



Ministry  
of Justice



# **Court Statistics Quarterly July to September 2013**

Ministry of Justice  
Statistics bulletin

Published 19 December 2013



## Executive Summary

This report presents the latest statistics on cases that are received and processed through the court system of England and Wales in the second quarter of 2013 (July to September). These statistics focus on four main categories: civil (excluding family), family case, criminal cases and judicial reviews.

### **Civil (excluding family) cases**

- In July to September 2013, courts dealt with 362,000 new claims and 11,000 hearings or trials. These represent a reduction of around 26% and 41% respectively in workload figures since the same period in 2007.
- Historically, between 3% and 3.5% of all claims issued have gone to hearing or trial.
- There was an average of 58 weeks between a claim being issued and the claim going to trial. The time between issue and the claim going to trial rose between 2008 and 2012 but has stabilised during the last 12 months.

### **Family cases**

- The number of cases that started in family courts in England and Wales remained at around 70,000 in July to September 2013 with the largest proportion (43%) being for divorce applications.
- The average time for the disposal of a care or supervision application continued to drop to 36 weeks (down 25% from July to September 2012 and down 34% from July to September 2011).
- The average duration for private law disposals where both parties were represented was 23 weeks (up 39% from July to September 2012).

### **Criminal cases**

- There was a 5% increase in the number of adult indictable or triable-either-way cases completing at the magistrates' courts compared to the previous quarter. Despite this, the time taken from first listing to completion for indictable or triable-either-way cases in the magistrates' courts fell by 2 days – coinciding with the removal of committal hearings in magistrates' courts on 28th May 2013.
- This removal of committal hearings in magistrates' courts lead to a 6% increase in triable-either-way receipts at the Crown Court compared with the previous quarter.

## **Judicial Reviews**

- Between 2000 and 2012 the number of judicial review applications lodged has increased over three fold, 4,300 in 2000 to 12,600 in 2012. This growth was driven by Judicial Reviews on immigration and asylum.
- The proportion of cases that found in favour of the appellant at a final hearing has been historically around 3%. The 2012 figure is currently at 1% in 2012, but 13% of the cases are still open. Additionally, the figures in 2000 and 2001 were respectively 12% and 7% which coincides with a lower proportion of Immigration and asylum JRs.
- From the 1st of October 2012 to 30th September 2013 there were 16,000 cases lodged. Of these 6,700 (42%) had reached permission or oral renewal stage. Of those that had reached these stages 31% were found to be totally without merit.

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## Introduction

This report presents statistics on activity in the county, family, magistrates' and Crown courts of England and Wales. There is also updated information on Judicial Reviews. It gives provisional figures for the latest quarter (July to September 2013) with accompanying commentary and analysis. 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.

Information about the systems and data included in this publication can be found in the '**A Guide to Court and Administrative Justice Statistics**' which is published alongside this report.

[www.gov.uk/government/publications/guide-to-court-and-administrative-justice-statistics](http://www.gov.uk/government/publications/guide-to-court-and-administrative-justice-statistics)

This guide also contains a **Glossary** section which provides brief definitions for the terms used in this report, along with information about statistical revisions and forthcoming changes. Information regarding the symbols and conventions used in the bulletin are given in the **Explanatory notes** section.

Information on the enforcement of financial impositions can be found in [Annex A](#).

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

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

Earlier editions of this publication can be found at:

[www.gov.uk/government/organisations/ministry-of-justice/series/courts-and-sentencing-statistics](http://www.gov.uk/government/organisations/ministry-of-justice/series/courts-and-sentencing-statistics)

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

- Supporting information on Ancillary Relief and Judicial Reviews
- Court level data for civil, family and criminal cases
- Breakdown of insolvency figures by court, local authority and region

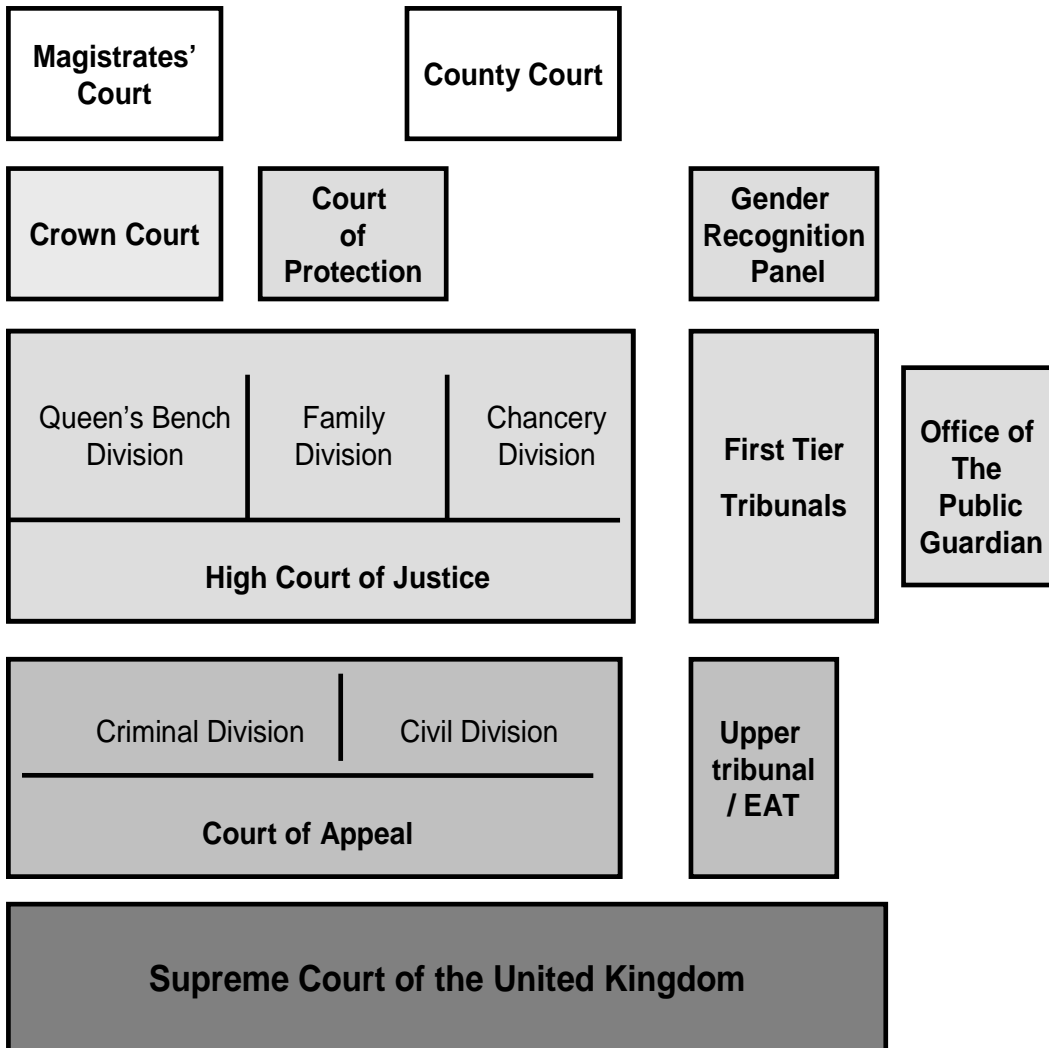
These can be found at:

[www.gov.uk/government/publications/court-statistics-quarterly-tables](http://www.gov.uk/government/publications/court-statistics-quarterly-tables)

## The Justice System

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

**Figure A: Simplified view of court and administrative Systems in England and Wales<sup>1</sup>**



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

<sup>1</sup> Some Tribunal cases can relate to other parts of the UK.

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

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

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



## Chapter 1: Civil (excluding family) cases

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

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

### Background

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

Whether the claim is issued online or through the county courts, a copy of the claim form along with a response pack is sent to (served on) the defendant who has 14 days to respond to the claim. The defendant can:

- do nothing;
- pay the full amount of the claim (in full or part);
- admit the claim and ask for more time to pay (in full or part); and/or
- dispute (defend) the claim (in full or part).

If the claim is defended, further information is usually provided by each of the parties, after which the case is allocated by a judge to one of three case-management tracks (small claims track, fast track or multi track). Allocated cases which are not settled or withdrawn generally result in a small claim hearing or trial<sup>2</sup>. A judgment regarding the claim can be made at various stages of the process. There are various methods of enforcing a judgment through the county courts including warrants and orders.

**Estimating case progression:** In addition to providing results regarding the civil workload of the courts, this bulletin contains estimates of the percentage of claims issued in a specific quarter or year that will progress to a defence, allocation or hearing or trial when the full amount of time has been allowed to pass for those claims to progress through the County Court

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<sup>2</sup> For details of the way civil claims are processed please see **A Guide to Court and Administrative Justice Statistics**, Civil (excluding family).

system. These figures are different from the court workload figures which show the total number of defences, allocations or hearings or trials in that quarter, irrespective of when the claim was issued.

These estimates include upper and lower estimates around them (a confidence interval) reflecting the uncertainty inherent in any estimation of the future. Claims from more recent periods will inherently have had less time for the case to be processed so there is more uncertainty around the final estimate, resulting in a wider confidence interval (Please see A Guide to Court and Administrative Justice Statistics for more information on how this figure is calculated).

As supplementary information, we also provide the percentage of claims issued in a quarter or year that have already resulted in a defence, allocation or hearing or trial. Caution should be exercised when interpreting these figures for recent years. The information contained in the bulletin is based on the available data when the database was extracted; consequently a proportion of claims made in more recent quarters are still awaiting progression to the next stage of court action. Claims from earlier periods will have had longer for the case to be processed than those from more recent periods so a lower proportion of these earlier claims are likely to be still awaiting a defence, allocation or hearing or trial.

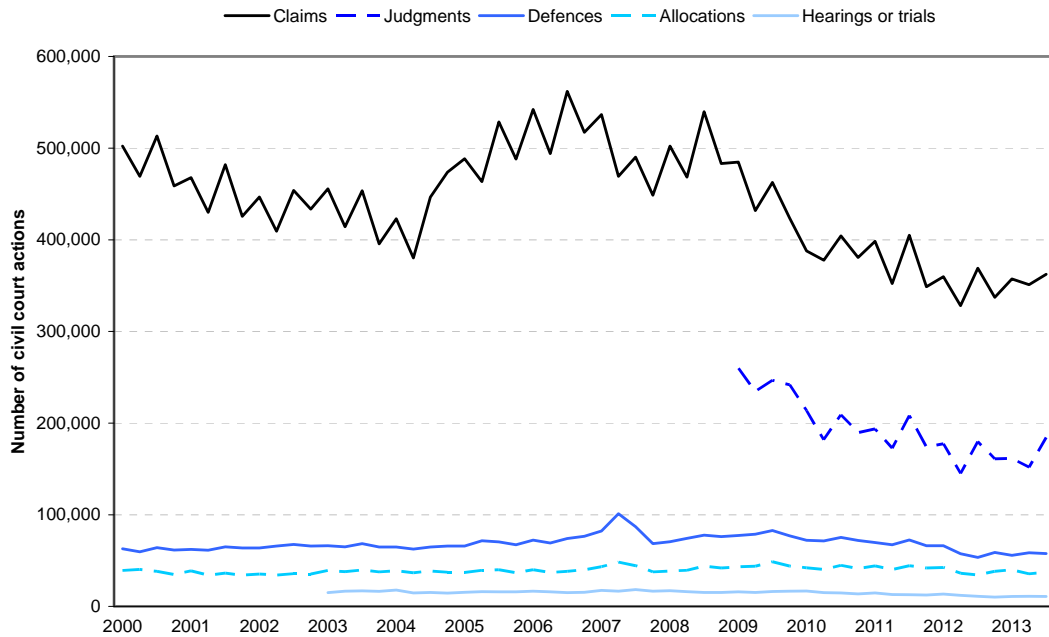
## Results

**Claims:** Between July and September 2013 a total of 362,377 claims were issued (Table 1.1 and Figure 1.1). The latest results continue the downward trend in the number of claims issued since 2008. Nearly two-thirds of claims are specified money claims and the fall in overall claims reflects a decline in the number of specified money claims over the same period.

The fall in claims has caused a corresponding decrease in the number of defences, allocations, hearings and trials and judgements over the same time-period.

**Petitions:** There were 7,408 insolvency petitions (excluding in the Royal Courts of Justice), continuing the downward trend seen since 2009, after more than tripling between 2001 and 2009 (Table 1.1). The large decrease since 2009 has been steepest among bankruptcy petitions made by debtors, then among bankruptcy petitions made by creditors, and least severe among petitions for company windings up.

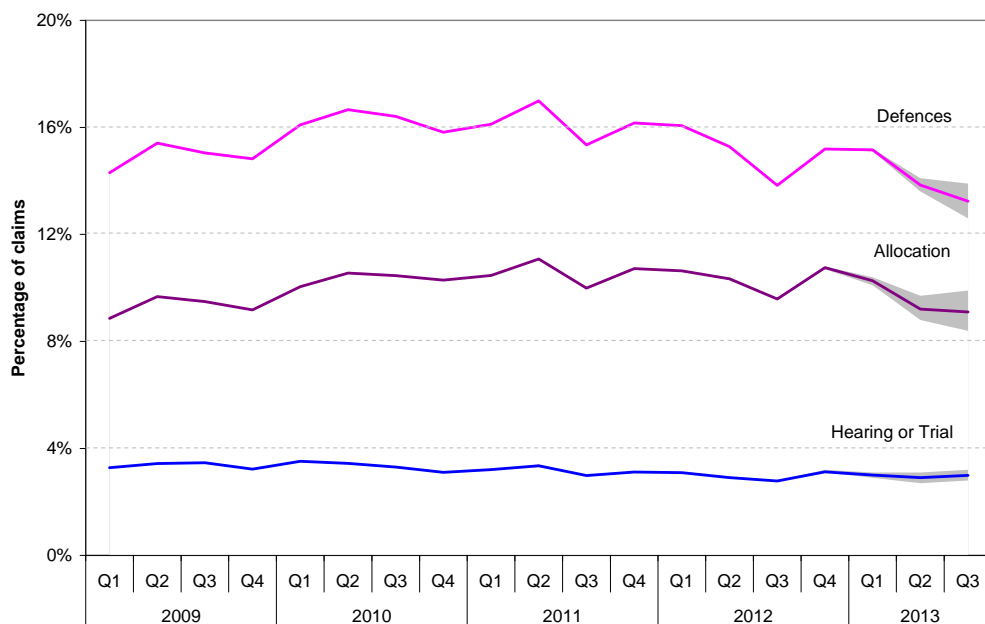
**Figure 1.1: Civil claims, defences, allocations and hearings and trials, January-March 2000 – July-September 2013**



**Defences:** Between July and September 2013 a total of 57,621 defences were made.

It is estimated that 13.2% of claims issued between July and September 2013 will be defended in time, (with a range between 12.6% and 13.9%) (Table 1.2 and Figure 1.2).

**Figure 1.2: Estimated case progression of civil claims by court action, January-March 2000 – July-September 2013**



**Allocations:** Between July and September 2013 a total of 37,378 allocations were made (Table 1.1).

It is estimated that 9.1% of claims issued in the second quarter of 2013 will be allocated in time, (with a range between 8.4% and 9.9%).

**Hearings and trials:** Between July and September 2013 a total of 10,811 hearings or trials were carried out.

It is estimated that 3.0% of claims issued between July and September 2013 will go to hearing or trial in time, (with a range between 2.8% and 3.2%).

On average, small claim hearings occurred 31 weeks after the claim was originally made and the time between issue and hearing has been around this level since 2009. Trials occurred 58 weeks after the claim was originally made. The time between issue and the claim going to trial rose between 2008 and 2012 but has stabilised during the last 12 months (Table 1.3).

**Judgments:** Between July and September 2013 a total of 184,411 judgements were made.

**Warrants:** Between July and September 2013 a total of 56,860 warrants were issued. This figure has been generally falling since 2000. The decline has been visible across all types of warrant except possession, where the figures have remained more stable.

**Orders:** Between July and September 2013 a total of 31,139 enforcement orders were issued. This figure has been generally falling since 2008. The fall has been particularly concentrated administration orders and charging orders.

## **Civil proceedings in the Magistrates' Courts**

Magistrates' courts deal with criminal and some civil cases, and cases are dealt with either by justices of the peace, who are unqualified and who are paid only expenses, or by District Judges who receive some payment. Magistrates can deal with a limited number of civil cases such as arrears of income tax, national insurance contributions, council tax or payments of child maintenance.

There were 18,176 numbers of completed civil proceedings in the Magistrates Court between July and September 2013, continuing the rough stability in numbers since April to June 2010. It should be noted that a proceeding can either relate to a single case or multiple cases, so the numbers of cases completed is greater than the number of completed proceedings.

## Chapter 2: Family cases

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

This chapter includes references to 10 MS Excel tables with summary figures and also CSV files which enable users to calculate their own data breakdowns. These can be found in the publication page for CSQ:

[www.gov.uk/government/publications/court-statistics-quarterly-tables](http://www.gov.uk/government/publications/court-statistics-quarterly-tables)

### Total family court case caseload

Family courts deal with around 270,000 new cases each year. In July - September 2013, there were 66,643 new cases started in family courts and 66,556 cases were concluded. Table 2.1, in the Excel tables, shows the total number of new cases starting and cases reaching a conclusion in family courts in each quarter. In July - September 2013 divorce made up 43% of new cases in family courts, with private law contributing 21% and ancillary relief 16%. In total, relationship breakdown cases account for over four-fifths of the courts' caseload. A similar picture is also seen for the cases concluded.

- **Public law:** in July - September 2013 there were 3,673 new cases (fairly stable since 2011) which related to public law and 4,220 cases that reached a final disposal (continuing the upward trend). The average time for the disposal of care and supervision cases was 35.8 weeks.
- **Private law:** there were 14,053 cases started (similar to equivalent quarters in previous years) in private law and 14,944 cases that reached a final disposal (an increase over the first two quarters of the year, as seen in previous years), in July - September 2013.
- **Divorce:** there were 28,427 petitions filed for divorce and 29,960 decrees absolute made in July - September 2013.
- **Ancillary relief:** there were 10,924 cases started and 8,805 cases with a disposal in July - September 2013.
- **Domestic violence:** there were 5,387 cases started and 4,971 cases with a disposal in July - September 2013, both continuing the upward trend seen over recent quarters.

- **Forced marriage protection:** there were 43 new forced marriage protection order cases, and 32 cases with a disposal made in July - September 2013.
- **Adoption:** there were 3,952 cases started and 3,479 cases disposed, under the Adoption and Children Act 2002 in July - September 2013.

**Table A: Total family court new cases, by case type, Jul-Sep 2013**

	New cases starting July - September 2013	Percentage change since July - September 2012
Children's Act - public law	3,673	-8%
Children's Act - private law	14,053	1%
Divorce	28,427	-9%
Annulments & Judicial Separations	179	12%
Ancillary relief	10,924	3%
Family law - Domestic violence	5,387	21%
Forced marriage protection <sup>4</sup>	43	79%
Adoption Act	3,952	18%

## Public Law

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

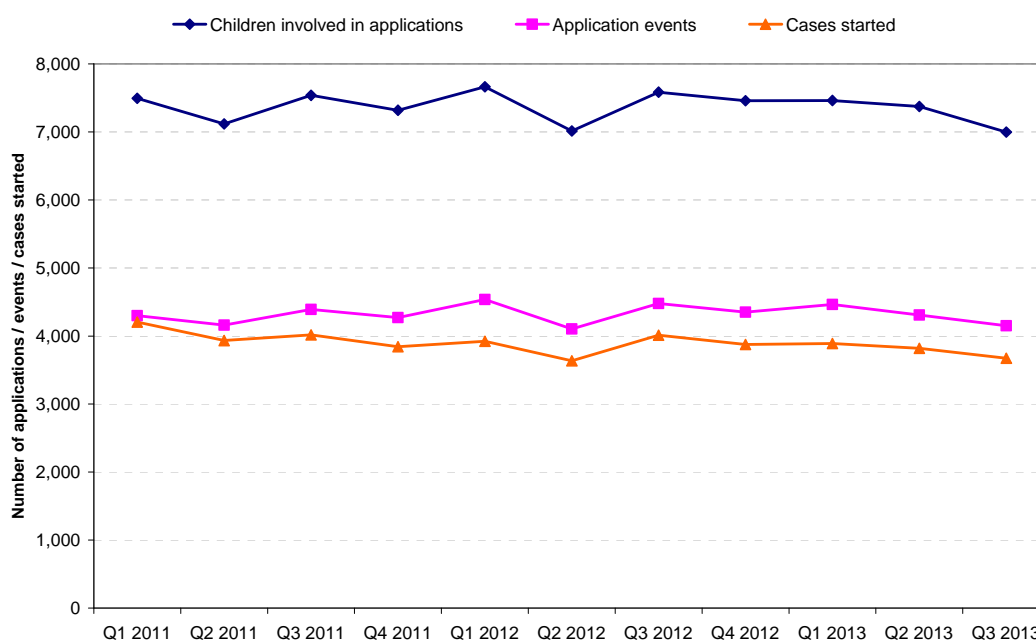
Following the publicity surrounding the Baby P case, the number of children involved in public law applications made by local authorities jumped in 2009 from around 20,000 to almost 26,000 per year. This has subsequently increased in the past two years to about 30,000 per year, with the figures now stabilising at around 7,500 per quarter, with the latest figures showing that there were 6,998 children involved in public law applications made in July - September 2013 (Figure 2.1).

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

More than one application may be made during the life of a case. The numbers of cases starting in each quarter has also been fairly stable at just under 4,000 since 2011 (Table 2.2).

Please note that figures for the number of children involved in applications and disposals by type of order as published in previous bulletin tables are now given in the CSV file that accompanies this table.

**Figure 2.1: Public law applications, showing number of children involved, number of application events and number of cases starting, 2011 Q1 to 2013 Q3**



The number of children involved in orders made jumped at the end of 2010 and has continued to increase. There were 12,052 children involved in public law orders made in July - September 2013. The number of orders made is generally higher than the number of applications made, as some orders relate to applications made in an earlier time period, and an application for one type can result in an order or orders of a different type being made.

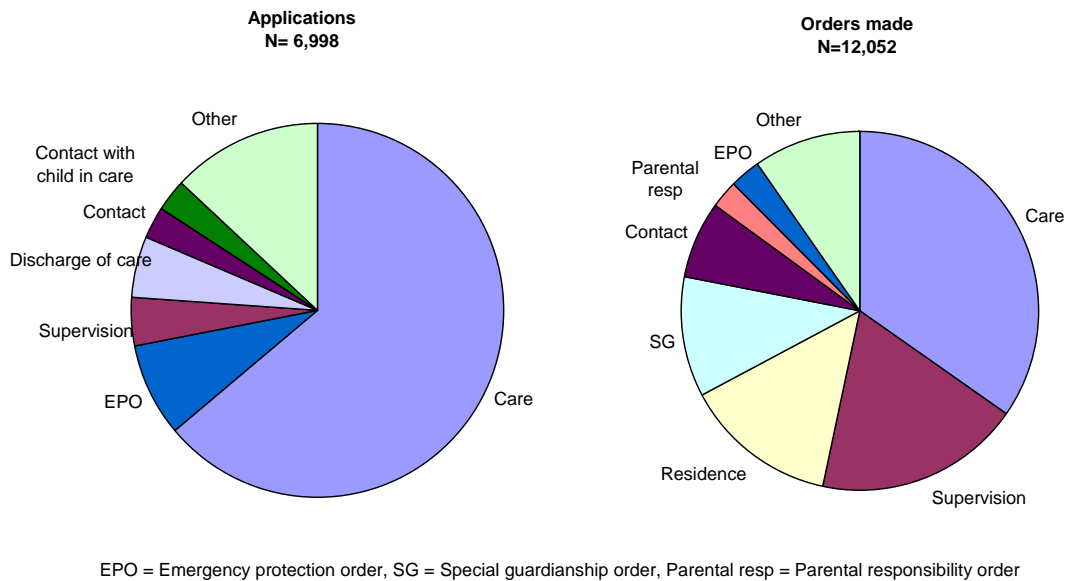
Figure 2.2 shows that the most common types of order applied for in July - September 2013 were care (64% of children involved in applications), followed by emergency protection (8%) and discharge of a care order (5%). The spread of the proportions for the type of orders made are normally different as an application for one type can result in an order of a different type being made. So for example, for supervision orders there were about 300 children are involved in applications during Q3 2013, but more than 2,000 children were involved in supervision orders made in that quarter.

The Children and Family Court Advisory and Support Service (Cafcass) also publishes data on the number of care applications, the latest edition of which can be found here:

[www.cafcass.gov.uk/news/2013/october-2013-care-demand-statistics.aspx](http://www.cafcass.gov.uk/news/2013/october-2013-care-demand-statistics.aspx)

Case level care order figures are currently not produced by the MoJ and so no comparisons between the two datasets can be made at this time.

**Figure 2.2: Public law applications and orders made, showing proportion of children involved in each order type, 2013 Q3**



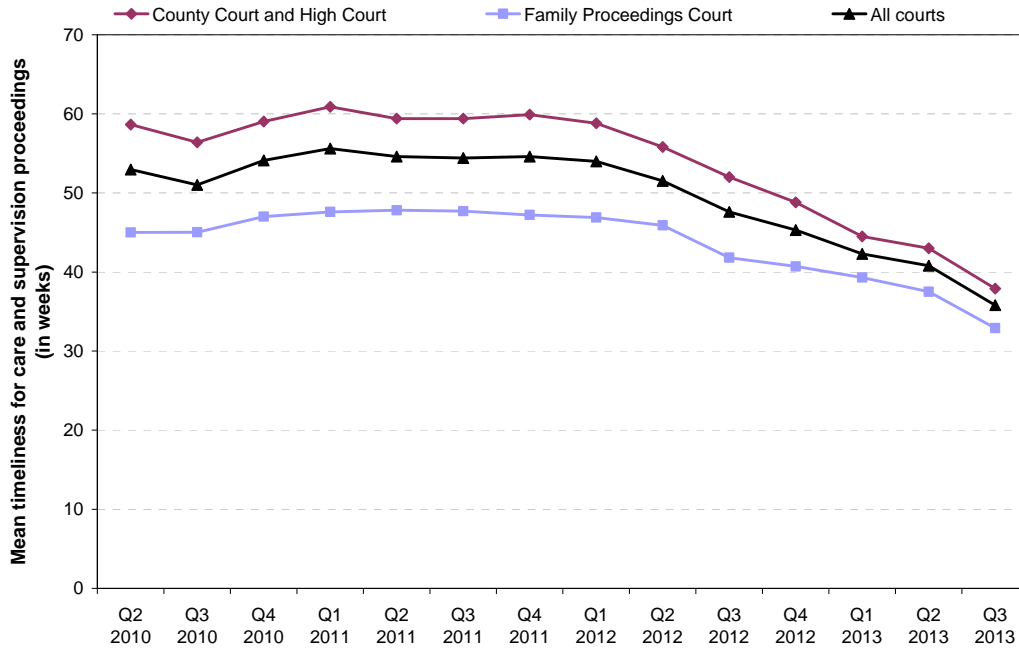
**Timeliness of care proceedings**

Statistics on the time taken to complete care and supervision cases in the family courts of England and Wales are given in Table 2.3. This table presents summary statistics showing the time, in weeks, between the date an application for a care or supervision order was lodged and the date the first care, supervision, or other substantive order was made in the case, for those cases disposed of during each quarter.

The average time for a disposal to be made in July - September 2013 was 35.8 weeks, continuing the drop seen since the beginning of 2012, after timeliness had remained at about 55 weeks for over a year. Separate figures for county courts and the High Court, and family proceedings courts are shown in Figure 2.3.

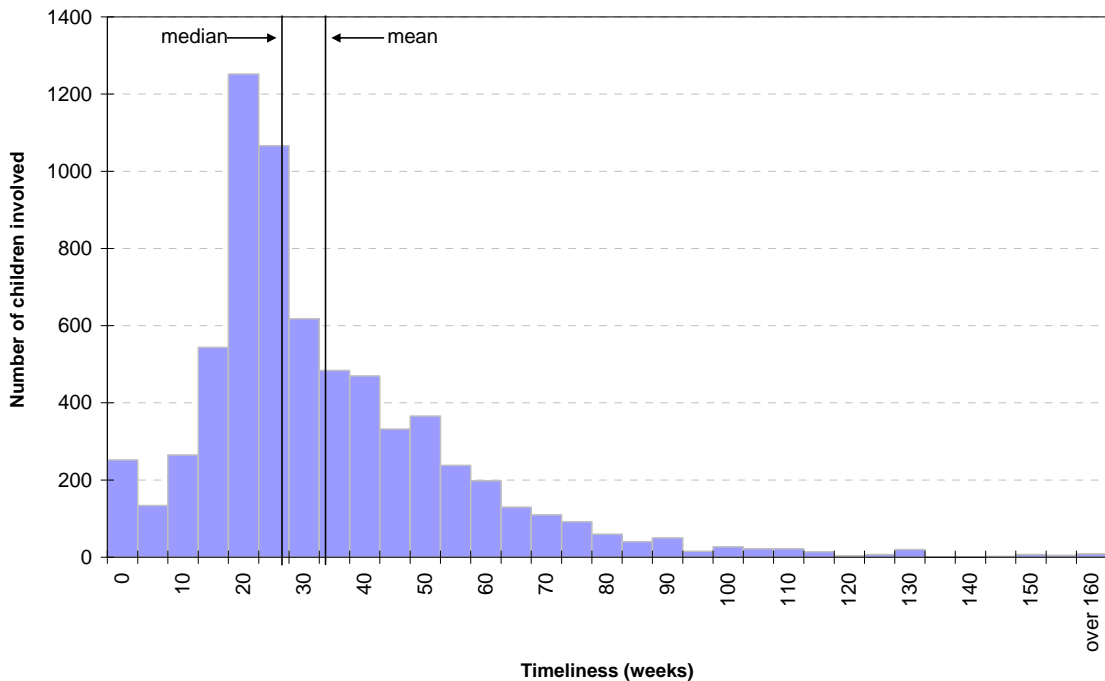


**Figure 2.3: Timeliness for Care and Supervision proceedings by tier of court, April –June 2010 to July-September 2013**



The average time for a disposal can be skewed by cases that take a long time, thus the median time is also calculated. The median time to make a disposal in a case was 29.3 weeks in July - September 2013. This means that for all children involved in care and supervision proceedings where a decision was reached during July - September 2013, half of the children (or 3,428) waited 29.3 weeks or less from application to a substantive disposal, and the other half waited at least 29.3 weeks. This median value is different to the average (mean) quoted in the paragraph above as it is not influenced by the few very long case durations. Figure 2.4 shows how many children experienced each timeliness band in their case proceedings for cases disposed during July - September 2013.

**Figure 2.4: Timeliness for Care and Supervision proceedings showing number of children involved in each timeliness band, all court tiers, July – September 2013**



## Private Law

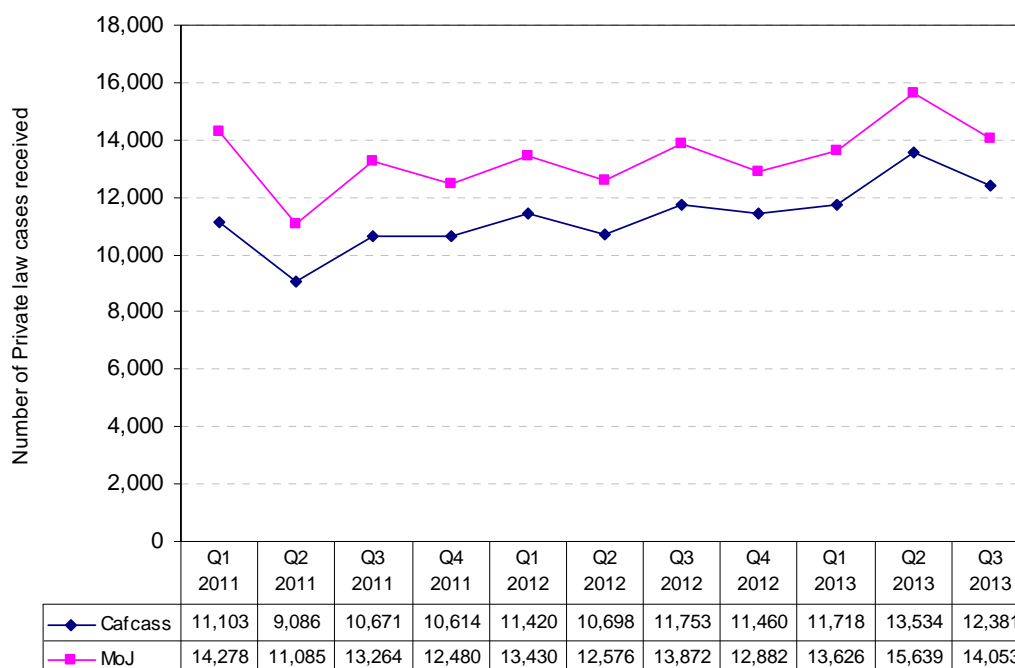
The number of Private law cases started in July - September 2013 dropped to 14,053 from the recent high seen in the previous quarter. The trend in cases disposed tends to lag behind that for cases started due to the time taken for a decision to be reached in cases, where there was an increase in Q3 2013 to 14,944 from the 13,543 for the previous quarter.

The Children and Family Court Advisory and Support Service (Cafcass) also publishes data on the number of Private law cases started, the latest edition of which can be found here:

[www.cafcass.gov.uk/news/2013/october-2013-private-law-demand-statistics.aspx](http://www.cafcass.gov.uk/news/2013/october-2013-private-law-demand-statistics.aspx)

These are compared against figures in this bulletin in figure 2.5, which shows that the patterns of the two trends are very similar.

**Figure 2.5: Comparison of the number of Private law cases received, as recorded by Cafcass and the MoJ, Q1 2011 to Q3 2013**



Most of the difference between the two sets of numbers is due to Cafcass generally only receiving section 8 cases (contact, residence, prohibited steps and specific issue) from the courts. However, even looking at just section 8 cases, MoJ figures have still been between 4% and 9% higher than Cafcass figures over the last two years. Differences between the two data sets include the following:

- Section 8 cases where all of the issues are dealt with on the day (called 'urgent without notice' applications) should not be sent to Cafcass.
- Section 8 cases which are not listed within the Private Law Programme (PLP) and do not have a first hearing dispute resolution appointment (FHDRA) should also not be sent to Cafcass.
- Certain non-section 8 cases can be sent to Cafcass if the subject child is a party to on going proceedings (and a Cafcass officer has been appointed as the children's guardian) or the court is directed to do so by a judge or legal advisor.

This means that both figures cannot be accurately matched as it is impossible to identify the various situations described above from administrative data sources (particularly the 'urgent without notice' applications).

Please note that figures for the number of children involved in Private law applications and disposals by type of order as published in previous bulletin tables are now given in the CSV file that accompanies this table.

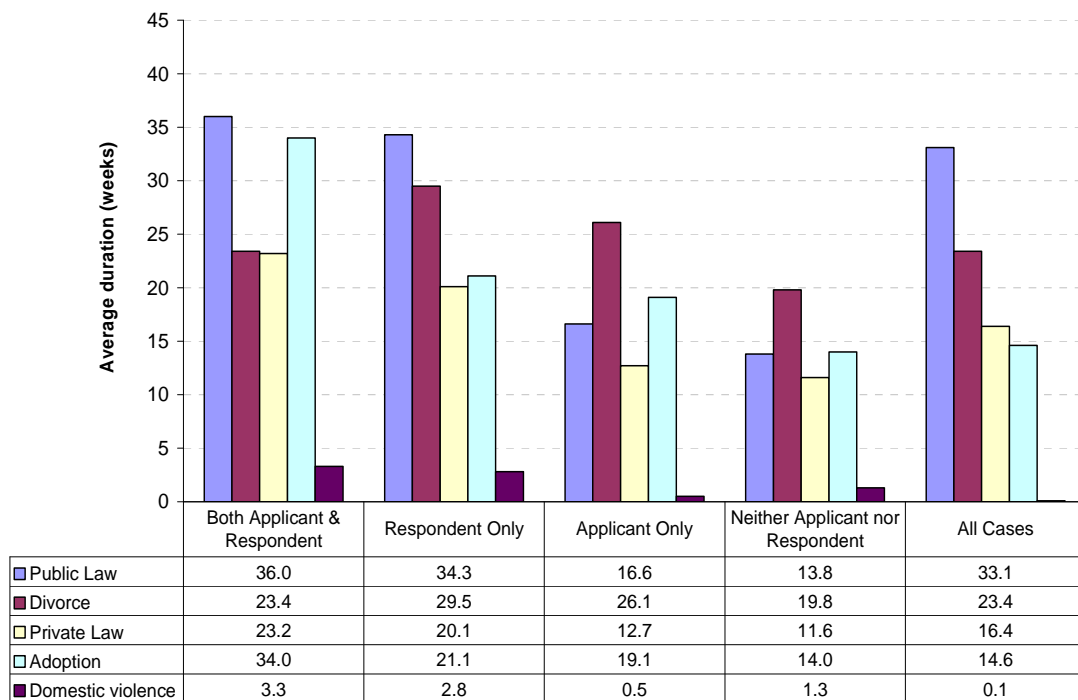
## Legal representation

Figures on the legal representation of parties in family-related court cases are shown in Table 2.4. This gives the number of disposals made during each quarter and the average duration between application and first substantive disposal, for divorce, public law, private law, adoption and domestic violence cases, according to whether the applicant(s), respondent(s), both or neither had legal representation during the case.

The legal representation status reflects whether the applicant/respondent's legal representative has been recorded or left blank. Therefore, parties recorded as without legal representation are not necessarily self-representing litigants in person, for example in non-contested divorce cases.

In general, across all case types, cases where both parties or the respondent only had legal representation took longer than those cases where only the applicant was represented or where both parties were without legal representation. Figure 2.6 shows average duration for the various categories in July - September 2013.

**Figure 2.6: Timeliness of cases according to legal representation of participants, by case type, July to September 2013**



The average case duration for divorce cases across all representation categories has remained fairly constant over recent years, while for public law average duration has fallen since the end of 2011. Changes to legal aid came into effect as of April 2013, and figures show that in the quarters following, the number of disposals for private law cases where both parties were represented dropped but their average duration increased, while for those where neither party was represented, disposals increased and duration fell. However, it should also be noted that for those cases where both parties were represented, over half (53%) commenced before 1 April

2013. As eligibility for legal aid funding has become more restricted it is likely that cases where both parties are represented now are more complex, perhaps involving allegation of harm although there is not yet enough data to support this hypothesis, contributing to the longer duration.

The Legal Aid Agency (formerly the Legal Services Commission) publishes statistics on those applying for legal aid, and the latest figures for 2012-13 can be found here:

[www.justice.gov.uk/publications/corporate-reports/legal-services-commission/](http://www.justice.gov.uk/publications/corporate-reports/legal-services-commission/)

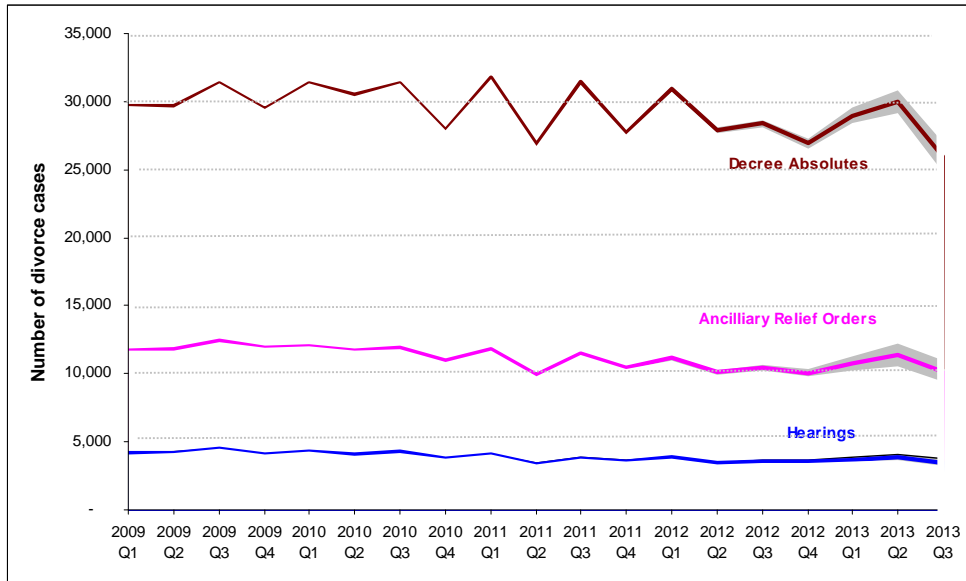
## **Matrimonial matters**

The new divorce CSV file accompanying this publication, which effectively replaces and expands on the summary table published in previous bulletins, provides the numbers of petitions and decrees for divorce, annulment and judicial separation. It also provides a breakdown of whether the petitioner in each case was male or female, whether children were involved in the divorce petition, and whether the divorce was contested or not.

In addition to caseload, divorce is the first family law area that has case progression incorporated in this publication. A summary of divorce case progression can be found in the companion Excel tables (table 2.5) and it shows the number and proportion of divorce cases commencing in each quarter since 2003 that had reached certain stages by the end of September 2013.

The table also includes an estimation based on the paper “Generalised estimation method for the number of case that reach any stage in the court process in civil justice” published in the A Guide to Court and Administrative Justice Statistics. The estimation shows final numbers of cases that will reaching each stage (decrees nisi, decrees absolute, ancillary relief applications, ancillary relief orders, hearings, injunction applications and injunction orders). Based on this estimation around 90% of divorce petitions eventually proceed to a decree absolute. Ancillary relief applications and orders are eventually made in just over a third cases, and hearings take place in just over 10% of cases. Figure 2.7 illustrates these trends.

**Figure 2.7: Estimated case progression of divorce cases, 2009 Q1 to 2013 Q3**



## Forced Marriage Protection Orders

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

The number of applications and orders made for FMPOs is small. For July - September 2013 there were 55 applications, the highest number in any quarter since they came into force, and 36 orders made.

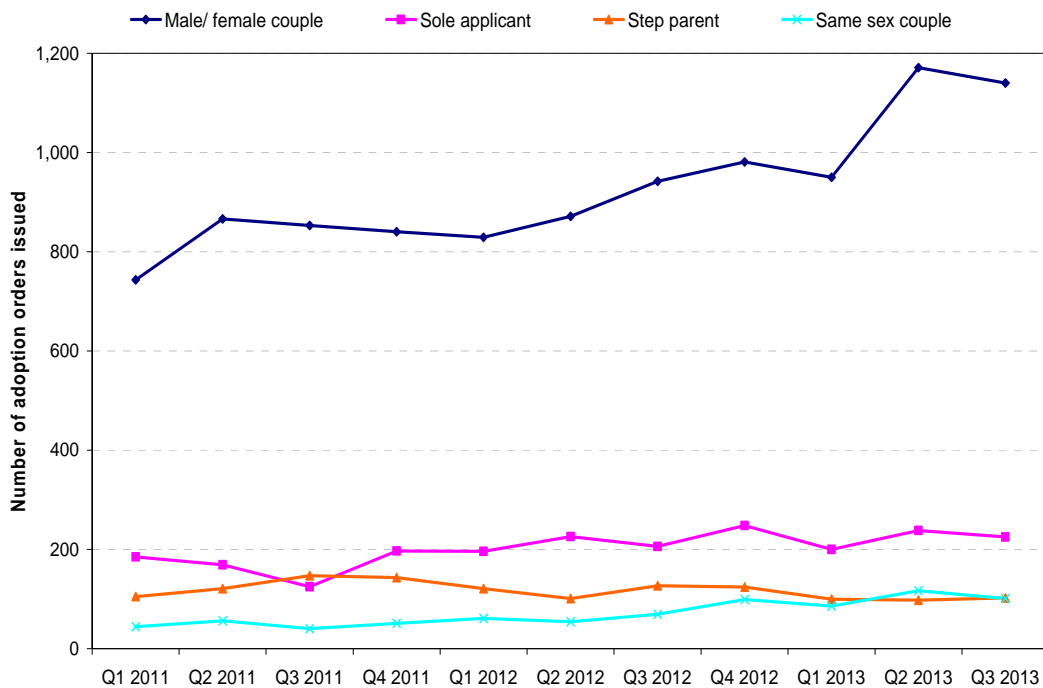
## Adoptions

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

In July - September 2013, there were 2,078 applications made for a placement order, up slightly from recent quarters. There were 1,584 applications made for an adoption order, maintaining the level over the previous two months.

During July - September 2013, there were 1,568 adoption orders issued, up 17% from the same quarter of the previous year. In almost three-quarters of these, the adopters were a male/female couple, while in 14% the adopter was a sole applicant. In a further 7% the adopter was a step-parent and in 6% the adopters were a same-sex couple (Figure 2.8). Figures on the sex and age band of adopted children can be found in Table 2.10 and timeliness figures can be found in Table 2.4. A wider range of breakdowns for adoption applications and orders, for example by type of order, can be produced from the accompanying CSV file.

**Figure 2.8: Adoption orders issued, by adopter, January to March 2011 to July –September 2013**



## Chapter 3: Criminal cases

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

The magistrates' courts hear the less serious summary cases and some 'triable-either-way' cases. Triable-either-way cases can also be sent to the Crown Court for trial if the magistrates' courts decide the matter is serious enough or if a defendant elects to be tried by judge and jury. Indictable only cases can only be tried on indictment in the Crown Court as they cannot be heard summarily at the magistrates' courts.

On 28<sup>th</sup> May 2013 committal hearings were abolished nationally as part of wider measures to speed up justice and improve efficiencies in the justice system<sup>3</sup>. As a result cases are now be sent straight to the Crown Court as soon as it is clear the matter is serious enough, rather than having to await a committal hearing. Committal hearings were abolished for indictable only cases in 2001.

### **Criminal cases in the magistrates' courts**

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

### **Completed cases in the magistrates' courts**

Statistics on completed cases in the magistrates' courts count every separate offence that is dealt with during the course of a case. However, if two or more offences from a case are dealt with on the same day, then only one is counted (the most serious offence is selected) for statistics by case type.

The total number of completed cases in the magistrates' courts has decreased by 2% in July - September 2013 compared to the same quarter of the previous year and is now the lowest quarterly level seen in the last four years. This was driven by the decline of adult summary cases, a fall of 4% compared to the same quarter of 2012 (272,124).

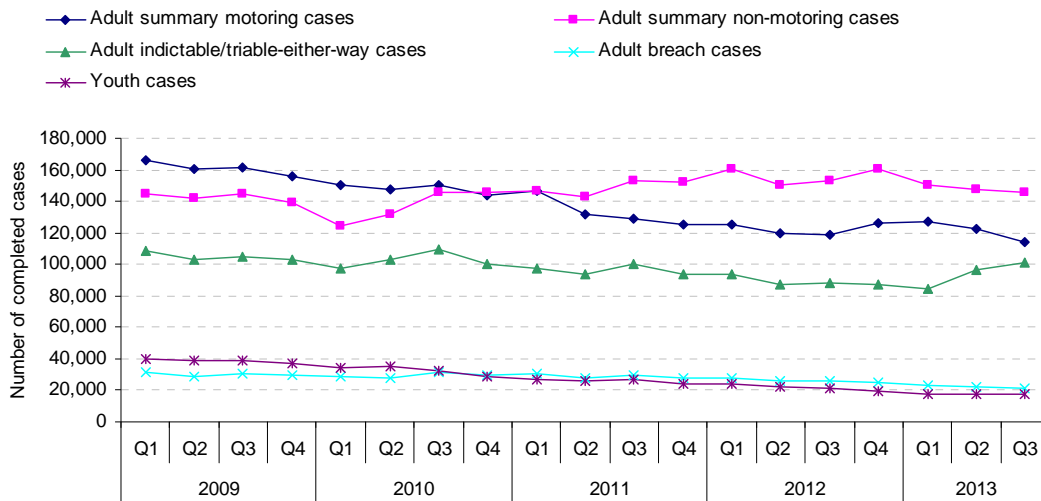
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<sup>3</sup> [www.gov.uk/government/news/faster-justice-as-unnecessary-committal-hearings-are-abolished](http://www.gov.uk/government/news/faster-justice-as-unnecessary-committal-hearings-are-abolished)



However, completed adult indictable/triable-either-way cases rose by 5% compared to second quarter of 2013. The volume of completed adult indictable/triable-either-way cases had been falling from 2008 to early 2013. The first quarter of 2013 saw the lowest quarterly figure recorded<sup>4</sup>. Since then, the volume of completed adult indictable/triable-either-way cases has increased and July - September 2013 is 15% higher compared to the same quarter in 2012.

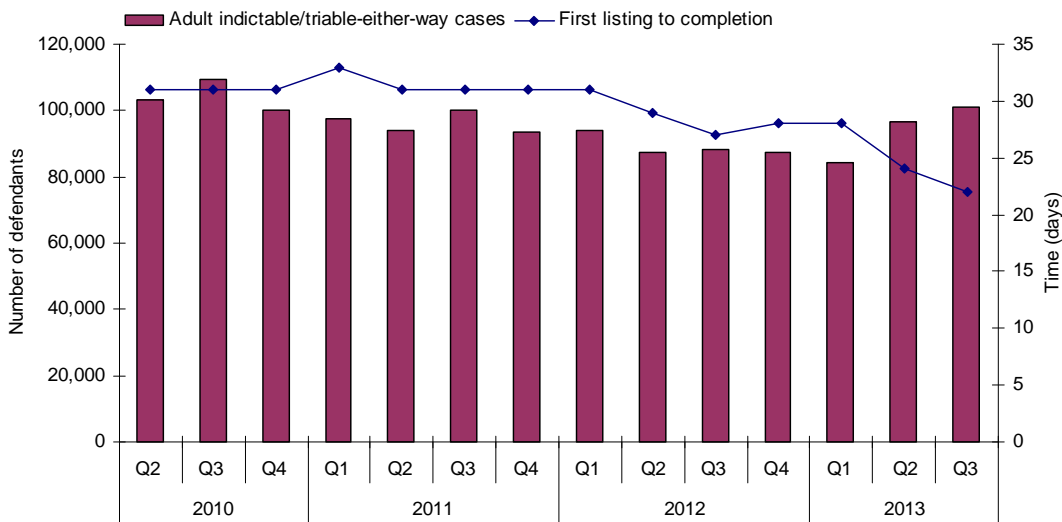
**Figure 3.1: Criminal cases completed in the magistrates' courts, Q1 2009 to Q3 2013**



Despite the volume increase of completed adult indictable/triable-either-way cases, the time taken between first listing and completion at court for indictable/triable-either-way cases fell by two days between the second and third quarter of 2013. This is a continuation of the decrease from first to second quarter of 2013.

<sup>4</sup> Comparable figures are only available from 2008 when the magistrates' courts migrated to the Libra data collection system.

**Figure 3.2 Adult indictable/triable-either-way completions and timeliness in the magistrates' courts, Q2 2010 to Q3 2013**



Much of the rise in completed adult indictable/triable-either-way cases and decrease in the time taken between first listing and completion coincided with the national abolition of committal proceedings for triable-either-way cases in May 2013. The magistrates' courts can send triable-either-way cases to the Crown Court for trial as soon as it is clear that the circumstances of the case are sufficiently serious; thus, reducing the number of hearings needed and time spent in the magistrates' courts.

### **Trials in the magistrates' courts**

The proportion of effective trials – that commenced as scheduled and reached a conclusion – saw a step change between 2003 and 2006. In the same period, the proportion of ineffective trials dropped. Since then rates of effective, cracked and ineffective trials have all remained relatively stable.

The main reasons for ineffective trials (Table 3.4) in July - September 2013 were due to court administration problems<sup>5</sup> (28% of all ineffective trials). Of these, 73% (1,391 cases) were not heard due to over listing. Over listing occurs due to court staff seeking to balance utilisation of available courtrooms against expected rate of trials completing. Over listing allows additional cases to be readily heard on a given day should cases finish earlier than expected, and therefore make best use of the available courtrooms.

### **Criminal cases in the Crown Court**

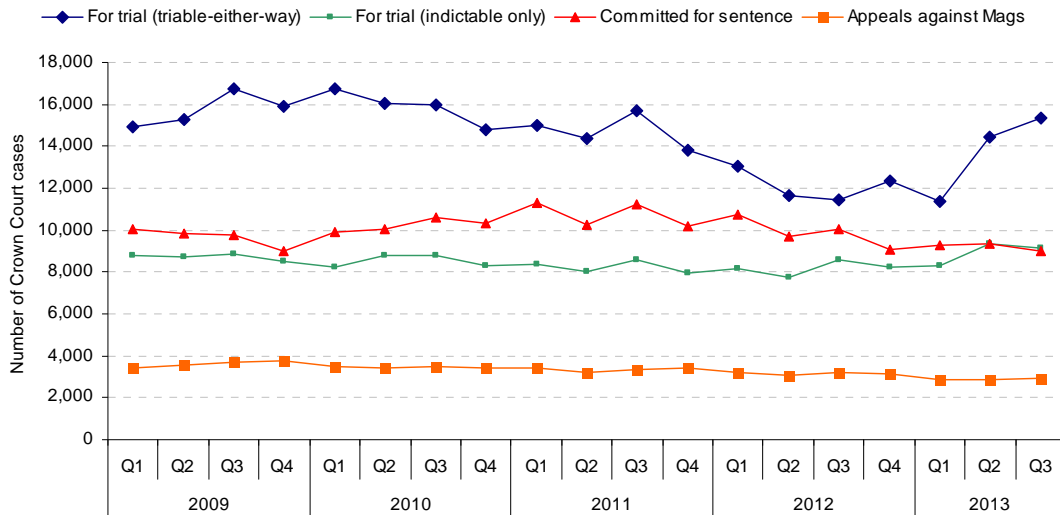
The Crown Court deal with cases received from the magistrates' courts for sentencing, trial or appeal against magistrates' courts' decision.

<sup>5</sup> Court administration problems covers all trials that are ineffective due to 'Another case over-ran', 'Judge / magistrate availability', 'over listing (insufficient cases drop out / floater / backer not reached', and 'equipment / accommodation failure'.

### Caseload in the Crown Court

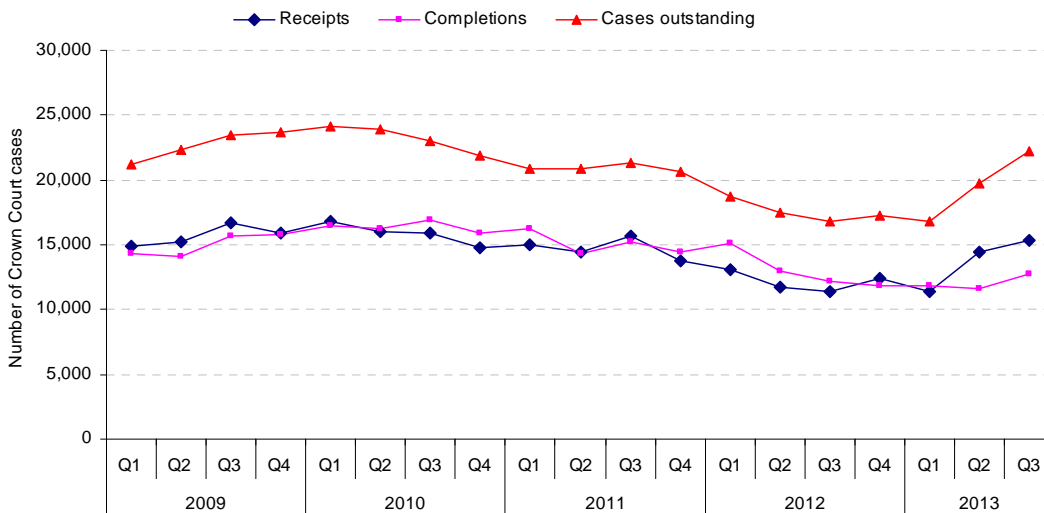
The number of cases received in the Crown Court between 2004 and 2010 increased by 25% (from 122,062 to 152,336). Receipts had been falling consistently since the third quarter of 2011.

**Figure 3.3: Crown Court receipts by case type, Q1 2009 to Q3 2013**



However, the second quarter of 2013 saw a 13% increase in receipts compared to the previous quarter, due to the rise in triable-either-way receipts coinciding with the abolition of committal hearings at magistrates' courts. Triable-either-way receipts rose by 24% compared with the same period of the previous year and a 27% increase compared to the first quarter of 2013. This increase is mirrored in the number of outstanding cases as opposed to completions, as cases require time to reach an outcome.

**Figure 3.3: Receipts, completions and outstanding triable-either-way cases in the Crown Court, Q1 2009 to Q3 2013**



The rate of receipts for triable-either-way cases started to slow in July - September 2013, increasing by only 6% over the previous quarter. The number of outstanding cases increased by 13% over the same period. This is the result of changes to the committal process at the magistrates' courts which has seen cases arriving at the Crown Court for trial more quickly. However, it is too early to say how these changes impact the timeliness of cases completing in the Crown Court.

The number of indictable only receipts increased steadily from 2006 and peaked in 2009 at 34,869 cases. Since then, receipts have gradually decreased to 32,666 cases by 2012. In the second quarter of 2013 the number of indictable only cases rose to 9,335 cases, the highest quarterly figure in the last four years.

The magistrates' courts can commit a case to the Crown Court for sentence only after a defendant has been convicted. This would occur where a magistrate believes their sentencing powers are insufficient to apply an appropriate sanction to the defendant.

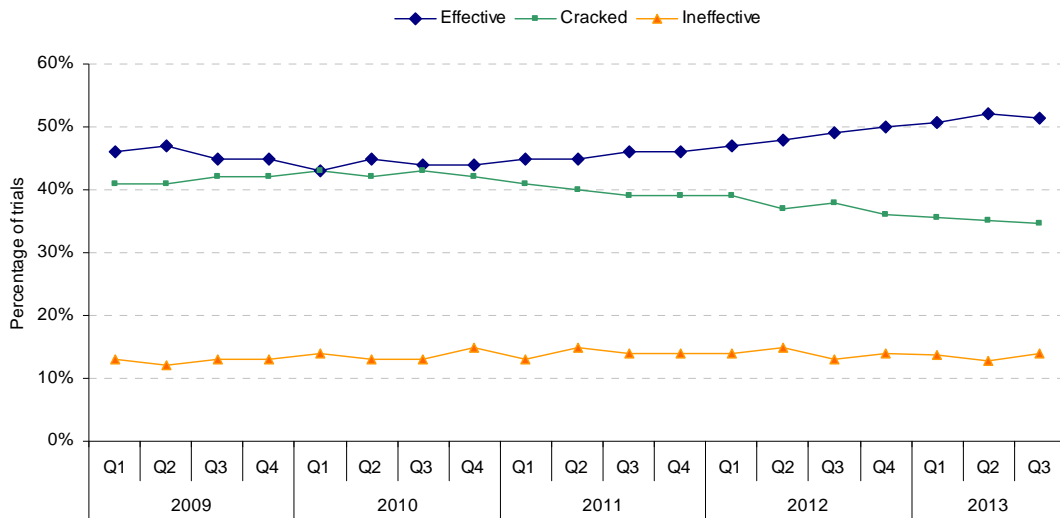
From 2000, the number of committed for sentence cases received by the Crown Court increased by 63% to a peak of 42,981 cases in 2011. Since then it has declined by 8% to 39,579 cases in 2012.

The average (mean) time from offence to completion of criminal cases in the Crown Court has been fairly stable since the third quarter of 2012. In July - September 2013 overall duration from offence to completion fell by 14 days compared to the previous quarter. This was largely driven by the decrease in time from charge/laying of information to first hearing in a magistrates' court.

### **Trials in the Crown Court**

A trial case can conclude without the need for a trial by a judge and jury. For example, a defendant entering an accepted guilty plea is subsequently sentenced and requires no trial. A trial is scheduled when a defendant enters a not guilty plea.

**Figure 3.5: Effectiveness of trials in the Crown Court, Q1 2009 to Q3 2013**



Between 2008 and 2010, the number of trials listed in the Crown Court increased by 20%. This was reversed by a decrease of 11% between 2010 and 2012 and the downward trend continued into the second quarter of 2013 with 8,488 trial listings.

The proportion of trials that cracked peaked in 2010 at 43%. This has fallen consistently to a low of 35% in the second quarter of 2013. Consequently, the proportion of effective trials<sup>6</sup> has subsequently increased steadily for the same period, reaching a peak of 52% in the second quarter of 2013.

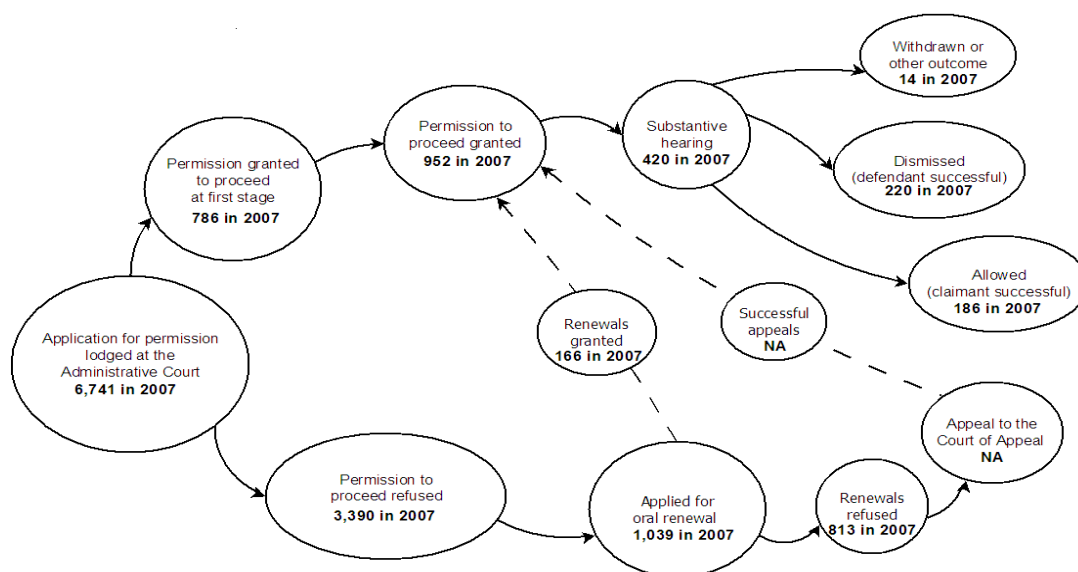
<sup>6</sup> In the Crown Court, a trial is effective once a jury has been sworn in, and remains effective regardless of whether they go on to reach a verdict.

## Chapter 4: Judicial Reviews

The data used in this chapter is taken from a system in the Administration Court<sup>7</sup> (COINS) and it tracks the progress of Judicial Reviews (JRs) lodged between 1 January 2000 and 30 September 2013<sup>8</sup>. As this information has been extracted from a live database, there are minor revisions between the information presented here and earlier data<sup>9</sup>. For more information on the Judicial Review process, including how topics are allocated to Immigration/Asylum and Other, please see the **A Guide to Court and Administrative Justice Statistics**<sup>10</sup>

The analysis in this chapter covers JRs lodged between 1 January 2000 and 30 September 2013. Information for all years is provided in the supporting tables and csv that accompany this publication. Please note for later years cases may not have progressed to the end of the process, so the progression and timeliness figures for these cases should be treated with caution.

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



<sup>7</sup> The Administration Court is part of the Queens Bench Division. The data presented here is for judicial reviews only. The administration court also deals with other types of appeals, as such these figures are not reflective of the workload of the administrative court.

<sup>8</sup> Data was extracted in two waves. The data for 2007 to 2013 was extracted in October 2013, while the data for 2000 to 2006 was extracted in November 2013. Data is from a live database and subject to continual revisions

<sup>9</sup> For more information please see [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/262036/revision-judicial-review-figures-stats.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/262036/revision-judicial-review-figures-stats.pdf)

<sup>10</sup> [www.gov.uk/government/publications/guide-to-court-and-administrative-justice-statistics](http://www.gov.uk/government/publications/guide-to-court-and-administrative-justice-statistics)

## Applications for permission to apply for Judicial Review

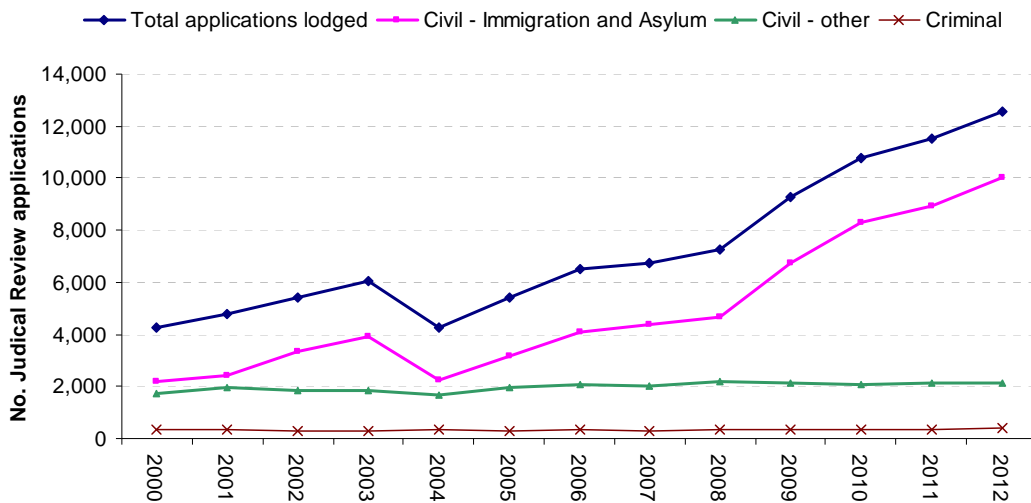
In 2000, there were 4,288 applications (Table 4.1) for permission to apply for Judicial Review, but 2012 this had risen to 12,575 (over a three fold increase). Already in January to September 2013, there have been 12,780 applications lodged.

The overall trend in judicial reviews has been steadily upwards, with the exception of a dip in 2004. This dip coincided with a new option to appeal immigration and asylum cases through a statutory review, rather than a judicial review. This process was introduced in 2003, peaked in 2004 and then fell out of use, it was removed in 2009.

Immigration and Asylum cases have been driving this increase, from 2,173 in 2000 to 10,049 in 2012. This type of judicial review accounted for 51% of all JRs in 2000, and 85% of all JRs in 2012. Figure 4.2 shows these increases over time.

The trends in civil (other) and criminal judicial reviews has not been so marked. The criminal cases have only risen 10% over the period, while civil (other) cases rose by 21%.

**Figure 4.2: Judicial Review Applications, by type<sup>11</sup> 2000-2012**



## Case progression (table 4.2)

Once a judicial review has been lodged it then progresses through the process until it reaches its end stage, this will be different for each cases. See figures 4.1 for an illustrated example. Please note the case mix for judicial reviews has changed over time, for example the proportion of cases which are civil (immigration and asylum) as risen, so trends in progression should be treated with caution.

<sup>11</sup> This chart excludes a small number of cases that could not be allocated to a type

### **Permission stage**

- In 2000, 28% of judicial reviews lodged reached the permission stage and were granted permission to proceed. By 2012 this had reduced to 8%. This drop is partly explained by drop in the proportion of cases that reached the permission stage, which fell from 84% in 2000 to 63% in 2012.

### **Oral renewals**

- For those cases that progressed to the oral renewal stage the trends are far more stable. In 2000, 4% of all cases lodged reached an oral renewal and were granted permission to proceed. This was 3% by 2012.

### **Final hearing**

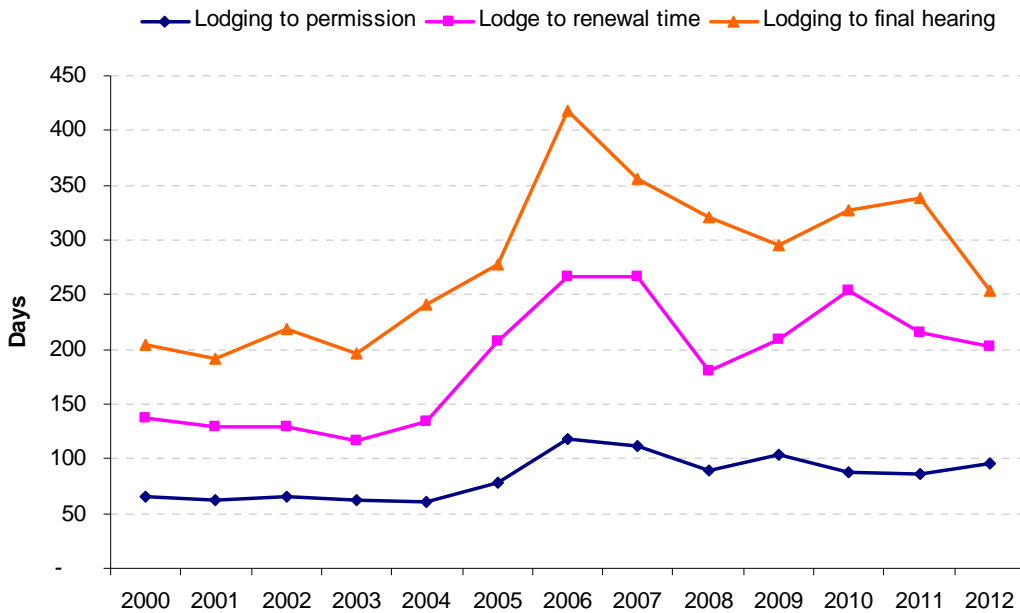
- The proportion of cases that found in favour of the appellant at a final hearing has been historically around 3%. The 2012 figure is currently at 1% in 2012, but 13% of the cases are still open. Additionally, the figures in 2000 and 2001 were respectively 12% and 7% which coincides with a lower proportion of Immigration and asylum JRs.

### **Timeliness (table 4.3)**

- The average time taken from lodging a case to first permission stage has risen over time. With cases taking an average of 65 days in 2000, and 95 days in 2012. This maybe due to the rise in cases lodged over this period.
- The average time taken from lodging a case to oral renewal has also risen over time, from 137 days in 2007 to 203 in 2012.
- The time taken from lodging to final hearing has increased over time from over 205 days in 2000 to 254 in 2012. Please note this is based on cases that have reached a final hearing and may change for later periods as cases progress through the system.



**Figure 4.4: Average time taken for each stage of the Judicial Review process, 2000 to 2012<sup>12</sup>**



### Totally without merit (table 4.4)

In refusing permission for judicial review a judge can certify a case to be totally without merit (TWM). This has existed for some time in the context of the court's power to make civil restraint orders and in immigration cases where it could result in there being no bar to deportation, unless an injunction is obtained. As part of the Government's reforms to judicial review procedure, since 1st July 2013 a case refused permission and certified as totally without merit on the papers cannot be renewed at an oral hearing.

From the 1<sup>st</sup> of October 2012 to 30<sup>th</sup> September 2013 there were 16,043 cases lodged. Of these 6,667 (42%) had reached permission or oral renewal stage at the time the data was extracted in November 2013. Of those that had reached these stages 2,091 (31%) were found to be totally without merit.

The proportion of cases found to be totally without merit was higher for civil (immigration and asylum cases) at 31%, compared to only 14% of civil (other cases).

<sup>12</sup> Data is not shown for the average time taken between each stage for cases that have reached these stages. Figures for later years may change in later periods.

## Annex A: Enforcement of financial impositions

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

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

### Financial impositions and amounts paid

Financial penalties can be imposed by the magistrates' courts and the Crown Court; however they are all collected and enforced by the magistrates' courts. Table B.1 presents the amount of financial penalties collected by the courts in a given period.

In the third quarter of 2013, the total value of financial penalties paid, regardless of the age of the imposition, was £74 million; a 9% increase compared with the same quarter of 2012 and a 6% increase on the previous quarter (Table B.1).

The total value of impositions in the third quarter of 2013 was around £106 million; an increase of 6% compared to the same quarter of 2012 and stable (less than 1% increase) with the previous quarters total impositions.

In the third quarter of 2013, 13% (£14 million) of financial impositions were imposed by the criminal courts were paid within the imposition month.

Each year there are a number of financial penalties that are cancelled, either administratively or legally. Legal cancellations can be applied after the case has been reconsidered by a judge or a magistrate and may follow a change in circumstances. Administrative cancellations are only applied in accordance with a strict write off policy, e.g. where the defendant has not been traced, these can then be re-instated if the defendant is then traced.

The latest information shows that around 6% (£6.5 million) of the financial penalties imposed in the third quarter of 2013 had been cancelled.

## **Financial imposition accounts opened and closed**

Table B.3 presents the number of financial penalty accounts opened and closed. An account is opened when a financial penalty is ordered in court and is closed when the imposition against the account has been paid or the imposition is cancelled. Where a defendant has more than one financial penalty and/or account, these can be consolidated into one account.

Around 311,500 accounts were opened in the third quarter of 2013, a 3% increase compared to the same period of the previous year.

Of the accounts opened in the third quarter of 2013, 13% (39,069) were closed within the month of imposition

## **Outstanding financial impositions**

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

In the third quarter of 2013, the total value of financial impositions outstanding in England and Wales was £566 million. This has consistently fallen and is down 2% on the previous quarter.

## Annex B: Planned upcoming changes to publications

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

### Family

As time permits, we are planning to produce additional family CSV files to the files already published in order to make more data available than is possible in table format – in other words, breakdowns and variables that have not been published previously.

In addition, it is intended that more tables showing case progression, such as that for divorces will also gradually be introduced for various other types of cases, such as for ancillary relief and domestic violence cases.

### Criminal

#### Crown Court data

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

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

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

- Different validation rules;
- Timing of data extraction.

### **Magistrates' courts data**

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

## Explanatory notes

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

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

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

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

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

### Revisions

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

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

For more information please see the **Guide to Court and Administrative Justice Statistics**.

### Symbols and conventions

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

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

## Contacts

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General enquiries about the statistics work of the MoJ can be emailed to [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk)

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