

Equalities Statement

1. Introduction

The document records the analysis of measures being introduced by the Ministry of Justice (MoJ) in the design and development of the Courts and Tribunals Bill to fulfil our obligations under section 149 of the Equality Act 2010. As the Public Sector Equality Duty is a continuing duty, we will continue to assess and monitor the differential impacts of these reforms as they are developed, implemented, and kept under review. This Equality Statement (ES) is split into two sections which detail our measures related to structural court reform taken forwards following Sir Brian Leveson’s Independent Review of Criminal Courts (IRCC) and additional court and tribunal reform measures not related to the IRCC.

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Equality Duties

This statement considers the impact of new legislation and associated operational changes against the statutory obligations under section 149 of the Equality Act 2010 (the Act) that require Ministers and the department, when exercising their functions, to pay 'due regard' to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the Act;
2. Advance equality of opportunity between those who share protected characteristics and those who do not; and
3. Foster good relations between those who share protected characteristics and those who do not.

The protected characteristics are race, sex, disability, age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment. The protected characteristic of marriage and civil partnership is relevant only when considering the first limb of the duty.

Structural Court Reform (IRCC)

Sources of Information

The main source of information used for this analysis is data on Criminal Justice System (CJS) outcomes (specifically convictions and sentencing) by age, sex and ethnicity in the published Criminal Justice System Statistics Quarterly (CJSQ) outcomes by offence data. We have also consulted:

- Criminal Court Statistics Quarterly June 2025
- Statistics on Ethnicity in the Criminal Justice System 2022 and 2024
- Statistics on Women and the Criminal Justice System 2021
- Legal Aid Statistics
- Diversity of the Judiciary 2025

We have used independent research to further understand and explain trends in criminal justice outcomes for individuals with protected characteristics, including from similar international jurisdictions on judge-only trials.

Data analysis

For each policy we have considered whether they will directly or indirectly impact individuals with protected characteristics. To assess indirect discrimination, we have considered the evidence below:

1. Who will most likely be impacted by the policy (the affected population) – data on the individuals who the policy will apply to.
 - a. For policy 1a (removing right to elect to a trial in the Crown Court) and 1c (reforming magistrates' court appeals) we have also considered data on defendant behaviour by protected characteristic to provide us with an indication of who the policy is most likely to impact within the affected population (e.g. election rates and appeal rates).
 - b. Where the evidence is available, we have considered whether individuals within the affected population experience differential impacts from the policy measures.
2. Whether the policy will result in a disadvantage for individuals with protected characteristics – we have considered data available on conviction rates and sentencing outcomes in magistrates' courts and the Crown Court, as well as broader impacts of the policy changes.¹

Data limitations

Detailed data about defendants who are affected by each of the policies is widely available for three of the nine protected characteristics – age, sex and ethnicity – and is presented in this equalities statement. We have also considered data on the intersectionality of these protected characteristics which goes beyond the usual

¹ Data from Youth Courts is included within data from magistrates' courts.

requirements of an equality statement. MoJ does not hold data for the remaining protected characteristics or on the socio-economic background of defendants or victims, but we have considered potential impacts on these groups where appropriate.

Data is presented where known - where age, sex, or ethnicity are not stated or unknown they are omitted from analysis. The degree of unknown data varies by protected characteristic and court, but there are higher levels of unknown data for ethnicity in magistrates' courts (34% in year ending June 2025) and the Crown Court (39% in year ending June 2025). Data extracted from administrative court systems relies on ethnicity information recorded at earlier stages of an individual's journey through the CJS and the recording of this information is not mandatory. We are working with HMCTS and partners across the criminal justice system to improve the availability of ethnicity data from underlying administrative systems to ensure that ongoing analysis is robust.

This Equality Statement provides data available on court outcomes - a limitation of this evidence is that it does not control for additional factors which impact court outcomes and vary by demographic, such as plea rates, offence mix, location and previous offending (known as legally relevant factors). The latest publication of Ethnicity in the CJS (2024) does conduct this secondary analysis where data is available, though at aggregate level for all offences across magistrates' courts and the Crown Court (rather than outcomes per court). This found that all ethnic groups were significantly more likely to be sentenced to immediate custody (rather than a suspended or non-custodial sentence) for indictable offences compared to White offenders, with the most pronounced disparities seen in sentencing for drug offences. However, there was no statistically significant association between an offender's ethnicity and the length of custodial sentences for indictable offences.²

Data on the protected characteristics of victims, witnesses, and the legal profession is not available and so we are unable to conclude whether the policies will result in a disadvantage to individuals within these groups. However, we have considered possible impacts on victims, witnesses, and legal representatives with protected characteristics where relevant.

Data monitoring and evaluation

Statistics on convictions are routinely published within Criminal Justice Statistics Quarterly and this information is published by reference to age, sex and ethnicity for magistrates' courts and the Crown Court. We plan to regularly review the data once available to obtain an up-to-date understanding of the impact of criminal court reforms.

We also recognise the gaps in the data available across the CJS, and that this has persisted for too long, highlighted in the Lammy Review in 2017. As a result, MoJ is currently considering further data sets to help us better understand court outcomes (experiences) for individuals with protected characteristics.

² [Statistics on Ethnicity and the Criminal Justice System, 2024 \(HTML\) - GOV.UK](#)

Finally, we will continue to engage with groups and organisations with a diverse range of interests, including those representing individuals with protected characteristics, to address any concerns arising from our policies. The MoJ has already engaged extensively with a wide range of stakeholders and relevant sectors, including but not limited to victims and victims' representatives (Galop, Women's Aid, Rape Crisis, Hibiscus, We Are Survivors, the Victims' Commissioner, the Domestic Abuse Commissioner), non-governmental organisations (JUSTICE, APPEAL, Transform Justice), representatives from the legal sector (Law Society, Bar Council, Criminal Bar Association), the judiciary (Circuit leaders, Judicial leadership), the magistracy (Magistrates' Association, Magistrates' Leadership Executive), court staff from the two busiest multiple criminal courts in the country (Wood Green and Snaresbrook) and similar international jurisdictions. The Deputy Prime Minister has also engaged with the BAME and Women's Parliamentary Labour Party (PLP).

1. Magistrates' Court Measures

a. Removing the right to elect for trial in the Crown Court

Policy Description

- Part 1 of Sir Brian Leveson's Independent Review of the Criminal Courts (IRCC) considered options for criminal court reform, with the aim of reducing demand on the Crown Court by retaining more cases in the lower courts. Retaining more cases in the magistrates' courts is one of the primary levers for creating more capacity in the criminal court system, freeing up time and space in the Crown Court to work through the most serious and complex cases in the open caseload.
- One of the ways to retain more cases in magistrates' courts is to remove the defendant's right to elect for Crown Court trial for triable either-way (TEW) offences where the court considers summary trial is suitable.
- Currently, all defendants have their first hearing in magistrates' courts. Summary only offences are retained in magistrates' courts, indictable-only offences must be committed to the Crown Court for trial, but triable either-way (TEW) offences can be heard in magistrates' courts or the Crown Court.
- Magistrates or District Judges assess whether a TEW offence is suitable to be heard in the magistrates' courts based on complexity, severity, whether their sentencing powers are likely to be sufficient, and any other factors relevant to the interests of justice. If the magistrates or District Judge conclude the case is suitable for summary trial (i.e. within the magistrates' courts), the defendant currently has the right to nevertheless elect for their case to be heard in the Crown Court. Defendants do not need to give any reason for this election and can elect based on preference.
- Sir Brian recommended removing the right to elect for a Crown Court trial for offences with a maximum custodial sentence of two years. The Government has decided to take a more consistent approach: to remove defendants' right to elect for all TEW offences. The final decision on where a TEW case is heard will be for magistrates or District Judges, not the defendant. This will ensure a more proportionate allocation of court resource, prevent lower-level cases from escalating to the Crown Court unnecessarily, and place decisions on where a case will be heard in the hands of the court as opposed to the defendant.

Equality Considerations

Direct discrimination

- Direct discrimination occurs when a policy would result in people being treated less favourably because of a protected characteristic.
- Our assessment is that this measure is not directly discriminatory within the meaning of the Equality Act 2010 as it does not treat people less favourably because of their protected characteristics. Removing the right to elect will be applied in the same way to all defendants, regardless of their protected characteristics.

Indirect discrimination

- Indirect discrimination occurs when a policy applies in the same way to all individuals but would put those with a particular protected characteristic at a particular disadvantage compared to those who do not share that characteristic.
- This policy removes the defendant's ability to choose to have their case heard in the Crown Court for TEW offences. We have therefore considered whether having a case heard in magistrates' courts is likely to result in a disadvantage for defendants with protected characteristics, compared to their case being heard in the Crown Court. We have considered conviction rates and custodial sentencing outcomes in both courts, as well as differences in processes, procedures or facilities.

Victims

- Some victims are waiting years for justice, with over 20,000 open cases in the Crown Court waiting a year or more. We would expect a positive impact of this policy on all victims and witnesses due to its impact on increasing the speed at which cases flow through the system.
- Cases progress more quickly through magistrates' courts; in 2024, TEW offences completed four times faster in magistrates' courts than in the Crown Court. This policy also frees up more time in the Crown Court to work through the open caseload.
- We are not able to determine the protected characteristics of victims and witnesses who will be impacted by this specific policy change. However, more broadly, data shows that individuals with certain protected characteristics are more likely to be victims of crime. The Crime Survey for England and Wales (CSEW) 2025 found that Adult victims of any headline CSEW crime are more likely to be:
 - Aged 25-34 (19.7%)
 - Women (17.7%)
 - From a Mixed or multiple ethnic background (24.2%)
 - Disabled (19.7%)
 - Other religion (28.4%), Buddhist (21.7%), or Jewish (21.2%)
 - To describe their sexuality as bisexual (25.3%) or gay / lesbian (23.3%)
- The most recent publication of Ethnicity and the Criminal Justice system found that if you are Black, you are 13% more likely to be a victim of crime than if you are white and 43% more likely if from a mixed ethnic background. In addition, if you are Black, you are four times as likely to be a victim of homicide compared with those who are White.³ This suggests there is likely to be an overrepresentation of individuals with certain protected characteristics in the cohort of victims who will benefit from this policy change.

Special measures

- Special measures are practical steps designed to help vulnerable or intimidated victims and witnesses give their best evidence in court. All special measures are available across both the magistrates' courts and the Crown Court, with the

³ [Statistics on Ethnicity and the Criminal Justice System, 2024 \(HTML\) - GOV.UK](#)

exception of section 28 of the Youth Justice and Criminal Evidence Act 1999 (“s28”) on pre-recorded cross examination. The benefits of s28 in giving evidence earlier and away from a live trial are more relevant in Crown Court, where cases take longer to come to trial and a jury is present in the courtroom.

- Children, people with disabilities affecting their communication, and complainants of sexual offences are eligible for s28, with around 2,200 witnesses a year using the measure to give evidence earlier, away from the pressure of a live trial. Moving more cases to a court where s28 is unavailable may have an indirect impact on youths, people with disabilities and victims of sexual offences, who are more likely to be female. We lack sufficient data on s28 cases and users to know how many would be affected.
- However, this difference is already actively managed for TEW cases which have their case retained in magistrates’ courts. Magistrates will continue to have the power to remit the case to the Crown Court if there is an early indication of s28 preferences, meaning witnesses could still access the measure. Other special measures are available in the magistrates’ courts to reduce intimidation for victims, such as live links and screens to shield the witness.

Defendants

Affected population

- The population of individuals who will be affected by this policy are those charged with a TEW offence in magistrates’ courts, as these defendants would have previously had the right to elect for trial in the Crown Court.⁴ Within this affected population, male defendants and defendants age 15- 17 years are overrepresented and therefore will feel the impact of this policy more than others.
 - Men form 85% of the affected population but make up 79% of the general population of individuals proceeded against in the magistrates’ courts.
 - Ages 15-17 years made up 4% of the affected population but only 1% of the number of individuals proceeded against in magistrates’ courts.
 - There is no overrepresentation of any ethnic groups within the affected population.
- It is also important to consider the proportions of defendants in TEW cases who typically elect for trial at the Crown Court. Historical data for TEW offences shows that Black defendants, older defendants, and female defendants elect for trial at the Crown Court at higher rates than other groups:
 - In 2022, 26% of Black defendants elected for trial in the Crown Court, compared to 19% Mixed ethnicity, 17% Asian, 17% Other ethnicity, and 15% White defendants.⁵

⁴ The affected population is calculated as the number of individuals proceeded against for TEW offences in magistrates’ courts, minus the number who have had proceedings discontinued or discharged, and charge withdrawn or dismissed.

⁵ This is the latest available published data on election rates by ethnicity from MoJ. This is due to identified data quality concerns in the underlying data series. Work remains ongoing to reintroduce the series into published criminal courts releases.

- In 2022, ages 30 to 69 years elected at rates between 19-23% whilst ages 15 to 29 elected at rates between 5-16%.⁶
- In 2021, 20% of female defendants elected compared to 14% of male defendants.
- There is limited evidence to confirm why certain groups elect for trial at the Crown Court more than others. The Lammy Review suggests that trust in the CJS, including magistrates, may be a factor and that ‘in some cases, this means defendants pleading not guilty and then electing for a jury trial at the Crown Court, rather than be tried in a Magistrate’s Court’.⁷ In addition, a qualitative research study with prisoners conducted at the time of the review found that a lack of confidence in legal aid lawyers meant that participants were less likely to trust the advice they were given, particularly involving decisions around whether to plead guilty.⁸ Whilst the empirical evidence behind why people elect is limited, it is clear that the rates of election for a Crown Court trial are markedly higher amongst Black and Mixed Race defendants.

Analysis of impacts

Conviction rates

- Conviction rates are higher in the magistrates’ courts compared to the Crown Court (Annex A) but the data we hold does not allow us to compare the conviction rate in the Crown Court to that in the magistrates’ courts in a like for like way.⁹ For example, there are higher guilty plea rates in the magistrates’ courts for TEW and indictable offences compared to the Crown Court which may account for this difference (i.e. defendants may be more likely to plead guilty to less serious offences which do not attract long custodial sentences) and this data does not take into account additional legal factors outlined above, which influence conviction outcomes.¹⁰
- Conviction rates are higher in the magistrates’ courts for TEW cases than conviction rates in the Crown Court. However, from the available data those higher conviction rates apply equally across the board to all defendants. Based on the available data, we do not see that magistrates deliver differential verdicts for defendants based on their protected characteristics (Annex A).

⁶ Data relating to election rates by age is bespoke MoJ data for this equalities statement and has not been published beyond this. Data on election rates by ethnicity is published here: [Statistics on Ethnicity and the Criminal Justice System, 2022 \(HTML\) - GOV.UK](#), Data on election rates by sex is published here: [Women and the Criminal Justice System 2021 - GOV.UK](#).

⁷ The Lammy Review (2017), <https://assets.publishing.service.gov.uk/media/5a82009040f0b62305b91f49/lammy-review-final-report.pdf>

⁸ Catch 22, Fairness in the Justice System: What’s race got to do with it? (2017). <https://d1mdc3nx9zxiu4.cloudfront.net/prod/uploads/2023/02/Fairness-in-the-criminal-justice-system-Full-Report-2017.pdf>

⁹ Conviction rate represents the number of convictions as a proportion of the number of prosecutions. At magistrates’ court this represents the number of defendants convicted at magistrates’ court divided by the number of prosecutions. At Crown Court, this represents the number of defendants convicted at Crown Court divided by the number of defendants that appeared at Crown Court for trial. Note that it is not a true rate, in that individuals appearing in one period may be convicted in a subsequent period.

¹⁰ Indictable offences in magistrates’ courts refer to those in the youth courts. Defendants cannot plead guilty to an indictable offence in adult magistrates’ courts – it is only possible to indicate a guilty plea before being sent to the Crown Court.

- In year ending 2025, conviction rates were between 87% and 92% for all ethnicities in magistrates' courts;
 - Men and women were convicted at the same rate of 90%.
 - Conviction rates for ages 18-69 years for TEW offences were between 88% and 92%, with lower conviction rates for the youngest and oldest defendants.
- When considering intersectionality between sex and ethnicity, in the year ending June 2025 (Annex A):
 - Across both courts, conviction rates for TEW offences were higher for White women and White men compared to other ethnicities, with the exception of Mixed ethnicity men in the Crown Court (Mixed ethnicity males convicted at 78%, White males convicted at 77%).
 - White women were convicted at much higher rates than other ethnicities in the Crown Court (70% compared to other ethnicities between 50-55%).
 - As outlined above, this data does not control for legally relevant factors which may explain differences in conviction rates.
 - We have not drawn conclusions relating to the intersectionality of age and ethnicity or age and sex, as there are low volumes of defendants for certain age groups which do not allow us to draw robust comparisons. Full intersectionality data can be found in Annex A.

Sentencing

- MoJ data – not controlled for important additional factors - shows that ethnic minority defendants are more likely to receive a custodial sentence compared to White counterparts in the Crown Court but that this disparity is less apparent in the magistrates' courts. In year ending June 2025 (Annex A):
 - In the Crown Court, Mixed ethnicity defendants and White defendants were the least likely to receive an immediate custodial sentence at 55% and 56%, followed by Black and Asian defendants at 58% and Other ethnicity defendants at 63%.
 - In magistrates' courts, 17% of White defendants received an immediate custodial sentence, compared to 18% of Black defendants, 19% Asian and Other Ethnicity and 21% of Mixed ethnicity defendants.
- Women are less likely to be sent to prison than men in both courts (at a rate of 13% in the magistrates' courts compared to 21% of male defendants; and 33% in Crown compared to 57% of male defendants). The average custodial sentence length is similar for men and women in the magistrates' courts (3 months), but men receive longer sentences than women in the Crown Court (25 months compared to 21 months).
- We also see lower likelihoods of custodial sentences for the oldest and youngest defendants in both courts, though there is greater variation in sentence length between age groups in the Crown Court.
- However, this data does not control for additional factors which may explain differences in sentencing outcomes, such as plea, offence mix, and previous offending.
- When considering intersectionality between sex and ethnicity, in year ending June 2025 for TEW offences:

- In the magistrates' courts, White males were sentenced to immediate custody at higher rates than other ethnicities, and Black and White females were sentenced to immediate custodial sentences at higher rates than other female ethnicities. Average custodial sentence lengths (ACSL) were similar across most groups (with slightly lower ACSL for Asian females).
- In the Crown Court, Other and Mixed ethnicity males were sentenced to immediate custody at higher rates than other ethnicities (65.6% and 60.2% compared to a custody rate of 59% for Black males, 57% for Asian and White males). White and Other ethnicity males had lowest average custodial sentence lengths.
- In the Crown Court, Asian females were sentenced to immediate custody at higher rates than other ethnicities (37.8% compared to a custody rate of 34.6% for White females, 31% for Black and Mixed ethnicity females and 28% Other ethnicity females). However, despite higher custody rates, Other ethnicity females and Mixed ethnicity females had longer average custodial sentence lengths.

Remand

- Retaining cases in magistrates' courts is expected to increase the speed of cases progressing through the criminal courts and free up more time in the Crown Court to hear the most complex cases, thereby reducing the outstanding caseload in the Crown Court. A further benefit to swifter justice is reducing the time defendants spend awaiting trial on remand. We know that people on remand can often have a long wait until their cases start; in the latest period people held on remand waited on average around 22 weeks before their substantive hearing started at the Crown Court. This is up from 16 weeks in 2019. In addition, many defendants on remand ultimately end up with a non-custodial sentence which increases the importance of limiting their time on remand. In year ending June 2025, 32% of ethnic minority defendants and 29% of White defendants remanded into custody at the Crown Court did not receive a custodial sentence.
- MoJ data shows that some ethnicities were remanded into custody at a higher rate than others. When considering whether a defendant was remanded in custody or given another outcome (e.g. bail), 54% of White defendants were remanded in custody compared to 53% Asian, 60% Black, 61% Mixed, 63% Other ethnicity. This data does not control for legally relevant factors (such as offence mix, offending history) which may explain these differences in rates of remand.
- A recent report by ADR UK examined ethnic disparities in remand and included analysis of relevant legal factors. The report concluded that the odds of being remanded to custody prior to trial is higher for both men and women from Black, Mixed, White and Other ethnic minority backgrounds compared to White British men and women.¹¹
- Our reforms to increase the speed of cases through the system will advantage defendants on remand, many of whom are from ethnic minority backgrounds.

Legal aid

¹¹ [Data-Insight-Ethnicity-gender-remand-plea-and-sentencing.pdf](#)

- The financial eligibility arrangements which determine if a defendant may qualify for legal aid differ between the magistrates' courts and the Crown Court. In particular, financial eligibility thresholds are lower at the Crown Court although the defendant may also be required to pay a contribution towards their legal aid costs (no contributions are payable by legally aided defendants in the magistrates' courts). Therefore, if more cases are dealt with in the magistrates' courts, it is likely that an increased proportion of these defendants may be ineligible for legal aid when they would otherwise have been eligible if their case had been heard at the Crown Court.
- This will not impact defendants on lower incomes who will continue to be eligible for legal aid in the magistrates' courts. However, defendants on relatively higher incomes who qualified for legal aid at the Crown Court because their annual disposable income fell below the upper threshold of £37,500 may no longer be financially eligible at the magistrates' court where there is an annual upper gross income threshold of £22,325.
- In addition, this may impact individuals who are charged with more serious offences which potentially attract longer sentences, due to the potential for increasing magistrates' court sentencing powers to 18 or 24 months for a single triable either-way offence under the proposed amendment to the varying power.
- When considering the demographic makeup of legal aid clients who may be particularly affected by this policy change, there is a high proportion of unknown ethnicity data for legal aid clients. The data therefore does not allow us to draw conclusions as to whether any ethnic group is under or over-represented in the legal aid client population, and whether they will be more impacted by this change. We are working with partners across the CJS to improve the availability of ethnicity data from underlying administrative systems to ensure that ongoing analysis is robust.
- There is also a high proportion of unknowns in the data on sex in the Crown Court. However, for the legal aid clients for whom sex is available, there appears to be a higher percentage who are male in both courts (83% in magistrates' courts and 74% in the Crown Court).¹² Therefore, this policy change may be more likely to affect men.
- When comparing the age profile of legal aid clients in the Crown Court versus magistrates' courts from 2024-2025, there are fewer under 18s (3% vs 9%), fewer 35-54-year-olds (37% vs 46%), and more 18-34-year-olds (53% vs 40%) in the Crown Court.¹³ 18-34-year olds, therefore, may be more impacted by this policy change.

Estates

¹² Magistrates' court data (completed claims) is based on 2024-25, while Crown Court data (representation orders granted) is based on 2023-24 due to a higher proportion of unknowns in the 2024-25 dataset: [Legal aid statistics quarterly: January to March 2025 - GOV.UK](#).

¹³ Age data for both magistrates' court and Crown Court is drawn from representation orders granted in 2024-25 (Legal aid statistics quarterly: January to March 2025), as case completion data is not available. Magistrates' court figures exclude summary only offences.

- As at December 2025, we have 71 active Crown Court sites, 120 active magistrates' court sites and 31 sites that house both Crown and magistrates' court hearing rooms. Whilst we have full access audit surveys for some estate buildings, the sample size is too small to draw meaningful conclusions on whether there are significant differences in the buildings and facilities available at magistrates' courts compared to Crown Courts which may impact people with protected characteristics, for example access requirements for people with disabilities.
- Currently we provide reasonable adjustments through which we support court users with additional needs to ensure they have equal access to our services and information.¹⁴ We would continue to provide reasonable adjustments as required to court users following these policy changes.
- There is a risk that increasing the number of people in magistrates' courts makes it more difficult to accommodate for reasonable adjustment requests such as separate waiting areas for victims' families.
- However, there are more magistrates' courts in the estate than Crown Courts. Retaining more cases in magistrates' courts could therefore provide greater flexibility in the estate, as there are more options to choose from when listing cases which involve users with access needs. Having more options may also reduce travel for some users. We will continue to work with operational partners to ensure smooth implementation in line with our commitment to provide all court users with equal access.

Diversity of the magistracy

- This policy will result in more cases being heard in magistrates' courts. We acknowledge that certain defendants elect at higher rates and the Lammy Review suggested that may be due to trust in the CJS, including magistrates. It also found that a fundamental source of mistrust in the CJS among ethnic minority communities is the lack of diversity among those who wield power within it.¹⁵ Given more cases will be heard in magistrates' courts, having a diverse magistracy that represents the communities they serve continues to be crucial.
- Since the Lammy Review took place almost a decade ago, the diversity of the magistracy has improved. As of April 2025, 14% of magistrates are from ethnic minority backgrounds, compared to 9% a decade ago, and rises to 31% in London. This compares to 18% of ethnic minority individuals in UK nationally, and 46% in London (2021 Census).¹⁶

¹⁴ [Equality and diversity - HM Courts & Tribunals Service - GOV.UK](#)

¹⁵ [The Lammy Review](#)

¹⁶ [Regional ethnic diversity - GOV.UK Ethnicity facts and figures](#)

- In addition, as at April 2025, 57% of magistrates were female (five percentage points higher than in 2014).¹⁷ 77% of magistrates appointed between 2022-2025 attended state schools.¹⁸
- Alongside these reforms, the Government is working to recruit more, and more diverse, magistrates to ensure that our benches reflect the communities they serve.

Conclusions

- This policy retains more cases in the magistrates' courts, and there are higher conviction rates, lower likelihood of receiving a custodial sentence and shorter sentence lengths for TEW offences in magistrates' courts compared to the Crown Court across all protected characteristics. However, it is important to acknowledge that those differences in conviction rates and sentencing outcomes do not account for offence mix or severity and may be a result of factors we are unable to measure and have already discussed above.
- This policy is likely to benefit victims and witnesses, as well as defendants on remand, due to its impact on increasing the speed of cases flowing through the system. Whilst we lack data on the protected characteristics of victims impacted by this specific policy, we know that individuals with certain protected characteristics are more likely to be a victim of crime and so may be more likely to feel the benefit of this policy than others. Some ethnic minority defendants are placed on remand at a higher rate than others and so are particularly likely to feel the benefits of this policy.
- There is likely to be a disadvantage related to eligibility for legal aid for a subset of individuals who, prior to these reforms, would have been able to elect, and who would have been financially eligible for legal aid in the Crown Court (with a likely contribution from income), but who are not financially eligible to receive legal aid in the magistrates' courts, because of the different way financial eligibility is determined in the two different venues. There are challenges relating to data on the protected characteristics of legal aid clients who would be affected by this change, but available data suggests men and 18-34-year-olds are likely to be more impacted.
- There is insufficient evidence to conclude whether differences in special measures or the estate will result in a disadvantage to defendants and other court users with protected characteristics, though mitigations in the form of reasonable adjustments and other special measures will continue to be available.

¹⁷ [Diversity of the judiciary: Legal professions, new appointments and current post-holders - 2025 Statistics - GOV.UK](#)

¹⁸ This figure was produced using published figures for 2022/23 to 2024/25, in the 2023/24 and 2024/25 judicial diversity annual reports. Data for 2022/23 is incomplete as a large proportion of appointments that year were not recorded on the new applicant tracking system which was introduced in January 2022.

- We acknowledge concerns around eligibility thresholds for legal aid and limitations in data which we are seeking to address as outlined in the introduction. However, we do not consider that this policy causes indirect discrimination. If it were the case that someone with a protected characteristic were to be put at a particular disadvantage by this policy, we consider that it is a proportionate means of achieving our legitimate aim of reducing the outstanding caseload in the Crown Court and to deliver swifter justice for victims. We consider that a fair balance has been struck between the impact on defendants who may be disadvantaged by this measure and the public interest in pursuing this measure to create a more efficient criminal court system which continues to ensure that defendants are tried fairly and more promptly. We will continue to monitor conviction rates and sentencing outcomes to obtain an up-to-date understanding of the impact of reforms.

Advancing equality of opportunity

- Consideration has been given to how these proposals impact on the duty to advance equality of opportunity by meeting the needs of affected defendants where those needs are different from the needs of those who do not share that protected characteristic. We cannot conclude that this policy will necessarily advance equality of opportunity.
- Overall, it is considered that there are likely to be benefits in processing cases more quickly for both defendants and victims in scope of the changes, hence faster access to justice.
- Differences in special measures between the Crown Court and magistrates' courts are already actively managed by magistrates and District Judges by the use of alternative special measures and the power to remit cases to the Crown Court, and they will continue to do so for the additional cases affected due to removing the right to elect.

Discrimination arising from disability and duty to make reasonable adjustments

- Retaining more cases in magistrates' courts will impact all defendants including those living with disabilities. As outlined, there may be differences in accessibility of different parts of the estate. However, we will continue to provide reasonable adjustments to support defendants with disabilities to access magistrates' courts.

Fostering good relations

- Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.
- Certain cohorts of defendants may perceive this change more negatively than others, including those who elect at higher rates such as Black defendants, female defendants, and older defendants. We will continue to engage with stakeholders to address concerns on the impacts of these policy changes, including organisations and groups representing individuals with protected characteristics. However, we consider that, overall, the policy changes are proportionate and do not adversely affect good relations between people who share certain protected characteristics and those who do not.

b. Increasing magistrates' court sentencing powers

Policy Description

- Currently, magistrates' court sentencing powers (MSPs) for triable either-way offences are governed by the general limit set under paragraph 14A of Schedule 23 to the Sentencing Act 2020. This varying power enables the Secretary of State, by legislative regulations subject to the negative procedure, to set the general limit at either 6 months or 12 months' imprisonment for a single and multiple TEW offences.
- A key factor that magistrates' courts consider when deciding whether to retain a TEW case for trial is whether the sentence likely imposed (if the defendant is convicted) would be in excess of their sentencing powers. Magistrates' courts allocation guidance (developed by the Justices' Legal Advisers and Court Officers' Service) advises that magistrates' courts should retain cases where the expected sentence could be up to 18 months (i.e. they take the case and then send it to the Crown for sentencing if there is a conviction, and the sentence should be more than 12 months). If magistrates or District Judges believe a case is likely to receive a sentence greater than that advised in their allocation guidance (currently 18 months), they will send it to the Crown Court.
- This Bill amends the existing varying power so that in addition to 6 or 12 months, the Secretary of State may also set the general limit for TEW offences at 18 months or 24 months. This measure does not itself raise MSPs immediately. The Bill simply expands the range of permissible limits that may be set by secondary legislation.
- Alongside removing the right to elect, increasing magistrates' court sentencing powers is expected to result in more cases being retained and disposed of in the magistrates' courts.
- This measure does not alter the statutory maximum penalty for any offence. It only expands the limits within which magistrates' courts may sentence, meaning they would be able, if the general limit is raised by regulations, to impose sentences of up to 18 months or 24 months.

Equality Considerations

Direct discrimination

- Direct discrimination occurs when a policy would result in people being treated less favourably because of a protected characteristic.
- Our assessment is that this measure is not directly discriminatory within the meaning of the Equality Act 2010. Increasing magistrates' courts sentencing powers will apply to all defendants whose case is likely to receive a custodial sentence up to the general limit regardless of their protected characteristic.

Indirect discrimination

- Indirect discrimination occurs when a policy applies equally to all individuals but would put those with a particular protected characteristic at a particular disadvantage compared to those who do not share that characteristic.
- As with removing the right to elect, this policy will result in some defendants having their case heard in magistrates' courts rather than the Crown Court. To assess whether this will result in a disadvantage for those with protected characteristics, we have considered conviction rates and sentencing outcomes in magistrates' courts compared to the Crown Court, as well as the differences in processes, procedures and facilities in each jurisdiction.
- As this policy has the same effect as removing the right to elect – i.e. more TEW offences will be retained in magistrates courts - see section 1a (removing the right to elect) for further analysis of the impacts including on victims, discussion of conviction rates, sentencing outcomes, defendants on remand and differences legal aid, special measures and the estate.

Affected population

- Male defendants and defendants between the age of 21-29 are likely to be more impacted by the policy to increase magistrates' court sentencing powers.
- The population of individuals who will be affected by this policy are those receiving custodial sentences between 18 and 24 months. Currently, the magistrates' courts allocation guidance (developed by the Justices' Legal Advisers and Court Officers' Service) advises magistrates' courts to retain and hear any case which could be expected to attract a sentence of up to 18 months (i.e. 6 months more than magistrates' current sentencing power). After hearing the case, magistrates may need to commit it to the Crown Court for sentencing if, despite mitigation and credit for an early guilty plea, a sentence of more than 12 months is considered appropriate.
- Under this policy, MSPs could be increased to 18- or 24-months' maximum imprisonment, and allocation guidance will be amended to take this into account.
- For the purposes of analysing the impact of this policy, we have assumed that MSPs will be increased to 18 months and the allocation guidelines will be raised correspondingly to 24 months. We have therefore analysed demographic information of defendants sentenced to 18-24months' custody in the Crown Court.
- Men comprise 96% of the affected population (i.e. defendants sentenced between 18- and 24-months' custody at the Crown Court) but make up 79% of the general population of individuals proceeded against in the magistrates' courts.
- We also see slight over-representation for age groups 30-39 years, who accounted for 35% of the affected population compared to 30% of individuals proceeded against in magistrates' courts. As well as slight underrepresentation for age groups 50-59 years and 60-69 years who accounted for 8% and 2% of the affected population but 12% and 5% of individuals proceeded against in magistrates' courts.
- There is no notable under or over representation for ethnicity.

Conclusions

- There are higher conviction rates, lower likelihood of receiving a custodial sentence, and shorter sentence lengths for TEW offences in the magistrates'

courts compared to the Crown Court across all protected characteristics. However, it is important to acknowledge that those differences in conviction rates and sentencing outcomes may be a result of factors we are unable to measure and have already discussed above.

- This policy is likely to benefit victims and witnesses, as well as defendants on remand, due to its impact on increasing the speed of cases flowing through the system. Whilst we lack data on the protected characteristics of victims impacted by this specific policy, we know that individuals with certain protected characteristics are more likely to be a victim of crime and so may be more likely to feel the benefit of this policy than others. Some ethnic minority defendants are placed on remand at a higher rate than others and so are particularly likely to feel the benefits of this policy.
- There is likely to be a disadvantage related to eligibility for legal aid for a subset of individuals who, prior to these reforms, would have had their case heard in the Crown Court, and who would have been financially eligible for legal aid in the Crown, but who are not financially eligible to receive legal aid in the magistrates' courts, because of the different way financial eligibility is determined in the two different venues. There are challenges relating to data on the protected characteristics of legal aid clients who would be affected by this change, but available data suggests men and 18-34-year-olds are likely to be more impacted.
- There is insufficient evidence to conclude whether differences in special measures or the estate will result in a disadvantage to defendants and other court users with protected characteristics, though mitigations in the form of reasonable adjustments and other special measures will continue to be available.
- We acknowledge concerns around eligibility thresholds for legal aid and limitations in data which we are seeking to address as outlined in the introduction. However, we do not consider that this policy causes indirect discrimination. Even if it were the case that someone with a protected characteristic were to be put at a particular disadvantage by this policy, we consider that this proposal will not result in any unlawful indirect discrimination as it is a proportionate means of achieving our legitimate aim of reducing the outstanding caseload in the Crown Court and to deliver swifter justice for victims. We consider that a fair balance has been struck between the impact on defendants who may be disadvantaged by this measure and the public interest in pursuing this measure to create a more efficient, criminal court system which continues to ensure that defendants will be tried fairly. We will continue to monitor conviction rates and sentencing outcomes to obtain an up-to-date understanding of the impact of reforms.

Advancing equality of opportunity

- Consideration has been given to how these proposals impact on the duty to advance equality of opportunity by meeting the needs of affected defendants where those needs are different from the needs of those who do not share that protected characteristic. Whilst we have concluded that MoJ data does not show evidence of

indirect discrimination, we cannot necessarily conclude that this policy will advance equality of opportunity.

- Overall, it is considered that there are likely to be benefits in increasing MSPs to process cases more quickly for both defendants and victims in scope of the changes, and hence faster access to justice.
- Differences in special measures between the Crown Court and magistrates' courts are already actively managed by magistrates' and District Judge by the use of alternative special measures and the power to remit cases to the Crown Court, and they will continue to do so for the additional cases affected due to increasing MSPs.

Discrimination arising from disability and duty to make reasonable adjustments

- Retaining more cases in magistrates' courts will impact all defendants in scope including those living with disabilities. As outlined, there may be differences in accessibility of different parts of the estate. However, we will continue to provide reasonable adjustments to support defendants with disabilities to access magistrates' courts.

Fostering good relations

- We do not consider that these proposals would have a particularly significant impact on the achievement of this objective.

c. Reforming the magistrates' court appeals process to the Crown Court

Policy Description

- The Government has accepted Sir Brian Leveson's recommendation to reform the appeals process from magistrates' courts to the Crown Court. This means that appellants appealing against conviction or sentence in criminal proceedings will no longer have an automatic right to appeal and instead will be required to seek permission to appeal based on an arguable point of law for their case to progress to an appeal hearing.
- If permission is granted, the appeal hearing will be restricted to the point of law that was identified at permission stage, rather than a full rehearing of the case in the Crown Court. The new process will mirror the appeals process from the Crown Court to the Court of Appeal.
- To support changes to the appeals process, we will also introduce audio recording in magistrates' courts for trial and sentencing hearings. This will ensure that there is an accurate record of proceedings which can be transcribed for the purposes of supporting an appeal, given the move away from a full rehearing of the case at appeal.
- Currently, for many cases that are appealed, victims and witnesses are required to go through the ordeal of a second trial even when there is very little prospect of an appeal succeeding. The permission stage will filter out appeals with no merit at an earlier stage in the process and, combined with removing the need for a full rehearing in the Crown Court, will reduce the impact of appeals on victims and witnesses.

- Without replacing the automatic right to appeal, there is a risk that volumes of unnecessary appeals to the Crown Court will increase due to the larger volume of cases being heard in magistrates' courts (as a result of removing the right to elect and increasing magistrates' court sentencing powers) which would place further burden on victims and witnesses.

Equality Considerations

Direct discrimination

- Direct discrimination occurs when a policy would result in people being treated less favourably because of a protected characteristic.
- Our assessment is that this measure is not directly discriminatory within the meaning of the Equality Act 2010. The new magistrates' court appeals process will apply to all defendants who are convicted and sentenced in the magistrates' court, including the youth court, regardless of their protected characteristics.

Indirect discrimination

- Indirect discrimination occurs when a policy applies equally to all individuals but would put those with a particular protected characteristic at a particular disadvantage compared to those who do not share that characteristic.
- The population affected by this policy is all defendants who receive a conviction or sentence in magistrates' courts who wish to appeal, as well as all victims and witnesses who are involved in these cases.

Affected population

- The affected population is all defendants who receive a conviction or sentence in the magistrates' courts, as these defendants have the right to appeal to the Crown Court. When comparing this affected population to the demographic makeup of individuals proceeded against in magistrates' courts, no sex, ethnicity or age group appears to be overrepresented.
- When considering data on the types of defendants who typically appeal, there is a higher portion of men who appeal (in year ending June 2025, 84% of magistrates' courts appeals were by male defendants, but male defendants made up 78% of those convicted in magistrates' courts, and 77% of those sentenced).
- There was also a lower proportion of 18-20yearolds who appealed compared to the number of individuals proceeded against in magistrates' courts in year ending June 2025, 3% appealed compared to 6% in the convicted and sentenced population respectively.
- We do not have sufficient available data on the ethnicity of defendants who appeal to draw reliable conclusions from.

Conclusions

- Male defendants are more likely to appeal and therefore will be more impacted by the policy to reform magistrates' court appeals.

- However, there is no evidence to suggest that this policy will result in a particular disadvantage. This policy does not restrict the right to appeal, and all defendants will continue to be able to submit an application to appeal a conviction or sentence received in the magistrates' courts. The difference between the old and new magistrates' court appeals process is that defendants will now be required to seek permission to appeal, and if the appeal proceeds to a hearing, it will be confined to a review of legal points identified at permission rather than a full rehearing of the case. This is modelled on the existing route of appeal from the Crown Court to Court of Appeal and still provides an open and fair route to appeal magistrates' decisions. Genuine appeals with legal merit will still proceed to an appeal hearing in the Crown Court under the new model.
- Even if it were the case that someone with a protected characteristic were to be put at a particular disadvantage, we consider that this proposal is a proportionate means of achieving our legitimate aim to reduce the open caseload in the Crown Court and to improve experiences in court for victims and witnesses. We therefore consider that reforming magistrates' court appeals will not result in any unlawful indirect discrimination.
- For victims and witnesses, whilst we cannot determine the protected characteristics of victims and witnesses who will be affected by this policy, we expect it will have a positive impact. Victims and witnesses will no longer be required to attend a full second trial if the case progresses to an appeal, which can be traumatising and may lead to some dropping out of the process.
- In addition, the introduction of recording equipment may have added benefit to all court users in increasing transparency of proceedings in magistrates' courts.

Advancing equality of opportunity

- Consideration has been given to how these proposals impact on the duty to advance equality of opportunity by meeting the needs of affected defendants, victims and witnesses where those needs are different from the needs of those who do not share that protected characteristic. This policy is considered to have a likely beneficial effect on equality of opportunity for victims and witnesses as mentioned above.

Discrimination arising from disability and duty to make reasonable adjustments

- Replacing the automatic right to appeal with a permission stage adds a new step into the existing process (mirroring the process already in place for Court of Appeal), in which appellants must identify an arguable point of law for their appeal to proceed. The permission stage will be supported by legal advisers for appellants with legal representation and unrepresented appellants will need to complete this application alone. For unrepresented appellants who also live with disabilities (e.g. clinical mental health conditions, learning disabilities), there is a possibility that this new process may be more challenging than the existing process.
- The MoJ does not hold data on disability and so we cannot conclude how many appellants this might impact. However, we will continue to provide reasonable adjustments as appropriate to support changes to the magistrates' court appeals process. For example, the Crown Court judge has the power to grant an extension of the time limit to appeal which may benefit defendants with disabilities.

- There is ongoing work by HMCTS to give defendants the information and the support they need to enable them to reach an autonomous decision about whether to obtain legal representation, and to enable them to do so where appropriate.
- This policy also has benefits for victims and witnesses, including those living with disabilities, as they will no longer be required to attend a second hearing of the case on an appeal against conviction in the Crown Court.

Fostering good relations

- We have not identified any impact on this objective from this proposal.

2. Crown Court measures

a. Crown Court Bench Division

Policy Description

- The Government will introduce a Crown Court Bench Division (CCBD) where TEW cases likely to receive a sentence of three years or less will be heard by a judge alone. The measure is intended to improve the timeliness of eligible cases by hearing them by judge alone; Sir Brian Leveson provides a conservative estimate that this will be around 20% quicker than trial with jury.
- To ensure that jury trials remain in place for the most serious crimes, the CCBD can only hear TEW cases likely to receive a sentence of three years or less (including non-custodial sentences). Indictable-only offences can never be heard there.
- The CCBD will operate within the existing Crown Court - it will not create a separate jurisdiction or Intermediate Court. As such, the same procedures in the Crown Court will apply in the CCBD - including the appeal route from the Crown Court to the Court of Appeal. Judges will also retain the full sentencing powers of the Crown Court – they are not restricted to handing down sentences of three years or less.
- Cases already in the open Crown Court caseload can be allocated to judge alone trial in the CCBD if the trial is listed to begin after implementation of the reforms. Cases already part-way through a jury trial will proceed with a jury trial.
- Cases already assigned to a particular mode of trial can be reallocated, to either the CCBD or jury trial, where there has been a significant change of circumstances. If an indictable-only offence is added to a CCBD case, it must always be reallocated to jury trial. If a jury trial has started, it cannot be reallocated to the CCBD. In other scenarios, the judge should also consider other factors such as delay to the trial and interests of victims when deciding whether to reallocate.

Equality Considerations

Direct discrimination

- Direct discrimination occurs when a policy would result in people being treated less favourably because of a protected characteristic.

- Our assessment is that this measure is not directly discriminatory within the meaning of the Equality Act 2010. The decision on whether a case will be heard in the CCBD will be made according to the offence group (TEW offences) and likely average custodial sentence length (maximum 3 years) and it will impact all defendants who fall within this scope in the same way.

Indirect discrimination

- Indirect discrimination occurs when a policy applies equally to all individuals but would put those with a particular protected characteristic at a particular disadvantage compared to those who do not share that characteristic.

Victims

- Some victims are waiting years for justice, with over 20,000 open cases in the Crown Court waiting a year or more.
- In the Crown Court, sexual offences, including rape, currently take a particularly long time to complete on average. In the year to September 2025, rape cases (adult and child combined) the mean (average) duration from receipt to completion at the Crown Court was 413 days, and 350 days for sexual offences. This is compared to a mean (average) duration of 250 days for all offences to complete at the Crown Court. This is for a number of reasons, including low guilty plea rates for these offences.
- Sir Brian Leveson's Independent Review into Criminal Courts provided a conservative estimate of around 20% for the total hearing time saved in a CCBD versus a Crown Court trial with a jury. The introduction of the CCBD is expected to result in swifter resolution of TEW cases with a likely sentence of three years or less, as well as freeing up more time for jury trials in the Crown Court to work through the most serious and complex cases in the open caseload. We expect this to have a positive impact on all victims of offences captured in the Crown Court due to the swifter resolution of justice.
- We are not able to determine the protected characteristics of victims and witnesses who will be impacted by this policy change. However, more broadly, data shows that individuals with certain protected characteristics are more likely to be victims of crime. The Crime Survey for England and Wales (CSEW) 2025 found that Adult victims of any headline CSEW crime are more likely to be:
 - Aged 25-34 (19.7%)
 - Women (17.7%)
 - From a Mixed or multiple ethnic background (24.2%)
 - Disabled (19.7%)
 - Other religion (28.4%), Buddhist (21.7%), or Jewish (21.2%)
 - To describe their sexuality as bisexual (25.3%) or gay / lesbian (23.3%)
- The most recent publication of Ethnicity in the Criminal Justice System also found that if you are Black, you are 13% more likely than average to be a victim of crime than if you are White and 43% more likely if from a mixed ethnic background. In

addition, if you are Black, you are four times as likely to be a victim of homicide compared to White victims.¹⁹

- As outlined above, sexual offences, including rape, currently take a particularly long time to complete on average. Victims of these offences are statistically more likely to be female, and defendants are more likely to be male - the latest data from the CPS (year to September 2025) shows – of charges brought by the CPS for rape – 4,733 victims were female and 514 victims were male. Victims of rape offences were most likely to be between the ages of 25-59. We expect that victims of these offences should be positively impacted by all measures to improve timeliness at the Crown Court.

Defendants

Affected population

- The population affected by this policy is all defendants who appear in the Crown Court for trial for TEW offences with a likely custodial sentence of three years or less. Indictable-only offences are out of scope of the CCBD.
- Within the affected population, (i.e. defendants who have received a sentence of three years or less for TEW offences) there is no overrepresentation of specific ethnicities or sex compared to the demographic makeup of individuals who appeared at the Crown Court for trial. There is only very slight overrepresentation of specific age groups:
- In year ending June 2025, age groups 40-49 years accounted for 21% of the affected population but 19% of individuals who appeared at the Crown Court for trial. Age groups 50-59 years made up for 12% of the affected population but 9% of the individuals who appeared at the Crown Court for trial.²⁰

Analysis of impacts

- The introduction of a CCBD will result in more cases being heard by a judge sitting alone. Juries determine verdicts, not sentences, so the change in process relates to how convictions are reached rather than sentencing. Crown Court cases will continue to be sentenced by the judiciary, who follow sentencing guidelines and reach decisions based on the facts of the case.
- Magistrates' courts conviction rates are an example of trial without jury; however, this is not directly comparable to trial in the Crown Court by judge alone. Cases heard in the Crown Court are more serious, typically more complex, and have different plea rates which may affect conviction rates. We therefore cannot draw conclusions on potential differences in verdicts for individuals with protected characteristics for judge only trials from MoJ data.
- As outlined in section 1a and Annex A, there appear to be some disparities in sentencing outcomes in the Crown Court for ethnicity, sex and age, but the data

¹⁹ [Statistics on Ethnicity and the Criminal Justice System, 2024 \(HTML\) - GOV.UK](#)

²⁰ We have used all TEW offences in the Crown Court to calculate the affected population, as most TEW offences attract a custodial sentence of three years or less (the average custodial sentence length for TEW offences in the Crown Court was 24.5 months in the year ending June 2025). This is not an offence-specific approach.

does not control for additional legal factors which may explain any differences. Judges will have to provide reasoned judgements for their decisions in open court, ensuring transparency. There is insufficient evidence for us to be able to draw conclusions - we will continue to monitor conviction rates to obtain an up-to-date understanding of the impact of reforms.

- We have considered evidence available internationally on judge only trials. Many democracies in Western Europe (e.g. Germany and Italy) do not have trial by jury or have trial by jury for only the most serious offences (e.g. France).
- Of similar common law jurisdictions which have trial by judge alone, analysis of the impacts on criminal justice outcomes is limited. Research in 2024 from New South Wales Bureau of Crime Statistics and Research found that judge-alone trials are associated with a statistically significant increase in the probability of acquittal (by approximately 12% for all offences). The legal practitioners interviewed identified several possible reasons for increased acquittal rates including the requirement for judges to write judgments explaining reasons for their verdict, and that judges might apply a higher threshold for 'beyond reasonable doubt.'
- The study also found that for defendants found guilty at trial, there was a statistically significant decrease in the probability of a custodial sentence in judge-alone trials, but only for prejudicial and complex offences. In addition, where a custodial sentence was given, judge-alone trials were on average associated with a shorter custodial sentence length than trial by jury (average 7.6 months shorter for all offences and 8.4 months shorter for violent offences).²¹ Whilst this provides an interesting insight to the overall picture of court outcomes in judge-alone trials in New South Wales, the data does not allow us to draw conclusions on the specific impacts on individuals with protected characteristics.
- As the CCBD will remain in the jurisdiction of the Crown Court, it follows all Crown Court procedures and processes. For example, all special measures will be available for those having their case heard in CCBD as for jury trial. Legal aid accessibility and eligibility will remain the same for defendants heard in CCBD or jury trial in Crown Court, and the Crown Court estate will continue to be used for both modes of trial.

Remand

- Hearing cases by judge alone is expected to increase the speed of cases progressing through the criminal courts and reduce the outstanding caseload in the Crown Court. A further benefit to swifter justice is reducing the time defendants spend awaiting trial on remand. We know that people on remand can often have a long wait until their cases start; in the latest period people held on remand waited on average around 22 weeks before their substantive hearing started at the Crown Court, this is up from 16 weeks in 2019. In addition, many defendants on remand ultimately end with a non-custodial sentence which increases the importance of limiting their time on remand. In year ending 2025, 32% of ethnic minority defendants and 29% of White defendants remanded into custody at the Crown Court didn't receive a custodial sentence.

²¹ [The effect of judge-alone trials on criminal justice outcomes](#)

- MoJ data shows that some ethnicities were remanded into custody at a higher rate than others. When considering whether a defendant was remanded in custody or given another outcome (e.g., bail), 54% of White defendants were remanded in custody compared to 53% Asian, 60% Black, 61% Mixed, 63% Other ethnicity. This data does not control for legally relevant factors (such as offence mix, offending history) which may explain these differences in rates of remand.
- A recent report by ADR UK examined ethnic disparities in remand and included analysis of relevant legal factors. The report concluded that the odds of being remanded to custody prior to trial is higher for both men and women from Black, Mixed, White and Other ethnic minority backgrounds compared to White British men and women.²²
- Our reforms to increase the speed of cases through the system will advantage defendants on remand, many of whom are from ethnic minority backgrounds.

*Diversity of the judiciary*²³

- As this policy will increase the number of decisions made by the judiciary in our criminal courts, judicial diversity continues to be crucial.
- The diversity of the judiciary has increased over the last decade. 39% of court judges were women in 2025, compared to 24% in 2015. 57% of new entrants to the courts' judiciary were women in 2024-25. Representation in the senior courts' judiciary was weaker. As at 1 April 2025, women judges held 28% of the more senior posts (High Court and above).
- In 2025, 11% of court judges were from ethnic minority backgrounds, compared to 6% in 2015. In 2025, 21% of new entrants to the judiciary across all courts were from ethnic minority backgrounds.
- Distribution of ethnic minority judges is uneven, with lower representation in some circuits. Representation of Black judges in the courts remains below 1% and there were no Black new entrants to the courts judiciary in 2024-25.
- There are 1,756 Circuit Judges and Recorders, who preside over the vast majority of Crown Court criminal cases. 35% are women, 11% from ethnic minority backgrounds (including 1% Black).
- In 2024-25 there were 53 new entrants to the roles of Circuit Judges or Recorders, of whom 60% were women and 21% were from ethnic minority backgrounds (none of whom were Black).
- We continue to work with the judiciary, Judicial Appointments Commission, the legal professions and the Legal Services Board to drive forward progress on increasing judicial diversity.
- Our core programme to encourage diversity, the Pre-Application Judicial Education (PAJE), is working. There have been over 950 participants, and 171 have already been recommended for appointment as judges since 2019.
- We are working closely with other government departments to reduce the obstacles faced by employed lawyers in becoming judges, as this is a more diverse part of the legal profession.

²² [Data-Insight-Ethnicity-gender-remand-plea-and-sentencing.pdf](#)

²³ [Diversity of the judiciary: Legal professions, new appointments and current post-holders - 2025 Statistics - GOV.UK](#)

- We publish some of the most comprehensive judicial diversity data statistics globally.

Conclusions

- There is no directly comparable data set to estimate how conviction rates may differ in trial without jury in the Crown Court.
- Statistics on convictions are routinely published within Criminal Justice Statistics Quarterly and this information is published by reference to age, sex and ethnicity for magistrates' courts and the Crown Court. We will regularly review the data once available to obtain an up-to-date understanding of the impact of reforms.
- Even if it were the case that someone with a protected characteristic considered themselves to be put at a particular disadvantage by this policy, we consider that this proposal will not result in any unlawful indirect discrimination as it is a proportionate means of achieving our legitimate aim of reducing the outstanding caseload in the Crown Court and to deliver swifter justice for victims. We consider that a fair balance has been struck between the impact on defendants who may be disadvantaged by this measure and the public interest in pursuing this measure to create a more efficient courts system which continues to ensure that defendants will be tried fairly.

Advancing equality of opportunity

- Consideration has been given to how these proposals impact on the duty to advance equality of opportunity by meeting the needs of affected defendants where those needs are different from the needs of those who do not share that protected characteristic.
- Advancing equality of opportunity also includes supporting participation of people from underrepresented groups in public life or any other activity. Jury service can be one means through which members of the public participate in public life, and jury trials will continue to be used for the most serious offences. In addition, the process for selecting jurors will continue to operate on a random selection basis; as jury service is not an opt-in process, these proposals do not remove any choice that individuals have, nor do they reduce opportunities for members of underrepresented groups to be selected for jury duty. On this basis, the proposals are not assessed as having a particular impact (positive or negative) on the advancement of equal opportunity.

Discrimination arising from disability and duty to make reasonable adjustments

- There are no anticipated negative impacts on individuals with disabilities as the venue of trial will not change as a result of this policy. The offences in scope will continue to be heard in the Crown Court as they are currently, the only difference is that they will be tried by judge alone instead of a jury. Courts are already under a duty to consider reasonable adjustments for court users and will continue to do so.

Fostering good relations

- We have not identified any impact from this proposal on this objective.

b. Judge-only lengthy and technical fraud and financial crime cases

Policy Description

- The Government has accepted Sir Brian's recommendation to introduce trials by judge alone in the Crown Court, for a schedule of fraud and related financial offences, allowing judicial discretion over whether or not cases are suitably technical and lengthy for a trial to be directed under this policy.
- Cases will be eligible for trial by judge alone under this policy if they involve at least one offence set out in Annex A, if a preparatory hearing has been ordered under section 7 of the Criminal Justice Act 1988 or section 29 of the Criminal Procedure and Investigations Act 1996, and if the case does not involve an excluded indictable-only homicide offence (e.g. murder, manslaughter and other explicitly listed offences involving death), or an indictable-only sexual offence (e.g. rape and assault by penetration). Judges must also be satisfied that the case is suitably technical and lengthy to make an order for trial by a judge alone. Judges retain the discretion to direct jury trial where it is in the public interest.
- The aims of this measure are to reduce the time taken to hear these particularly lengthy cases by hearing them by a judge alone, saving further Crown Court capacity for jury trials; and to prevent jurors sitting on trials that last many months, which can significantly interfere with their personal and professional lives.
- Judge-alone trials for technical and lengthy fraud/financial cases will operate within the existing Crown Court. This means that the procedures in the Crown Court will continue to apply – including the appeal route from the Crown Court to the Court of Appeal. Decisions to allocate cases to a judge-alone trial taken at a preparatory hearing based on the offences listed at Annex A will not be appealable by interlocutory appeal.
- As with the CCBD, technical and lengthy fraud and financial cases already in the open Crown Court caseload can also be allocated to judge-alone trial if the trial is listed to begin after implementation of the reforms. Cases already part-way through a jury trial will proceed with a jury trial.
- As with the CCBD, if a change of circumstances means that an excluded offence comes into scope of this policy, it must always be reallocated to jury trial. If a jury trial has started, an order cannot be made for a judge-alone trial. In other scenarios, the judge should also consider other relevant factors when deciding whether to reevoke or make an order, such as delay to the trial and the interests of victims.

Equality Considerations

Direct discrimination

- Direct discrimination occurs when a policy would result in people being treated less favourably because of a protected characteristic.
- Our assessment is that this measure is not directly discriminatory within the meaning of the Equality Act 2010. The decision on whether a case will be tried by

judge alone will be made according to whether it meets pre-set criteria as outlined above. The policy will impact all defendants who fall within this scope in the same way.

Indirect discrimination

- Indirect discrimination occurs when a policy applies in the same way to all individuals but would put those with a protected characteristic at a particular disadvantage compared to those who do not share that characteristic.
- The proposed changes will apply to all defendants who appear in the Crown Court for trial for offences in Annex B if their case meets certain criteria as outlined in the policy description above.²⁴
- As this effect of this policy will be to hear cases by judge alone, rather than trial by jury, the analysis of impacts remains the same as for the CCBD. See section 2a for full analysis of impacts.

Affected population

- Within the affected population, women, some ethnic minority individuals and age groups over 40 are slightly overrepresented and are therefore more likely to be impacted by this policy:
 - In year ending June 2025, female defendants accounted for 24% of defendants in the affected population, but only 9% of those who appeared at the Crown Court for trial.
 - In year ending June 2025, Asian defendants accounted for 12% of the affected population, Black defendants accounted for 11%, Mixed ethnicity defendants accounted for 4%, and other ethnicity defendants accounted for 3%. For Asian, Black and Other ethnicity defendants, these rates are greater than the known ethnicities of individuals who appeared at the Crown Court for trial - in year ending June 2025, 8% of those proceeding against were Asian, 9% were Black and 2% were Other ethnicity. By contrast, White defendants were slightly underrepresented in the affected population (71%) compared to the number appearing at the Crown Court for trial (77%).
 - In year ending June 2025, ages 40-49 years accounted for 25% of the affected population but 19% of those who appeared at the Crown Court for trial. Ages 50-59 years accounted for 13% of the affected population, but 9% who appeared at Crown Court for trial; ages 60-69 years accounted for 7% of the affected population but 4% of those who appeared for trial.

Conclusions

- There is no directly comparable data set to confirm how conviction rates may differ in trial without jury in the Crown Court, so the impact is unknown. However, see

²⁴ We have calculated the affected population based on the demographic makeup of defendants who appear in the Crown Court for offences outlined in Annex B. We have compared this to the number of individuals who appeared at Crown Court for trial.

section 2a on the Crown Court Bench Division for further discussion of evidence relating to judge-only trials.

- We will continue to monitor conviction rates to obtain an up-to-date understanding of the impact of reforms.
- Even if it were the case that someone with a protected characteristic were to be put at a particular disadvantage by this policy, we consider that this proposal will not result in any unlawful indirect discrimination as it is a proportionate means of achieving our legitimate aim of reducing the outstanding caseload in the Crown Court and to deliver swifter justice for victims. We consider that a fair balance has been struck between the impact on defendants who may be disadvantaged by this measure and the public interest in pursuing this measure to create a more efficient, cost-effective courts system which continues to ensure that defendants will be tried fairly.

Advancing equality of opportunity

- Consideration has been given to how these proposals impact the duty to advance equality of opportunity, including how the needs of affected defendants are met where those needs are different from the needs of those who do not share that protected characteristic. This policy is not considered to have any particular impact on equality of opportunity.
- Advancing equality of opportunity also includes supporting participation of people from underrepresented groups in public life or any other activity. Jury service can be one means through which members of the public participate in public life, and jury trials will continue to be used for the most serious offences. In addition, the process for selecting jurors will continue to operate on a random selection basis; as jury service is not an opt-in process, these proposals do not remove any choice that individuals have, nor do they reduce opportunities for members of underrepresented groups to be selected for jury duty. On this basis, the proposals are not assessed as having a particular impact (positive or negative) on the advancement of equal opportunity.

Discrimination arising from disability and duty to make reasonable adjustments

- There are no anticipated negative impacts on individuals with disabilities arising from this policy. The venue of trial will not change: Cases which are in scope of this policy will continue to be heard in the Crown Court as they are currently, the only difference is that they will be tried by judge alone instead of a jury. Courts are already under a legal duty to consider and implement reasonable adjustments for disabled court users and will continue to do so. As such, no change to physical access, procedural adjustments, or support arrangements is expected, and no additional barriers for disabled individuals have been identified.

Fostering good relations

- We do not consider that these proposals would have any significant impact on the achievement of this objective.

3. Welsh Language impact (IRCC measures)

- We have assessed the impact of these measures on the equal status of the Welsh language in the justice administration in Wales and individuals' ability to use the Welsh language in criminal proceedings.
- The Welsh language has official status in Wales (Welsh Language Measure 2011) and may be spoken in any legal proceedings in Wales by any party who desires to use it (Welsh Language Act 1993). HMCTS' Welsh Language Scheme stipulates that when developing new policies and procedures we will have full regard to their consequences on the use of the Welsh language.
- The Annual Population Survey for 2024 reported that 27.4% of people in Wales (~843,500 people) aged three years and over were able to speak Welsh.

HMCTS staff & the judiciary

- Currently HMCTS have 18 Legal Advisers and 6 Ushers who speak Welsh fluently with most of them located in North Wales. Currently there are no Welsh speaking Legal Advisers based in the largest magistrates' court in Wales (Cardiff) but we do have Welsh speaking Legal Advisers in Newport (1), Swansea (1) and a District Judge in Cardiff (1).
- Wales currently has 9 Circuit Judges and 6 Recorders who speak Welsh and can sit on criminal cases. In magistrates' courts there are 2 District Judges and 2 deputies who can speak Welsh.
- In relation to the magistrates' courts, the number of Welsh speakers sitting on the bench ranges from 5% in Cardiff to 50% in Northwest Wales.

Impact analysis and conclusion

- We believe that the impact of the proposals on both the equality of linguistic treatment or on someone's ability to use Welsh in the criminal courts are no different to those challenges currently experienced which are:
 - Ensuring we have enough Welsh-speaking magistrates.
 - Ensuring we have more Welsh-speaking capacity in our Legal Adviser and Usher cadre in South Wales.
 - General reluctance amongst Welsh speakers to use Welsh in court proceedings based mainly on a) lack of awareness that they have a right to do so b) perceptions on their own level of Welsh language competence c) a perception that they might be inconveniencing the court if they state they wish to use Welsh.
- In order to address these challenges HMCTS are:
 - Deploying our Welsh-speaking legal advisers and District Judge in South Wales and Gwent as and when required to administer magistrates' court cases where we have prior knowledge that someone wishes to use Welsh.
 - That when opportunities arise to ensure that any legal adviser or usher vacancies in our main court venues i.e. Cardiff, Swansea and Newport have a Welsh essential requirement.

- Using Microsoft Teams and a Welsh interpreter from the Welsh Language Unit to assist with those cases where a Welsh language requirement arises on the day and where there are no Welsh-speaking magistrates or legal advisers.
- Make increased use of social media channels to raise awareness of ‘the right to speak Welsh’ in legal proceedings.
- Additional considerations for policy measures include:
 - The establishment of the Crown Court Bench Division will generate specific templates for its work, such as adjournment notices. It will be important that those documents are available in Welsh and that any required amendments to HMCTS’ digital system is able to generate the necessary work allocation to the Welsh Language Unit so that Welsh documents can be produced if required.
 - The recruitment of more magistrates to implement the policy measures in the Courts and Tribunals Bill will potentially lead to more training which will be the responsibility of the Judicial College. We will continue to work with them to identify what training provision should be offered through the medium of Welsh.
 - Having robust data on the use of Welsh in court hearings has already been identified as an area for improvement and we will introduce twice annual data capturing exercises during 2026 in accordance with the directive from the Lord Chancellor’s Welsh Language Standing Committee.

Additional Court and Tribunal reform measures not related to IRCC

1. Reform of office of the Senior President of Tribunals

Policy Description

- This primary legislation will reconstitute the current office of the Senior President of Tribunals (SPT), replacing it with a new office under the Lady Chief Justice (LCJ), alongside the Heads of Division. It is intended that the new office of SPT will exercise leadership functions delegated from the LCJ with respect to tribunals operating in England and Wales and the judges and non-legal members working in them; the new office will continue to independently exercise leadership functions with respect to tribunals operating in Scotland and Northern Ireland.
- The primary rationale for this reform is: To support greater cohesion between the courts and tribunals by creating a unified leadership structure, facilitating cross-deployment and the diversification of judicial career pathways. We assess that this will benefit judicial morale and recruitment.
- A range of alternatives for restructuring the tribunals leadership to achieve these objectives were considered; this was considered as the most practical and effective solution.

Equality Considerations

Direct discrimination

- Our assessment is that the proposal to reform the office of the SPT would not be directly discriminatory as it would not lead to the treatment of any given individual less favourably than others on account of a protected characteristic.

Indirect discrimination

- Indirect discrimination occurs when a policy applies equally to all individuals but would put those sharing a protected characteristic at a particular disadvantage compared to those who do not. Our initial assessment is that these changes are not indirectly discriminatory within the meaning of the Equality Act 2010. As the proposed change would only affect the single office-holder (SPT), we do not consider it to cause any indirect discrimination.
- Also, we have considered whether reforming the SPT role could indirectly disadvantage candidates from Scotland or Northern Ireland (for example, if the effect were to narrow the eligible pool). We assess the risk as low because the reconstituted SPT role is intended to remain open to eligible candidates on a UK-wide basis, as currently, and the reform does not introduce an eligibility

requirement or practice that would put people sharing a protected characteristic at a particular disadvantage.

Discrimination arising from disability and duty to make reasonable adjustments

- The nature of the reform means that while it would change the formal structure of the judiciary through creating greater cohesion between the courts and tribunals judiciaries, the functioning of the new office of SPT will not substantially differ from the current system in place. Thus, our assessment is that the proposal will not result in discrimination arising from disability or any particular disadvantages to persons with disabilities.
- We will continue to make reasonable adjustments to ensure judiciary with disabilities, or physical or mental health conditions, are not disadvantaged when fulfilling their role.

Harassment and victimisation.

- We do not consider there to be a risk of harassment or victimisation as a result of the proposal.

Advancing equality of opportunity

- We consider that the proposals to reform the office of SPT supports the wider work to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Integrating the courts and tribunals judiciaries through these proposals will better facilitate cross-deployment of judges, supporting judges from different jurisdictional backgrounds in developing their skills and their judicial careers.

Fostering good relations

- We have considered the need to foster good relations between people who share protected characteristics and those who do not. Our assessment is that the proposal would bring the courts and tribunals, and the judges who sit in them, closer together. Therefore, the proposal would bring benefits not only to judicial office-holders within one judicial family but also to the wider justice system and the professionals and members of the public who use it. As noted above, we consider that the proposal would promote cross-deployment between courts and tribunals, supporting judges from different jurisdictional backgrounds in developing their skills and their judicial careers, and thus the proposal is likely to have a positive impact on fostering good relations both within and outside the judiciary.

Decision-making

- Based on the above assessment, we consider that the proposals would have no adverse or disproportionately negative impact on people who share a protected characteristic, and that the proposals constitute reasonable steps to advance equality of opportunity and to foster good relations.

Welsh language Impact

- The measure will apply to both England and Wales. The announcement of this measure was communicated in Welsh through the usual government channels. Any websites, forms and services meet all statutory requirements to provide a service through the Welsh medium.

2. Use of evidence in sexual offence prosecutions

Policy Description

- The Law Commission published its report on evidence in sexual offences prosecutions on 22 July 2025. This provides an important opportunity for the government to make changes to legislation governing admissibility of evidence and access to special measures to ensure that practitioners and juries do not rely on so-called rape myths and misconceptions when making decisions in court.
- As a result, the government will take forward a suite of new legislative measures. These measures will ensure that evidence relating to a victim's sexual behaviour, previous allegations of abuse, or compensation claims is only admitted to court when it is truly relevant, and not with the sole aim of undermining the victim's credibility through the introduction of myths and misconceptions. The measures will also clarify the admissibility of defendant bad character evidence, and the support that victims and witnesses can access at court, including being accompanied by a professional companion such as an Independent Sexual Violence Advisor and removing intimidating individuals from the public gallery.

Equality considerations

Direct discrimination

- Our assessment is that this measure is not directly discriminatory within the meaning of the Equality Act 2010.
- This measure does not treat people less favourably because of their protected characteristics and it applies in the same way to all individuals who are in scope, regardless of their protected characteristics.

Indirect discrimination

- Our assessment is that these measures do not amount to indirect discrimination against any specific group. In reaching this conclusion, we have considered the potential impacts on complainants, witnesses and defendants and considered whether any group is put at a disproportionate disadvantage.
- Where differential impacts exist, they are judged to be proportionate, justified and appropriately mitigated, as outlined below.

Sex

- Reforms to admissibility of evidence are expected to have the greatest impact on complainants in sexual offence cases, who are disproportionately women and girls. Female victims of rape are significantly more prevalent than male victims. For the year ending March 2025, the Crime Survey for England and Wales (CSEW) estimated that 739,000 women and 162,000 men aged 16 and over experienced rape or sexual assault (including attempts) in the previous year - equating to a prevalence rate of 3% of women compared with 0.7% of

men).²⁵ In relation to domestic abuse, the CSEW estimated that around 9.1% of women and 6.5% of men experienced domestic abuse in the last year. This equates to an estimated 3.8 million people aged 16 or over – 2.2 million women and 1.5 million men.²⁶

- While changes to admissibility of evidence will apply largely to cases involving victims of sexual offences or domestic abuse, regardless of their sex, the fact that women are more at risk of becoming victims of these crimes means admissibility of evidence changes are more likely to have a greater positive impact on that cohort. Similarly, defendants in these cases are more often male. However, this does not constitute direct discrimination, as each legislative change applies regardless of the defendant's sex. Judicial discretion to admit evidence that they believe meets the legislative threshold ensures that the right to a fair trial remains protected. Reforms to special measures will affect a broader group of vulnerable or intimidated complainants, including, but not limited to, victims of sexual offences, domestic abuse, and modern slavery - groups which also comprise a high proportion of women and girls. These groups are automatically eligible for special measures on grounds that the quality of their evidence could be diminished by fear or distress. Other eligible cohorts, such as children and individuals with physical or mental disabilities, are considered separately below.
- While data on special measures usage by sex is not routinely collected, the CSEW (2025) found women were more likely to experience offence types where victims are automatically eligible for special measures, such as domestic abuse and sexual offences. In the year ending March 2025, 12.8% of women experienced either domestic abuse, a sexual offence, or harassment, in comparison to 8.4% of men.²⁷
- Defendants, by contrast, are statistically more often male (78% of individuals dealt with by the CJS in 2023 were male)²⁸. This means that measures which aim to strengthen victims' access to special measures, such as the use of screens when victims give evidence via live link or pre-record their evidence, may disproportionately impact men. However, this does not constitute direct discrimination, as each legislative change to special measures applies regardless of the defendant's sex. Judicial discretion to modify or disapply special measures ensures that the right to a fair trial under Article 6 ECHR remains fully protected.
- To minimise any potential adverse effects, we have worked closely with the judiciary, the Crown Prosecution Service, and legal practitioners to ensure the

²⁵ [Crime in England and Wales - Office for National Statistics](#)

²⁶ [Domestic abuse in England and Wales overview - Office for National Statistics](#)

²⁷

<https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesannualsupplementarytables/march2025/annualsupplementarytables/march2025.xlsx>

²⁸ [Statistics on Women and the Criminal Justice System 2023 \(HTML\) - GOV.UK](#)

legislative changes are clearly framed, proportionate, and preserve judicial discretion.

- On this basis, any differential impact is considered justified and proportionate.

Age

- Children and young people under the age of 18 are recognised as vulnerable under the Youth Justice and Criminal Evidence Act 1999 (YJCEA). This classification makes them eligible for special measures designed to support witnesses during criminal proceedings.
- According to the Crime Survey for England and Wales (CSEW), in the year ending March 2025, 11.9% of children reported experiencing a crime.
- While the Department does not routinely collect data on the age of witnesses using special measures, it is reasonable to assume that children and young people make up a substantial proportion of those classified as vulnerable and therefore eligible for these provisions. As such, they are likely to represent a significant share of individuals who will benefit from these reforms.
- Certain reforms to special measures - such as permitting a supportive companion during evidence-giving - may be particularly helpful for children to reduce fear or distress and improve the quality of evidence provided.
- Overall, these reforms are expected to have a positive and proportionate impact, promoting fair treatment and effective participation for witnesses of all ages.

Race

- Data on the race of individuals using special measures is not routinely collected and ethnicity is not a criterion for eligibility.
- However, data from the year ending March 2023 indicates that people from mixed ethnic backgrounds were more likely to have experienced at least one crime (24%) compared to the national average (16%).²⁹ In contrast, those from Black (15%) or Asian backgrounds (14%) were less likely to have been victims of crime compared to the national average, although the difference is not statistically reliable.
- This suggests that individuals from mixed ethnic backgrounds may be disproportionately represented among victims and, consequently, among witnesses in criminal proceedings.
- Eligibility for special measures is based on vulnerability and intimidation rather than ethnicity. Nonetheless, because individuals from mixed ethnic backgrounds are more likely to be victims of crime, they may benefit proportionately more from these reforms. Overall, however, the reforms are designed to support effective participation for witnesses of all ethnic backgrounds, as decisions on granting special measures are not based on ethnicity.

²⁹ [Victims of crime - GOV.UK Ethnicity facts and figures](#)

- In 2022, 79% of defendants prosecuted in the criminal courts were White, which is broadly reflective of their representation in the general population (82%)³⁰. However, while White individuals make up the largest group, Black individuals are disproportionately represented among defendants in criminal proceedings: they account for 10% of those brought to court, despite comprising only 4% of the population.
- Judicial decisions are based on individual vulnerability or intimidation and circumstances of a case and must take into account the effect of the measure on the fairness of the trial and the defendant's ability to participate.
- While these reforms may have indirect implications for Black defendants – particularly given existing disparities in prosecution rates – their primary purpose is to support eligible witnesses to give their best evidence. Judicial discretion remains fundamental to maintaining trial fairness and ensuring that all parties are treated equally throughout the criminal justice process.

Gender reassignment

- Although data on gender reassignment is not routinely collected for individuals who have experienced crime or used special measures, or defendants in criminal proceedings, we do not identify that the measure will give rise to unlawful discrimination within the meaning of the Equality Act 2010 in relation to gender reassignment. The same protections will apply, and the measure will not introduce any differential treatment on the basis of gender reassignment.

Marriage and civil partnership

- Although data on marriage and civil partnership is not routinely collected for individuals who have experienced crime or used special measures, or defendants in criminal proceedings, we do not consider that this measure will result in unlawful discrimination within the meaning of the Equality Act 2010 in relation to marriage and civil partnership. The same protections will apply, and the measure will not introduce any differential treatment on the basis of marriage and civil partnership.

Pregnancy and maternity

- Although data on pregnancy and maternity is not routinely recorded in relation to victims who have experienced crime or used special measures, or defendants in criminal proceedings, we do not consider that this measure will result in unlawful discrimination within the meaning of the Equality Act 2010 in relation to pregnancy and maternity. The same protections will apply, and the measure will not introduce any differential treatment on the basis of pregnancy or maternity.

Religion or belief

- Although data on religion or belief is not routinely recorded in relation to victims who have experienced crime or used special measures, or defendants in

³⁰ [Statistics on Ethnicity and the Criminal Justice System 2022.pdf](#)

criminal proceedings, we do not consider that this measure will result in unlawful discrimination within the meaning of the Equality Act 2010 in relation to religion or belief. The same protections will apply, and the measure will not introduce any differential treatment on the basis of religion or belief.

Sexual orientation

- Although data on sexual orientation is not routinely recorded in relation to victims who have experienced crime or used special measures, or defendants in criminal proceedings, we do not consider that this measure will result in unlawful discrimination within the meaning of the Equality Act 2010 in relation to sexual orientation. The same protections will apply, and the measure will not introduce any differential treatment on the basis of sexual orientation

Harassment and victimisation

- We do not consider that the Bill measures will give rise to harassment or victimisation within the meaning of the Equality Act. The reforms are intended to reduce, rather than increase, the likelihood that witnesses with protected characteristics will feel intimidated or unsafe.

Discrimination arising from disability and duty to make reasonable adjustments

- Under YJCEA 1999, individuals with a mental or physical disability are explicitly recognised as vulnerable witnesses and are entitled to special measures.
- We anticipate that several of the proposed reforms will have a positive impact on victims and witnesses with disabilities, particularly by improving access to special measures. For example, the ability to be accompanied by a companion may be particularly beneficial for individuals with learning disabilities, mental health conditions, communication difficulties or neurodivergence.
- Although disability data on special measures usage is not consistently recorded, disabled people are overrepresented among victims of crime.
- In the year to March 2025, the Crime Survey for England and Wales (CSEW) found that³¹:
 - 19.7% of disabled adults aged 16 and over had experienced some form of crime, compared with 16.5% of non-disabled adults.
 - disabled children aged 10 to 15 were also more likely to have had experienced some form of crime (14.1% compared with 11.7%).
- Additionally, in the year to March 2024, the ONS Domestic abuse prevalence and victim characteristics statistics indicated that³²:
 - around 9.2% of disabled people experienced domestic abuse on at least one occasion in that year, compared with 3.9% of non-disabled people.

³¹

<https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesannualsupplementarytables/march2025/annualsupplementarytablesmarch2025.xlsx>

³² [Domestic abuse prevalence and victim characteristics - Office for National Statistics](#)

- disabled women were around two and a half times as likely to say they experienced domestic abuse as non-disabled women (12.7% compared with 5.1%).
- Some reforms, including changes to section 23 of the YJCEA 1999 – which will explicitly prevent defendants from seeing the complainant while they give evidence – could present challenges for some disabled defendants. This includes those who rely on lip-reading or visual cues.
- However, courts will retain full discretion to disapply screens or use alternative measures where necessary to ensure disabled defendants can participate effectively.
- We remain committed to ensuring that victims with disabilities receive the support they need – and nothing in our reforms constrains the court’s power to make reasonable adjustments. Equally, we are committed to making reasonable adjustments to enable the participation of defendants with disabilities, so that proceedings remain accessible and fair.

Advancing equality of opportunity

- We have considered how these measures impact on the duty to have due regard to the need to advance equality of opportunity between persons who share a protected characteristic and those who do not. We believe that the measures will contribute positively to advancing equality of opportunity. By improving complainants’ experience, supporting effective participation and promoting fairer outcomes, the reforms will help ensure that individuals with protected characteristics are not disadvantaged in accessing justice.

Fostering good relations

- We do not consider that these proposals would have any negative impact on the achievement of this objective. The measures relate to procedural aspects of giving evidence and are not expected to significantly influence relations between people who share protected characteristics and those who do not. These changes are intended to strengthen the special measures regime for victims and witnesses, regardless of their protected characteristics.
- However, as outlined above, some groups are overrepresented among defendants in criminal proceedings and may perceive these changes as disadvantaging them. To mitigate this risk, judicial discretion will remain key to ensuring trial fairness and equal treatment for all parties.

Welsh language Impact

- The measure will apply to both England and Wales. The announcement of this measure was communicated in Welsh through the usual government channels. Any websites, forms and services meet all statutory requirements to provide a service through the Welsh medium.

3. Repealing the presumption of parental involvement

Policy Description

- To repeal the presumption, the Children Act 1989 will be amended to remove section 1 (2A) (2B) (6) and (7).
- Courts will continue to base their decisions on the remaining factors set out in section 1 of the Children Act 1989, with the child's welfare paramount. As per section 1 (3), courts will continue to apply the "welfare checklist" - a non-exhaustive list of seven factors that must be considered, including "any harm which [the child] has suffered or is at risk of suffering".
- The remaining provisions of the Children Act 1989, together with ECHR considerations, mean that repealing the presumption is, of itself, unlikely to mean courts making orders which are substantively different to those that would have been made when applying the presumption. However, when paired with further ongoing work, this measure will form part of a package of family court reforms aimed at ensuring decisions are made on the basis of a deep understanding of risks of harm and of individual needs of the child.

Equality Considerations

Direct discrimination

- We consider that this measure is unlikely to result in direct discrimination within the meaning of the Equality Act 2010. This measure will not require or encourage different treatment of individuals based on protected characteristics, even though courts may consider such factors in context when making decisions.

Indirect discrimination

- Indirect discrimination occurs when a policy applies equally to all individuals in the impacted pool but would put those sharing a protected characteristic at a particular disadvantage compared to those who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.
- Officials consider there is a possibility of some groups being impacted by this policy more than others. This partly relates to structural factors – for instance, children will be disproportionately affected, and mothers are more likely to be primary carers for their children than fathers. The Review of the Presumption of Parental Involvement ("the Review")³³ also identified qualitative research that suggests there may be some bias within the family justice system. This included concerns around bias based on both gender (sex) and ethnicity. There is a risk that such inbuilt biases impact the decisions made in court and therefore how the repeal of the presumption will impact in practice.
- Although there is some evidence that individuals with certain protected characteristics could be negatively or positively impacted, we believe the

³³ [Presumption of parental involvement review - GOV.UK](#)

existing protections (such as ECHR rights of children and parents) will help to safeguard against disproportionate impacts. Existing provisions around domestic abuse and other reforms to the family courts should help ensure all victims of domestic abuse are protected. We therefore do not consider that repeal of the statutory presumption will result in a particular disadvantage for individuals who have specific protected characteristics.

- The Review also found a high incidence of ordered contact between children and parents who have caused or pose a risk of harm. We therefore consider that repealing the presumption, combined with other reforms, will be a proportionate means of achieving a legitimate aim, of protecting children from the risk of harm posed by abusive parents. Consequently, even if there is a difference in impact for specific groups, we do not consider the measure will be indirectly discriminatory within the meaning of the Equality Act 2010.

Age

- Children involved in private law children applications (that is, applications made to court where the parties are private individuals, such as parents and children, rather than applications made by a body such as a local authority) are more likely to be young with the majority aged between one and nine years old.³⁴
- The measure will primarily affect children under the age of 16 as it relates to decisions made in private law children cases. Combined with the existing legislation, which makes the child's welfare paramount, and further family court reforms aimed at ensuring decisions are made in the best interests of each child, we anticipate that this measure will have a moderate positive impact on children in the private law system.
- The majority of applicants are in their late twenties and thirties, with men somewhat older than women.³⁵

Sex

- Following separation, children are more likely to live with their mothers and spend time with their fathers. This pattern is reflected in trends of applications to family courts, with applicants more likely to be male and non-resident fathers making an application to spend time or live with their children and respondents more likely to be female and mothers with primary care of the children. This pattern has remained relatively stable, although recent years has seen an increase in applications from mothers.³⁶
- While both males and females can perpetrate domestic abuse and both can be victims, substantial research and statistical evidence demonstrates the higher prevalence and severity of abuse inflicted by men against female intimate partners.
- The measure, combined with other reforms, is intended to ensure decisions about child arrangements are made with a focus on the individual welfare of the

³⁴ [Uncovering private family law: Who's coming to court in England? - Nuffield Family Justice Observatory](#) and [Uncovering private family law: Who's coming to court in Wales? - Nuffield Family Justice Observatory](#)

³⁵ [Uncovering private family law: Who's coming to court in England? - Nuffield Family Justice Observatory](#) and [Uncovering private family law: Who's coming to court in Wales? - Nuffield Family Justice Observatory](#)

³⁶ [Uncovering private family law: Who's coming to court in England? - Nuffield Family Justice Observatory](#) and [Uncovering private family law: Who's coming to court in Wales? - Nuffield Family Justice Observatory](#)

child. Given the high rates of domestic abuse within private law children cases, the measure, combined with other reforms, is aimed at helping to ensure the risks to domestic abuse victims and their children are fully considered. As women are more likely to be victims of domestic abuse and men are more likely to be perpetrators, there may be a difference in outcomes for parents of a different sex. However, any such decisions will be made with the child's welfare as the paramount consideration.

- There do not appear to be differences in the sex of children subject to private law children cases with an equal number of boys and girls involved in applications.³⁷

Race

- Exploration of the ethnicity of family court users has been limited by high levels of missing data.
- In England, adults and children in the Black, African, Caribbean or Black British, Mixed or multiple, Gypsy or Irish Traveller and Other ethnic groups were over-represented in private law cases.³⁸
- In Wales, adults and children with a mixed or multiple ethnic background are over-represented in private law cases.³⁹
- While the available data does demonstrate an overrepresentation of certain ethnic groups in private law cases, the measure will not introduce differential treatment based on ethnicity, nor will it remove any existing protections. We therefore do not consider that the measure is likely to result in any unlawful discrimination within the meaning of the Equality Act in relation to race.

Gender reassignment

- Data on gender reassignment is not routinely recorded in family justice administrative systems. We do not identify that the measure will give rise to unlawful discrimination within the meaning of the Equality Act 2010 in relation to gender reassignment. The same protections will apply, and the measure will not introduce any differential treatment on the basis of gender reassignment.

Marriage and civil partnership

- Although data on marriage and civil partnership are not routinely recorded in family justice administrative systems, we acknowledge that individuals in such relationships may be more likely to become involved in family court proceedings. We do not consider that this measure will result in unlawful discrimination within the meaning of the Equality Act 2010 in relation to marriage and civil partnership. The same protections will apply, and the measure will not introduce any differential treatment on the basis of marriage and civil partnership.

³⁷ [Uncovering private family law: Who's coming to court in England? - Nuffield Family Justice Observatory](#) and [Uncovering private family law: Who's coming to court in Wales? - Nuffield Family Justice Observatory](#)

³⁸ [What do we know about ethnicity in the family justice system in England? - Nuffield Family Justice Observatory](#)

³⁹ [What do we know about ethnic diversity in the family justice system in Wales? - Nuffield Family Justice Observatory](#)

Pregnancy and maternity

- Although data on pregnancy and maternity are not routinely recorded in family justice administrative systems, we acknowledge that individuals experiencing pregnancy or maternity may be more likely to become involved in family court proceedings. We do not consider that this measure will result in unlawful discrimination within the meaning of the Equality Act 2010 in relation to pregnancy and maternity. The same protections will apply, and the measure will not introduce any differential treatment on the basis of pregnancy or maternity.

Religion or belief

- Data on religion or belief is not routinely recorded in family justice administrative systems. We do not consider that this measure will result in unlawful discrimination within the meaning of the Equality Act 2010 in relation to religion or belief. The same protections will apply, and the measure will not introduce any differential treatment on the basis of religion or belief.

Sexual orientation

- Data on sexual orientation is not routinely recorded in family justice administrative systems. We do not consider that this measure will result in unlawful discrimination within the meaning of the Equality Act 2010 in relation to sexual orientation. The same protections will apply, and the measure will not introduce any differential treatment on the basis of sexual orientation

Advancing equality of opportunity

- This action to repeal, alongside our wider family court reforms, intends to strengthen protections for children through ensuring decisions continue to focus on individual child welfare. It may also provide greater protection for women, who are more likely to be victims of domestic abuse.

Discrimination arising from disability and duty to make reasonable adjustments

- Disability is not routinely and consistently recorded in family justice administrative data systems. However, research linking Cafcass Cymru data to Welsh health data has found that adults involved in private law children cases in Wales were more likely to have sought medical attention for their mental health.⁴⁰
- Similar research looking at children in Wales found that children involved in private law proceedings in Wales were more likely to experience, or to subsequently develop, depression and anxiety than their peers.⁴¹ Data from Cafcass England, suggests that children involved in private law proceedings in England were slightly less likely to have a recorded disability or long standing

⁴⁰ [Uncovering private family law: Adult characteristics and vulnerabilities \(Wales\)](#)

⁴¹ [Uncovering private family law: Anxiety and depression among children and young people](#)

health condition but slightly more likely to have a record including autistic spectrum disorder or a physical disability.⁴² Over 20% of children's records did not indicate whether they had a disability or not.

- Although the limited available data suggests that adults and children involved in private law children cases in Wales are more likely to have sought medical attention for their mental health, and that children in these proceedings in England are more likely to have an autistic spectrum disorder or a physical disability, we do not identify that the measure will give rise to unlawful discrimination within the meaning of the Equality Act 2010 in relation to disability. The same protections will apply, and the measure will not introduce any differential treatment on the basis of disability.

Fostering good relations

- We have considered whether this measure would have an impact in relation to fostering good relations; no obvious impacts have been yet identified.

Welsh language Impact

- The measure will apply to both England and Wales. The announcement of this measure was communicated in Welsh through the usual government channels. Any websites, forms and services meet all statutory requirements to provide a service through the Welsh medium.

⁴² [Cafcass Annual Report and Accounts 2023-24 - DIGITAL.pdf](#)

4. The Crown Court in the City of London

Background

- Under section 8(3) of the Senior Courts Act 1981, any Crown Court sitting in the City of London must be known as the Central Criminal Court. At present, this applies only to the Old Bailey, which has long held this designation and is widely recognised by that name.
- The City of London Law Courts (CoLLC), part of the Salisbury Square development, is scheduled to open in 2027 and will include eight Crown Court courtrooms within the City of London. Under the current wording of section 8(3), this new site would also have to be designated as the Central Criminal Court, creating potential confusion and undermining the historical and significance of the Old Bailey.
- The proposed amendment will ensure that the Old Bailey remains the sole Central Criminal Court in England and Wales. It also makes clear that the existing entitlement of the Lord Mayor of the City of London and any Alderman of the City to sit as judges of the Central Criminal Court continues to be exercisable to the same extent when the Crown Court sits at other premises in the City of London. In practice, and as a matter of convention, the Lord Mayor and Aldermen do not assert that entitlement in order to sit in hearings in criminal cases.

Assessment under the Equality Act 2010

- We have assessed this measure under the Equality Act 2010 and identified no impact on protected characteristics, including sex, age, race, disability, gender reassignment, marital status, religion, or sexual orientation.
- This measure concerns the naming of court buildings and has no application to, or effect on, people generally or groups with protected characteristics. Questions of equality therefore do not arise.

Direct discrimination

- We do not consider that the measure to be directly discriminatory within the meaning of the Equality Act 2010.

Indirect discrimination

- We do not consider this measure to result in indirect discrimination.

Discrimination arising from disability and duty to make reasonable adjustments

- For the reasons outlined above, we do not consider that the measure would result in discrimination against individuals with disabilities.

Harassment and victimisation

- We do not consider that the measure would result in harassment or victimisation within the meaning of the Equality Act 2010.

Advancing equality of opportunity

- Not applicable, as the measure has no impact on people or groups.

Fostering good relations

- Not applicable.

5. Create power to change eligible categories for magistrates' expenses by secondary legislation

Policy Description

- Under Section 15 of the Courts Act 2003 (CA 2003), magistrates are currently only entitled to claim reimbursement for Travel, Subsistence and Financial Loss. This framework restricts reimbursement to costs falling within those specific statutory categories.
- We propose replacing these existing, prescriptive statutory categories with a delegated power enabling the Lord Chancellor to make regulations providing for payments to lay justices in respect of any expenditure or financial loss incurred in connection with the performance of their duties. This approach will create a more flexible framework that can adapt to changes in the magistracy over time (such as those arising from the IRCC recommendations or technological developments), without requiring primary legislation.
- This will help address long-standing concerns raised by magistrates and stakeholders, support recruitment and retention, and ensure the framework reflects the evolving profile of the magistracy and the communities it serves.
- The government does not intend to use this power immediately but seeks to create the legislative flexibility to do so following a full consultation in 2026 and consideration of financial implications.

Equality considerations

Direct discrimination

- We consider that this measure is unlikely to result in direct discrimination within the meaning of the Equality Act 2010. This measure will not require, permit or encourage different treatment of individuals based on any protected characteristics.

Indirect discrimination

- If the expenses policy does not reimburse magistrates for the costs they incur during the course of their duties, it could indirectly impact those from lower socio-economic groups. While this is not a protected characteristic, it could indirectly disadvantage groups that share protected characteristics associated with those in lower income groups and therefore be a barrier to a magistracy which is representative of wider society.

- This is one of the reasons for introducing this measure; in order that other categories may be introduced to ensure magistrates are less at risk at being out of pocket and encourage diversity among the magistracy.

Age

- 81% of Magistrates in post are aged 50 or over, so this measure will affect a larger proportion of older magistrates. The policy will apply equally to magistrates of all ages. However, if it is assumed that fewer magistrates over the age of 50 are in paid employment, some aspects of the expenses framework (such as loss of earnings) will not apply to older magistrates, if they are retired. We do not consider that this measure will give rise to unlawful discrimination under the Equality Act 2010 in relation to age.

Sex

- Of the 14,636 magistrates in post across England and Wales as at 1 April 2025, 57% were female. Therefore, this measure will impact more women (to a small degree) than men. However, the policy will apply equally to all magistrates and therefore we do not consider that this measure will give rise to unlawful discrimination under the Equality Act 2010 in relation to sex.

Race

- As at 1 April 2025, ethnic minority individuals together constituted 14% of all magistrates.⁴³ More specifically for each ethnic minority group:
 - Asian individuals constituted 7% of magistrates.
 - Black individuals constituted 4% of magistrates.
 - Mixed ethnicity individuals constituted 2% of magistrates.
 - Individuals from other ethnicities constituted 1% of magistrates.
- This policy will apply to all magistrates equally and therefore it is not assessed that we do not identify that the measure will give rise to unlawful discrimination within the meaning of the Equality Act 2010 in relation to race.

Gender reassignment

- Data on gender reassignment is not recorded in the judicial diversity statistics. We do not identify that the measure will give rise to unlawful discrimination within the meaning of the Equality Act 2010 in relation to gender reassignment. The same protections will apply, and the measure will not introduce any differential treatment on the basis of gender reassignment.

Marriage and civil partnership

⁴³ [Diversity of the judiciary: Legal professions, new appointments and current post-holders - 2025 Statistics - GOV.UK](#)

- Data on marriage and civil partnership is not recorded in the judicial diversity statistics. We do not identify that the measure will give rise to unlawful discrimination within the meaning of the Equality Act 2010 in relation to marriage and civil partnership. The same protections will apply, and the measure will not introduce any differential treatment on the basis of marriage and civil partnership.

Pregnancy and maternity

- Data on pregnancy and maternity is not recorded in the judicial diversity statistics. We do not identify that the measure will give rise to unlawful discrimination within the meaning of the Equality Act 2010 in relation to pregnancy and maternity. The same protections will apply, and the measure will not introduce any differential treatment on the basis of pregnancy and maternity.

Religion or belief

- Data on religion or belief is not recorded in the judicial diversity statistics. We do not identify that the measure will give rise to unlawful discrimination within the meaning of the Equality Act 2010 in relation to religion or belief. The same protections will apply, and the measure will not introduce any differential treatment on the basis of religion or belief.

Sexual orientation

- Data on sexual orientation is not recorded in the judicial diversity statistics. We do not identify that the measure will give rise to unlawful discrimination within the meaning of the Equality Act 2010 in relation to sexual orientation. The same protections will apply, and the measure will not introduce any differential treatment on the basis of sexual orientation.

Discrimination arising from disability and duty to make reasonable adjustments

- We do not consider that there will be any discrimination arising from disability. Magistrates who claim expenses which arise from reasonable adjustments can already make these claims under the current policy and this will not change when this measure is introduced.

Harassment and victimisation

- We do not consider these measures will give rise to harassment or victimisation within the meaning of the Equality Act 2010.

Advancing equality of opportunity

- This measure supports the PSED by reducing financial barriers and promoting a magistracy that reflects the diversity of society.

Fostering good relations

- This objective is likely to have a neutral impact on fostering good relations between people who share a certain protected characteristic and those who do not.

Welsh language Impact

- The measure will apply to both England and Wales. The announcement of this measure was communicated in Welsh through the usual government channels. Any websites, forms and services meet all statutory requirements to provide a service through the Welsh medium.

Annex A – Conviction and sentencing data (Structural Court Reform measures)

Conviction rate data^{44,45,46}

- All data is published from Criminal Justice Statistics Quarterly, June 2025, for TEW offences only.

Ethnicity⁴⁷

	Magistrates' court	Crown Court
Asian	89%	73%
Black	88%	72%
Mixed	89%	76%
White	92%	76%
Other	87%	71%

Sex

	Magistrates' court	Crown Court
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⁴⁴ These figures are presented on a principal-offence basis - i.e. reporting information relating to the most serious offence that a defendant was dealt with for. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

⁴⁵ Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

⁴⁶ Conviction rate represents the number of convictions as a proportion of the number of prosecutions. At magistrates' court this represents the number of defendants convicted at magistrates' court divided by the number of prosecutions. At Crown Court, this represents the number of defendants convicted at Crown Court divided by the number of defendants that appeared at Crown Court for trial. Note that it is not a true rate, in that individuals appearing in one period may be convicted in a subsequent period.

⁴⁷ A defendant's ethnicity is categorised using the 5+1 classification, based on the 18+1 self-identified classification used in the 2011 Census.

Male	90%	76%
Female	90%	64%

Age⁴⁸⁴⁹

	Magistrates' court	Crown Court
10 to 11	47%	N/A
12 to 14	67%	100%
15 to 17	77%	65%
18 to 20	90%	78%
21 to 24	92%	78%
25 to 29	91%	78%
30 to 39	91%	75%
40 to 49	90%	72%
50 to 59	89%	69%
60 to 69	88%	65%
70+	86%	64%

Intersectionality – conviction rates⁵⁰

- Note that some of the rates calculated for intersectionality data are based on very low volumes for defendants (e.g., fewer than 10 defendants in a category).

Sex and Ethnicity

⁴⁸ The age of a defendant relates to their age at the date of disposal at court, not their age when committing the offence. Defendants with a recorded age of under 10 or over 120 years are assumed to be admin errors and grouped into 'age not known'.

⁴⁹ Whilst conviction rate for ages 12-14 years is high in the Crown Court, volumes are low – a total of 6 defendants in year ending June 2025.

⁵⁰ Caution is advised when interpreting low volumes. Where low volumes were found in intersectionality data, categories have been grouped to provide more meaningful results.

Sex and Age

	Magistrates' court	Crown Court
Male		
10 to 17	77%	67%
18 to 20	91%	79%
21 to 24	92%	79%
25 to 29	92%	80%
30 to 39	91%	76%
40 to 49	91%	73%
50 to 59	90%	69%
60+	89%	66%
Female		
10 to 17	64%	44%
18 to 20	88%	59%
21 to 24	90%	63%
25 to 29	90%	64%
30 to 39	92%	66%
40 to 49	91%	65%
50 to 59	89%	63%
60+	85%	59%

Age and Ethnicity

	Magistrates' court	Crown Court
Male		
Asian	89%	74%
Black	88%	73%
Mixed	89%	78%
White	92%	77%
Other	87%	73%
Female		
Asian	88%	54%
Black	86%	54%
Mixed	85%	55%
White	91%	70%
Other	89%	50%
Asian		
Magistrates' court		
Crown Court		
10 to 17	78%	86%
18 to 20	89%	76%
21 to 24	91%	77%
25 to 29	91%	79%
30 to 39	88%	72%
40 to 49	89%	67%
50 to 59	89%	65%

60 +	85%	60%
Black		
10 to 17	75%	57%
18 to 20	89%	76%
21 to 24	92%	74%
25 to 29	90%	77%
30 to 39	89%	72%
40 to 49	89%	68%
50 to 59	89%	62%
60+	83%	59%
Mixed		
10 to 17	75%	67%
18 to 20	90%	78%
21 to 24	93%	80%
25 to 29	92%	77%
30 to 39	91%	79%
40 to 49	88%	69%
50 to 59	89%	69%
60+	82%	63%
White		
10 to 17	77%	53%
18 to 20	92%	79%
21 to 24	92%	80%
25 to 29	93%	80%
30 to 39	92%	77%
40 to 49	92%	74%
50 to 59	91%	72%
60+	90%	68%
Other		
10 to 17	72%	33%
18 to 20	88%	77%
21 to 24	90%	79%
25 to 29	88%	69%
30 to 39	88%	71%
40 to 49	89%	68%
50 to 59	86%	71%
60+	94%	62%

Sentencing data^{51,52,53,54}

- All data is published from Criminal Justice Statistics Quarterly, June 2025, for TEW offences only.
- Custody rate⁵⁵ looks at immediate custodial sentences⁵⁶, rather than other sentences given.
- Average custodial sentence length (ACSL)⁵⁷ is provided in months.

Ethnicity⁵⁸

	Magistrates' court		Crown Court	
	<i>Custody rate</i>	<i>ACSL</i>	<i>Custody rate</i>	<i>ACSL</i>
White	17%	4	56%	30
Black	18%	3	58%	26
Asian	19%	3	58%	24
Mixed	21%	3	55%	22
Other	19%	4	63%	22

Sex

	Magistrates' court		Crown Court	
	<i>Custody rate</i>	<i>ACSL</i>	<i>Custody rate</i>	<i>ACSL</i>
Male	21%	3	57%	25
Female	13%	3	33%	21

⁵¹ These figures are presented on a principal-offence basis - ie. reporting information relating to the most serious offence that a defendant was dealt with for. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

⁵² Data are given on a principal disposal basis - i.e. reporting the most severe sentence for the principal offence.

⁵³ Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

⁵⁴ Caution is advised when interpreting low volumes. Where low volumes were found in intersectionality data, categories have been grouped to provide more meaningful results.

⁵⁵ Custody rate represents the proportion of offenders who receive an immediate custodial sentence among all those sentenced.

⁵⁶ Immediate custody includes detention in a Young Offender Institution, detention and training orders and all other sentences of imprisonment.

⁵⁷ Average Custodial Sentence Length (ACSL) is calculated by dividing the total combined custodial sentence length imposed (in months), by the number of offenders sentenced to immediate custody. This calculation excludes suspended sentences, life sentences, other indeterminate sentences, custodial sentences recorded as 60 years or more (which are assumed to be administrative errors) and custodial sentences where the sentence length is unknown. ACSL is not reported if fewer than five offenders received a determinate custodial sentence (based on any filters applied).

⁵⁸ A defendant's ethnicity is categorised using the 5+1 classification, based on the 18+1 self-identified classification used in the 2011 Census.

Age⁵⁹⁶⁰

	Magistrates' court		Crown Court	
	<i>Custody rate</i>	<i>ACSL</i>	<i>Custody rate</i>	<i>ACSL</i>
10 to 11	0%	0	N/A	N/A
12 to 14	1%	6	0%	0
15 to 17	4%	7	19%	13
18 to 20	8%	4	45%	19
21 to 24	13%	4	52%	24
25 to 29	21%	3	58%	25
30 to 39	24%	3	59%	25
40 to 49	23%	3	57%	24
50 to 59	18%	3	51%	27
60 to 69	13%	4	42%	30
70+	7%	5	38%	37

Intersectionality – sentencing outcomes

- Note that some of the rates calculated for intersectionality data are based on very low volumes for defendants (e.g., fewer than 10 defendants in a category)

Sex and Ethnicity

	Magistrates' Court		Crown Court	
	<i>Custody rate</i>	<i>ACSL</i>	<i>Custody rate</i>	<i>ACSL</i>
Male				
Asian	18%	4	57%	30
Black	18%	4	59%	26
Mixed	20%	3	60%	24
White	23%	3	57%	22
Other	21%	4	66%	22
Female				
Asian	9%	2	38%	23
Black	15%	3	31%	19
Mixed	13%	2	31%	23
White	15%	3	35%	17
Other	7%	3	28%	24

Sex and Age

	Magistrates Court		Crown Court	
	<i>Custody Rate</i>	<i>ACSL</i>	<i>Custody rate</i>	<i>ACSL</i>

⁵⁹ The age of a defendant relates to their age at the date of disposal at court, not their age when committing the offence. Defendants with a recorded age of under 10 or over 120 years are assumed to be admin errors and grouped into 'age not known'.

⁶⁰ Most child defendants have their case heard in the youth courts, which is a form of magistrates' court which explains low/no rates for younger age groups in the Crown Court.

Male				
10 to 17	4%	7	17%	14
18 to 20	8%	4	46%	19
21 to 24	14%	4	54%	24
25 to 29	22%	3	60%	25
30 to 39	26%	3	61%	25
40 to 49	25%	3	58%	24
50 to 59	19%	3	52%	27
60+	12%	4	42%	32
Female				
10 to 17	1%	4	29%	N/A
18 to 20	5%	3	20%	13
21 to 24	8%	3	26%	19
25 to 29	14%	3	34%	22
30 to 39	17%	2	34%	21
40 to 49	15%	3	38%	19
50 to 59	10%	3	35%	24
60+	9%	3	20%	25

Age and Ethnicity

	Magistrates' Courts		Crown Court	
	<i>Custody rate</i>	<i>ACSL</i>	<i>Custody rate</i>	<i>ACSL</i>
Asian				
10 to 17	4%	7	38%	N/A
18 to 20	7%	4	40%	19
21 to 24	11%	4	50%	28
25 to 29	17%	4	60%	31
30 to 39	21%	3	58%	32
40 to 49	22%	3	63%	29
50 to 59	19%	4	52%	28
60+	20%	4	44%	44
Black				
10 to 17	4%	6	0%	0
18 to 20	11%	5	52%	20
21 to 24	14%	4	55%	26
25 to 29	20%	4	61%	28
30 to 39	22%	3	62%	30
40 to 49	25%	3	55%	22
50 to 59	18%	3	58%	23
60+	18%	3	50%	25
Mixed				

10 to 17	4%	6	33%	13
18 to 20	6%	6	54%	20
21 to 24	14%	3	53%	24
25 to 29	19%	3	57%	28
30 to 39	27%	3	66%	25
40 to 49	27%	3	57%	20
50 to 59	18%	4	54%	26
60+	11%	N/A	60%	24
White				
10 to 17	3%	7	18%	14
18 to 20	8%	4	44%	18
21 to 24	14%	4	51%	22
25 to 29	23%	3	58%	21
30 to 39	25%	3	59%	21
40 to 49	24%	3	57%	21
50 to 59	19%	3	50%	24
60+	12%	4	39%	29
Other				
10 to 17	9%	7	0%	0
18 to 20	9%	6	45%	18
21 to 24	27%	4	67%	22
25 to 29	20%	4	61%	21
30 to 39	21%	3	69%	22
40 to 49	21%	4	65%	20
50 to 59	11%	2	49%	29
60+	14%	N/A	76%	32

Annex B – Judge-Only lengthy and technical fraud and financial offences (Structural Court Reform, section 2b):

Fraud

- Conspiracy to defraud.
- An offence under any of the following provisions of the Fraud Act 2006—

- (a) section 1(1) (fraud);
- (b) section 7 (making or supplying articles for use in frauds);
- (c) section 9 (participating in fraudulent business carried on by sole trader etc).

- An offence under section 993 of the Companies Act 2006 (fraudulent trading).

Tax evasion

- Cheating the public revenue.
- An offence under section 106A of the Taxes Management Act 1970 (fraudulent evasion of income tax).
- An offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 (improper importation of goods).
- An offence under section 72(1), (3) or (8) of the Value Added Tax Act 1994 (fraudulent evasion of VAT).

False accounting

- An offence under section 17 of the Theft Act 1968 (false accounting).
- An offence under section 19 of that Act (false statements by company directors, etc).
- An offence under section 89 of the Financial Services Act 2012 (misleading statements).

Insider dealing

- An offence under section 52 of the Criminal Justice Act 1993 (insider dealing).

Money laundering

- An offence under section 327(1), 328(1) or 329(1) of the Proceeds of Crime Act 2002 (concealing or acquiring, etc criminal property).

Terrorist funding

- An offence under section 15, 16, 17 or 18 of the Terrorism Act 2000 (offences relating to terrorist property).

Bribery

- An offence under any of the following provisions of the Bribery Act 2010—
 - (a) section 1 (offences of bribing another person);
 - (b) section 2 (offences relating to being bribed);
 - (c) section 6 (bribery of foreign public officials).

Historic fraud offences

- An offence under any of the following provisions that was committed before the coming into force of the Fraud Act 2006—

- (a) section 15 of the Theft Act 1968 (obtaining property by deception);
- (b) section 15A of that Act (obtaining a money transfer by deception);
- (c) section 16 of that Act (obtaining pecuniary advantage by deception);
- (d) section 20(2) of that Act (procuring the execution of a valuable security by deception);
- (e) section 25 of that Act (going equipped for cheat), so far as relating to an offence under section 15 of that Act;
- (f) section 1 of the Theft Act 1978 (obtaining services by deception);
- (g) section 2 of that Act (evasion of liability by deception).

Ancillary offences

- An offence of attempting or conspiring to commit an offence specified in any of the preceding paragraphs of this Schedule (a “specified offence”).
- An offence under Part 2 of the Serious Crime Act 2007 in relation to a specified offence.
- An offence of inciting a person to commit a specified offence.
- An offence of aiding, abetting, counselling or procuring the commission of a specified offence.