 per cent overall between 2007 and 2011 and 18 per cent overall between 2000 and 2006.

If the claim is defended, the usual procedure is for further information to be provided by the parties, following which the case is allocated by a judge to one of three case-management 'tracks'. In total, there were 42,417 allocations to one of these tracks in the first quarter of 2012, a four per cent decrease compared with the same quarter in 2011. However as with defences, allocations to track have generally increased since 2000. In the first quarter of 2012 the make-up of allocations, in ascending order of case complexity and degree of judicial involvement, was as follows:

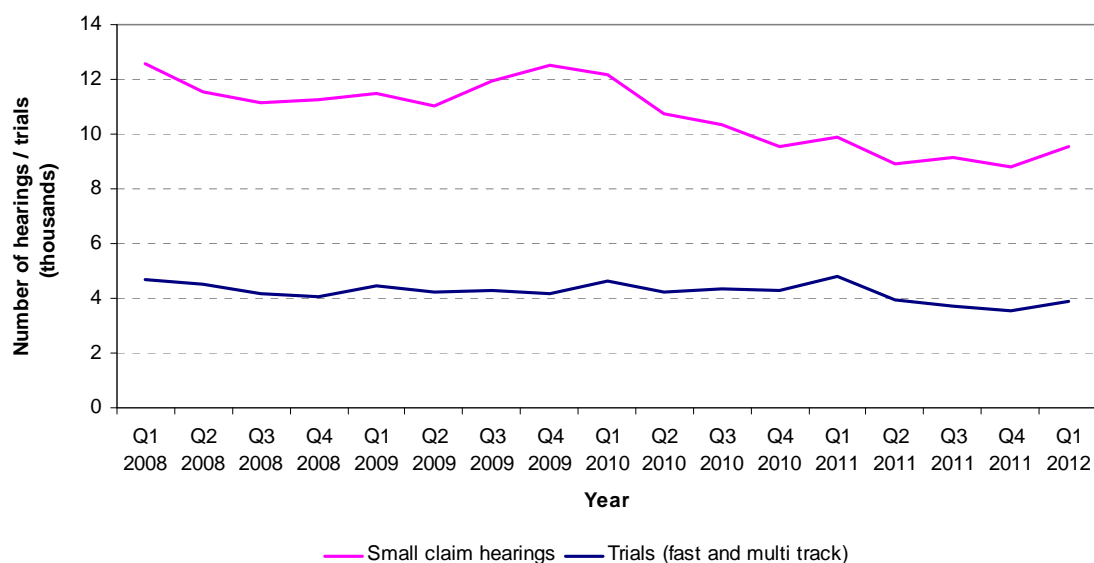
- 18,231 to the 'small claim track', a decrease of eleven per cent compared to the first quarter of 2011. This track is generally for cases with a claim value of up to £5,000 which do not require substantial preparation by the parties involved. The

- 18,088 to the 'fast track', an increase of two per cent compared to the same quarter of 2011. This track is generally for cases with a claim value of between £5,000 and not more than £25,000, with issues not complex enough to merit more than a one day trial.
- 6,098 to the 'multi track', an increase of one per cent compared to the first quarter of 2011. This track is generally for cases with a claim value exceeding £25,000 with issues complex enough to need preliminary hearings. They generally last more than one day at trial.

Defended cases which are not settled or withdrawn generally result in a small claim hearing or trial. In total, there were 13,406 trials and small claim hearings in the first quarter of 2012, nine per cent lower than in the first quarter of 2011 and continuing the decrease seen from 2010 onwards. This comprised:

- 3,888 'fast track' and 'multi track' trials, 19 per cent lower than in the first quarter of 2011. Given cases typically take around six months to proceed from allocation to trial, this is against a background of a three per cent decrease in allocations to the 'fast and multi tracks' between the third quarter of 2010 and the third quarter of 2011. It therefore seems to reflect a lower proportion of cases which were allocated to the 'fast and multi tracks' then being disposed of at trials. On average, trials occurred 60 weeks after the claim was originally made, up from 54 weeks in the first quarter of 2011 and indeed also on average between 2003 and 2010. The increase from the first quarter of 2011 reflected rises in the average times taken to allocation (from 21 weeks to 23 weeks) and following allocation (from 33 weeks to 36 weeks).
- 9,518 small claim hearings, a decrease of four per cent compared with the first quarter of 2011. Given cases typically take around three months to proceed from allocation to small claim hearing, this fall corresponded with the five per cent fall in allocations to the small claim track between the fourth quarter of 2010 and the fourth quarter of 2011. On average, small claim hearings occurred 30 weeks after the claim was originally made, the same as in the first quarter of 2011 and similar to the first quarters of 2008 to 2010.

**Figure 1.2: Hearings in the county courts, by type, England and Wales, Q1 2008 to Q1 2012**



## Enforcement

There are various methods of enforcing a monetary judgment amount, family maintenance order, tribunal award or Magistrates' court order through the county courts. The most common method 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. Alternatively various types of court orders can be obtained. The attachment of earnings order enables payment through the debtor's employer. The third party debt order enables payment by freezing and then seizing money owed by a third party to the debtor. The charging order obtains security for the payment against the debtor's assets. This may be followed by an order for sale which forces the sale of these assets.

There were 69,714 applications for enforcement of judgment amounts (via warrants of execution, attachment of earnings orders, third party debt orders and charging orders) during the first quarter of 2012, a 10 per cent decrease on the same period the year before and a 48 per cent decline from the first quarter of 2008. In particular during the first quarter of 2012:

- 29,574 warrants of execution were issued, a decrease of 17 per cent on the first quarter of 2011. This continues the steep decline from the first quarter of 2009 and also the longer term downward trend from 2000.
- 21,878 applications were made for charging orders, a fall of 22 per cent on the first quarter of 2011, and a 48 per cent decrease since the same quarter of 2008, the year in which they peaked following a 10 fold rise from 2000. There were 60 orders for sale in the first quarter of 2012, down from 122 in the same quarter of 2011.
- 17,338 applications were made for attachment of earnings orders, an increase of 39 per cent on the same quarter of 2011. This represents the largest volume since the second quarter of 2009 after generally declining over the last few years.

- 924 applications were made for third party debt orders, 23 per cent less than in the first quarter of 2011 and continuing the downward trend after peaking in 2008.

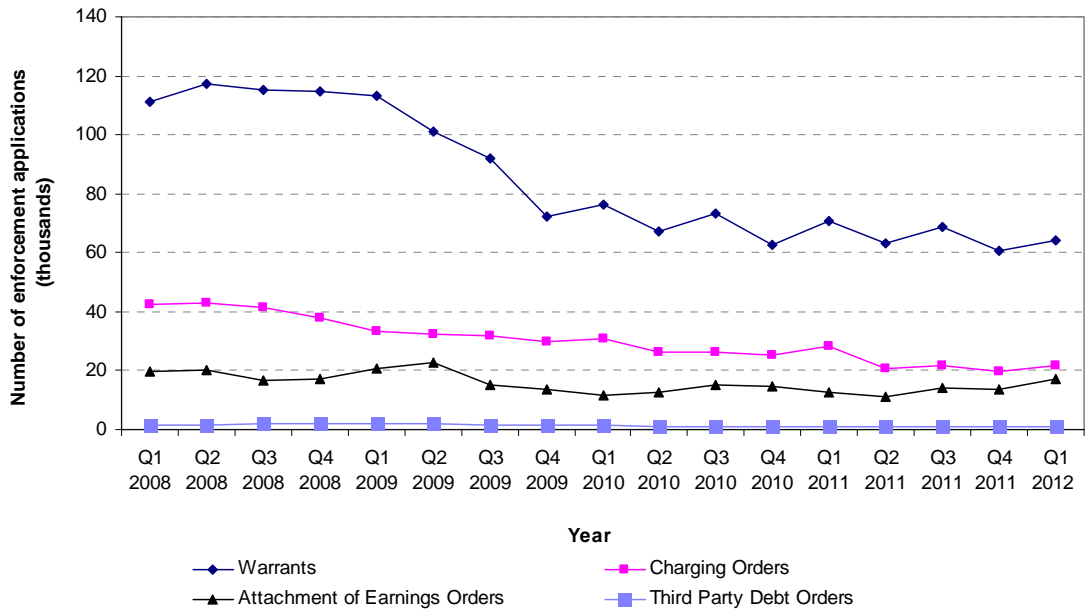
In certain circumstances a debtor may apply to a county court to combine debts with a total not exceeding £5,000 into a single administration order. Once the debts have been examined and found to be correctly calculated a District Judge can make an order for the debtor to make regular payments to the court. The court will then distribute the money to the creditors. There were 80 applications made for administration orders in the first quarter of 2011, down from 133 in the same quarter of 2010 and continuing a long downward trend from an average 1,588 per quarter in 2000.

To assist in determining which of the above is the most appropriate method of enforcing a judgment, creditors can apply for an order to obtain information from the judgment debtors. This requires debtors to provide details of their means. There were 5,177 orders made to obtain information from debtors in the first quarter of 2012, a decrease of nine per cent compared with the first quarter of 2011 and continuing the long downward trend from 2000.

To enforce non-monetary decisions made by the county courts, various types of warrants can be issued. In particular during the first quarter of 2012:

- 33,522 warrants of possession were issued to repossess property, two per cent less than in the equivalent quarter of 2011 and 18 per cent lower than in the first quarter of the peak year of 2008. The trends in these are generally similar to those in mortgage and landlord claims issued.
- 15,152 repossessions of properties were made by county court bailiffs, a one per cent increase on the first quarter of 2011 but 11 per cent lower than the same quarter of the peak year 2008. 6,077 of the properties were on behalf of mortgage lenders, seven per cent less than in the first quarter of 2011.
- 624 warrants of delivery were issued to obtain the return of particular goods or items, a rise from 587 in the first quarter of 2011.
- 222 warrants of committal were issued, down from 238 in the first quarter of 2011. These warrants enforce an order for which the penalty for failure to comply is imprisonment by authorising the bailiff to arrest and deliver the person to prison or the court.

**Figure 1.3: Enforcement applications in the county courts, by type, England and Wales, Q1 2008 to Q1 2012**





## Family matters [Tables 2.1 – 2.8]

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

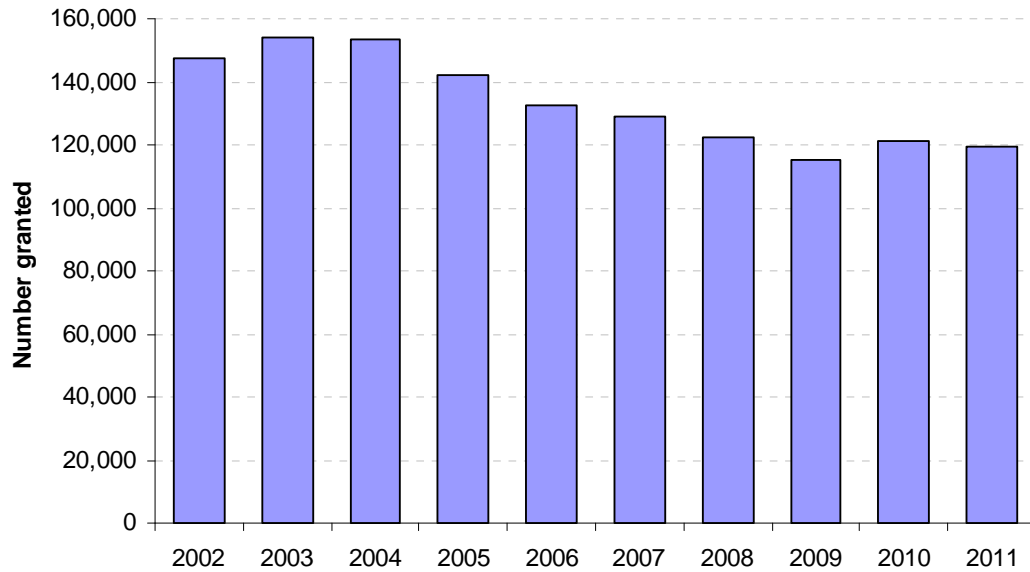
Information on the data sources used for family statistics can be found in **Annex A**. Explanations for some of the main terms used in this section can be found in the **Glossary**.

### **Matrimonial matters (Table 2.1 and Figure 2.1)**

There are two ways to end a marriage legally. An individual can apply for a decree absolute of divorce, which ends 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.

The number of divorces peaked in 2003 and has fallen since then, levelling off at around 120,000 divorces per year since 2008. The decline generally reflects the smaller married population and a higher average age at marriage. The younger a person marries, the higher the probability of getting divorced so the trend to delay marriage has partly contributed to the observed general decline in divorce over the last 20 years. There were 33,679 petitions filed for dissolution of marriage in the first quarter of 2012; a small decrease compared with the first quarter of 2011. The number of decrees absolute granted increased slightly to 31,603 in the first quarter of 2012 from 30,840 in the equivalent quarter of 2011.

**Figure 2.1: Dissolution of marriage - decrees absolute granted, 2002 to 2011**

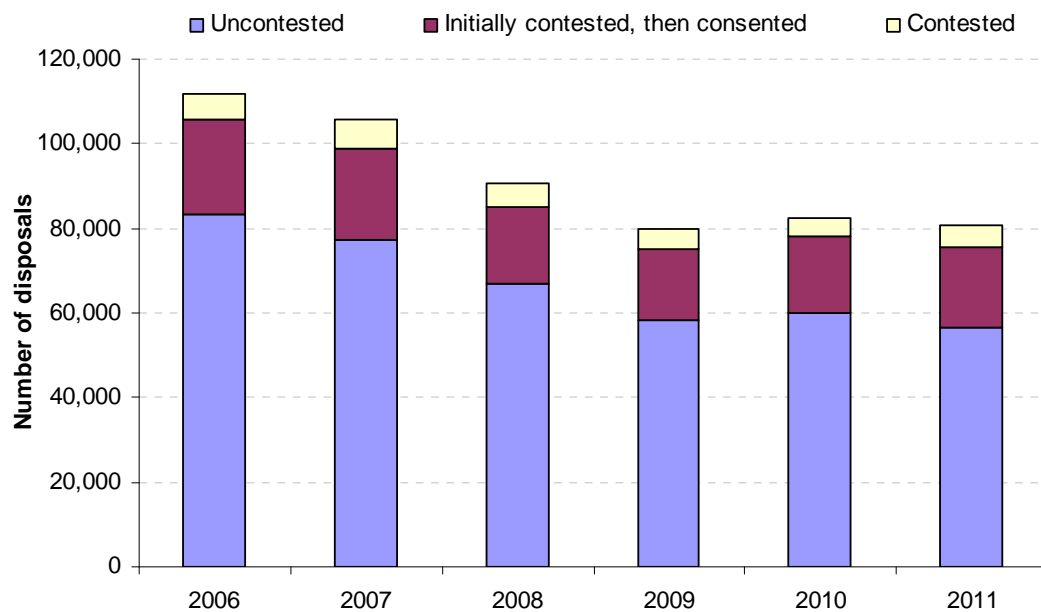


**Ancillary relief – financial disputes post-divorce / separation (Table 2.2 and Figure 2.2)**

During or after 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. Ancillary relief orders may deal with the arrangements, for example, for the sale or transfer of property, maintenance payments, or the sharing of a pension.

Following a decline in late 2008, there has been little change in the number of orders made to settle financial disputes post-divorce or post-separation, at around 20,000 per quarter. During the first quarter of 2012, 20,845 orders were made. Over two-thirds of these were not contested. Of the contested orders, nearly 60 per cent were in respect of children.

**Figure 2.2: Disposals of ancillary relief applications, 2006 to 2011**



**Domestic violence (Table 2.3 and Figures 2.3 & 2.4)**

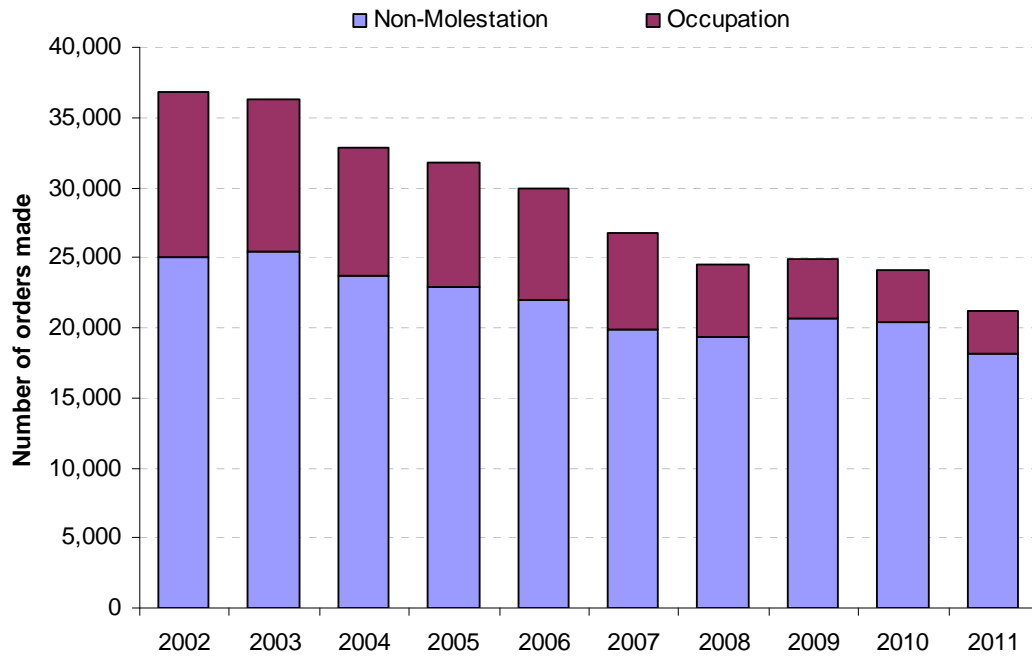
The Family Law Act 1996 provides domestic violence remedies in county courts and magistrates’ courts, with the vast majority carried out in the former. Two types of order can be applied for: a non-molestation order – which prevents the applicant and/or any relevant children from being molested by someone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

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

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

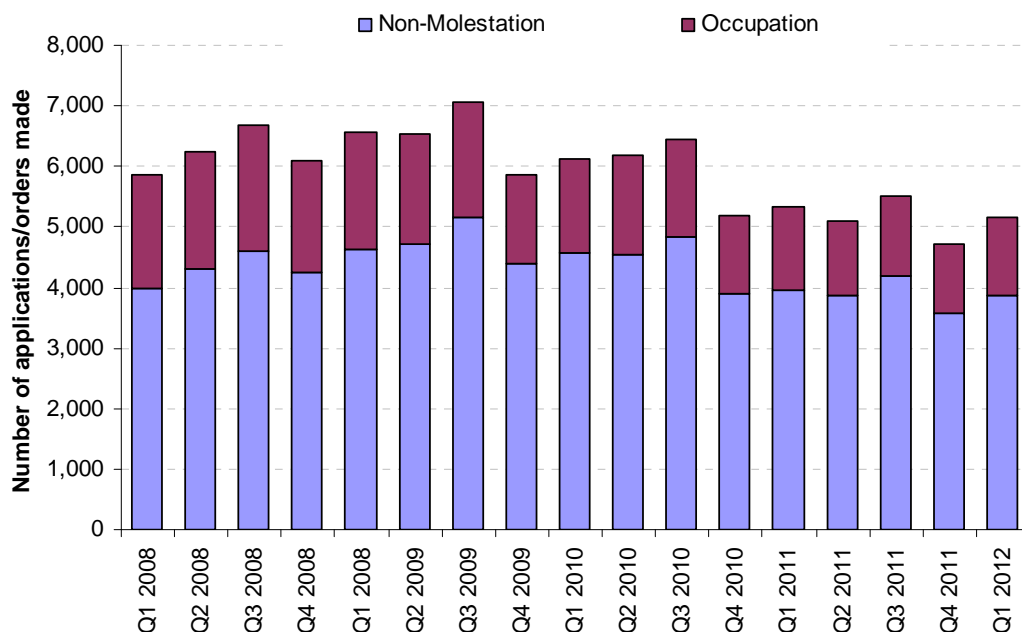
There were 5,157 applications to county courts for domestic violence remedies in the first quarter of 2012, slightly down from 5,330 in the same quarter of the previous year. There was a similar decrease in the number of domestic violence orders made, standing at 5,171 in the first quarter of 2012. A further 403 domestic violence orders were made in Family Proceedings courts.

**Figure 2.3: Domestic Violence disposals made in county courts, 2002 to 2011**



There is an annual pattern for domestic violence applications and orders, with the lowest levels in the October-December quarter, then increasing each quarter through to a high in the July-September quarter (see Figure 2.4). This pattern is superimposed on the overall downward trend since 2002. For the first quarter of 2012, the proportion of applications which were made for non-molestation orders was 75 per cent and the proportion of all orders made which were for non-molestation was 87 per cent.

**Figure 2.4: Domestic Violence applications made in county courts, Q1 2008 to Q1 2012**



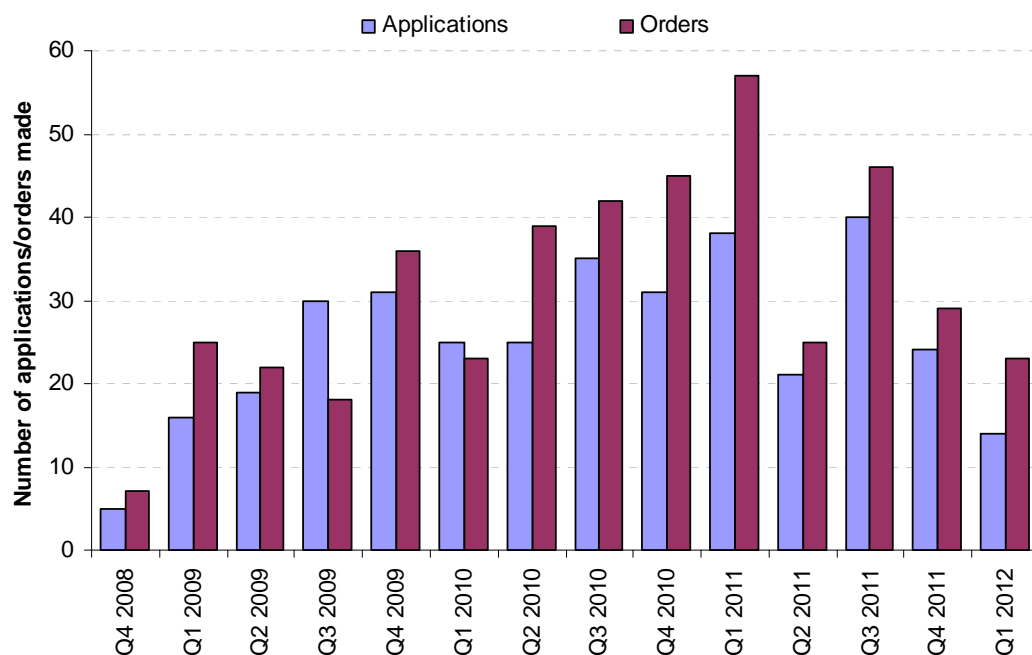
It should be noted that the statistics presented in this bulletin relate to applications for, and grants of, the above domestic violence order types by the family courts. They do not relate to prosecutions or convictions for criminal offences regarding matters of domestic violence, nor do they cover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

### **Forced Marriage Protection Orders (Table 2.4 and Figure 2.5)**

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

The number of applications and orders made for FMPOs is small. For the first quarter of 2012 there were 14 applications compared with 38 in the same period in 2011, while there were 23 orders made in the first quarter of 2012, down from 57 in the corresponding quarter of 2011.

**Figure 2.5: Forced marriage protection applications and orders made, Q4 2008 to Q1 2012**



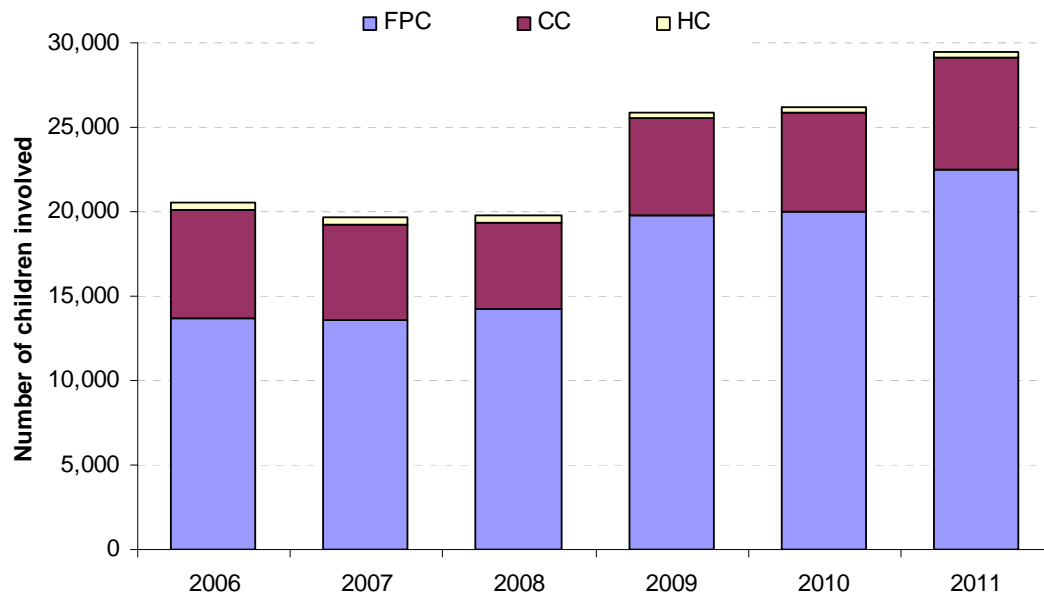
### Public Law matters effecting children (Table 2.5 and Figure 2.6)

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

The number of children involved in public law applications made by local authorities jumped in 2009 from 19,760 per year to almost 25,810 per year following the publicity surrounding the Baby P case. Since then the numbers have increased further in 2010 and 2011.

There was a two per cent decrease in the total number of children involved in public law applications made in the first quarter of 2012 compared to the equivalent period in 2011, from 7,502 to 7,352. While the general trend is upwards in recent years, the small decrease seen this quarter reflects a particularly high number of applications in the first quarter of 2011.

**Figure 2.6: Public Law applications made by tier of court, 2006 to 2011**

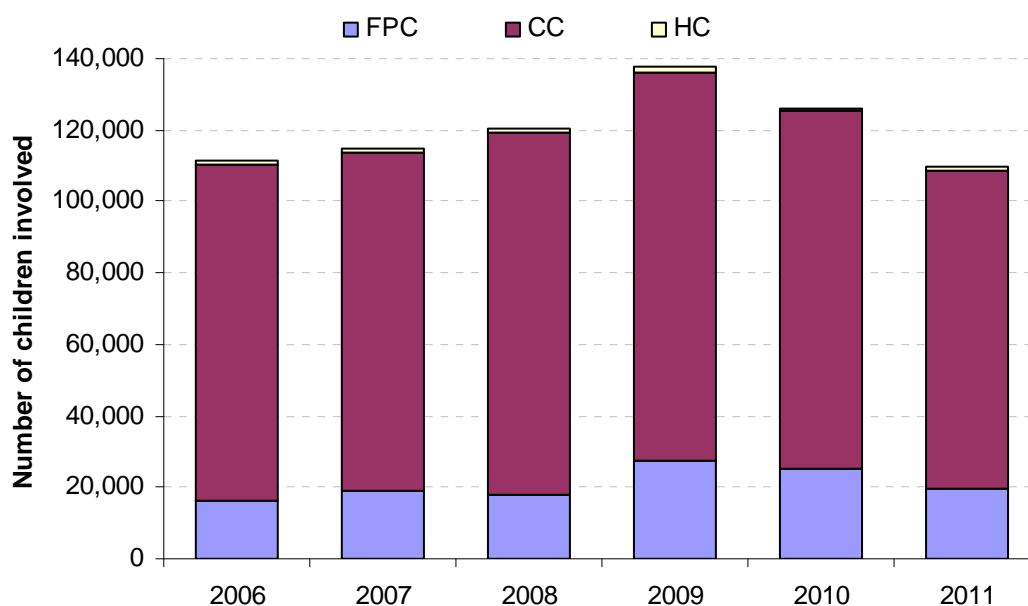


**Private Law matters effecting children (Table 2.5 and Figure 2.7)**

Private law cases are those brought to court by 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.

Having reached a peak in 2009 the number of private law applications has since fallen back to around 110,000 per year, a similar level to that last seen in 2006. The number of children involved in private law applications made in the first quarter of 2012 decreased to 28,571 from 30,193 in the first quarter of 2011; a five per cent decrease.

**Figure 2.7: Private Law applications made by tier of court, 2006 to 2011**



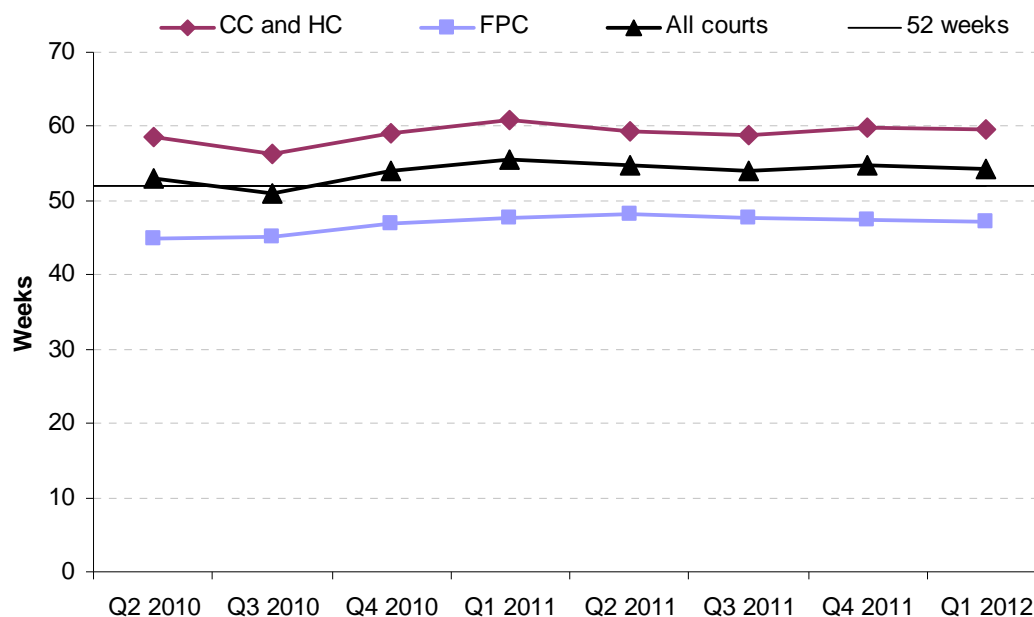
**Timeliness of care proceedings (Table 2.6 and Figure 2.8)**

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 a care, supervision, or other substantive order was made in the case, for those cases disposed of during each quarter. Due to changes in data collection procedures, these data are only available since the second quarter of 2010. In the first quarter of 2012, 51 per cent of orders had been made within 50 weeks from application for all courts. The average time to complete a case was 54 weeks, extending the stable trend seen since the second quarter of 2010. Separate figures for county and High Courts and family proceedings courts are shown in Figure 2.8.

As of the next edition of CSQ, covering the quarter April-June 2012, the time bands within which percentage levels for completed disposals are reported will be changed from 30, 50 and 80 weeks, to 26, 52 and 78 weeks.



**Figure 2.8: Timeliness for Care and Supervision proceedings by tier of court, Q2 2010 to Q1 2012**



### Legal representation (Tables 2.7 – 2.8 and Figure 2.9)

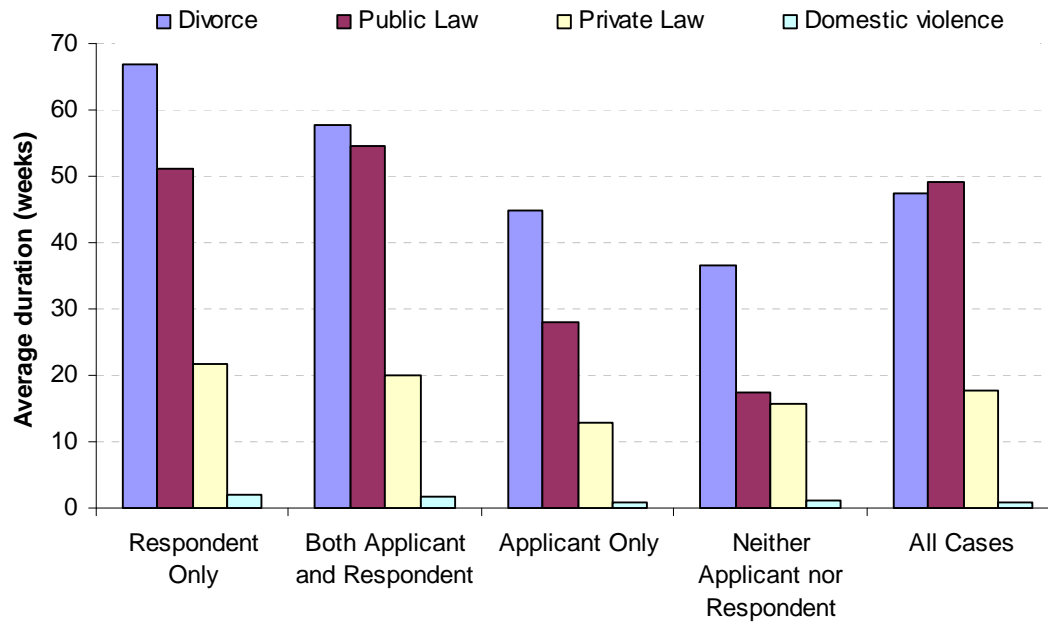
Figures on the legal representation of parties in family-related court cases are included in this publication for the first time. Table 2.7 shows the number of disposals made during the first quarter of 2012, and the average duration between application and disposal, for divorce, public law, private law and domestic violence cases, according to whether the applicant(s), respondent(s), both or neither had legal representation during the case. Table 2.8 shows the corresponding figures for 2011.

The legal representation status reflects whether the applicant/respondent's legal representative has been recorded or left blank. Therefore, parties without legal representation are not necessarily self-represented. It is important to note that whether or not a case is contested may affect the legal representation status of the parties and the thus timeliness of the case – so, cases without legal representation are more likely to be uncontested, and therefore less complex and quicker to complete.

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 2012 the average case duration for divorce cases varied between 36 weeks (no representation) and 69 weeks (respondent only represented). For public law matters effecting children, average case duration was between 19 weeks (no representation) and 54 weeks (both parties represented). The average case duration for private law matters effecting children, cases varied between 11 weeks (applicant only represented) and 23 weeks (respondent only represented). The average case duration for domestic violence cases was much shorter, at around one week for all representation categories.

**Figure 2.9: Timeliness of cases according to legal representation of participants, by case type, 2011**



## Magistrates' courts [Tables 3.1 – 3.4]

In the first quarter of 2012, there were 245 magistrates' courts across England and Wales. 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.

Information on the data sources used for the magistrates' courts statistics can be found in **Annex A**. This bulletin contains experimental statistics on both the timeliness of criminal proceedings in the magistrates' courts, which can be found in the chapter **Timeliness of criminal proceedings**, and the enforcement of financial penalties, which can be found in **chapter 6**.

Explanations for some of the main terms used in this section can be found in the **Glossary**.

### Caseload

There were 432,311 criminal proceedings completed in magistrates' courts in the first quarter of 2012. This represents a four per cent decrease on the same quarter of the previous year and continues the general downward trend observed since 2008.

Summary proceedings, which cover the relatively minor offences and are dealt with entirely within the magistrates' courts, make up around two-thirds of cases. There were 125,543 adult summary motoring proceedings and these include offences such as speeding, driving while disqualified and drunken driving. There were 15 per cent fewer summary motoring proceedings than in the first quarter of 2011.

Adult summary non-motoring proceedings comprised 37 per cent of cases (160,714 cases). These include offences such as failure to pay a television licence, minor assault and criminal damage. The number of these cases has increased by nine per cent compared with the first quarter of 2011, and has been increasing since 2010.

Adult indictable/ triable-either-way proceedings made up 22 per cent of cases (93,764 cases); they have decreased by four per cent compared with the same quarter of 2011, continuing the downward trend from 2008. These cases relate to the more serious offences, for example theft and handling of stolen goods, violence against the person and drug offences. These offences may be dealt with entirely by a magistrates' court, or may be transferred to the Crown Court, either because of the severity of the offence, or if the defendant elects to have a trial by jury.

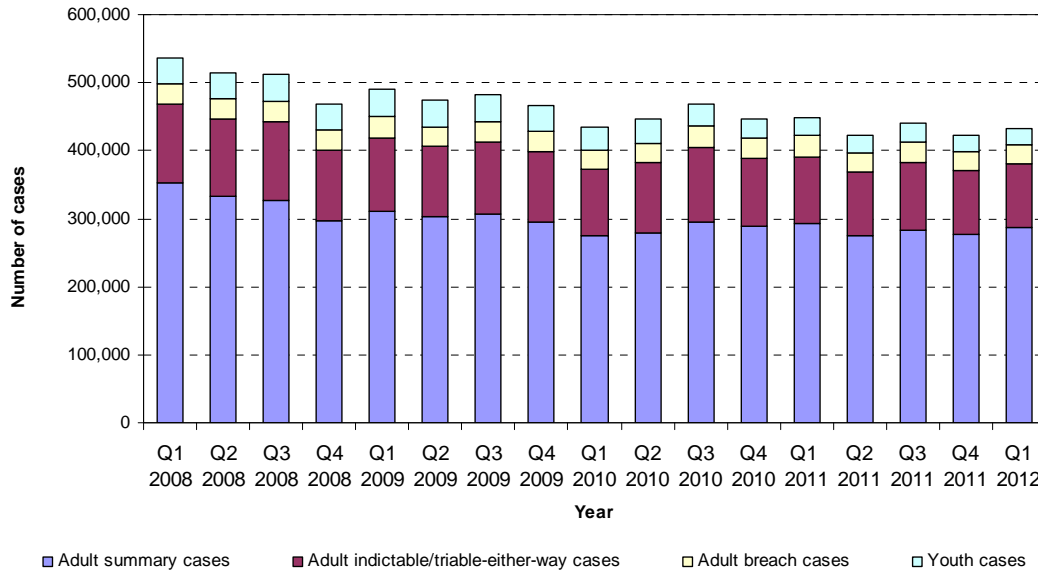
In the first quarter of 2012, there were 28,290 adult breach cases (seven per cent of all criminal cases). These are cases where the defendant breached the conditions of an order that was previously imposed by a court. The number of adult breaches decreased by eight per cent compared with the first quarter of 2011.

Youth proceedings comprised six per cent of the criminal cases dealt with in the magistrates' courts (24,000 cases) in the first quarter of 2012. These comprise all offences where the defendant was aged between 10 and 17. The number of youth proceedings decreased by twelve per cent compared with the first quarter of 2011, continuing the downward trend from 2008.

In arriving at these totals, every separate offence that is dealt with during the course of a case is counted. However, if two or more offences from a case are dealt with on

the same day, then only one is counted (generally the most serious offence is selected) for statistics by case type.

**Figure 3.1: Magistrates' court criminal workload, Q1 2008 to Q1 2012**



## Trials

A trial in the magistrates' court is a hearing at which the prosecution produces evidence to prove the case against the defendant. For a summary offence, if a defendant pleads not guilty, or does not give a plea, then there is a trial. Similarly, for either-way offences that are contested, a trial may occur in the magistrates' courts or in the Crown Court.

Magistrates' courts record the number and outcome of trials. A trial which commences on a scheduled date and reaches a conclusion is recorded as an 'Effective' trial. An 'Ineffective' trial does not commence on the due date and requires re-listing. In contrast, a 'Cracked' trial does not commence on the day and the trial is not re-listed, as the case has reached a conclusion. Cracked trials are usually the result of an acceptable plea being entered by the defendant on the day, or where the prosecution offers no evidence against the defendant.

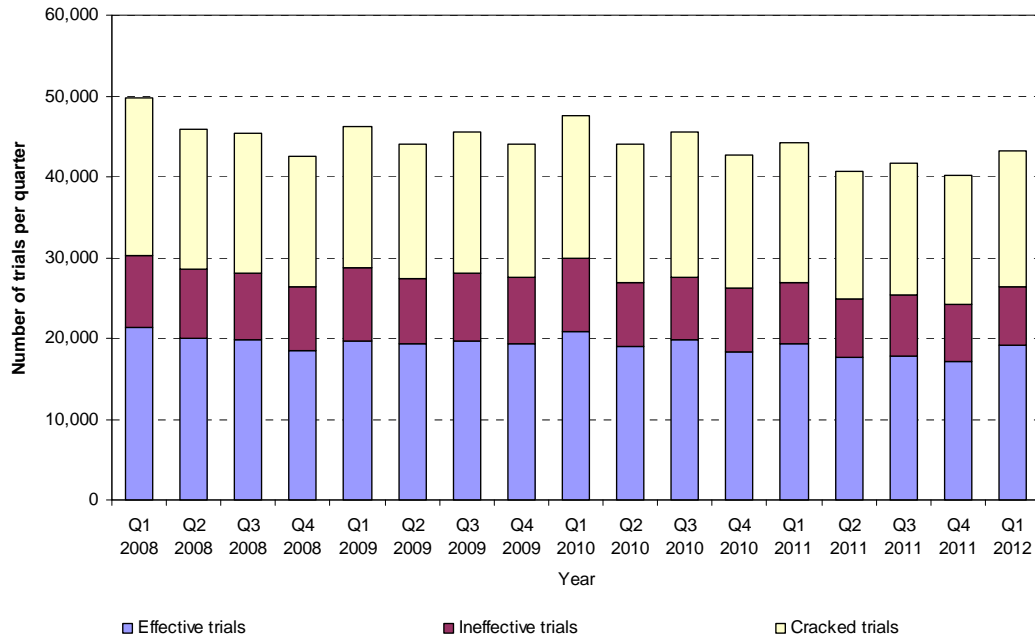
In the first quarter of 2012, 43,110 trials were recorded in magistrates' courts. Of these trials, 44 per cent were recorded as effective, 17 per cent were ineffective and 39 per cent were recorded as cracked.

Between 2005 and 2006, a step change in the proportion of ineffective trials from 22 per cent to 19 per cent was observed due to the Public Service Agreement (PSA) requiring that the rate of ineffective trials be reduced to 19.4 per cent nationally in the magistrates' courts by the end of March 2007. In 2006 this target was met and since then rates of effective, cracked and ineffective trials in the magistrates' courts have remained relatively stable.

The main reasons for ineffective trials in the magistrates' courts in the first quarter of 2012 were due to the court's availability (34 per cent of all ineffective trials), absence of the defendant (20 per cent) and the absence of a prosecution witness (14 per

cent). The court may not be available for trials because of cases over-running, the availability of judges, over-listing and equipment or accommodation failure.

**Figure 3.2: Effectiveness of recorded trials in magistrates' courts, Q1 2008 to Q1 2012**



### Enforcement

Fines are the most commonly used sentence in magistrates' courts. The total value of fines paid has risen over the last eight years by 23 per cent. In the first quarter of 2012, the amount paid in England and Wales was £71 million, a four per cent increase compared with the same quarter of 2011.

Further information on the enforcement of financial penalties is available in chapter 6.

## The Crown Court [Tables 4.1 – 4.4]

The Crown Court deals with serious criminal cases; this consists of around five per cent of criminal cases<sup>1</sup> that filter beyond the magistrates' courts. It is formally a single court and sits in 77 different locations across England and Wales.

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

### Caseload

The Crown Court deals with four types of cases: committals for trial, cases sent for trial, committals for sentence, and appeals against magistrates' decisions (Figure 1 and Table 1).

#### Committal for Trial

Committal for trial cases are those which can be heard at either the magistrates' court or the Crown Court. A defendant can elect to be tried at the Crown Court or magistrates can decide that the circumstances of the case are sufficiently serious that it should be dealt with in the Crown Court.

The number of committed for trial receipts increased steadily from 2006 and peaked in 2010 at 63,541 and then fell back slightly in 2011. In the first quarter of 2012, 12,916 cases were received, a decrease of 14 per cent compared to the same period last year. This continues the downward trend observed since 2010.

The number of committed for trial disposals showed a similar pattern, increasing steadily from 2006, peaking in 2010 and then falling back slightly in 2011. In this quarter, 15,276 committed for trial cases were completed within the Crown Court, a decrease of six per cent compared to the same period last year, continuing the downward trend since 2010.

There were 18,267 cases outstanding at the end of the first quarter of 2012, a 13 per cent decrease on the same quarter of the previous year.

#### Sent for Trial

Cases are 'sent for trial' by a magistrates' court because they can only be heard by the Crown Court due to the seriousness of the offence.

The number of sent for trial receipts increased steadily from 2006 and peaked in 2009 at 34,869 and have fallen back slightly since. In the first quarter of 2012, 8,099 cases were sent for trial, a decrease of four per cent on the same quarter in 2011, continuing the downward trend. Around 8,642 cases were completed, a decrease of five per cent on the same quarter in 2011. In addition, 14,890 cases were outstanding at the end of the first quarter of 2012, a three per cent decrease from the same quarter of the previous year.

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<sup>1</sup> Not taking into consideration cases dealt with in the magistrates' courts and committed for sentence to the Crown Court and appeals against decisions in the magistrates' courts based on 2010 data.

## Committed for Sentence

Cases 'committed for sentence' are those transferred to the Crown Court for sentencing after a defendant has been convicted (found guilty) in a magistrates' court. This would occur where a magistrate believes that their sentencing powers are insufficient to apply an appropriate sanction to the defendant.

In the first quarter of 2012, 10,467 cases were committed for sentence in the Crown Court and 10,859 cases were completed during this period. 4,737 cases remained outstanding at the end of the fourth quarter.

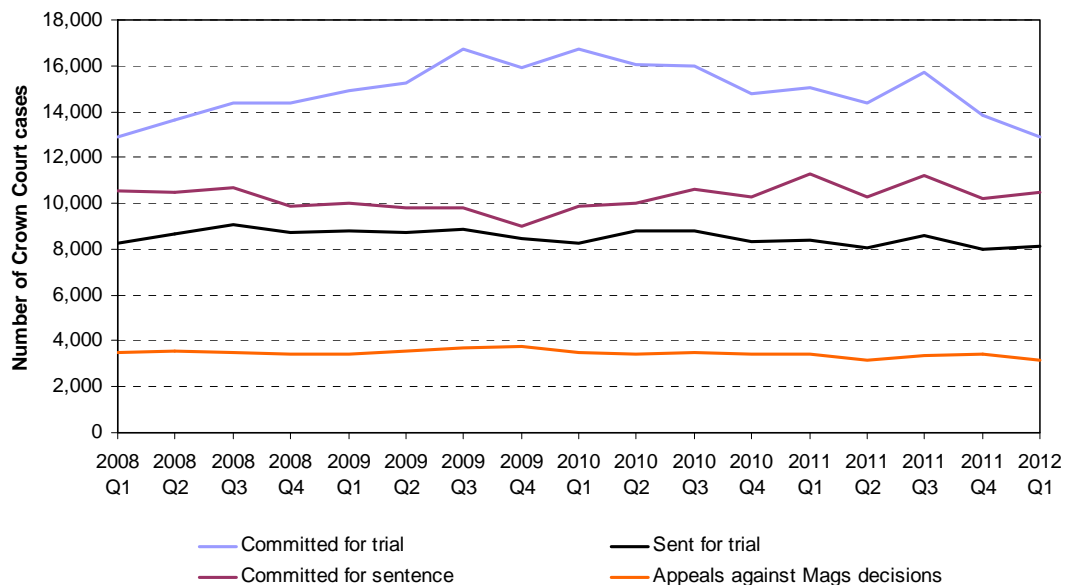
Compared to the same period in 2011, the number of committed for sentence cases received decreased by seven per cent, the number of cases completed decreased by two per cent and the number of cases outstanding decreased by 15 per cent.

## Appeals

The Crown Court also deals with appeals against a conviction or sentence given by a magistrates' court.

During the first quarter of 2012, the Crown Court received 3,166 appeals against magistrates' courts' decisions and completed 3,394 appeals cases, leaving around 2,717 appeals outstanding at the end of the quarter. Compared with the same quarter of 2011, the number of appeals received in the Crown Court decreased by seven per cent, the number of appeals disposed of fell by less than one per cent and the number of cases outstanding decreased by ten per cent.

**Figure 4.1: Crown Court receipts, by case type, Q1 2008 to Q4 2011**



## Trials

A trial in the Crown Court is a hearing at which the prosecution produces evidence to prove the case against the defendant, resulting in a verdict. The defendant has an opportunity to enter a plea against the charges they are to face in a preliminary hearing, before the start of any trial. If they decide to plead not guilty, then the case will be listed for full trial at a later date.

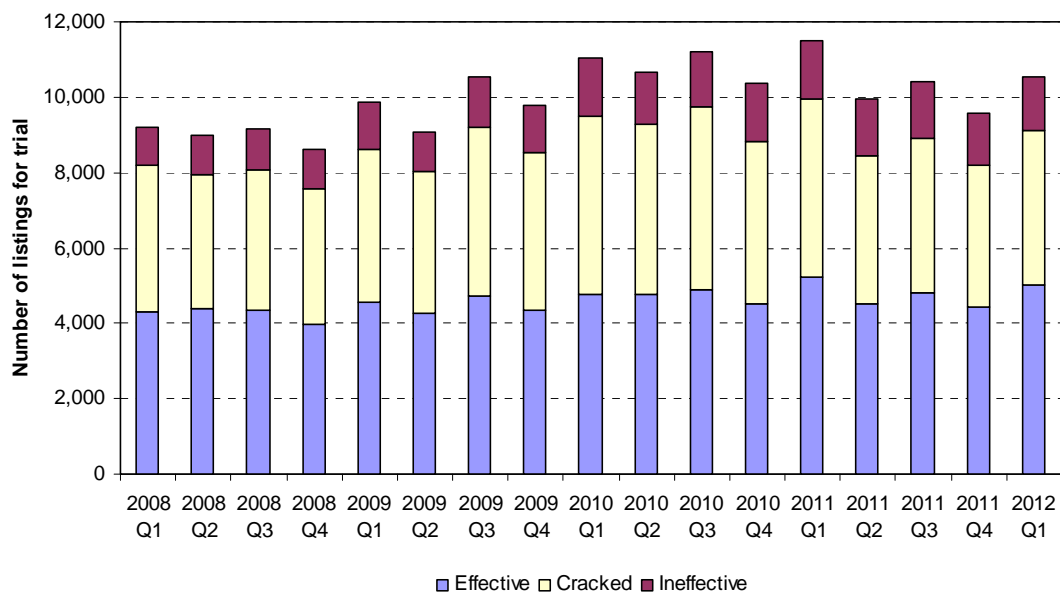
The Crown Court records the outcome of each main trial listed as 'effective', 'ineffective' or 'cracked'. Definitions of these terms can be found in the magistrates' courts commentary section and in the **Glossary** under magistrates' courts.

Between 2008 and 2010, the number of trials recorded in the Crown Court increased by 20 per cent as a result of the increasing number of trial receipts in the Crown Court; this increase was reversed by a fall of four per cent in 2011. In the first quarter of 2012, 10,555 trials were recorded in the Crown Court, a decrease of eight per cent compared with the same period in 2011 (Table 4.2).

Of these trials listed, 48 per cent were recorded as effective, 39 per cent were recorded as cracked and 14 per cent were recorded as ineffective.

In the first quarter of 2012, court administrative problems accounted for 25 per cent of ineffective trials. These problems include cases over-running, the availability of judges, over-listing, and equipment or accommodation failure. Other reasons for ineffective trials included the absence of defendants (20 per cent), the absence of the prosecution witness (21 per cent), the defence not being ready or available (17 per cent) and the prosecution not being ready or available (15 per cent).

**Figure 4.2: Effectiveness of cases listed for trial, Q1 2008 to Q4 2011**





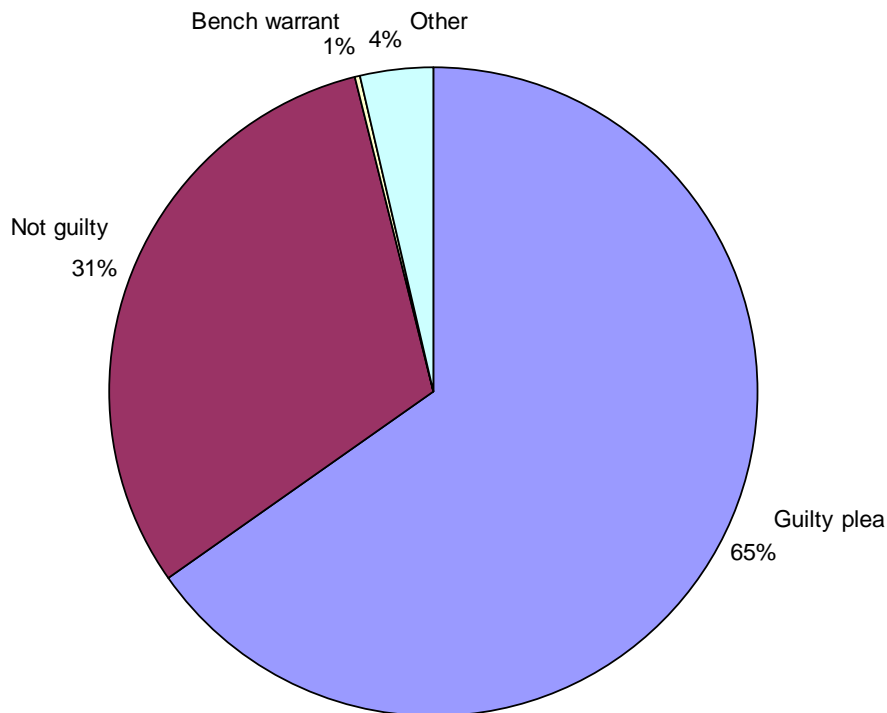
## Defendants

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.

Between 2006, and 2010, the total number of defendants dealt with in the Crown Court increased markedly, peaked at 112,702 in 2010 and then fell back in 2011. This reflects changes in the number of cases received and disposed of over the same time period. In the first quarter of 2012, the Crown Court dealt with 26,712 defendants involved in committed or sent for trial cases, a decrease of seven per cent compared with the same quarter of 2011, continuing the recent downward trend (Table 4.4).

Of these, 65 per cent pleaded guilty to all counts and 31 per cent pleaded not guilty to at least one count, and four per cent did not enter a plea<sup>2</sup>. 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 2012, the guilty plea rate was 68 per cent, a two percentage point reduction compared to the same quarter in the previous year. The guilty plea rate increased from 56 per cent in 2001 to 70 per cent in 2008 and has remained broadly flat since.

**Figure 4.3: Defendants in committed or sent for trial cases dealt with in the Crown Court, by plea, Q1 2012**



<sup>2</sup> Due to rounding the percentages may not sum to 100%.

## Timeliness of criminal proceedings [Tables 5.1 – 5.5]

### Overall timeliness of criminal proceedings in the criminal courts

This report contains statistics on the timeliness of criminal proceedings, from offence to sentencing, across both magistrates' and Crown tiers of the criminal courts (see Tables 5.1 and 5.2). These statistics are sourced from the administrative data systems used in the magistrates' courts and Crown Court, and have been produced by linking together records held on the two datasets. **Annex A** of this report provides more information about the data sources used and how records have been matched.

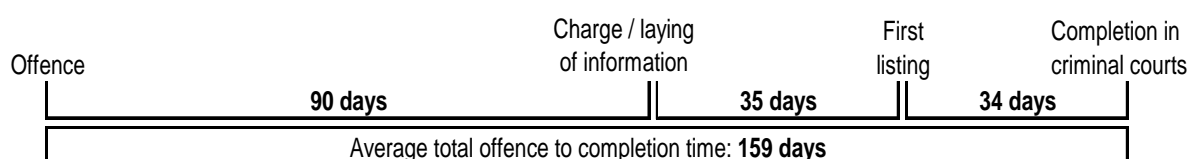
The statistics measure the overall offence to completion time in the criminal courts, including intermediate stages in that process. "Offence to completion time" refers to the time taken between the date an offence is committed and date of the final acquittal or sentence outcome (completion) of the defendant's case, in either the magistrates' courts or the Crown Court. For defendants whose case is sent or committed to the Crown Court, these statistics measure the entire duration from offence to completion in the Crown Court, including the time the case was initially dealt with in the magistrates' courts before being passed to the Crown Court.

For criminal proceedings, the time between the date of an offence and the date of charge/laying of information involves gathering evidence and charging or laying information against the defendant. The time between the date of the first hearing in the magistrates' court, also known as the first listing, and the date a case was completed in the magistrates' courts, relates to the time taken to conclude the case in court.

For defendants whose case completed during the first quarter of 2012, the average offence to completion time for all criminal cases was 159 days, an increase of two per cent compared to the same quarter of the previous year. Of those 159 days, there were, on average:

- 90 days between the date of the offence and the date the defendant was charged or summonsed to court;
- 35 days between the date the defendant was charged or summonsed to court and the first listing of the case in a magistrates' court;
- 34 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 5.1: The average offence to completion time, all criminal proceedings, Q1 2012**



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

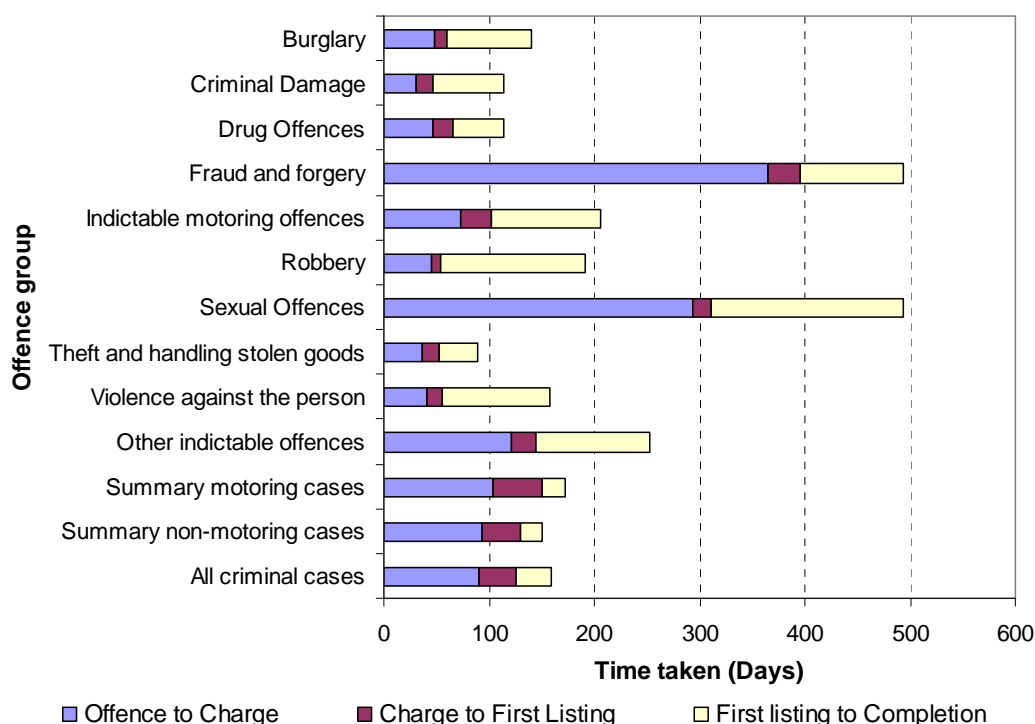
Indictable/triable either-way proceedings took an average of 156 days from offence to the date the defendant's case was completed at either the magistrates' courts or Crown Court, a decrease of six per cent compared to the same quarter of the previous year.

Summary motoring proceedings took an average of 179 days from the date an offence was committed to the date the defendant's case was completed. This represents a four percent increase on the same quarter of 2010, and is mainly driven by the increase in the average time taken in offence to first listing from 150 days to 157 days.

In comparison, summary non-motoring proceedings took an average of 144 days from the date an offence was committed to the date the defendant's case was completed, a six percent increase on the same quarter of the previous year. This was also mainly driven by the increase in the average time taken in offence to first listing, from 80 to 86 days.

Statistics are also available broken down by broad offence group. For criminal proceedings which completed during the first quarter of 2012, those which related to the theft and handling of stolen goods took the shortest length of time generally, concluding on average within 89 days of the offence being committed. On average, criminal proceedings involving fraud and forgery offences, and criminal proceedings involving sexual offences took the longest time to conclude, at 493 days and 494 days respectively. However, for both fraud and forgery and sexual offences, there is a long time between offence and charge. This is likely to be due to these offences often being reported to the police some time after the actual offence took place. In this period, sexual offences took an average of 293 days to charge from the date of offence and 183 days from first listing to completion in either the magistrates' courts or the Crown Court.

**Figure 5.2: Timeliness of criminal proceedings in criminal courts, by offence group, Q1 2012**



### Timeliness of criminal proceedings in the magistrates' courts

This bulletin also contains experimental statistics on the timeliness of criminal proceedings in the magistrates' courts specifically, sourced from court administrative datasets (see Table 5.3). Prior to June 2011, statistics on the duration of criminal proceedings in the magistrates' courts have been taken from the quarterly *Time Intervals Survey (TIS)*, which was based on a sample of cases, namely those which completed during a specified week each quarter. Reports of the results of the *TIS* can be found on the MoJ website at:

[www.justice.gov.uk/statistics/criminal-justice/magistrates-times](http://www.justice.gov.uk/statistics/criminal-justice/magistrates-times)

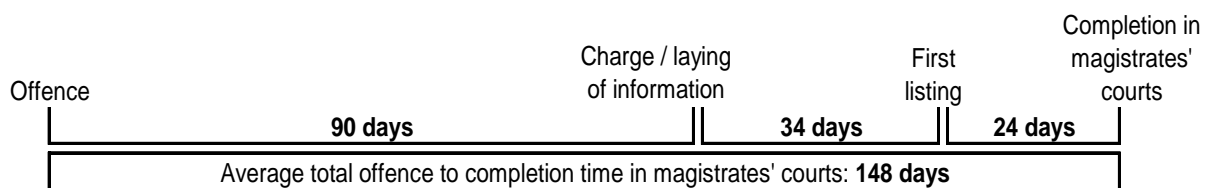
The *TIS* was discontinued from June 2011. This was due to recent improvements in the quality of timeliness data held on the magistrates' courts' administrative system.

Timeliness of criminal proceedings in magistrates' courts refers to the time taken between the date an offence was committed and the completion of a defendant's case in the magistrates' courts' (i.e. either a final decision is reached in the magistrates' court, or the case is passed to the Crown Court for trial or sentence).

In the first quarter of 2012, the average time taken from offence to completion in the magistrates' courts for all criminal proceedings was 148 days, a two per cent increase compared with the same quarter of the previous year. Of these 148 days, there were, on average:

- 90 days between the date of the offence and the date the defendant was charged or summonsed to court;
- 34 days between the date the defendant was charged or summonsed to court and the first listing of the case in a magistrates' court;
- 24 days between the first listing of the case and the completion of the defendant's case in a magistrates' court.

**Figure 5.3: Average offence to completion time in magistrates' courts, Q1 2012**



Indictable/triable either way criminal proceedings took an average of 117 days from the date an offence was committed to the date the defendant's case was completed in the magistrates' courts, compared with an average of 179 days for summary motoring cases and 144 days for summary non-motoring cases.

### **Timeliness of criminal proceedings in the Crown Court**

This bulletin also contains statistics giving information about the timeliness of proceedings when dealt with in the Crown Court specifically. These relate to the average waiting time and the average hearing time, which are explained below. For criminal proceedings dealt with in the Crown Court, these stages are included within the overall offence to completion time statistics presented in the first subsection of this chapter.

#### Average waiting time

'Average waiting time' refers to the average time between the date of sending or committal to the Crown Court and the start of the substantive Crown Court hearing. In the first quarter of 2012, the average waiting time for defendants dealt with in 'committed for trial' cases was 14 weeks, compared to 13.9 weeks in the first quarter of the previous year. The average waiting time was 19.6 weeks for defendants who were dealt with in 'sent for trial', the same time as the first quarter of the previous year. In those 'committed for trial' and 'sent for trial' cases where a not guilty plea was entered, the average waiting time for defendants was 24.2 weeks, a slight decrease from the same quarter of the previous year. The average waiting time was 12.2 weeks for those defendants who entered a guilty plea, also a slight decrease from the first quarter of 2011.

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

### Average hearing time

The 'average hearing time' relates to the average duration of all hearings heard in the Crown Court, including preliminary hearings, main hearings, and hearings where a sentence is given to a defendant. In the first quarter of 2012 the average hearing time was 13.6 hours for cases where a not guilty plea was entered, an increase of 17 per cent compared with the first quarter of the previous year. The average hearing time was 1.5 hours for cases where a guilty plea was entered, 0.5 hours for cases committed for sentence and just over one hour for appeals.

## Enforcement of financial impositions [Tables 6.1 – 6.3]

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

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

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

### Financial impositions and amounts paid

Table 6.1 presents the amount of financial impositions made by the criminal courts against defendants in each period and the amounts collected against these impositions. Financial impositions, particularly court fines, are in most cases due immediately after a defendant is sentenced.

In the third quarter of 2011, around £97 million was imposed by the criminal courts, of which, around £12 million (12 per cent) was paid within one month of the imposition month, around £31 million (32 per cent) was paid within three months and around £39 million (41 per cent) was paid within six months of the imposition month.

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

In the first quarter of 2012, around £98 million was imposed and around £13 million was paid within one month of the imposition month and £33 million was paid within three months of the imposition month. Due to the timing of the publication we are not able to report accurately the amount of impositions paid within six months for financial impositions in the first quarter of 2012. These statistics will be developed further to provide a longer time series for payments made within 18 months.

The measures presented in table 6.1 differ from the HMCTS payment rate of financial penalties published in Court Statistics Quarterly January to March 2011 (Annex A) available at:

[www.justice.gov.uk/downloads/statistics/courts-and-sentencing/court-stats-quarterly-q1-2011.pdf](http://www.justice.gov.uk/downloads/statistics/courts-and-sentencing/court-stats-quarterly-q1-2011.pdf)

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

The figures presented in table 6.1 only measure the collections of financial penalties against those imposed for a specific period. These new measures have been introduced following review and recommendation by the National Audit Office to monitor the time taken to pay fines and financial penalties

These figures differ from the total enforcement fine paid figure shown in Table 3.4, which shows the total amount of paid regardless of the age of the imposition.

### **Enforcement accounts opened and closed**

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

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

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

In the third quarter of 2011, 331,026 accounts were opened. Of the accounts opened, 37,481 accounts (11 per cent) were closed within one month of the imposition month, 106,386 accounts (32 per cent) were closed within three months and 137,799 accounts (42 per cent) were closed within 6 months.

In the first quarter of 2012, 323,758 accounts were opened, of which, 38,856 accounts (12 per cent) were closed within one month of the imposition month and 102,594 accounts (32 per cent) were closed within three months of the imposition month. Due to the timing of the publication we are not able to report accurately the accounts closed within six months. These statistics will be developed further to provide a longer time series for payments made within 18 months.

### **Outstanding financial impositions**

At the end of the first quarter of 2012, the total amount of financial impositions outstanding in England and Wales was £593 million. This represents a two per cent fall on the monies owed at the end of 2011.

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



## Annex A: Data sources and data quality

This annex gives brief details of data sources for the figures given in this report, along with a brief discussion on data quality. Further information can be found in *Judicial and Court Statistics 2011* via the MoJ website at

[www.justice.gov.uk/statistics/courts-and-sentencing/judicial-annual](http://www.justice.gov.uk/statistics/courts-and-sentencing/judicial-annual)

### County courts (non-family)

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

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

The following data are considered to be of lower quality:

- The numbers of insolvency petitions (up to Q2 2011), applications for administration orders, administration orders made and orders for sale are sourced from manual counts made by court staff. Since April 2009 these have been recorded in the HMCTS Performance database, a web-based data monitoring system allowing direct inputting of performance data by court staff. Prior to April 2009 they were inputted into the Business Management System, designed for the purpose of monitoring and assessing court workloads. Quality assurance measures are in place to ensure that data are of sufficient quality, including querying with courts where their counts look unusually high or low and obtaining corrected figures if errors are identified.
- The numbers of small claims hearings and trials from 2003 onwards are sourced from CaseMan. The accuracy of these counts is dependent on court staff entering the correct hearing types and outcome codes onto the system. Because a large number of hearing outcomes for 2000-2002 were not entered into CaseMan, figures for these years are provided from manual returns that all county courts were required to make each month.

- The numbers of repossessions of property by county court bailiffs are sourced from the CaseMan and Possession Claim Online systems. The accuracy of these figures is dependent on court staff entering the correct warrant outcome codes onto the system.

## **Family matters**

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

Some points to note about counting rules in the statistics are as follows.

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

Figures on the number of matrimonial proceedings are given in Table 2.1. Statistics on the number of divorces occurring each year in England and Wales are also published by the Office for National Statistics (ONS). The MoJ's divorce statistics are sourced directly from the FamilyMan system, while the ONS data are compiled from 'D105' forms used by the courts to record decrees absolute, which are supplied to ONS for compiling the central index of decrees absolute. There are small differences between the number of divorces as recorded by the two sets of statistics. Statisticians at the MoJ and ONS worked together with HMCTS to understand these differences and reconcile where possible. Please see the joint statement produced by the MoJ and ONS on the differences in these divorce statistics attached to this bulletin.

The information on Forced Marriage Protection Orders in Table 2.4 was taken from the HMCTS Performance database. This is a regularly updated, web-based performance system which enables aggregation to national level of returns from individual courts.

Public law and private law Children Act figures are given in Table 2.5. Starting at the end of 2009, an upgrade to the administrative system in all county courts and Family Proceedings Courts was rolled out nationally. This upgrade was completed in December 2010 following a staggered rollout. Subsequently, during compilation of figures for public and private law applications, issues were identified concerning the way in which cases that are transferred between courts are being counted. This issue resulted from the system upgrade which now records transfers between courts differently to ensure that no duplicate records of these transfers are held in the system. The methodology to count public and private law applications was reviewed

and updated to ensure that transfers are counted accurately. This resulted in revision of previously published data for 2010 for FPCs (and thus overall totals) in the Oct-Dec 2011 edition of CSQ published on 29 March 2012.

Timeliness figures for care and supervision proceedings are given in Table 2.6. Since the start of 2011 full data is held in the HMCTS Performance database, and all figures for 2011 have been revised in this publication to make use of this source. This has resulted in a larger number of disposals being included, but minimal change in the average case duration.

Legal representation data is held in the FamilyMan system. The data indicates whether or not the applicant(s) and respondent(s) in a case had a legal representative. This can be matched with data on the length of the case to determine average case duration according to whether there was legal representation for the applicant, the respondent, both or neither. However, the representation data held may be incomplete, and may not reflect any changes that occur as a case progresses. The absence of recorded representation in the dataset therefore does not necessarily indicate a self-represented party (or 'litigant in person'). It is important to note that whether or not a case is contested may affect the timeliness of the case, and also the legal representation status.

Please note the following regarding Tables 2.7 and 2.8 by subject area:

Divorce: 1) Figures include dissolutions of marriage or civil partnership and annulments of marriage or civil partnership and exclude cases where there is no recorded petition and cases where the decree absolute date is before the petition date. 2) The time from petition to decree absolute may be affected by the time it takes the applicant to apply for the decree absolute once the decree nisi (first order) has been issued. In normal circumstances the applicant may apply for the decree absolute six weeks after issue of the decree nisi, but may choose to wait longer.

Public and Private Law: Private law includes cases where a section 8 order (contact, residence, prohibited steps, specific issue), parental responsibility order or special guardianship order was made. Public law includes cases where a care order, supervision order, emergency protection order, section 8 order or special guardianship order was made. The order made does not necessarily correspond to the order applied for.

Domestic violence: Many domestic violence cases are heard ex-parte (in the absence of the respondent) due to safety concerns. Such cases tend to proceed more quickly as there is no need to give the respondent notice to attend.

### **Magistrates' courts**

The statistics on completed proceedings in Table 3.1 are sourced from the OPT database, which was rolled out across magistrates' courts during 2008 and is populated based on information contained on the Libra MIS. This contains good quality information about magistrates' courts' caseloads. Data provided by the courts must be checked and verified at case level by court staff before being submitted on OPT, and the centrally collated data are subject to further checks including the investigation of apparent anomalies in the data.

The MoJ's publication *Criminal Justice Statistics (CJS)* also contains data on the criminal cases in the magistrates' courts. The figures are derived from the same core source as those presented in this report (the Libra system), but they are not directly

comparable as there are known differences between them. These are due to a number of factors, including differences in the data collation methods and counting methodologies used, which reflect different underlying drivers of the analyses being performed. By way of broad illustration, *CJS* counts numbers of defendants and focuses on the final outcomes of criminal court proceedings, whilst *CSQ* counts numbers of cases and focuses on flows through the court system. Work is currently under way to investigate and review the differences between the two sets of statistics and their compilation processes with a view to aligning them in the future.

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

The experimental statistics on the timeliness of criminal proceedings completed in the magistrates' courts in Table 5.3 are sourced from an extract taken from the Libra MIS. More information can be found in the "Timeliness of criminal proceedings" section of this Annex.

### **The Crown Court**

This information has been produced using the MIS, a data warehousing facility drawing data directly from court-based administrative systems. Most data shown in this bulletin have been sourced from the Crown Court administrative system CREST, used by court staff for case management purposes. This contains good quality information about the incidence and dates of major events as each case progress in the Crown Court. Statistical quality assurance procedures include the identification and removal of duplicate entries, checks of apparent anomalies and checks for completeness.

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

### **Timeliness of criminal proceedings**

Experimental statistics on the timeliness of criminal proceedings completed in the criminal courts (magistrates' courts and the Crown Court) in Tables 5.1 and 5.2 are sourced from linking together extracts taken from CREST and the Libra MIS.

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

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

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

The experimental statistics on the timeliness of criminal proceedings completed in the magistrates' courts in Table 5.3 are sourced from the Libra MIS extract. Previously, statistics on the duration of criminal proceedings in the magistrates' courts were taken from the quarterly *Time Intervals Survey (TIS)*, which was based on a sample of cases, namely those which completed during a specified week each quarter. Due to recent improvements in the quality of data held on magistrates' courts administrative systems, with effect from June 2011 the *TIS* has been discontinued, and replaced by these new administratively sourced statistics. The Libra MIS extract provides good quality information on the timeliness of all criminal cases which complete in magistrates' courts, whether they are finally dealt with or passed on to the Crown Court for trial. As a result of this change in source, the statistics are now be based on all criminal proceedings dealt with in the magistrates' courts and not a sample as previously provided in the *TIS*.

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

[www.justice.gov.uk/statistics/criminal-justice/magistrates-times](http://www.justice.gov.uk/statistics/criminal-justice/magistrates-times)

## **Enforcement of financial impositions**

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

The management information on from tables C1 to C3 are sourced from the HMCTS' One Performance Truth (OPT) database, and is populated based on information contained on the Libra Management Information (accounting system) on the collection of amount owed and collected from April 2011. This data system contains good quality information about financial imposition and collection of monies owed for England and Wales. Although the information is available regionally, there will be some transfers of accounts across regions which can lead to inconsistencies in accounts opened and closed regionally.

Data provided by the magistrates' courts accounting centres is checked and verified at account level by court staff within three days of the date of imposition, and the centrally collated data are subject to further checks including the investigation of apparent anomalies in the data.

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

# Annex B: HM Courts and Tribunals Service

## Key Findings for the period 1 January to 31 March 2012

### All Tribunals Combined

The statistics for the quarter 1 January to 31 March 2012 include details for new Tribunals which joined HMCTS in 2011-12<sup>3</sup> and claims which were not input onto Employment Tribunals IT systems<sup>4</sup>. In this report, changes compared to earlier periods are made excluding figures for new Tribunals, so that comparisons are on a like-for-like basis.

- Between January and March 2012 (quarter 4), there were 189,100 receipts or claims. Excluding receipts for those Tribunals that joined HMCTS in 2011-12, this represents a 19 per cent decrease over the same quarter of the previous year. If multiple claims to Employment Tribunals (which can vary substantially) are excluded, the number of cases received in the last quarter of 2011-12 was 7 per cent fewer than at the same point in the previous year.
- There were 183,900 disposals in January to March 2012. Excluding details for the new tribunals, this was a decrease of 9 per cent on the same quarter of 2010-11, reversing the past upward trend.
- For all tribunals combined, the caseload outstanding as at 31 March 2012 was 756,100 – less than 1 per cent higher than the 751,300 figure recorded at the same point in 2011. Although this is a continuation of an upward trend, the rate of increase appears to have slowed. The caseload outstanding has risen overall, but there have been falls for many Tribunals - by 32 per cent for Immigration and Asylum (continuing the downward trend); by 25 per cent for Social Security and Child Support; by 7 per cent for single ET claims.

### Social Security and Child Support

Social Security and Child Support (SSCS) appeals jurisdiction, part of the Social Entitlement Chamber of the First Tier Tribunal, arranges and carries out independent hearings for appeals on decisions made by the Department for Work and Pensions (including Jobcentre Plus, Child Support Agency and Disability and Carers Service), as well as other government departments (HM Revenue and Customs) and local authorities.

- For SSCS, there were 101,800 receipts between January and March 2012 – representing 54 per cent of cases received by all Tribunals. When compared with the same quarter for the previous year, the number of receipts was 5 per cent fewer than in 2010-11, reversing the previous upward trend.
- There were 110,000 disposals made by SSCS, a similar number to that in the January to March quarter of 2010-11.

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<sup>3</sup> Details of these and of other Tribunals that have joined HMCTS since 2006-7 are in the Data Quality and Sources section of this report.

<sup>4</sup> Further details are within the Explanatory Notes section of this report.

- Between January to March 2011 and the same period in 2012, there was an 84 per cent fall in the number of disposals for Incapacity Benefit (IB), reflecting the decreasing number of people receiving IB as these claimants are reassessed and moved onto Employment and Support Allowance or Jobseekers Allowance. There was a smaller 3 per cent drop in disposals for Employment and Support Allowance. There were increases in disposals for: Carer's Allowance (of 73 per cent); Social Fund (of 68 per cent); Tax Credits (of 50 per cent) and AA/DLA (of 47 per cent).
- There were 88,400 SSCS hearing clearances (those cases disposed of at hearing) during January to March 2012, a 10 per cent increase on the number in the same quarter of 2010-11.

### **Employment Tribunals**

The Employment Tribunals are independent judicial bodies who determine disputes between employers and employees over employment rights.

- Between January and March 2012, Employment Tribunals received 42,500 claims in total<sup>5</sup> – 44 per cent fewer than in the same quarter of 2010-11. The fall was due to the higher number of multiple receipts (including resubmitted airline cases) received in the January to March quarter of 2011. The number of receipts of multiple claims fell by 55 per cent and the number of single claims went down by 2 per cent.
- In January to March 2012, there were 28,600 disposals made by Employment Tribunals - an 18 per cent decrease on the number for the same quarter of 2010-11<sup>6</sup>. The number of single disposed cases fell by 6 per cent and those for multiple cases went down by 28 per cent.

### **Immigration and Asylum**

All references to Immigration and Asylum refer to the First-tier Tribunal (Immigration and Asylum Chamber). This is an independent jurisdiction dealing with appeals against decisions made by the Home Secretary and her officials in immigration, asylum and nationality matters.

- Compared with the same quarter of 2010-11, there was a fall of 24 per cent in the overall number of Immigration and Asylum receipts, to 25,500 during January to March of 2012. The overall fall in receipts was reflected in all case types: with receipts falling for Entry Clearance by 37 per cent; Managed Migration by 32 per cent; Asylum by 25 per cent; and Family Visit Visa by 1 per cent.
- The number of Immigration and Asylum disposals was 28,400 between January and March 2012, 27 per cent fewer than in the same quarter of 2010-11.

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<sup>5</sup> Including some cases not yet placed on the IT system

<sup>6</sup> There may be a small undercount in ET disposals during 2010-11 because of changes to computer systems during the year.



# Annex C: Statement on the differences between Office for National Statistics and Ministry of Justice figures on divorces

## Background

1. National Statistics on divorce in England and Wales are published by both the Office for National Statistics (ONS) and the Ministry of Justice (MoJ).
2. The MoJ statistics present the number of divorce petitions lodged at county courts in England and Wales, and the number of decrees absolute granted by the courts. The data are sourced directly from the county court administrative system FamilyMan, which is used by court staff for case management purposes.
3. The ONS statistics record the number of divorces occurring in England and Wales. The ONS data are compiled from information recorded on 'D105' forms used by the courts to record decrees absolute, which are supplied to ONS by county courts for compiling the central index of decrees absolute.

## Reconciling the two sets of statistics

4. ONS and MoJ are content that separate sets of statistics should be published by each department, because they exist to serve different and distinct purposes. The MoJ publishes statistics on the volume of cases dealt with at all types of court – both civil and criminal – in England and Wales, and its divorce statistics provide users with information on the number of such cases processed by the courts. The ONS statistics provide users with a range of wider demographic data about divorces, such as information on age at time of divorce, number of children and length of marriage, and these complement the range of other demographic statistics produced by the department such as marriages, civil partnerships, births and deaths.
5. The number of divorces indicated by the two sets of statistics are similar but do not match exactly. For example, the total number of divorces indicated by the ONS statistics in 2010 was 119,589, compared to 121,265 in the MoJ figures – a difference of 1.4 per cent.
6. ONS and MoJ have worked closely together over the past couple of years to reconcile the two sets of statistics as far as possible. Both departments have agreed that attempting to achieve yet closer reconciliation is not an immediate priority at the current time. This situation will be regularly reviewed in future.
7. The extensive comparison of the two datasets indicated that there is no singular reason for the difference in the two sets of figures, and that at a court level any differences are small and widely distributed. As the information is derived from a live case management system, there are multiple possible factors such as forms and updates not being sent to ONS, data entry problems and other possible administrative errors that may contribute to the different published figures. It should also be noted that:
  - the ONS statistics include annulments, while the MoJ figures do not;

- the MoJ statistics include dissolutions of civil partnerships, while ONS publishes their statistics on dissolution of civil partnerships separately.

### **Contact details and further information regarding Annex C**

For queries, comments or further information on the issues set out in this note, please contact:

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Tel: 020 3334 3737  
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Vital Statistics Outputs Branch  
Health and Life Events Division  
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Segensworth Road  
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# Glossary

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

## **County courts (non-family)**

Administration order: Combines a debtor's debts under certain conditions (see note 6 to Table 1.7), enabling the debtor to make regular payments to the court which are then distributed to the various creditors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Family matters**

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

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

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

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

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

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

Divorce: This is the legal ending of a marriage.

Judicial Separation: This is a type of order that does not dissolve a marriage but absolves the parties from the obligation to live together. This procedure might, for instance, be used if religious beliefs forbid or discourage divorce.

Non-molestation Order: This is a type of civil injunction used in domestic violence cases. It prevents the applicant and/or any relevant children from being molested by someone who has previously been violent towards them. Ex-parte (as opposed to 'on notice') injunction applications are an emergency measure where the other party to the injunction application (the respondent) will not have been made aware of the injunction proceedings in advance of the hearing. Since July 2007, failing to obey the restrictions of these orders has been a criminal offence for which someone could be arrested.

Nullity: This is where a marriage is ended by being declared not valid. This can either be because the marriage was void (not allowed by law) or because the marriage was voidable (the marriage was legal but there are circumstances that mean it can be treated as if it never took place).

Occupation Order: This is a type of civil injunction used in domestic violence cases. It restricts the right of a violent partner to enter or live in a shared home. Ex-parte (as opposed to 'on notice') injunction applications are an emergency measure where the other party to the injunction application (the respondent) will not have been made aware of the injunction proceedings in advance of the hearing.

Order: The document bearing the seal of the court recording its decision in a case.

Petition: (for divorce): An application for a decree nisi or a judicial separation order.

Private Law: Refers to Children Act 1989 cases where two or more parties are trying to resolve a private dispute. This is commonly where parents have split up and there is a disagreement about contact with, or residence of, their children.

Public Law: Refers to Children Act 1989 cases where there are child welfare issues and a local authority, or an authorised person, is stepping in to protect the child and ensure they get the care they need.

## **Magistrates' courts**

Adult breach proceedings: Proceedings against an adult defendant (aged 18 or over) who has breached an order which was previously imposed against him/her.

Adult indictable cases: The most serious offences, such as murder and rape, which must be heard at the Crown Court. The involvement of the magistrates' court is generally brief: a decision is made on whether to grant bail, and other legal issues, such as reporting restrictions, are considered. The case is then passed to the Crown Court.

Adult summary proceedings: The less serious offences, where the defendant is an adult (aged 18 or over). The defendant is not usually entitled to trial by jury, so these cases are disposed of in the magistrates' courts. Summary offences are subdivided into Summary Motoring and Summary Non-Motoring cases:

- Adult summary motoring proceedings: Offences such as driving whilst disqualified, speeding and failure to stop.
- Adult summary non-motoring proceedings: Offences such as TV license evasion, minor assaults and criminal damage where less than £5000 worth of damage is caused.

Adult triable-either-way cases: These are more serious than summary offences, and can be dealt with either by magistrates or before a judge and jury at the Crown Court. Such offences include dangerous driving and theft and handling stolen goods. A defendant can invoke his/her right to trial in the Crown Court, or the magistrates can decide that a case is sufficiently serious that it should be dealt with in the Crown Court where tougher sentences can be imposed if the defendant is found guilty.

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

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

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

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

Youth proceedings: These are proceedings of any type where the defendant is a youth, aged between 10 and 17.

## **The Crown Court**

The Crown Court is a unitary court which sits in approximately 77 different locations across England and Wales. It deals with serious criminal cases, which can be classified into the following four categories:

- (a) Sent for trial cases: Cases sent for trial by the magistrates' court because they can only be heard by the Crown Court.
- (b) Committed for trial cases: Cases which can be heard in either a magistrates' court or the Crown Court. A defendant can elect to be tried in the Crown Court or a magistrate can decide that a case is sufficiently serious that it should be dealt with in the Crown Court.
- (c) Committed for sentence cases: Cases transferred to the Crown Court for sentencing where defendants are found guilty in the magistrates' court. This happens if a magistrate is of the opinion that a greater punishment should be imposed than they are allowed to impose.
- (d) Appeals against the decisions of magistrates' courts.

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

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

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

Receipt: A case referred to the Crown Court.

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

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

## **Timeliness of criminal proceedings**

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

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

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

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

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

## **Enforcement of financial impositions**

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

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

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

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

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

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

## Explanatory notes

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

Designation can be broadly interpreted to mean that the statistics:

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

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

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

### Symbols and conventions

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

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



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