



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

Country: UK-England and Wales

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2013)

56 567 800

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).

	Amount
State or federal level	596 083 582 900
Regional / federal entity level (total for all regions / federal entities)	NA

3) Per capita GDP (in €)

30 292

4) Average gross annual salary (in €)

33 157

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

£0.81546

A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

mail CN 4/4/14: Question 3: The methodology used to calculate GDP for 2012/13 is different to that used in 2010/11.

- For 2010/11, GDP for England and Wales was not available and so the respondent described the following methodology which was used to calculate the figure for the 2010/11 cycle: Only England and Wales data for GVA was available and not GDP. This GVA data was only available for 2009, not 2010. The Bank of

England's spot exchange rate for 2nd January 2009 of 0.960892 has been used. Also these figures have been deflated using UK GDP deflators; these do not exist for England and Wales.

- For 2012/13, again GDP was not available for England and Wales and so the respondent provided UK GDP figures. We are of the view that these figures are best to use and will allow greater consistency in future survey cycles.

1) Source: Annual Mid Year Population Estimates, 2012, ONS (July 2013) <http://www.ons.gov.uk/ons/rel/pop-estimate/population-estimates-for-england-and-wales/mid-2012/index.html>

2) Source: Public Expenditure: Office for National Statistics (2013)Country and Regional Analysis, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264286/Country_and_Regional_Analysis_2013.pdf

3) Source: Table 1.5, Chapter 1: National Accounts at a Glance, The Blue Book, United Kingdom National Accounts, 2013 Edition, Office for National Statistics. <http://www.ons.gov.uk/ons/rel/naa1-rd/united-kingdom-national-accounts/the-blue-book--2013-edition/the-blue-book-2013--chapter-1-tables.pdf>

- Per capita GDP is not available for England and Wales and so the figure provided is for the UK.

4) Source: Table 8.7A Annual pay - Gross 2012, Annual Survey of Hours and Earnings, 2012 Provisional Results.

<http://www.ons.gov.uk/ons/rel/ashes/annual-survey-of-hours-and-earnings/2012-provisional-results/2012-provisional-table-8.zip>

5) Exchange rate used is Bank of England daily spot exchange rate from 31st December 2012 which would still have been current on 1st January 2013 when the bank was closed. £1= €1.2263 (€1= £0.81546).

1. 1. 2. Budgetary data concerning judicial system

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	2 384 439 794
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	1 218 027 367
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	50 929 495

3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	96 745 831
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	423 043 749
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	0
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1 326 282
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	594 367 070

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

The figures provided in Q.6 exclude the budget for the public prosecution services and the budget for legal aid.

Other includes general office expenditure (stationery, postage, etc), utilisation of provisions and depreciation.

The large increase in Other costs from 2010/11 to 2012/13 is due to the one off payment for pension liabilities for which our provisions budget had an HMT agreed a one off increase of €159,419,000 (£130,000,000) in 2012-13.

8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases?
 for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

The civil and family courts, are in the main, self funding with the majority of the cost funded by court fees. The part of cost not covered by fees is met by the general taxpayer as part of the resource budget of the Ministry of Justice. The taxpayer's contribution is made up of two elements:

- Potential fee income foregone under the system of remissions (fee waivers);
- Fees set below full cost levels (i.e. they would not cover the total cost even if none were remitted).

The objective is to recover the total cost, not counting the cost of providing fee remissions (waivers). In other words, although the term is often used, the target is not 'full-cost recovery'. A better way of describing the policy is 'full-cost pricing'. Court fees have to comply with the general policy principles that apply to all services where Government charges fees authorised by Parliament. The most important of these is that fees should not exceed the total cost of providing the service. Fees should generally be set at levels which, on average, if charged in every case rather than waived, would recover the full cost of providing the service – fees cannot be set to make a profit. All fee-charging services must have a financial objective agreed with the Her Majesty's Treasury.

The fundamental principle in setting fees and charges, including to other government departments, is a) to promote efficient allocation of resources so that those who consume the services are encouraged to use them efficiently, and b) to maintain the link between costs and benefits, improving decision-making and accountability as a result. The remission system ensures that access to justice is protected for individuals who are less well-off and allows people on low incomes to access HMCTS services free of charge or at a reduced rate, depending on their eligibility. It is central to the policy of full-cost pricing that this system achieves its purpose.

The remission system is targeted to only those who can not afford to pay a fee and that those who can afford to pay all or part of a fee, do.

The system has three elements: an automatic full fee remission for those in receipt of a qualifying benefit, a full fee remission for those whose gross annual income is calculated to be lower than the stated thresholds and a full or part fee remission based on an income and expenditure means test to calculate monthly disposable income.

Anyone who seeks a remission from paying a fee either in full or in part, must apply to do so at the time of making a fee bearing application to HMCTS or at any time when a fee is due and provide documentary evidence of their financial eligibility.

8.1) Please briefly present the methodology of calculation of courts fees?

HMCTS set fees to achieve 100% cost recovery.

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?

The fee for starting proceedings to recover a sum of money where the sum claimed exceeds £1,500 (€1,839.45) but does not exceed £3,000 (€3,678.90); is

Through our bulk Claim Production Centre: £75 (€91.97)
 Money Claim OnLine: £80 (€98.10)
 Otherwise: £95 (€116.50)

9) Annual income of court taxes or fees received by the State (in €)

586 777 526

12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)**If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:**

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	2350470057
12.1 Annual public budget allocated to legal aid for cases brought to court	NA
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

It is not possible to provide a definitive breakdown of the proportions of legal aid funds which are spent or allocated to cases brought to court and those not brought to court.

Total spending in resource terms from the LAA's annual report and the LSC 2012/13 Annual report.

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .

Amount 722 425 593

Comment :

The figure represents total Voted resource expenditure. It does not include Capital and is for England and Wales only. (Capital in this context means spending on capital items such as land, buildings, plant and machinery which will be used by the business in more than one financial year and which will be shown on the balance sheet as fixed assets.) Other Government Departments and local authorities may undertake public prosecutions in certain specific cases, usually regulatory offences, but the above figure represents the vast majority of approved public budget allocated for public prosecutions.

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	Yes	Yes	Yes
Other ministry	No	No	No	No
Parliament	No	No	No	No
Supreme Court	No	No	No	No
High Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	No
Other	No	No	No	No

14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

NAP

A.2 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available, an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

mail CN 26/3/14: Q.6. Figures provided for 2010 were for the Court Service and excluded the budget for Tribunals. However, these two merged in 2011/12 and are now one. The budget quoted in the 2012/13 CEPEJ cycle is for both courts and tribunals and therefore unfortunately figures are not on a comparable basis to prior submissions and are not available separately.

Q.6 & 7) Her Majesty's Courts and Tribunal Service (HMCTS) merged in 2011/12 and is now one operating entity. CEPEJ survey responses in previous years have only quoted the now merged HM Court Service. Therefore figures provided in answer to question 6 are not on a comparable basis to prior submissions. The figures quoted here are for the entire HMCTS, both courts and tribunals. This also includes the cost of tribunals administered within Scotland outside of the Scottish Government which cannot be separated out from the budget figures quoted.

The UK Parliament does not vote on and approve itemised elements of the budget and so the breakdown of budget figures provided

are the Executed Budget, not the approved budget.

The figures given are what are set out in the MoJ report for HMCTS, this includes costs of both the court and tribunal system. The figures reflect current Government priorities.

Please indicate the sources for answering questions 6, 9, 12 and 13.

HMCTS Annual Report, HMCTS Business Plan, HMCTS Delegated Budget, HMCTS General Ledger

1. 1. 3. Budgetary data concerning the whole justice system

15) The following data would be useful for information

15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

. NA 10582637899

15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	No
Prison system	Yes
Probation services	Yes
Council of the judiciary	No
Constitutional court	No
Judicial management body	No
State advocacy	No
Enforcement services	Yes
Notariat	No
Forensic services	No
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	Yes
Other	Yes

Comment :

Total budget also includes funding to the following Departmental entities providing/dealing with justice related services: Tribunals; Public Guardian; Criminal Cases Review Commission; Criminal Injuries Compensation Authority; Information Commissioner's Office; Judicial Appointments Commission; Legal Services Board; Office for Legal Complaints; Parole Board; Youth Justice Board; Advisory Committees on Justices of the Peace and Crown Court Rule Committee; Independent Advisory Panel on Deaths in Custody.

Explanatory Notes:

1. The total budget figure is the final budget, which includes Resources and Capital budget but excludes depreciation.
2. The element 'Functioning of the MoJ' includes budget of HQ and 29 various associated offices and advisory Non-Departmental Public Bodies.
3. 'Refugees and asylum seekers services' : The Ministry of Justice is only responsible for Tribunals work and not for the wider Immigration and Asylum system, which is the domain of the the Home Office.
4. The elements listed under 'Others' include Department's Agencies and Entities in the Departmental Group including Executive Non-Departmental Public Bodies.
5. The total budget figure if converted into Euro at the present rate cannot be compared with the figure of 2010/11 in Euro.
6. Source of information: Ministry of Justice Annual Report and Accounts 2012-13.

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

- Yes
 No

If yes, please specify:

A legally aided person would have the court fees covered by legal aid.

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes
 No

If yes, please specify:

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

Criminal cases	Other than criminal cases
Yes	Yes

Comment :

The Ministry of Justice has recently implemented 2 sets of maximum rates for criminal and Civil legal aid expert witness fees, which can only be exceeded in exceptional circumstances. We propose to reduce the current specified standard fees for all experts by 20%.

20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please specify in the "comment" box below, when appropriate.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	714294
in criminal cases	570594
other than criminal cases	143700

Comment :

For criminal cases, the number of rep orders in the magistrates courts and Crown Court, and for civil, the number of certificates granted. All from the LAA's stats pack

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
NA

Comment :

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

Please specify in the "comment" box below.

Accused individuals	Yes
Victims	No

Comment :

In accused individual's (defendant's) case this is subject to financial (means) and interest of justice (merits) tests conducted by the Legal Aid Agency, formerly the Legal Services Commission. In the victim's case, funding is usually available from Her Majesty's Courts Service.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

Yes

No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NA (see comment)	NAP
for other than criminal cases?	NA (see comment)	NAP

Comment :

Eligibility for civil legal aid -

- Generally, legal aid in civil cases is available to anyone who qualifies, provided that the case is within the scope of the scheme. Each application is considered on an individual basis and is subject to statutory tests of the applicant's means and the merits of the case. The rules for scope and qualification are in legislation or other documents laid before Parliament.

- Those in receipt of Income Support, income based JobSeeker's Allowance, Guarantee State pension credit or income related Employment Support Allowance automatically qualify financially for legal aid. Otherwise, they can obtain 'free', or non-contributory assistance, if they have a gross monthly income of less than £2,657 (€3,258), a monthly disposable income below £315 (€386) and disposable capital of £3,000 (€3,678) or less. If their monthly disposable income is between £316 (€388) and £733 (€899), or disposable capital between £3,000 (€3,678) and £8,000 (€9,810), they will be offered funding on the basis that they agree to pay contributions towards their legal costs. Applicants can check their eligibility for legal aid by using the eligibility calculator on the LSC's website:

www.communitylegaladvice.org.uk

- In addition to qualifying financially, an applicant must also show that they have reasonable grounds for taking, defending or being a party to proceedings, and that it is reasonable, in the particular circumstances of the case, for legal aid to be granted. Eligibility for criminal legal aid - Legal aid eligibility for defendants appearing before the criminal courts

- Any defendant appearing before the magistrate's court must pass the 'Interests of Justice' test in order to qualify for a grant of representation. A number of factors are considered in assessing the 'Interests of Justice' – this includes whether the applicant, if convicted, is likely to suffer a loss of liberty or livelihood. Defendants appearing at the Crown Court are automatically passported through the IoJ test.

- In addition, the defendant must pass the relevant financial eligibility criteria:

(a) At the magistrates' court: Initial Filter Stage

- Where an applicant's weighted gross annual income exceeds £22,325 (€27,377), he is financially ineligible for a grant of representation.

- Where an applicant's weighted gross annual income is £12,475 (€15,298) or less, he is financially eligible for a grant of representation.

More detailed assessment

- For those applicants whose adjusted gross annual incomes fall between the two thresholds, a more detailed assessment of their disposable income is carried out.

- This provides for deductions in respect of income tax, national insurance, council tax, as well as actual housing, childcare and maintenance costs, and an allowance for living expenses.

- If as a result of these calculations, the applicant's disposable income does not exceed £3,398 (€4,167), he will be financially eligible under the new scheme.

(b) At the Crown Court: How does the Crown Court means testing scheme work?

- Under the scheme, applicants may be liable to pay a contribution towards their defence costs, subject to a means assessment.

- Using the same weighted scale adopted under the magistrates' court scheme, a Crown Court defendant whose gross annual income is less than £12,475 (€15,343) will not be liable to pay a contribution order. Equally, those applicants in receipt of one of the four 'passport' benefits, or under the age of 18, are exempt from paying a contribution order

- If the applicant's gross annual income exceeds £12,475 (€15,298), they will be subject to the same more detailed assessment of their income, as used at the magistrates' court.

- If the applicant's annual disposable income does not exceed £3,398 (€4,167), they are not liable to pay a contribution order.

- If the applicant's annual disposable income exceeds this threshold, they will be liable to pay a contribution towards their legal costs.

If the individual is subsequently convicted at the Crown Court, they may be asked to pay their outstanding legal aid costs from capital assets that they hold.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous

action or no chance of success)?

- Yes
 No

If yes, please explain the exact criteria for denying legal aid:

An applicant must show that they have reasonable grounds for taking, defending or being a party to proceedings, and that it is reasonable, in the particular circumstances of the case, for legal aid to be granted. The Legal Aid Agency must consider, for example, whether the case has a reasonable chance of success, whether the benefits of litigation would outweigh the cost to public funds, and whether the applicant would gain any significant personal benefit from proceeding, bearing in mind any liability to repay the costs if successful. These factors are similar to those that would influence a privately paying client of moderate means when considering whether to become involved in proceedings. Following a recent consultation, the Ministry of Justice announced that all civil cases must have at least a 50% chance of success to be funded.

25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:

- the court?
 an authority external to the court?
 a mixed authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- Yes
 No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

1) Legal Expenses Insurance such as Before the Event (BTE) insurance generally comes as a subsidiary add-on to some other insurance or service for example motor and home insurance in England and Wales. Most BTE policies carry access to free legal advice by telephone. It may also be possible to purchase BTE as a stand alone policy.

2) After the event (ATE) insurance was developed in the 1990s. Such insurance covers a litigant against any future liability for the costs of an opposing party. Sometimes ATE can cover for the costs risks, such as liability for own counsel's fees, expert fees, court fees or other disbursements. The use of ATE increased after conditional fee agreements were first permitted (1995).

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Representation in Court - Criminal Cases - Yes: Subject to a Financial (means) and Interests of Justice (merits) test conducted by the Legal Aid Agency (LAA), formerly Legal Services Commission. Other than criminal cases -Yes: As long as the matter is within Scope of the Civil legal aid scheme, and the passing of the means and merits tests conducted by the LAA

Other than criminal cases -Yes: As long as the matter is within Scope of the Civil legal aid scheme, and the passing of the means and merits tests conducted by the LSC
Legal advice - Criminal Cases - Yes: Free legal advice from solicitor at Police Station during questioning; a duty solicitor to provide free legal advice at magistrates' court.

Please indicate the sources for answering questions 20 and 23:

Legal Aid Agency's stats pack and Legal Services Commission annual report for 2012-13.

2. 2. Users of the courts and victims**2. 2. 1. Rights of the users and victims****28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:**

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): Yes <http://www.justice.gov.uk/about/hmcts>

case-law of the higher court/s? Internet address(es): Yes www.supremecourt.gov.uk
www.judiciary.gov.uk
<http://www.justice.gov.uk/about/hmcts>

other documents (e.g. downloadable forms, online registration)? Internet address(es): Yes <http://www.justice.gov.uk/about/hmcts>

Comment :

During 2013/14, all MoJ, HMCTS and Tribunals content will be transitioned to the GOV.UK site. It should also be noted that all legislation pertaining to MoJ and its Agencies / Arms' Length Bodies is available on legislation.gov.uk, provided by the National Archives.

Tribunals information can be found on the specific websites of each Tribunal, where it is legally possible to share the information. The main website would be the first port of call to find which Tribunal is specific to the enquiry. It should be noted that, for the vast majority of this information, content will be transitioned to the GOV.UK platform during the course of 2013/14.

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
- No
- Yes only in some specific situations

If yes only in some specific situations, please specify:

To the extent that, in criminal proceedings, the court, as part of its case management duties, is obliged to provide information on timescales to the parties. In order to further the "overriding objective" (i.e. "that criminal cases be dealt with justly") the court must, by Criminal Procedure Rule 3.2, manage cases actively. "Active case management", according to CPR 3.2(2)(c) includes "achieving certainty as to what must be done, by whom, and when, in particular by the early setting of a timetable for the progress of the case".

Similarly, in civil proceedings, while the timeframe is often dependent upon matters including the complexity of a particular case, alternative dispute resolution procedures and the involvement and actions of the parties themselves, the court must further the "overriding objective" of the Civil Procedure Rules by "actively managing cases" which, by CPR 1.4(g), includes "fixing timetables or otherwise controlling the progress of the case".

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- Yes
- No

If yes, please specify:

Help is available from the Victim Support organisation. Victims are entitled to:
 - information about how the justice process works. This is provided through leaflets, DVDs, the internet and face-to-face explanations by staff throughout the justice process.
 - information about the progress of the investigation, charge, hearings, and trial. This is provided by the police and the Crown Prosecution Service throughout the justice process.
 Both of these services are entirely free. Smaller charities also exist to offer support.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of sexual violence/rape	Yes	Yes	Yes
Victims of terrorism	Yes	Yes	Yes
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	Yes
Ethnic minorities	Yes	Yes	Yes
Disabled persons	Yes	Yes	Yes
Juvenile offenders	Yes	Yes	Yes
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	Yes	Yes	Yes

Comment :

Legislation exists to allow for the use of special measures in court to Provide a safe environment for the victim or witness to give their evidence. Applications for these measures are permitted for what ever type of offence has been committed it is not subject to any of the categories listed above. The use of the special measures does become automatic in certain categories of case, for example with children, rape victims.

In addition to the above new legislation permits the recording of evidence and cross examination of child evidence. This recorded evidence is used in court avoiding for the child witness to give evidence and be cross examined in the courtroom.

31.1) Is it possible for minors to be a party to a judicial proceedings :

- Yes
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

A child over 10 years old if accused of a crime would be brought to a criminal court to face prosecution. Legal aid is available for that individual.

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences

If an injury has been suffered then a claim can be considered in the criminal courts. Public fund applies only to victims of violent offences. Court-ordered compensation paid by offenders to victims can apply to any kind of case.

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

No studies evaluate the recovery rate of damages awarded but performance data is collected. Courts only collect performance data to assess the recovery rate of court-ordered compensation.

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

The Attorney General launched the Prosecutors' Pledge on 21 October 2005. The Pledge is the first document in the public domain that clearly outlines the level of service that victims can expect to receive from prosecutors. The commitments apply to all prosecuting authorities.

The Code of practice for Victims of Crime (Victims' Code) came into effect on 3 April 2006 and provides for the minimum standards of service victims can expect from all Criminal Justice Agencies. The Victims' Code is currently being revised with a view to implementation by the end of 2013. The revised Victims' Code will ensure that even more victims (victims of the most serious crime, vulnerable and intimidated victims and those persistently targeted) are provided with a fast track service with agencies extending the commitment to communicate decisions in within one working day.

The Pledge complements the Victim's Code. Currently, there is a direct correlation between five of the Pledge commitments and undertakings and responsibilities articulated in the Code, but the Pledge goes further. The Pledge is applicable to all prosecutors over which the Attorney exercises superintendence and stretches into areas such as charging and the acceptance of pleas which are outside the remit of the Victim's Code but are clearly important to victims.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

It is the prosecutor's decision alone to discontinue a case. The judiciary or victims have no part in the decision making process, although victims views are taken into account. Until recently, a review of a CPS decision to discontinue a case was treated as a complaint.

However, on 5 June 2013 (following the Court of Appeal judgment in the case of Killick (R v Christopher Killick [2011] EWCA Crim 1608) and in light of Article 10 of the European Union Directive establishing minimum standards on the rights, support and protection of victims of crime), the CPS launched the Victims' Right to Review (VRR) scheme, enabling victims to seek a review of decisions not to charge, to discontinue or otherwise terminate proceedings.

The proposed process is straightforward. Upon being advised that such a decision has been made, the victim will be notified, in clear terms, of this right. The victim will be provided with information as to how to exercise the right. In the first instance, victim is directed to the CPS Area which made the decision. The decision is checked and a full explanation of the decision is provided in cases where it has not been provided previously. In the event that the victim remains unhappy with the decision, and wishes to pursue the matter, the victim is directed either to the Appeals and Review Unit or to the relevant Chief Crown Prosecutor. In cases where a decision has been made not to charge or to discontinue proceedings, the Appeals and Review Unit reviews the case. Where the Reviewing Prosecutor considers the decision to be "wrong", consideration is given to whether a charge should now be brought or whether proceedings ought to be re-instituted. In proceedings which cannot be re-instituted because the CPS has offered no evidence to the Court and the defendant has been acquitted (and additionally in cases where the statutory time limit for bringing proceedings has passed), the matter is reviewed by the relevant Chief Crown Prosecutor. In such cases, redress in appropriate instances is limited to an apology.

Enhanced assistance will be given to victims who are so entitled under the revised Victims' Code (currently victims of the most serious crime, vulnerable and intimidated victims and those persistently targeted). This includes offering a meeting to explain our decision (currently held at the conclusion of the VRR process).

This important scheme was launched alongside a three month public consultation exercise. That exercise has now concluded and the CPS is now evaluating the operation of the scheme and considering what (if any) changes are necessary as a result of either operational issues or consultation responses.

2. 2. 2. Confidence of citizens in their justice system

37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
 non execution of court decisions?
 wrongful arrest?
 wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

Any formal proceedings would need to be commenced by the aggrieved person bringing a civil order for damages. The criminal court cannot award costs against itself for the benefit of an individual.

A mechanism does exist for the court's administration to make a payment for clerical errors but this is based on the court service's own complaint system not a formal judicial process.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (Satisfaction) surveys aimed at judges
 (Satisfaction) surveys aimed at court staff
 (Satisfaction) surveys aimed at public prosecutors
 (Satisfaction) surveys aimed at lawyers
 (Satisfaction) surveys aimed at the parties
 (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
 (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted: Ministry of Justice commissioned work in 2012/13 to examine the feasibility of surveying civil and family court customers, and a pilot survey of civil court users will be undertaken in 2013/14. Crime Survey for England and Wales (commissioned by Office for National Statistics), which is designed to measure levels and nature of victimisation among adults in England and Wales, provides some information about victims' experiences although the ability to examine their experiences of courts is limited due to the small number of respondents who had had contact with courts. The CSEW also includes some questions about people who have been involved in civil, family and criminal court cases about their views of their contact with HMCTS. Previously, information about witnesses' and victims' experiences of the CJS was collected by the Witness and Victim Experience Survey (WAVES). The survey is no longer on going, the latest results can be found: <https://www.gov.uk/government/publications/satisfaction-and-willingness-to-engage-with-the-criminal-justice-system>

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	No	No

40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the handling of a case by a judge or the duration of a proceeding)?

- Yes
 No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of the Judiciary	No	No
Other external bodies (e.g. Ombudsman)	No	No

Comment :

The only method of challenge is through appeal (to challenge court decisions), or by writing to one's MP to lobby for a change in the law (to alter functioning of judicial system). You can complain if there are issues of personal misconduct by a judge, but this will not effect the case, its outcome or have it reconsidered.

[mail CN 8/7/2014 : The only way to challenge a judicial decision or judicial case management is by appeal or judicial review as appropriate in relation to a specific case. There is, however, an official body (Judicial Conduct Investigations Office) which handles complaints about the personal misconduct of a judge, but this will not affect the case or its outcome. Some examples of misconduct are the use of racist, sexist or offensive language, general rudeness, conflict of interest, criminal convictions or failure to fulfil judicial obligations or duties, such as failing to meet sitting requirements or failing to produce a judgment within a reasonable timeframe.]

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

NAP: Question not applicable as there is only a complaints procedure that deals with issues of judicial misconduct and not the functioning of the judicial system.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	497
42.2 First instance specialised Courts (legal entities)	NA
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	500

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.

If the situation is not applicable in your country, please indicate NAP.

	Number
Total (must be the same as the data given under question 42.2)	3
Commercial courts (excluded insolvency courts)	NAP
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	NAP
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	NAP

Comment :

mail CN 26/3/2014: Q 42: The substantial reduction in numbers can be attributable to reforms in the courts estate (rationalisation/co-location (mainly county into existing Mags' Courts)), and other business as usual closures.

mail CN 21/5/14: The 3 specialised courts counted in this return although specialised in that they are not general jurisdiction cover more than one jurisdiction so can not be matched on to the categories in the questionnaire.

44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

If yes, please specify:

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
a debt collection for small claims	173
a dismissal	NA
a robbery	90

Please give the definition for small claims and indicate the monetary value of a small claim:

There are three routes, called tracks (small claims track, fast track and multi-track):

Small claims track – generally for lower value and less complex claims with a value of up to £5,000 (€6,131.50) (although there are some exceptions).

Fast track – claims with a value of between £5,000 (€6,131.50) and £25,000 (€30,657.50).

Multi-track – very complex claims with a value of £25,000 (€30,657.50) or more.

Please indicate the sources for answering questions 42, 43 and 45:

Hierarchy of Courts
 the Court of Appeal;
 the High Court;
 the Crown Court;
 the County Courts;
 the Magistrates' Courts; and
 the Probate Service

The Supreme Court
 The Court of Appeal, High Court of Justice and the Crown Court are collectively known as the Supreme Court.

Court of Appeal
 The Court of Appeal, which sits in London at the Royal Courts of Justice (RCJ) consists of two Divisions:
 the Civil Division: hears appeals from the High Court and from the County Courts (note that the County Court appeals go direct to the Court of Appeal).
 the Criminal Division: hears appeals from the Crown Court.

The High Court
 The High Court deals with the more important civil disputes (i.e. those in which large sums of money or other important issue are at stake). It is based at the RCJ in London, but may also sit at 'first tier' Crown Court centres across England and Wales. There are three divisions of the High Court:

The Queen's Bench Division
 The Queen's Bench Division deals, broadly, with actions for damages arising from civil wrongs, known as "torts", (e.g. injuries caused by road accidents or at work), with breaches of contract (e.g. failure to complete work on time or pay money due for work done) and with libel. The Division also sits to hear disputes arising from trade and commerce (the Commercial Court) and to determine questions arising from shipping disputes, such as collisions, salvage and payment for the carriage of cargoes (the Admiralty Court).

The Family Division
 The Family Division deals with Children Act proceedings, wardship and adoption applications, divorce and ancillary relief proceedings and declarations in medical treatment cases. It also deals with non-contentious probate, which means cases concerned with wills where there is no dispute and, where no will has been made, the distribution of estates under the intestacy laws. The Principal Probate Registry is in London and there are a network of District and Sub Probate Registries throughout England and Wales.

The Chancery Division
 The work of the Chancery Division covers a broad spectrum. This includes matters between Landlord and tenant and disputes concerning property. Intellectual Property Rights, Patents, Trade Marks, Copyright and passing-off form an important part of the work of the Division, as does insolvency and its many aspects, and also commercial frauds and business disputes and the management of companies (many of them international). The Division is increasingly involved with financial regulatory work, director disqualification and professional negligence.

The Divisional Court
 In addition to their jurisdiction, the Divisions of the High Court exercise a supervisory function over the "inferior courts", namely the County Courts, Magistrates' and Coroners' Courts, together with a host of administrative tribunals and executive offices (e.g. Registrars of Births, Deaths and Marriages). In this capacity the courts sit as what are known as "Divisional Courts", and have wide powers to prevent wrongs being done by inferior courts or by executive action.

Crown Court
 The Crown Court was created by the Courts Act 1971 and took over the criminal jurisdiction previously exercised by Assizes and Quarter Sessions. It deals with all those criminal cases which the Magistrates' Courts are not empowered, for one reason or another, to deal with. Practically all its work is concerned with cases committed for trial or sentence by Magistrates' Courts, or with appeals from their decisions. Although it sits at centres throughout England and Wales, there is only one Crown Court. It is, therefore, strictly, incorrect to refer to "the Crown Courts" or to, for example, "the Bristol Crown Court". It would be more correct to refer to "the Crown Court sitting at Bristol" or "the Bristol Crown Court Centre".

The County Courts
 The County Courts, in their present form, came into existence in 1846 as a result of an Act of Parliament. They were intended to provide a means of recovering small debts and to give in a limited range of cases, similar remedies to those obtained in the High Court. This has remained their main function but they now have jurisdiction to deal with a wide range of civil proceedings, including, within specified limits, virtually all those matters which are covered by the three Divisions of the High Court. An exception is actions founded on defamation (i.e. libel and slander). Adoption and Children Act applications and actions for the possession of property are examples of matters which may be dealt with by the County Courts. In fact 90% of all civil proceedings are commenced and concluded in these courts.
 County Courts in England and Wales each has its own district. Some of the courts' powers are exercisable only within their district, while others are not subject to territorial limitations. Certain designated County Courts have jurisdiction to deal with divorce and other family matters, Insolvency and Admiralty matters. County Courts may also be designated as District Registries of the High Court in London. (NB: these registries should not be confused with the District Probate Registries of the Family Division, also a part of Her Majesty's Courts Service, which deal with non-contentious wills and intestacies in the provinces).
 Since 14 October 1991, some 50 of the largest County Courts have been designated Care Centres dealing with Public Law cases involving children, which are transferred to them from the Magistrates' Courts.

Magistrates' Courts
 Around 95% of all criminal cases in England and Wales are completed in the Magistrates' Courts, ranging from driving offences, to theft, assault and anti-social behaviour. In addition, magistrates' courts act as family (or family proceedings) courts, where they decide on relationship breakdown and childcare cases, and youth courts.
 The Magistrates are generally members of the public, drawn from the local community who sit on a part-time basis and are unpaid. Cases are generally heard by a panel of three such Magistrates, known collectively as a bench, assisted by a Legal Adviser who is able to advise the bench on procedure, points of law and sentencing options.
 The magistrates' are augmented a smaller number of District Judges (formerly known as Stipendiary Magistrates) who are solicitors or barristers in their own right. They hold full-time appointments and hear the more complex cases that come before the

magistrates' courts.

3. 1. 2. Judges, court staff

46) Number of professional judges sitting in courts (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females	NAP
Total number of professional judges (1 + 2 + 3)	2016	1508	508	
1. Number of first instance professional judges	NA	NA	NA	
2. Number of second instance (court of appeal) professional judges	NA	NA	NA	
3. Number of supreme court professional judges	NA	NA	NA	

Comment :

The total number of salaried office holders includes a number that work on a salaried part time basis. This number is not currently recorded on the Judicial Office database to enable the numbers to be reflected on a FTE basis. The figure includes all levels of salaried judicial office holders from the Lord Chief Justice to the District Judges/Tribunal Judges.

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females	NAP
Total number of court presidents (1 + 2 + 3)				NAP
1. Number of first instance court presidents				NAP
2. Number of second instance (court of appeal) court presidents				NAP
3. Number of supreme court presidents				NAP

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).

Please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure Yes 8 858
If possible, in full-time equivalent NA

Comment :

This is the total of fee paid judicial office holders (some of whom will hold more than one fee paid post, and some who will also have had a mix of fee paid and salaried work).

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure Yes 23270

Comment :

There were 23,270 serving magistrates as at 31 December 2012. JPs are lay persons and voluntary. They can claim travel and subsistence costs. The decline in the overall number of magistrates in recent years reflects falling workload in the magistrates' courts.

50) Does your judicial system include trial by jury with the participation of citizens?

- Yes
 No

If yes, for which type of case(s)?
Criminal, civil and coroner cases.

51) Number of citizens who were involved in such juries for the year of reference:

168914

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) Yes (among which women) 1 7 31 1 (1 2 1 18)

- 1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NA
- 2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars NA
- 3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) NA
- 4. Technical staff NA
- 5. Other non-judge staff NA

Comment :

[All staffing figures provided are Full-time equivalent (FTE) mail NC 27/6/2014]Breakdowns of staff numbers in the specific areas of work as requested cannot be provided (although we do have staff that work in these areas) and therefore neither can the requested gender breakdown.

However, the following breakdown of gender across different occupational grades can be provided in percentage terms (grade A represents the highest grade below Senior Civil Servant (SCS) and grade F represents the lowest grade. 'Fast Streamer' refers to those employed on the graduate entry scheme who begin their employment at Grade C):

- Senior Civil Service: Men = 65%; women = 35%
- Band A: Men = 47%; women = 53%
- Band B: Men = 30%; women = 70%
- Band C: Men = 31%; women = 69%
- Band D: Men = 27%; women = 73%
- Band E: Men = 27%; women = 73%
- Band F: Men = 38%; women = 62%
- Fast Streamer: Men = 36%; women = 64%
- Grand Total: Men = 30%; women = 70%

Please note that:

- HMCTS staff do not work for the Judiciary, they work for the Government
- Numbers provided are Full Time Equivalent snapshot at 31 March 2013

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

NA

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

- Yes
- No

If yes, please specify:

- IT Services consisting of: Desktop Computing; Case Management Applications; Video Technology; Bulk Printing Services; and Electronic Payment of Fines & Fees
 - Provision of Transcription & Court Reporting Services
 - Provision of Court Interpreters
 - [Compliance and Enforcement Services mail NC 27/6/2014]
 - Court Security services
 - Cleaning services (inc general, periodic & window)
 - Mechanical & Engineering Maintenance
 - Building & Fabric Maintenance
 - Facilities Management
 - Grounds Maintenance
 - Waste Disposal* (inc general, recycled & confidential)
 - Pest Control
 - Catering
- Thanks and kind regards,

C1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of prosecutors (1 + 2 + 3)	2 689	1 226	1 464	
1. Number of prosecutors at first instance level	2 689	1 226	1 464	
2. Number of prosecutors at second instance (court of appeal) level	602	347	256	
3. Number of prosecutors at supreme court level	NA	NA	NA	

Comment :

mail CN 26/3/14: Q.55. The figures given are held as full time equivalent (FTE) numbers and so for the purposes of this report, the numbers have been rounded up individually to account for each prosecutor regardless of their working pattern and so the summation of them does not match the total provided.

The total figure of Prosecutors is the number (Full Time Equivalent FTE) of legally qualified Crown Prosecution Service prosecutors of all levels at 31/08/2013 (i.e. qualified lawyers). All prosecutors in the Crown Prosecution Service have rights of audience in the lower courts (1st instance level) regardless of their grade. Higher rights of audience allow specific prosecutors to appear both at the second instance (Court of Appeal and Crown Court) level and the Supreme Court level. (Therefore, the number of prosecutors at second instance level are essentially a subset of the number of prosecutors at first instance level). While these Prosecutors have the same rights to appear at both the higher levels, in practice deployment is based upon levels of skill and experience.

For the purposes of this response, the second instance court includes the Crown Court in addition to the Court of Appeal.

The figures above are held as full time equivalent numbers and so for the purposes of this report, the numbers have been rounded up individually to account for each prosecutor regardless of their working pattern and so the summation of them will not match the total provided.

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	54	28	26	
1. Number of heads of prosecution offices at first instance level	54	28	26	
2. Number of heads of prosecution offices at second instance (court of appeal) level	54	28	26	
3. Number of heads of prosecution offices at supreme court level	NA	NA	NA	

Comment :

The Crown Prosecution Service is structured into 13 geographical Areas and 4 specialist Casework Groups. Chief Crown Prosecutors (CCPs) are the Heads of Areas and the equivalent Directors for the Casework Groups. Each regional Area/Casework Division may have cases that fall under the jurisdiction of any of the three specified levels of Court instance. The numbers here show the total number of Chief Crown Prosecutors and Deputy Chief Crown Prosecutors in post at the 31 March 2013 (expressed as full-time employees (FTE)). This also includes the Heads of Casework Divisions (at both Chief Crown Prosecutor and Senior Civil Service level).

For the purposes of this response, the second instance of court includes the Crown Court in addition to the Court of Appeal

Q56#1#1 : The number of Chief Crown Prosecutors and Deputy Chief Crown Prosecutors in post that cover both the offices at first instance and second level. They cover cases that fall under the jurisdiction of the specified levels of Court instance (1 and 2). Therefore, the figures should not be added.

57) Do other persons have similar duties to public prosecutors?

- Yes
 No
 NA

Number (full-time equivalent)
 362

58) If yes, please specify their title and function:

The Crown Prosecution Service employs 362 Associate Prosecutors with limited powers in the lower courts to undertake simple trials and non-contentious cases. Associate Prosecutors have the rights of audience of a Crown Prosecutor to conduct routine cases in the magistrates' court (i.e. the lowest level court, at first instance). They do not however have the same rights as a Crown Prosecutor to institute criminal proceedings or review whether to continue proceedings instituted by the police.

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- Yes
 No

59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

- Yes

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number NA 3789
 Among which women NA 2718

C2 You can indicate below:

- Any useful comments for interpreting the data mentioned in this chapter
 - The characteristics of your judicial system and the main reforms that have been implemented over the last two years

60) These are non-legally qualified staff employed in administrative roles and include casework and paralegal staff who assist Prosecutors in the administration and preparation of cases. Numbers are correct as at 31st March 2013. The data is expressed as FTE but rounded to nearest whole number.

Please indicate the sources for answering questions 55, 56 and 60.

Staff numbers are taken from the internal Human Resource database used by the Crown Prosecution Service and are prepared in accordance with the specification of the Quarterly Public Sector Employment Survey.

3. 1. 4. Management of the court budget

61) Who is entrusted with responsibilities related to the budget within the court?

If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	Yes	No	Yes
Court President	No	No	No	No
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	Yes	No	Yes	Yes

Comment :

Relates to Delivery Directors, Regional Heads of Finance and Finance Staff

3. 1. 5. Use of Technologies in courts

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	100% of courts
Electronic data base of caselaw	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	+50% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	-50% of courts
Electronic registers	+50% of courts
Electronic processing of small claims	100% of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	100% of courts
Videoconferencing	+50% of courts
Other electronic communication facilities	+50% of courts

Comment :

Percentages given are for the relevant jurisdiction

MCOL for small claims has the ability for cases to be followed online, this is less than 50% of specified civil claims customers currently 80% of specified civil claims are issued electronically with no manual intervention, the remaining 20% are submitted in paper but processed electronically through the case management system by court staff).

65) The use of videoconferencing in the courts (details on question 63).

Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	No
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :

65.2) In criminal hearings video conferencing can be used for: Defendants from police Stations, defendants from Prison, Police witnesses from police Station, other witnesses (particularly vulnerable victims/witnesses). Nearly all criminal court buildings have at least one courtroom equipped with video conferencing equipment.

65.4)Some conferencing takes place in Civil, family and Tribunals cases at the discretion of the judge

C3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Considerable development work is underway in both criminal and civil/family jurisdictions to increase the use of digital files and allow submission of civil claims digitally.

3. 2. Monitoring and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- Yes
 No

If yes, please indicate the name and the address of this institution:

Her Majesty's Courts and Tribunals Service - 102 Petty France, London, SW1H 9AJ.

66.1) Does this institution publish statistics on the functioning of each court on the internet:

- Yes
 No, only in an intranet website
 No

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

- Yes
 No, only in an intranet website

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

- number of incoming cases?
 number of decisions delivered?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

If other, please specify:

Not all activities are measured in all Jurisdictions
 Crown: Incoming Cases, Decisions, Ineffective, Cracked Trials, Timeliness
 Magistrates: Completed Cases & Timeliness

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- Yes
 No

If yes, please specify:

HMCTS Delivery Director Forum
 HMCTS Board

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

- Yes
 No

71) Please select the 4 main performance and quality indicators that have been defined:

- incoming cases
 length of proceedings (timeframes)

- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

Different Jurisdictions measure different performance indicators

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
- No

73) Who is responsible for setting the targets for each judge?

- executive power (for example the Ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- President of the court
- other

If other, please specify:

HMCTS - Joint Department, Judicial Agreements & HMCTS Board

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- Yes
- No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- President of the court
- other

If other, please specify:

76) Please specify the main targets applied to the courts:

Crown Court*: To commence at least 75% of trials in the Crown Court within 20 weeks of receipt: 75%

Crown Court: Ineffective trial rate: To maintain 2011-12 performance

Crown Court: Jury utilisation - Juror sitting days as a proportion of the sum of attendance and non attendance days = 72%

Crown Court: To monitor timely Crown Court resulting via Xhibit = 75% of registers resulted within 2 working days; From January 2013 this is 100% of registers resulted within 6 working days.

Magistrates' courts: To complete 75% of magistrates' court cases (Adult/Youth and Charged/Summoned) within 4 weeks of first hearing = 75%

Magistrates' courts: To complete 75% of adult cases within 6 weeks from charge to completion = 75%

Magistrates' courts: Time taken to produce and send court results to police = 75% of registers resulted within 2 working days; 100% of registers resulted within 6 working days

Magistrates' courts: Ineffective trial rate = To maintain 2011-12 performance

Magistrates' courts: Payment rate for financial penalties = 85%

County courts:

- o Small claims to be heard (from receipt to final hearing) = 70% within 30 weeks
- o Fast track claims to be heard (from receipt to final hearing) = 65% within 50 weeks
- o Multi track claims to be heard (from receipt to final hearing) = 65% within 80 weeks

County court and Family Proceedings Courts: percentage of care and supervision cases that achieve a final outcome for the child = Performance will be shown against 26, 52 and 78 weeks. No performance benchmark is set for 2012-13.

Tribunals: Percentage of receipts within target time for all jurisdictions including:

- o All Tribunals combined (consolidated target) = 75% within target time
- o Social Security and Child Support (from receipt to final outcome) = 75% within 16 weeks
- o Employment (from registration to a first hearing for single cases only) = 75% within 26 weeks
- o Employment Appeal (from registration to first substantive hearing) = 75% within 26 weeks

First-tier Tribunal (Immigration and Asylum Chamber):

First-tier Appeal = 75% within target time

From receipt to disposal (aggregation of 4 case types below): 75% within 6 weeks

- o Asylum (from receipt to disposal) = 75% within 8 weeks
- o Managed Migration (from receipt to disposal) = 75% within 25 weeks
- o Family Visit Visa (from receipt to disposal) = 75% within 30 weeks
- o Entry Clearance Officer (from receipt to disposal)

First-tier Permission Application

- o Asylum (from receipt of permission application to disposal) = 95% within 10 days
- o Non-Asylum (from receipt of permission application to disposal) = 95% within 10 days

Upper Tribunal (Immigration and Asylum Chamber)

Upper Tribunal Permission Application = 75% within 20 days

- o Asylum (from receipt of permission application to disposal)
- o Non-Asylum (from receipt of permission application to disposal) = 75% within 25 days

Upper Tribunal Appeal Hearing

- o Asylum (disposal from date of service of the Permission Application)
- o Non-Asylum (disposal from date of service of the Permission Application) = 75% within 14 weeks; 75% within 18 weeks

o Mental Health:

- o Section 2 of Mental Health Act 1983 (from receipt to listed for hearing) = 100% within 7 days
- o Non-restricted cases (from receipt to disposal) = 75% within 9 weeks
- o Restricted cases (from receipt to disposal) = 75% within 17 weeks

o Adjudicator to HM Land Registry (from receipt to disposal) = 75% within 70 weeks

- o Agricultural Land Tribunals (from receipt to disposal) = 75% within 18 months
- o Alternative Business Structures (from receipt to disposal) = 75% within 30 weeks
- o Asylum Support (from receipt to determination) = 100% within 12 working days
- o Care Standards (from receipt to determination) = 75% within 40 weeks
- o Charity (from receipt to disposal) = 75% within 30 weeks
- o Claims Management Services (from receipt to disposal) = 75% within 50 weeks
- o Community Rights (from receipt to disposal) = 75% within 30 weeks
- o Consumer Credit (from receipt to disposal) = 75% within 25 weeks
- o Criminal Injuries Compensation (from receipt to resolved) = 75% within 32 weeks
- o Environment (from receipt to disposal) = 75% within 36 weeks
- o Estate Agents (from receipt to disposal) = 75% within 27 weeks
- o First-tier Tax Chamber = 75% within 70 weeks
- o Standard/complex cases (receipt to disposals) = 75% within 20 weeks
- o Paper Cases (receipt to disposals) = 75% within 20 weeks
- o Basic Cases (receipts to disposals)
- o Financial Services & Markets and Pensions Regulator (receipt to disposal) = 75% within 50 weeks
- o Gambling Appeals (receipt to disposal) = 75% within 30 weeks
- o Gangmasters Licensing Appeals (receipt to disposal) = 75% within 30 weeks
- o Gender Recognition Panel (receipt to disposal) = 75% within 20 weeks
- o GRC Exam Board (receipt disposal) = 75% within 30 weeks
- o GRC Food (receipt disposal) = 75% within 30 weeks
- o Immigration Services (receipt disposal) = 75% within 30 weeks
- o Information Rights (receipt to disposal) = 75% within 30 weeks
- o Local Government Standards in England (receipt to determined) = 75% in 16 weeks
- o Primary Health Lists (from receipt to determination) = 75% in 16 weeks
- o Reserve Forces Appeals = 100% within 5 days
- o Claims served = 75% within 4 weeks
- o Determination from hearing to judgement
- o Residential Property Tribunal = 75% within 10 weeks
- o Rent Assessment Committee (receipt to first hearing) = 75% within 20 weeks
- o Leasehold Valuation Tribunal (receipt to first hearing) = 75% within 20 weeks
- o Park Homes (receipt to first hearing) = 75% within 9 weeks
- o Right To Buy (receipt to first hearing) = 75% within 15 weeks
- o Housing Act (from receipt to first hearing)
- o Special Educational Needs and Disability (receipt to notice of decision) = 75% within 22 weeks
- o Transport (receipt of applications to disposal) = 75% within 16 weeks

Upper Tribunal (Administrative Appeals Chamber)

- o From receipt of appeal to disposal = 75% within 20 weeks
- o From application for leave to appeal to disposal = 75% within 10 weeks

Upper Tribunal (Lands Chamber)

- o Category 1 cases from registration to disposal = 75% within 24 weeks
- o Category 2 cases from registration to disposal = 75% within 70 weeks

Upper Tribunal (Tax and Chancery Chamber) = 75% within 50 weeks

- o From receipt of appeal to disposal = 75% within 20 weeks
- o From applications for leave to appeal to disposal

- o War Pensions and Armed Forces Compensation (receipt to disposal) = 75% within 20 weeks

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other

If other, please specify :

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
- No

If yes, please specify:

There are appraisal schemes in operation for magistrates, deputy district judges (magistrates' courts), deputy district judges in the civil courts and most judges in the Tribunals Service. These schemes are judicially led. Currently, there are no appraisal schemes for salaried judges in the courts. However, judicial appraisal is undertaken informally in a number of courts.

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
- No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?

- in civil law cases
- in criminal law cases
- in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
- No

If yes, please specify:

Timelines are measured in Crown, Magistrates and County Courts

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
- No

Please specify the frequency of the evaluation:

HMCTS Delivery Directors Forum will look at Court level data where appropriate.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

Internally, the Chief Operating Officer holds each of the 13 Chief Crown Prosecutors and 3 Heads of Casework Directorates to account for their performance on a quarterly basis across a range of measures covering the prosecution business. This is supported by managers dip sampling 18,000 cases across the organisation each year holding a review of the handling of the case against elements of our Core Quality Standards. Her Majesty's Crown Prosecution Service Inspectorate is an independent body that reviews the operation of individual Areas of the prosecution service and conducts also thematic reviews and audits (for example, asset recovery, discharged committals and equality and diversity).

C.4 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes
 No

Number of successful challenges (in a year):

NA

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA	NA	NA	NA
Civil proceedings - Article 6§1 (non-execution)	NA	NA	NA	NA
Criminal proceedings - Article 6§1 (duration)	NA	NA	NA	NA

Please indicate the sources:

NAP

D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter

NAP

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?
 there is no specific procedure

If yes, please specify:

Criminal Cases - Applications can be made to a single justice of the peace out of court hours if necessary for example for police search warrant

Civil Courts and Administrative Court Cases – Yes. The Civil Procedure Rules (CPR) are rules of the court, which govern practice and procedure in the High Court, county courts and civil division of the Court of Appeal. The rules include provisions for individuals to bring urgent applications before the court if necessary. Examples of urgent applications may include applying for a stay in proceedings, payment of monies out of court and injunctions. Urgent applications should ordinarily be made within court hours. However, the courts are aware this may not always be possible; provisions are in place for Judges to be contacted out of hours and/or via telephone. To obtain an order under these circumstances there must in all cases be a real and justified urgency which will not wait proper notice, for example seeking an order to freeze assets.

88) Are there simplified procedures for:

- civil cases (small disputes)?
 criminal cases (small offences)?
 administrative cases?
 there is no simplified procedure

If yes, please specify:

Criminal cases – Yes. While no new laws have been introduced, procedures in magistrates' court have been streamlined within the existing legal framework, by the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative.

Civil Courts and Administrative Court Cases – Yes. The overriding objective of the Civil Procedure Rules (CPR) is to enable the court to deal with cases justly. This includes ensuring that the parties are on an equal footing; saving expense; dealing with the case in ways which are proportionate to the amount of money involved; to the importance of the case and the complexity of the issues. The small claims track provides a simple and informal way of resolving disputes. Claimants should be able to do this without a solicitor. A Small Claims Mediation Service is a free service set up to help court users who currently have an ongoing small claims case. However, since mediation is a voluntary process, it should be noted that mediation will only take place if both (all) parties agree. Mediation is less formal than a hearing before a judge. It is confidential, can be quicker, and can reduce the build up of costs, and if you are in an ongoing relationship with the other party or parties, a mediation agreement can provide for a more positive relationship in the future. Mediation also gives parties the opportunity to concentrate on the real issues of the case, which may be in addition to, or even different from, the legal issues. Parties may come to an agreement, which may include an explanation or an apology, which is something that a court could not order. The Small Claims Mediator is able to settle the majority of disputes over the telephone without the need for either party to attend court. Alternatively, if you prefer, a face-to-face mediation may be able to be arranged on court premises. If you feel uneasy about meeting or speaking to the other side in the dispute, the mediator can make special arrangements to prevent this happening. In the event mediation is unsuccessful the case may proceed to hearing before the court.

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- Yes
 No

89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
 No

If yes, please specify:

Criminal Cases – Yes. The Criminal Procedure Rules require courts to manage cases by taking action to ensure that cases progress and are ready for trial. The courts have powers to direct the parties where necessary to take various actions. The courts are required to set a trial date and set a timetable for actions to be completed before the trial, to monitor progress and to ensure the parties comply with any directions given by the court. Each party and the court should nominate an individual responsible for progressing the case.

Civil Courts and Administrative Court cases – Yes. The Civil Procedure Rules also give the courts case management powers so as to ensure cases are dealt with in a timely and effective manner. The rules provide that active case management includes: encouraging parties to co-operate with each other; identifying issues at an early stage; deciding promptly which issues need full investigation and trial; deciding the order in which issues are to be resolved; encouraging parties to use alternative dispute resolution e.g. mediation where appropriate.

4. 2. 2. Case flow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal and criminal law cases.

Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	NA	1760793	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	232934	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	1210857	NA	NA
3. Non litigious enforcement cases	NA	17815	419367	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases**	NA	NA	NA	NA
6. Administrative law cases	761611	864399	731646	894364
7. Other cases (e.g. insolvency registry cases)	NA	299187	380466	NA

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

(a) 232,934 incoming cases relate to claims defended and allocated to track in table 1.4 of the Court Statistics Quarterly Q1 2013 - (b) Non-litigious enforcement cases relate to enforcement of Tribunal awards and orders made in magistrates' courts in table 1.2c (incoming cases) and to warrants, repossessions and enforcement-related orders in table 1.1 of the Court Statistics Quarterly Q2 2013 (resolved cases)

<https://www.gov.uk/government/publications/court-statistics-quarterly-jan-mar-2013>

93) If "other cases", please indicate the case categories included:

(c) Other incoming cases are derived from all petitions in Dissolution and nullity of marriage and from decrees granted in Judicial separation (125,119 from csv file), all applications from domestic violence (21,257 from csv file or table 2.7), children act national (private law=117,476 and public law=29,728 from csv file or table 2.2), Forced marriage protection (116 from table 2.8) and Adoption (5,491 from table 2.8) - (d) Other resolved cases are derived from all petitions in Dissolution and nullity of marriage and from decrees granted in Judicial separation (121,118 from csv file), all order made from domestic violence (22,164 from csv file or table 2.7) and children act national (private law=190,219 and public law=41,570 from csv file or table 2.2), Forced marriage protection (137 from table 2.8) and Adoption (5,258 from table 2.8) . See the Family Justice zip file at the following link:

<https://www.gov.uk/government/publications/court-statistics-quarterly-april-to-june-2013>

94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	288235	1310157	1311968	266510
8. Severe criminal cases	41301	120747	125540	36744
9. Misdemeanour and / or minor criminal cases	246934	1189410	1206428	229766

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of privation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

Severe criminal cases will include the following:

- Indictable only offences are the most serious offences, such as murder and sexual assault and must be heard at the Crown Court. The involvement of the magistrates' is usually brief before the case is passed to the Crown.
- Triable either way offences are more serious than summary offences, but less serious than indictable only offences. These cases can be dealt with either by magistrates' or before a judge and jury at the Crown Court. Such offences include dangerous driving and theft and handling stolen goods.

Misdemeanour and/or minor offences will including the following:

- Summary cases are offences which are less serious, such as motoring offences, minor assaults and criminal damage. These cases are usually dealt with entirely in magistrates' courts.
- Adult breach proceedings are proceedings against a defendant (aged 18 or over) who has breached an order previously imposed against them.

96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)

mail NC 08/07/2014 : Criminal matters

(Q94):

- Pending cases on 1st Jan 2012 corresponds to the number of outstanding cases from 2011. The figure for pending cases on 31 Dec 2012 is the number of outstanding cases from 2012.
- Incoming cases for section 8 are receipts which include committals direct from the magistrates court, bench warrants executed (trial and sentence only) and cases transferred in, less cases transferred out.
- Resolved cases are the total number of cases disposed of during the stated period.
- Cases defined as misdemeanour or minor offences are those cases which go through the magistrates' court, excluding more

serious offences (indictable and triable either way cases).

mail CN 11/4/14: Q 94: The rise in numbers of severe criminal cases is due to an increase in the number of cases committed for trial, and sent to trial as a result of a change in legislation with the introduction of something called 'Sent for Trial' in 2001. This resulted in an increased caseload at the Crown Court. As a result of further legislative change, this was followed by a decline in such numbers between 2010 and 2012 as this adjusted back and returned to a "more acceptable volume of cases".

Criminal matters

(Q94):

- Data is available in the above table for completed proceedings only. There is no information available from magistrates' ("first instance courts") on pending or incoming cases.
- Pending cases for section 8 on 1st Jan 2012 corresponds to the number of outstanding cases from 2011 from Court Statistics Quarterly (CSQ) Q1 2013 table 3.2. The figure for pending cases on 31 Dec 2012 is the number of outstanding cases from 2012 from CSQ Q1 2013 table 3.2.
- Incoming cases for section 8 are receipts which include committals direct from the magistrates court, bench warrants executed (trial and sentence only) and cases transferred in, less cases transferred out. See CSQ Q1 2013 table 3.2.
- Resolved cases for section 8 are the total number of cases disposed of during the stated period.
- Cases defined as misdemeanour or minor offences are those cases which go through the magistrates' court. As some of the more serious offences (indictable and some triable either way cases) will later be sent to the Crown Court for trial, the total figures may include double-counting. (<https://www.gov.uk/government/publications/court-statistics-quarterly-jan-mar-2013>)

97) Second instance courts: total number of cases

Number of "other than criminal law" cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	33 036	39 623	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	3 835	3 697	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NAP	NAP	NAP	NAP
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases	NA	12	6	NA
5. Non litigious business registry cases	NA	15 245	26 116	NA
6. Administrative law cases	NA	30 933	28 434	NA
7. Other cases (e.g. insolvency registry cases)	NA	24	19	NA

98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	20234	NA	NA
8. Severe criminal cases	NA	7610	NA	NA
9. Misdemeanour and/or minor criminal cases	2951	12624	12773	2842

Comment :

Severe criminal cases are those cases dealt with at the Crown Court which were appealed at the Court of Appeal (see table 5.7 of Q1 2013 of the Court of Appeal from the Court Statistics Quarterly)

Misdemeanour/minor offences are those cases dealt with initially at the magistrates' court, but sent as committals and for appeal at the Crown Court (see table 3.2 of Q2 2013 from Court Statistics Quarterly).

99) Highest instance courts: total number of cases

Number of "other than criminal law" cases:

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	NA	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	NA	NA	3	NA

7. Other cases (e.g. insolvency registry cases)

NA

NA

NA

NA

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility? Yes. If yes, please indicate the number of cases closed by this procedure? No

Number

100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	NA	NA	NA
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

Includes Court of Appeal and High Court in England and Wales. Tables 5.4, 5.5 and 5.6 in Court Statistics Quarterly Q1 2013

101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	NA	124449	120702	NA
Employment dismissal cases	NAP	49036	43956	NAP
Insolvency	NA	49561	NA	NA
Robbery cases	NA	12267	8337	NA
Intentional homicide	NA	560	356	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	3.5	218	NA	NA	NA
Employment dismissal cases	NAP	NAP	273	NAP	NAP	NAP
Insolvency	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	186	NA	NA	NA
Intentional homicide	NA	NA	408	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

The current law on divorce in England and Wales is contained primarily in the Matrimonial Causes Act 1973 provides that the sole ground for divorce is the irretrievable breakdown of the marriage. People seeking a divorce are required to apply to the court and provide evidence to support their application.

In order to show that the marriage has broken down irretrievably it is necessary to prove at least one of the facts specified in the legislation. These facts are adultery, unreasonable behaviour, desertion and separation of the parties for a period of either two years (with the consent of the other party) or five years (without such consent). In addition, if the person seeking a divorce relies on adultery or unreasonable behaviour they must also demonstrate that they can no longer be expected to live with their spouse. If the court is satisfied on the evidence that the marriage has broken down irretrievably, a decree of divorce will be granted. The first stage of granting a decree of divorce is to issue a decree "nisi". After a period of six weeks an application can be made to make the decree absolute.

Parallel provisions for the dissolution of a civil partnership are contained in the Civil Partnership Act 2004, which provides that the sole ground on which a civil partnership can be dissolved is that it has broken down irretrievably and the facts which may be demonstrate that breakdown are unreasonable behaviour, desertion and separation of the parties for a period of either two years (with the consent of the other party) or five years (without consent).

If the divorce is not contested the court considers the papers and, if it is satisfied that the marriage or civil partnership has broken down irretrievably, issues a decree nisi of divorce or a conditional order of dissolution. Either party can then apply to have a final decree of divorce or a final order of dissolution of a civil partnership. The court will then issue the final order.

[Under the provisions of the Marriage (Same Sex Couples) Act 2013 same sex couples can marry and now have access to parallel provisions for divorce as other married couples. In respect of the facts supporting an application for divorce, adultery will be defined as at present as conduct with a member of the opposite sex. Conduct with a member of the same sex will support an application for divorce based on the fact of unreasonable behaviour. mail NC 27/6/2014]

104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.

(a) % Pending over 3 Years - This is the percentage of dissolution of marriage and dissolution of civil partnership cases, where a decree absolute was made during 2012, where the time between petition and decree absolute was over 1095 (365 x3) days. - Average length in the 1st instance (days) - This is the median number of days from petition to decree absolute for dissolution of marriage and dissolution of civil partnership cases where decree absolutes were made in 2012. This is not the same as the figures published in CSQ which look at the average times from petition to decree nisi. CSQ looks at the time to the decree nisi, the initial provisional order, because the time from the decree nisi to the decree absolute, the final order, is determined by legal specifications and the divorcing couple. The time from the petition to the decree nisi reflects the time the court takes to decide that the divorce/dissolution of civil partnership should be granted. These figures, looking at the time to the decree absolute, cover the whole process from application (petition) to actual divorce/dissolution of civil partnership and are probably more comparable with other countries. Like the average time figure, this isn't published but was calculated using the data extracted to produce CSQ.

(b) Robbery and Intentional Homicide cases

The statistics measure the overall offence to completion time in the criminal courts. "Offence to completion time" refers to the time taken between the date an offence is committed and date of the final outcome (completion) of the defendant's case, in either the magistrates' courts or the Crown Court. For defendants whose case is sent or committed to the Crown Court, these statistics measure the entire duration from offence to completion in the Crown Court, including the time the case was initially dealt with in the magistrates' courts before being passed to the Crown Court. Data is also available on the time between the date of the first hearing in the magistrates' court, also known as the first listing, and the date a case was completed in the magistrates' courts, and this relates to the time taken to conclude the case in court. The figures are available on a quarterly basis and can be found in table 3.11 at the following link: <https://www.gov.uk/government/publications/court-statistics-quarterly-april-to-june-2013>

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

Other significant powers: The right to apply to the Court of Appeal for an order quashing the original acquittal and reordering a retrial in the most serious "qualifying offences". This is commonly referred to as the "double jeopardy" rule and a prosecutor may only make an application with the written consent of the Director of Public Prosecutions (DPP) who may give his consent only if certain conditions apply. The Court of Appeal will allow the application, and order a retrial in limited defined circumstances.

The prosecutor does not conduct or supervise police investigations but may suggest lines of enquiry to the police only.

The prosecutor has a limited role in relation to enforcement of confiscation and receivership; not otherwise.

The prosecutor can appeal against bail decisions and terminating rulings by the judge, but not against an acquittal.

106) Does the public prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

106.1) Does the public prosecutor also have a role in insolvency cases?

- Yes
- No

If yes, please specify:

107) Case proceedings managed by the public prosecutor**Total number of 1st instance criminal cases.****If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	927256	81167	NAP	837719

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	64468	NAP

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	81 167
1. Discontinued by the public prosecutor because the offender could not be identified	4 181
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NAP
3. Discontinued by the public prosecutor for reasons of opportunity	NAP

109) Do the figures include traffic offence cases? Yes No**D.2 You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

mail CN 17/4/14: Q 99 and 100: The question asks for figures relating to the 'highest court' which we have interpreted as the Supreme Court here in the UK. However, the Supreme Court is cross-jurisdictional and hears cases from all four countries in the UK (England, Wales, Scotland and Northern Ireland). The cases heard at the Supreme Court in the year 2012/13 cannot be separated out by jurisdiction and so for both question 99 and question 100, the answer for all cases will have to be 'NA' (not available).

Comments on Q.97: The 3,835 figure relates to all incoming civil cases from the Court of Appeal and the 3,697 to all resolved civil cases - Non-litigious enforcement cases (12 and 6 cases) are from the Court of Appeal (Civil Division) - Non-litigious business cases (15,245 and 26,116 cases) relate to cases dealt with at the High Court (Chancery division) - Administrative law cases (13,944 and 9,804 cases) are dealt with at the High Court (Administrative Court)

Comments on Q.101: (a) Incoming cases -This is the number of petitions filed for dissolution of marriage or dissolution of civil partnership during calendar 2012 - Resolved cases - This is the number of decree absolutes (divorces granted) in dissolution of marriage or dissolution of civil partnership cases during calendar year 2012. It excludes cases where the couple reconcile and decide not to go ahead with the divorce or cases where the divorce was refused - Incoming and resolved cases figures were found using the divorce csv file published as part of Court Statistics Quarterly (CSQ). See the Family Justice zip file at the following link: <https://www.gov.uk/government/publications/court-statistics-quarterly-april-to-june-2013> - (b) For insolvency cases, the figure is derived from table 1.3 in "Company windings up and bankruptcy petitions issues" (c) For robbery (12,267) and Intentional homicide (560) incoming cases, the figures relate to all proceedings entering the magistrates' courts and for robbery (8,337) and Intentional homicide (356) resolved cases, the figures relate to all "found guilty" proceedings at both the magistrates' and Crown courts. Those are derived from the Court Proceedings database, which are published on an annual basis at <https://www.gov.uk/government/publications/criminal-justice-statistics-quarterly-update-to-december-2012>

Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Ministry of Justice quarterly statistical reports.

107-109) Source - The Crown Prosecution Service, in England & Wales, Compass Management Information System

107) FURTHER EXPLANATORY INFORMATION -

The figure for receipts represents the number of defendants whose case was received by the Crown Prosecution Service (CPS) post charge (in both magistrates' courts and in the Crown Court).

Crown Prosecutors do not impose or negotiate penalties; these can only be imposed by the courts after a finding of guilt. Charged by the public prosecutor before the courts represents the number of defendants prosecuted by the CPS whose case was completed during the year.

[Q107.1 mail NC 8/7/2014 In 2012 the Crown Court dealt with 64,468 defendants who pleaded guilty to all counts. We do not have the same data available for cases dealt with in the Magistrates courts which deals with the majority of criminal court cases. Furthermore, please note that the number provided is for all prosecutions brought to the Crown Court. These will predominantly be public prosecutions, however potentially there could be a small number of private prosecutions, brought by other non-public entities such as Royal Society for the Prevention of Cruelty to Animals or the National Society for the Prevention of Cruelty to Children.]

108) FURTHER INFORMATION

Discontinued by the public prosecutor because the offender could not be identified represents the number of defendants whose case was dropped by the CPS post-charge because identification evidence was found to be unreliable or was missing.

Lack of an established offence or a specific legal situation and reason of opportunity cannot be directly equated with CPS analyses.

Cases dropped by the CPS are recorded under the following explanatory categories:

Dropped on evidential considerations: 39,762

Dropped for public interest reasons: 18,568

Dropped because a prosecution was unable to proceed (e.g. because a witness failed to attend court): 19,572

Dropped for other reasons: 3,265

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

Volunteer Magistrates who deal with 95% of all criminal cases in England and Wales, and a large number of civil cases, are recruited and selected by 47 Local Advisory Committees. They are formally appointed by the Lord Chancellor with the concurrence of the Lord Chief Justice. Formal qualifications or legal training are not required, but those appointed must demonstrate six key personal qualities:

- i. good character
- ii. understanding and communication
- iii. social awareness
- iv. maturity and sound temperament
- v. sound judgement
- vi. commitment and reliability

The vast majority of the remaining judiciary – up to and including the High Court – are selected by the independent Judicial Appointments Commission (JAC), who then make recommendations to the Lord Chancellor for appointment. The JAC selects candidates on merit through fair and open competition. The JAC defines merit on the basis of five core qualities and abilities (Intellectual Capacity / Personal Qualities / An Ability To Understand And Deal Fairly / Authority And Communication Skills / Efficiency). A typical JAC selection exercise includes:

- i. Advertisement
- ii. Shortlisting – two methods are used either paper sift or qualifying test
- iii. References
- iv. Selection day – comprised of interview only, or interview and role play for entry level posts
- v. Panel decision
- vi. Statutory consultation
- vii. Good character checks
- viii. Recommendation of successful candidates to Lord Chancellor

Appointments for the Lord Chief Justice, Heads of Division (Master of the Rolls, President of the Queen's Bench, President of the Family Division, Chancellor of the High Court) and Lord Justices of Appeal are governed by ss.67-75 and ss.76-84 of the Constitutional Reform Act 2005 (CRA), and are made on the basis of selection by a specially constituted selection panel of the JAC. Appointments to the Supreme Court (President, Deputy President and judges of the Supreme Court) are governed by ss.25-31 of the Constitutional Reform Act 2005, and are made on the basis of selection by a Supreme Court Selection Commission governed by Schedule 8 of the CRA.

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

The Judicial Appointments Commission.

112) Is the same authority competent for the promotion of judges?

- Yes
 No

If no, which authority is competent for the promotion of judges ?

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
 No

If "yes", please specify:

113) Which procedures and criteria are used for promoting judges? Please specify.

Stage 1: Application

Advertising and outreach - Most positions are advertised widely in the national press, legal publications, the professional press and online. The Judicial Appointments Commission (JAC) runs road-shows and other outreach events designed to explain the selection system to potential applicants and to encourage them to consider a judicial career. The JAC also works with a range of key interested parties to disseminate information about specific appointments and about the judicial appointments process in general.

Application form and information pack - The application form is tailored for each individual selection exercise. Alongside the form, an information pack is available to applicants, which includes details of the eligibility criteria and guidance on the application process. This too is tailored for each exercise.

Both documents can be downloaded from the JAC's website or are sent out to candidates on request. The criteria for selection are included in the candidate information material and on the JAC website. The qualities and abilities against which all candidates will be assessed are:

Qualities and Abilities – Generic

1. Intellectual capacity

- High level of expertise in your chosen area or profession
- Ability quickly to absorb and analyse information
- Appropriate knowledge of the law and its underlying principles, or the ability to acquire this knowledge where necessary.

2. Personal qualities

- Integrity and independence of mind
- Sound judgement
- Decisiveness
- Objectivity
- Ability and willingness to learn and develop professionally
- Ability to work constructively with others.

3. An ability to understand and deal fairly

- An awareness of the diversity of the communities which the courts and tribunals serve and an understanding of differing needs
- Commitment to justice, independence, public service and fair treatment
- Willingness to listen with patience and courtesy.

4. Authority and communication skills

- Ability to explain the procedure and any decisions reached clearly and succinctly to all those involved
- Ability to inspire respect and confidence
- Ability to maintain authority when challenged.

5. Efficiency

- Ability to work at speed and under pressure
- Ability to organise time effectively and produce clear reasoned judgments expeditiously. (including leadership and managerial skills where appropriate)

Qualities and Abilities - (Where there are Leadership and Management Responsibilities)

1. Intellectual Capacity

- High level of expertise in your chosen area or profession
- Ability quickly to absorb and analyse information
- Appropriate knowledge of the law and its underlying principles, or the ability to acquire this knowledge where necessary.

2. Personal Qualities

- Integrity and independence of mind
- Sound judgement
- Decisiveness
- Objectivity
- Ability and willingness to learn and develop professionally
- Ability to work constructively with others.

3. An ability to understand and deal fairly

- An awareness of the diversity of the communities which the courts and tribunals serve and an understanding of differing needs

- Commitment to justice, independence, public service and fair treatment
- Willingness to listen with patience and courtesy.

4. Authority and Communication Skills

- Ability to explain the procedure and any decisions reached clearly and succinctly to all those involved
- Ability to inspire respect and confidence
- Ability to maintain authority when challenged.

5. Leadership and Management Skills

- Ability to form strategic objectives and to provide leadership to implement them effectively
- Ability to motivate, support and encourage the professional development for whom you are responsible
- Ability to engage constructively with judicial colleagues and the administration, and to manage change effectively
- Ability to organise own and others time and manage available resources.

Eligibility checks and good character - Once JAC has received a completed application form, we check each candidate's eligibility for the post. As required by the Constitutional Reform Act 2005 (CRA), the JAC also makes an assessment of the good character of each candidate.

Stage 2: Assessment

References - Candidates are asked on their application form to nominate up to three referees normally, or in some cases six. The JAC may also seek references from a list of Commission-nominated referees, which is published for each selection exercise. The time at which references are sought will depend on the assessment method used for short-listing:

- If a qualifying test is used, references are taken up after the qualifying test and before interviews take place.
- If a paper sift is used, references are taken up before the sift and used to make the short-listing decisions.

In all cases, references will form part of the information that JAC uses to make final selection recommendations to the Lord Chancellor.

Short-listing – Short-listing may be done on the basis of qualifying tests or paper sift, using the application form and references. For senior appointments, where candidates will usually have an extensive track record, short-listing will normally be done on information supplied by the candidate and from references.

Interviews and selection days - The next stage of the assessment will vary depending on the nature of the post to be filled. Candidates might be asked to attend a selection day, which may entail a combination of role-plays and an interview. For some specialist and the most senior appointments, there might be only a panel interview.

Panel reports - Panel members assess all the information about each candidate, prepare reports on their findings and agree which candidates best meet the required abilities.

Statutory Consultation - As required under section 88(3) and 94(3) of the CRA, the panel's reports on candidates likely to be considered by the Commission are sent to the Lord Chief Justice and another person who has held the post, or has relevant experience.

Stage 3: Selection and Recommendation

Recommendation to the Lord Chancellor - The Commissioners consider all the information gathered on the candidates and select candidates to be recommended to the Lord Chancellor for appointment.

Final checks - For existing judicial office holders, the JAC checks with the Office for Judicial Complaints (OJC) that there are no complaints outstanding against them. For all other candidates recommended for appointment, a series of good character checks are done with the Police, Her Majesty's Revenue and Customs and relevant professional bodies. The Lord Chancellor may also require candidates to undergo a medical assessment before their appointment is confirmed.

Footnote:

Appointments for the Lord Chief Justice, Heads of Division (Master of the Rolls, President of the Queen's Bench, President of the Family Division, Chancellor of the High Court) and Lord Justices of Appeal are governed by ss.67-75 and ss.76-84 of the CRA, and are made on the basis of selection by a specially constituted selection panel of the JAC. Appointments to the Supreme Court (President, Deputy President and judges of the Supreme Court) are governed by ss.25-31 of the CRA, and are made on the basis of selection by a Supreme Court Selection Commission governed by Schedule 8 of the CRA.

Stage 4: Appointment

The JAC, or selection panel, recommend to the Lord Chancellor one candidate for each vacancy. Through a transparent, three-stage process, the Lord Chancellor can accept, ask for a reconsideration of, or reject recommendations. He/ she is required to provide his/ her reasons to the Commission in the case of any requests for reconsideration or rejections. Although, if the JAC still put forward the same candidates, the Lord Chancellor ultimately must accept the recommendation. The power to reject, or seek reconsideration, is a very limited one. He/ she cannot select alternative candidates to those advanced by the JAC, or selection panel. Once the Lord Chancellor has approved the selection, the candidate is then formally appointed. The Lord Chancellor makes a considerable number of appointments himself/ herself, while The Queen makes certain senior appointments, on the advice of the Lord Chancellor (or in the case of the most senior judiciary the Prime Minister). The Queen plays an important role in the appointments process from a constitutional perspective, because although only the more senior judges, and Recorders, are appointed by The Queen formally rather than by the Lord Chancellor, all judges swear an oath of allegiance to the Crown. Under the British constitution, all jurisdiction derives from the Crown, and the administration of justice is carried out by members of the judiciary acting in The Queen's name, and deriving their authority from the Crown.

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
 No

If yes, please indicate the frequency

Different schemes vary in their frequency. Qualitative individual assessment applies to some areas, but not across the whole judiciary.

115) Is the status of prosecution services:

- Independent?
 Under the authority of the Minister of justice ?
 Other?

Please specify:

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
 A combination of both (competitive exam and working experience)
 Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- An authority composed of public prosecutors only?
 An authority composed of non-public prosecutors only?
 An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

The Crown Prosecution Service (CPS) is responsible for its own recruitment procedure within civil service guidelines to ensure fair and open competition. The Head of the CPS, the Director of Public Prosecutions, is a fixed term appointment made by the Attorney General according to published criteria.

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
 No

If "yes", please specify:

All recruitment within the CPS is conducted with the Civil Service Commissioners guidance in mind, which guarantees fair and open recruitment.

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
 No

If no, please specify which authority is competent for promoting public prosecutors:

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

The Crown Prosecution Service (CPS) promotes its prosecutors on merit via fair and open competition and is audited annually to ensure it adheres to these principles.

External vacancies are advertised on the CPS corporate website as well as the Civil Service Jobs website, in addition to specialist legal publications such as the "Bar Council" magazine and "Law Society Gazette". Applicants are required to possess a valid practicing certificate issued by the respective professional governing body, dependent upon whether they are a barrister or solicitor.

Trained interview panels will typically assess applicants for both its external and internal legal vacancies via a short list exercise on written applications with those meeting the standard being invited to an interview and often an assessment exercise, normally in the form of a legal case study upon which applicants are required to present to the panel their findings.

The procedures for promoting prosecutors are the same as the CPS recruitment procedures, in terms of how promotion opportunities are advertised to and how candidates for promotion are assessed by an interview panel.

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
- No

If "yes", please specify:

All recruitment within the CPS is governed by the Civil Service Commissioners' guidance, which guarantees fair and open recruitment.

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
- No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

Yes. If yes, please indicate the compulsory retirement age	Yes
No	

Comment :

Under the provisions of the Judicial Pensions and Retirement Act 1993 (JUPRA), most salaried and fee-paid judicial office holders will normally be required to vacate their office on their 70th birthday. Those who were appointed prior to the commencement of JUPRA's retirement provisions (the end of March 1995) retain their original compulsory retirement date.

Fee-paid judicial office holders are initially appointed for a set period – usually 5 years – renewable automatically, subject to the upper age limit.

In the main, judicial office holders may be removed from office by the Lord Chancellor, with the concurrence of the Lord Chief Justice, on grounds of misbehaviour or inability to perform the duties of the office. Such decisions are taken in accordance with the procedures contained in the Judicial Discipline (Prescribed Procedures) Regulations 2006.

121.1) Can a judge be transferred to another court without his consent:

- For disciplinary reasons
- For organisational reasons
- For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

Deployment is the responsibility of the Lord Chief Justice or the Senior President of Tribunals (depending on the office holder in question). He/she may ask a judicial office holder to change his/ her sitting arrangements for organisational reasons.

A period of notice would be given. 'Terms and conditions' specify that where a salaried judicial office holder is asked by the Lord Chief Justice or the Senior President of Tribunals (depending on the office holder in question) to change his/her sitting arrangements, and, because of that change, he/ she is obliged to remove his/ her family home, he/ she may claim a range of allowances.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

Yes. If yes, please indicate the compulsory retirement age	Yes
No	

Comment :

With effect from 1 April 2010, there is no longer a mandatory retirement age within the Civil Service. CPS employees may however choose to retire at any point once they have reached their retirement age (also known as “pension age”) under the terms of their pension scheme. The CPS cannot compulsorily retire employees at any age.

From a Senior Staffing Unit perspective, the only senior management position which is time-bound is the DPP. The DPP is on a five year contract which may be renewed thereafter at the sole discretion of the AGO. All other senior management posts are appointed to office for an undetermined period. Furthermore, there is no compulsory retirement age.

124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	0.5 (i.e. 6 months)
No	
NAP	

125) If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?

- Yes Renewable
 No

For judges : length of the mandate (in years):

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?

NAP

E.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and public prosecutors and the main reforms that have been implemented over the last two years

115) The Crown Prosecution Service (The CPS iCPS) is a non-Ministerial department that was created by the Prosecution of Offences Act 1985 as the principal public prosecuting authority for England and Wales, and is headed by the Director of Public Prosecutions, Keir Starmer QC.s independent of the police and is responsible for taking prosecuting decisions on cases referred by the police. ---- For a diminishing number of judicial office-holders appointed prior to the commencement of JUPRA (31 March, 1995) the mandatory retirement age is broadly speaking the completed year of service in which the judicial office holderreaches the age of 72 or at age 75, depending on the office held – honouring commitments made already to those in office (a transitional provision in JUPRA providing for this commitment). ----- Exceptionally, where the Lord Chief Justice, Senior President or other appropriate judicial authority considers it desirable in the public interest, he/she may, with the concurrence of the Lord Chancellor, extend or re-extend an office holder’s service for a period not exceeding one year at a time and not extending beyond the date on which the office holder attains the age of 75. In these exceptional circumstances ‘public interest’ is interpreted to mean that a clear business need has been identified. The usual requirement is that any final decisions with regard to potential extensions need to be made before the judicial office-holders in question have reached their retirement date. Fee-paid judicial office holders are initially appointed for a set period – usually 5 years – renewable automatically, subject to the upper age limit. The Lord Chancellor may remove a judicial office holder on the grounds of inability or misbehaviour. [mail CN 21/5/14: In England and Wales there are two types of judicial posts - those with salaried roles are appointed for an undetermined period, others are employed on a fee paid basis and this is for a set period. Voir aussi commentaire sous Q 121]

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Compulsory
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	Occasional (e.g. at times)
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Compulsory
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Compulsory
In-service training for the use of computer facilities in office	Compulsory

130) Frequency of the in-service training of public prosecutors

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Annual / Regular (e.g. every 3 months)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.

If your judicial training institutions do not correspond to these criteria, please specify it:

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	No	No	Yes	NA
One institution for prosecutors	No	No	Yes	NA
One single institution for both judges and prosecutors	No	No	No	No

Comment :

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

For prosecutors who are trainees in the CPS (currently c70) there is a personal induction plan supporting their development giving a framework for learning. For all prosecutors there are dedicated e-learning modules for their role and some mandatory modules. Following a Legal Training Review in 2013, the setting of priorities for learning follows a centrally governed lead supported by a framework of local tutors and business leads.

E.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court**

the characteristics of your training system for judges and public prosecutors and the main reforms that have been implemented over the last two years

5. 3. Practice of the profession**5. 3. 1. Practice of the profession****132) Salaries of judges and public prosecutors.**

	Gross annual salary, in €, on 31 December 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	127474	NA

Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	256206	NA
Public prosecutor at the beginning of his/her career	38474	NA
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	111027	NA

Comment :

Net annual salaries would depend on an individual's tax and national insurance position during any particular year. London posts also attract a London Allowance (Recruitment and Retention Allowance) of €3,668 (£2,991.30) per year. In addition to this, London posts attract a salary lead of €3,131 (£2,553.87) at the beginning of their career as a Crown Prosecutor and €5,060 (£4,126.35) at the highest prosecutor grade (Principle Crown Advocate). It should be noted that all Crown Prosecutors would join at a Point 1 salary which then increases year on year to a maximum. The point 1 salary is actually €33,938 (£27,675.42) but at the time this data was requested, no one was on this salary and so the figure indicated above is the minimum salary for a Crown Prosecutor at the time.

133) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	No
Housing	No	No
Other financial benefit	No	No

134) If other financial benefit, please specify:

NAP

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	No	No
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	Yes
Political function	No	No
Other function	No	Yes

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

Rules governing these kinds of 'outside activity' are governed by the Lord Chancellor's terms and conditions for judicial office holders. There are some differences between the terms and conditions for salaried office holders and those for fee-paid office holders in this area - reflecting the detail that fee-paid office holders would be expected to be engaged in, and in receipt of remuneration for, 'outside activities' given the part-time nature of their judicial role.

General principles:

Judges must ensure that while holding judicial office they conduct themselves in a manner consistent with the authority and standing of a judge. They must not, in any capacity, engage in any activity which might undermine, or be reasonably thought to undermine, their judicial independence or impartiality. If in any case any question of bias arises, judges should follow the guidance in the decided cases, including the Court of Appeal judgment in *Locabail (UK) Ltd v Bayfield Properties Ltd and Another* (2000) Q.B. 451. Judges may not undertake any other remunerated employment, nor receive or retain any fee or emolument in any circumstances save for royalties earned as an author. They may not undertake any task or engage in any activity which in any way limits their ability to discharge their judicial duties to the full. They should so conduct their private affairs as to minimise the possibility of conflict or embarrassment. If any doubt arises on the application of these principles, a judge should seek initial guidance from a senior judicial office holder or Head of Division, the Lord Chief Justice or his office.

The following paragraphs provide further guidance on types of interest or activity which are most likely to occur. The guidance is not designed to be exhaustive. If a judge has any doubt about his/her particular interests or the propriety of a particular undertaking, the Judicial Office or a senior judicial office holder will be ready to advise him/her.

Financial interests:

There is normally no objection to a judge holding shares in commercial companies. However, there is a long-standing rule that no judge should hold a commercial directorship. This applies to a directorship in any organisation whose primary purpose is profit-related. It applies whether the directorship is in a public or a private company, and whether or not it is remunerated. Any person holding such a directorship is therefore expected to resign from it on appointment to judicial office. The only exception to this rule is that a judge may take part in the management of family assets, including land or family businesses, and may hold a directorship in a private company for this purpose or in a company formed for the management of flats of which he/she is a tenant. However, caution should be exercised even where companies are solely owned by the judge and his/her family.

Non-commercial directorships:

A judge may continue to hold directorships which relate to organisations whose primary purpose is not profit-related, and whose activities are of an uncontroversial character.

Charitable activities:

If a judge is involved in charitable activities, including holding the directorship of a charity, he/she should be on his/her guard against circumstances arising which might be seen to cast doubt on his/her judicial impartiality or conflict with his/her judicial office.

Political or other activities:

A judge must expect to forgo any kind of political activity and also any other activity which could make undue demands on his/her time. He/she should be on his/her guard against circumstances arising in which his/her involvement in any outside activity might be seen to cast doubt on his/her judicial impartiality or conflict with his/her judicial office. A judge is also expected to submit his/her resignation to the Lord Chancellor in the event of nomination or adoption as a prospective candidate for election to Parliament, or to the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly or the European Parliament.

Termination of professional and business contacts:

A judge is expected to terminate all professional and business contacts with his/her former partners and clients and to sever professional connections with his/her former chambers or firm on taking up judicial office save to the extent that such contact is necessary for practical purposes such as the receipt of outstanding fees etc. A judge should also retire from the office of Trustee, where such an appointment arose from a professional or business relationship, if this is likely to be seen to cast doubt on his/her judicial impartiality or conflict with his/her judicial office. In addition, no judge while holding full time judicial office may maintain an office or make use of office facilities in the premises of the partnership, firm or chambers with which he/she was formerly connected and he/she should also bear in mind the need for discretion in the number and frequency of visits he/she makes there even where these are of a social or personal nature. Appointments to judicial office are intended to be for the remainder of a person's professional life. Judges who accept appointment do so on the understanding that following the termination of their appointment they will not return to private practice as a barrister or a solicitor, and will not:

- a. provide services, on whatever basis, as an advocate (whether by way of oral submissions or written submissions) in any court or tribunal in England and Wales;
- b. in return for remuneration of any kind, offer or provide legal advice to any person.

For the avoidance of doubt, former judges may provide services as an independent arbitrator/mediator and may receive remuneration for lectures, talks or articles.

Membership of local Law Societies:

Where members of the judiciary are members of local Law Societies, the possibility can arise of embarrassment, or risk of criticism. These possibilities are the greater where they are active members or office-holders of the Society and plainly greater still in smaller towns and cities. Without therefore necessarily precluding a judge's membership of such a Society (particularly where it may be of long standing and have given rise to no difficulty), attention should be drawn to the risks. It is suggested that a judge should accept an invitation to join or continue only if on consideration he/she is quite satisfied that it would not lead to difficulties. In future when a judge joins a local Law Society, it should be on the understanding that he/she cannot take an active part in its functions. However, if a judge has taken and still does take an active part in a local Law Society, and no difficulties have arisen, he/she is not obliged to stand down and the matter is left to his/her discretion.

Lecturing, participation in conferences etc:

There is in principle no objection to members of the judiciary speaking on technical legal matters, which are unlikely to be controversial, at lectures and conferences or seminars organised by the Bar or The Law Society, or by academic or other similar non-profit making organisations. Lectures and seminars which deal with matters of more general public interest may, however, raise wider issues of policy, sometimes not immediately apparent. Judges will therefore wish to be cautious about speaking at these. Depending on circumstances, it could also be inappropriate for a judge to accept an invitation to deliver a public lecture or participate in a conference or seminar run by a commercial undertaking. It is regarded as inappropriate for a judge to receive a fee personally for giving a lecture. However, where a judge gives a lecture for a commercial undertaking there is no objection, if he/she considers that it would be appropriate, to his/her requesting that any fee otherwise payable be paid to a charity of his/her choice. To avoid any liability for tax, a judge should try to ensure that payment is made direct to the charity. Where this is not possible, e.g. accounting reasons, and the charity would otherwise lose out, a judge may accept the payment himself/herself, provided that he/she is prepared to pay the tax on that sum and make the payment directly to the charity himself/herself. There is no objection to a judge accepting reimbursement of the cost of any necessary travel and accommodation necessitated by attending a suitable lecture, conference or seminar.

Writing books and articles:

It is a long-established tradition that the writing of books and articles, academic and technical works, and the editing of legal textbooks are not incompatible with holding judicial office and there is no objection to the acceptance of royalties or fees for doing so. Legal and technical books and articles do not normally give rise to difficulties but it may sometimes be advisable for a judge to avoid writing on a subject of wider or more general public interest. However, the editorship of a commercial legal or technical journal is generally considered incompatible with judicial office, since this involves a regular commitment. Furthermore, journals provide platforms for opinions and, as such, they represent a potential source of avoidable conflict. Editorship of such journals should therefore normally be resigned on appointment; if an exception is sought, reference should be made to the Judicial Office.

Misuse of office, etc:

A judge should avoid any action which involves, or may be seen as involving, the exploitation or misuse of his/her judicial position or title for private purposes, e.g. in connection with local planning issues. Members of the judiciary are reminded that the facilities provided at public expense including those for dispatch of correspondence and stationery are provided for use in carrying out official duties and are not intended for personal use/correspondence.

137) Can public prosecutors combine their work with any of the following other functions ?

	with remuneration	without remuneration
Teaching	No	Yes
Research and publication	Yes	Yes
Arbitrator	Yes	No
Consultant	Yes	No
Cultural function	No	Yes

Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

A Prosecutor is subject to the Civil Service Code which allows him or her to take other work provided it is agreed with managers and does not conflict with the performance or duties of a civil servant; it must not affect their official work because of its nature or bring any conflict of interest or loyalty, nor must it conflict with the interest of the Prosecutors role or damage public confidence in it. Any Judicial role must obey these rules too and not result in any profit to the prosecutor.

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- Yes
 No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other
 This is not possible

If "executive power" and/or "other", please specify:

Any individual can bring a complaint against a judicial office holder. The decision to investigate further and therefore initiate disciplinary proceedings rests with the Office for Judicial Complaints which acts on behalf of the Lord Chancellor and Lord Chief Justice. Complaints against tribunal judiciary and magistrates are considered in the first instance by the relevant Tribunal President and Advisory Committee respectively.

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
 Head of the organisational unit or hierarchical superior public prosecutor
 Prosecutor General /State public prosecutor
 Public prosecutorial Council (and Judicial Council)
 Disciplinary court or body
 Ombudsman
 Professional body
 Executive power
 Other
 This is not possible

If "executive power" and/or "other", please specify:

There is no specific professional body for prosecutors, however as practising solicitors or barristers they are subject to regulation by the Law Society or Bar Standards Council.

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
 Higher Court / Supreme Court

- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other

If "executive power" and/or "other", please specify:

The Lord Chancellor and the Lord Chief Justice for England and Wales have joint responsibility for judicial discipline.

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	1 115	57
1. Breach of professional ethics	17	3
2. Professional inadequacy	29	14
3. Criminal offence	11	1
4. Other	1 058	39

Comment :

Public Prosecutors - Data provided for financial year 2012/13 and is based on cases finalised (rather than initiated) as cases are recorded once there is an outcome. "Breach of Professional Ethics" includes Unauthorised Absences, Dishonesty, Abuse of Flexible working arrangements. "Other" includes breaches of internal policies, for example, IT misuse and breach of CPS Code of Conduct. The figure includes 6 Associate Prosecutors.

Judges - The total refers to situations where an "investigation" of some degree was undertaken. It is important to note that the vast majority of these investigations would have consisted of nothing more than listening to a tape of a hearing, concluding that there was no misconduct and then dismissing the complaint.

The bulk of those investigations, falling under "Other", related to inappropriate comments or behaviour. 1039 further complaints were lodged in this period but not investigated as they related to judicial case management or decision and did not raise an issue of misconduct.

Figures are for the financial year 2012/13.

3.Criminal Offence Figure is actually for criminal/ civil offences.

145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number (total 1 to 9)	71	45
1. Reprimand	19	43

2. Suspension	0	0
3. Removal of cases	NAP	0
4. Fine	NAP	0
5. Temporary reduction of salary	NAP	0
6. Position downgrade	NAP	0
7. Transfer to another geographical (court) location	NAP	0
8. Resignation	16	0
9. Other	36	2

Comment :

Public Prosecutors - Reprimand includes 6 Associate Prosecutors. "Other" includes Dismissal. Please note, number of finalised cases differs to outcome by 12 as no warning or actions were issued for those actions. Judges: Of the number provided in "Other" 20 were removals from office; 7 where formal advice was given; and 9 were issued with a formal warning.

E.3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and public prosecutors and the main reforms that have been implemented over the last two years

q.135) Answers given refer to salaried office holders. Fee paid office holders have no restrictions on performance of these "other functions" (although involvement in 'National' politics is not open to all.

Please indicate the sources for answering questions 144 and 145

Crown Prosecution Services Human Resources

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

174279

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

- Yes
 No

148) Number of legal advisors who cannot represent their clients in court:

NA

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

- Civil cases?
 Criminal cases - Defendant?
 Criminal cases - Victim?
 Administrative cases?
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

There is no monopoly of representation at the Bar Council – solicitor advocates/legal executives and non-legally qualified people have rights of audience in various circumstances and in respect of all types of cases.

150) Is the lawyer profession organised through? (multiple options possible)

- a national bar?
 a regional bar?
 a local bar?

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
 No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

- Yes
 No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
 No

If yes, please specify:

Individuals wishing to qualify as solicitors must complete the Legal Practice Course (LPC) and then complete a training contract with a law firm. Those wishing to qualify as barristers must complete the Bar Vocational Course (BVC) and also complete a pupillage with a barristers' chambers. Before taking the LPC or BVC, applicants must first complete a qualifying law degree. In addition, those wishing to become legal executives must complete the ILEX Professional Qualification in Law. Patent attorneys and trademark attorneys are required to have a science, engineering, technology or mathematics degree and must pass the foundation and advanced examination papers set by the Chartered Institute of Patent Attorneys and the Institute of Trademark Attorneys.

Law costs draftsmen (costs lawyers) must take the ALCD Modular Training Course. All solicitors in England and Wales must comply with the Solicitors Regulation Authority's continuing professional development (CPD) scheme. Solicitors must complete a minimum of 16 CPD hours each year.

Newly qualified barristers must complete 45 hours of CPD each year in their first three years of practice, including 9 hours of advocacy training and 3 hours of ethics training. After three years of practice, barristers must complete 12 hours of CPD each year.

Fellows of the Institute of Legal Executives must undertake 16 hours of CPD each year, while members of the Institute must undertake 12. Patent and trademark attorneys must also undertake 16 hours of CPD per year.

Costs lawyers must undertake 12 hours of CPD per year. Fellow and Associate costs lawyers must complete 9 hours per year.

Probate – lawyers wishing to conduct probate activities must attain a probate licence. In order to apply for a probate licence an individual must have passed the Qualifying Probate Examinations and passed the Practical Probate Training. Solicitor-Advocates - solicitors wishing to obtain higher rights of audience and become Solicitor-Advocates must have practised as a solicitor for at least 3 years and be able to demonstrate experience of advocacy. If the solicitor cannot demonstrate experience of advocacy they must undertake a 12 month advocacy period during which they will build up a portfolio of cases and be supervised by a mentor.

Licensed Conveyancing – solicitors wishing to convert to being licensed conveyancers must apply to the Council for Licensed Conveyancers for a licence.

Please indicate the sources for answering questions 146 and 148:

146) 174279 includes solicitors and barristers. There are 158872 solicitors and 15407 barristers. ---- 148) Unlike in other jurisdictions the legal profession is a divided profession in England and Wales. Solicitors deal with members of the public and interface with the clients. They carry out all legal work for their clients but do not have rights of audience in all courts. Solicitors have rights of audience in the lower courts which consist of the magistrates courts (criminal), country courts (civil), tribunals and also interlocutory hearings which are heard in chambers (private hearings in the High Court). They do not have rights of audience in the high courts (unless they have a Higher Rights qualification) which comprise the Crown Court (criminal), High Court (civil), Court of Appeal and the Supreme court.

F1 Comments for interpreting the data mentioned in this chapter:

146) 174279 includes solicitors and barristers. There are 158872 solicitors and 15407 barristers. 148) Unlike in other jurisdictions the legal profession is a divided profession in England and Wales. Solicitors deal with members of the public and interface with the clients. They carry out all legal work for their clients but do not have rights of audience in all courts. Solicitors have rights of audience in the lower courts which consist of the magistrates courts (criminal), country courts (civil), tribunals and also interlocutory hearings which are heard in chambers (private hearings in the High Court). They do not have rights of audience in the high courts (unless they have a Higher Rights qualification) which comprise the Crown Court (criminal), High Court (civil), Court of Appeal and the Supreme court.

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

- Yes
 No

155) Are lawyers' fees freely negotiated?

- Yes
 No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

- Yes laws provide rules
- Yes standards of the bar association provide rules
- No, neither laws nor bar association standards provide rules

F2 Useful comments for interpreting the data mentioned in this chapter:

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

- Yes
- No

If yes, what are the quality criteria used?

Quality standards are being developed for advocates (barristers/solicitors advocates and legal executives) by the Bar Standards Board, Solicitors Regulation Authority and ILEX Professional Standards.

The quality standards for solicitors are outlined in Chapter 1 of the Solicitors Regulation Authority's Code Of Conduct. The Legal Ombudsman also has quality standards.

NB As part of a review of legal education and training, the SRA is developing competence standards which will set out the knowledge, skills and attributes we expect on the day of qualification, but we're not developing standards that regulate or even describe the quality of the work solicitors carry out

158) If yes, who is responsible for formulating these quality standards:

- the bar association?
- the Parliament?
- other?

If "other", please specify:

Quality standards are being developed for advocates (barristers/solicitors advocates and legal executives) by the Bar Standards Board, Solicitors Regulation Authority and ILEX Professional Standards.

159) Is it possible to file a complaint about :

- the performance of lawyers?
- the amount of fees?

Please specify:

In England and Wales complaints about service (such as performance) can be filed with the Legal Ombudsman. Complaints about ethics and breaches of the Code of Conduct are filed with the Solicitors Regulation Authority. Clients who wish to complain about the performance of their barrister must contact the Bar Standards Board, which deals with matters of professional misconduct and inadequate professional service. If the client wishes to complain about barristers' fees, they must contact the High Court for the barrister's bill to be taxed.

160) Which authority is responsible for disciplinary procedures?

- the judge
- the Ministry of justice
- a professional authority
- other

If other, please specify:

Barristers - The Bar Standards Board and the Council of the Inns of Court
Solicitors - Serious cases are referred to the Solicitors Disciplinary Tribunal.
(Quasi judicial body) <http://www.solicitorstribunal.org.uk/>
The Tribunal adjudicates upon alleged breaches of the rules and regulations applicable to solicitors and their firms.

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	310
1. Breach of professional ethics	69
2. Professional inadequacy	0
3. Criminal offence	21
4. Other	27

Comment :

mail CN 27/01/14:

193 solicitors + 117 Barristers = 310 total

Solicitors = NA / Barristers = 69

Solicitors = NA / Barristers = 0

Solicitors = NA / Barristers = 21

Solicitors = NA / Barristers = 27

comments:

Solicitors

There were 193 matters relating to solicitors heard at the SDT in 2012.

We do not record reasons for Proceedings under the above categories for solicitors. Under the categorisation we record there could also be multiple reasons for tribunal proceedings against which we do not record a "main" reason.

Barristers

4. "Other" column refers to breaches of the practising requirements (failure to comply with Continuous Professional Development, failure to renew practising certificate, failure to obtain insurance)

mail CN 26/3/14: Q.161. &162. The reason for the difference between data provided for 2010 and 2012 is that data provided in 2010 only included barristers and did not include solicitors. This was noted in the comments sections of these two questions in the 2010 cycle. For 2012, data for both solicitors and barristers is provided giving a fuller and larger total that differs substantially from the 2010 cycle.

162) Sanctions pronounced against lawyers.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	364
1. Reprimand	36
2. Suspension	63
3. Removal	77
4. Fine	133
5. Other (e.g. disbarment)	55

Comment :

mail CN 27/01/14:

282 Solicitors + 82 Barristers = total of 364

23 Solicitors + 13 Barristers = total of 36

56 Solicitors + 7 Barristers = total of 63

77 Solicitors + 0 Barristers = total of 77

94 Solicitors + 39 Barristers = total of 133

32 Solicitors + 23 Barristers = total of 55

Comments:

Solicitors

The above figures relate specifically to disciplinary proceedings heard at the Solicitors Disciplinary Tribunal. This does not include reprimands and fines issued directly by the SRA. The statistics relate to decisions made at the SDT during 2012.

It should be noted that one set of proceedings issued can end in multiple sanctions against multiple individuals. This means the number of sanctions will be higher than matters being heard at the SDT.

Barristers

Those included in '5. Other' are as follows:

Disbarred 13

Advised 8
Other 2

mail CN 26/3/14: Q.161. &162. The reason for the difference between data provided for 2010 and 2012 is that data provided in 2010 only included barristers and did not include solicitors. This was noted in the comments sections of these two questions in the 2010 cycle. For 2012, data for both solicitors and barristers is provided giving a fuller and larger total that differs substantially from the 2010 cycle.

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation and other forms of ADR

163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168

Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

- Yes
 No

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

- Before going to court
 Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

Mediation is expected in some fields but not mandatory: In Family Justice, the Pre Application Protocol introduced April 2011 places an expectation on potential applicants (and respondents) to attend a meeting to find out about mediation - there are exemptions, eg, if there is domestic abuse, or child protection issues. Family Mediation itself is not compulsory. Legislation is being considered to make the current expectation to attend that initial intake meeting a legislative requirement. ----- Mediation in the civil justice system is similarly not compulsory. It has always worked on the principle that court action should be the last resort. Encouragement of the use of mediation and other forms of alternative dispute resolution (ADR) is built into the Civil Procedure Rules. ----- In family justice, a judge can adjourn a case so that the parties can attempt mediation, if they agree to do so. In proceedings for contact with a child the court can additionally direct that parties attend a meeting to find out about family mediation. ----- In civil, judges should encourage parties to use an ADR procedure if the court considers it appropriate. In Pre-Action Practice Direction and Protocols there is clear expectation that parties will consider the use of ADR prior to the issue of proceedings.

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	Yes	No	No	No
Family law cases (ex. divorce)	Yes	Yes	Yes	Yes	No
Administrative cases	No	Yes	No	No	No
Employment dismissals	No	Yes	No	Yes	No
Criminal cases	No	No	No	No	No

165) Is there a possibility to receive legal aid for judicial mediation procedures?

- Yes
 No

If yes, please specify:

Family mediation: Legal aid remains in scope for family mediation following the Legal Aid Reforms, subject to qualifying criteria. As long as at least one party is eligible, both will be publicly funded to attend the initial meeting to find out about mediation (MIAM - Mediation Information and Assessment Meeting). The eligible party will also have mediation sessions funded and some legal advice to support the mediation process eg to prepare a consent order based on the Memorandum of Understanding agreed upon during mediation.

Civil Mediation: There is generally much less legal aid available in civil cases. When funding civil and commercial mediation, the Legal Services Commission, which is responsible for providing legal aid (public funding), will expect the mediator to have been provided by a body accredited by the Civil Mediation Council (CMC). Details of accredited bodies are available on the CMC website (www.civilmediation.org). Mediators not provided by such a body may be funded but will need to satisfy the regional office that they have appropriate training and expertise.

166) Number of accredited or registered mediators who practice judicial mediation:

NA

167) Number of judicial mediation procedures.-----
Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)		NA
1. civil cases	<input checked="" type="checkbox"/> Yes	10 000
2. family cases	<input checked="" type="checkbox"/> Yes	13 578
3. administrative cases		NAP
4. employment dismissals cases		NA
5. criminal cases		NAP

Comment :

We have no accurate record of the total number of cases that go to mediation or are settled by mediation (privately or publicly funded), since the vast majority of mediations are conducted by private family or civil and commercial mediators. However, the approximate figures to Question 167 are based on those that are publicly funded:

• In 2012/13 financial year, there were some 13,578 publicly funded family mediation cases (see answer to question 165); There were 750 court referrals to publicly funded mediation services in 2012/13.

- In civil justice, we have no accurate record of the total number of cases that go to mediation or are settled by mediation. The Small Claims Mediation Service managed by HMCTS deals with around 10,000 disputes a year.

168) Does the legal system provide for the following ADR :**If "other", please specify it in the "comment" box below:**

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	Yes

Comment :

Mediation other than judicial mediation: a number of out of court options are developing in the post legal aid reform landscape: lawyer supported mediation; collaborative law; family arbitration - mentioned above; arbitration/mediation. Collaborative law is an alternative dispute resolution practice which can be privately arranged by parties who wish to resolve a dispute outside of the court. Both parties to a dispute will have their lawyers present through the process of negotiation. if the case proceeds to court fresh lawyers must be instructed.

Family arbitration is slowly developing as an alternative to court. In this jurisdiction there is no provision for binding arbitration in most family matters.

G.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

166) There currently 283 quality-assured Legal Aid Agency's contracted family mediation services which carry out publicly funded mediation services across over 1,800 locations in England and Wales. In total, there are more than 600 family mediation services which have multiple mediators in several offices across England and Wales. The Ministry of Justice requires all civil mediation provider organisations that want to be involved in court-referred mediation, to first become accredited with the Civil Mediation Council (CMC). Those organisations are then added to the list of providers on the new website to "Find a Civil Mediation provider": www.civilmediation.justice.gov.uk . Currently, there are 52 mediation organisations accredited by the CMC, of which 45 feature on the new website. There are 100 Employment Judges trained in judicial mediation Family mediation: The independent review of the Family Justice System (FJS) recommended recommendations are been considered by the Government and a response is planned for early 2012.

Please indicate the source for answering question 166:

Family mediation: Legal Aid Agency Annual Report

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

2321

171) Are enforcement agents (multiple options are possible):

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

County court bailiffs are employed by HM Courts & Tribunals Service and are responsible for enforcing court orders for the recovery of monies, possession of property or goods subject to hire purchase agreements. In addition they can execute arrest warrants for contempt of court and undertake the service of court documents.

High Court Enforcement Officers (HCEOs) are appointed by or on behalf of the Lord Chancellor and are responsible for enforcing High Court orders and county court orders that have been transferred to the High Court.

Civilian Enforcement Officers (CEOs) are employed in the magistrates' court by HM Courts & Tribunals Service and are responsible for enforcing certain magistrates' court and Crown Court orders. They execute warrants of arrest, committal, detention and distress and Crown Court orders.

Certificated bailiffs hold a certificate granted by an issuing county court, which enables them, and them alone, to levy distress for rent, road traffic debts, council tax and non domestic rates. They cannot enforce the collection of money due under High Court or county court orders.

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes

No

Please indicate the source for answering question 170:

Ministry of Justice:
Total 2321
378 County court bailiffs
299 Civilian Enforcement Officers
1582 Certificated Bailiffs
62 High Court Enforcement Officers

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

- a professional body
 the judge
 the Ministry of justice
 the public prosecutor
 other

If other, please specify:

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?
Understanding the law, Financial Propriety, Good Conduct.

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes
 No

if yes, please specify

182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

- Yes
 No

If yes, please specify

183) What are the main complaints made by users concerning the enforcement procedure?

Please indicate a maximum of 3.

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other

If "other", please specify:

184) Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
- No

If yes, please specify:

185) Is there a system measuring the length of enforcement procedures:

- for civil cases?
- for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents.

If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of initiated disciplinary proceedings (1+2+3+4)	NA
1. for breach of professional ethics	NA
2. for professional inadequacy	NA
3. for criminal offence	NA
4. Other	NA

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	NA
1. Reprimand	NA
2. Suspension	NA
3. Dismissal	NA
4. Fine	NA
5. Other	NA

Comment :

H.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in civil matters and the
main reforms that have been implemented over the last two years**

mail CN 26/3/14 et 23/4/14: "There is no overall body entrusted with supervising and monitoring the enforcement agents activity. However certificated bailiffs are answerable to a judge if a complaint is made about them. The High Court Enforcement Officers Association (professional body) is responsible for ensuring that High Court Enforcement Officers comply with the High Court Enforcement Officers Regulations."

Q.172) There is an examination available for enforcement agents but at this moment in time it is not mandatory and is not available to all enforcement agents. It is a Trade Association examination and the agent has to be a member of the Association to sit the examination.

Q.177 & 178) There is no overall body entrusted with supervising and monitoring the enforcement agents activity. However certificated bailiffs are answerable to a judge if a complaint is made about them. The High Court Enforcement Officers Association (professional body) is responsible for ensuring that High Court Enforcement Officers comply with the High Court Enforcement Officers Regulations and the Ministry of Justice is responsible for the certificated bailiff register, the High Court Enforcement Officers authorisation and county court bailiffs through its agency HM Courts and Tribunals Service.

Please indicate the sources for answering questions 186, 187 and 188:

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
 Public prosecutor
 Prison and Probation Services
 Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

Her Majesty's Courts and Tribunals Service (HMCTS) an executive agency of the Ministry of Justice is responsible for the collection of fines, prosecutor costs, compensation orders and victim surcharge orders imposed in magistrates and crown courts and certain confiscation orders.

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
 No

191) If yes, what is the recovery rate?

- 80-100%
 50-79%
 less than 50%
 cannot be estimated

Please indicate the source for answering this question:

mail CN 26/03/14: The method used to calculate the answer to this question for the 2012 cycle is different to the 2010 cycle. This is due to a new reporting system which works on a different basis from the payment rate used to measure performance in previous years and so is not directly comparable and explains why the recovery rate appears to be lower.

Mail CN 8/7/2014 : The data is obtained from Court statistics (quarterly) reports, <https://www.gov.uk/government/collections/court-statistics-quarterly>

This data is obtained from the E06 Financial impositions collection report which extracts the data from the Libra case management system. The report measures how much of the value imposed in a certain period is collected within the month of imposition and subsequent months up to 18 months after imposition. The data is available on the Her Majesty's Courts and Tribunals Service internal performance database – One Performance Truth (OPT). The recovery rate quoted is based on average collections by 12 months after imposition. This report works on a different basis from the payment rate used to measure performance in previous years which is why the recovery rate appears to be lower.

H.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have
been implemented over the last two years**

HMCT has been restructuring the Compliance and Enforcement Service and working on standardising processes over the past two years. As well as targeting increased early compliance with court orders there has been a fundamental of accounts including tackling old accounts and administratively cancelling them where there is no realistic chance of collection because they do not have enough information to trace the debtors. Compliance and Enforcement are currently working on a number of projects to streamline the business before the appointment of a commercial provider to carry out compliance and enforcement functions during 2014.

9. Notaries

9. 1. Statute

9. 1. 1. Functionning

192) Do you have notaries in your country? If no please skip to question 197.

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?	<input checked="" type="checkbox"/> number	858
private professionals under the authority (control) of public authorities?		NAP
public agents?		NAP
other?		NAP

Comment :

As at 1st April 2013 this number was 812.

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

Eligible to conduct conveyancing and probate work but this is not a duty

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

The Master of the Court of Faculties of the Archbishop of Canterbury for notaries in England and Wales under the oversight of the Legal Services Board.

I.1 You can indicate below:

any useful comments for interpreting the data mentioned in this chapter the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

Please indicate the sources for answering question 193:

Data submission by the Master of Faculties June 2012, for approval of the practicing certificate fees.
http://www.legalservicesboard.org.uk/can_we_help/faqs/index.htm#lsblawyers

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functioning

197) Is the title of court interpreters protected?

- Yes
 No

198) Is the function of court interpreters regulated by legal norms?

- Yes
 No

199) Number of accredited or registered court interpreters:

1382

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

- Yes
 No

If yes, please specify (e.g. having passed a specific exam):

As a minimum, the interpreter must have one or more of the following:

- 'Partial Diploma in Public Service Interpreting (DPSI)' (English Law option) i.e. the interpreter must have passed all modules with the exception of component 3b (written translation from English);
- A degree in linguistics, English philology, Modern Languages or MA in Teaching of English, or other language related diplomas where English figures as part of the course completed.

Together with (in all cases):

- Previous or current employment in criminal justice services in their countries of origin, legal training in the UK or abroad, or other exposure to criminal justice work through other channels is also acceptable (volunteer and/or paid work in the community for police services or work for Victim Support, for example);
- University level education (any degree);
- At least 100 hours public sector interpreting experience;
- References; and
- A pass at the assessment centre to the tier two standard.

201) Are the courts responsible for selecting court interpreters?

If no, please indicate in the "comment" box below which authority selects court interpreters.

- Yes for recruitment and/or appointment for a specific term of office
 Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
 No .

Comment :

The Ministry of Justice sets out the requirements for the provision of interpreters; a private company 'recruits' and 'deploys' interpreters for specific jobs.

J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Q.199) There are currently 1382 interpreters that are classed as tier 1 or 2 interpreters on Capita TI's books. Being of that tier means they have achieved the criteria set out in Q.200 and are able to work in the courts.

<https://www.gov.uk/government/publications/statistics-on-the-use-of-language-services-in-courts-and-tribunals--2>

Please indicate the sources for answering question 199:

Capita Translation and Interpretation

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
 "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
 "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

203) Is the title of judicial experts protected?

- Yes
 No

204) Is the function of judicial experts regulated by legal norms?

- Yes
 No

205) Number of accredited or registered judicial experts (technical experts)

NA

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
 No

If yes, please specify, in particular the given time to provide a technical report to the judge:

Courts have the general power, as a matter of their general control over practice and procedure before them, to control evidence, and in particular to ensure that only such expert evidence as is reasonably necessary to resolve the issues in the case is put before the court. Time limits will be set by the court in the exercise of its general case management powers, taking into account the desirability of avoiding excessive cost and delay.

207) Are the courts responsible for selecting judicial experts?

If no, please specify in the "comments" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
 Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
 No .

Comment :

There are provisions in rules of court governing the appointment of expert witnesses in appropriate cases, which are designed to steer the parties towards the instruction of an agreed joint expert where possible; but the expert or experts will be instructed by the parties. In some cases where a specialised jurisdiction is being exercised, there is provision for the court to sit with assessors who assist the court but do not make judicial decisions; but those cases are exceptional and do not involve recruitment for specific terms of office.

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

"Expert witnesses", who are requested by the parties to bring their expertise to support their argumentation. "Technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal. ----- 202) It is not clear what is meant by the third category. Courts may in certain circumstances be assisted by an advocate to the court (previously known as an amicus curiae), who presents arguments in relation to the nature and content of the legal background to and issues in a particular case. That does not appear to be what is described in the third category, however.

Please indicate the sources for answering question 205:

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Foreseen reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. If possible, please observe the following categories:

1. (Comprehensive) reform plans

2. Budget

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

3.1 Access to justice and legal aid

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

6.1 Personal status

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crim

1. (Comprehensive) reform plans:

The Ministry of Justice is carried out significant transformation of the department and the justice system to facilitate different ways of working. These will change the ways in which we serve the public and save money. The change process is focussed on five key priorities: 1) Transforming Rehabilitation - Driving down re-offending rates and improving value for the tax payer by opening up rehabilitation services for offenders to a more diverse market of providers; extending our rehabilitative approach to offenders sentenced to 12 months; and introducing payment by results. 2) Protecting the public and punishing offenders as part of a more effective and cost efficient custodial system - Reforming the prison system to drive down cost across the estate and make every penny of public money count. Ensuring that the sentencing framework operates as efficiently and effectively as possible, to deliver appropriate punishment of offenders, without compromising on public safety. 3) Transforming Youth Custody - Reforming youth custody to create a more efficient system which ensures that young people are appropriately punished, while at the same time receiving the support and education required to turn them away from a life of crime. 4) Transforming our courts and tribunals and the Criminal Justice System - Continuing to improve the way our courts are run, while ensuring that cases are managed as well as they can be, and that victims are put first in the system. 5) Transforming legal aid - Reforming the legal aid system to reduce the cost to the taxpayer and ensure that the system commands the confidence of the public.

2. Budget:

As part of the UK Government's commitment to reducing the budget deficit the Ministry of Justice committed to a 10% reduction in its budget as part of the 2013 spending review. The resource budget for 2014/15 is £6.8 Billion (€8,338,840,000) and for 2015/16 it is £6.2 Billion (€7,603,060,000).

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings):

The Government is consulting on proposals to increase fees in the civil courts, including in some cases to charge enhanced fees above the cost of the proceedings to which they relate. The purpose is to ensure that the courts are properly financed so that access to justice is maintained, while reducing the cost of the courts to the taxpayer. The consultation will close on 21 January 2014, and the Government intends to respond by the Spring.

3.1 Access to justice and legal aid:

In November 2013, legislation was laid in Parliament for two legal aid reforms under the Legal Aid Transformation (LAT) change programme. These are due to go live on 27 January 2014 and are: 1) Borderline Merits - Removing legal aid for civil cases with borderline prospects of success, and; 2) Crown Court Eligibility - Introducing a financial eligibility threshold, whereby any defendant with an annual disposable household income of £37,500 (€45,986) or more would be ineligible for legal aid in the Crown Court, subject to review on hardship grounds. The LAT Programme will continue to implement further proposed change throughout 2014, including introduction of a Residence Test and changes to criminal advocacy fees.

8. Mediation and other ADR:

A bill is currently progressing through Parliament (the Children and Families Bill) which seeks to make attempting mediation before applying to bring a case to the family court a legal requirement (unless the individual is exempt for example if domestic violence is involved)

9.2. Child Friendly Justice:

The new Victims Code, launched on 29 October 2013, sets out the information, support and services that victims can expect to receive from criminal justice agencies in England and Wales at every stage of the process. The new Victims' Code is written in plain English with victims of crime as the target audience. Special Measures are already available for vulnerable and intimidated witnesses, including children, to help them give evidence. These include video recorded evidence, evidence by live link and the use of an intermediary to assist in communication. Since 2004 over 6,000 victims and witnesses have been supported by Registered Intermediaries provided through the Witness Intermediary Scheme. Many of these cases might otherwise not have gone to trial. We are also piloting a further special measure that would pre-record the cross-examination and re-examination of victims. This could mean victims never needing to go to court and having to experience the stress of a trial. In addition, young witnesses and their parents or carers are provided with a Young Witness Pack before they give evidence in court. The pack explains, simply, the role of people in court, the process of giving evidence, and what special measures are available to assist them give their best.

9.3. Violence against partners:

In March 2013 the Government published its strategy to tackle violence against Women and Girls which includes a number of gender neutral policies to protect victims of domestic and sexual violence