



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Country:

UNITED KINGDOM - England and Wales

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I. General information

1. Number of inhabitants

Number: **58,789,194**

Year of reference: **2001**

Source: **Office of National Statistics**

2. Total annual State/regional public budget

Budget: **Euro 152,1 billion**

Year of reference: **2003**

Source: **Office of National Statistics**

3. Average gross annual salary

Salary: **Euro 36,166**

Year of reference: **2002**

Source: **Office of National Statistics**

II. Access to Justice and to all courts
II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid

Annual budget: **Euro 2.8 billion**

Year: **2002/2003**

Source: **Legal Services Commission Annual Report**

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases

Annual budget: **Euro 1.6 billion (total payment made for crime lower court and crime higher court legal aid work)**

Year: **2002/2003**

Source: **Legal Services Commission Annual Report**

- annual public budget spent on legal aid in other court cases

Annual budget: **Euro 1.2 billion (this figure is for all civil legal aid including Legal Help and Civil Representation)**

Year: **2002/2003**

Source: **Legal Services Commission Annual Report**

6. Total number of legal aid cases (in a year)

Number of cases: **2,658,000**

Year: **2002/2003**

Source: **Legal Services Commission Annual Report**

7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: **1,640,000**

Year: **2002/2003**

Source: **Legal Services Commission Annual Report**

- the total number of legal aid cases in other court cases (in a year)

Number of cases: **1,017,000**

Year: **2002/2003**

Source: **Legal Services Commission Annual Report**

8. Does your country have an income and asset test for granting legal aid?

Yes/No:

Yes, for civil legal aid the Legal Services Commission's Funding Code sets out merits and means criteria to decide which cases receive funding. For criminal matters, anyone who's arrested or attends the police station as a volunteer is entitled to free advice and assistance. Financial eligibility requirements exist for public funding for Advice and Assistance and Advocacy Assistance on criminal matters. For Representation for criminal offences the court will also decide if the Representation would be in the interests of justice.

9. If yes, what is the maximum income level for granting legal aid?

Income level: For civil cases, the applicant must be able to show that his/her capital AND his/her income are within the current financial limits. If the applicant is married or living with someone as a couple, his/her partner's capital and income will be included unless: they live apart because their relationship is over or there is a conflict of interest in the matter for which he/she is seeking help (for instance if the applicant wants advice about a divorce). Eligibility limits are reviewed every year, the main eligibility limits from 12 April 2004 are as follows:

Level of service	Income limit	Capital limit
Legal Help, Help at Court, and Legal Representation before Immigration Adjudicators and the Immigration Appeal Tribunal	Gross income not to exceed £2,288** per month Disposable income not to exceed £621 per month Passported if in receipt of Income Support, Income Based Job Seekers' Allowance or Guarantee State Pension Credit.	£3,000 No passporting – capital must be assessed in all cases
Family Mediation, Help with Mediation, and *Legal Representation in Specified Family Proceedings i.e. Family proceedings before a magistrates' court other than proceedings under the Children Act 1989 or part IV of the Family Law Act 1996	Gross income not to exceed £2,288** per month Disposable income not to exceed £707 per month Passported if in receipt of Income Support, Income Based Job Seekers' Allowance or Guarantee State Pension Credit.	£8,000 Passported if in receipt of Income Support, Income Based Job Seekers' Allowance or Guarantee State Pension Credit.

* May be subject to contribution from income and/or capital

** A higher gross income cap applies to families with more than 4 dependant children. Add £145 to the base gross income cap shown above for the 5th and each subsequent dependant child.

Criminal eligibility limits are also reviewed annually, limits as of 12 April 2004 are set out below.

Level of Service	Income limit	Capital limit
Advice and Assistance	<p>Disposable income not to exceed £91 per week</p> <p>Passported if in receipt of Income Support, Income Based Job Seekers' Allowance, Guarantee State Pension Credit, Working Tax Credit plus Child Tax Credit* or Working Tax Credit with disability element *</p> <p><i>*Gross Income not to exceed £14,213 for passporting.</i></p>	<p>£1,000 for those with no dependants</p> <p>£1,335 for those with one dependant</p> <p>£1,535 for those with two dependants with £100 increase for each extra dependant</p> <p>No passporting - capital must be assessed in all cases</p>
Advocacy Assistance	<p>Disposable income not to exceed £192 per week</p> <p>Passported if in receipt of Income Support, Income Based Job Seekers' Allowance, Guarantee State Pension Credit, Working Tax Credit plus Child Tax Credit* or Working Tax Credit with disability element*</p> <p><i>* Gross Income not to exceed £14,213 for passporting.</i></p>	<p>£3,000 for those with no dependants</p> <p>£3,335 for those with one dependant</p> <p>£3,535 for those with two dependants with £100 increase for each extra dependant</p> <p>Passported if in receipt of Income Support, Income Based Job Seekers' Allowance or Guarantee State Pension Credit.</p>

10. Is it possible to refuse legal aid for lack of the merit of the case? (eg. for frivolous or vexatious actions, or cases without merit)

Yes / No: **Yes**

If yes, is the decision taken by :

- **the court – in criminal cases**
- **a body external to the court – in civil cases**
- a mixed decision-making body (court and external)
- other:

(please indicate the right answer)

What factors are taken into account?

Factors: In civil cases, an applicant must show the merits of the case to justify the grant of public funding. The application is considered against criteria specific to the type of case; these criteria are set out in a document called the Funding Code. Broadly speaking, the test is designed to measure, taking all the circumstances

into account, whether a privately paying client of moderate means would be prepared to spend his or her own money in taking the case. The Legal Services Commission, which administers the scheme, must consider, for example, the prospects of success, any alternative sources of funding, and any other circumstances such as wider public interest or overwhelming importance to the applicant. It will also consider the possible benefits of litigation and, where possible, compare them to the likely costs. Where a person has made three unsuccessful applications for funding certificates and the Legal Services Commission is satisfied that the person's conduct has amounted to abuse of the civil legal aid scheme, it may make a prohibitory direction preventing that person from receiving public funding from the Legal Services Commission for representation, either for a specific purpose or in general, for a period of up to five years.

Criminal funding is available in all criminal proceedings brought before the courts where the individual satisfies the court that it is in the interests of justice that public funding should be granted. Similarly, advice and assistance can be provided by a solicitor where he is satisfied that it is in the interest of justice.

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise: **Yes**

If yes, is this true for : - criminal cases? Yes / No - **No**
 - other than criminal cases? Yes / No - **Yes**

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise: **Yes**

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes / No / Otherwise: **Yes**

If yes, is this true for : - criminal cases ? Yes / No - **Yes**
 - other than criminal cases? Yes / No - **Yes**

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? Yes / No - **Yes**
 - the State? Yes / No - **Yes**

If yes, please indicate the references of these studies published in the year 2002 or 2003:
(England and Wales) Court Service – Annual Report and Accounts 2002/2003: indicates detailed performance and workload information (Past performance,

targets relevant to the Court Service, charter mark awards, the criminal courts, the civil courts, the tribunals, numbers of judiciary, the court structure in England and Wales, location of courts administered by the Court Service).

II. B. Users of the courts and victims

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

For general info on UK legal system:

England & Wales <http://www.dca.gov.uk/>

Scotland <http://www.scotland.gov.uk>

Northern Ireland <http://www.courtsni.gov.uk>

- legal texts (eg. codes, laws, regulations, etc..)? Yes / No - **Yes**
internet address:

<http://www.hmso.gov.uk/> (relevant links under Access to Information \ Legislation)

<http://www.parliament.uk> (relevant links under Parliamentary Publications and Archives)

- to the case-law of the higher court/s? Yes / No - **Yes**
internet address:

<http://www.dca.gov.uk/> (relevant links under Judges \ Judgements)

- to other documents (for examples legal forms)? Yes / No - **Yes**
internet address:

For England and Wales: <http://www.courtservice.gov.uk> (relevant links under Forms & Guidance).

For Scotland: <http://www.scotcourts.gov.uk/index1.asp>

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes / No – **Yes.**

Comments:

See the following web sites:

Home Office <http://www.homeoffice.gov.uk/justice/victims/index.html>

Criminal Justice System Online <http://www.cjsonline.org/virtual/victims.html>

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime?

Yes / No - **Yes**

Comments:

The Home Office has explained the procedure for complaints from victims of crime in the Victim's Charter (see <http://www.homeoffice.gov.uk/justice/victims/charter/viccomp.html>).

18. Does your country have a public compensation fund to compensate financially victims of crimes?

Yes / No – **Yes**

Comments: **The Great Britain Criminal Injuries Compensation Scheme provides payments to blameless victims of crimes of violence and those injured in trying to apprehend criminals or prevent crime. The Scheme operates in England, Scotland and Wales. Anyone sustaining injury is eligible to apply. There is a separate scheme for Northern Ireland. The scheme is administered by the Criminal Injuries Compensation Authority (CICA) and the complementary, independent appellate body, the Criminal Injuries Compensation Appeals Panel (CICAP).**

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary?

Yes / No - **Yes**

If yes, are these surveys

- at national level Yes / No – **Yes**

- at court level Yes / No - **Yes**

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)?

Yes / No – **Yes**

Please specify:

- at court level/internal procedure Yes / No - **Yes**

- at court level/external procedure Yes / No - **No**

- at national level/internal procedure Yes / No - **Yes**

- at national level/external procedure Yes / No - **No**

Comments:

Information on how to make a complaint is contained in the Victim's Charter produced by the Home Office (see link above). However, the issue of complaints about the performance of the judiciary touches the delicate point of the independence of the judiciary. One way in which this independence is protected is through security of tenure during good behaviour. Since the Act of Settlement of 1701, the Heads of Division, Law Lords, Lords Justices of Appeal and High Court Judges can only be removed by the Queen if requested by an address from both Houses of Parliament. The position of Circuit Judges and other judicial officers is different as they can be removed by the Lord Chancellor if necessary for incapacity or misbehaviour. On 12 April 2000 the Lord Chancellor announced new terms of service intended to put beyond reasonable doubt the safeguards guaranteeing the security of tenure and therefore the independence of part-time office holders. From that date, subject to statutory provision, the specified grounds for non-renewal of part-time office holders whose terms of office are usually for a period of not less than 5 years are generally: misbehaviour; incapacity; persistent failure to comply with sitting requirements (without good reason); failure to comply with training requirements; sustained failure to observe the standards reasonably expected from a holder of such office; part of a reduction in numbers because of changes in operational requirements; and part of a structural change to enable recruitment of new appointees. For all but the last two grounds, decisions not to renew or to remove an office holder are taken by the Lord Chancellor only with the concurrence of the Lord Chief Justice and following an investigation conducted by a judge nominated by him. Decisions not to renew on the final two grounds are on a "first in first out" principle and the decision to use such grounds and the extent to which they will be used will be decided by the Lord Chancellor with the concurrence of the Lord Chief Justice. For many part-time tribunal office holders the same arrangements apply but tailored to the particular circumstances of each appointment. Where appropriate, the relevant Scottish, Welsh or Northern Ireland Ministers are involved in such decisions and the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland assume the role of the Lord Chief Justice for appointments in Scotland and Northern Ireland respectively. The Lord Chancellor cannot comment on, or intervene in, judicial decisions or the conduct of legal proceedings by a judge. People who are dissatisfied with the decisions or conduct of judges are normally able to appeal to a higher court.

When a complaint is made about the personal conduct of a member of the judiciary, The Secretary of State and Lord Chancellor will instruct his officials to make enquiries. These enquiries generally include drawing the matter to the attention of the Judge concerned and giving him or her an opportunity to comment. Each complaint is dealt with individually and the Secretary of State and Lord Chancellor will take appropriate action ranging from providing advice to issuing a formal reprimand in more serious cases. Where the personal conduct of a Judge invites more serious sanctions, the Secretary of State and Lord Chancellor will, with the agreement of the Lord Chief Justice, appoint a senior Judge to conduct an investigation and provide a report, before an agreed course of action is determined.

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: Yes / No - **Yes**

- time limit for dealing with the complaint: Yes / No - **Yes**

III. Functioning of courts and efficiency of justice

III. A. Functioning

22. Total number of courts

Number of Courts: **221 (Civil Courts including Courts of Appeal and House of Lords)**

23. Number of general jurisdiction first instance courts

Number of courts: **219 (218 County Courts and The High Court)**

24. Number of specialised first instance courts

Please specify the different areas of specialisation

25. Number of professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

Number of judges: **2,195**

Year: **2004**

Source: **Department for Constitutional Affairs (Judicial Appointments Statistics)**

Also see table below:

Table 1

Number of professional judges sitting in courts/tribunals on a full-time basis

Total No. of full-time prof. judges in post (incl. President and f/t chairman of Tribunals)	Full-time judges in post (excluding Tribunals)	Tribunal members (incl. President and f/t chairman)
1723	1311	412

Table 2

* Number of professional judges sitting in courts/tribunals on a part-time (fee-paid) basis

Total No. of part-time prof. judges in post (incl. fee-paid legal members of Tribunals)	Part-time judges in post (excluding Tribunals)	Tribunal members (fee-paid legal members)
4428	2033	2395

Source : Judicial Appointments Annual Report 2002-3

26. Number of non-professional judges sitting in courts
(present the information in full time equivalent and for permanent posts)

Number of judges: **28,479**

Year: **2002**

Source: **Judicial Appointments Statistics**

27. Number of non-judge administrative staff who are working in courts
(present the information in full time equivalent and for permanent posts)

8,631

28. Annual budget allocated to all courts

For the Court Service in England & Wales covering Civil and Criminal courts (excluding Magistrates' courts) in 2002/03, annual net cost of operations was 879m. euros (as published in the accounts).

29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts.

30. Has the budget for justice increased during the last 5 years?

Yes. It increase each year to take into account pay rises.

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes / No - **No**
- the Government Yes / No - **No**
- the Parliament Yes / No - **No**
- the Judicial Council Yes / No - **No**
- the Courts Yes / No - **Yes**
- other:

32. Who manages the budget of the courts?

- the President of the Court Yes / No - **No**
- the person administratively responsible for the court Yes / No - **No**
- other: **Court Service**

33. Which institution is responsible for arranging and scheduling the court hearings / sessions?

- in criminal cases: the court / public prosecutor / lawyer / other: **Court Service**

- in other than criminal cases the court / public prosecutor / lawyer / other: **Court Service**

III. B. Efficiency

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases: **1,435,981 (Magistrates' Court cases) + 125,123 (Crown Court cases)**. Cases are counted by defendant so these figures actually equate to the number of defendants.

Year: **April 2002-March 2003**

Source: **Crown Prosecution Service**

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: **172,072 (discontinued by the Crown Prosecution Service) + 17,197 (dismissed by the Magistrates' Court)**. A total of 189,269. In the Crown Court, 13,440 defendant's cases were not proceeded with and 8,073 defendants were acquitted by the Courts. A total of 21,513.

Year: **April 2002-March 2003**

Source: **Crown Prosecution Service**

Please indicate also, out of this total, those dropped as the offender has not been identified

the supplemental part of this question has no meaning for England & Wales.

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: **1,246,712 (Magistrates' Court cases) + 103,610 (Crown Court cases)**

Year: **April 2002-March 2003**

Source: **Crown Prosecution Service**

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

same as question 34.

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases proceeded against at Magistrates' courts: **15,644**

Year: **2002**

Source: **Criminal Statistics Supplementary Tables 2002**

39. Total number of judicial decisions, involving robbery (in a year)

Number of cases: **8,883** Year : **2002**

Source :
Criminal Statistics Supplementary Table
.....

Please indicate, if possible:

Number of convicted persons: **7,711** % of convicted persons:
Number of acquitted persons: **1,172** % of acquitted persons:

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: Year :

Source :

41. Total number of incoming criminal cases in the courts involving intentional homicide

Number of cases: **proceeded against at magistrates' courts 713**

Year : **2002**

Source : **Criminal Statistics Supplementary Tables**
.....

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: **362** Year : **2002**

Source : **Criminal Statistics Supplementary Tables**
.....

Please indicate also if possible:

Number of convicted persons: **324** % of convicted persons:
Number of acquitted persons: **38** % of acquitted persons:

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: Year :
Source :

In connection with questions 39-42 see Appendix A

44. Total number of incoming civil and administrative cases in the courts (in a year)

No. of cases: **1,681,322** Year: **2002-2003**

45. Total number of judicial decisions in civil and administrative matters (in a year)

99,483 Year: **2002-2003**

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Information not available

47. Total number of incoming divorce cases in the courts (in a year)

No. of cases: **172,311** Year: **2002-2003**

48. Total number of judicial decisions in divorce cases (in a year)

No. of cases: **144,408** Year: **2002-2003**

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Information not available

50. Total number of incoming employment dismissal cases in the courts (in a year)

39,882 cases registered of which 9, 456 proceeded to a hearing

51. Total number of judicial decisions of employment dismissal cases (in a year)

3,824 (18,4447 were conciliated)

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

1,054.

316 brought by employers

738 brought by employees

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euro)

For the Court Service in England & Wales covering Civil and Criminal courts (excluding Magistrates' courts) in 2002/03, the budget for IT modernisation was approximately 75m. euros and for on-going contract costs was approximately 28m. euros.

54. In general, do the courts in your country have computer facilities?

- for judges Yes / No - **Yes**
- for non-judges court staff Yes / No - **Yes**

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

Yes / No - **Yes**

If yes, please specify the name and the address of this institution

**Economic & Statistics Division
Department for Constitutional Affairs
54/60 Victoria Street
London SW1E 6QW**

56. What kind of facilities can be used by the clients of the courts to communicate with the courts?

- Telephone Yes / No - **Yes**
- Mail Yes / No - **Yes**
- Fax Yes / No - **Yes**
- E-mail Yes / No - **Yes**
- Internet Yes / No - **Yes**

57. Is there an electronic form to carry out certain procedural steps? Yes / No - **Yes**

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

30,312 entered not guilty pleas of which 9,945 were convicted. 2002

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes / No - **Yes**

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes / No - **Yes**

61. Are reasons given for all prison sentences? Yes / No - **Yes**

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

The average length of time in bail cases was 16 weeks and in custody cases 13 weeks.

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

The average length of time from judgment in Magistrates' courts to appeal is 7 weeks.

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Information not available

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Information not available

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

The target is 26 weeks and this was 75% met

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

The target of 6 weeks was 92% met

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Yes / No - **Yes**

69. Do you have a way of analysing queuing time during court procedures?

No

VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary: **High Court Judge £150,878. Circuit Judge £113,121.**

Year: **1 April 2004.**

Source: **UK Government Consolidated Fund.**

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary: **Lord of Appeal in Ordinary £179,431.**

Year: **1 April 2004**

Source: **UK Government Consolidated Fund.**

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)?

No – other remunerated employment is not allowed for salaried full time judges.

Yes – part-time fee paid judges can undertake remunerated employment on the days they are not sitting as a judge.

73. Are judges recruited and nominated by an independent institution?

No. Judges are currently recruited by the Department for Constitutional Affairs and are either appointed by the Lord Chancellor or are appointed by The Queen on the advice of the Lord Chancellor (or of the Prime Minister in the case of the most senior appointments). In 2001 an independent Commission for Judicial Appointments was set up to monitor and ensure the impartiality and transparency of the appointment process and to investigate any complaints.

In February 2004 the Government introduced the Constitutional Reform Bill to Parliament. This will make the selection of judges the responsibility of a new independent Judicial Appointments Commission, and will establish an Ombudsman to consider any complaints. Judges will continue to be formally appointed either by The Queen or by the Secretary of State for Constitutional Affairs (as successor to the Lord Chancellor), but it will not be possible to appoint anyone to a judicial post who has not been selected by the Judicial Appointments Commission.

(if yes), who are represented in this institution:

- the members of the judiciary Yes / No
- officials not part of the judiciary Yes / No
- a mixture of the two categories referred to above Yes / No

It is proposed that the Judicial Appointments Commission will comprise 15 Commissioners: 6 lay members including the chairman; 5 judicial members including the vice-chairman; 2 legal practitioners; a member of an administrative tribunal; and a lay magistrate. Members of Parliament and officials of the civil service will be precluded from membership. The Commission will be a non-departmental public body and will employ its own staff, who will not be Crown servants.

Is the process of selection and nomination of judges carried out according to pre-established procedures? Yes / No

It will be for the Judicial Appointments Commission to determine what procedures to follow in its selection process, subject to the statutory requirement that its selections must be made on merit. It will also be subject to statutory guidance from the Secretary of State which will require that it seek to increase the diversity of the judiciary by expanding the pool of practitioners from which appointments are made.

74. Is there a system of induction and continuation training for judges?

No / Yes, but not compulsory / Yes, compulsory - **Yes, compulsory**

No / Yes, but not compulsory / Yes, compulsory - **Yes, compulsory**

What is the average percentage of judges who have attended a continuation training session each year?

Information not available

75. Is there a system of supervision and control on the courts - other than through appeal?

No control is exercised over the judiciary due to the need to ensure judicial independence. Within the judicial hierarchy supervision takes place and, for some types of judge (eg. part-time District Judges) formal appraisal by other judges also takes place. It is hoped to expand this to other types of judge.

The Lord Chancellor, as Head of the Judiciary, also plays a role as he can guide, advise or rebuke judges in relation to their personal conduct. He also has the power, exercised with the agreement of the Lord Chief Justice, to dismiss judges below the level of High Court for misbehaviour or incapacity.

76. Is there in your country a system of temporary judges?

Yes / No - Yes in so far as there are part-time judges who are paid on a daily basis but are only required to sit a minimum of 15 days a year. When not sitting as a “fee paid “ judge most appointees continue to operate in legal practice.

If yes, are these temporary judges paid on the basis of their activity? **Yes / No - Yes**
If yes, please specify: **The judges are paid on a daily basis at rates which are proportionate to those for office holders in similar full-time posts.**

77. Annual number of disciplinary proceedings against judges

300

Year: **2002-2003**

78. Annual number of sanctions against judges

3

Year: **2002-2003**

VII. Public prosecutors

79. Annual budget for the public prosecution

Annual budget: **Euro 666 million**

Year: **2002-2003**

Source: **Crown Prosecution Service – Other prosecution agencies administer their own budgets separately as do the judiciary.**

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: **2,365 (not all full time staff)**

Year: **2002-2003**

Source: **Crown Prosecution Service**

81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary: **between Euro 38,320 and Euro 91,740 (depending on grade and seniority).**

Year: **2002-2003**

Source: **Crown Prosecution Service**

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

see question 81.

83. Can public prosecutors combine their work with other professions?

Yes / No - **Yes**

If yes, please specify:

Staff are allowed to undertake other jobs - paid or unpaid - if they satisfy certain criteria:

- **The job should not in any way have an adverse effect on their official work, either because of its nature or because it involves long hours**
- **Should not require their attendance at any time during normal hours of work; and**
- **Should not bring any conflict of loyalty to their position as a civil servant or conflict with the interests of the Crown Prosecution Service.**

Crown Prosecutors may be considered on merit for certain types of judicial appointment, namely legally qualified chairmen of tribunals to which the State is not habitually a party, eg, Employment Tribunals. They remain ineligible for any other types of judicial appointment such as District Judge or Chairman of Social Security Appeal Tribunals, Immigration Tribunals and Mental Health review Tribunals.

Staff are strictly forbidden from being directly or indirectly engaged in activity:

- **As a solicitor or agent for any party (apart from the Crown) in any proceedings;**
- **As a special constable;**
- **As a barrister or solicitor in private practice, apart from non-contentious family matters, without permission.**

84. Are public prosecutors recruited and nominated by an independent institution?

Yes / No – **No. Crown Prosecutors are appointed by established civil service procedures. They are not appointed by an ‘independent institution’. These procedures involve submitting an application form and, usually, an interview. If the applicant is considered to demonstrate the key competences required of a post and vacancies exist, they will be appointed to a job. The only other factor for lawyers is proof that they are qualified as either a barrister or a solicitor and have a current practicing certificate.**

85. Is there a system of induction and continuous training for public prosecutors?

Yes, but not compulsory. The Crown Prosecution Service has its own dedicated training department that designs, facilitates and delivers training to both lawyer and paralegal staff. This includes induction course for new recruits. Whilst not strictly compulsory, continuous self-development is one of the key performance

indicators staff performance is measured by each year. We also have the opportunity to undertake Government training courses through the Cabinet Office's training schemes or we can apply for external training courses if a business case to support this activity can be made. The vast majority of all our staff attend training of some kind or another during the course of each year.

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: **not available**

Year:

Source:

86. Is there a system of supervision and control on public prosecutors?

Yes / No - **Yes**

If yes, please specify: **Crown Prosecutors are bound by the Civil Service Code of Conduct and the Official Secrets Act, in their behaviour. The Crown Prosecution Service also has internal standards of behaviour it expects all employees to adhere by. Inefficiency and disciplinary measures exist to deal with those who fall below the standards expected. Individual parts of the Crown Prosecution Service are subject to regular inspection by and independent Inspectorate who monitor administration and management and the quality of advocacy and legal decision making. Part of a Crown Prosecutor's yearly performance appraisal will usually include an element of advocacy monitoring. Training courses are provided to equip lawyers with appropriate skills and improve these where necessary. Solicitors are governed by the rules of the Law Society of England and Wales and barristers by the Bar Council's Code of Conduct.**

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: **6**

Year: **2003**

Source: **Crown Prosecution Service - We do not have figures for any cases brought by professional bodies, such as The Law Society or the Council of the Bar.**

88. Annual number of sanctions against public prosecutors

Number of sanctions: **1**

Year: **2003**

Source: **Crown Prosecution Service – One of the 6 internal cases resulted in a sanction being imposed. The others were resolved without sanction.**

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: **89,045 solicitors hold practising certificates** Year: **2002**
Source: **The Law Society's Annual Report**

Number of barristers: **13,601** Year: **2002**
Source: **www.barcouncil.org.uk/documents/barstats2002.doc**

90. Is there a national bar association?

Yes, there is the Law Society in England and Wales for solicitors, and the Bar of England and Wales for barristers.

91. Have quality standards been formulated for lawyers?

Yes / No – **Yes**

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / No – **Yes, both the Bar and Law Society maintain codes of conduct which include professional standards (ie. ethics and discipline).**
- the legislature Yes / No – **No**
- other Yes / No – **No**

92. Can disciplinary proceedings be instituted against lawyers?

Yes, for solicitors there is the Solicitors Disciplinary Tribunal and, for barristers, there is the Complaints Commissioner to the General Council of the Bar.

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: **190 against solicitors** Year: **2002-2003**
Source: **Office of Legal Services Ombudsman Annual Report**

94. Annual number of sanctions against lawyers

Number of sanctions: **214 solicitors of which 78 were ordered to be struck off the Roll and 39 were suspended from practice.** Year: **2002**
Source: **Solicitors Disciplinary Tribunal Annual Report**

95. Is it possible to complain about the performance of lawyers?

Yes / No – **Yes**

If yes, please specify: **For solicitors, a complaint can be lodged in the form of an application and a statement delivered by the applicant to the Tribunal. The matter is then considered to see if a prima facie case is made out. In some cases, even where there is no complaint from the client, a solicitor can be reprimanded (for example, when an experienced member of the profession fails to adequately supervise a recently qualified solicitor). For barristers, the standard rule is that a complaint must be made within 6 months of the event to the Complaints Commissioner with further recourse to the Legal Services Ombudsman if the complainant is not satisfied with the handling of the case.**

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Information not available

IX. Mediators and mediation proceedings

97. Number of accredited or registered mediators

There is no central system of registration for mediators. Although, there are a number of umbrella organisations that train and accredit mediators as well as providing mediation services, there is currently no mechanism for accurately recording the number of mediators. Mediation is mainly provided by the private and voluntary sectors.

98. How much public budget is devoted to mediation?

There is no specific funding for civil mediation. The Government has, however, allocated £1.5m over the 2003-2006 period to evaluate the impact of different models for promoting and encouraging mediation in the civil courts. Local government, responding to local needs, can and do fund community mediation from their general provision - no records are held on the extent of this funding. The National Health Service Litigation Authority use mediation, among other ADRs to resolve disputes, but again no sum is specifically allocated for that purpose. Some voluntary groups and associations, funded by central and local government to provide a range of services, offer mediation alongside other activities - information on amounts dispersed is unavailable.

99. Number of incoming mediation cases (in a year)

This information is not collected.

100. Number of cases solved through mediation (in a year)

This information is not collected.

101. In which areas of law is mediation most practised and successful in your country?

We do not have substantive information on these issues.

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

- in criminal cases:

(Type)	(Number)	(Year)	(Source)
	Approx. 4000	2002	

- in other than criminal cases:

Type:

609 (Court Service employed - County Court Bailiffs)

73 (As authorised by DCA)

1438 (Non Court Service - Certificated Bailiffs)

Year: **April 2004**

Source: **Civil Law and Justice Division (DCA)**

103. Is there an institution to supervise or control the activities of enforcement agents?

Yes / No – Yes, the Court Service supervises the activities of County Court Bailiffs' only.

104. Annual number of disciplinary proceedings against enforcement agents

No records kept.

105. Annual number of sanctioned enforcement agents

No records kept.

106. Is it possible to file a complaint against an enforcement agent?

Yes / No – **Yes**

If yes, please specify: **The procedure changes according to the type of agent. Some are only informal procedures.**

107. Does the court play a role in the execution of court decisions?

The court only plays a role in some executions and this is limited to County Court and, subject to the nature of the case, some High Court procedures.

108. Are the courts competent to decide against public authorities?

Yes / No - **Yes**

Are the courts involved in executing decisions against public authorities?

Yes / No - **Yes**

Appendix A

For information which I omitted from my previous email, the data given is on the principal offence basis.

Below is an extract from Appendix 1 of our Command Paper Criminal Statistics 2002 which defines the principal offence basis :-

13. Where proceedings involve more than one offence, the tables record the principal offence. The basis for the selection of the principal offence is as follows:

a) where a defendant is found guilty of one offence and acquitted of another, the offence selected is the one for which he is found guilty;

b) where a defendant is found guilty of two or more offences, the offence selected is the one for which the heaviest sentence is imposed;

c) where the same disposal is imposed for two or more offences, the offence selected is the one for which the statutory maximum penalty is the most severe.

Changes in the maximum penalties and in whether offences with different maximum penalties are separately coded, may affect the selection of the principal offence at stage (c) above. Such changes are likely to be most apparent for proceedings in which no sentence is imposed, including committals by magistrates.

14. The offence shown in the tables on court proceedings as the one for

which the court took its final decision, is not necessarily the same as the offence for which the defendant was initially prosecuted, for example the court may accept a plea of guilty on a lesser charge. Unless otherwise stated, the sentence shown is the most severe sentence or order given for the principal offence (ie the principal sentence); thus, secondary sentences given for the principal offence and sentences for non-principal offences are not counted in the tables, with the exception of those on compensation, confiscation and forfeiture where one of the first three disposals may be counted.