

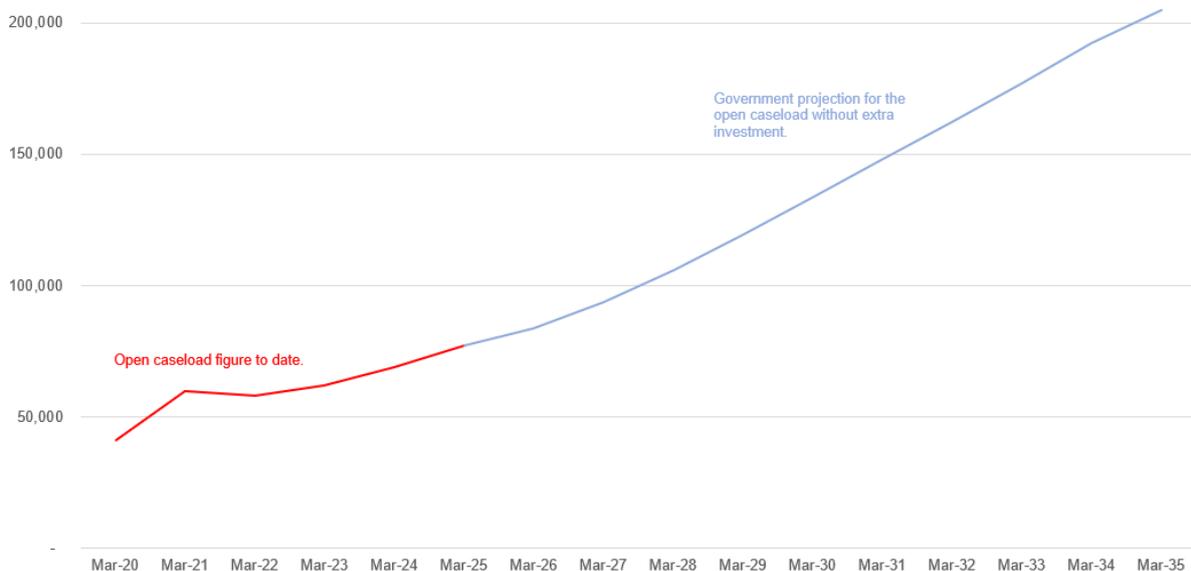
Criminal Court Reform – Impacts Factsheet

Background

- The criminal courts are not functioning as they should. Despite this Government’s record investment into criminal court capacity, and the Crown Court dealing with a third more trials compared to what it was dealing with just before COVID, receipts into the Crown Court (cases coming into the system) continue to outstrip its disposals (trials concluded).
- This demand on the criminal courts is projected to keep growing – that is due to police officer recruitment which is leading to a higher number of charges for criminal offences, and so there is more work for the criminal courts to process. Criminal cases are also increasingly complex. For example, newer forms of evidence (mobile phones and computer analysis, as well as DNA analysis) have improved justice and fairness but they have also increased the time that criminal trials take because it now takes longer to consider a larger volume of evidence properly.
- Ineffective trials are also a challenge - these are trials that cannot start or finish on their scheduled date, meaning they have to be re-scheduled. They represent failure in the system. Ineffective trials can happen for many reasons – for example, because there are not enough advocates to try the case, an advocate is tied up in an overrunning trial, or a defendant not being produced from prison on time.
- In 2024 at the Crown Court there were 7,606 ineffective trials. 1,123 of those were due to an advocate not being able to attend (15%).
- That is leading to wasted time, which means more and more cases are left waiting in the “open caseload.” The open caseload has more than doubled since 2019: it was 38,105 at the end of 2019 and the latest data shows 79,619 open cases in September 2025.
- There are very serious cases in that open caseload. For example, there are currently around 6,300 rape cases in the open caseload and around 2,000 rape cases have been waiting for more than a year.

Summary: the open caseload is not static – incoming demand continues to outstrip supply and so without action, our projections estimate that the open caseload will be over 130,000 by 2030, and over 200,000 by 2035.

Number of Open Cases in the Crown Court (open caseload)



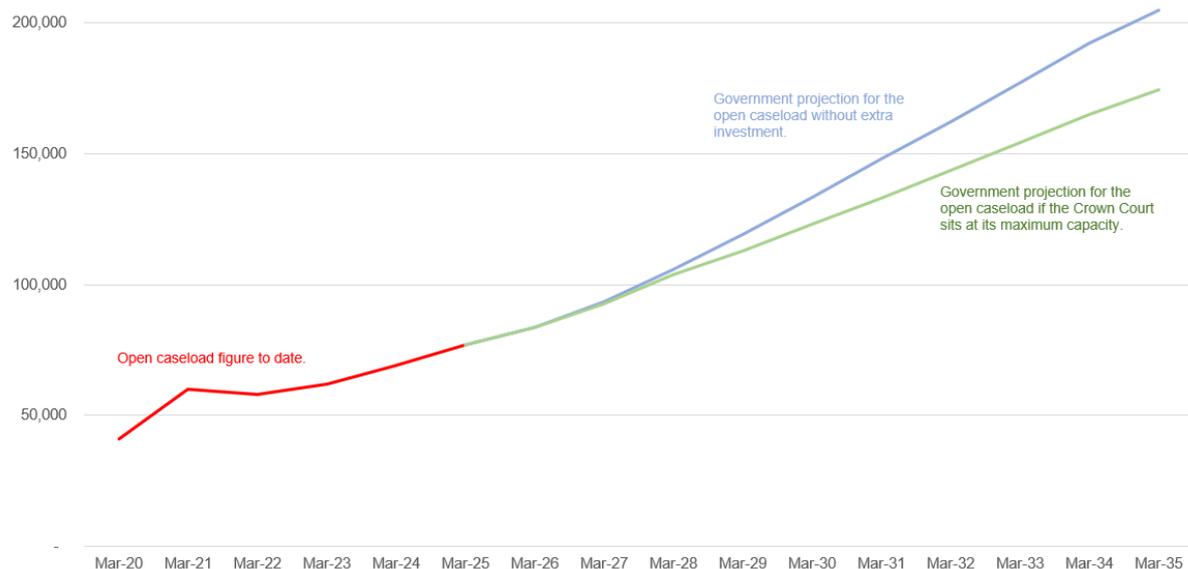
This chart shows the historical published open caseload and the future projected caseload, if Crown Court sitting day capacity stays constant at 111,250 days.

Financial Investment

- Once a case is in the open caseload, victims and defendants wait for the case to be heard and the outcome to be decided. The average wait for a trial to start at the Crown Court is now over a year and, for many complex cases, the wait is much longer. Over 6,000 cases have been waiting for 2 years or more, of which around 1,200 are sex-related cases (the equivalent of around 9% of all open sex-related offences) – and that is just the time spent in the courts. Many victims will have experienced long waits from the point at which a crime happens, their lives on hold until their case concludes.
- Crown Court capacity is measured in “sitting days” – a sitting day is a day on which a court is scheduled to sit and hear cases. It reflects judicial court capacity - a courtroom operating with a judge hearing cases - rather than simply a calendar day.
- Each year, the Government and the independent Judiciary work to agree a sitting day allocation for the courts (for criminal, civil, tribunals, and family justice matters) and an overall budget for His Majesty’s Courts and Tribunals Service.
- **Next financial year, there will be no financial limit to the amount of work the Crown Court can take on – we are enabling it to work at full judicial and court system capacity.**
- But even that is not enough to keep up with projected demand, because there are not unlimited numbers of judges, lawyers, and other legal professionals.
- We simply cannot create significantly higher numbers of new legal professionals in just a few years. Our investment to date is meaningful (£92m more a year in criminal legal aid solicitor fees and £34m more a year in advocate legal aid fees), but we have to be realistic about the time it takes to recruit and train professionals, and to rebuild a pipeline that has been stalled for years.

Summary: even with the Crown Court sitting at its maximum capacity, it will not come close to meeting projected demand, let alone getting the caseload down.

Number of Open Cases in the Crown Court (open caseload)



The projection without extra investment assumes Crown Court sitting day capacity stays constant at 111,250 days. The projection for maximum capacity assumes the sitting day level increases to 117,000 by 2028/29 from 111,250 days in 2025/26 - this is in line with the prison and court caseload projections (published on 4 December 2025).

Independent Review of the Criminal Courts

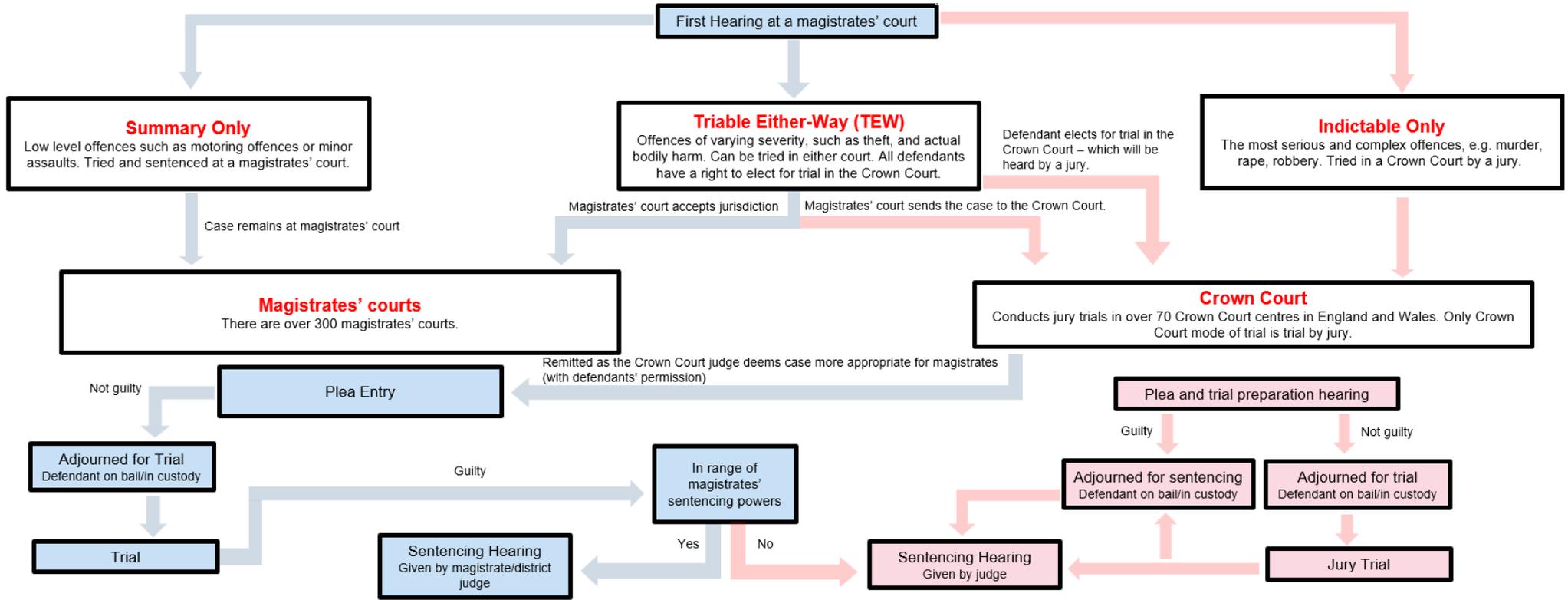
- The Government therefore cannot simply spend its way out of this problem and we commissioned Sir Brian Leveson, one of the country's most esteemed legal minds, to carry out an Independent Review of the Criminal Courts. He has published his Review in two parts.
- Sir Brian detailed a profound and escalating crisis – he has made clear that urgent government intervention is necessary to make sure justice can be delivered fairly and quickly, and to prevent victims, witnesses, and defendants waiting years for a trial.
- The Government accepts the Review's conclusion that *“more money and efficiency measures alone will not be sufficient to allow the system to operate as it should”* and *“given the significantly higher pressures the courts are working with now, full efficiency gains from the breadth of recommendations in this Review will not be achieved without urgent implementation of structural recommendations from Part I.”*
- Unless the Government acts to deliver structural court reform **as well as** financial investment and an efficiency programme, we risk no longer having a justice system which commands public confidence.

Current Criminal Court System

- Before a case gets to trial, the police investigate and pass evidence to the Crown Prosecution Service, which decides whether there is enough evidence and whether it is in the public interest to charge someone. The defendant may enter a plea (guilty or not guilty), and if they plead not guilty the case is scheduled for a trial. There can be months or years between being charged and having a trial.
- There are three types of criminal case:
 - Summary-only: low-level cases which are tried and sentenced in the magistrates' courts.
 - Triable either-way: intermediate cases which can be tried in either the magistrates' courts or the Crown Court. The magistrates' court first decides whether they feel able to hear the case or whether it is too complex and needs a Crown Court trial. Even if the magistrates determine that they can hear the case (“retain”), the defendant can choose to demand a hearing in the Crown Court instead (“right to elect”).
 - Indictable only: the most serious cases which are tried and sentenced in the Crown Court.
- Criminal cases start in the magistrates' courts, which handle less serious offences like minor assaults, shoplifting, or motoring offences. There are no juries in the magistrates' courts - magistrates (trained volunteers from the community) or a District Judge hear cases and determine guilt. Over 90% of criminal cases start and finish here.
- Very serious cases, such as murder or rape, cannot be completed in the magistrates' courts and are sent up to the Crown Court. Trials in the Crown Court usually involve a judge and a jury. The jury (12 members of the public) decides whether the person is guilty or not guilty and the judge then decides the sentence for those found guilty. This could be a fine, a community order, or a prison sentence, depending on the seriousness of the offence. If either side believes something went wrong in the case, they can appeal to a higher court.

Current Criminal Court System

Remand: At the end of each hearing a decision is made by a magistrate or judge to remand a defendant on bail or in custody. There is a custody time limit of 182 days for cases at the Crown Court and 56 days at a magistrates' court – this is the maximum amount of time someone can be kept in prison while waiting for their trial.



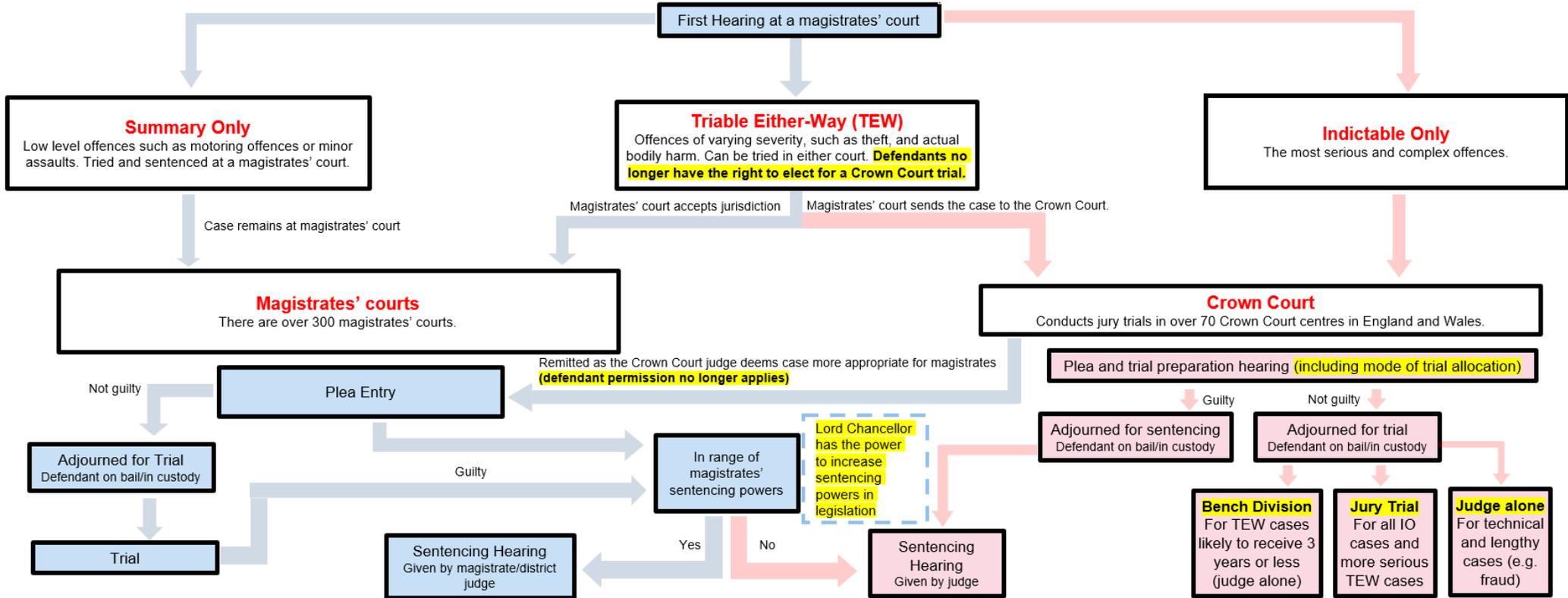
Cases can also be dismissed at various points.

New Criminal Courts System

- Our reforms set clear thresholds. The most serious cases will always get a jury trial and the least serious cases will always stay with the magistrates' courts. Some straightforward intermediate cases will be retained in the magistrates' courts, and judge-alone trials will consider most remaining intermediate cases.
- **Remove the defendant's right to elect** - at the moment, for triable either-way cases (cases that could be heard in the magistrates' court or the Crown Court) defendants have a right to choose where their case is heard, even if the magistrates' court has determined it can hear the case. Defendants do not need to have a substantive reason for election and can simply elect on preference. We are removing defendants' right to elect for trial in the Crown Court for all triable either-way criminal offences. The requirement for a defendant's consent for the Crown Court to send a case back to the magistrates' courts will also be removed. This means that cases will be heard in the criminal court that is most appropriate for the offence.
- **Reform the appeals process from the magistrates' courts to the Crown Court** – there is currently an automatic right to appeal magistrates' court outcomes in the Crown Court. We are replacing that automatic right with a "permission stage," where a judge has to review whether the appeal has merit on a point of law. The appeal hearing will then be based on the issues for which permission to appeal has been granted. This mirrors the current process for appeals from the Crown Court to the Court of Appeal and it will prevent victims from having to undergo full re-hearings unnecessarily.
- **Magistrates' court sentencing powers** – magistrates' courts currently have the power to sentence defendants to up to 12 months in prison. We will enable an extension to that sentencing power to 18 or 24 months for triable-either-way cases. This means that the magistrates' courts can send far fewer cases up to the Crown Court, either for a trial or just sentencing, because they have the power to deal with them in the lower courts.
- **Crown Court Bench Division** - currently all trials that proceed to the Crown Court are subject to trial by jury. We are introducing a new "division" in the Crown Court where a judge alone can hear triable either-way cases that are likely to receive a sentence of 3 years or less. All other Crown cases, including all of the most serious cases ("indictable only offences"), will still get a jury trial.
- **Trials by judge alone for technical and lengthy cases:** we are also introducing judge-only trials in the Crown for technical and lengthy fraud/financial cases. This will relieve pressure on jurors (who would otherwise have to take months out of their lives) and relieve pressure on the Crown Court as judges alone are likely to hear such cases more quickly. Murder, manslaughter, rape and other cases deemed to be in the public interest will always have jury trials and will be ineligible for judge alone trials.

Reformed Criminal Court System

Remand: At the end of each hearing a decision is made by a magistrate or judge to remand a defendant on bail or in custody. There is a custody time limit of 182 days for cases at the Crown Court and 56 days at a magistrates' court – this is the maximum amount of time someone can be kept in prison while waiting for their trial.

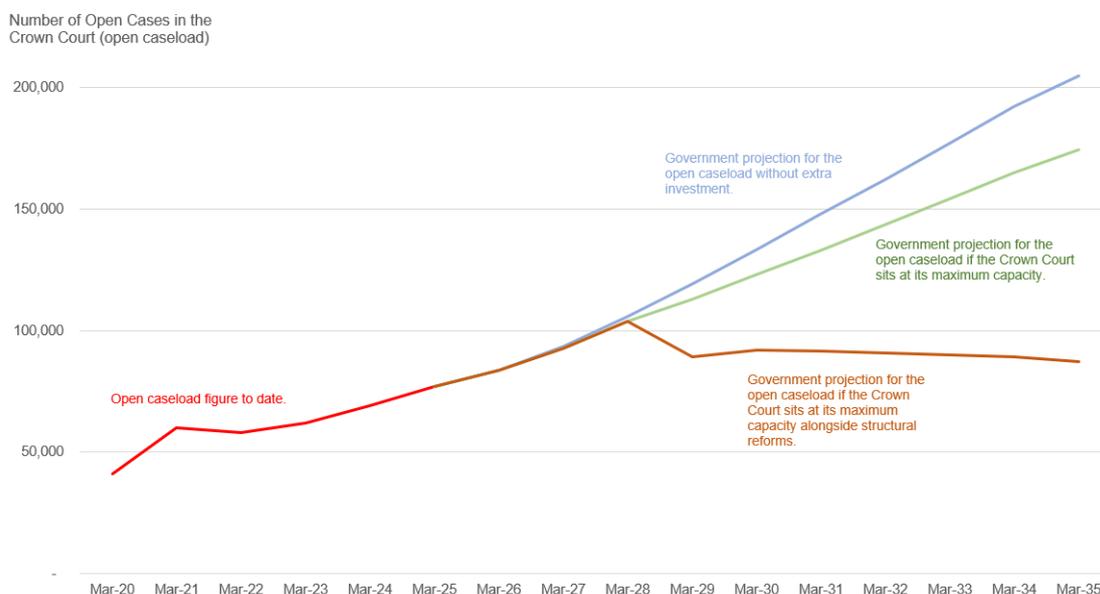


Cases can also be dismissed at various points.

Benefits of Structural Reform

- Our modelling shows that the structural reform package will reduce demand on Crown Court time by nearly 20%. That is the equivalent of around 27,000 fewer sitting days being needed in the Crown Court to get through cases.
- The Crown Court hears a variety of cases, from the very serious (such as murder, rape, and serious drug offences) to less serious (such as minor theft or assault). Our reforms set clear thresholds to ensure that the most serious cases always get a jury trial while magistrates can hear the least serious cases, and judge-alone trials can consider cases of intermediate severity in the new bench division (such as driving licence fraud or possession of cannabis). There will also be judge-alone trials for extremely technical cases, like complex fraud cases.
- Maximising financial investment and structural reforms allow us to meet demand coming into the system and turn the tide on the open caseload.

Summary: when the reform measures are implemented in 2028, the open caseload is expected to decrease because fewer new cases will arrive at the Crown Court. As Crown Court capacity is freed up, the court can start tackling the backlog of open cases.



The chart shows 3 scenarios: the projection without extra investment assumes the Crown Court keeps sitting 111,250 days a year (blue). The projection for maximum capacity assumes the sitting day level ramps up to 117,000 by 2028/29 (green). The projection combining sitting day ramp up to 117,000 and the structural reforms implemented in March 2028 (orange).

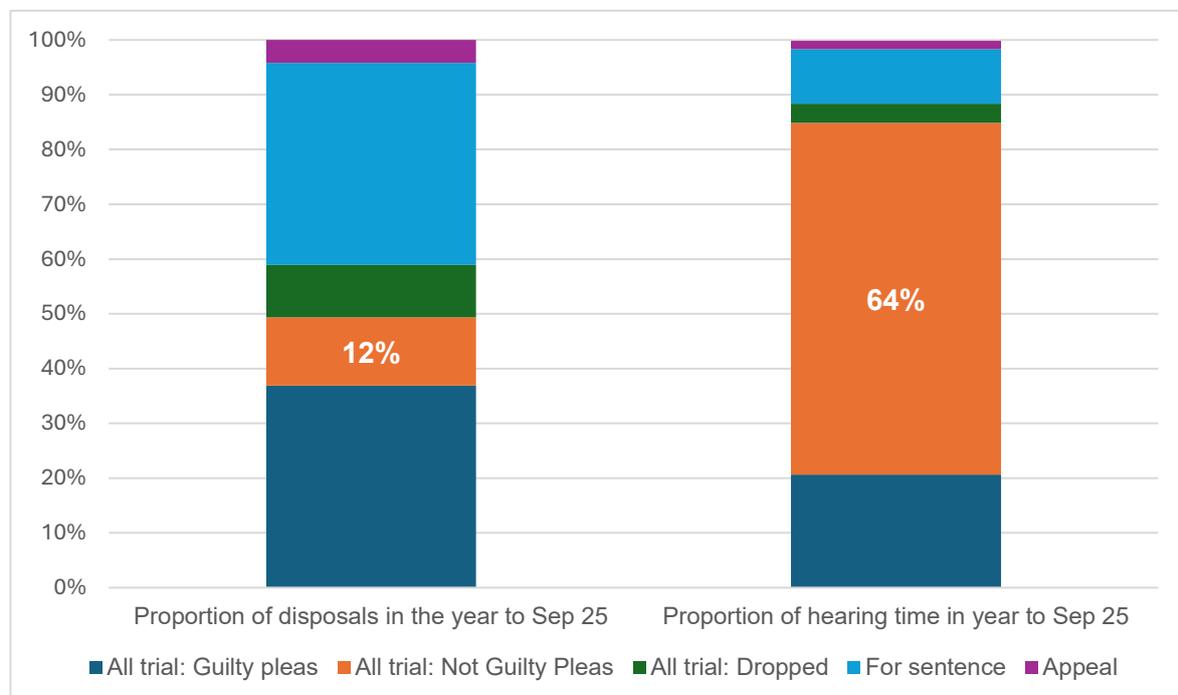
Measure	Change in Crown Court sitting day demand (2028/29)
Remove the defendant's right to elect for a jury trial in the Crown Court for all triable either-way offences.	-16,000
Magistrates' court sentencing powers increased to 18 months of custodial sentence.	-8,000
New Crown Court Bench Division to hear triable either-way cases which are likely to receive a sentence of three years or below by a judge alone	-5,000
Trials by judge alone for technical and lengthy fraud and financial crime cases.	-200
Amending the appeals process from magistrates' courts to the Crown Court.	-500
Cases returning to the Crown Court for appeal and sentence.	+1,000
Interactions between the measures.	+2,500
Total	-27,000
Mode of trial change impacts in 2028/29	-3,500

Numbers are rounded to the nearest 1,000 when over 10,000, to the nearest 500 when between 500 and 10,000 and to the nearest 100 when the value is under 500. Rounded figures may therefore not sum to the rounded package total.

The Right Case in the Right Court

- The Government is investing in both the Crown Court and the magistrates' courts - every single Crown Court in England and Wales will be funded to hear as many cases as possible next year, and the magistrates' courts will be funded to their maximum operational capacity. We are also running a maximalist recruitment campaign for new magistrates.
- £287 million is being invested in the court estate itself, to deliver vital repairs and digital upgrades to court buildings.
- For the first time, the Government and the Judiciary have also agreed firm funding commitments for the next three financial years, not just the next one, giving the justice system the long-term stability it needs to plan ahead.
- It is vital that we manage the criminal courts as a whole system – the number of cases dealt with in the Crown Court are far outstripped by those heard in the magistrates' courts, but Crown Court cases take much longer and are a significant proportion of the caseload when considered in terms of time taken to hear.
- In the magistrates' court the average case is dealt with on the same day as its first listing and will often only have 1 hearing. In the Crown Court, cases have an average of 4 hearings and take around 3 hours.
- It would take the magistrates' courts about 3 months to dispose of its open caseload (if no new incoming cases allowed the courts to just work through the backlog), whereas the Crown Court would take about 8 months. That is despite the magistrates' court caseload being much higher (373,084 compared to 79,619).

Summary: in the Crown Court, jury trial cases only account for 12% of all disposals but take up 64% of hearing time. This is why it is so crucial that we make sure Crown Court hearing time is used for the cases that only it can hear and in the most efficient way possible.



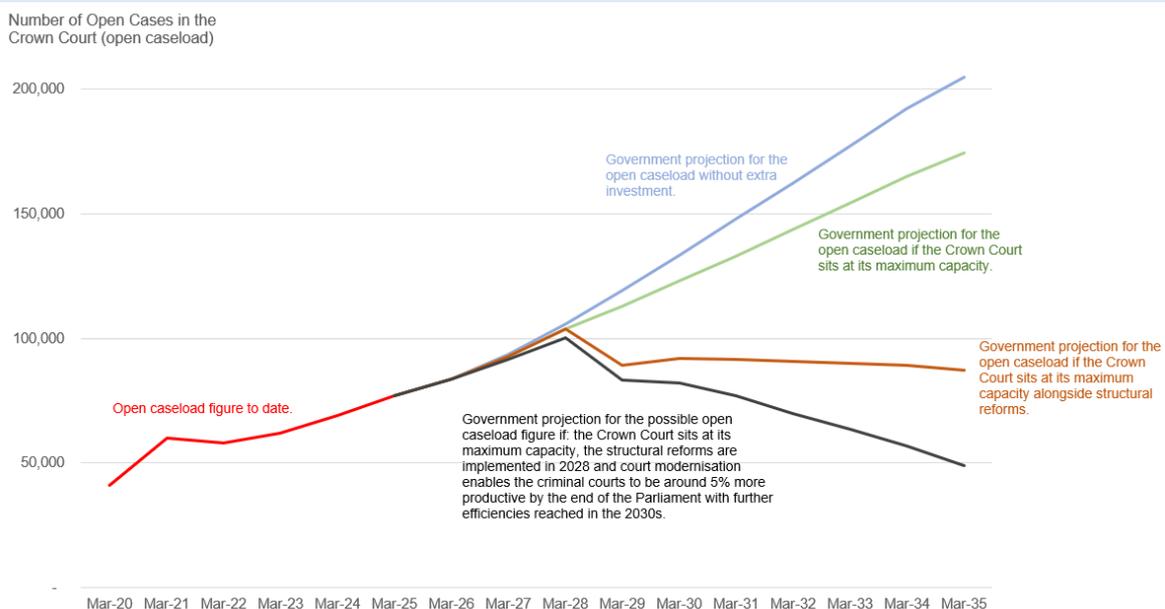
Criminal Court Modernisation

- Sir Brian Leveson's Independent Review of the Criminal Courts covered structural reforms to the criminal courts as well as recommendations for making the court system more efficient.
- The Government welcomes all of Sir Brian's recommendations – the review is thorough and highlights many areas where existing processes can be improved and where we can do more to deliver faster and fairer justice for all.
- But generating efficiencies and improving productivity will take time – the Government has begun to make investment into the court estate and the legal workforce but these are not issues that can be fixed quickly. Sir Brian makes clear, and our modelling confirms, that more money and efficiency measures alone will not be sufficient to allow the system to operate as it should.
- Efficiency is therefore not a silver bullet, but it is a crucial part of our plan – many of Sir Brian's recommendations speak to work we have begun already.
- **National listing model:** at the moment, how cases are organised and progressed – "listed" – differs at individual court centres. That can create inconsistency. The Lady Chief Justice (the head of the judiciary in England and Wales) will publish a National Listing Framework which will clarify the process for England and Wales. This means that no matter where they are, victims and defendants can expect their cases to be dealt with in a similar way.
- **Digital listing tool:** Sir Brian Leveson looked at how we can harness new technology to improve the courts. The Government is piloting a new AI-assisted listing tool to help judges decide when to list cases and take action to progress cases. If the pilot is successful, we will begin a national rollout.
- **Case Coordinators:** case coordinators are specialist courts staff whose sole focus is to keep cases progressing through the system. We are investing the necessary funding to make sure all Crown Court centres have a case coordinator.
- **Remote participation:** Sir Brian Leveson has considered the expansion of online hearings so that fewer people have to travel into physical court centres to have cases heard. He believes more cases should be undertaken remotely – the Government agrees and we are investing in new video technology so that we can enable more video hearings in the criminal courts.
- **Prisoner Escort and Custody Services (PECS):** these services involve transporting defendants who are on remand in a prison to a criminal court for their hearings. When there are late arrivals, cases can be delayed, which wastes court time and frustrates everyone involved. Sir Brian Leveson has made recommendations for how we improve communications and data which we are taking forward, and we are working on initiatives to make sure PECS vehicles can move quickly through busy cities and not be delayed by traffic.
- **Transparency:** the Government is clear that timely justice must also be fair justice. We are working with the judiciary towards greater openness and transparency in the courts. Through the Sentencing Act 2026, we have already taken a major step forward - for the first time in the Crown Court, every victim will be able to request a free copy of the judge's sentencing remarks, giving them a clear explanation of how and why the sentence was reached. Our court reforms also mean that judges in the Crown Court Bench Division will explain their verdicts in open court, something juries do not do, and the magistrates' courts will have audio recording to put decision-making on record. We are also working closely with the judiciary on where we can go further to broadcast court proceedings.

Court Productivity

- The Government's criminal court reform programme, taken as a whole, will free up capacity in the Crown Court and help the criminal courts to use their capacity as productively as possible.
- Each court uses its available time in broadly four ways:
 - Essential work that only the court can do – in the Crown Court that is indictable only casework that must be heard there and in the magistrates' courts that is summary only casework and Single Justice Procedure work.
 - Essential work that could be done in either court – triable either-way offences can be heard in the magistrates' or the Crown courts.
 - Time used to get through work created by dysfunction in the system – for example, there were over 26,000 ineffective trials in 2024 across the Crown Court and magistrates' courts.
 - Time that is not used given scheduling challenges, for example.
- Our ambition is to enable the courts to dedicate as much time as possible to their essential work. By removing defendants' right to elect for a Crown Court trial, rolling out case coordinators to all Crown Courts, and supporting the judiciary to ensure listing practices are consistent across England and Wales, we are actively enabling the Crown Court to increase the time it spends doing essential work, that only it can do, and reducing the time spent on work created by dysfunction.
- Other policies are designed to get more justice out of the time that is spent doing that essential work – for example, judge-only trials are expected to be quicker than trials involving a jury, the amended appeals process will prevent meritless claims going to the Crown Court, and harnessing technology across the courts estate will help to shorten the time needed to conclude each case.
- This reform will take time – as with all other public services, the courts cannot be expected to get back to pre-COVID levels of productivity quickly, and any expectation that they do does not account for the ways in which cases have become ever more complex since the Crown Court was created in 1971.

Summary: with investment and reform, we can stop the open caseload from spiralling and put it on a downward trajectory. As we also modernise the courts and drive down failure demand, we hope to see the open caseload get back to sustainable levels over the next decade.



The chart shows 4 scenarios: the projection without extra investment assumes the Crown Court keeps sitting 111,250 days a year (blue). The projection for maximum capacity assumes the sitting day level ramps up to 117,000 by 2028/29 (green). The projection combining sitting day ramp up to 117,000 and the structural reforms implemented in March 2028 (orange). The projection combining sitting day ramp up, reforms, and efficiencies (black).

Impact on Prisons

- Cases diverted from the Crown Court to the magistrates' courts will progress more quickly, meaning defendants - whether ultimately convicted or not – are expected to spend around two months less on remand (held in prison while waiting for trial). As of September 2025, about 20% of the prison population is on remand.
- The reforms, by freeing up Crown Court capacity, will enable the Crown Court to prioritise the oldest cases, which are likely to be more serious and complex, with a higher proportion of not guilty pleas. They will therefore attract longer custodial sentences. Bringing them forward generates upward pressure on the prison population.
- The net effect of these offsetting drivers is a projected increase in the prison population, peaking at around 900 additional prisoners in 2033 before gradually declining. These pressures can be accommodated within existing prison capacity plans.
- Over time, we expect the reforms to reduce the prison population – once the open caseload has been reduced and there are no additional cases to accelerate, the upward pressure on the sentenced population will decline, and the reduction in time spent on remand will remain, leading to a lower overall prison population.

Impacts on Probation

- We estimate that these reforms will lead to around 6,300 additional cases a year for the probation service. This impact is driven by the same factors as the increase in the prison caseload: cases being transferred to the magistrates' courts and more cases being resolved in the Crown Court. This impact will be accounted for in the Government's long-term workforce and strategic planning.

Impact on the magistrates' courts

- Magistrates' courts deal with significantly more cases than the Crown Court and over 90% of criminal cases start and end in the magistrates' courts. In 2024, the magistrates' court disposed of 1,430,639 cases compared to 114,040 in the Crown Court.
- Around 60% of magistrates' court disposals relate to Single Justice Procedure cases – the Single Justice Procedure is a process for dealing with adult defendants charged with minor, non-imprisonable offences without a traditional court hearing, such as TV licensing and certain motoring offences. Single Justice Procedure cases are generally quicker than other magistrates' court cases which need a court hearing.
- In September 2025, the open caseload in the magistrates' courts was 373,084. The caseload (including Single Justice Procedure cases) is predicted to double over the next few years. Much of this is due to the higher court workload we are projecting due to increased police officer recruitment, but our criminal court reforms will also contribute to greater demand in the magistrates' courts – by removing the right to elect for a Crown Court trial and increasing magistrates' court sentencing powers more cases will be retained in the magistrates' courts which would otherwise have been sent up to the Crown Court.
- The magistrates' courts will be funded to their maximum operational capacity and we are also running a maximalist recruitment campaign for new magistrates.

Annex A: Number of open cases in the Crown Court (open caseload)

The below table sets out the data used to generate the graphs illustrating the impact of the Government's actions set out in this factsheet.

Date	Historical Open Cases	Central Demand Projection without additional investment ¹	Central Demand Projection with additional investment ²	Central demand projection including additional investment and reform ³	Central demand projection including additional investment, reform, and increased efficiencies ⁴
Mar-20	41,000	-	-	-	-
Mar-21	60,000	-	-	-	-
Mar-22	58,000	-	-	-	-
Mar-23	62,000	-	-	-	-
Mar-24	69,000	-	-	-	-
Mar-25	77,000	-	-	-	-
Mar-26	-	84,000	84,000	84,000	84,000
Mar-27	-	93,000	93,000	93,000	92,000
Mar-28	-	106,000	104,000	104,000	100,000
Mar-29	-	119,000	113,000	89,000	83,000
Mar-30	-	134,000	123,000	92,000	82,000
Mar-31	-	148,000	133,000	92,000	77,000
Mar-32	-	162,000	144,000	91,000	70,000
Mar-33	-	177,000	154,000	90,000	64,000
Mar-34	-	192,000	165,000	89,000	57,000
Mar-35	-	205,000	174,000	87,000	49,000

Figures are rounded to the nearest 1,000 cases.

1. Crown Court sitting day capacity stays constant 111,250 days a year.
2. Crown Court sitting day capacity ramps up to 117,000 days in 2028/29, from 111,250 days in 2025/26. This is in line with the assumptions used for the prison and court caseload projections (published on 4 December 2025).
3. Reform reduces demand by 27,000 sitting days (based on 2028/29 demand).
4. Efficiencies are continually improved to c. 5% in 2028/29 and stabilise at c. 10% in 2030/31.