

1. Evaluation of the judicial systems (2016-2018 cycle)



UK-England and Wales

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Reference data 2016 (01/01/2016 - 31/12/2016)

Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017

Objective :

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[58381300]

Comments Office for National Statistics population estimates mid 2016
England = 55,268,100

Wales = 3,113,200

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/annualmidyearpopulationestimates/mid2016>

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	598840732000 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Country and Regional Analysis, 2016, HM Treasury

Table A1 in main document

<https://www.gov.uk/government/statistics/country-and-regional-analysis-2016>

England = £483,007,000,000

Wales = £30,978,000,000

Currency conversion rate based on Bank of England spot rate on 31st December 2016 (0.8583). It has been rounded to the nearest thousand.

003. Per capita GDP (in €) in current prices for the reference year

[31088]

Comments This is the first time the Office for National Statistics (ONS) has released a “balanced estimate” of regional gross value added (GVA(B)); this “balances” the income and production approaches to measuring the economy into a single estimate at a regional level; we believe the UK is the first country to produce a balanced measure of regional GVA.

004. Average gross annual salary (in €) for the reference year

[33293]

NA

Comments

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/placeofresidencebylocalauthorityashtable8>

(table 8.7a - mean annual income England and Wales)

Currency conversion rate based on Bank of England spot rate on 31st December 2016 (0.8583).

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[0.8583]

Allow decimals : 5

NAP

Comments <http://www.bankofengland.co.uk/boeapps/iadb/Rates.asp?TD=30&TM=Dec&TY=2016&into=EUR&rateview=D> Spot rate for 31st December 2016.

A1. Please indicate the sources for answering questions 1 to 5

Sources: 1)

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/annualmidyearpopulationestimates/mid2016>

2) <https://www.gov.uk/government/statistics/country-and-regional-analysis-2016>

3) <https://www.ons.gov.uk/economy/grossvalueaddedgva/bulletins/regionalgrossvalueaddedincomeapproach/december2016>

4) <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/placeofresidencebylocalauthorityshetable8>

5) <http://www.bankofengland.co.uk/boeapps/iadb/Rates.asp?TD=30&TM=Dec&TY=2016&into=EUR&rateview=D>

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	2215993000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2199334000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Annual public budget allocated to (gross) salaries	1154166000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1151066000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	145807000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	149215000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	89863000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	89919000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	374266000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	373182000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Annual public budget allocated to investments in new (court) buildings	165359000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	118636000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Annual public budget allocated to training	5692000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1223000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Other (please specify)	280841000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	316092000 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please

indicate the main differences: Total Budget figure quoted is the delegated gross resource budget and includes the voted funding (£1,543,699, €1,798,554) plus non voted Higher Judicial Salaries (£145,369K, €169,369K). The "Other" category above includes general office expenditure (stationery, postage, etc), utilisation of provisions and depreciation. The implemented budget align with the Annual accounts. The differences between approved and implemented budgets are largely down to differences in financial and management accounts structures, as well as differences in the way non cash costs and overheads are accounted for.

The increase in the training budget can be explained by the fact that it was thought that there would be the need to train most of the court staff across the country on how to use the new IT systems that were being developed to digitise the courts (as part of the Reform Programme) but this was not fully utilised hence the reason for the budget not being fully used up.

HMCTS have embarked on a significant Reform programme to improve and modernise Courts and Tribunals

(<https://www.gov.uk/government/publications/transforming-our-justice-system-joint-statement>) and as a result investment in court buildings has significantly increased since 2014—15.

Figures have been converted to Euros using the 0.8583 rate and rounded to the nearest thousand.

007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Total annual public budget allocated to all courts and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments: NAP

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

	Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions? The Civil and Family Courts are, in the main, self-funding with most of the cost funded by court fees. The part of cost not covered by fees is met by the general taxpayer as part of the resource budget of the Ministry of Justice. The taxpayer's contribution is made up of two elements: (1) potential fee income forgone under the system of remission (fee waivers) (2) fees set below full cost levels (i.e. they would not cover the total cost even if none were remitted). The objective for the year was to recover the total cost, not counting the cost of providing fee remissions (waivers) - in other words the target was 'full-cost pricing', rather than 'full-cost recovery'. Court fees must comply with the general policy principles that apply to all services where Government charges fees authorised by Parliament. Key amongst these, is that fees should not exceed the total cost of providing the service. Generally, fees should be set at levels which, on average, if charged in every case rather than waived, would recover the full cost of providing the service - fees cannot be set to make a profit. Some enhanced fees, which exceed cost of proceedings, have now been introduced to reduce further the cost to the taxpayer of operating the courts system. Tribunal business fees are in place for various tribunals, including Employment, Immigration and Asylum,

and some smaller special tribunals and some of these have increased, the intention is not to recover the full cost, but for users to contribute towards the cost of the service. Rises in IAC First Tier fees, introduced October 10th 2016, were reversed the next month following legal counsel. As with civil and family court fees remissions are available and the remainder of the cost is met by the taxpayer. The fundamental principle in setting fees and charges, including to other government departments, is a) to promote efficient allocation of resources so that those who consume the services are encouraged to use them efficiently, and b) to maintain the link between costs and benefits, thus improving decision-making and accountability. The remission system ensures that access to justice is protected for individuals who are less well-off and allows people on low incomes to access HMCTS services free of charge or at a reduced rate, depending on their eligibility. It is central to the policy of full-cost pricing that this system achieves its purpose. The remission system is targeted to only those who cannot afford to pay a fee, and those who can afford to pay all or part of a fee, do. The system has three elements: an automatic full fee remission for those in receipt of a qualifying benefit, a full fee remission for those whose gross annual income is calculated to be lower than the stated thresholds and a full or part fee remission based on an income and expenditure means test to calculate monthly disposable income. Since October 2015 users have been able to apply for help with their civil court and tribunal fees through Help with Fees. In July 2016, a new online service was launched which allows the public to apply for fees digitally and provides an end-to-end service incorporating swift eligibility checks with the Department for Work and Pensions.

008-1. Please briefly present the methodology of calculation of court taxes or fees:

- HMCTS set fees to achieve 100% cost recovery.

008-2. The amount of court fees to commence an action for 3000€ debt recovery:

- [122]
- [] NA
- [] NAP

Comments The fee for starting proceedings to recover a sum of money where the sum claimed exceeds £1,500 (approximately €1,926) but does not exceed £3,000 (approximately €3,852); is - through our County Court Business Centre or Money Claim online approximately £105 (€122); otherwise through a court £115 (€134).

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

- [864436677]
- [] NA
- [] NAP

Comments £741,946,000 converted to Euros using the 0.8583 rate. The increase in this figure is the result of policy changes which have seen more court fees being collected than in previous years.

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	1792000000 [] NA [] NAP	1062000000 [] NA [] NAP	731000000 [] NA [] NAP
12.1 for cases brought to court	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments Conversion from GBP is based on the Bank of England spot rate on December 31st 2016 (0.8583). Figures have been rounded to the nearest million.

The large drops from previous cycle in non-criminal legal aid work are mainly a result of the LASPO Act which removed several areas of civil and family law from the scope of legal aid in England & Wales. More information at

<https://www.gov.uk/government/collections/legal-aid-statistics>

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	1810000000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1058000000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	752000000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.1 for cases brought to court	1518000000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	850000000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	667000000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	292000000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	171000000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	121000000 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: In relation to the 'approved' budget, the Government has specified the areas of law that are in scope of legal aid and the criteria on which that funding is to be made available. Following from this, demand for those areas of law is then the most important driver of the amount spent on legal aid in individual years.

Expenditure on legal aid is measured differently for different purposes. A measure that is best for analysing the costs of different services, for example, may not be practical for managing budgets or payments. The three most often-used measures are:

- Closed-case expenditure, which is the measure used for expenditure figures throughout the legal aid statistics. It represents the total value of payments made to legal aid providers in relation to pieces of work that are completed in the period. This basis is comparable to volumes of completed work to which it relates, and to the same fine level of detail. This does not include income received or expenditure in relation to debt write-offs.
- The government budgeting measure known as RDEL (Resource Departmental Expenditure Limits) is the main measure used by government to control current spending, both to set budgets for future years and report on how much has been spent. It represents the value of work carried out in the period better than the closed-case measure but cannot be broken down to such a fine level of detail. This measure does incorporate income and expenditure in relation to debt.

The closed-case figures provided (12.1.1 and 12.1.2) exclude Central Funds - an area of some £44m expenditure in 2016-17 which encompasses arrangements to meet costs in a variety of scenarios that are not covered by the main criminal legal aid schemes. This is because it is not clear in which category they belong. They are included in the RDEL figures provided, within the criminal categories.

013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in €	584861000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	580916000 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences: Euro conversion is based on the Bank of England spot rate on December 31st 2016 (0.8583)

and figures are rounded to the nearest thousand.

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

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other ministry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Parliament	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Supreme Court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Inspection body	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify: NAP

A2. Please indicate the sources for answering questions 6 to 14:

Sources: Figures in question 6 are sourced from HMCTS Internal Budget Category.
 For 12.1.0 figures are based on the government budgeting measure known as RDEL:
<https://www.gov.uk/government/collections/legal-aid-statistics> table 1.0 columns G to J. For 12.1.1 and 12.1.2 figures are based on closed-case expenditure - Source is Legal aid statistics Eng & Wales (<https://www.gov.uk/government/collections/legal-aid-statistics>), table numbers as follows:
 Court: Crime lower: court rep (2.2), Crime higher: courts (4.1), Civil Rep: closed case (6.4)
 Non-Court: Crime Lower: prison law (2.2), Civil: legal help and CLR* (5.3) & mediation (7.1 + 7.2)
 *Although not in a court, CLR figures cover proceedings in the Mental Health and Immigration and Asylum jurisdictions of the First-Tier Tribunal and Immigration and Asylum Chamber of the Upper Tribunal.
 For 13:
 The CPS Annual Report and Accounts 2016/17:
<http://www.cps.gov.uk/publications/reports/index.html> (web page)
http://www.cps.gov.uk/publications/docs/annual_report_2016_17.pdf (document pdf)

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	9999388326 [] NA [] NAP	9416869393 [] NA [] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences: Approved budget (GBP):8582475000

Implemented budget (GBP):8082499000

Capital/Resource breakdown (Figures taken from the Ministry of Justice Annual Report and Accounts 2016-17): £000 Approved Implemented

Resource 8,123,428 7,665,299

Capital 459,047 417,200

Total 8,582,475 8,082,499

Euro conversion (using 0.8583 rate):

Approved budget (€):9999388326

Implemented budget (€): 9416869393

Capital/Resource breakdown:

€000 Approved Implemented

Resource 9,464,556 8,930,792

Capital 534,833 486,077

Total 9,999,389 9,416,869

015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):

	Included
Court (see question 6)	(X) Yes () No [] NAP
Legal aid (see question 12)	(X) Yes () No [] NAP
Public prosecution services (see question 13)	() Yes (X) No [] NAP

Comments:

015-3. (Modified question) On the other hand, please specify the other budgetary elements

included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):

	Included
Prison system	(X) Yes () No <input type="checkbox"/> NAP
Probation services	(X) Yes () No <input type="checkbox"/> NAP
Council of the judiciary	() Yes (X) No <input type="checkbox"/> NAP
Constitutional court	() Yes (X) No <input type="checkbox"/> NAP
Judicial management body	(X) Yes () No <input type="checkbox"/> NAP
State advocacy	() Yes (X) No <input type="checkbox"/> NAP
Enforcement services	(X) Yes () No <input type="checkbox"/> NAP
Notariat	() Yes (X) No <input type="checkbox"/> NAP
Forensic services	() Yes (X) No <input type="checkbox"/> NAP
Judicial protection of juveniles	(X) Yes () No <input type="checkbox"/> NAP
Functioning of the Ministry of Justice	(X) Yes () No <input type="checkbox"/> NAP
Refugees and asylum seekers services	(X) Yes () No <input type="checkbox"/> NAP
Immigration Service	() Yes (X) No <input type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	(X) Yes () No <input type="checkbox"/> NAP
Other	(X) Yes () No <input type="checkbox"/> NAP

Comments - If “other”, please specify: Total budget also includes funding to the following Departmental entities, amongst others, providing/dealing with justice related services:

- Advisory Committees on Justices of the Peace
- Children and Family Court Advisory and Support Service
- Criminal Cases Review Commission
- Criminal Injuries Compensation Authority
- HM Inspectorate of Prisons
- HM Inspectorate of Probation
- Independent Advisory Panel on Deaths in Custody
- Judicial Appointments Commission
- Legal Services Board
- Office for Legal Complaints
- Official Solicitor and Public Trustee
- Parole Board
- Prisons and Probation Ombudsman
- Public Guardian
- Tribunals
- Youth Justice Board

The inclusion of asylum services in the justice budget refers to the fact that legal aid for these cases is available. Other more general services related to asylum seekers are dealt with by the Home Office and are therefore not included in the justice budget.

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: 15.1 source: www.gov.uk/government/uploads/system/uploads/attachment_data/file/630239/moj-annual-report-2016-17.pdf
 Budget figure is the Total Estimate figure, which includes budget approved by Parliamentary vote, and budget approved by other measures.

15.2 source: <https://www.gov.uk/government/organisations>

15.3 source: <https://www.gov.uk/government/organisations>

- On 'Constitutional court', the Supreme Court of the United Kingdom is not part of the Ministry of Justice
- The element 'Functioning of the Ministry of Justice' includes budget of HQ and 37 supporting agencies and public bodies
- On 'Refugees and asylum seekers services', the Ministry of Justice is only responsible for tribunals, and not the wider immigration service, which is the domain of the Home Office
- The elements listed under 'Other' include Department's Agencies and Entities in the Departmental Group, including Executive Non-Departmental Public Bodies
- The total budget figure if converted into Euros at 2016-17 rates cannot be compared with the figures of 2014-15 in Euros
- 'Some police services' includes transferring prisoners etc.

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

Criminal cases	Other than criminal cases
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Representation in court	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Legal advice	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments

017. Does legal aid include the coverage of or the exemption from court fees?

(X) Yes

() No

Comments - If yes, please specify:

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

() Yes

(X) No

Comments - If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments - If yes, please specify: Such costs include travel costs and experts' fees.

2.1.2. Quantitative information on legal aid



020. (Modified question) Please indicate the number of cases for which legal aid has been granted:

	Cases brought to court	Cases not brought to court / non-litigious cases
TOTAL	532518 [] NA [] NAP	833546 [] NA [] NAP
In criminal cases	436076 [] NA [] NAP	663115 [] NA [] NAP
In other than criminal cases	96442 [] NA [] NAP	170431 [] NA [] NAP

Comments - Please specify when appropriate:

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

	Assisted by a free of charge lawyer
Accused individuals	(X) Yes () No
Victims	() Yes (X) No

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

022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?

(X) Yes

() No

Comments

023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
Full legal aid for criminal cases	14500 [] NA [] NAP	[] NA [X] NAP
Full legal aid for other than criminal cases	37100 [] NA [] NAP	3500 [] NA [] NAP
Partial legal aid for criminal cases	14500 [] NA [] NAP	[] NA [X] NAP
Partial legal aid for other than criminal cases	37100 [] NA [] NAP	9300 [] NA [] NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above: Please note: the figures provided above refer to a range of thresholds that are dependent on case and a full means test. Therefore they represent a large oversimplification. Conversion from GBP to Euros is based on the Bank of England spot rate on 31st December and figures have been rounded to the nearest hundred.

The means test for Crime and Prison Law Advice and Assistance is determined by the Provider using the thresholds set out in Regulations but summarised at the link provided above. Criminal figure above for household disposable income. In the Crown Court those with disposable income above that threshold, but below £37,500 (€43,691), receive legal aid but have to pay a contribution from income. For non-criminal cases, the means test is also determined in accordance with the legal aid regulations but is summarised at the link above. As with criminal cases, the annual income and assets values do not necessarily relate to just "one person". Instead, the resources of an individual's partner will be included within the individual's disposable income and disposable capital unless they have a contrary interest in

the proceedings. They are therefore also household values. The assets of other individuals may also be included (e.g. anyone substantially maintaining the individual). There are thresholds of £12,475, £22,325 and £37,500 (€14,535, €26,011 and €43,691) depending on the type of case and full means test (dependants etc.)

The £31,884 (€37,148) annual income value is gross household income. If income is within this limit there are further requirements on disposable income that must be met before either "full legal aid" or "partial legal aid" can be provided. The upper threshold is a disposable income level of no more than £733 (€854) per calendar month.

In terms of "full legal aid", the maximum annual assets value of £3,000 (€3,495) only applies to "civil representation". "Legal help and CLR" are only provided on a "full legal aid" basis. Thus, legal aid will be available without contributions where gross income is no more than £31,884 (€37,148), disposable income is no more than £733 pcm(€854), and disposable capital is no more than £8,000 (€9,321) (except certain immigration cases where the limit is £3,000 (€3,495))

In terms of "partial legal aid", where an individual applying for "civil representation" has between £316 and £733 (between €368 and €854) monthly disposable income and/or between £3,000 and £8,000 (between €3,495 and €9,321) disposable capital they are still eligible to receive legal aid but may be required to make a "contribution" to the costs of their case on a one-off or monthly basis.

024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid: There are different criteria for granting legal aid depending on the nature of the proceedings in question, including some cases where there is no minimum criteria at all. In general terms, an applicant must show that they have reasonable grounds for taking, defending or being a party to proceedings, and that it is reasonable, in the particular circumstances of the case, for legal aid to be granted. The Legal Aid Agency must consider, for example, whether the case has a reasonable chance of success, whether the benefits of litigation would outweigh the cost to public funds, and whether the applicant would gain any significant personal benefit from proceeding, bearing in mind any liability to repay the costs if successful. These factors are similar to those that would influence a privately paying client of moderate means when considering whether to become involved in proceedings

025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments Legal Aid Agency

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

Yes

No

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

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

Judicial decisions direct how legal costs will be shared
--

in criminal cases	(X) Yes () No
in other than criminal cases	(X) Yes () No

Comments In non-criminal cases, a judge can award costs for or against a legal aid client depending on the outcome of the case, although a legally-aided client has “cost protection” which means these costs against are usually limited/non-existent.

B1. Please indicate the sources for answering questions 20 and 23 :

<p>Sources: 20: https://www.gov.uk/government/collections/legal-aid-statistics Court: Crime lower: magistrates' court representation (2.1), Crime higher: Crown Courts representation (4.1), Civil Representation: closed case (6.3). Non-Court: Crime Lower: advice at police station, prison law (2.1), Civil: legal help and Controlled Legal Representation (CLR)* (5.2) + family mediation (7.2). *Although not in a court, CLR figures cover proceedings in the Mental Health and Immigration and Asylum jurisdictions of the First-Tier Tribunal and Immigration and Asylum Chamber of the Upper Tribunal.</p> <p>23: https://www.gov.uk/guidance/criminal-legal-aid-means-testing https://www.gov.uk/guidance/civil-legal-aid-means-testing</p>

2.2. Users of the courts and victims

2.2.1. Rights of the users and victims

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

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	(X) https://www.gov.uk/government/publications , https://www.judiciary.gov.uk/judgments/	()
case-law of the higher court/s	(X) https://www.judiciary.gov.uk/judgments/ , https://www.supremecourt.uk/decided-cases/	()
other documents (e.g. downloadable forms, online registration)	(X) http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do	()

Comments - Please specify what documents and information the addresses for “other documents” include: The MoJ proactively publishes as much information as possible and a significant amount of information is available under the MoJ publication scheme. Please see <https://www.gov.uk/government/organisations/ministry-of-justice/about/publication-scheme>.

When information is available on the website, or one of our partner websites, the web address will be given and a link will be provided. The Justice website on GOV.UK contains resources for legal professionals.

029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes, always
- No
- Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

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

- Yes
- No

Comments - If yes, please specify: Help is available from the Victim Support and Citizen Advice Bureau organisations. Victims are entitled to:

- Information about how the justice process works. This is provided through leaflets, DVDs, the internet and face-to-face explanations by staff throughout the justice process.

-Information about the progress of the investigation, charge, hearings, and trial. This is provided by the police and the Crown Prosecution Service throughout the justice process.

Both of these services are entirely free. Smaller charities also exist to offer more specialist support for example victims of domestic violence support. If the victim's first language is not English there is the free provision of an interpreter throughout the process.

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

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims of terrorism	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Minors (witnesses or victims)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims of domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ethnic minorities	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Disabled persons	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Juvenile offenders	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: New legislation permits the recording of

evidence and cross examination of child evidence. This recorded evidence is used in court avoiding for the child witness to give evidence and be cross examined in the courtroom. There is in addition the use of remote locations away from the court room where a victim or witness can give live evidence which is transmitted live to the courtroom.

031-1. Is it possible for minors to be a party to a judicial proceeding:

Yes

No

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

032. Does your country allocate compensation for victims of crime?

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

No

Comments

032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?

Yes

No

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

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments This refers to the answer 'yes' for question 32.

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

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body: HMCTS only collects performance data relating to the recovery rate of court ordered compensation. Data is published as part of the the Criminal Court Quarterly Statistics on <https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2015>.

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

Yes

No

Comments - If yes, please specify:

036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify: In June 2013, the CPS launched the Victims' Right to Review Scheme, which provides victims with an automatic right to ask the CPS to look again at a decision not to start, or to stop, a prosecution where they believe we have got it wrong. Further information on the scheme is available on the CPS website at the following web address:

www.cps.gov.uk/victims_witnesses/victims_right_to_review/index.html

2.2.2. Confidence of citizens in their justice system

037. (Modified question) Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Excessive length of proceedings	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Non-execution of court decisions	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Wrongful arrest	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful conviction	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): Any formal proceedings would need to be commenced by the aggrieved person bringing a civil order for damages. The criminal court cannot award costs against itself for the benefit of an individual. A mechanism does exist for the court's administration to make a payment for clerical errors but this is based on the court service's own complaint system not a formal judicial process

038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

National level	Court level
----------------	-------------

1. (Satisfaction) surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. (Satisfaction) surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. (Satisfaction) surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. (Satisfaction) surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
5. (Satisfaction) surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
7. (Satisfaction) surveys aimed at victims	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: -Experience of digital transactions surveyed online.

-Annual victim survey : http://www.cps.gov.uk/victims_witnesses/resources/

-Crime Survey for England and Wales (annual general population survey commissioned by Office for National Statistics), which is designed to measure levels and nature of victimisation among adults in England and Wales, provides some information about victims' experiences and confidence in the Justice system although the ability to examine their experiences of courts is limited due to the small number of respondents who had contact with courts. The CSEW also includes some questions about people who have been involved in civil, family and criminal court cases about their views of their contact with HMCTS. Previously, information about witnesses' and victims' experiences of the CJS was collected by the Witness and Victim Experience Survey (WAVES). The survey is no longer on going, the latest results can be found: <https://www.gov.uk/government/publications/satisfaction-and-willingness-to-engage-with-the-criminal-justice-system> The survey aimed at court staff recorded in the last return (2014 data) referred to a Civil Service-wide staff engagement survey. When collecting the information for this return we checked whether there are specific questions on trust in the justice system in this survey and there are not. Therefore we have not included it.

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

() Yes

(X) No

Comments

041. (Modified question) If yes, please specify certain aspects of this procedure:

Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
---	--

Court concerned	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Council of the Judiciary	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

041-1. (Modified question) Please specify further certain aspects of this procedure:

	Number of complaints	Compensations amount granted to users
Court concerned	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Higher court	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Ministry of Justice	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Council of the Judiciary	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

3.Organisation of the court system

3.1.Courts

3.1.1.Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	393 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP

42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	396 [] NA [] NAP
--	--------------------------

Comments The data above comes from e-Pims. The Electronic Property Information Mapping Service is the central database of Government Central Civil Estate properties and land. It records the precise location of property, along with information such as landlord details, lease data and usage. Updating property information is mandatory for all: government departments, non-ministerial departments and their executive agencies, arms length bodies, departmental public bodies, special health authorities. The source data was quality assured given HMCTS is currently in the process of closing and disposing of court properties. The data provided is correct as at 30 December 2016. The following bodies do not have to update their information: the NHS (except for special health authorities), public corporations, privatised railways, Crown Estate and Defence Estate (subject to some exceptions). The 3 courts are: Royal Courts of Justice. As well as the High Court, this also contains The Court of Appeal and the Central London County Court; Rolls Building. Covering Chancery Division, the Admiralty and Commercial Court, and the Technology and Construction Court, mainly dealing in financial, business and property dispute resolution; and Central Family Court (previously known as Principal Registry of the Family Division). Covering forced marriage, children, civil partnership, divorce, adoption, domestic violence. The reduction in the number of courts is part of the consolidation process described in Q44.

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	3 [] NA [] NAP
Commercial courts (excluded insolvency courts)	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP
Labour courts	[] NA [X] NAP
Family courts	[] NA [X] NAP
Rent and tenancies courts	[] NA [X] NAP
Enforcement of criminal sanctions courts	[] NA [X] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP
Administrative courts	[] NA [X] NAP

Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised 1st instance courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “other specialised 1st instance courts”, please specify:

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

Yes

No

Comments - If yes, please specify: HMCTS (Her Majestys Courts and Tribunal Service) is currently undertaking a programme of reform that will transform the way courts and tribunals operate. Modernisation will provide new ways to access the courts and tribunals; many of the new approaches have the potential to change the way we use our buildings, their flexibility and location. As reform progresses we will consider further changes to our estate in alignment with the modernisation programme. This may lead to further consolidation of the court and tribunal estate.

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
a debt collection for small claims	235 <input type="checkbox"/> NA <input type="checkbox"/> NAP
a dismissal	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
a robbery	98 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The data from this cycle and the previous cycle cannot be compared due to changes brought to methodology.

045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?

Yes

No, please give your definition for small claims:

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

Small claims track – generally for lower value and less complex claims with a value of up to £10,000 (although there are some exceptions);

Fast track – claims with a value of between £10,000 and £25,000; and

Multi-track – very complex claims with a value of £25,000 or more.

045-2. (New question) Please indicate the value in € of a small claim:

[11650]

Comments Small claims track – generally for lower value and less complex claims with a value of up to £10,000 (although there are some exceptions)

Converted to Euros using Bank of England spot rate on 31st December 2016: 0.8583

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

Sources: e-Pims. The Electronic Property Information Mapping Service is the central database of Government Central Civil Estate properties and land.

3.2. Court staff

3.2.1. Judges and non-judge staff

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1760 [] NA [] NAP	1166 [] NA [] NAP	594 [] NA [] NAP
1. Number of first instance professional judges	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Number of second instance (court of appeal) professional judges	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of supreme court professional judges	12 [] NA [] NAP	10 [] NA [] NAP	2 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: The total number of salaried office holders includes a number that work on a salaried part-time basis. This number is not currently recorded on the e-HR (Judicial Office) Database to enable the numbers to be reflected on a FTE basis. The figure includes all levels of salaried judicial office holders from the Lord Chief Justice to the District Judges/Tribunal Judges. Note 46.2 There are many different levels of judges which hear appeals, not just the Court of Appeal. The judicial complement is monitored closely, and reflects the fluctuating needs of the business across the jurisdictions. Only the most business critical appointments are agreed to deal with retirements etc.

047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

1. Number of first instance court presidents	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Number of second instance (court of appeal) court presidents	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Number of supreme court presidents	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	6479 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full-time equivalent	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If necessary, please provide comments to explain the answer provided: The gender breakdown of the 6479 total is 3864 (male) and 2615 (female).

048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

(X) Yes, please give specifications on the types of cases and an estimate in percentage. The judges listed at 48 deal with the same type as work as their salaried equivalent, but generally deal with the less serious/complicated matters.

() No

Comments

049. (Modified question) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury):

	Figure
Gross figure	16296 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments 16,296= 7,524 male + 8,772 female

The number is decreasing from previous cycles because work has declined in the Magistrates Court (so the number of Magistrates has declined accordingly).

This figure does not include lay judges because Magistrates are not remunerated and the figure only relates to Magistrates. A Lay Judge in the UK definition is a fee paid (remunerated) one who is not legally qualified, for example a medical member who sits on a tribunal panel.

Therefore this is quite separate from the magistracy.

049-1. If such non-professional judges exist in first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage
in criminal law cases	(X)	()	()
- severe criminal cases	(X)	()	()
- misdemeanour and/or minor criminal cases	(X)	()	()
in family law cases	(X)	()	()
in civil cases	(X)	()	()
in labour law cases	()	(X)	()
in social law cases	()	(X)	()
in commercial law cases	()	(X)	()
in insolvency cases	()	(X)	()
other	()	(X)	()

Comments - If “other”, please specify: Magistrates sit on different types of cases, these are for; criminal cases, family cases and youth cases. The magistrates’ court is the first tier of criminal courts in England and Wales and is presided over by three ‘Justices of the Peace’ (known as magistrates) or by a district judge who dispenses summary justice. Justices of the Peace do not require formal legal qualifications, but will have undertaken a training programme, including court and prison visits, to develop the necessary skills. They are also given legal and procedural advice by qualified clerks.

A criminal case can start and finish in a magistrates’ court or in the most serious of cases start in a magistrates’ court and finish in a higher court, normally the Crown Court. The magistrates’ courts hear the less serious summary cases such as common assault or motoring offences as well as some ‘triable either way’ cases such as theft.

Defendants are given the opportunity to enter their plea at the first hearing. If the defendant enters a not guilty or no plea, the case is heard summarily in a trial hearing. If a guilty plea is accepted the defendant is convicted and sentenced, and the case is completed.

The magistrates’ courts can also send cases for trial or sentencing to the Crown Court. These cases are considered to have completed in the magistrates’ court as no further action is required by the magistrates’, however the cases have not concluded until the defendant is acquitted or sentenced at the Crown Court. The magistrates’ courts also deal with breaches, where the defendant breached the conditions of an order that was previously imposed by court.

All cases are processed by the magistrates court, including severe criminal cases, to determine where they should eventually be tried. Therefore all these cases are not necessarily tried at the magistrates court.

050. Does your judicial system include trial by jury with the participation of citizens?

(X) Yes

() No

Comments

050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and

misdemeanour cases refer to the CEPEJ definitions)

Severe criminal cases

Misdemeanour cases

Other cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

180821]

NA

NAP

Comments Following significant improvements in life expectancy and health since the juror age limit was last raised in 1988, Parliament agreed to raise the upper age limit for jury service from 70 to 75 years of age in the Criminal Justice and Courts Act 2015. The new age limit came into force on 1 December 2016. This figure pertains to the "number of jurors supplied to the court", as provided by the Jury Central Summoning Bureau. The figure does not necessarily add up to the overall total within 2016, as the data reflects rolling 12-month periods. This is consistent with what has been provided in previous years.

052. Number of non-judge staff who are working in courts (on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	15772 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4515 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11257 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Technical staff	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other non-judge staff	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other non-judge staff", please specify:

053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases

Comments - Please briefly describe their status and duties: NAP

054. Have the courts outsourced certain services, which fall within their powers, to private providers?

- Yes
- No

Comments

054-1. (New question) If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify): See comments

Comments The other types of services that are outsourced are:

-Facilities Management (FM) services to private providers across the HMCTS estate through Total Facilities Management (TFM) contracts. At a high level these services include:

-building maintenance (mechanical and electrical maintenance and fabric maintenance)

-security

-cleaning

-waste management -grounds maintenance. -Collection of Payments of Court Fines and Fees

-Provision of Transcription and Court Reporting Services

-Occupational Health

-Travel and Event Management

-Contingent Labour

-Consultancy

-Courier Services -Provision (sourcing, paying and associated administration) of interpreters and translators across the justice sector, including within courts and tribunals. a new set of contracts for these services commenced in October 2016. The interpreters themselves remain freelance.

The elements of IT Services that are outsourced are as follows: -Architecture and Design -Agile Product Delivery

-Development

-Testing

- Operational Support
- Desktop Computing
- Case Management Applications
- Video Technology
- Bulk Printing Services
- Server Hosting
- 9 other FITS service towers not included in the ICT services.
- Security: IT Security Architecture
- Cyber Security Assurance
- Protective Monitoring Courts staff have access to learning and development opportunities provided by Civil Service Learning which is managed centrally, and this service has been outsourced. However this has not been included in answers to question 54.1 because this does not strictly fall within the remit of the courts.

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: 46-49: e-HR (Judicial Office) Database.

3.3. Public prosecution

3.3.1. Public prosecutors and staff



055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	2080 <input type="checkbox"/> NA <input type="checkbox"/> NAP	935 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1145 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of prosecutors at first instance level	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Number of prosecutors at second instance (court of appeal) level	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Number of prosecutors at supreme court level	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Please indicate any useful comment for interpreting the data above: These figures give total full time equivalents for those possessing a practising certificate at end of 2016. On the ‘first instance’/’second instance’/’supreme court level’ breakdown, courts are not specifically structured in this way. We could hazard a split between magistrates’ and Crown Court, but that does not really seem to be what is being asked here.

The data from this cycle and the previous cycle may not be comparable due to changes brought to methodology.

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of

courts – ordinary and specialised jurisdictions.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	18 [] NA [] NAP	7 [] NA [] NAP	11 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Number of heads of prosecution offices at supreme court level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Please provide any useful comment for interpreting the data above: These figures cover our 13 geographical Areas, non-geographic Area providing out-of-hours charging advice, our Proceeds of Crime service and 3 Casework Divisions that prosecute the most sensitive and specialised types of crime. The CPS does have a unit dedicated to working on high court appeals, but it forms only a part of one of these Divisions, so is included therein.

057. Do other persons have similar duties to public prosecutors?

(X) Yes, please specify their number (in full-time equivalent): 182

() No

Comments - If yes, please specify their title and functions: Associate Prosecutors:

They work with prosecutors and caseworkers and with the support of administrators. The work is likely to include:

- reviewing cases following investigation by the police
- making decisions as to whether prosecutions should proceed and which charges should be brought
- preparing cases for prosecution
- researching into the law
- carrying out legal procedures such as bail applications
- conducting case conferences with other members of the legal profession such as barristers
- presenting cases in court
- providing advice to colleagues or to members of the wider criminal justice system such as police or solicitors

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

() Yes

(X) No

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

(X) Yes

() No

Comments

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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	3412 [] NA	1104 [] NA	2308 [] NA

Comments

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: The Crown Prosecution Service's own internal establishment figures.

3.4. Management of the court budget

3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the court?

	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	() Yes (X) No	(X) Yes () No	() Yes (X) No	(X) Yes () No
Court President	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Court administrative director	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Head of the court clerk office	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Other	(X) Yes () No	() Yes (X) No	(X) Yes () No	(X) Yes () No

Comments - If "other", please specify:

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

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

(X) Yes

() No

Comments - If yes, please specify:

067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments

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

Yes

No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Monthly

069. Is there a system for monitoring and evaluating the performance of the public prosecution service?

Yes

No

Comments - If yes, please give further details: The Crown Prosecution Service reviews performance of all its 13 geographical Areas every quarter - known as the Area Performance Review process.

3.6.2. Performance and evaluation of courts

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

number of incoming cases

number of decisions delivered

number of postponed cases

length of proceedings (timeframes)

age of cases

other (please specify):

Comments

071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

civil law cases

criminal law cases

administrative law cases

Comments

072. Do you have an evaluation process to monitor waiting time during court procedures?

Yes

No

Comments - If yes, please specify: Timeliness is measured in Crown, County and Magistrates Courts.

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

Yes

No

Comments

073-0. (New question) If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Monthly

073-1. Is this evaluation of the court activity used for the later allocation of means to this court?

Yes

No

Comments

074. Are there performance targets defined at the level of the court?

Yes

No

Comments

075. (Modified question) Please specify the main targets applied to the courts:

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify):

Comments

076. Who is responsible for setting the targets for the courts?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example High Judicial Council, Higher Court)

President of the court

Other (please specify):

Comments

077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)

Yes

No

Comments

078. If yes, please select the main performance and quality indicators that have been defined:

incoming cases

length of proceedings (timeframes)

closed cases

pending cases and backlogs

productivity of judges and court staff

percentage of cases that are processed by a single sitting judge

enforcement of penal decisions

satisfaction of court staff

satisfaction of users (regarding the services delivered by the courts)

judicial quality and organisational quality of the courts

costs of the judicial procedures

number of appeals

other (please specify):

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

High Council of judiciary

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):

Comments

3.6.3. Court activity and administration



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

Yes (please indicate the name and the address of this institution): Her Majesty's Courts and Tribunals Service , 102 Petty France, London SW1H 9AJ

No

Comments

080-1. Does this institution publish statistics on the functioning of each court:

- Yes, on internet
 No, only internally (in an intranet website)
 No

Comments

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

- Yes
 No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-1. If yes, please specify in which form this report is released:

- Internet
 Intranet (internal) website
 Paper distribution

Comments

081-2. (New question) If yes, please, indicate the periodicity at which the report is released:

- Annual
 Less frequent
 More frequent

Comments

082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

- Yes
 No

Comments - If yes, please specify: All courts have PTPH's – Plea and trial preparation hearings that are attended by the Prosecutor (CPS) and where the timetable/directions and court dates are agreed and set.

082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

- Yes
 No

Comments - If yes, please specify: All courts have PTPH's – Plea and trial preparation hearings that are attended by the Prosecutor (CPS)

and where the timetable/directions and court dates are agreed and set.

3.6.4. Performance and evaluation of judges

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

Yes

No

Comments

083-1. Who is responsible for setting the targets for each judge?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify): Her Majesty's Court and Tribunal Service - Joint Department, Judicial Agreements & HMCTS Board

Comments

New node

4. Fair trial

4.1. Principles

4.1.1. Principles of fair trial

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

[]

NA

NAP

Comments

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

Yes, number of successful challenges in a year Not available

No

Comments - Please could you briefly specify:

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

Monitoring system

For civil procedures (non-enforcement)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
For civil procedures (timeframe)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
For criminal procedures (timeframe)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations: NAP

D1. Please indicate the sources for answering questions in this chapter.

Sources: NAP

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters as regards:

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure

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

Furthermore applications can be made to a single justice of the peace out of court hours if necessary, for example for police search warrant.

088. Are there simplified procedures for:

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify: The overriding objective of the Civil Procedure Rules (CPR) is to enable the court to deal with cases justly. This includes ensuring that the parties are on an equal footing; saving expense; dealing with the case in ways which are proportionate to the amount of money involved; to the importance of the case and the complexity of the issues. The small claims track

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

088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify: NA

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

- Yes
- No

Comments - If yes, please specify: Criminal Cases:

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

Civil Courts and Administrative Court cases:

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

4.2.2. Case flow management – first instance



091. (Modified question) First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	2540573 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2223213 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[X] NA [] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.3. Other non-litigious cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative law cases	396463 [] NA [] NAP	477956 [] NA [] NAP	429707 [] NA [] NAP	450710 [] NA [] NAP	[X] NA [] NAP
4. Other cases	[X] NA [] NAP	224541 [] NA [] NAP	195820 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments The way that resolved cases are defined in our statistics is as disposals (claims being withdrawn, settled, dismissed, transferred or being decided at a hearing - either orally or on paper). The way that these are counted means that there can be multiple disposals per case. Therefore pending cases plus incoming cases minus resolved cases will not add up to the number of pending cases at the end of the year.

Furthermore in relation to the administrative justice section, we have the number of pending cases at the end of the year (as of the 31st December) for our tribunals and Coroner inquest figures, but not for the administrative court. So the administrative court figures are included in the incoming and resolved cases column but not the pending column. This will further explain the difference, but also, the tribunal pending figure is based on published caseload outstanding (as at 31st December) which is a recorded published statistic, and for Coroners it is the number of cases still open at the end of the calendar year, so it is not a calculation of deducting the resolved from the incoming (as some outstanding cases could be from the previous years, for example).

Regarding decrease in resolved administrative cases from last cycle: the previous cycle figure (which is actually the number of claims

closed in the year 2014, so up to 31 December 2014), includes Q3 2014/15 where was a very large employment Tribunal multiple case, which accounted for over 200,000 claims in that one quarter (a very large multiple airlines case ending relating to the Working Time Directive). This is highlighted in our published Official Statistics on Tribunals. So the figure for cases closed (disposed of) in 2014 are skewed by this one very large case.

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. NA

093. Please indicate the case categories included in the category "other cases":

. Other incoming cases in 2016 include all petitions in matrimonial matters (divorce, annulment and judicial separation), all cases started for domestic violence remedies, public and private law children act, forced marriage protection, female genital mutilation protection orders, and adoption. Other resolved cases in 2016 include all decrees absolute/granted in matrimonial matters (divorce, annulment and judicial separation), all cases disposed for domestic violence remedies, public and private law children act, forced marriage protection, female genital mutilation protection orders, and adoption.

Insolvency claims at the County Court: the 9975 number given is from table 1.2 of the Civil Justice Statistics Quarterly, the figures for 2016: <https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-april-to-june-2017>.

However this is not a count of all insolvencies. A number of insolvency claims no longer go through the Courts and therefore have not been included above. These statistics on such cases can be found at the following web-page: <https://www.gov.uk/government/statistics/insolvency-statistics-april-to-june-2017>

094. (Modified question) First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2)	375214 [] NA [] NAP	1635820 [] NA [] NAP	1681945 [] NA [] NAP	330862 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences": Because terminology used does not match that of the CEPEJ, subcategories have been indicated NA, and figures are provided below. - all cases in crown court are those we consider severe (excluding appeals against magistrates decisions) : Pending cases on 1 Jan. ref. year: 47986

Incoming cases: 106790

Resolved cases: 115642

Pending cases on 31 Dec. ref. year: 39440

All cases in magistrates courts are those we consider minor / misdemeanours: Pending cases on 1 Jan. ref. year: 327228

Incoming cases: 1529030

Resolved cases: 1566303

Pending cases on 31 Dec. ref. year: 291422

- Cases pending = cases pending at the end of the previous year.

- Income cases and resolved cases = receipts and disposals throughout 2016 (calendar year).

- First instance courts = magistrates' courts.

4.2.3. Case flow management – second instance



097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	1012 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1029 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	528 <input type="checkbox"/> NA <input type="checkbox"/> NAP	513 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	77 <input type="checkbox"/> NA <input type="checkbox"/> NAP	75 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The reduction in incoming cases is explained by the following: the 2014 figure includes all Royal Court of Justice courts, but not all Royal Court of Justice courts are 2nd instance, some are where a case is initially heard (only the Court of Appeal would be defined as a 2nd instance court).

098. (Modified question) Second instance courts (appeal): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	13754 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12181 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Because terminology used does not match that of the CEPEJ, subcategories have been indicated NA, and figures are provided below. - cases we consider severe (see Q94) : Pending cases on 1 Jan. ref. year: NA

Incoming cases: 3323

Resolved cases: 1539

Pending cases on 31 Dec. ref. year: NA

Cases we consider minor / misdemeanours (see Q94): Pending cases on 1 Jan. ref. year: 2890

Incoming cases: 10431

Resolved cases: 10642

Pending cases on 31 Dec. ref. year: 2709

4.2.4. Case flow management – Supreme Court



099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
Total of other than criminal law cases (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	52 <input type="checkbox"/> NA <input type="checkbox"/> NAP	55 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

() Yes, please indicate the number of cases closed by this procedure:

(X) No

Comments

100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
Total of criminal law cases (1+2)	8 [X] NA [] NAP	8 [] NA [] NAP	8 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

4.2.5. Case flow management – specific cases



101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	114125 [X] NA [] NAP	108786 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Employment dismissal cases	13386 [X] NA [] NAP	12206 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Insolvency	9975 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Robbery case	2227 [] NA [] NAP	4442 [] NA [] NAP	4940 [] NA [] NAP	1772 [] NA [] NAP
Intentional homicide	295 [] NA [] NAP	494 [] NA [] NAP	289 [] NA [] NAP	286 [] NA [] NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Cases relating to the right of entry and stay for aliens	[X] NA	[X] NA	[X] NA	[X] NA
	[] NAP	[] NAP	[] NAP	[] NAP

Comments Litigious Divorce Cases:

- (a) Incoming cases - This is the number of petitions filed for dissolution of marriage or dissolution of civil partnership during 2016/17.
- (b) Resolved cases - This is the number of decree absolutes (divorces granted) in dissolution of marriage or dissolution of civil partnership cases during 2016/17. It excludes cases where the couple reconcile and decide not to go ahead with the divorce or cases where the divorce was refused.

Employment Dismissal Cases:

Two administrative changes to the Employment Tribunal were introduced in the financial year 2013/14, which in tandem caused the overall number of cases handled by the Employment Tribunal to decrease. Correspondingly, the number of tribunal cases involving a jurisdictional complaint of unfair employment dismissal also decreased as noted. The two administrative changes were as follows:

- Mandatory ACAS (Advisory, Conciliation and Arbitration Service) early conciliation before a case can be brought to tribunal (introduced on 6 April 2014)
- Employment Tribunal fees charged for initial application and hearing, with qualifying exemptions if certain criteria were met (introduced 29 July 2013)

In addition, there has been a slight change in methodology for calculating the number of employment dismissal cases and as such comparison between returns should be used with caution.

Cases relating to asylum seekers:

Immigration and asylum tribunals have a category "Asylum/Protection/Revocation of Protection" which includes asylum appeals, however the data is not broken down into the individual groups:

<https://www.gov.uk/government/statistics/tribunals-and-gender-recognition-certificate-statistics-quarterly-april-to-june-2017-and-2016-to-2017>

Insolvency:

The 9,975 number given is from table 1.2 of the Civil Justice Statistics Quarterly, the figures for 2016:

<https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-april-to-june-2017>. However this is not a count of all insolvencies.

A number of insolvency claims no longer go through the Courts and therefore have not been included above. These statistics on such cases can be found at the following web-page: <https://www.gov.uk/government/statistics/insolvency-statistics-april-to-june-2017>

Intentional homicide:

Based on the home office codes defined as murder, these include; 'Murder of persons aged 1 year or over' & 'Murder of infants under 1 year of age'. These are based on receipts, disposals and outstanding cases unlike last time when they were based on prosecutions. There has been a decrease in the number of robbery offences, simply due to less robbery offences being received at court. There has not been any change in the definition of these cases, so this is purely down to less of these cases coming to court.

101-1. (New question) Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. 1. Most asylum seekers have the right to appeal to the First-tier Tribunal (Immigration and Asylum Chamber) if their asylum claim is refused by the Home Office, with the appeal heard by an independent Immigration Judge. They are allowed to remain in the UK while they wait for their appeal. If the applicant comes from a country presumed by the Home Office to produce clearly unfounded asylum claims (according to the Home Office's country guidance) then they will usually have to have their appeal heard 'out of country'. Those with an in country right of appeal have 14 days to appeal after the date of the Home Office's decision, while those with just an out of country right of appeal have 28 days. If the claim is allowed on the grounds of the 1951 Geneva Convention, either by the UK Border Agency or at appeal, the applicant gets Refugee Status, which lasts for five years. UK Border Agency can review this grant of status at any time during the five years. If it is still unsafe to return to the country of origin once this time has elapsed, the applicant will be able to apply for Indefinite Leave to Remain (ILR) in the UK. 2. A person who is neither a British citizen nor a Commonwealth citizen with the right of abode nor a person who is entitled to enter or remain in the United Kingdom by virtue of the provisions of the 2006 EEA Regulations requires leave to enter the United Kingdom. Under Sections 3 and 4 of the Immigration Act

1971 an Immigration Officer when admitting to the UK a person subject to immigration control under that Act may give leave to enter for a limited period and, if he does, may impose all or any of the following conditions: (i) a condition restricting employment or occupation in the UK; (ii) a condition requiring the person to maintain and accommodate himself, and any dependents of his, without recourse to public funds; (iii) a condition requiring the person to register with the police; and (iv) a condition restricting his studies in the UK. He may also require him to report to the appropriate Medical Officer of Environmental Health. Under Section 24 of the 1971 Act it is an offence knowingly to remain beyond the time limit or fail to comply with such a condition or requirement. The time limit and any conditions attached will be made known to the person concerned either (i) by written notice given to him or endorsed by the Immigration Officer in his passport or travel document; or (ii) in any other manner permitted by the Immigration (Leave to Enter and Remain) Order 2000.

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Litigious divorce case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The figures given in 2015 were for the total length of time of a case (the length of time from offence to completion), we do not have a date for application for judicial review so we cannot calculate the time specified.

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

. NA

104. How is the length of proceedings calculated for the five case categories of question 102?

Please give a description of the calculation method.

. NA

4.2.6. Case flow management – public prosecution

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

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

Comments The right to apply to the Court of Appeal for an order quashing the original acquittal and ordering a retrial. This exception to what is commonly referred to as the “double jeopardy” rule is available only in relation to the most serious “qualifying offences”, and a prosecutor may only make an application with the written consent of the Director of Public Prosecutions (DPP), who may give her/his consent only if certain conditions apply. The Court of Appeal will allow the application, and order a retrial, in limited defined circumstances.

106. (Modified question) Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify:

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	550740 <input type="checkbox"/> NA <input type="checkbox"/> NAP	57746 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	588021 <input type="checkbox"/> NA <input type="checkbox"/> NAP

107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Before the court case	<input type="checkbox"/> NA <input type="checkbox"/> NAP
During the court case	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

108. Total cases which were discontinued by the public prosecutor:

	Number of cases
Total cases which were discontinued by the public prosecutor (1+2+3)	57746 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Discontinued by the public prosecutor because the offender could not be identified	2653 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Discontinued by the public prosecutor for reasons of opportunity	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

109. Do the figures include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

<p>Sources: 91: https://www.gov.uk/government/statistics/tribunals-and-gender-recognition-certificate-statistics-quarterly-april-to-june-2017-and-2016-to-2017 -https://www.gov.uk/government/statistics/coroners-statistics-2016 https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-april-to-june-2017 https://www.gov.uk/government/statistics/family-court-statistics-quarterly-april-to-june-2017</p>
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<https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-january-to-march-2017>

94:

<https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2017>

97:

<https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-january-to-march-2017>

98:

<https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-january-to-march-2017>

<https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2017>

99:

<https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-january-to-march-2017>

100:

<https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-january-to-march-2017>

101:

<https://www.gov.uk/government/statistics/family-court-statistics-quarterly-april-to-june-2017>

<https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2017>

Intentional homicide: Unpublished figures, Criminal courts team, Justice Statistics Analytical Services, Ministry of Justice

107 and 108: Crown Prosecution Service Case Management Information System

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. (Modified question) How are judges recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify):

Comments Qualifying test.

110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

Yes

No

Comments - If yes, please specify: Both the Lord Chancellor and the Lord Chief Justice have a statutory responsibility to encourage judicial diversity.

Where two or more candidates are assessed as being of equal merit, the JAC can select a candidate for the purpose of increasing judicial diversity using the equal merit provision (EMP) introduced by the Crime and Courts Act 2013. The Commission's equal merit provision policy has applied to selection exercises launched since 1 July 2014. Where two or more candidates are judged by the Commission to be of equal merit when assessed against the advertised requirements for a specific post, and there is clear under-representation on the basis of race or gender, the Commission can use the EMP to make the final selection decision.

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

- an authority made up of judges only
 an authority made up of non-judges only
 an authority made up of judges and non-judges

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

112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
 No

Comments

112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
 No

Comments - If yes, please specify: Both the Lord Chancellor and the Lord Chief Justice have a statutory responsibility to encourage judicial diversity.

Where two or more candidates are assessed as being of equal merit, the JAC can select a candidate for the purpose of increasing judicial diversity using the equal merit provision (EMP) introduced by the Crime and Courts Act 2013. The Commission's equal merit provision policy has applied to selection exercises launched since 1 July 2014. Where two or more candidates are judged by the Commission to be of equal merit when assessed against the advertised requirements for a specific post, and there is clear under-representation on the basis of race or gender, the Commission can use the EMP to make the final selection decision.

113. What is the procedure for judges to be promoted? (multiple answers possible)

- Competitive test / Exam
 Other procedure (interview or other)
 No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): Judges are not promoted; suitable candidates are recommended to the Lord Chancellor, Lord Chief Justice or Senior President of Tribunals. Criteria or competencies are adapted to each judicial role.

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

- Years of experience
 Professional skills (and/or qualitative performance)
 Performance (quantitative)
 Assessment results
 Subjective criteria (e.g. integrity, reputation)
 Other
 No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?

- Yes
- No

Comments None of the options apply, in that timescales vary for different schemes.

114. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of prosecution services?

- statutory independent
- under the authority of the Minister of justice or another central authority
- other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.

- Yes
- No

Comments - If yes, please specify:

116. How are public prosecutors recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

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

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

117-1. Are there specific provisions for facilitating gender equality within the framework of the

procedure for recruiting prosecutors?

Yes

No

Comments - If yes, please specify:

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

Yes

No, please specify which authority is competent for promoting public prosecutors

Comments

119. What is the procedure for prosecutors to be promoted? (multiple answers possible)

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): There is no automatic through grading (promotion) for Prosecutors. Prosecutors must apply for any vacancies and will be assessed accordingly . The assessment will include an interview and sometimes another formal assessment.

119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

Yes

No

Comments - If yes, please specify:

119-2. Please indicate the criteria used for the promotion of a prosecutor:

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”): To join the Prosecutor structure you already need to be a fully qualified lawyer and promotion requires passing an assessment, though there are no specific extra entry criteria applied between different levels or bands.

120. Is there a system of qualitative individual assessment of the public prosecutors’ work?

Yes

No

Comments

5.1.3.Mandate and retirement of judges and prosecutors



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

(X) Yes, please indicate the compulsory retirement age:70

() No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

121-1. Can a judge be transferred (to another court) without his/her consent:

[] For disciplinary reasons

[X] For organisational reasons

[] For other reasons (please specify modalities and safeguards):

[] No

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

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

() Yes, duration of the probation period (in years):

(X) No

[] NAP

Comments

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

(X) Yes, please indicate the compulsory retirement age:With effect from 1 April 2010, there is no longer a mandatory retirement age within the Civil Service. CPS employees may however choose to retire at any point once they have reached their retirement age (also known as "pension age") under the terms of their pension scheme. The CPS cannot compulsorily retire employees at any age. From a CPS Senior Staffing Unit perspective, the only senior management position which is time-bound is the Director of Public Prosecutions. The DPP is on a five year contract which may be renewed thereafter at the sole discretion of the Attorney General's Office. All other senior management posts are appointed to office for an undetermined period. Furthermore, there is no compulsory retirement age.

() No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Yes (e.g. where disciplinary breach).

124. Is there a probation period for public prosecutors? If yes, how long is this period?

(X) Yes, duration of the probation period (in years):0.5

() No

Comments

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

Yes, what is the length of the mandate (in years)?

No

Comments Fee-paid judicial office holders are initially appointed for a set period – usually between 4 and 5 years depending on role and when appointed – renewable automatically, subject to the upper age limit.

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

Yes, what is the length of the mandate (in years)?

No, what is the length of the mandate (in years)?

Comments NAP

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions of the court (e.g. court president)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

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

	Frequency of the judges training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

In-service training for management functions of the court (e.g. court president)	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: All salaried judges will receive training on an annual basis and training is linked to authorisations for different jurisdictions. Fee-paid judiciary will attend on a 3 year minimum but more regularly if sits in more than one jurisdiction.

“In-service training for the use of computer facilities in courts” is provided every year but judges only attend once.

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors

	Compulsory	Optional	No training proposed
Initial training	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for management functions in the courts (e.g. Head of prosecution office, manager)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for the use of computer facilities in office	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

In-service training for management functions in office (e.g. Head of prosecution office, manager)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in office	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: At the time of the previous cycle we were in the process of undergoing an organisational transition from paper to digital working and attendant roll-out of new equipment, for which we brought in suitable assistance and training. With the transition now behind us, training is as and when required.

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments The Judicial College is the training body for the judiciary. It undertakes the statutory training responsibilities of the Lord Chief Justice, Senior President of Tribunals and Chief Coroner. The Judicial College sits within Judicial Office and the budget, whilst originating from MOJ, is negotiated under procedures that are part of the Constitutional Reform Act 2005 and Concordat for the independent judiciary. From 2011 the Judicial College is the one training organisation for the judiciary (before that it was Judicial Studies Board for courts and separate tribunals arrangements).

131-0. (Modified question) If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	12374461 <input type="checkbox"/> NA <input type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. The CPS provides training and development for its prosecutors through a blended learning programme, designed and delivered in the main by CPS subject matter experts. Subject to individuals' specialist requirements, they will complete a number of mandated training courses on joining the CPS and then complete additional training courses when they move into different prosecutor roles. Identification and prioritisation of new corporate legal development needs is undertaken by the CPS' Tools and Skills for the Job

Board and this results in additional courses being undertaken by prosecutors.

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	124800 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	107100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	250800 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	215300 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	38399 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	32958 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments Currency conversion based on Bank of England spot rate on December 31st 2016 (rounded to nearest 100).

Pay and pensions departments are unable to provide a benchmark figure in respect of Net pay.

Please note: the public prosecutor salary at the beginning of his/her career is actually between 38,399-44,124 (£32,958-£37,872) despite what is reflected on the form above.

All figures are quoted as Gross Salary, as net annual salaries will depend upon an individual's Tax and NI position during the reporting period.

A prosecutor beginning their career as a Crown Prosecutor with the CPS would start on a salary of £32,958 (€38,399) (nationally) or £34,722 (€40,454) (London). Crown Prosecutors based in the London Region would also receive a Recruitment and Retention Allowance of £3,150 (€3,670).

Progression through the pay range will be in line with the agreed pay award (in 2017/18 this provided a 1% consolidated increase to base pay) up to the maximum of the Crown Prosecutor Pay Range of £36,485 (€42,508)(national) or £38,188 (€44,493) (London).

The highest grade Prosecutor within the CPS (excluding CCPs) is that of the Principal Crown Advocate. The starting salary for this role in 2017/18 is: £ 71,825 (€83,683)(national), £ 76,005 (€88,553)(London) and £ 94,026 (€109,549) (for those with Queen's Counsel status).

Similar to all other roles, progression is determined by the agreed pay award. The maximum of the Principal Crown Advocate pay range is: £ 79,139 (€92,204)(national), £ 83,358 (€97,120)(London) or £ 116,069 (€135,231)(for those with Queen's Counsel status).

Principal Crown Advocates based in the London Region would also receive a Recruitment and Retention Allowance of £3,150 (€3,670).

The average salary for the 12 Principal Crown Advocates at 31.12.2016 was £84,176.50 (€98,073).

133. Do judges and public prosecutors have additional benefits?

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

Comments

134. If “other financial benefit”, please specify:

[X] NAP

135. Can judges combine their work with any of the following other functions/activities?

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

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Rules governing these kinds of ‘outside activity’ are governed by the Lord Chancellor’s terms and conditions for judicial office holders. There are some differences between the terms and conditions for salaried office holders and those for fee-paid office holders in this area – reflecting the detail that fee-paid office holders would be expected to be engaged in, and in receipt of remuneration for, ‘outside activities’ given the part-time nature of their judicial role.

Judges must ensure that while holding judicial office they conduct themselves in a manner consistent with the authority and standing of a judge. They must not, in any capacity, engage in any activity which might undermine, or be reasonably thought to undermine, their judicial independence or impartiality. Judges may not undertake any other remunerated employment, nor receive or retain any fee or emolument in any circumstances save for royalties earned as an author. They may not undertake any task or engage in any activity which

in any way limits their ability to discharge their judicial duties to the full. They should so conduct their private affairs as to minimise the possibility of conflict or embarrassment.

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

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

Lectures: There is in principle no objection to members of the judiciary speaking on technical legal matters, which are unlikely to be controversial, at lectures and conferences or seminars organised by the Bar or The Law Society, or by academic or other similar non-profit making organisations. Lectures and seminars which deal with matters of more general public interest may, however, raise wider issues of policy, sometimes not immediately apparent. Judges will therefore wish to be cautious about speaking at these. Depending on circumstances, it could also be inappropriate for a judge to accept an invitation to deliver a public lecture or participate in a conference or seminar run by a commercial undertaking. It is regarded as inappropriate for a judge to receive a fee personally for giving a lecture. However, where a judge gives a lecture for a commercial undertaking there is no objection, if he/she considers that it would be appropriate, to his/her requesting that any fee otherwise payable be paid to a charity of his/her choice.

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

- Judges who teach other judges continue to be paid their salary, therefore they are remunerated. If the teaching is outside say at a university then that would be non-remunerated.

137. Can public prosecutors combine their work with any of the following other functions/activities?

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

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify. - authorisation would be needed in all circumstances

- Prosecutors can combine their work with these functions/activities as a qualified lawyer practising criminal law, but NOT in their capacity as a serving Crown Prosecutor - remuneration would only be allowed during time the individual has formally and specifically agreed will be unpaid by the CPS (unpaid special leave), as an alternative/consecutive rather than an additional/concurrent source of

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

- Yes
- No

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

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify): Any individual
- This is not possible

Comments

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

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

Comments

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify): The Lord Chancellor and the Lord Chief Justice for England and Wales

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

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

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

Comments

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
Total number (1+2+3+4)	1459 <input type="checkbox"/> NA <input type="checkbox"/> NAP	32 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	22 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

4. Other	1426 <input type="checkbox"/> NA <input type="checkbox"/> NAP	22 <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - If "other", please specify: Judges:

In 2016/17 there were 42 instances of formal disciplinary action taken by the Lord Chancellor and Lord Chief Justice comprising formal advice, warning, reprimand, suspension from office or removal from office. As reported in previous years the figures above represent cases where there has been some form of further enquiry made before a complaint has been dismissed. 1257 cases were rejected immediately without any further enquiry being made. Criminal Offence figure relates to criminal and civil cases.

Public prosecutors: Breach of confidentiality – 2; Breach of Dignity at Work Policy – 1; Breach of Security – 3; Dishonesty – 4; Flexi Abuse – 1; Inappropriate behaviour/conduct – 6; Non-attendance at court – 1; Practicing without a certificate – 1; Refusal to carry out reasonable management Instruction – 2; Unauthorised absence - 1

The increase in discipline cases is likely to be related to managers being more confident in dealing with issues as they have received management training and are provided with enabling support from HR teams. In addition, the CPS 2020 focus on providing high quality casework and ensuring Public Confidence is likely to have drawn a focus on individual professionalism and competence.

Regarding judges: there was an increase in complaints which were not summarily dismissed (i.e. they underwent some form of investigation) but the more relevant point is that were significantly fewer complaints that were actually upheld – they went down from 75 to 42. The Judicial Conduct Investigations Office does not hold any information that would explain either of these trends but it is worth pointing out that "disciplinary proceedings" does not mean that a judge was found to have done something wrong – just that a complaint was investigated to some extent. All relevant figures can be found here: <https://judicialconduct.judiciary.gov.uk/reports-publications/>

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 9)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Temporary reduction of salary	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
6. Position downgrade	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
7. Transfer to another geographical (court) location	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
8. Resignation	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

9. Other	34 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
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Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. Judges: Other sanctions - 11 - Formal advice; 4 - warning; 19 - removed from office

Public prosecutors: There are two main reasons for the difference between the number of disciplinary proceedings initiated and the number of sanctions. One is that the outcome of the proceedings can be 'No Warning', which is not a sanction and amounted to 10 during this period. The second is that the time taken to determine a disciplinary matter means that there is no direct correlation between those initiated and those concluded over the same period.

Public Prosecutors: There are two main reasons for the difference between the number of disciplinary proceedings initiated and the number of sanctions. One is that the outcome of the proceedings can be 'No Warning', which is not a sanction and amounted to 10 during this period. The second is that the time taken to determine a disciplinary matter means that there is no direct correlation between those initiated and those concluded over the same period.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: Judges: JCIO Annual Report 2016/17.
Public prosecutors: The CPS's own internal HR figures.

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

[151354]

NA

NAP

Comments 16045 practising Barristers, 135309 practising solicitors. (151354 total)

"Practicing solicitors" refers to the number of solicitors that renewed their certificates in the given year, so are therefore actively practicing.

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

Yes ()

No (X)

Comments

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

[]

NA

NAP

Comments There are 49,722 unregistered barristers in the records of the Bar Standards Board, as of December 2016. We do not know how many of these are presently domiciled in the UK, how many are retired, and how many may be providing legal advice, so it is hard to read too much into this figure.

As of December 2016 there were 43,663 non-practising solicitors. By this we mean they are admitted to the roll but do not have a practising certificate. This figure ideally shouldn't be used for legal advisors who can't represent in court. All solicitors have rights of audience if they have a practising certificate and can conduct litigation. We only hold numbers on solicitors as opposed to non-regulated "legal advisors".

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

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Dismissal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases - Defendant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases - Victim	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
There is no monopoly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly: Parties in criminal, civil and administrative cases are typically represented by barristers or solicitors with higher rights of audience. However, there are other persons and organisations who are able to represent clients as follows: - Persons granted rights of audience by statute, such as local authority officers.

- Persons granted rights of audience at the discretion of the court.

- Any person has rights of audience in small claims cases (cases where the financial amount involved does not exceed £1000) as long as that person is present at the hearing. - Parties to a case may represent themselves as 'litigants in person'.

Legal Executive Advocates who have attained a civil proceedings certificate can represent clients:

- In open court in the County Court in civil proceedings,

- Before Justices or a District Judge in the Magistrates Court in matters originating by complaint or application,

- Before any tribunal under the supervision of the Council on Tribunals where the tribunal rules provide for a non-discretionary right of audience being available to barristers and solicitors,

- Before the Coroners Courts (where they can exercise rights of audience similar to those of solicitors and barristers).

Legal Executive Advocates who have attained a criminal proceedings certificate can represent clients:

- Before Justices or a District Judge in all adult magistrates courts and Youth Courts in matters within the jurisdiction of those courts, - In the Crown Court of High Court before a judge in chambers to conduct bail applications,

- In the Crown Court on appeal from the Magistrates Court, the Youth Court on on committal of an adult for a sentence to be dealt with if any solicitor who employs the Legal Executive or any other solicitor or Fellow in the same employment as the Legal Executive appeared on behalf of the defendant in the Magistrates or Youth Court, - Before Coroners' Courts. Legal Executive Advocates who have attained a family proceedings certificate can appear before Justices or District Judge in the Family Proceedings Courts and before the Coroners

Courts. All patent attorneys have rights of audience and the right to conduct litigation in the Patent County Courts and on appeal from the Patent Office in the Patents Court, which is part of the High Court. Patent attorney litigators have the right to conduct litigation in the High Court, the Patents Court and in the Court of Appeal on appeal from the Patents County Court or the High Court in any matter relating to patents, designs, trade marks or technical information.

Members of the Institute of Trade Mark Attorneys with litigators' rights can conduct litigation in the Chancery Division of the High Court and the County Court (including the Patents County Court) relating to trade mark, design and passing off cases.

149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Family member	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Self-representation	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Trade union	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Other	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s): Note, rights of audience are granted at the discretion of the judge, and rules laid out in the Legal Services Act 2007 governing exemptions, so technically, all of these entities may qualify for rights of audience. As a general rule, only litigants in person appear to have automatic rights of audience.

There are some tribunals that have no restrictions (eg employment). However in relation to Courts as defined in the Legal Services Act, the general position is that only authorised lawyers have rights of audience in addition to litigants in person, but the Act does have the concept of 'exempt persons' who don't need to be authorised (sched 3).

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify):

Comments

149-2. What are the statuses for exercising the legal profession in court?

- Self-employed lawyer

Staff lawyer

In-house lawyer

Comments All practising barristers must hold a practising certificate issued by the Bar Standards Board, the professional regulatory body for barristers. Barristers are required to renew their practising certificate yearly. During the renewal process Barristers need to verify their practising status and entitlement to exercise reserved legal activities; confirm whether they have completed the requisite amount of continuing professional development (CPD) activity; declare they have obtained and paid for adequate indemnity insurance and pay a practising certificate fee. Those in their second six months of pupillage (a 12 month professional training period undertaken prior to attaining full practising status) are entitled to supply legal services and exercise Rights of Audience, provided that they have the permission of their pupil supervisor or head of chambers, and have been issued with a Provisional Practising Certificate. Barristers seeking to conduct litigation will need to be approved by the BSB for individual authorisation to conduct litigation.

Rules barristers are required to comply with are laid out in the Bar Standards Board Handbook. Details of changes to the rules governing barristers are formulated by the Bar Standards Board, but any changes to approved regulators regulatory arrangements must be approved by the Legal Services Board before coming into effect (unless LSB directs that is an exempt alteration). All solicitors in private practice must hold a practising certificate issued by the Solicitors Regulation Authority, the professional regulatory body for solicitors. This guarantees that the solicitor is qualified to practise and has insurance to protect consumers if anything goes wrong. Solicitors are required to work according to a set of rules issued by the Solicitors Regulation Authority as set out in the SRA Handbook -

<http://www.sra.org.uk/solicitors/handbook/welcome.page> The Law Society has, under its General Regulations (updated 2015), delegated all its regulatory functions to the SRA. The scope of that delegation is set out in the terms of reference of the SRA Board and this includes the power to make, amend and revoke rules, regulations and codes under any primary or secondary legislation relating to regulatory matters; and dealing with all matters relating to monitoring, securing or enforcing compliance with requirements imposed by primary or secondary legislation, or rules/regulations that are made. A Chartered Legal Executive may appear in County Court arbitrations and before tribunals at the discretion of the court. This is under the general discretionary power of the court or tribunal. Chartered Legal Executives employed by Local Authorities or Housing Management Organisations (exercising Local Authority Housing functions) can also exercise certain rights of audience in the magistrates' courts and county courts acting on behalf of their local authority or housing management employer along with other employees.

CILEx can award additional advocacy rights to Chartered Legal Executives who have completed the prescribed rights of audience qualification. A Chartered Legal Executive who has successfully completed and passed the advocacy skills course and evidence test may apply to CILEx for the relevant rights of audience certificate.

Costs Lawyers and Patents Lawyers also have Rights of Audience in some circumstances.

150. Is the lawyer profession organised through:

a national bar association

a regional bar association

a local bar association

Comments

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

Yes

No

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

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

Yes

No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification,

specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify: Public Access barristers (barristers who are allowed to accept instructions directly from the public rather than via a solicitor intermediary) must have completed Public Access training. Public Access barristers must also:

- seek feedback from their public access clients on the service provided; and

- maintain a log of public access cases they have dealt with, including any issues or problems that have arisen and make this log available, on request, to the BSB for review. Barristers seeking to conduct litigation will need to be approved by the Bar Standards Board for individual authorisation to conduct litigation.

Solicitor-Advocates - solicitors wishing to obtain higher rights of audience must hold a practising certificate and be accredited under the Higher Rights of Audience Regulations. These regulations require independent assessment of advocacy skills before the SRA can award a civil and/or criminal qualification.

F1. Please indicate the sources for answering questions 146 and 148:

Sources: 146:

https://www.sra.org.uk/sra/how-we-work/reports/data/population_solicitors.page

<https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/statistics/practising-barrister-statistics/>

148:

The Bar Standards Board Core Database

6.1.2. Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments Barristers must provide a written summary of their fee charging structure on accepting instructions from their client. This can be a fixed fee, hourly rate, or other fee arrangement. The Competitions and Markets Authority (CMA) published a report on the legal services market in December 2016 recommending adoption of minimum disclosure requirements around price (among other recommendations). The Bar Standards Board is running a consultation on introducing new transparency requirements (as of October 2017), with a rule change application to the Legal Services Board expected between June and September 2018.

155. Are lawyers' fees freely negotiated?

Yes

No

Comments Lawyers operating in the private sector are free to set their own fees. Some publicly funded lawyers, such as legal aid lawyers, have standard fees that are regulated by the Government. Fixed recoverable fees also operate in personal injury cases where the claim value is up to a maximum value of £25,000.

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

[X] Yes laws provide rules

Yes standards of the bar association provide rules

No neither laws nor bar association standards provide rules

Comments Lawyers operating in the private sector are free to set their own fees. Some publicly funded lawyers, such as legal aid lawyers, have standard fees that are regulated by the Government. Fixed recoverable fees also operate in personal injury cases where the claim value is up to a maximum value of £25,000.

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used? Each regulator is responsible for defining the quality standards for its regulated community.

Quality criteria for barristers are included in the Bar Standards Board Handbook, which includes all regulations and guidance for barristers.

The quality standards for solicitors are outlined in Chapter 1 of the SRA (Solicitors Regulation Authority) Code Of Conduct. The Legal Ombudsman also has quality standards. The SRA has developed competency standards which set out the knowledge, skills and attributes we expect on the day of qualification - <http://www.sra.org.uk/solicitors/competence-statement.page>
Standards Expected of Chartered Legal Executives are laid out in the CILEx Code of Conduct.

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

the bar association

the Parliament

other (please specify):

Comments There is a Legal Ombudsman however it does not set quality standards but is a service provider that has a set of rules on how to handle complaints.

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify: The Legal Ombudsman (LeO) is an independent and impartial scheme set up to help resolve disputes about the service provided by legal service providers or entities (firms, businesses or practices). It is free to members of the public. If a client has an issue with a legal service provided, the Legal Ombudsman advises first filing a complaint to the provider of the legal service, and then filing a complaint to them if the complaint is not resolved. In circumstances laid out by each regulator, complaints can be made to and investigated by the regulator itself. For example: for barristers, individuals or organisations can complain about the professional conduct of a barrister who has not acted for them via the Bar Standards Board, which deals with matters of professional misconduct. And for solicitors, reports from third parties about breaches of the Code of Conduct and other regulatory requirements are filed with the Solicitors Regulation Authority. Clients of solicitors can also apply to Court for detailed assessment of their bill.

160. Which authority is responsible for disciplinary procedures?

the judge

the Ministry of Justice

a professional authority

other (please specify):

Comments Under the provisions of the Legal Services Act 2007 (and other relevant legislation, for example, Solicitors Act 1974),

approved regulators are responsible for disciplinary procedures concerning the individuals and organisations they regulate. The Bar Standards Board is responsible for disciplinary procedures against barristers. Complaints made to the Legal Ombudsman (see Q.159) are referred to the Bar Standards Board for disciplinary action when it is found that misconduct has taken place. The Solicitors Regulation Authority is responsible for disciplinary procedures concerning all individuals and organisations they regulate (<http://www.sra.org.uk/solicitors/enforcement/we-are-investigating-you.page>)

Serious cases are referred to the Solicitors Disciplinary Tribunal (Quasi judicial body) <http://www.solicitortribunal.org.uk/>
The Tribunal adjudicates upon alleged breaches of the rules and regulations applicable to solicitors and their firms.

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	164 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: Total number = 56 (barristers) + 108 (solicitors)

The 1-4 breakdowns is not available for solicitors but for barristers it is:

- 1. Breach of professional ethics: 16
- 2. Professional inadequacy:23
- 3. Criminal offence: 13
- 4. Other: 4

Furthermore for barristers:

Disciplinary finding by another body: 1

Other (not defined): 1

Other breach of Public Access Rules: 2

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	282 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	19 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3. Withdrawal from cases	76 [] NA [] NAP
4. Fine	75 [] NA [] NAP
5. Other	84 [] NA [] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. Please see below break down by barristers and solicitors:

Barristers Solicitors Total

Total 68177282

1. Reprimand 15419

2. Suspension 82028

3. Withdrawal n/a 7676

4. Fine 245175

5. Other 216384

For barristers 'Other' includes - 'Disbarred = 17', 'Advised as to future conduct = 1', 'Attend on nominated person for advice = 1', 'Prohibited from accepting public access instructions = 2'

The number of sanctions imposed is higher than the number of cases as multiple sanctions can be imposed in relation to one case.

7. Alternative dispute resolutions

7.1. Mediation

7.1.1. Details on mediation procedures and other ADR

163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation procedures?

Before going to court

Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned: In private family law, there is a requirement for a prospective applicant to attend a Mediation Information and Assessment Meeting (MIAM) before going to court, to assess whether any form of non-court dispute resolution is appropriate and suitable in that case. While there is an expectation on the Respondent to attend, there is no requirement for them to do so. There are various exemptions from the requirement to attend a MIAM, such as domestic abuse or child protection concerns. This is not judicial mediation - MIAMs are conducted by family mediators, however, the court has the power to refer parties to a MIAM if the pre-court MIAM requirement has not been met and there is no valid exemption, or where the judge feels the case may be suitable for mediation.

In family, mediation is not mandatory before court, only the requirement on the potential applicant to attend a MIAM. There are many exemptions for MIAM attendance, for example in cases of domestic violence or child protection issues. Prospective respondents are expected to attend a MIAM if invited to do so, but there is no legal requirement for them to do so – therefore the requirement for the potential respondent differs from the requirement for the potential applicant. Exemptions from MIAMs are claimed in a high proportion of

cases that go to court (estimations range from 55%-70% from both publicly and privately funded MIAMs). The most commonly claimed exemption is the failure of the respondent to attend a MIAM (accounting for 39% of all formal exemptions).

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

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

Comments Data from this cycle and the previous cycle may not be comparable due to changes brought to methodology

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

(X) Yes

() No

Comments - If yes, please specify: Family law: Parties can receive legal aid for MIAM (Mediation Information and Assessment Meeting) and mediation. This is not judicial mediation, however the court can refer the parties to a MIAM.

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

[]

[X] NA

[] NAP

Comments Due to cases in separate jurisdictions this is not possible.

167. Number of judicial mediation procedures.

	Number of judicial mediation procedures
Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)	[X] NA [] NAP
1. Civil and commercial cases	[X] NA [] NAP
2. Family cases	[X] NA [] NAP
3. Administrative cases	[X] NA [] NAP

4. Employment dismissal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please indicate the source: Civil Mediation:

In civil, while there is no accreditation for individual mediators, organisations that provide civil and commercial mediation are encouraged to become accredited with the Civil Mediation Council (CMC). The CMC is an association of academics, professionals and providers in the field of civil mediation that has set an accreditation standard that includes:

- Adequate mediator training - mediators must have successfully completed an assessed training course that includes training in ethics, mediation theory, mediation practice, negotiation, and role play exercises.
- Code of Conduct - an appropriate written Code of Conduct for its members to follow that must be no less rigorous than EU Model Code of Conduct for Mediators published in 2004.
- Supervision and monitoring - adequate and appropriate supervision, mentoring, monitoring and pupillage for its mediators, including a programme of continuing professional development (CPD), a complaints scheme, and the opportunity for peer review.
- Adequate insurance
- Efficient administration

The Ministry of Justice requires all civil mediation provider organisations that want to be involved in court-referred mediation, to first become accredited with the CMC. Those organisations are then added to the list of providers of the National Mediation Helpline (www.nationalmediationhelpline.com), and are able to undertake mediations referred by the courts, or direct from members of the public. Currently, there are about 50 mediation organisations accredited by the CMC, of which 40 are part of the National Mediation Helpline.

168. Does the legal system provide for the following alternative dispute resolutions (ADR):

- mediation other than judicial mediation
- arbitration
- conciliation
- other ADR (please specify):

Comments Family: In connection to family disputes, we are aware of (but not involved in the promotion of) ‘collaborative law’, which is a practice involving the parties, their legal advisors, any experts that may be necessary (for instance, a child psychologist, a financial advisor, a pension advisor, and so on) in round-table negotiations. Should negotiations fail, their respective legal advisors are barred from participating in court litigation. This is considered by the proponents of collaborative law as incentivising all participants (including their legal advisors) to reach agreement. There is also a more traditional route known as 'lawyer negotiation', where parties can hire lawyers to negotiate on their behalf, to attempt to reach an agreement, ideally without going to court.

G1. Please indicate the source for answering question 166:

Source: NAP

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning



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

Yes

No

Comments

170. Number of enforcement agents

[2499]

NA

NAP

Comments This is not a final number. We are waiting for a final number to be provided and will update when it is available.

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

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers:

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: High Court Enforcement Officers are approved by the Lord Chancellor and have a monopoly in the execution of High Court writs. County Court Bailiffs are employed by HM Courts and Tribunals Service and have a monopoly in the execution of county court warrants. Any individual can apply to the court for a certificate to become a certificated enforcement agent to execute against goods in other prescribed debt streams.

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Seizure of remunerations	<input type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immovable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

Yes

No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

a national body

a regional body

a local body

NAP

Comments

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

Yes

No

Comments

175. Are enforcement fees freely negotiated?

Yes

No

Comments

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

Yes

No

Comments

H0. Please indicate the sources for answering question 170

Source: Her Majesty's Courts & Tribunal Service: 332 County Court and 2499 Certificated Enforcement Agents (figure to be updated when it has been provided).

8.1.2. Efficiency of enforcement services

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

Yes

No

Comments

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

- a professional body
- the judge
- the Ministry of Justice
- the public prosecutor
- other (please specify):

Comments

179. Have quality standards been determined for enforcement agents?

- Yes
- No

Comments - If yes, what are the quality criteria used? When attending premises, all enforcement agents must comply with the provisions in the Taking Control of Goods Regulations 2013.

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

- a professional body
- the judge
- the Ministry of Justice
- other (please specify):

Comments

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

- Yes
- No

Comments - If yes, please specify: There are a range of enforcement mechanisms within the civil and criminal courts which can be applied to public authorities as to any debtor or offender. Civil Enforcement mechanisms include: A “warrant of control” gives court bailiffs the authority to take goods owned by a debtor from their home or business. An “attachment of earnings order” is sent to a debtor’s employer and gives the authority for an amount to be deducted from the debtor’s earnings and sent to a court collection office then paid to the creditor. A “third party debt order” freezes a debtor’s assets and is usually made to stop the debtor taking money out of their bank account, building society, stocks and shares etc. Such an order may also be sent to anyone who owes the debtor money.

A “charging order” prevents the debtor from selling their assets such as property or land, without paying what is owed to the creditor. In the event that creditors are uncertain about the most effective means by which the judgment can be enforced they can apply to the court for an Order to Obtain Information. This is not a form of enforcement as such; it is a way of obtaining information from the debtor. These oral examinations have proven to be effective in establishing details of assets which may be enforced against.

The court will order the debtor to come to court to be formally questioned by an officer of the court, on oath, about his or her finances (providing evidence as necessary), which will help the creditor decide whether it is worthwhile taking an enforcement step, and if so, which of the methods available is most likely to recover money owed. Failure to comply with an order to obtain information by a debtor may lead to the matter being referred to a Judge, who could impose a period of imprisonment for contempt of court.

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

- Yes

() No

Comments - If yes, please specify:

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

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

Comments

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

- Yes
- No

Comments - If yes, please specify: Regulation of the High Court Enforcement Officers is regularly reviewed by the Senior Master in conjunction with the High Court Enforcement Officers Association. Courts Tribunals and Enforcement Act 2007 brought in legislation to enable regulation of the entire bailiff industry. The reforms were implemented in 2014. Part 3 of, and Schedule 12 to, the Tribunals, Courts and Enforcement Act 2007. They introduced a simple set of rules which detail, amongst other things, what goods a bailiff (now called an enforcement agent) can and cannot take, how and when they can enter premises and what fees they can charge. In particular, the key reforms have:

- Provided safeguards to prevent the use of force against debtors and stop enforcement agents entering homes when only children are present;
- Introduced mandatory training and a new certification process for enforcement agents to ensure that they are the right people for the job;
- Introduced a simple set of rules detailing when a enforcement agent can enter a property, what goods they can and cannot take and a fee structure which will end excessive fees;
- Ensured vulnerable people are able to get assistance and advice and that enforcement agents are trained to recognise them.

The new fee structure, as introduced in the Taking Control of Goods (Fees) Regulations 2014, is applicable across all debt types enforced under Schedule 12 of the TCEA 2007 and provides clarity to the debtor as to what they will be charged. This will allow a debtor to check what they have been charged and to easily challenge this if they believe it to be incorrect. The level of the fees has been calculated to reflect the actual cost of enforcement action. While the existing fee regimes may, on the face of it, have lower fees these are often supplemented by the charging of “reasonable costs” which are not specified in advance, are not clearly defined and can be excessive. The new fees reflect the real cost of the work and remove discretionary charges, instead introducing the ability to make additional charges only for “exceptional” expenses and only with prior approval of the court and creditor - both important safeguards for debtors which are not available under the current fee regime.

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

Existence of the system

for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more (please specify):

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. For criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

2. Suspension	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons:

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Her Majesty's Courts and Tribunal Service

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters



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

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). A county court Judge certifies all certificated enforcement agents, of which many deal with criminal matters. Magistrates' courts (Judiciary, Magistrates, Legal Advisors and Fines Officers) are in charge of the enforcement of judgments and orders originating from the Crown Courts and magistrates' courts.

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

- Yes
- No

Comments

191. If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%

Comments - Please indicate the source for answering this question: This data is obtained from the E06 Financial impositions collection

report which extracts the data from the Libra case management system. The report measures how much of the value imposed in a certain period is collected within the month of imposition and subsequent months up to 18 months after imposition. The data is available on the Her Majesty's Courts and Tribunals Service internal performance database – One Performance Truth (OPT). The recovery rate quoted is based on average collection of all court ordered financial impositions (excluding confiscation orders) by 12 months after imposition.

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Number of notaries
TOTAL	793 [] NA [] NAP
Private professionals (without control from public authorities)	793 [] NA [] NAP
Private professionals under the authority (control) of public authorities	[] NA [X] NAP
Public agents	[] NA [X] NAP
Other	[] NA [X] NAP

Comments - If "other", please specify the status: The reason for the ambiguity over whether notaries are private professionals lies on the 'without the control of the public authorities'. Although the Faculty Office is not exactly a public authority it does have some control over what notaries do and do not do. For this reason data from this cycle and the previous cycle may not be comparable.

192-1. What are the access conditions to the profession of notary:

- diploma
- payment of a fee (e.g. purchasing office)
- co-opting of peers
- other

Comments Nothing has substantively changed since last cycle, but there is an interpretation issue regarding whether the postgraduate course taken is labelled a diploma because it is at that level. For this reason data from this cycle and the previous cycle may not be comparable.

192-2. (Modified question) What is the duration of appointment of a notary?

- Limited duration, please indicate it in years:
- Unlimited duration

Comments

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

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation
- other (please specify):

Comments Reserved Instrument Activities; Probate Activities; Non-contentious legal advice

194-1. Do notaries have the monopoly when exercising their profession:

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with: Authentication of deeds/certificates requiring notarisation are the sole realm of Notaries Public.

194-2. As well as these activities, what are the other ones that can be carried out by notaries?

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents
- Translations
- Signatures
- Other

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

- Yes
- No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries?

- a professional body
- the judge
- the Ministry of Justice
- the public prosecutor
- the Ministry of Interior
- other (please specify):The Master of the Faculties acting through the Faculty Office

Comments

196-1. Is there a system of general continuous training mandatory for all notaries?

Yes

No

Comments

I1. Please indicate the sources for answering question 192:

Sources: The Faculty Office which regulates notaries.

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

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

Yes

No

Comments

199. Number of accredited or registered court interpreters:

[3381]

NA

NAP

Comments The ministry works closely with its suppliers of language services to identify any gaps in their fulfilment, and to increase both the capacity and capability of their available interpreters, who are required to be listed on the ministry's register. Growing the number of available interpreters, both in terms of the languages they offer and locations they provide their services to, further ensures the broad range of booking requirements can be supported, and the needs of the justice system are met.

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

Yes

No

Comments - If yes, please specify: The Ministry has clear set of requirements built into its Language Service contracts around

qualification, right to work and security clearance, interpreters must meet these requirements before they are able to undertake work in the justice system. Details of these can be found at the follow link: <https://www.contractsfinder.service.gov.uk/Notice/975cb99e-fec6-430f-8f31-fd532a907137>.

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters The Ministry of Justice sets out the requirements for the provision of interpreters; a private company 'recruits' and 'deploys' interpreters for specific jobs.

Comments

J1. Please indicate the sources for answering question 199

Sources: The Ministry of Justice's Independent Quality Assurance Provider for the MoJ's Language Services contracts, The Language Shop

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

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

"expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,

"technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,

"legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

Other (please specify):

Comments

202-1. Are there lists or databases of technical experts registered?

Yes

No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?) NA

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection: NA

203-1. Does the expert have an obligation of training?

	Obligation of training
Initial training	() Yes (X) No
Continuous training	() Yes (X) No

Comments NAP

203-2. If yes, does this training concern:

- the proceeding
- the profession of expert
- other

Comments NAP

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

- Yes
- No

Comments

204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?

- Yes
- No

Comments NA

205. Number of accredited or registered judicial / technical experts:

- []
- NA
- NAP

Comments

205-1. Who sets the expert remuneration?

- NA

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

- Yes

() No

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

207. Are the courts responsible for selecting judicial experts?

[] Yes, for recruitment and/or appointment for a specific term of office

[] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[X] No, please specify which authority selects judicial experts There are provisions in rules of court governing the appointment of expert witnesses in appropriate cases, which are designed to steer the parties towards the instruction of an agreed joint expert where possible; but the expert or experts will be instructed by the parties. In some cases where a specialised jurisdiction is being exercised, there is provision for the court to sit with assessors who assist the court but do not make judicial decisions; but those cases are exceptional and do not involve recruitment for specific terms of office.

Comments

207-1. Does the judge control the progress of investigations?

() Yes

(X) No

Comments NA

K1. Please indicate the sources for answering question 205

Sources: NAP

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

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

1. (Comprehensive) reform plans NA

2. Budget NA

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) To consolidate our status as a global leader, we are investing over a billion pounds to transform our courts and tribunals and bring them into the 21st century. By introducing straightforward digital services, modern technology and modern ways of working we will increase access to justice for everyone – and save over £250 million per year once modernisation is complete. The improvements that reform will bring will be measured in how swiftly a child can be moved to a place of safety, how smoothly a couple can move through divorce proceedings, how quickly a person in detention can be given a decision on their immigration appeal. We are making good progress and for the first time, we have live online services across all our jurisdictions including online applications for divorce, probate and civil money claims, saving citizens valuable time and money.

The principles behind reform are tried and tested. They ultimately boil down to building a reformed system that is proportionate, accessible and – above all – just. But the changes this entails to the way the system operates are fundamental. For the people who use and rely on it, the services it provides will be simpler and easier to use with many straightforward online services. For those who operate it – be they judges or staff – there will be much greater virtual, flexible working and much less paper-based administration. There will be fewer buildings and much better support for judges in the form of case officers. The overall operation will be put on a sustainable financial footing that provides an excellent value service to tax- and fee-payers.

In practical terms, this means giving effect to three ideas:

1. Getting cases out of court that do not need to be there – for example, an uncontested divorce, or a fare evasion offence.
2. Using greater virtual working, and only applying the full force of judge and physical courtroom to very difficult or sensitive issues – not to preliminary hearings to agree process, or minor crimes.
3. Stripping away paper, unnecessary hearings, forms, duplication and mistakes.

These three areas of change have profound implications for the courts and tribunals, the people who use them and those who work in them.

3.1. Access to justice and legal aid The Government announced in November 2017 that it will review the implementation of the major changes to the scope and administration of legal aid in England and Wales made by and under the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

4. High Judicial Council NA

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

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

7. Enforcement of court decisions There is significant opportunity to increase both the level of collections and the efficiency of the collections service through transformation of the existing system and a compliance and enforcement operation which is: Timely; Tailored; and Tough. The approach focuses on developing a service which encourages compliance - through the use of behavioural insights and data analytics to design and implement effective collection strategies. To support this we will automate data tracing and verification, seeking to validate information both at an earlier stage and then throughout the process. Through investment in a new ICT solution, which harnesses wider HMCTS reform work, we can consolidate the delivery of the service into a much smaller centralised estate footprint and significantly reduce our resource costs. The Transforming Compliance and Enforcement Programme was initiated in 2015 to look at options on how to address this. A modernised business model and underpinning technology, designed to deliver significant efficiencies and increase the rate of collection, is expected to be completed in 2020.

8. Mediation and other ADR NA

9. Fight against crime NA

9.1. Prison system In November 2016, the Government set out their plans for the most far-reaching reform of our prisons in a generation in the White Paper on Prison Safety and Reform. In the year since the white paper was published, we have made significant progress in delivering our vision for a reformed prison system, including:

- Increasing the number of prison officers working across our estate by 1,283 between October 2016 and the end of September 2017, putting us on track to meet our commitment to increase the number of prison officers by 2,500 by the end of 2018.
- Commencing the roll-out of the first stage of our new Offender Management in Custody model, which will provide every prisoner in closed conditions with a dedicated Key Worker. Through constructive challenge and regular interaction, Key Workers will help prisoners to make effective decisions, take responsibility for their rehabilitation, and use their time in custody to best effect.
- Improving our ability to identify and manage those at risk of harming themselves or others by rolling out new training for all staff on suicide and self-harm (so far over 10,000 staff have commenced training) and by introducing a new case management system for prisoners at risk of committing assaults.
- Empowering our Governors by giving them the levers to best meet the needs of the prisoners in their care including the ability to devise the daily routine in their prison, how they organise their staff, and control of a new 'family services' budget to help improve relationships between prisoners and their families. Next year we will devolve the prison education, careers advice and libraries budgets to Governors in England.
- Taking steps to strengthen our response to the security threats that impact the ability of our prisons to run safe, rehabilitative regimes, including introducing new national and regional intelligence teams, serious organised crime teams, and a new team of specialist officers to inspect drones recovered from prisons and track down those attempting the smuggle in contraband.
- Opening HMP Berwyn in North Wales in February 2017 which, when fully operational, will provide over 2,000 new fit for purpose prison places
- Introducing a new Urgent Notification process to enable HM Chief Inspector of Prisons to directly alter the Secretary of State where there are urgent and significant concerns about a prison. The Secretary of State will then publish his response and a plan of action within 28 days.

9.2 Child friendly justice NA

9.3. Violence against partners In February 2017, the Prime Minister announced a new programme of work leading towards a draft Domestic Violence and Abuse Bill to transform how we think about and tackle domestic abuse. That commitment was affirmed in the Queen's Speech which outlined proposals to bring forward a draft Bill to:

- Enshrine a definition of domestic abuse in law;
- Introduce a new protective notice and order which combines the strongest elements of the existing regime;
- Recognise the harm domestic abuse inflicts on a child;
- Create a Domestic Abuse Commissioner in law;
- Demonstrate our commitment to ratifying the Istanbul Convention by extending extraterritorial jurisdiction over Violence against Women and Girls related offences in England and Wales.

We will be launching a consultation in the new year that will seek views on how we can deliver on these commitments as well as seeking views about a range of non-legislative measures that could be taken forward. This work will be supported by an additional £20 million of funding to support organisations working to combat domestic violence and abuse, and to support victims.

10. New information and communication technologies NA

11. Other NA