

APPENDIX I

LIST OF CONTRIBUTORS - INDIVIDUALS

Mr M R Adamson
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The Hon Mr Justice Aikens
Mr W T Alden
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Mr C Amos
Mr M A Ansell
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Ms P Appleby JP
Mr I E Argyle
Ms A Arnold
Ms G Ashworth, JP
The Hon Mr Justice Astill
Mr B Atherton
Mr M Auchincloss
Miss R Auld
Mr R Bailey
His Honour John A Baker, DL
Mr A Baker
Mr D Baker
Mr L E Baker
Mr S Baker
The Hon Mr Justice Scott Baker
Professor J Baldwin
Mr R Barker
Mr R J Batchelor
HHJ Bathurst Norman (on behalf of
Southwark Crown Court Judges)
Mr M J Batt
Mr K Bayman
Mr B Beard
His Honour Judge Beashel
Mr A Beck
Mrs V Bell
The Hon Mr Justice Bell
Dr R Benians
Mr S Best
Mr D Bethlehem
Lady C Bett
Lord Bingham of Cornhill
Mr D Birrell
Mr J Blackwell
Mr P W Blackwell
Dr R Blenkinsop
The Hon Mr Justice Blofeld
Ms V J Boddington
Mr M L Boland
G C Bond
Mr P D Bradley
Mr P W Bridge
Professor L Bridges
Mr M V Bridgewater
Mr T Bright
Mrs M A J Brockbank
His Honour Judge Brodrick
The Rt Hon Lord Justice Brooke
Mr D Brooks
Mr T G M Brooks
Mr D Brown
Mr K Brown
Mr D Browning
Mr P Brudenell
Ms L Bryan-Brown
The Hon Mr Justice Buckley
Mr J T Bulled
His Honour Judge Burford QC
Mr R Burriss
Mr J Burrows
Mr A J P Butler
Mr I E M Buttress
Mrs L J Buxton
Mr M Cadman
Mr D Calvert-Smith QC
Mr G Carey
Mr G Carey QC
The Hon Mr Justice Carnwath CVO
The Hon N H Carruthers
Professor H Carty
Mr R J Castle
Mrs S C J Cawley
Mr R Chadwick
Lt Colonel Aubrey Chalmers
Mr M Chance
DJ C Chandler
His Honour Judge Chapman
Mr J W Cheeseman
Ms L Chillingworth
Mr G Claeys
Mr R Clancy
Mr T A Clark
His Honour Judge David Clarke QC
Dr K M Clews
Mr J Clucas
Dr J Coker
Mr V Coles
Mr J M Collins
The Hon Mr Justice Connell
Mr A Conrad QC
Mr J Cook
Mr R W Cook

Mr P Cooke
Mrs C A Cooke
Mr B Cooper
Mr G A Cooper
Mr M Cooper
Sir Louis Blom Cooper QC
Mr S G Cornford
Mr R Cory
The Hon Mr Justice Cresswell
Mr M Critchley
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Mr M F Crosby
Mr C Cross
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Mr R Crosskey
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Ms S Curtis
The Hon Mr Justice Curtis
Mr F Dacros
Mr J Daly
Miss P Dann
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Baroness Darcy de Knayth
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His Honour Judge Sir Rhys Davies QC
Professor G Davis
Mr J S Davison
Ms M Davison
Mr D De Coteau
Mr C Dehn QC
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Mr R Dobbelstein
Mr P R Douglas-Jones
Mr P Doyle
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Mr D R Drew
Mr J V Duckett
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The Hon Mr Justice Eady
Mrs S J Eagle
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Mrs M L Edgecombe
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Mr J A Epp
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The Hon Mr Justice Roderick Evans
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Mr T W Ford
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His Honour Judge Fox QC
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Mr B France
Mr E J Franklin
Mr C Fraser
Mr R Frey
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The Hon Mr Justice Garland
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The Hon Mr Justice Gibbs
Mr T Gilbert
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Mr B Gill
The Hon Constance R Glube
Her Honour Judge Goddard
His Honour Judge Goldsack QC
Mr D W Gorman
Mr P S Gourlay
Mr R J Gourlay
His Honour John Gower
Mr M P Green
His Honour Judge David Griffiths
Mr M Griffiths
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Mr K M Hack
Mr G W Hall
Mr J Hall
Dr S Halliday
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His Honour Judge Hammond
Mr B Hancock
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Mr A Heaton-Armstrong
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Mr I J Henderson MP
His Honour Judge Heppel QC
Mr G Herrick
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Mr M Hill QC
Mr T Hillier
Mrs E L Hine
Mr S Hockman QC
His Honour Judge Hodson
Mr A R Hogg
Mr M Holden
The Hon Mr Justice Holland
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Mr B Houlder QC
Miss S Howard
Mr J J A Howath
The Hon Mr Justice Hughes
Mr A G Hunt
Dr M A Hunter
Mr P T Hurst
His Honour Judge Hyam
Dr A R Hyett
His Honour Hywel ap Robert
His Honour Judge Issard-Davies
His Honour Judge Dr Jackson
The Hon Mr Justice Jackson
Mr A Jacob
Mr G E James
Miss S A Jefford
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Mrs J Johnson
The Hon Mr Justice Johnson
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Mr A Keily
Mr T C Kellett
Sir Ludovic Kennedy
The Hon Mr Justice Ian Kennedy

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Mr J Kenny
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The Hon Justice B F Martin
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Mr D B Mash
His Honour Judge Matthews
Mr J Matthews
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Mr C May
His Honour Judge McCarthy
The Hon A McEachern
His Honour Judge McElrea
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Mr L Messer
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Mrs D M Simpkins	The Hon Mr Justice Tucker
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The Hon Mr Justice Sumner	Ms P Williams
Mr L C Sutherland	His Honour Judge Wilson
Mr J Swan	Mr J A Wilson
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Mr T J Thompson	

APPENDIX I

LIST OF CONTRIBUTORS – ORGANISATIONS

Association of Chief Officers of Probation
Association of Chief Police Officers
Association of District Judges (Magistrates' Courts)
Association of Guardian ad Litem and Reporting Office Panel Managers
Association of Justices' Chief Executives
Association of Magisterial Officers
Association of Police and Court Interpreters
Association of Police Surgeons
Association of Sign Language Interpreters
Legal Task Group
Australian Institute of Judicial Administration and the Standing Committee of Attorneys General
Barnado's, Policy, Planning and Research Unit
Barnet Bench
Bath & Wansdyke Bench
Bedfordshire Police
Berkshire Magistrates' Association
Bexley Magistrates' Courts Committee
Birmingham Bench
Brent Borough Criminal Justice Operational Group
Bristol Bench
Bristol Law Society
British Association in Forensic Medicine
British Computer Society
British False Memory Society
British Institute of Verbatim Reporters
British Juvenile and Family Courts Society
British Security Industry Association
British Standards Institute
British Transport Police
Bromley Bench
Bromley Magistrates' Courts Committee
Calderdale Bench
Cambridgeshire Probation Service
Campaign For A National Legal Service
Canterbury and St Augustine Bench
Cardiff Bench
Central Council of Magistrates' Courts Committee
Central Buckinghamshire Bench Committee
Centre For Criminological Research and Probation Studies Unit, University of Oxford
Channel Bench East Kent
Chelmsford Crown Court Judges
Cheshire Constabulary
Cheshire Magistrates' Courts Committee
Children's Society
Children's Society, The Wales Advocacy Unit
City of London Magistrates' Courts Committee
City of London Police HQ
Cleveland Magistrates' Courts Committee
Cleveland Police HQ
Commission for Racial Equality
Consultative Committee West Dorset Bench
Council For Registration of Forensic Practitioners
Council of HMCircuit Judges
Court of Appeal New Zealand
Court Service, Bristol Group
Court Service, Chelmsford Group
Court Service, Exeter Group Managers
Court Service, London Crown Court Group
Court Service, Midland and Oxford Circuit
Court Service, Newcastle Group, (Manager's Office)
Court Service, North Eastern Circuit
Court Service, Teesside Group Staff and Judges
Criminal Bar Association
Crown Prosecution Service, Association of Senior Civil Servants
Crown Prosecution Service, HQ
Crown Prosecution Service, Inspectorate
Crown Prosecution Service, Maidstone
Croydon Magistrates' Courts Committee
Department of Justice, Canada
Department of Trade and Industry
Derbyshire Dales District Council
Document Evidence Ltd
Dorset Bench
Dorset Probation Service
Drayton Petty Sessional Division
Dunheved and Stratton Bench
Dyfed Probation Committee
Ealing Bench
East Central Division, Inner London Magistrates' Courts Service Justices
East Derbyshire Bench
East Sussex Magistrates' Association
Embassy of the Federal Republic
Enfield Bench
Enfield Petty Sessional Area Justices
Equal Treatment Advisory Committee of the Judicial Studies Board
Essex Magistrates' Courts Committee
Expert Witness Institute
Forensic Science Society
Forensic Science Service
Formedcon Ltd
Furnival Chambers

General Council of the Bar
 General Council of the Bar, Disability Committee
 General Council of the Bar, Sex Discrimination Committee
 General Council of the Bar, Race Relations Committee
 General Council of the Bar, Young Barristers' Committee
 General London Lay Observers Panel
 Gloucestershire Magistrates' Courts Committee
 Gloucestershire Magistrates' Courts Service
 Gloucestershire Probation Service
 Gough Square Chambers
 Greater Manchester Campaign Against Domestic Violence
 Greater Manchester Police
 Greater Manchester Probation Service
 Halsey Meyer Higgins Solicitors
 Hampshire Magistrates' Courts Committee
 Hampshire Probation Service
 Haringey Magistrates' Courts Committee
 Herefordshire Fine Enforcement Panel
 Hertfordshire Magistrates' Association
 Hertfordshire Magistrates' Courts 'Committee
 Hillingdon Magistrates' Courts Committee
 HM Customs and Excise
 HM Magistrates' Courts Service Inspectorate
 HM Prison Service
 Hodgsons Chartered Accountants
 Home Office Inspectorate of Probation
 Hounslow Magistrates' Courts Committee
 Howard League for Penal Reform
 Humberside Police HQ
 Humberside Probation Committee
 Inner London and City Family Panel
 Inner London Magistrates' Courts Committee
 Inner London Probation Service
 Inner London Youth Panel
 Institute of Legal Executives
 Institute of Linguists
 Institute of Translation and Interpreting
 Ipswich Magistrates' Courts Committee
 Isle of Man Courts of Justice
 Joint Council of Stipendiary Magistrates
 Judicial Studies Board
 JUSTICE
 Justices' Clerks' Society
 Kent Magistrates' Courts Committee
 Kent Magistrates' Courts Service
 Kent Probation Committee
 Kirklees Council
 Lancashire Bench
 Lancashire Constabulary
 Lancashire Probation Committee
 Law Commission
 Law Commission, New Zealand
 Law Society
 Law Society, Criminal Law Committee
 Leeds District Magistrates Court
 Legal Action Group
 Leicestershire Bench
 Leicestershire Magistrates' Courts Committee
 Liberty
 Lincolnshire Police
 Local Government Association
 Magistrates' Association
 Manchester Magistrates' Courts Committee
 Mansfield Bench
 Market Bosworth Bench
 Marten Walsh Cherer Ltd
 McCullochs Solicitors
 Media Training Centre
 Mediation UK
 Merseyside Local Authority
 Merseyside Magistrates' Courts Committee
 Merseyside Probation Service
 Metropolitan Police Service, Strategic Development, New Scotland Yard
 Mid Glamorgan Probation Service
 Ministry of Defence Police, Wethersfield, Braintree
 Naborro Nathanson
 National Assembly for Wales
 National Association for the Care and Resettlement of Offenders
 National Association of Citizens Advice Bureau
 National Association of Probation Officers
 National Plant and Equipment Register
 National Society for the Prevention of Cruelty to Children
 National Working Group on Fraud
 Newcastle Upon Tyne Bench
 Newspaper Society
 Norfolk Magistrates' Courts Committee
 North and West Greater Manchester Magistrates' Courts Committee
 North Port Talbot Bench
 North Wales Magistrates' Courts Committee
 North Westminster Bench
 North Yorkshire Magistrates' Courts Committee
 Northamptonshire Police
 Northern Oxfordshire Bench
 Nottingham City Council
 Nottinghamshire Magistrates' Courts Committee
 Nottinghamshire Magistrates' Courts Service
 NSPCC
 Oxford and Southern Oxfordshire Magistrates' Divisions
 Oxfordshire and Buckinghamshire Probation Service
 PA Consulting Group
 Parole Board
 Payback

Police Federation of England and Wales
 Powys Magistrates' Courts Committee
 Queensland Criminal Justice Commission
 Rotherham Magistrates' Courts Committee
 Scottish Law Commission
 Sentencing Advisory Panel
 Serious Fraud Office
 Sheffield Magistrates' Courts Committee
 Shepherd, Harris and Co Solicitors
 Shrewsbury Bench
 Smith Bernal Court Reporters
 Society for Advanced Legal Studies
 Society of Conservative Lawyers, Criminal
 Justice Sub-Committee
 Society of Editors
 Society of Labour Lawyers
 Somerset Magistrates' Association
 Sorene Court Reporting and Training Services
 South Cumbria Magistrates' Courts
 Committee
 South Hants, Magistrates' Executive
 Committee of the Petty Sessional Division
 South Wales Magistrates' Courts Committee
 South Wales Police
 South West London Probation Service
 South Yorkshire Police, Sexual Offences and
 Child Abuse Unit
 Southampton Bench
 Stockport Magistrates' Courts Committee
 Stopping Convictions On No Evidence
 Suffolk Constabulary
 Suffolk Magistrates' Courts Committee
 Support After Murder and Manslaughter
 Centre, Merseyside
 Supreme Court Costs Office
 Taunton Deane Bench
 Teesside Probation Service
 Telford Bench
 Thames Valley Magistrates' Courts
 Committee
 The Office of the Legal Services
 Commissioner
 Trafford Magistrates' Courts Committee
 TV Edwards Solicitors
 Uxbridge Bench
 Vale of Glamorgan Bench
 Values Into Action
 Victim Support
 Wason and Associates Verbatim Reporters
 West Allerdale and Keswick Bench
 West Midlands Magistrates' Courts Service
 Westgate Chambers
 Wigan Magistrates General Purposes
 Committee
 Wiltshire Magistrates' Association
 Wiltshire Magistrates' Courts Service
 Winchester Bar
 Worcestershire Magistrates' Association
 Youth At Risk Impact Centre
 Youth Justice Board

APPENDIX II

INFORMATION AND RESEARCH PROJECTS FROM OTHER JURISDICTIONS

Australia

Managing complex criminal trials: reform of the rules of evidence and procedure: Mark Aronson, The Australian Institute of Judicial Administration Incorporate, 1992

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Canada

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Criminal Law Practice Direction (consolidated), Chief Justice Dohm, Supreme Court British Columbia
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New Zealand

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- Criminal jury trials caseflow management.
- Sexual offences involving child complainants & child defendants.
- Criminal law: preliminary hearings.
- Serious Fraud Office prosecutions

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Northern Ireland

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Scotland

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Charging the Jury, Judicial Studies Board Scotland, January 2000

Isle of Man

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Germany

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Vietnam

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The Law On the Organisations of People's Procuratorates, Socialist Republic of Vietnam

United States of America

The Jury Project – Report to the Chief Judge of the State of New York, 31st March 1994

APPENDIX III

CURRENT RESEARCH PROJECTS – ENGLAND AND WALES

Current government research projects and pilots

Accommodation

Internal review of estate and accommodation: Lord Chancellor's Department

Review of judges' lodgings: The Court Service

Pathfinder: A model courtroom: The Crown Court Programme, The Court Service

Case management

Pilots on case progression: The Crown Court Programme, The Court Service

Case management perspectives: the views of judges across jurisdictions in England and Wales, Lord Chancellor's Department research by Joyce Plotnikoff and Richard Woolfson (report expected in 2001)

The applicability to other adjudicative settings of organisational arrangements at the London Parking Service, Lord Chancellor's Department research by John Raine and Stephanie Snape (report expected in 2001)

Children

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Delay

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Reducing delays in the magistrates' courts, David Brown. Home Office Research Findings 131, 2000

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Drugs

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Human Rights

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The Judiciary

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The judiciary in the magistrates' courts, Rod Morgan and Neil Russell. Home Office and LCD Occasional Paper 66, 2000

Legislation

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The Protection from Harassment Act 1997 – An Evaluation of its use and effectiveness, Jessica Harris. Home Office Research Findings 130, 2000

Assessment of Anti-Social Behaviour Orders, Home Office research due to be completed in autumn 2001

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The right of silence: the impact of the Criminal Justice Act 1994, Tom Bucke, Robert Street and David Brown. Home Office Research Study 199, 2000

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APPENDIX IV

THE CURRENT WORKLOAD OF THE CRIMINAL COURTS

Overall caseloads

- 1 In 1999, the courts of England and Wales dealt with nearly two million criminal cases. All of these cases had at least one hearing in a magistrates' court. A minority were subsequently committed, transferred or sent to the Crown Court. The table below shows the level of court at which cases were completed:

Crown Court	97,000 ¹	5%
Magistrates' Court	1,789,000 ²	95%

[NB all figures in this appendix have been rounded to the nearest 1,000. Any apparent discrepancies between tables, have arisen because cases are measured at the point at which they are completed by the relevant court. Cases completed by the Crown Court during 1999 may well have been committed or sent there by a magistrates' court in 1998 (or earlier). Also, the category of such a case may change after it has been recorded as leaving the magistrates' court.]

Categorisation of offences

- 2 All criminal offences currently fall into one of three categories. **Summary offences**, which include most motoring offences and other relatively minor matters such as drunkenness, common assault and prostitution, are triable only in a magistrates' court. **'Either-way' offences**, including theft, drugs offences and some involving violence against the person, are triable either by a magistrates' court or by the Crown Court. And **indictable only offences**, such as murder, rape and robbery, must be tried by the Crown Court. The 1999 caseload (measured at the point at which cases left or were dealt with by a magistrates' court) breaks down as follows:

Summary	'Either-way'	Indictable only
1,369,000 ³	480,000 ⁴	33,000 ⁵
73%	26%	1%

¹ criminal statistics 1999, Supplementary table S2.1(A) (total for trial + total convicted at magistrates' court)

² criminal statistics 1999, Supplementary table S1.1(A) (total proceeded against - committed for trial or sentence)

³ criminal statistics 1999, Supplementary table S1.1(A) (total proceeded against)

⁴ figures provide by RDS (IRS 6599)

⁵ figures provided by RDS (IRS 6599)

Summary cases

- 3 The table below shows the outcomes of the summary cases dealt with by magistrates' courts during 1999:⁶

Defendants proceeded against	Case terminated in advance of trial	Found not guilty after trial	Convicted
1,369,000	281,000	24,000	1,064,000

- 4 Firm data are not available on the number of defendants who plead guilty in summary cases. Sampling exercises carried out by magistrates' courts and reported to the Lord Chancellor's department during 1999 suggest a guilty plea is entered in around 55% of summary cases.⁷ It should be noted that the Crown Prosecution Service, working from a different base, puts the figure substantially higher.

'Either-way' cases

- 5 Almost half a million 'either-way' cases were dealt with by magistrates' courts in 1999. The outcomes of these cases were as follows:⁸

Defendants proceeded against	Case terminated in advance of trial	Committed to Crown Court for trial	Found not guilty after summary trial	Convicted and sentenced by summary court	Convicted by summary court and committed to Crown Court for sentence
480,000	133,000	51,000	11,000	266,000	19,000

- 6 Firm data are not available on the number of those defendants who pleaded guilty while the case remained in the magistrates' court. Estimates based on sampling exercises carried out by magistrates' courts and reported to the Lord Chancellor's department during 1999 suggest that this is the outcome in around 50% of 'either-way' cases. It should be noted that the Crown Prosecution Service, working from a different base, puts the figure substantially higher. As explained in paragraph 9, additional guilty pleas were entered later in respect of those cases committed to the Crown Court for trial.
- 7 As the above table illustrates, around 11% of all 'either-way' cases were committed to the Crown Court for trial. In the majority of these cases (nearly 70% according to CPS statistics⁹), magistrates declined jurisdiction on the basis that their sentencing powers would be insufficient if the defendant was convicted. In the remainder of these cases (ie just over 30%), magistrates

⁶ criminal statistics 1999, Supplementary table S1.1(E)+(F)

⁷ estimated using 1999 Time Interval Statistics

⁸ criminal statistics 1999, Supplementary table S1.1(E)+(F)

⁹ CPS Annual Report 1999/00

were content to accept jurisdiction, but the defendants elected trial by judge and jury. Overall, therefore, less than 4% of defendants charged with an ‘either-way’ offence elected to be tried in the Crown Court.

- 8 The following table shows the outcomes of ‘either-way’ cases completed during 1999 after being committed to the Crown Court for trial:

Defendants in ‘either-way’ cases committed to Crown Court for trial	Case terminated in advance of trial	Not convicted (inc jury acquittals and judge ordered/ directed acquittals)	Convicted
58,000 ¹⁰	2,000	13,000	43,000

- 9 62% of defendants committed to the Crown Court for trial subsequently entered a guilty plea. Of the approximately 20,000 defendants who pleaded not guilty and were tried, 64% were acquitted.
- 10 The following table¹¹ sets out the penalties imposed on defendants charged with ‘either-way’ offences and sentenced in the Crown Court during 1999. Of the defendants convicted after being committed for trial, over 55% received a sentence which was within the powers of a magistrates’ court. Magistrates’ decided to commit about 20,000 defendants to the Crown Court for sentence. Nearly 60% of these defendants received a sentence which was within the powers of a magistrates’ court.

	Defendants sentenced in Crown Court for ‘either-way’ offences	Non-custodial sentence	6 months and under	Over 6 months and up to 12	Over 12 months and up to 18	Over 18 months and up to 24	Over 24 months and up to 60	Over 60 months
Committed for trial	43,000	19,000	5,000	6,000	4,000	3,000	5,000	1,000
Committed for sentence	20,000	7,000	5,000	4,000	2,000	1,000	1,000	<100

¹⁰ figures provided by RDS (IRS 6519c)

¹¹ figures provided by RDS (IRS 6519c for trials, 6519b for sentences)

Indictable only cases

- 11 In 1999, in addition to the ‘either-way’ cases committed for trial or sentence, the Crown Court dealt with just under 17,000 defendants charged with indictable only offences. The table below shows the outcomes of those cases:

Total proceeded against	Case terminated in advance of trial	Not convicted (inc jury acquittals and judge ordered/directed acquittals)	Convicted
17,000	<500	5,000	12,000

- 12 52% of indictable only defendants pleaded guilty. Of the approximately 8,000 defendants who pleaded not guilty and were tried, 62% were acquitted.

APPENDIX V

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