



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: United Kingdom

National correspondent

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Phone Number :

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

53728000

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	822040208488
Regional / entity level	

3) Per capita GDP (in €)

28600

4) Average gross annual salary (in €)

35940

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

0,6715

Please indicate the sources for the questions 1 to 4

Website statistics.gov.uk and Budget 2006.treasury.

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

1504095309

7) Please specify

This is the net budget allocated to Her Majesty's Court Service.
The figure before income generated by fees is 2.369.000.000 approx.

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross) Yes

salaries

Annual public budget allocated to computerisation (equipment, investments, maintenance) Yes

Annual public budget allocated to justice expenses Yes

Annual public budget allocated to court buildings (maintenance, operation costs) Yes

Annual public budget allocated to investments in new (court) buildings Yes

Annual public budget allocated to training and education Yes

Other (please specify): Yes

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

Yes

No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

There has been a significant increase because the magistrates have come into the Courts Service. There is an on-going change programme and projects to introduce efficiency savings. Staff salaries also increase year on year.

HMCS was formed on 1 April 2005 with the merger of the Court Services and the 42 Magistrates Courts Committees. Therefore for 2004/05 we only have the Court Service budget. For 2006 we have a combined budget which would account for the significant increase.

10) In general are litigants 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? Please specify:

People on certain welfare benefits are exempt from paying a court fee. People on a low income may apply for a means test and, if suitable, may have all, or part, of the fee waived.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

671000000

12) Total annual approved budget allocated to the whole justice system (in €)**13) Total annual approved public budget allocated to legal aid (in €)**

3020104244

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	1558000000	809000000

15) Is the public budget allocated to legal aid included in the court budget ? Yes No**16) Total annual approved public budget allocated to the public prosecution system (in €)**

819000000

17) Is the budget allocated to the public prosecution included in the court budget? Yes No**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

Her Majesty's Regional Directors

You can indicate below:

- any useful comments for interpreting the data mentioned above
- 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

919m euro was allocated to the civil and family courts in 2006. 73% of this is collected in court fees.

Q.12 - If the whole Justice System means courts, prosecution, legal aid these figures are given. If it includes prisons, probation and other services I have not been able to get a global figure.

Please indicate the sources for the questions 6, 7, 13 et 16

6 & 7 - Ministry of Justice Corporate Finance Division

13 - Legal Services Commission

16 - Crown prosecution Service (CPS) website.

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

21) If other, please specify (in regards to question 20):

22) Does legal aid foresee the covering or the exoneration of court fees?

Yes

No

If yes, please specify:

Costs awarded to successful party

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

Yes

No

If yes, please specify:

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	2658500
Criminal cases	1594400
Other than criminal cases	1064100

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by

a free of charge (or financed by public budget) lawyer?

- Yes
- No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?		Yes	134 euro
for other than criminal cases?	No		

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

- Yes
- No

28) If yes, is the decision for granting or refusing legal aid taken by:

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

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
- No

Please specify:

Insurance against legal expenses is voluntary

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	yes	no
criminal cases?		

	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

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

Please indicate the sources for the questions 24 and 26

England & Wales Annual Report & Accounts

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to (Please specify the Internet addresses):

legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/> yes	www.opsi.gov.uk
case-law of the higher court/s?	<input checked="" type="checkbox"/> yes	www.kent.ac.uk
other documents (for example forms)?	<input checked="" type="checkbox"/> yes	www.hmcourts-service.gov.uk

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
 No

If yes, please specify:

There is no obligation but it is usual, in practice, to do so.

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

- Yes
 No

If yes, please specify:

www.homeoffice.gov.uk/crime-victims

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

- Yes
 No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 private fund?

If yes, which kind of cases does this procedure concern?

The Great Britain Criminal Injuries Compensation Scheme provides payments to blameless victims of crimes of violence and those injured in trying to apprehend criminals to prevent crime. The scheme is administered by the Criminal Injuries Compensation Authority (CICA) and the complementary independent appellate body, The Criminal Injuries Compensation Appeals Panel (CICAP.)

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to

victims?

- Yes
- No

If yes, please specify:

Visit www.homeoffice.gov.uk to see the Victims' Charter.

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
- No

If yes, please specify:

Every victim and witness is allocated a Witness Care Unit Officer to make the court process as painless as possible.

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

- Yes
- No

If yes, please specify:

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

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

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

If yes, please specify (fund, daily tariff):

Please, see www.legalappeal.co.uk

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- (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 citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input type="checkbox"/>
Surveys at court level	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

- Yes
 No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Higher court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Justice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
High Council of the Judiciary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

Can you give information elements concerning the efficiency of this complaint procedure?

Information about how to complain is contained in the Victims' Charter produced by the Home Office. If a complaint is made against a judge the Lord Chancellor will order an inquiry.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	660
Specialised first instance courts (legal entities)	25 Tribunals
All the courts (geographic locations)	595

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

220 County Courts = civil

Crown Court + 400 Magistrates' Courts = criminal

25 Tribunals for specialist hearings the most common being Asylum & Immigration, Employment, Social Security & Child Support Appeals.

2006: 595 geographic locations.

The reduction in numbers of geographical locations is due to the merger of HMCS in 2005.

47) Is there a change in the structure of the courts foreseen (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:

This happened in April 2006 when the Tribunals Service was created as an executive agency of the Ministry of Justice. As from April 2007 it provides common administrative support to 25 central government tribunals plus the Adjudicator to Her Majesty's Land Registry and the Gender Recognition Panel.

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	220
a dismissal	

	ETS
a robbery	440

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

Not changed

Please indicate the sources for the question 45

Judicial & Court Statistics 2006

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)

3774

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	8920
if possible, in full time equivalent	

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

The inclusion of the Tribunal Service has increased the figures since the last evaluation.

Those sitting on an occasional basis:

Recorders: 1,401

Deputy District Judges: 840

Deputy District Judges: 158

Fee paid members of the Tribunal Service: 6521

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

28,865

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

Yes

No

If yes, for which type of case(s)?

Criminal cases

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

450,000 approx.

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

26,000 approx.

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> Yes	NAP
non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars	<input type="checkbox"/> Yes	NAP
staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input type="checkbox"/> Yes	NAP
technical staff	<input type="checkbox"/> Yes	NAP

Please indicate the sources for the questions 49, 50, 52, 53 and 55

Website of the Ministry of Justice and Judicial & Court Statistics

3. 1. 3. Prosecutors

57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)

2446

58) Do any other persons have similar duties as public prosecutors?

Yes

No

If yes, please specify:

Local Authorities

59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)

6183

Please indicate the sources for the questions 57 and 59

CPS website

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court administrative director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

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

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- Yes
 No

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

Economics & Statistics Division
 Ministry of Justice
 54/60 Victoria Street
 LONDON SW1E 6QW

You can indicate below:

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

All Crown Courts have the facility for electronic files but not yet County or Magistrates courts.

Please indicate the sources for the questions 62, 63 and 64

Ministry of Justice Central Implementation Team.

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

Yes

No

67) Do you have a regular monitoring system of court activities concerning the:

number of incoming cases?

number of decisions?

number of postponed cases?

length of proceedings (timeframes)?

other?

Please specify:

Judicial statistics are drawn from the electronic systems for monitoring cases in courts.

Caseman for civil

Familyman for family

Crest or Xhibit for criminal

68) Do you have a regular system to evaluate the performance of each court?

Yes

No

Please specify:

Courts submit reports of performance against targets

69) Concerning court activities, have you defined performance indicators?

Yes

No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- Incoming cases
- Length of proceedings (timeframes)
- Closed cases
- Pending cases and backlogs
- Productivity of judges and court staff
- Percentage of cases that are treated by a single sitting judge
- The enforcement of penal decisions
- Satisfaction of employees of the courts
- Satisfaction of clients (regarding the services delivered by the courts)
- Judicial and organisational quality of the courts
- The costs of the judicial procedures
- Other

Please specify:

71) Are there performance targets defined for individual judges?

- Yes
- No

72) Are there performance targets defined at the level of the courts?

- Yes
- No

73) Please specify who is responsible for setting the targets:

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

Please specify

Her Majesty's Government

74) Please specify the main targets applied:

Increasing the number of crimes for which an offender is brought to justice
Building confidence in the Criminal Justice System
Achieving earlier and more proportionate resolution of legal problems and disputes
Reducing proportion of disputed claims in courts resolved by a hearing
Increasing number of small claims hearings that take place within target time.

75) Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary
- the Ministry of Justice
- an Inspection authority
- the Supreme Court
- an external audit body
- other?

Other, please specify:

Her Majesty's Inspectorate of Court Administration carries out joint inspections with other Inspectorates (Constabulary, CPS, Prisons, Probation, CAFCASS) and thematic reviews.

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes
- No

If yes, please specify:

Directorate of Judicial Offices

Office for Judicial Complaints

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
- No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

- civil cases?
- criminal cases?
- administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

- Yes
- No

If yes, please specify:

There is a diary management system in civil matters but there is no established method for analysing queuing time during court procedures.

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
- No

Please specify (including an indication of the frequency of the evaluation):

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
- No

If yes, please specify:

Undertaken by the Crown Prosecution Service. Please, see www.cps.gov.uk

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

Please indicate the sources for the the question 70,71, 72 and 76

Judicial Statistics

Judicial Services Office

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

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

Yes

No

If possible, number of successful challenges (in a year):

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	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 for the questions 82 and 84

Q.82 is not possible to give a percentage. It is extremely rare for a defendant to be tried in his absence but, in exceptional circumstances a judge can direct tis. In the Magistrates Court a defendant can plead guilty by letter.

4. 2. Timeframes of proceedings

4. 2. 1. General information

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

civil cases?

criminal cases?

administrative cases?

If yes, please specify:

Civil cases are allocated to fast, normal or multi-track

In criminal cases, under Rule 3.2 of the Criminal Procedure Rules, the Court may give any direction or take any step actively to manage a case.

In family matters the Court has a range of powers to dictate the conduct of a case.

86) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):
Fast track for sums under £5000.

Summary cases are those involving less serious crimes in which a defendant does not have a trial by jury and which are completed in the Magistrates' courts.

87) Do courts and lawyers have the possibility to conclude agreements on the modalities 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:

Plea and Direction hearings in criminal cases and case management in civil cases

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law		2157361	64520	

cases (1-7)				
1 Civil (and commercial) litigious cases*		2127928	46198	
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases		334000		
4 Land registry cases**		289291	197688	
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	183171	1054882		164595
8 Criminal cases (severe criminal offences)	80262	392288		70610
9 Misdemeanour cases (minor offences)	102899	662624		93985

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

Crown Court cases are classified in three categories:

Class 1 - the most serious crimes such as murder and treason

Class 2 - serious cases such as rape

Class 3 - all other offences such as burglary, grievous bodily harm and robbery.

Summary cases are those which are dealt with in Magistrate Courts. These are offences which will attract a maximum six month sentence or a maximum £5,000 fine.

Either-way cases are slightly more serious and can be dealt with in the Magistrate Courts or the defendant can elect for trial by jury.

Indictable offences are committed to the Crown or High Court.

95% of offences begin and conclude in the Magistrate Courts.

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)				
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry				

cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (Severe criminal offences)	51523	109524		52542
9 Misdemeanour cases (minor offences)				

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)				
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (Severe criminal offences)	3537	13523		3566
9 Misdemeanour cases (minor offences)				

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases		148564	133157	
Employment dismissal cases		44491	38376	
Robbery cases		13226		
Intentional homicide case		699		

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases		0			
Employment dismissal cases		0			
Robbery cases		0			
Intentional homicide		0			

94) Where appropriate, please specify the specific procedure as regards divorce:

This information can be found on the Civil Judicial Network

Q92 - As regards dismissal cases the figure refers to the accepted claims

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

A. Our key performance indicator is to hear 75% of cases within 26 weeks of receipt, this has been met for the last few years. However hearing a case does not necessarily mean that the case is disposed. We do not currently have an end to end target - although this is something that the Tribunals Service are looking at for the future.

All unfair dismissal cases can be subject to appeal through the Employment Appeal Tribunal, however again we do not hold this information broken down by the type of appeal.

There is no definition on length of proceedings as they can vary on case to case basis for Robbery and Homicide cases

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand 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 end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

The Crown Prosecution Service has power to take charging decisions in respect of more serious offences, while charging decisions in less serious offences (the majority) remain with the police.

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

- Yes
- No

If yes, please specify:

98) Functions of the public prosecutor in relation to criminal cases – please complete this table:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	1054882	5408	107163	112571	884482	1009067

You can indicate below:

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

Data regarding length of proceedings is available but is collected in a way which is not readily transferrable to the format of these questions. It would be possible to pursue this information if needed.

Q88 - Q92

"we have adopted a system of targets that provide customers with greater certainty we are committed to dealing with cases in the following timetables:-

- * Claims up to £5K will be dealt with within 15 weeks of allocation to the small claims track
- * Claims between £5K and £15K will be dealt with within 30 weeks of allocation to the fast track and
- * Claims exceeding £15K will be dealt with normally within 50 weeks (although this is not an official target it is used as an indicator)

Please indicate the sources for the questions 92 to 94 and question 98

Judicial & Court Statistics 2006
Tribunals website
Crown Prosecution Service

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

The provisions of the Constitutional Reform Act 2005 came into effect in April 2006. From October 2006 the Judicial Appointments Commission has used a new system for selecting judges and new criteria of assessing merits.

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

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

- Yes
- No

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

102) Which procedures and criteria are used for promoting judges? (please specify).

Same as fo initial appointments except for senior or specialist posts only a panel interview will be held.

103) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

By a body composed of members external to the CPS

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of prosecutors only?
- an authority composed of non-prosecutors only?
- an authority composed of prosecutors and non-prosecutors?

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

- Yes
- No

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

106) Which procedures and criteria are used for promoting prosecutors (please specify)

Vacancies in the CPS are advertised and applications are made by suitably qualified legal professionals.

107) Is the mandate given for an undetermined period for judges ?

- Yes
 No

Are there exceptions? Please specify:

Salaried judicial office holders are appointed for life.

Fee paid judicial office holders are appointed for a 5 year, renewable, term.

108) Is the mandate given for an undetermined period for prosecutors?

- Yes
 No

Are there exceptions? Please specify:

109) The length of the mandate and also renewals for both Judges and prosecutors is determined individually

**109) If no, what is the length of the mandate?
Is it renewable?**

for judges

yes, please
specify the
length

for prosecutors

yes, please
specify the
length

individually determined

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

**110) Nature of the training of judges.
Is it compulsory?**

- Initial training
 General in-service training
 In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
 In-service training for management functions of the court (e.g. court president, court managers)

- In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

112) Nature of the training of prosecutors.

Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to 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 prosecutors and the main reforms that have been implemented over the last two years

Judges - general in-service training and specialist training are not compulsory but are highly recommended.

Prosecutors - the same applies.

These questions are put in such a way as to make them impossible to answer meaningfully. Judges and

prosecutors in the UK are highly trained.

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	143708,11	
Judge of the Supreme Court or the Highest Appellate Court	233742,36	
Public prosecutor at the beginning of his/her career	28463	
Public prosecutor of the Supreme Court or the Highest Appellate Instance	128774,12	

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input type="checkbox"/>	<input type="checkbox"/>

116) If other financial benefit, please specify:

Comment to Q114:

2006: Circuit Judges £117,680. -

2006: District Judges £96,500. - (those in London received £100,500

2006: High Court Judges £156,958. -

In England and Wales as all holders of a particular judicial office receive the same salary rate, there is no salary progression dependant upon length of service and therefore no "starting salary".

Also, we do not have a career judiciary as they do in some other European countries. While it is possible for someone holding one office to be appointed to a different office in a higher salary group, e.g. for a serving District Judge to be appointed as a Circuit Judge, or for a serving Circuit Judge to be appointed as a High Court Judge, such in-service appointments are not classed as promotions and are the exception rather than the rule.

The starting salary for a prosecutor at the beginning of their training contract or pupillage (i.e. beginning of their career) is:

London – 2004: £19,441

2006: £19,621

National - 2004: £18,425

- 2006: £18,605

Regarding the annual salaries for Public Prosecutor of the Supreme Court or the Highest Appellant Court. As you may be aware, unlike many other countries, the Crown Prosecution Service (CPS) does not undertake advocacy in all cases, in particular in the highest courts, where Counsel would be instructed.

The starting salary for Principal Crown Advocates (i.e. the highest level of crown prosecutors), who were recruited in 2006: £100,000

In 2004 a senior prosecutor would have been expected to earn up to £53,601 nationally and up to £59,033 London.

Staff in London regions are also in receipt of an additional £3000 Recruitment and Retention Allowance. The disparity between both salaries stems from the fact that the Principal Crown Advocate grade did not exist prior to 2006.

Some prosecutors may be paid a higher income than others in some instances – this is especially true of instructed Counsel - as specific cases raise complex issues that require particular expertise.

The salary of the judge at the beginning of the career is the average of circuit Judge and District Judge
The salary of the prosecutor at the beginning of the career is the average of national and London salaries.

117) Can judges combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Consultant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

118) If other function, please specify:

119) Can prosecutors combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

120) If other function, please specify:

Prosecutors are allowed to take other work provided it does not affect their rôle in any way.

121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

Yes

No

If yes, please specify:

Please indicate the source for the question 114

Directorate of Judicial Offices

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

The Constitutional Reform Act 2005 gave joint responsibility to the Lord Chancellor and the Lord Chief Justice to consider all complaints against the judiciary

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

The Office for Judicial Complaints refers complaints to the Lord Chancellor and the Lord Chief Justice.

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	NA	5
1. Breach of professional ethics	NA	2
2. Criminal offence	NA	2
3. Professional inadequacy	NA	
4. Other	NA	1

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	32	5
1. Reprimand	13	2
2. Suspension	NA	1
3. Withdrawal of cases	NA	
4. Fine		
5. Temporary reduction of salary		
6. Degradation of		

post		
7. Transfer to another geographical (court) location		
8. Dismissal	16	
9. Other	3	2

You can indicate below:

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

Other = formal warnings. These figures are an increase on 2004 because of the expansion of HMCS to include coroners, magistrates and tribunals. All of the sanctions concerned magistrates and tribunals.

The UK does not have a prosecution profession as some countries do. Barristers prosecuting in courts would be regulated by the Bar Council and subject to the same rules and procedures.

*We are unable to give figures for the number of disciplinary proceedings initiated against judges. The figures held are categorised by the type of complaint received by the Office of Judicial Complaints, they are not broken down between those allegations made against the main stream judiciary and other judicial office holders such as Coroners, magistrates and Tribunal office holders

* Sanctions are pronounced on grounds of personal misconduct. If a question of judicial incompetence is raised this is tackled through the judicial management chain. No figures are available as dealings are informal. Where serious issues are raised and the Court of Appeal is severely critical of a judge the case may be referred to the Office for Judicial Complaints. There are no cases on record for 2006.

The figures given for sanctions pronounced against Judges cover all judicial office holders which includes mainstream judges, coroners, Magistrates and Tribunal judges

** after initial investigation suspension was lifted and employee returned to work.

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

143381

127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- Yes
 No

128) Number of legal advisors?

131347

129) Do lawyers have a monopoly of representation:

- Civil cases*
 Criminal cases - Defendant*
 Criminal cases - Victim*
 Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

The answer is 'no.' Any suitably qualified person can provide representation in court.

130) Is the lawyer profession organised through:

- a national Bar?
 a regional Bar?
 a local Bar?

Please specify:

The Law Society for solicitors and the Bar Council for barristers

Please indicate the source for the question 126

The Law Society

6. 1. 2. Training

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

- Yes
 No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- Yes
 No

133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

- Yes
 No

If yes, please specify:

The general answer to this question would be 'no' as a qualified barrister can act in any case and a qualified solicitor perform all functions of that rôle including rights of audience and representing clients in all courts but the High Court, Court of Appeal and the House of Lords.

However, I have answered 'yes' as a solicitor can qualify as a solicitor advocatae which would give rights of audience in those three Courts.

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- Yes
 No

135) Are lawyers fees:

- regulated by law?
- regulated by the Bar association?
- freely negotiated?

6. 2. Evaluation**6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- Yes
- No

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

- the Bar association?
- the legislature?
- other?

Please specify (including a description of the quality criteria used):

The Law Society regulates solicitors and will advise customers if they think they have been overcharged for a service

138) Is it possible to complain about :

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

Please specify:

Complainants are encouraged to take complaints, initially, to the firm of solicitors. If a solution is not agreed a complaint can be lodged to the Tribunal which will consider if a prima facie case is made out.

For a barrister a complaint must be made within 6 months to the Complaints Commission with further recourse to the Legal Services Ombudsman.

Lawyers' fees are freely negotiated but a client can seek to review these in courts for contentious matters, and with the Law Society by applying for a remuneration certificate for non-contentious matters

139) Which authority is responsible for disciplinary procedures:

- the judge?
- the Ministry of Justice?
- a professional authority or other?

Please specify:

The Solicitors' Disciplinary Tribunal.

140) Disciplinary proceedings and sanctions against lawyers:**Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	159	64	14	5

141) Disciplinary proceedings and sanctions against lawyers:**Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	20	32	67	77	46

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

- Yes
 No

If yes, please specify:

For civil and family cases.

Criminal cases are not dealt with through mediation. However, in juvenile cases restorative justice can be used as part of the criminal disposal.

144) Can you provide information about the number of accredited mediators?

- Yes
 No

If yes, please provide the number of mediators:

2000

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

yes,
number:

family cases?

yes,
number:

administrative cases?

yes,
number:

employment dismissals? yes,
number:

criminal cases? yes,
number:

Please indicate the source for the question 145

Q.144 refers to family mediators. There is no statutory accrediting scheme for civil mediators. The Civil Mediation Council introduced a pilot scheme on 7/12/05. To date 41 mediation provider organisations have been accredited.

Q.145 There are no reliable figures for the number of mediations. Mediation may solve some issues or may narrow the issues which come to court. This would be viewed as a partial resolution.

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

The European Judicial Network website contains details on Ombudsmen, Regulators, Arbitration, Mediation, Neutral Evaluation, Conciliation, Expert Determination, Neutral Fact-finding.

The use of collaborative law methods also encourages parties in family cases to resolve disputes without attending court.

In private law children cases (mainly concerning parental disputes about arrangements for contact or residence following separation or divorce) an in-court conciliation service is provided in suitable cases at the first court hearing. This aims to facilitate agreement between the parties and so avoid a contested hearing with the aim of preventing conflict from escalating.

You can indicate below:

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

As far as mediation in civil matters is concerned HMCS is appointing in-house mediators to deal with small claims cases. For higher value cases parties are referred to the National Mediation Helpline (www.nationalmediationhelpline.com) which provides a low-cost, time-limited mediation service with an accredited provider.

In court conciliation in private law children cases is delivered by the Children & Family Court Advisory & Support Service (CAFCASS.) CAFCASS has been re-focusing its resources away from lengthy report writing to face-to-face dispute resolution, working with families. CAFCASS is also, increasingly, moving towards the delivery of conciliation prior to the first court hearing.

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

High Court Enforcement Officers appointed by the Lord Chancellor to carry out enforcement of High Court writs.

149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
- No

150) Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

152) Are enforcement fees:

- regulated by law?
 freely negotiated?

Please indicate the source for the question 147

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

- Yes
 No

154) Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body?
 the judge?
 the Ministry of Justice?
 the prosecutor?
 other?

Please specify:

The Tribunals, Courts and Enforcement Act contains a wide range of provisions, including: reform of the tribunal system, changing the eligibility requirements for judicial office, measures covering the regulation of bailiffs and enforcement by seizure and sale of goods, increased effectiveness for the enforcement of civil court judgements, and measures to protect the over-indebted. The Bill was published in draft on 25 July 2006 and introduced in the House of Lords on 16 November 2006, and the Act received Royal Assent on 19 July 2007.

155) Have quality standards been formulated for enforcement agents?

- Yes
 No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

The Ministry of Justice is responsible for formulating a wide range of quality assurance measures.

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- Yes
 No

If yes, please specify:

TBA

Please indicate the sources for the questions 155 and 156

The Enforcement Team in Ministry of Justice

8. 1. 3. Complaints and sanctions

157) What are the main complaints of 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?

Please specify:

158) Has your country prepared or has 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:

The Tribunals, Courts and Enforcement Act will improve all aspects of enforcement.

159) Is there a system measuring the timeframes of the enforcement of decisions:

for civil cases?

for administrative cases?

160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more

Please specify:

161) Disciplinary proceedings initiated against enforcement agents:

Breach of professional ethics

yes,
number:

Professional inadequacy

yes,
number:

Criminal offence

yes,
number:

Other

yes,
number:

162) Sanctions pronounced against enforcement agents:

Reprimand

yes,

Suspension	number: <input type="checkbox"/> yes, number:
Dismissal	<input type="checkbox"/> yes, number:
Fine	<input type="checkbox"/> yes, number:
Other	<input type="checkbox"/> yes, number:

You can indicate below:

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

Information not yet available.

Please indicate the sources for the questions 157 and 160

The Enforcement Team Ministry of Justice

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

163) Is there a judge who is in charge of the enforcement of judgments?

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

- Yes
 No

If yes, please specify:

Initiatives to improve fine collection have lead to a 91% collection rate

You can indicate below:

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

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- Yes
 No

166) Is the status of notaries:

a private one (without control from public authorities)?

yes,
number:

a status of private worker ruled by the public authorities?

yes,
number:

a public one?

yes,
number:

900 approx.

other?

yes,
number and
specify:

167) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

Please indicacte the source for the question 166

Website of the Notaries Society

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

Yes

No

169) Which authority is responsible for the supervision and the control of the notaries:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

The Faculty Office is responsible for the supervision of Notaries

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

There is a major change programme underway. This includes creating a Unified Court System which brings the Magistrates' courts into Her Majesty's Court Service, and the the Enforcement, Courts and Tribunals Bill.

In civil justice a computerised listing system has come into being and Possession Claims on Line has been introduced.

In criminal justice the CJSSS was launched. This stands for Criminal Justice: speedy, simple, summary and it sets out to improve the speed and effectiveness of the Magistrates' courts. There have been four pilots the findings from which show a large reduction in time from the first hearing to trial, fewer hearings in the same case and an increase in guilty pleas.

Improvements in enforcement are being informed by responses to the Green Paper 'Towards Effective Enforcement: a single piece of bailiff law and a regulatory enforcement structure.' Fine collection has risen to 91%.

The Judicial Appointments Commission is changing the way in which judges are recruited and selected.

IT projects in courts include: LOCCS (Local County Courts System) and LIBRA - a network system for Magistrates' courts.