



Ministry
of Justice



A guide to criminal court statistics

Ministry of Justice

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Introduction

This document aims at providing a comprehensive guide to the criminal court system, focusing on concepts and definitions published in Ministry of Justice statistics. It also covers overall statistical publication strategy, revisions, data sources, quality and dissemination, and methodological developments.

The key areas covered in this guide are:

- A high level background to the magistrates' courts and the Crown Court.
- Information on the frequency and timings of the bulletin and the revisions policy.
- Details of the data sources and any associated data quality issues.
- Major legislation coming into effect in the period covered by the bulletin.
- A glossary of the main terms used within the publications.
- A list of relevant internet sites on the magistrates' courts and the Crown Court.

Background to the criminal court system

Much of the activity in the criminal justice system starts with the police, when a crime is committed, reported and detected. Some of these crimes are dealt with by means of out of court disposals (such as penalty notices, cautions and warnings) whilst others are dealt with through the criminal court system.

The Criminal Court is complex and covers a range of sub-systems and services.

Virtually all criminal court cases in England and Wales 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.

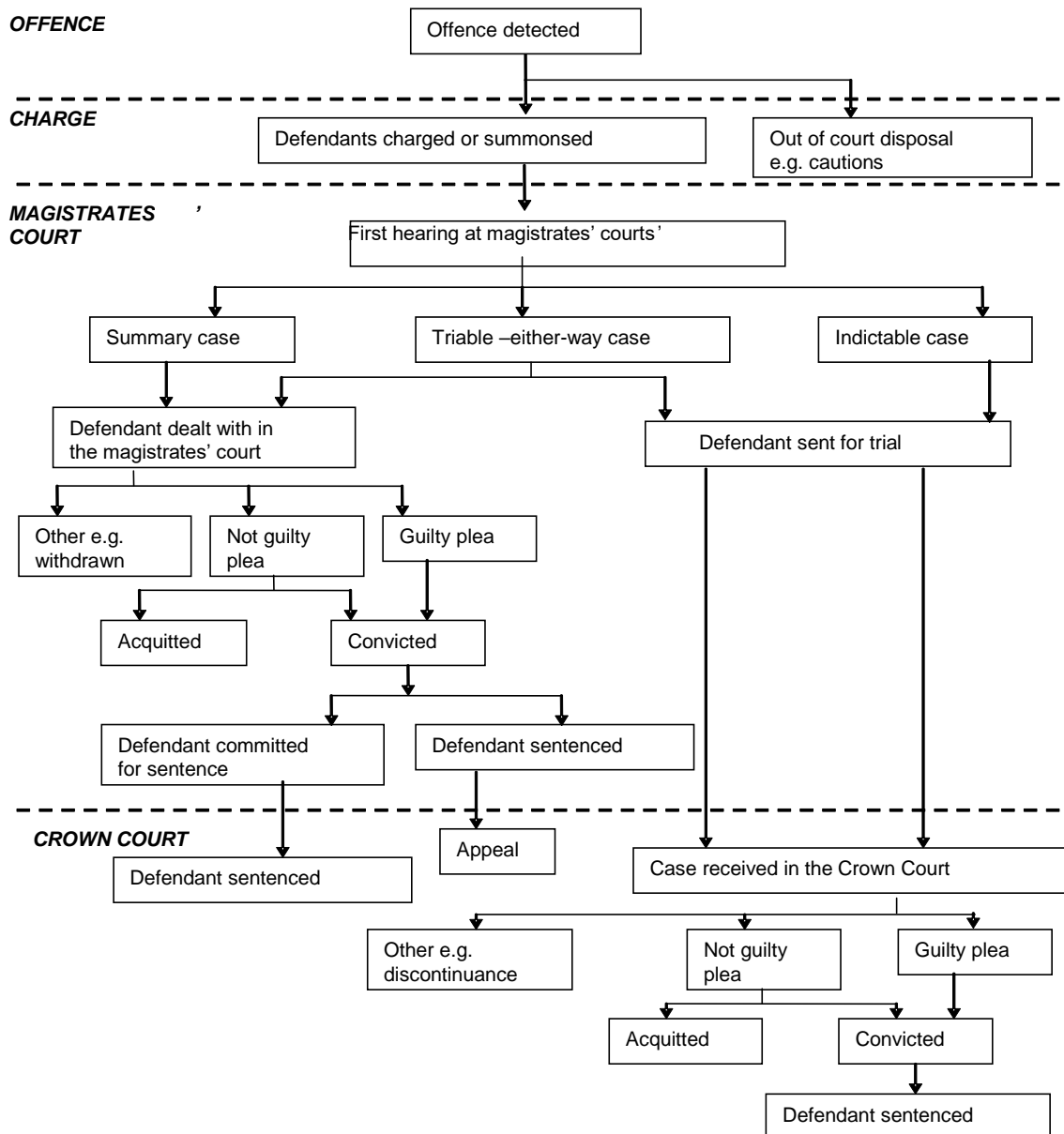
Cases in the magistrates' courts are heard by either two or three lay magistrates (local people who volunteer their services, who may not have formal legal qualifications but will have undertaken a training programme to develop the necessary skills) or by one District Judge (legally qualified, paid, 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.

On 28th May 2013 committal hearings were abolished in magistrates' courts as part of wider measures to speed up justice and improve efficiencies in the justice system¹. As a result, cases are now 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.

The following flow chart provides an overview of the main court processes for criminal cases. The police will formally charge or lay information against a defendant if there is sufficient evidence and none of the out of court disposals are appropriate.

¹ <https://www.gov.uk/government/news/faster-justice-as-unnecessary-committal-hearings-are-abolished>

Figure 1: A description of the main court processes for criminal cases



The magistrates' courts

The magistrates' court is the first tier of criminal courts in England and Wales and is presided over by three 'Justices of the Peace' (known as lay magistrates) or by a district judge who dispenses summary justice. Justices of the Peace do not require formal legal qualifications, but will have undertaken a training programme, including court and prison visits, to develop the necessary skills. They are also given legal and procedural advice by qualified clerks. District judges on the other hand are legally qualified, paid, full-time professionals and are usually based in the larger cities. They normally hear the more complex or sensitive cases.

A criminal case can start and finish in a magistrates' court or start in a magistrates' court and finish in a higher court, normally the Crown Court. The magistrates' courts hear the less serious summary cases such as

common assault or motoring offences as well as some 'triable either way' cases such as theft.

Defendants are given the opportunity to enter their plea at the first hearing. If the defendant enters a not guilty or no plea, the case is heard summarily in a trial hearing. If a guilty plea is accepted the defendant is convicted and sentenced, and the case is completed.

The magistrates' courts can also send cases for trial or sentencing to the Crown Court. These cases are considered to have completed in the magistrates' court as no further action is required by the magistrates', however the cases have not concluded until the defendant is acquitted or sentenced at the Crown Court. The magistrates' courts also deal with breaches, where the defendant breached the conditions of an order that was previously imposed by a court.

The Crown Court

The Crown Court is a single court and carries out three principal types of activity: jury trials, the sentencing of those who are convicted in either the Crown Court or magistrates' courts, and appeals from decisions of magistrates.

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

The Crown Court also deals with cases 'committed for sentence'. These cases are 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. The Crown Court also deals with appeals against a conviction or sentence given by a magistrates' court.

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

- Class 1 – Normally heard by a High Court Judge, these are the most serious offences which include murder, manslaughter and an offence under the Official Secrets Act.
- Class 2 – These are predominantly sexual offences and are usually heard by a Circuit Judge under the authority of the Presiding Judge.
- Class 3 – Includes all other offences not in class 1 or 2 and are normally tried by a Circuit Judge or Recorder.

From the 6th June 2005, the method of classifying offences was amended such that all class 4 offences were reclassified to class 3 offences. However, in some instances class 4 is still used,

Defendants tried in the Crown Court are provided the opportunity to plea at the Plea and Case Management hearing. Similar to cases heard summarily, a defendant who enters an accepted guilty plea is sentenced, whilst those who enter a not guilty plea are scheduled (listed) for a trial hearing. A defendant can enter a guilty plea at any point in the case.

In its appellate jurisdiction the Crown Court deals mainly with appeals against conviction and/or sentence in respect of criminal offences, including consequential orders, e.g. disqualification from driving, and against the making of certain stand alone orders, e.g. Anti-Social Behaviour Orders. The Crown Court may dismiss or allow the appeal and vary all or any part of the sentence. Appeals are usually heard by a Circuit Judge sitting with no more than four lay magistrates (normally two).

Effectiveness of trials

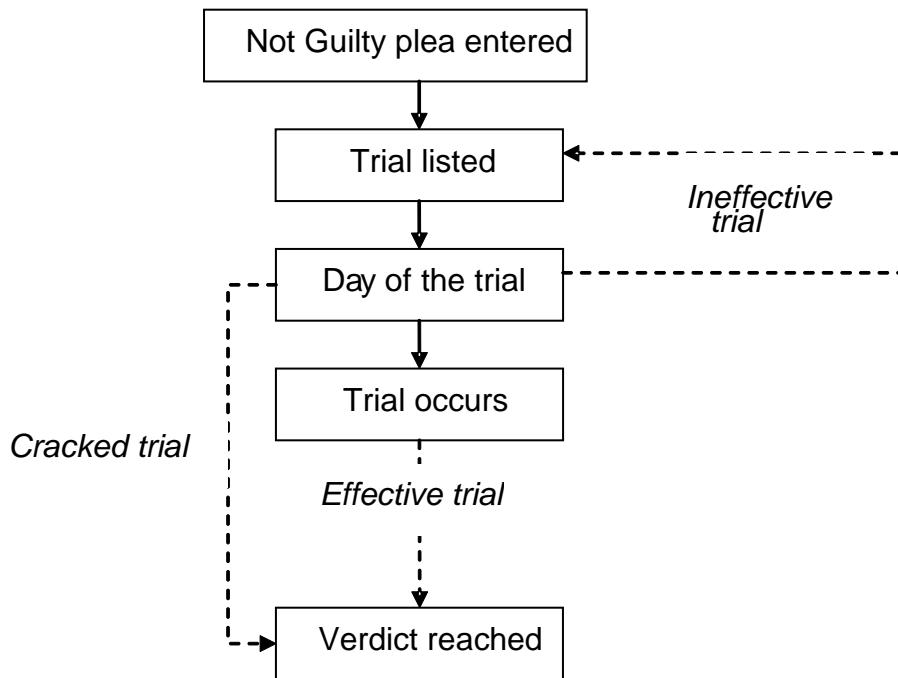
A trial in the magistrates' court or Crown Court is a hearing at which the prosecution produces evidence to prove the case against the defendant. Trials in the magistrates' court are heard by two or three magistrates or by one district judge while trials in the Crown Court are typically heard before a judge and jury. The length of a trial could be anything from less than a day to several months or longer depending on the complexity of a case and the amount of evidence heard. Trials conclude with a verdict of an acquittal for those found not guilty or a conviction for those found guilty. For those found guilty the case is completed once the defendant has been sentenced.

In the magistrates' courts, a trial which commences on a scheduled date and reaches a conclusion is recorded as an effective trial. For the Crown Court, a trial is effective once a jury has been sworn in, regardless of whether they go on to reach a verdict.

An ineffective trial does not commence on the due date and requires a rescheduling. This could be due to the absence of a defendant or a witness, the case not being ready or due to administrative reasons at the court centre.

In contrast, a cracked trial does not commence on the scheduled date and the trial is not rescheduled, as a trial is no longer required. Cracked trials are usually the result of an acceptable plea being entered by the defendant on the day or the case ending as the prosecution decides not to proceed (offers no evidence) against the defendant.

Figure 2: A description of the process for trial hearings in criminal court cases



Data sources and data quality

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

Timeframe and publishing frequency of data

The statistics in this publication are for the 2017 calendar year. All the data covered in this guide are published every quarter. This time period has been chosen over shorter (quarterly) timeframes to minimise the volatility caused by seasonality - for example reduced court volumes every December when many of the courts are closed over the Christmas period.

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

<https://www.gov.uk/government/organisations/ministry-of-justice/about/statistics#publication-schedule>

Magistrates' courts

Since 2008 the HMCTS Performance Database OPT has been used for collecting data on most aspects of magistrates' courts activity. This is a web-based performance system which enables aggregation to national level. In most cases the 2008 data is comparable with earlier data, but this does not apply to caseload data. The data sources used within this chapter are briefly discussed below.

Workload

The figures presented in Table M1 are derived from the Libra report on the HMCTS Performance Database OPT, which covers all cases dealt with in magistrates' courts – criminal and otherwise.

The statistics on workload is populated based on information contained on the Libra Management Information System and manual data collection. 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 data are necessarily subject to the inaccuracies inherent in any large-scale data recording system

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 cases, whilst Criminal Court Statistics Quarterly (CCSQ) 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 cases

Statistics on the timeliness of criminal proceedings completed in the criminal courts are sourced from linking together extracts taken from Crown Court administrative system 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.

Up to September 2016, the Ministry of Justice published timeliness figures excluding cases where the duration of the case was over ten years.

Following a consultation in early 2015, a proposal was agreed to make changes to the end-to-end case timeliness methodology. The proposed change was to remove the 10 year threshold from the validation scripts applied to published estimates. In the September 2016 publication, tables based on both the existing and new experimental timeliness methodologies were published, along with a separate annex document providing users with a detailed explanation of the change in approach and comparisons between statistics produced under the two methodologies.

From December 2016, only the timeliness figures based on the methodology including cases where the duration was over ten years were published.

The timeliness durations are shown in calendar days, so as an example, the duration from offence to completion is the number of actual days from the date of offence to the date of completion.

Trials

The figures presented on trials are collected and processed by the Business Information Division in HMCTS. Prior to April 2007 the data was collected on the cracked and ineffective trial monitoring forms. The HMCTS Performance Database was introduced in April 2007 and has been used since then for data collection. The figures are vulnerable to external factors such as human error and missing data due to non-returns.

The numbers of effective, cracked and ineffective trials are monitored, as well as the reasons for cracked and ineffective trials. Vacated trials are trials which have been removed from the list before the date of the trial.

Crown Court

This information has been produced using the Crown Court 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 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 proceeds in the Crown Court. Statistical quality assurance procedures include the identification and removal of duplicate entries, checks of apparent anomalies and checks for completeness. Changes in system and procedures can lead to reporting discrepancies as courts may need time to adjust to new ways of working.

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 cases, whilst CCSQ 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.

Enforcement of financial impositions

The measures reported in the CCSQ have been developed by Her Majesty's Courts and Tribunals Service (HMCTS) in response to recommendations made by the National Audit Office for measuring the enforcement of financial impositions. This section of the bulletin provides updated management information on the collection of financial impositions through HMCTS.

The management information presented in Tables A1 to A4 are sourced from the HMCTS Performance database, and is populated based on information contained on the Libra Management Information (accounting system). This data system contains information about financial impositions 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.

Impositions made in the latest time period are reported, and payment information for previous time periods will continue to be recorded. Financial penalties shown in table A1 can be imposed by the magistrates' courts and the Crown Court; although they are all collected and enforced by the HMCTS National Compliance and Enforcement Service.

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 (Table A2). 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 registered as fines for enforcement. The financial imposition statistics presented do not include confiscation orders.

One recorded imposition to note is Victim surcharge (Table A2), it is an additional surcharge which is added to the fines that are imposed. The receipts obtained from the collection of these monies by HMCTS are passed to the Justice Policy Group of the MoJ to fund victims' services. The amount imposed has been increasing since its scope and amounts payable were extended in October 2012.

A financial imposition account (as seen in Table A3) 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 ceases. Where a defendant has more than one financial penalty and/or account, these can be consolidated into one account.

The reporting on the amount of impositions outstanding (Table A4) 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.

Revisions

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

<https://www.gov.uk/government/publications/ministry-of-justice-statistics-policy-and-procedures>

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

1. changes in sources of administrative systems or methodology changes
2. receipt of subsequent information, and;
3. errors in statistical systems and processes. Each of these points, and its specific relevance to the criminal justice statistics publication, are addressed below:

1. Changes in source of administrative systems/methodology changes

The data within this publication comes from a variety of administrative systems. This technical document will clearly present where there have been revisions to data accountable to switches in methodology or administrative systems. In addition, statistics affected within the publication will be appropriately footnoted.

2. Receipt of subsequent information

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

3. Errors in statistical systems and processes

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

Changes to this publication:

Timeliness data for the April – June 2015 quarter have been revised due to updated raw magistrates' court data for April 2015.

Timeliness data for the April – June 2017 and July – September 2017 quarters have been revised to include Automated Track Case Management (ATCM) TfL cases which started in April 2017.

Data developments

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

Comparison with Criminal Justice Statistics

The publications Criminal Court Statistics Quarterly (CCSQ) and Criminal Justice Statistics (CJS) both contain data on figures within the court system, however there are a number of key differences. In 2010/2011 the MoJ, with the support of a methodologist from the Office for National Statistics, undertook work to better understand the differences between the two publications.

The figures are derived from the same core source (the Libra and CREST administrative systems), but they are not directly comparable. This is due to a number of factors, including different validation rules, the timing of data extraction, differences in the data collation methods and counting methodologies used, which reflect different underlying drivers of the analyses being performed.

CJS measure the number of proceedings, whereas CCSQ measure the number of disposals. These two figures differ because CCSQ figures are on a case basis and focus on flows through the court system, whereas CJS figures count the number of defendants and focus on the final outcomes. Furthermore, bench warrants are included within the disposal count but not in proceedings. The two publications also differ in their definition of final outcome at the Crown Court. CCSQ statistics include cases ending as a result of all charges being quashed, discontinued by the prosecution, or where a bench warrant was issued or executed and other outcomes. These outcomes are not counted in CJS as the statistics focus on the final outcome of criminal cases and sentences passed.

Work is currently under way to investigate and review the differences between the different sets of statistics and their compilation processes with a view to aligning the datasets in future.

Implementation of changes to offence classifications

In July 2013, the Office for National Statistics (ONS) re-designed the classifications used to present police recorded crime statistics, following recommendations from the National Statistician's review of Crime Statistics in England and Wales in June 2011. The changes to classifications were implemented in the ONS statistical bulletin 'Crime in England and Wales, year ending March 2013', published in July 2013, alongside a methodological note providing more detail on the changes and their impact on time-series for key measures. No change has been made to the coverage of offences in the police recorded crime series, and most changes are presentational, with some offences moving between classifications or being separated out of existing groupings.

In this publication offence group breakdowns for receipts, disposals and outstanding cases figures as well as timeliness data have been presented on the new classification bases.

Offence analysis

Additional tables have been added to the Criminal Court Statistics Quarterly (CCSQ) publication which breakdown receipts, disposals and outstanding figures by offence group. When a case involves more than one offence the most serious offence on the indictment(s) is chosen².

The most serious offence is selected by choosing the offence which can incur the largest maximum sentence. If no offences on the indictment(s) could be determined or there was insufficient data recorded, the case will be classified as unknown³. Some cases will have descriptive offence details instead of an offence code; these cases are also classified as unknown. Future iterations of the offence classification will look to extract offence information from these descriptions.

Criminal Justice Statistics (CJS) also publishes statistics on defendant outcomes based on a principal offence. Both publications use the same offence group and severity classification to help define the most serious offence. However, the principal offence in Criminal Justice Statistics is also based on the outcome of the defendant such that: where a defendant is found guilty of one offence and acquitted of another, the offence selected is the one for which they were found guilty. CCSQ does not take into account the outcome of the case when selecting the most serious offence. This is because CCSQ focuses on flows and processes of the court system whilst CJS counts numbers of defendants and focuses on the final outcome. As CCSQ selects the most serious offence irrespective of the case's outcome, the proportion of summary offence cases in CCSQ tend to be much lower than the proportion of defendants at the Crown Court with a summary offence in CJS figures.

CJS publishes figures on defendants committed for trial to the Crown Court with breakdowns for indictable only and triable either way. These are based on the defendant's principal offence. CCSQ also publishes figures on for trial cases split by indictable only and triable either but these are based on the receipt type of the case.

² Timeliness analysis in table T6 chooses a principal offence on a different basis to receipts, disposals and outstanding cases by offence. Timeliness data will choose the offence which had the longest time from charge to first completion this may not be the most severe case.

³ Some cases may only have offences that are unknown. In these instances the most serious offence that could be classified is chosen as the principal offence. This may explain why there are some for trial cases which are recorded as having a summary offence as the most serious offence (i.e. the more serious offences within the case could not be identified).

Legislation coming into effect in the reporting period

The legislation described below relates mainly to legislation that came into force in the period from January 2002 to the end of 2012. It is only a short summary of the sections that may have affected the published statistics. The following web site has details of all legislation that has come into force in the intervening period. <http://www.legislation.gov.uk/>

The coverage of the sentencing statistics in this volume may have been affected by the following legislation, which has altered the modes of trial, sentencing framework or significantly altered the range of offences:

- Domestic Violence, Crime and Victims Act 2004
- Criminal Justice and Police Act 2001
- Proceeds of Crime Act 2002
- Criminal Justice Act 2003
- Sexual Offences Act 2003
- Fraud Act 2006
- Criminal Justice and Immigration Act 2008
- Coroners and Justice Act 2009
- Legal Aid, Sentencing and Punishment of Offenders Act 2012

The **Domestic Violence, Crime and Victims Act 2004** concentrates upon legal protection and assistance to victims of crime, particularly domestic violence.

The **Criminal Justice and Police Act 2001** introduced on the spot fixed penalties for a range of offences including retail theft under £100, behaviour likely to cause fear of harassment, alarm or distress and being drunk and disorderly in a public place. The Act allows local councils to create areas in which drinking could be restricted and the power to confiscate alcohol in these areas. It also introduced a new offence of protesting in an intimidating manner, as well as making kerb crawling, 'hit and run' accidents, and importing obscene material arrestable offences. It also gave new powers to magistrates to remand children aged between 12 and 16 into custody when charged with offences such as theft and criminal damage.

The **Proceeds of Crime Act 2002** consolidated drug trafficking and criminal justice legislation on the confiscation of convicted defendants' earnings. Confiscation orders can only be made in the Crown Court and the powers of magistrates to make a confiscation order were also abolished by this Act.

The Act made the power to confiscate mandatory and the Crown Court must instigate confiscation proceedings if requested by the prosecutor.

Confiscation hearings are conducted according to the civil standard of proof, i.e. on the balance of probabilities. In some cases the court is empowered to assume that the defendants assets and earnings from the six years prior to conviction have been derived from criminal conduct and to make an order accordingly, the court is further required to make this assumption following a conviction for drug trafficking.

The **Criminal Justice Act 2003** brought in means to involve the Crown Prosecution Service in charging decisions and to reform the system for allocating cases to court. It introduced a new presumption against bail in certain circumstances where an offence has been committed while on bail or for defendants charged with an imprisonable offence. The Act aimed to ensure that criminal trials are run more efficiently and to ensure a reduction in abuse of the system:

Rules on evidence were changed to allow the use of previous convictions where relevant, and to allow the use of reported (hearsay) evidence where there is good reason why the original source cannot be present, or where the judge otherwise considers it would be appropriate, with effect from 4 April 2005.

A right of appeal for the prosecution against judicial decisions to direct or order an acquittal before the jury has been asked to consider the evidence. This will be introduced to balance the defendant's right of appeal against both conviction and sentence (not yet in force).

The Act provides a sentencing framework that is clearer and more flexible than before:

- The purposes of sentencing of adults are identified in statute for the first time, as punishment, crime reduction, reform and rehabilitation, public protection and reparation.
- The principles of sentencing are set out, including that any previous convictions, where they are recent and relevant, should be regarded as an aggravating factor, which will increase the severity of the sentence, with effect from 4 April 2005.
- Through the implementation of section 167 of the act, a new Sentencing Guidelines Council was established on 27 February 2004. This Council and the Sentencing Advisory Panel worked together to ensure that sentencing guidelines are produced which encourage consistency in sentencing throughout the courts of England and Wales and support sentencers in their decision making (the Sentencing Guidelines Council has since been superseded by the Sentencing Council – see Coroners and Justice Act 2009).
- Sentence lengths of 12 months or over are served in full, with half in custody, half in the community and with supervision extended to the end

of the sentence rather than the $\frac{3}{4}$ point as previously, with effect from 4 April 2005.

It brought in changes to the sentences available to the courts:

- The various kinds of community orders for adults were replaced by a single community order with a range of possible requirements, commenced 4 April 2005.
- Serious violent and sexual offenders attracted new sentences, to ensure that they are kept in prison or under supervision for longer periods than previously, with effect from 4 April 2005.
- An increase in sentence length for any offence where it is aggravated by hostility towards the victim on the basis of disability, sexual orientation, race or religion, with effect from 4 April 2005.
- Some new short custodial sentences were introduced. These include custody plus, intermittent custody and a reformed suspended sentence in which offenders have to complete a range of requirements imposed by the court. Intermittent custody was piloted from January 2004 to November 2006, but not implemented, and the new suspended sentence was commenced from 4 April 2005. Custody plus has not been implemented.

The Act also addressed a number of other areas:

- It contains a number of provisions on drug related offending, extending to those aged 14 and above, the provisions to test persons in police detention and at other points in the criminal justice system for specified Class A drugs. It also reclassified Cannabis as a class C drug, introduced on 1 August 2004. This decision was subsequently reversed and cannabis was re-classified as a class B drug from 26 January 2009.
- It established a five year mandatory minimum custodial sentence (three years for 16-17 year olds) for unauthorised possession of a prohibited firearm, with effect from 22 January 2004.
- It increased the maximum penalty for causing death by dangerous driving from 10 to 14 years, with effect from 27 February 2004.
- In relation to juveniles, the Act extended the use of parenting orders by making them available at an earlier stage and introduced individual support orders, requiring young people with anti-social behaviour orders to undertake education-related activities, introduced on 27 February 2004.
- In relation to fines it introduced the financial circumstances order which compelled offenders to inform the court of their financial circumstances so that the court can impose a fine that both reflects the seriousness of the offence and the ability of pay of the offender.

The **Sexual Offences Act 2003** was brought in from May 2004 and repealed virtually all of the previous legislation relating to sexual offences. It included the following main offences, with effect from 1 May 2004:

- Rape and the evidential and conclusive presumptions about consent regarding adults, covering an individual's ability to make a choice or where violence or threats of violence take place.
- Assault by penetration, committing an offence, causing a person to engage in sexual activity without consent.
- Rape and other offences against children under 13, where the offence is committed intentionally.
- Child sex offences, including causing or inciting a child to engage in sexual activity making it constitute an offence regardless of whether the activity incited actually takes place.
- Causing a child to watch a sexual act and child sex offences committed by children or young persons.
- Re-enacting and amending abuse of position of trust under sections 3 and 4 of the Sexual Offences (Amendment) Act 2000.
- Familial child sex offences, including intension and incitement of the offence.
- Offences against persons with a mental disorder.
- Indecent photographs of children redefining a 'child' for the purposes of the Protection of Children Act 1978, as a person under 18 years of age.
- Abuse of children through prostitution and pornography, covering under 18s and under 13s.
- Exploitation of prostitution including trafficking of a person into or out of the UK for sexual exploitation.
- Preparatory offences and sex with an adult relative.

The act also defined the interpretation of the terms 'sexual' and 'consent'.

The Act also introduced new civil preventative orders:

- Notification orders: This is an order which can be made, on application by a chief officer of police, in respect of individuals who have been convicted, cautioned etc. abroad for sexual offences equivalent to the sexual offences listed in Schedule 3 of the 2003 Act. The effect of the order is to make such offenders subject to the notification requirements of

Part 2 of the 2003 Act as if they had been convicted, cautioned etc. in the UK of a relevant offence, with effect from 1 May 2004.

- Sexual offences prevention orders (SOPOs): This order replaced both the sex offender order and the restraining order. Therefore, a SOPO can be made on application by a chief officer of police in respect of a convicted sex offender or by a court at conviction. The SOPO is also an improvement on the existing orders. A conditional discharge cannot be received as punishment for breach of a SOPO, with effect 1 May 2004.
- Foreign travel orders: This order enables the courts, in certain circumstances and on application by a chief officer of police, to prohibit those convicted of sexual offences against children aged under 16 from travelling overseas where there is evidence that they intend to cause serious sexual harm to children in a foreign country, with effect 1 May 2004.
- Risk of sexual harm orders (RSHOs): This order, similar to the SOPO, aims to restrict the activities of those involved in grooming children for sexual activity. A previous conviction, caution etc. for a sexual offence is not a prerequisite in applying for a RSHO, with effect 1 May 2004.

None of the provisions in the Act applied retrospectively.

The **Fraud Act 2006** commenced from 15 January 2007 and summarised fraud into three categories:

- Fraud by false representation;
- Fraud by failing to disclose information;
- Fraud by abuse of position.

It also created new offences for:

- Obtaining Services Dishonestly;
- Possessing, making or supplying articles for use in Fraud;
- Sole traders, who are now subject to fraudulent trading charges.

The aim of the Act was to criminalise the intent of a fraudulent act rather than the act itself; this will allow the Act to respond to technological advances which may alter the means by which a fraudulent act can be committed.

The **Criminal Justice and Immigration Act 2008** commenced from November 2008 and was a wide ranging Act which aimed to make further provisions about the criminal justice system; dealing with offenders; the management of offenders; and to amend the Repatriation of Prisoners Act 1984. It created or amended a number of offences, including:

- A new offence of inciting hatred on the grounds of sexual orientation;
- A ban on the possession of extreme pornographic images;
- Clarification of the law on self-defence;
- New civil penalties for serious breaches of data protection principles and made unlawfully obtaining personal data an offence punishable by up to two years in prison;
- Abolished the common law offence of blasphemy and blasphemous libel.

It also made changes to sentencing, including:

- The creation of Violent Offender Orders (VOOs): Civil preventative orders that allow courts to impose post-sentence restrictions on those convicted of violent offences.
- The clarification of sentencing procedures for young offenders.
- The creation of the youth conditional caution and the Youth Rehabilitation Order (YRO) a generic community sentence similar to the adult community order in which a 'menu' of requirements is chosen from to create a bespoke order specific to an offender and their offending behaviour. The YRO came into effect on 30 November 2009.
- Amended provisions in the Criminal Justice Act 2003 so as to give judges more discretion over the use of public protection sentences; for the use of public protection sentences to be restricted to offences for which two years real time in prison is justified or where the offender has previously been convicted of a specified offence (listed in Schedule 15A to the 2003 Act); and for release from an extended sentence to be automatic at the half way point of the custodial period with licence extending then until the end of the extension period. These changes apply to cases sentenced on or after 14 July 2008.

The **Coroners and Justice Act 2009** introduced several new offences:

- Offences relating to encouraging or assisting suicide
- Possession of prohibited images of children.

It also made changes to:

- Retrospective application of genocide, crimes against humanity and war crimes
- Persons suffering from diminished responsibility, partial defence: loss of control relating to murder

- Driving disqualifications for those also sentence to immediate custody
- Added certain terrorist offence to the list for which Indeterminate sentences for public protection are available.

The Act introduced provisions for anonymity in certain investigations and for certain witness. It also established the Sentencing Council to replace the Sentencing Guidelines Council.

The **Legal Aid, Sentencing and Punishment of Offenders Act 2012** received Royal Assent on 1 May 2012. The Act introduces a wide range of reforms to the justice system as well as delivering structural reforms to the administration of legal aid.

Explanation of sections of the act which commenced at the point of Royal Assent and will have a potential impact on the data can be found at the link below:

<http://www.justice.gov.uk/downloads/legislation/bills-acts/legal-aid-sentencing/laspo-sections-commenced-on-assent.pdf>

Glossary

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

Adult proceedings: These are proceedings of any type where the defendant is aged 18 or over.

Appeals: where by the defendant appeals against the decisions of magistrates' courts. If an appeal is allowed, then the conviction has been overruled or the sentence has been changed. If an appeal has been dismissed, then the conviction/sentence stands.

Bench warrant: A bench warrant is issued for a person deemed to be in contempt of court—usually as a result of that person's failure to appear at their court appearance. Once a bench warrant has been issued, the case is considered disposed of. Following the apprehension of the person, the bench warrant is executed and the case is reopened.

Bound over: A defendant can be bound over to keep the peace or ensure good behaviour.

Breach cases: Cases where the defendant has breached the conditions of an order which was previously imposed against them.

Case receipts: A count of the number of cases where the case has been entered on the system (following a validation process) within the reporting period.

Case disposals: A count of the number of cases only when all the offences in the case have been completed (following a validation process) in the reporting period. Disposals figures in this report may change if the case results are entered after the first collation of the data.

Cases outstanding: A count of all cases where one or more offences remain outstanding on a case. The data will be a snapshot based on outstanding cases on the final day of the reporting period.

'Outstanding cases' is a count of live cases on the system and is not a calculation based on receipts and disposals. Transferred cases may count for a period of time while they show in both sending and receiving courts; offences subsequently entered in error may change the categorisation of the case.

Charge or laying of information: This relates to when the defendant is first charged at a police station (specifically, where an individual is arrested and formally accused of a crime) or when the information is laid (specifically, where an individual receives a written summons advising that an action has

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).

Circuit: A geographical area where a judge has the judicial authority to decide on cases. The jurisdiction can encompass a range of counties or districts.

Circuit Judge: A judge who normally sits in the county court and/or Crown Court.

Class: Offences are classified according to their seriousness. In the Crown Court, there are three classes of criminal offence; and the class of a case is based on the most serious offence. Class 1 offences are the most serious offences. They include treason and murder and are normally heard by a High Court Judge. Class 2 offences include rape and are usually heard by a Circuit Judge under the authority of the Presiding Judge. Class 3 includes all other offences such as kidnapping, grievous bodily harm and robbery, which are normally heard by a Circuit Judge or Recorder.

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.

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

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.

Cracked trial: A trial that does not go ahead on the day as an outcome is reached and so does not need to be re-scheduled. This occurs when an acceptable plea is offered by the defendant or the prosecution offers no evidence against the defendant.

Criminal proceedings: The administration of justice in proceedings 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.

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

Effective trial: An effective trial in the magistrates' courts is a trial that commences on the day it is scheduled and reaches a verdict. For the Crown Court, a trial is effective once a jury has been sworn in, regardless of whether they go on to reach a verdict.

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

Fixed trial: The trials which have been fixed to be heard during the specified period.

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.

Main hearing: The main hearing is the arraignment for a case with a guilty plea, or the start of the trial for any other case.

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

High Court Judge: A judge who sits in the High Court of Justice.

Indictable cases: The most serious cases, such as murder and rape, which must be heard at the Crown Court. The involvement of the magistrates' court in these cases is brief, and usually consists of a decision on whether to grant bail, and considers other legal issues, such as reporting restrictions. The case is then passed to the Crown Court.

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.

Sent for trial cases: Indictable only and triable-either-cases transferred to the Crown Court for trial. Prior to the abolition of committal hearings, triable-either-way cases were committed to the Crown Court for trial rather than sent.

Recorder: A recorder's jurisdiction is broadly similar to that of a Circuit Judge, but handles less complex or serious matters coming before the court.

Substantive hearing: This occurs when i) a defendant pleads guilty to any count on the indictment, ii) a jury is sworn, iii) a bench warrant is issued, and iv) the case is finally disposed of other than by a guilty plea or a verdict e.g. no evidence is offered.

Summary cases: The less serious cases, such as motoring offences and minor assaults, where by the defendant is not usually entitled to trial by jury. These cases are therefore completed in the magistrates' courts. Summary offences are subdivided into Summary Motoring and Summary Non-Motoring cases.

Summary motoring cases: Includes offences such as driving whilst disqualified, speeding and failure to stop.

Summary non-motoring cases: Includes offences such as TV license evasion, minor assaults and criminal damage where less than £5,000 worth of damage is caused.

Triable-either-way cases: These are more serious than summary cases and can be dealt with either in the magistrates' court or before a judge and jury at the Crown Court. These cases include offences such as dangerous driving, and theft and handling stolen goods. A defendant can invoke their 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.

Vacated trial: A trial which has been removed from the list before the date of the trial.

Waiting time: The length of time between the date of sending or committal of cases from the magistrates' court and the start of the substantive Crown Court hearing.

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

Enforcement of financial impositions

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

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

Fines, prosecutors' costs and compensation orders: These items are imposed by both the magistrates' courts and the Crown Court but are enforced by magistrates' courts. Fines monies collected by HMCTS are surrendered to the HM Treasury 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.

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

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 in Annex B. Receipts of Penalty Notices and the associated fines are surrendered to the HM Treasury Consolidated Fund.

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

Directory of related internet websites on the criminal courts

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

Ministry of Justice, <https://www.gov.uk/government/organisations/ministry-of-justice/>. This site provides information on the organisations within the justice system, reports and data, and guidance.

Details of **Ministry of Justice Statistical and Research publications**, most of which can be viewed on-line, can be found at: <https://www.gov.uk/government/organisations/ministry-of-justice/about/statistics>

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

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

The **Crown Prosecution Service**, <http://www.cps.gov.uk> Gives information on the department and provides particulars in relation to legal guidance/victims and witnesses, in addition to details of publications.

The **Attorney General's Office**, <http://www.attorneygeneral.gov.uk> Provides information on the role of the department including new releases; updates; reports; reviews and links to other law officer's departments and organisations.

The **Welsh Assembly Government**, <http://www.wales.gov.uk> Gives information on all aspects of the Welsh Assembly together with details of publications and statistics.

The **Scottish Government**, <http://www.scotland.gov.uk> Gives information on all aspects of the Scottish Executive together with details of publications and statistics.

Criminal Justice System Northern Ireland, <http://www.nidirect.gov.uk/justice> Provides access to the main statutory agencies and organisations that make up the CJS together with details of publications.

UK National Statistics Publication Hub, <http://www.statistics.gov.uk> This is the UK's home of official statistics, reflecting Britain's economy, population and society at national and local level. There are links to the Office for National Statistics and the UK Statistics Authority.

Contacts

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General information about the official statistics system of the UK is available from www.statistics.gov.uk

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