# Ministry of Justice logo

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| Guide to criminal court statistics  Ministry of Justice |
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# **Introduction**

This document provides more detail on criminal court statistics presented in the Ministry of Justice (MoJ) statistics publication Criminal Court Statistics Quarterly (CCSQ) and is intended to be used as a guide to concepts and definitions.

It also covers overall statistical publication strategy, revisions, data sources, quality and dissemination, and methodological developments.

The key areas covered in this guide are:

1. A high-level background to the criminal court system;
2. Details of the data sources and any associated data quality issues;
3. Frequency and timings of the bulletin, and the revisions policy;
4. Details of known users of the bulletin and user engagement channels;
5. Major legislation coming into effect in the period covered by the bulletin;
6. A glossary of the main terms used within the publications;
7. A list of relevant internet sites on the criminal court system.

# **Background to the criminal court system**

The criminal courts system is complex and covers a range of sub-systems and services.

## Police role

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

Following the recording of a crime the police will investigate; their role is to:

1. Investigate the crime;
2. Identify suspects;
3. Arrest and question them;

Once their investigations are complete, the police will either;

1. Charge the suspect, in conjunction with Crown Prosecution Service (CPS);
2. Apply for a summons for the suspect to appear at court;
3. Deal with them by using an out-of-court disposal;
4. Resolve the matter informally (e.g. where the victim agrees to informal resolution or a restorative justice approach);
5. Release the individual without charge on the basis they should not face criminal action.

## Offences not prosecuted by the police

Not all offences under law are investigated or prosecuted by the police. For example, television licence evasion is investigated by the TV licensing authority, and offences relating to benefits were prosecuted by the Revenue and Customs Prosecution Office (RCPO), which was an independent prosecuting authority reporting to the Attorney General, until it was merged into the Crown Prosecution Service (CPS) in 2010.

## Deciding what happens with a case

The CPS is responsible for prosecuting suspects in court. However, the police investigate the alleged offence and in some less serious cases will decide whether to administer an out-of-court disposal or charge the individual.

More information on crime, police recorded crime outcomes, court procedures and sentencing can be found at the following link: <https://www.gov.uk/browse/justice>.

If an out of court disposal is not deemed to be appropriate, the next formal step is for court proceedings to be initiated.

## Charging and case management

The Criminal Justice Act 2003 requires that the decision to charge a person for all but the most minor or routine offences is now undertaken by the CPS. The police remain responsible for responding to allegations that a person has committed a crime, deciding whether an investigation is required and subsequently conducting the investigation. The police can still charge both summary only and triable either-way offences if there is an anticipation of a guilty plea and the likely sentence would be handed down in a magistrates’ court.

The Director of Public Prosecutions’ guidance requires that charging decisions are made (whether by the police or CPS) in accordance with the Code for Crown Prosecutors and following a review of the evidence. The guidance for prosecutors can be found at the following link: <https://www.cps.gov.uk/publication/code-crown-prosecutors>

Prosecutors are responsible for making charging decisions in the most serious cases, ensuring pre-charge decisions are timely, and identifying cases appropriate for out of court disposals prior to charge. In cases where the police have charged the defendant, these decisions are made prior to the first hearing. These arrangements allow for strong cases to be built from the start and for cases where there is not enough evidence to bring a prosecution to be sifted out as quickly as possible.

Once an accused person is charged, the law requires that they are brought before a magistrates’ court as soon as possible. There are three main methods of ensuring the defendant attends court:

1. being held in custody by the police to appear as soon as practicable;
2. being released on bail to attend court;
3. being summonsed to appear in court.

Generally, an arrest warrant may only be issued where

1. the offence is triable only on indictment or is potentially punishable with imprisonment; or
2. the address of the accused is not sufficiently established for a summons to be served.

No branch of the government or the judiciary can direct a police officer or the CPS to bring criminal proceedings (or not to do so) in a case – this includes Ministers of the Crown. The CPS will continue to review cases after a charging decision has been made and throughout the court process in accordance with the Code for Crown Prosecutors. If as part of this on-going review, the CPS considers there is no longer sufficient evidence for a realistic prospect of conviction or that prosecution is no longer in the public interest, it may discontinue the proceedings at any time before the start of the trial or committal. If the prosecutor is thinking of changing the charges (i.e. downgrading the original offence, or stopping the case), they will contact the police wherever possible. This gives the police the chance to provide more information that may affect the decision.

## The criminal courts

Virtually all criminal court cases in England and Wales start in a magistrates’ court. The less serious offences (summary and some triable either-way) are handled entirely in magistrates’ courts.

More serious offences (triable either-way or indictable only) are passed via the magistrates’ court on to the Crown Court, either for sentencing after the defendant has been found guilty or for a trial with a judge and jury. The Crown Court also receives appeals against decisions of the magistrates’ courts.

The way that cases are passed between the magistrates’ court and the Crown Court changed on 28th May 2013 when all committal hearings were abolished. This was part of wider measures to speed up justice and improve efficiencies in the justice system[[1]](#footnote-1). As a result, cases are now sent straight to the Crown Court as soon as it is clear that the matter is serious enough, rather than having to await a committal hearing. Committal hearings were abolished for the most serious (indictable only) cases in 2001.

The flow chart in Figure 1 provides an overview of the main court processes for criminal cases. The police will only formally charge or lay information against a defendant if there is sufficient evidence and none of the out of court disposals are appropriate.

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.

‘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 at the magistrates’ court.   
  
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.

**Figure 1: Flow chart of the main court processes for criminal cases**

***OFFENCE***

Offence detected

Defendants charged or summonsed

Out of court disposal

***CHARGE***

***MAGISTRATES’***

***COURT***

First hearing at magistrates’ courts

Summary case

Triable –either-way case

Indictable case

Defendant sent for trial

Defendant dealt with in

the magistrates’ court

Not guilty

plea

Guilty plea

Other e.g.

withdrawn

Acquitted

Convicted

Defendant sentenced

Defendant committed

for sentence

***CROWN COURT***

Defendant sentenced

Appeal

Case received in the Crown Court

Other e.g.

discontinuance

Not guilty

plea

Guilty plea

Acquitted

Convicted

Defendant sentenced

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.

As part of the MoJ’s wider court reform programme, the Single Justice Procedure offences (SJP) was introduced under the Criminal Justice and Courts Act 2015. It allows for cases involving adults charged with summary offences to be dealt with in a single magistrate sitting without the prosecutor or defendant being present. Offences which can be dealt with in this manner include TV licence evasion, TfL fare evasion, speeding and driving without insurance. Defendants can submit pleas online or via letter but retain the right to request to have their cases heard in a full hearing in open court if they wish.

Those defendants who choose to have their case heard in open court 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 at the Crown Court until the defendant is acquitted or sentenced.
* 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 entity that sits at various court centres across England and Wales, it predominately deals with serious criminal cases. Unlike the magistrates’ court, trials in the Crown Court have a jury to determine the guilt of defendants and a judge which can impose tougher sentences.

While all cases will initially start at the magistrate’s courts, those which are for serious offences such as murder, rape or treason (known as indictable offences) will be immediately sent to the Crown Court for a trial. Some offences (known as triable-either-way offences) can be dealt with at either the magistrates or the Crown Court; in such instances the defendant or the magistrates may elect for the case to be sent to the Crown Court to have a jury trial to determine a verdict. Defendants can also be found guilty at the magistrates’ court but are sent to the Crown Court to receive a sentence beyond the scope of the magistrates’ power, such cases are said to have been ‘committed for sentencing.’

All offences tried in the Crown Court are divided into classes of severity:

* Class 1 – Normally heard by a High Court Judge, these are the most serious offences which include murder, manslaughter and treason.
* 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 to remove a fourth class of severity below class 3. There are some instances where class 4 is still used, but for reporting purposes these are reclassified as class 3.

Defendants tried in the Crown Court are provided the opportunity to plea at the ‘Plea and Case Management’ hearing. A defendant who enters an accepted guilty plea to all the charges against them is sentenced without the need for a jury trial. Those who enter a not guilty plea are scheduled (listed) for a trial hearing where a jury will determine a verdict. A defendant can enter a guilty plea at any point in the case, and may change their plea during a trial.

A defendant can also appeal to the Crown Court to overturn or reconsider a decision determined at a previous trial. The Crown Court deals mainly with appeals against conviction and/or sentence regarding offences dealt with in the magistrates’ court, including orders such as disqualification from driving or 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 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 can vary widely from less than a day to several months or longer depending on the complexity of a case and the amount of evidence heard. A trial concludes 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 considered as completed once the defendant has been sentenced.

In the magistrates’ courts, a trial which starts on a scheduled date and reaches a conclusion is recorded as an ‘effective trial’. In 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 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 it is no longer required. Cracked trials are usually the result of an acceptable guilty 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.

# **Data sources and data quality**

This section outlines the different data sources used to compile the statistics presented in the bulletin. Each section details any data quality considerations for each source, outlines checks completed (by system owners and statistical processes) and flags any areas of concern.

In June and September, we notified users of the cancellation of the Criminal Court Statistics quarterly (CCSQ) publication, highlighting work that was necessary to assure the quality of source data for the key series in both the Ministry of Justice (MoJ) Accredited Official Statistics and HM Courts and Tribunals Service (HMCTS) management information (MI).

That initial work highlighted some necessary changes to court processing systems to enable robust and accurate data to be produced.

This work has been completed and we have worked with HMCTS analytical and operational teams to resolve the identified quality issues.

Additionally, the Lord Chancellor requested that an independent, external assurance review of the process and methods used to produce Crown Court caseload statistics took place. The review concluded that the MoJ can have a **significant level of confidence** in the Crown Court caseload statistics.

Full details of the impacts of the data quality work on published estimates is available alongside this report and can be found in **“Crown Court Data Quality update”**.

## Data sources

*Magistrates’ courts*

The data on the **magistrates’ courts** (M1 and M2) is sourced from the magistrates’ court case management system (Libra) and Common Platform reports which are hosted on His Majesty’s Courts and Tribunals Service (HMCTS) Performance Database OPT (One Performance Truth). The reports cover all cases dealt with in the magistrates’ courts (criminal and otherwise) and trial efficiency estimates.

The workload data held on the Libra system is good quality and provide reliable estimates of the magistrates’ courts’ caseloads. The data provided by the courts must be checked and verified at case level by court staff. Additionally, the centrally collated data are subject to further checks by HMCTS staff including the investigation of: apparent anomalies, missing data returns and any unexpected changes in the data.

*Crown Court*

The data on the **Crown Court** (C1 to C11) is sourced from a combination of both XHIBIT (‘legacy’) and Common Platform data (‘new’) systems.

The data released is principally produced using the Crown Court management information system (MIS), a data warehousing facility drawing data directly from court-based administrative systems.

Both Xhibit and Common Platform are case management systems which are used by court staff for administrative purposes and to ensure operations at court can proceed. The systems contain information about the incidences and dates of major events as each case progresses in the Crown Court.

Changes to the operational systems at the Crown Court following Common Platform being rolled out from September 2020 have resulted in some small inconsistencies in the underlying methodologies for statistical measures.   
  
The ‘combined’ measures from legacy systems and Common Platform will have small methodological differences which are the result of fundamental differences in the way that data is recorded, e.g. fields not available, system functionality to be added in future and systems designed in different ways. Where possible we have produced ‘best equivalent’ measures and will continue to proactively review methodologies as all functionality is rolled out onto the Common Platform system.

Being from an administrative system, data is subject to clerical and input errors. The volume of these errors is believed to be low and assumed to be random across all cases. As such they are not believed to impact on the integrity of the overall trends in the data.

*Timeliness*

**Timeliness** estimates (T1 to T3) are created directly from extracts from the underlying magistrates’ courts administrative system (LIBRA and Common Platform) which captures key dates for cases dealt with at the magistrates’ including police, prosecutor and court stage dates.

End-to-end timeliness estimates (T4) are created by matching magistrates’ courts and Crown Court records to calculate the number of days taken from the date an alleged offence was committed to the date of a final decision in court. This is the only published source of data which allows for an estimate of end-to-end duration through the criminal justice system from offence to completion. The initial source data is taken from extracts based on the underlying court administrative system(s).

Prior to the creation of the initial end-to-end timeliness measure in 2011, timeliness estimates were sourced from the now discontinued Time Interval Survey (TIS)[[2]](#footnote-2).

The previous ‘rule based’ linking methodology linked records based on a combination of variables including given name, middle name, family name, date of birth, sex, postcode, a committal date, and two identifiers (Arrest/Summons Number (ASN) and Pre-Trials Issue Unique Reference Number (PTIURN)).

New official statistics in development using a new data linking methodology has been developed using the Ministry of Justices open-source statistical ‘[Splink](https://www.gov.uk/government/publications/joined-up-data-in-government-the-future-of-data-linking-methods/splink-mojs-open-source-library-for-probabilistic-record-linkage-at-scale)’ package to provide updated end-to-end timeliness estimates.

From September 2020 data from the Common Platform has been included alongside the ‘matched’ timeliness. Common Platform provides a single system for magistrates’ and Crown Court cases, as such the information is linked at source and no longer requires additional steps to combine data from separate systems.   
  
Completed cases in the timeliness data have been through a validation process specifically to ensure the timeliness analysis is accurate, e.g. if dates are out of a logical sequence or key dates are blank then cases are removed. From the analysis.

## Counting rules

These are some main points to consider when interpreting the criminal court statistics:

* **Receipt:** a case is counted as a receipt when a file is created and entered onto the respective courts administrative system. At the Crown Court this includes cases sent direct from magistrates' courts and appeals of magistrates’ decisions.
* **Disposal:** a case is counted as a disposal when all offences on a case have a final outcome.
* **Open cases:** opens cases are counted at the end of a period. The number of cases open at the end of each period may not be equal to the sum of cases open at the start of the period and those received during the period, minus cases disposed of. This is due to the exclusion of cases that have a live bench warrant issued on the case at the Crown Court.
* **Case:** a case is counted based on a unique case number. This case may include multiple individuals and/or multiple offences.
* **Defendant**: a defendant is identified by a unique defendant ID; multiple defendants may be assigned to a case.
* **Trial**: not all cases will go to trial, for the purposes of trial effectiveness we consider a ‘trial’ at the point of initial listing. A trial which goes ahead on the planned date and occurs is then considered as ‘effective’, a trial which does not go ahead is considered either cracked, ineffective or vacated.
* **Timeliness defendant:** all timeliness estimates are based on defendants counts in completed criminal cases. The linked data can effectively ‘look back’ from the point of completion to the initial offence date. It is not possible to produce timeliness estimates for ‘live’ cases as they go through the criminal justice system.
* **Offence breakdowns**: a list of the offence classifications used by the MoJ for CCSQ statistical outputs can be found in the ‘Offence group classifications’ document as part of the latest release of the Criminal Justice System Statistics Quarterly release which is available at the following link: [Criminal justice statistics quarterly.](https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly) This list shows how the MoJ group lower level offences together within the published tables and data tools. It is based on the classification used by the Home Office for crime statistics, although there are differences reflecting the respective scopes and aims of these publications.

Offence breakdowns are provided for both Crown Court and timeliness data, however the way in which the ‘principal offence’ is calculated differs:

* + Crown Court: when a case involves more than one offence the most serious offence is selected to represent the case. This is done by choosing the offence which can incur the largest maximum sentence at each jurisdiction. Where any offence is indictable only this will be prioritised over other offence types, e.g., triable-either-way. If no offences on the indictment(s) could be determined or there was insufficient data recorded, the case will be classified as "Unknown"
  + Timeliness: timeliness analysis 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 duration from charge to completion. This may not be the most severe case but reflects areas where most court time is spent.

## Symbols and conventions

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

|  |  |  |
| --- | --- | --- |
| [z] | = | Not applicable |
| [x] | = | Not available |
| 0 | = | Nil |
| [c] | = | Suppressed |

# **Accredited official statistics status**

National Statistics are [accredited official statistics](https://osr.statisticsauthority.gov.uk/accredited-official-statistics/) that meet the highest standards of trustworthiness, quality and public value. Accredited official statistics are called National Statistics in the Statistics and Registration Service Act 2007.

The continued designation of these statistics as accredited official statistics was confirmed in January 2019[[3]](#footnote-3) following a compliance check by the Office for Statistics Regulation.

The statistics last underwent a full assessment against the Code of Practice in May 2010[[4]](#footnote-4).

Since the latest review by the Office for Statistics Regulation, we have continued to comply with the Code of Practice for Statistics, and have made the following improvements:

* reviewed commentary to remove ‘technical language’
* reviewing and developed the content and structure of the technical guidance document while considering lay readers
* provided more details of the validation against existing administrative data sources to better assure ourselves of the quality of the statistics

We will continue to action the recommendations of the Office for Statistics Regulation and continuously improve the published statistical bulletin.

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 accredited official statistics it is a statutory requirement that the Code of Practice shall continue to be observed.

## Revisions

This publication and the data within are published quarterly, with a more detailed annual publication released in June.

The data presented in this publication are provisional.

For upcoming publications please see the MoJ publication schedule:

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

In accordance with the Code of Practice for Office Statistics, the MoJ 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/statistics/ministry-of-justice-statistics-policy-and-procedures>

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

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 due to changes in methodology or administrative systems. In addition, statistics affected within the publication will be appropriately footnoted and estimates of the impact made available.

2. Receipt of subsequent information

The nature of any administrative system is that data may be received late. For this release, the late data will be reviewed on a quarterly basis. Unless the difference is deemed to make significant changes to the statistics released, revisions will only be made as part of the final annual release. However, should the review show that the late data has substantially impact on the statistics then revisions will be released as part of the subsequent publication.

3. Errors in statistical systems and processes

Despite the continued development of validation and verification procedures put in place to minimise the risk of errors, it is not possible to entirely rule out errors arising from statistical processes. Should a substantial error be identified, the publication on the website will be updated and an erratum slip published documenting the revision as soon as is practicable.

## Users of the statistics

The main users of these statistics are Ministers and officials in central government responsible for developing policy regarding criminal court processes and the wider criminal justice system. Other known users include the central government departments, local government offices and voluntary organisations with an interest in criminal justice.

We routinely consult with policy and operational colleagues to refresh our understanding of core uses for the data, promote the release and provide support to known users. We seek comments from external users and maintain dialogue with public users via dedicated email accounts for feedback on the commentary and any additional wider feedback or queries.

# **Data developments**

1. **“One Crown” consultation**

We are taking the opportunity to make changes to improve the definitions, methodologies and transparency used for the Crown Court statistics published in this release.

The data quality improvement work on these statistics has been implemented alongside work to align the MoJ Accredited Official Statistics and [HMCTS MI](https://www.gov.uk/government/collections/hmcts-management-information) methodologies - benefitting users by providing greater transparency and coherence in court data.

To address the previous differences in the HMCTS and MoJ datasets, we have worked together on a project - the One Crown Court Data project - to create a single, consistent and flexible dataset that meets both MoJ and HMCTS needs.  This will bring greater transparency, clarity and coherence for all users.

There are a small number of relatively small changes to the methodology used to produce data in this publication to define a Crown Court case as being received, disposed or open.

In part, the changes seek to align more closely with the way that cases are treated operationally and how court users will see the case in the Common Platform case management system. These changes also ensure that we maintain an accurate and robust timeseries with the ‘legacy’ systems.

The Crown Court caseload data series (receipts, disposals and open cases) and estimates of the age of the open caseload published here use the “One Crown” caseload definitions.  All other published metrics retain the existing methodology here, though we are looking to update them in the future.

1. **Changes to magistrates’ open caseload estimates**

The magistrates’ caseload data presented in this release has been substantially revised following work that HMCTS have undertaken on a transformation programme to modernise is data and management (MI).  

During this work, HMCTS found evidence that the magistrates’ courts open caseload data is significantly overstated.  This is due to a variety of issues identified in the data derived from the legacy case management system, Libra. 

The latest published criminal only open caseload estimate has been revised down by around 80,000 cases which represents around 20% of the total reported criminal open caseload.

This discrepancy is due to a data archiving process (originally built around 2010), which archived inactive cases from Libra to a historic register according to an agreed data retention schedule. Archived cases are those which to all intents and purposes are no longer live or requiring any positive action from the court, but which technically lack a final disposal code. The system used to extract this MI (Libra MIS) does not have the same archiving requirement and therefore did not recognise the archived cases as closed.

**Figure 2: Open caseload at the magistrates’ by published source**

A graph of a line graph

Description automatically generated with medium confidence

This only affects less than 1% of cases ever entered into Libra, but the scale of the magistrates’ courts caseload and the length of time over which this has accumulated has resulted in the volume being relatively high. 

There are a small number of additional cohorts of legacy cases that are being investigated for remedial action and the data published here is subject to future revision.  It is anticipated that these additional changes will lead to a downwards revision of around 20,000-30,000 cases.  Ongoing data quality improvement work by HMCTS may result in further changes that we will alert users to in future publications.

The revised data is currently only available back 2019, however we will seek to expand this series back as far as we reasonably can in subsequent releases.  

1. **Common Platform and reform to criminal court data[[5]](#footnote-5)**

‘Common Platform’ is a new digital case management system for the magistrates’ and Crown Courts. The system seeks to streamline data collection, data accessibility and improve the way criminal cases are processed across the Criminal Justice System. It will eventually replace the existing ‘legacy’ criminal court systems Libra (magistrates’) and XHIBIT (Crown), with a single, streamlined system.

Early adopter courts across England and Wales will test the system before the subsequent rollout to all criminal courts. Derbyshire magistrates’ and Crown Court began this process in September 2020 and has been rolled out in all criminal courts across England and Wales.

All measures relating to magistrates’ courts and Crown Court cases include both ‘legacy’ and Common Platform estimates on a ‘best equivalent’ basis. This includes all key breakdowns in published tables and associated data tools such as offence group, case type and remand status for example.

Methodologies are as similar as possible however there are areas of known difference. The ‘legacy’ and ‘new’ data systems are fundamentally different, they do not record information in the same way and as such it is not possible to exactly replicate the existing published methodologies – change will be required to present a robust and coherent picture of activity.

Areas of known difference include:

* **the allocation of case type**: the variable ‘case type’ used in XHIBIT no longer exists in Common Platform and as such this breakdown is now derived from the offences recorded against a case. Previously this entry was made by the casework at the point of case receipt and did not relate directly the offences recorded. It is expected that small variations in volumes will be observed and in order to be consistent we will backdate the new methodology onto the existing XHIBIT data.
* **main hearing allocation**: similar to ‘case type’, the XHIBIT main hearing flag was recorded by the casework. The flag was used to identify the start of a ‘main hearing’ for a defendant, e.g. a trial for not guilty pleas and a plea hearing where a guilty plea was entered. In Common Platform this field does not exist and as such a derived methodology has been deployed to replicate this.
* **changes to case ownership:** unlike XHIBIT the Common Platform does not record a single ‘owning’ court, as it is a digital case management system where a case will be owned by different courts across its time in the courts system, e.g. at both magistrates’ courts and the Crown Court. As a result, ‘court’ has been assigned based on the court where the first hearing has occurred for each jurisdiction. Some cases will not have hearing information recorded, e.g. they haven’t yet had a hearing – as such these cases will not be allocated to a court and are reported as ‘unknown’.

We will continue to develop data processes from the new system in collaboration with HMCTS operations, analysis and system owners. As we continue to develop these solutions, we expect some series may be disrupted, with an increased likelihood of revisions to data in future.

We are committed to ensuring that published statistics remain accurate, robust and coherent for users during the operational transition of data systems at the criminal courts.

1. **Cessation of unlinked Crown Court timeliness estimates**

 We have removed the “unlinked” Crown Court timeliness estimates from this release.  The unlinked measures were developed to meet user needs while the linked end-to-end methodology was developed.  This work is complete, with all previously published outputs now available from the linked timeliness data.  To ensure we have coherence and clarity for users we have decided to remove the additional “unlinked” estimates of timeliness at the Crown Court. These data were previously contained in tables E1 – E3. For any queries regarding the cessation of this data please do [contact us](bookmark://_Contact). 

1. **Cessation of financial enforcement data**

We have removed the “Enforcement of financial impositions” chapter from this release.  This data is already available as part of [HM Courts and Tribunals (HMCTS) Trust Statement.](https://www.gov.uk/government/publications/hm-courts-and-tribunals-service-trust-statement-2023-to-2024) For any queries regarding the cessation of this data please do [contact us](bookmark://_Contact).

# **Legislation coming into effect in the reporting period**

The legislation described below relates mainly to legislation that came into force in the published time series from 2014. It is only a short summary of the sections that may directly 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 [**Criminal Justice and Courts Act 2015**](http://www.legislation.gov.uk/ukpga/2015/2/part/3/crossheading/trial-by-single-justice-on-the-papers/enacted) introduced the Single Justice Procedure which applies only to cases involving adults charged with summary-only non-imprisonable offences. The single justice procedure took effect from 13 April 2015. It allowed selected cases to be dealt with by a single magistrate sitting with a legal adviser on the papers without the attendance of either a prosecutor or the defendant. The defendant instead can engage with the court online (or in writing) and the case is no longer heard in a ‘traditional’ courtroom.

The **Policing and Crime Act 2017**’s[[6]](#footnote-6) purpose is to further improve the efficiency and effectiveness of police forces, including through closer collaboration with other emergency services; enhance the democratic accountability of police forces and fire and rescue services; build public confidence in policing; strengthen the protections for persons under investigation by, or who come into contact with, the police; ensure that the police and other law enforcement agencies have the powers they need to prevent, detect and investigate crime; and further safeguard children and young people from sexual exploitation.

The Act also included amendments to the police use of pre-charge bail which will impact the way in which cases are initiated and passed through the criminal justice system.

The **Police, Crime, Sentencing and Courts Act 2022[[7]](#footnote-7)** looked to enhance public safety, empower police, and reform the justice system. Key measures include tougher sentencing for serious crimes, expanded police powers for stop and search, and stricter penalties for assaults on emergency workers. The Act also addresses protests, unauthorized encampments, road traffic offenses, and youth justice, and introduces new measures for managing offenders and supporting victims.

The Act makes several changes to the procedures in courts and tribunals, specifically in relation to the use of sign language interpreters for deaf jurors, the prohibition on authorised transmission and recording of proceedings, the regulation of remote observations of proceedings, and the use of live links in criminal proceedings.

# **Glossary**

This glossary provides a brief description of some of the main terms used in the commentary of this report.

|  |  |
| --- | --- |
| Adult proceedings | These are proceedings of any type where the defendant is aged 18 or over. |
| Appeals | Where the defendant is unhappy with the decision of magistrates’ courts and petitions for a change in outcome. If an appeal is allowed, then the conviction can be overruled or the sentence can be varied. If an appeal is dismissed, then the initial conviction/sentence stands. |
| Bench warrant | A bench warrant is issued for a person deemed to be in contempt of court – usually because of that person’s failure to appear at their court appearance. The bench warrant allows police to arrest the defendant and bring them before the court.  The bench warrant is considered as an event on a case - when a bench warrant is issued to bring a defendant back before the court the case will be removed from our open caseload estimates, e.g., the court cannot progress the case. Following the apprehension of the person, the bench warrant is executed, and the case is considered open, e.g., the court can now progress the case. |
| Bound over | Where a defendant is held to conditions of bail, to keep the peace or ensure good behaviour |
| Breach cases | Cases where the defendant has failed to stick to the conditions of an order which was previously imposed against them. |
| Bring back | Where a defendant is convicted of a new offence in the magistrates' court which is in breach of a Crown Court order. If the magistrates' decide not to take action against the breach, the defendant must be brought back to the Crown Court - this is considered as a new case receipt at the Crown Court. |
| Charge or laying of information | This relates to when the defendant is arrested and formally accused of a crime or when the 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. |
| Completion | When a case no longer required any court time 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 finished 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. |
| Disposal | A case is counted as a disposal once all offences for all defendants on the case have a final result recorded or have been remitted back to the magistrates' court. |
| Dropped cases | A case is considered dropped when the prosecution notify the court that they wish to discontinue proceedings before the indictment has been lodged - this does not require a court hearing and the case is closed administratively. During any court hearing – the judge will enter a formal verdict of not guilty under s17 Criminal Justice Act 1968. |
| 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. |
| Final result | Where a decision is reached for an offence in either the magistrates’ courts or the Crown Court. This differs from an interim or an ancillary result which can occur as a case progresses through to a final result. The case may require subsequent court time to carry out actions after the initial final decision, i.e., where sentencing is deferred, or further procedural elements are required. |
| First listing | The first hearing of the case in a magistrates’ court, whether or not the defendant is present. |
| Guilty plea | A guilty plea occurs when a defendant agrees that they committed some or all the offences they were charged for. This can occur 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 for all defendants. |
| 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. |
| Imposition month | The month in which the fine, costs, court orders, penalty notices, or victim surcharge was ordered by the court. |
| Indictable cases | The most serious cases, such as murder and rape, which must be heard at the Crown Court. The involvement of the magistrates’ courts 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 sent to the Crown Court. |
| Ineffective trial | A trial that does not go ahead on the scheduled trial date and a further listing is required. This can be due to action or inaction by one or more of the prosecution, the defence or the court. |
| Main hearing | For cases with a guilty plea this is the arraignment (which involves the clerk of the court reading out the charges). For any other case, the main hearing is the start of the trial. |
| Most serious offence | When a case involves more than one offence the most serious offence is selected to represent the case. This is done by choosing the offence which can incur the largest maximum sentence at each jurisdiction. Where any offence is indictable only this will be prioritised over other offence types, e.g., triable-either-way. If no offences on the indictment(s) could be determined or there was insufficient data recorded, the case will be classified as "Unknown" |
| Open case | A case is open where any defendant in a case has any offence without a final result recorded.  The estimated counts are a snapshot of cases that are live on the system at a point in time (e.g. as at 31st December) - it is not a calculation based on receipts and disposals.  The open caseload excludes cases where one or more defendants is absent and has a live bench warrant for arrest. Once the bench warrant has been executed and the defendant(s) have been bought before the court, the case will be included in the open counts. |
| 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. |
| Receipts | A count of the number of cases received from the magistrates' courts within the reporting period. This includes cases that are sent for trial or sentence, appeals of magistrates' decisions or requests for re-trial. |
| Recorder | A recorder’s jurisdiction is broadly like that of a Circuit Judge, but handles less complex or serious matters coming before the court. |
| Remittal | This is where a case is sent to the Crown Court for trial but the Court subsequently decides that this case can be dealt with in the magistrates' courts. The case is then remitted back in its either in its entirety or partially to the magistrates' courts for it to be completed.   A fully remitted case is considered as a Crown Court disposal and will be counted as an additional magistrates' receipt.   A partially remitted case continues at the Crown Court, with some offences moving back to the magistrates’ court. The offences which are remitted back will be counted as an additional magistrates’ receipt. |
| Sentence cases | This refers to cases where a defendant has already been found or plead guilty at the magistrates’ courts and is coming to Crown Court for sentencing only. |
| Substantive hearing | The hearing at with the outcome is expected to be decided. 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 | 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 | Includes offences such as driving whilst disqualified, speeding and failure to stop. |
| Summary non-motoring | Includes offences such as TV licence evasion, minor assaults and criminal damage where less than £5,000 worth of damage is caused. |
| Transfers | When a case moves between Crown Court centres this is considered as an event on a case - it remains a single case and we do not consider the transfer of a case between courts as separate cases. |
| Triable-either-way | 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. |
| Trial cases | This refers to cases where a defendant has been sent or elected to the Crown Court for trial. This includes both indictable only offences which must be heard at the Crown Court and triable-either-way which can be heard at either the magistrates’ courts (summarily) or at the Crown Court (on indictment).  This includes cases where defendants enter a guilty plea and subsequently do not require a trial. |
| Vacated trial | A trial which has been removed from the trial list before the date of the trial. |
| Victims’ surcharge | An additional charge which is added to the fines that are imposed to provide compensation for the victims of crimes. The receipts obtained from the collection of these monies by HMCTS are passed to the MoJ to fund victims’ services. |
| 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. |

# **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**, <https://www.gov.wales/> 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**, <https://www.nidirect.gov.uk/articles/introduction-justice-system> 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**

Other enquiries about this guide should be directed to ‘Data & Analysis: Courts and People’ division of the Ministry of Justice:

Criminal Courts and Sentencing Data and Statistics,  
Ministry of Justice, 10 South Colonnade, London, E14 4PU

Email: [Criminal\_Court\_Sta@Justice.gov.uk](mailto:Criminal_Court_Sta@Justice.gov.uk)

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

General information about the official statistics system of the UK is available from [www.statistics.gov.uk](http://www.statistics.gov.uk)

Press enquiries should be directed to the Ministry of Justice press office:

Tel: 0203 334 3536 Website: [Media Enquiries](https://www.gov.uk/government/organisations/ministry-of-justice/about/media-enquiries)

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Alternative formats are available on request from [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk)

1. <https://www.gov.uk/government/news/faster-justice-as-unneccessary-committal-hearings-are-abolished> [↑](#footnote-ref-1)
2. <https://www.gov.uk/government/statistics/time-intervals-for-criminal-proceedings-in-magistrates-courts-ns> [↑](#footnote-ref-2)
3. <https://osr.statisticsauthority.gov.uk/correspondence/compliance-check-on-court-statistics/> [↑](#footnote-ref-3)
4. <https://osr.statisticsauthority.gov.uk/wp-content/uploads/2015/12/images-assessment-report-36-statistics-on-court-activity_tcm97-32106.pdf> [↑](#footnote-ref-4)
5. <https://www.gov.uk/government/news/common-platform-system-tested-in-criminal-courts> [↑](#footnote-ref-5)
6. [Police, Crime, Sentencing And Courts Act 2022 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/2022/32/notes/division/2/index.htm) [↑](#footnote-ref-6)
7. [Policing and Crime Act 2017 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/2017/3/notes/division/2/index.htm) [↑](#footnote-ref-7)