



**Judiciary of  
England and Wales**

# **The Lord Chief Justice's Report 2022**







**Judiciary of  
England and Wales**

# **The Lord Chief Justice's Report 2022**

Presented to Parliament pursuant to section 5(1) of the  
Constitutional Reform Act 2005



© Crown copyright 2022

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.judiciary.uk](http://www.judiciary.uk).

Any enquiries regarding this publication should be sent to us at [website.enquiries@judiciary.uk](mailto:website.enquiries@judiciary.uk).

ISBN 978-1-5286-3690-2

E02800747 10/22

Published by: Judicial Office  
11th Floor Thomas More Building,  
Royal Courts of Justice,  
Strand,  
London WC2A 2LL

[www.judiciary.uk](http://www.judiciary.uk)

---

# Contents

<b>Introduction by the Lord Chief Justice</b>	<b>1</b>
<b>1. Leading the judiciary</b>	<b>6</b>
Training	6
Mentoring, career discussions and appraisal	7
Diversity and inclusion	8
Welfare	9
Cross-deployment	10
Recruitment and appointments	10
<b>2. External engagement</b>	<b>12</b>
Working with Government and Parliament	12
The legal profession	13
Communications	13
Schools engagement programme	14
<b>3. Judicial Library and Information Service</b>	<b>15</b>
<b>4. Judicial Data Protection Panel</b>	<b>16</b>
<b>5. Criminal justice</b>	<b>17</b>
Court of Appeal Criminal Division (CACD)	17
Crown Court	18
Magistrates	20
The Criminal Procedure Rule Committee	21
The Sentencing Council for England and Wales	21
The service justice system	22
<b>6. Civil justice</b>	<b>23</b>
County Court	23
High Court	25
Court of Appeal Civil Division	26

<b>7. Family justice</b>	<b>27</b>
Transparency	27
Medical experts	27
Public law	28
Private law	28
Financial Remedies Court	28
Court of Protection	29
<b>8. Coroners</b>	<b>30</b>
<b>9. Wales</b>	<b>31</b>
<b>10. International</b>	<b>32</b>

---

# Introduction by the Lord Chief Justice

This report covers July 2021 to September 2022. Future reports will coincide with the legal year.

The beginning of the period saw the operation of the courts and tribunals settle after what was hoped to be the worst of the Covid pandemic. In all jurisdictions our buildings were open and work was being conducted both in person and, where it was in the interests of justice, with remote attendance by all or some of the participants. Precautions to reduce the risk of the spread of infection continued, as they did elsewhere, which had the effect of both slowing down the throughput of work and constraining the movement of people in the courts. The arrival of the Omicron variant towards the end of 2021 and the increased incidence of Covid in the population had an adverse impact on volumes, but the critical decision was made to keep going and not close any of the courts. The storm passed and, along with other public and private organisations, the physical restrictions and precautions were loosened in the spring of 2022 and later removed. Covid continued to have an impact on the courts, but it diminished over the summer.



The response of the staff of His Majesty's Court and Tribunals Service (HMCTS), the Judicial Office, the judiciary, magistrates and those necessary to ensure that the administration of justice continued through these difficulties was remarkable, as it had been during the first year of the pandemic. All concerned have my profound thanks.

Outstanding caseloads and backlogs in the courts stopped rising and, for the most part, began to see slow but steady decline.

Public attention has been focused on the criminal courts. There are inevitable regional variations in outstanding caseloads, with London and the South East having the greatest difficulties. The magistrates' courts have recovered well but are not yet back to pre-Covid levels of outstanding cases in all parts of the country. Progress has been good and timeliness, as important as volumes of outstanding cases, is almost back to where it was. The Crown Court was making slow but steady progress in eroding its backlog until the action taken by the Criminal Bar Association. That was settled on 10 October. The action resulted in a rise in the outstanding caseload roughly back to where it was at the beginning of the reporting period. There is much ground to make up to make sure that cases are heard in a timely fashion in the Crown Court.

In July 2021, I established the Crown Court Improvement Group chaired by the Senior Presiding Judge with representatives from the police, Crown Prosecution Service (CPS), defence legal community, prison and probation service, HMCTS and the Ministry of Justice. It has met regularly since, in a spirit of co-operation, to identify changes to working practices that will encourage early pleas of guilty in cases where at present the pleas come late, even on the day of trial, and to reduce ineffective hearings or the late adjournment of trials. Its work has been outstanding. Among its achievements have been:

- Work to address over-listing. The Group carried out a project in February 2022 which identified problem courts and worked with those courts to assist in resolving the issue.
- The successful management of custody time limit cases between January and March 2022 by HMCTS, the judiciary and the CPS. This reduced the pressure on other priority cases, enabling them to be listed quickly.
- The creation of a template setting out what is expected of all relevant agencies to ensure plea and trial preparation hearings are as effective as possible. This includes timely disclosure by the CPS and the police, and effective engagement between the CPS and the defence.

The work of the group will continue with renewed vigour now the bar action is over. It demonstrates the value of bringing together all those who represent the moving parts in a complex system in an environment where there is no finger-pointing or blaming but a collective desire to secure improvement.

As I said in my Slynn Lecture in June 2022, “the two greatest constraints we have now in disposing of cases more quickly are a shortage of judicial resources and, increasingly, a shortage of lawyers to conduct the cases”.<sup>1</sup> More detail is given in the section of the report dealing with the Crown Court. The number of circuit judges to sit in the Crown Court fell short in the recruitment competition in 2021, and an increasing number of trials were ineffective during the reporting period for want of an advocate for either the prosecution or the defence. All steps within the power of the judiciary to increase judicial capacity have been taken. The recovery of a sufficiently large, strong and vibrant criminal legal community will take time and is inevitably linked to questions of remuneration which are within the Government’s area of responsibility.

Detailed work has been instigated during the reporting period in both the Family Court and the County Court by the judiciary, in some respects similar to the Crown Court Improvement Group, and is described briefly in the relevant sections of the report. My aim, shared by the judiciary at all levels, is to focus in detail on practice and procedure in all jurisdictions, involving key players in discussion, with a view

---

1 [www.judiciary.uk/speech-by-the-lord-chief-justice-slynn-lecture](http://www.judiciary.uk/speech-by-the-lord-chief-justice-slynn-lecture).



---

to increasing the throughput of cases thereby reducing backlogs and improving timeliness. The Senior President of Tribunals is doing parallel work in the tribunals.

Recruitment to the judiciary remains difficult in some areas. Recruitment to almost all fee-paid roles was successful in the sense that the number of recommendations sought from the Judicial Appointments Commission was made. The position with salaried appointments was not as encouraging. I have already mentioned problems with the Crown Court. The district bench continues to struggle to attract new judges in the numbers needed. The shortfall across England and Wales is now over 100 with the most acute shortages being in London and the South East. District judges undertake most of the work in the County Court and much of the work of the Family Court. In many places they have been under enormous pressure despite the increased use of deputies. They deserve our particular gratitude.

The judiciary continues to work hard to encourage suitably qualified candidates to apply for judicial office and has been at the forefront of the collective efforts, involving also the legal profession and the Judicial Appointments Commission, to increase the diversity of the judiciary. Steady but slow progress continues to be made. Our diversity and inclusion strategy, published in 2020, has been implemented, with a progress report published in November 2021.<sup>2</sup>

The enhancement of welfare support available to judges has continued throughout the reporting period. A new welfare action plan was published in March 2022, based on the findings of a wellbeing survey conducted in 2021. With the support of the Judicial Executive Board, I asked the Judicial Office to commission qualitative work to determine the nature of any inappropriate behaviour within the judiciary as a response to the limited number of reports received. It was concerned as much with less obvious behaviour, often unintentional, which can nonetheless make some people feel excluded, as with more overt behaviour such as bullying. Judges were also asked questions in the 2022 Judicial Attitudes Survey to determine the nature and extent of any problems we may have. All organisations have problems of this nature. The judiciary is not immune from them and in seeking proper information we intend to take steps to ameliorate them.

Many courts and tribunals buildings remain in a poor state caused by long-term failures to maintain them properly. Every homeowner knows that neglect of maintenance does not save money. It increases cost in the longer term. The allocation of funds for maintenance and repairs has continued to be well below what is needed to maintain the estate in a decent condition. This does more than increase future costs. It results in hundreds of lost sitting days each year. It requires members of the public to endure inappropriate conditions. It provides poor working conditions for judges and staff alike, a disincentive to recruitment of both, and it projects a poor image of our system of justice. In this reporting period, all three Lord

---

2 [www.judiciary.uk/announcements/judicial-diversity-and-inclusion-first-annual-update](http://www.judiciary.uk/announcements/judicial-diversity-and-inclusion-first-annual-update).

Chancellors have understood the problem and taken modest steps to find extra money for maintenance beyond that allocated at the beginning of financial year. Welcome as these steps are, the scale of the problem is such that they amount to no more than a sticking plaster on what is a significant wound.

2021 saw the enactment of legislation to reverse the technical changes made to judges' pensions seven years ago, which had such a profound adverse effect on recruitment and morale. The commitment to such legislation in 2019 was perhaps the most significant factor which improved recruitment to the High Court thereafter. There are no current problems in recruiting to the High Court. That legislative change went some way to restoring the value of judicial pensions. But in common with other senior public servants, judicial pay has failed to keep pace with inflation since the financial crisis in 2008. In real terms, leaving aside fiscal changes, the diminution in headline pay is over 25 percent. This is a consideration in recruitment. We are due a major review by the Senior Salaries Review Body, which I hope will happen soon.

The HMCTS reform programme has continued. The quiet successes receive little attention but those parts of it which have run into problems inevitably do. The Common Platform (the system designed to support the operation of the criminal courts) has encountered a series of problems which HMCTS is determined to put right. That is taking longer than expected and the roll-out of the system has been delayed. The judiciary continues to provide support to assist in solving problems. This year saw the introduction of the unintegrated version of the new scheduling and listing service into all civil and family courts, and the first stages in the implementation of an improved digital system in employment tribunals. The scheduling and listing tool is important for the future operation of the courts and is taking time to bed in and be accepted by those familiar with the old systems it replaces. The Judicial College has developed training modules to help judges use new systems. We continue mostly to use Cloud Video Platform for remote attendance at court hearings while the bespoke video hearing service under development by HMCTS is trialled and readied for widespread roll-out. Digitisation in both the civil and family courts continues but has some way to go.

The value of the rule of law to the social and economic wellbeing of the United Kingdom, as well as the direct contribution that legal services and English law make to the economy, has been a theme in lectures and talks I have given as well as in speeches by other senior judges. I sought to draw the threads together in the Blackstone Lecture in Oxford in February 2022,<sup>3</sup> and I touched on the importance of the rule of law and the contribution that an independent judiciary makes to it during my speech at the Mansion House in July 2022.<sup>4</sup>

---

3 [www.judiciary.uk/speech-by-the-lord-chief-justice-blackstone-lecture-2022](http://www.judiciary.uk/speech-by-the-lord-chief-justice-blackstone-lecture-2022).

4 [www.judiciary.uk/mansion-house-speech-by-the-lord-chief-justice](http://www.judiciary.uk/mansion-house-speech-by-the-lord-chief-justice).

---

There is, I think, a growing understanding of the essential foundation that the rule of law provides to society and the economy, of which judicial independence and a highly respected judiciary are a key part. I touched on this subject in the Lionel Cohen Lecture in May 2022,<sup>5</sup> where I highlighted the unparalleled strength of English law as a driver of prosperity.<sup>6</sup>

This year has seen a joint public commitment to the ‘One Judiciary’ by me, the Lord Chancellor and the Senior President of Tribunals.<sup>7</sup> Its aim is to draw the judiciary of the courts and tribunals closer together and in time secure a synthesis. Work is well underway to create a more modern workforce with consistent working practices across its many and varied areas. One Judiciary will create a single judicial family to which all judicial office holders belong. Our joint statement in July was an important step in achieving this aim.

The period which is covered in this report has seen all jurisdictions under pressure but the dedication of our staff, judges and magistrates has continued to ensure that the public has been well-served. I express my profound thanks to all for what they do.

---

5 [www.judiciary.uk/wp-content/uploads/2022/07/Cohen-Lecture-300522-1.pdf](http://www.judiciary.uk/wp-content/uploads/2022/07/Cohen-Lecture-300522-1.pdf).

6 [www.judiciary.uk/mansion-house-speech-by-the-lord-chief-justice](http://www.judiciary.uk/mansion-house-speech-by-the-lord-chief-justice).

7 [www.judiciary.uk/announcements/pursuing-one-judiciary-by-the-lord-chancellor-the-lord-chief-justice-of-england-and-wales-and-the-senior-president-of-tribunals](http://www.judiciary.uk/announcements/pursuing-one-judiciary-by-the-lord-chancellor-the-lord-chief-justice-of-england-and-wales-and-the-senior-president-of-tribunals).

# 1. Leading the judiciary

## Training

The Lord Chief Justice has a statutory responsibility for the maintenance of appropriate arrangements for the training of the judiciary of the courts, which is exercised through the Judicial College. The Senior President of Tribunals has an equivalent responsibility for the judiciary in the tribunals for which he has a leadership responsibility.

The College delivers training for around 21,500 judicial office holders (including around 12,500 magistrates and almost 450 coroners).<sup>8</sup> Most are in England and Wales; some are in reserved tribunals in Scotland and Northern Ireland. In December 2021, the College published its Strategy for 2021-25, setting out its aims and ambitions for the next four years through the adoption of six objectives.<sup>9</sup>

Face-to-face training was re-introduced from September 2021. Between September 2021 and March 2022, the College delivered 63 percent of its training face-to-face.<sup>10</sup> During the period covered by this report, just under 490 seminars were delivered for around 18,200 delegates; this included just over 120 induction seminars for around 3,200 judges.

The College continued to provide training to support recovery from the Covid pandemic. For example, in March 2022 the College worked with HMCTS to launch training for magistrates ahead of the extension of their sentencing powers. This year, the College also changed the way it works with HMCTS to bring magistrates' training closer to the Judicial College. This will improve the quality and consistency of magistrates' training, meeting the future needs of the magistracy and strengthening accountability.

The close collaboration between the College and HMCTS was also in evidence in the support the College provided to HMCTS's reform programme, including by developing new training materials for 12 reform programme projects. Between August 2021 and September 2022, these training materials were used by around

---

8 MOJ, Diversity of the judiciary: 2022 statistics: [www.gov.uk/government/statistics/diversity-of-the-judiciary-2022-statistics](https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2022-statistics).

9 [www.judiciary.uk/wp-content/uploads/2021/12/Judicial\\_College\\_Strategy\\_2021-2025\\_WEB.pdf](https://www.judiciary.uk/wp-content/uploads/2021/12/Judicial_College_Strategy_2021-2025_WEB.pdf).

10 Bespoke figures generated for this report. More detailed figures on training can be found in the Judicial College's annual review of activities: [www.judiciary.uk/about-the-judiciary/training-support/judicial-college](https://www.judiciary.uk/about-the-judiciary/training-support/judicial-college).

---

19,000 judicial office holders. In addition, 35 awareness webinars were delivered to around 500 judicial office holders.<sup>11</sup>

The College launched new domestic abuse training, with specialist digital training for family judges and magistrates, in autumn 2021. Other guidance materials and resources published by the College during this reporting period included: two Crown Court Compendium updates; two Equal Treatment Bench Book updates; and updated editions of the Youth Defendants in the Crown Court reference tool and the Personal Injury Guidelines.

The College continued to deliver its annual programme for new and existing leadership judges. Following a review, the programme now places greater emphasis on the role of leadership judges in achieving the aims of the diversity and inclusion strategy. This was part of a wider audit of the College's training, which evaluated the provision made for diversity and inclusion, and established ways to improve it further.

A new learning platform, Judicial College Learning, was introduced in September 2022 to replace the College's previous digital platform. It enables judicial office holders to book on to courses, undertake online learning and access a wide range of training resources.

## **Mentoring, career discussions and appraisal**

Arrangements for judicial mentoring continued to develop throughout the reporting period. This year, building on a pilot conducted in the South Eastern Circuit, peer mentoring for salaried judges was introduced nationally, allowing circuit judges and district judges to establish mentoring relationships with colleagues located in different courts. A reverse mentoring scheme was also established, initially in the South Eastern Circuit, for judges to be mentored by legal professionals from under-represented backgrounds.

These arrangements are in addition to the schemes currently in place in the High Court, including enhanced mentoring in the Chancery Division for section 9(4) judges<sup>12</sup> and mentoring in the King's Bench Division and the Family Division. All the schemes reflect the value that judges can play in supporting each other's development.

---

11 Bespoke figure generated for this report. More detailed figures on training can be found in the Judicial College's annual review of activities: [www.judiciary.uk/about-the-judiciary/training-support/judicial-college..](http://www.judiciary.uk/about-the-judiciary/training-support/judicial-college..)

12 Section 9(4) of the Senior Courts Act 1981 provides that the Lord Chief Justice can, after consulting the Lord Chancellor, appoint an individual who is qualified for appointment as a High Court judge to the office of deputy judge of the High Court. Appointment is subject to a Judicial Appointments Commission competition. An individual appointed to the office of deputy judge of the High Court may sit in the High Court, Crown Court or any other court or tribunal to which they can be deployed.

Salaried judges take part in career discussions every two years. These are opportunities for judges to have focused discussions about their development with their leadership judge. Similarly, recorder appraisals offer recorders opportunities to receive support and feedback from salaried circuit judges, in particular in preparation for future applications for salaried posts.

## Diversity and inclusion

The judicial diversity and inclusion strategy, published in 2020, set an aim to increase the personal and professional diversity of the judiciary at all levels over the next five years, by increasing the number of well-qualified applicants for judicial appointment from diverse backgrounds, and by supporting their inclusion, retention and progression in the judiciary.<sup>13</sup> An update on actions taken to implement the strategy was published in November 2021,<sup>14</sup> and subsequent annual updates will be published.

The judiciary continued to work with the professions, the Judicial Appointments Commission and the Ministry of Justice as part of the Judicial Diversity Forum. In July 2022, updated statistics were published on diversity within the existing judiciary, appointments process and legal professions.<sup>15</sup> All judicial office holders can now self-classify their full diversity characteristics and are strongly encouraged to do so.

The pre-application judicial education programme continued this year. The programme provides digital resources and judge-led discussion groups to support talented lawyers from under-represented groups to feel better prepared to apply for a judicial role in the future.

The judiciary continued to hold judicial application seminars and provide judicial mentoring and shadowing schemes for those considering applying to join the judiciary and for existing judicial office holders considering promotion. Around 3,000 people registered for attendance at judicial application seminars run between August 2021 and September 2022. In addition, the judiciary supported the Judicial Appointments Commission with work to improve outcomes for under-represented groups aiming to apply for senior roles and appointments.

Further work has been undertaken to identify the nature and extent of behaviour in parts of the judiciary which might make people uncomfortable in their work, or excluded, including an exploration of behaviour properly described as bullying, harassment and discrimination. This work took a qualitative approach to understanding the barriers to an inclusive culture as experienced by judicial office holders, advocates and staff. The work identified many positive aspects of

---

13 [www.judiciary.uk/announcements/judicial-diversity-and-inclusion-strategy-2020-2025-launched](https://www.judiciary.uk/announcements/judicial-diversity-and-inclusion-strategy-2020-2025-launched).

14 [www.judiciary.uk/announcements/judicial-diversity-and-inclusion-first-annual-update](https://www.judiciary.uk/announcements/judicial-diversity-and-inclusion-first-annual-update).

15 [www.gov.uk/government/statistics/diversity-of-the-judiciary-2022-statistics](https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2022-statistics).

---

the existing culture that can be built on, starting from the principles in the judicial oath, as well as examples of inclusive working practices initiated by leadership judges. However, there were also examples of behaviour that amounted to bullying, harassment or discrimination, as well as examples of behaviour that would not be classed as bullying but could nonetheless have had an adverse impact on those who experienced it. As a result, the Judicial Executive Board agreed on a set of actions to foster a more consistently inclusive culture throughout the judiciary, including promoting a shared understanding of behaviour the judiciary can expect of one another and others can expect of them, as well as developing training to support an inclusive environment.

## Welfare

Judicial wellbeing is vital to the delivery of justice. The Lord Chief Justice has a statutory responsibility to maintain appropriate arrangements for the welfare of the judiciary of the courts in England and Wales. The Senior President of Tribunals has a corresponding statutory responsibility with respect to the judiciary in tribunals for which he has leadership responsibility. Two judges hold delegated portfolio responsibility for welfare, one in courts and the other in tribunals. These judges offer peer support to judicial colleagues and sit on the Judicial HR Committee, which has a role in agreeing judicial welfare policies, initiatives and guidance.

The findings from the 2021 judicial wellbeing survey, together with a supporting wellbeing action plan developed in response to the findings, were published in March 2022.<sup>16</sup> Wellbeing initiatives implemented in 2022 include:

- Providing all judicial office holders with direct access to the judicial assistance provider service.
- The introduction of a new mediation service, providing the opportunity for disputes between judicial office holders to be resolved informally.
- Guidance to support conversations between leadership judges and judicial office holders about causes of work-related stress.
- Guidance to support judicial office holders going through the menopause.
- Updated judicial workplace reasonable adjustment guidance.
- The launch of an online judicial wellbeing library of resources, including podcasts, factsheets, websites and health screening information.

---

<sup>16</sup> [www.judiciary.uk/announcements/publication-of-the-judicial-wellbeing-survey-results-for-2021-and-the-wellbeing-action-plan](https://www.judiciary.uk/announcements/publication-of-the-judicial-wellbeing-survey-results-for-2021-and-the-wellbeing-action-plan).

In October 2021, enhanced resources for leadership judges were published on the judicial intranet, including information on welfare and wellbeing topics such as supporting the resilience of others, avoiding burnout and being a resilient leader.

## Cross-deployment

The Lord Chief Justice and the senior judiciary would like to see greater use of cross-deployment across courts and tribunals, as part of a wider programme of cohesion to make 'One Judiciary' a reality.<sup>17</sup>

During the reporting period, guidance and documentation to assist with the running of cross-deployment expressions of interest was produced by the Judicial Office. Within the civil and family jurisdictions, a virtual region pilot began in July 2022. Within the criminal jurisdiction, two expressions of interest campaigns were run. The first was for up to 30 district judges (magistrates' courts) to sit in the Crown Court. Training of successful applicants took place in July 2022, and the judges began sitting from September 2022. The second expression of interest sought up to 30 deputy High Court judges for the remainder of the 2022/23 financial year to hear cases in the Crown Court. The successful applicants will be trained in November 2022.

## Recruitment and appointments

Between August 2021 and September 2022, 1,329 judicial office holders were appointed.<sup>18</sup> The recruitment exercise for the High Court was successful. The historical problems caused in such recruitment by the ill-thought-through legislative changes to the judicial pension scheme dissipated after the Government accepted the need for change in 2019. The recruitment of fee-paid judges was successful but problems persist in the recruitment of circuit and district judges. There was a shortfall in the recruitment of circuit judges to sit in the Crown Court, which is having an adverse impact on the ability of that court to clear its outstanding caseload. Once again, in this reporting period the recruitment of district judges to sit in the County Court and the Family Court fell substantially short of the numbers required, particularly in London and the South East.

---

17 For more information, see: [www.judiciary.uk/announcements/pursuing-one-judiciary-by-the-lord-chancellor-the-lord-chief-justice-of-england-and-wales-and-the-senior-president-of-tribunals](https://www.judiciary.uk/announcements/pursuing-one-judiciary-by-the-lord-chancellor-the-lord-chief-justice-of-england-and-wales-and-the-senior-president-of-tribunals).

18 Bespoke figure generated for this report. More detailed statistics on recruitment and appointments are published within the annual judicial diversity statistics: [www.gov.uk/government/statistics/diversity-of-the-judiciary-2022-statistics](https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2022-statistics).



---

Work continues to encourage applications to salaried judicial office. The judiciary is heavily engaged in such work, as are the legal professions and the Judicial Appointments Commission. Policy work is being undertaken in the Ministry of Justice to ensure salaried judicial office remains an attractive prospect.

As part of this work, the support for judicial office holders preparing to take up their appointments has been improved. There is a new timeline and information pack which shows what to expect during the appointment period. There are new welcome films available online from the Lord Chief Justice, the Senior President of Tribunals and the Senior Presiding Judge, as well as the chief executives of the Judicial Office and HMCTS. On appointment, all new judges and members are invited to a welcome webinar hosted by a leadership judge and representatives from the Judicial Office and HMCTS.

## 2. External engagement

### Working with Government and Parliament

The Lord Chief Justice regularly meets the Lord Chancellor and the Permanent Secretary to the Ministry of Justice to discuss matters of mutual interest. He also meets other Ministers and senior officials from the Ministry of Justice, as well as the Law Officers. The Lord Chief Justice meets the Prime Minister and other Ministers, including the Home Secretary, as well as the Cabinet Secretary and other permanent secretaries. Senior judges similarly meet the Lord Chancellor, Law Officers, Ministers and senior civil servants from across Government.

Every year, the Lord Chief Justice gives oral evidence to the House of Lords Constitution Committee and the House of Commons Justice Select Committee as part of his statutory duty to represent the views of the judiciary of the courts of England and Wales to Parliament. In November 2021, the Lord Chief Justice gave evidence to the Justice Select Committee. The discussion centred on the health of the justice system and the challenges of recovery from the pandemic. The Lord Chief Justice spoke on judicial diversity and the HMCTS reform programme. He drew attention to the poor condition of parts of the court estate, as well as barriers to judicial recruitment and consequent capacity problems.

The Lord Chief Justice appeared before the House of Lords Constitution Committee in May 2022 and again gave evidence about how a shortage of resources within the judiciary and the legal profession places constraints on the ability of the system to dispose of cases more quickly. The Lord Chief Justice also spoke about judicial diversity, the rule of law, his relationship with Government, the increase in the sentencing powers of magistrates, funding for courts and tribunals, legal aid and the use of technology.

The Lord Chief Justice also has occasional meetings with the Speaker of the House of Commons and the parliamentary authorities.

Other judges also gave evidence to parliamentary committees. For example, in June 2022, the President of the Family Division gave evidence on the Children and Families Act 2014 before a House of Lords Committee, and in July 2022 representatives of the Magistrates' Association spoke to the Justice Select Committee's inquiry on the role of adult custodial remand in the criminal justice system.

In November 2021, the Lord Chief Justice and Senior President of Tribunals provided a joint written submission to the Justice Select Committee in relation to open justice and court reporting in the digital age.<sup>19</sup>

---

<sup>19</sup> <http://committees.parliament.uk/writtenevidence/40680/pdf>.

---

In March 2022, the Public Accounts Committee reported on reducing the backlog in the criminal courts. The report requested that the Ministry of Justice “fully explore with the judiciary what reasonable expectations can be set around how long it should take for a case to be completed in the Crown Court and write to the Public Accounts Committee with its findings in the next six months”. In July 2022, the Judicial Office submitted a memorandum to the Committee on behalf of the Lord Chief Justice.

## The legal profession

The Lord Chief Justice and the Judicial Office continued to hold regular and constructive meetings with the professional representative and regulatory bodies, notably the Bar Council, the Law Society and the Chartered Institute of Legal Executives. This continued engagement reflects the judiciary’s interest in the legal profession in respect of: the functioning of the courts and tribunals system; the need for representatives to adhere to the highest standards of conduct; and as the pool from which the future judiciary will be drawn.

## Communications

During the reporting period, the Judicial Office delivered a programme of communications activity on behalf of the judiciary that sought to appeal to a diverse range of audiences through multiple online and offline platforms.

Social media was used to disseminate information and showcase the diversity of the judiciary through case-studies, interviews and digital content. The Judicial Office Twitter feed now has over 65,000 followers, while its Instagram page has more than 2,700 followers. It predominantly reaches a younger audience (aged 30 and below). The Judicial Office’s corresponding Facebook page has over 2,800 followers, and its LinkedIn network has now grown to over 4,500.<sup>20</sup> Social media content that resonated well with audiences this year included: ‘day in the life’ videos featuring judges from a range of backgrounds; ‘quotagraphs’ featuring comments from judges; and interviews between new judges and more experienced ones, discussing the barriers they have overcome.

To celebrate the centenary of Dr Ivy Williams, the first woman to be called to the Bar in England and Wales, the Judicial Office created and hosted a photo-exhibition commemorating prominent women who were pioneers in the judiciary. The exhibition was displayed in the Royal Courts of Justice, the Supreme Court, Manchester Crown Court (Minshull Street) and Oxford Combined Court.

---

<sup>20</sup> All figures correct as of September 2022.

Extensive work was undertaken to restructure the judiciary.uk website – the content was revised and the look and feel updated to make it more modern and user-friendly. Alongside this online revamp, new branding was launched for both the judiciary and the Judicial Office.

The Lord Chief Justice held his annual press conference in December 2021, inviting and answering questions on any subject from journalists from national and specialist media.

## **Schools engagement programme**

In the 12 months to April 2022, the 111 diversity and community relations judges and 22 diversity and community relations magistrates made over 220 visits, either in person or online, and engaged with over 13,000 school children and college and university students. Visits by judges and magistrates play an important role in enhancing understanding of the justice system and encouraging future lawyers and judges. Question time events, which provide an opportunity for school students to question a panel of judicial office holders, were run in the Royal Courts of Justice and at courts around the country. The events included two panels of solicitors, barristers and legal executives as well as judges and magistrates.

As part of the programme of schools outreach, the Lord Chief Justice visited Broadgreen International School in Liverpool in November 2021, Denbigh High School in Luton and Barnsley Academy in March 2022, and Jesmond Park Academy in Newcastle in May 2022.

---

## 3. Judicial Library and Information Service

Between August 2021 and September 2022, the Judicial Library and Information Service (jLIS) supplied over 42,000 publications to the courts and tribunals. As courts and tribunals re-opened, jLIS worked with its suppliers to ensure that all publications were redirected back to judges' correct locations. jLIS services were fully restored to pre-pandemic levels by September 2021. This included re-opening the Royal Courts of Justice Library and resuming support for the International Law Book Facility charity, which sends unwanted legal books to not-for-profit organisations around the world.

During the pandemic, jLIS worked hard to demonstrate the benefits of online legal resources to the judiciary. As a result, use of these resources increased significantly. This continued into 2022. An accompanying remote training programme, which jLIS established to support judges in the use of these resources, continues and has been positively received by the judiciary.

In 2021, jLIS collaborated with the Ministry of Justice and The National Archives to set up the first ever national database of case law. jLIS supported the judiciary in the transition to the new service, Find Case Law, which went live in April 2022, and the team now assists judges who need to publish their judgments on the database. Despite some initial challenges, the majority of judgments are now published within three hours of being handed down.

## 4. Judicial Data Protection Panel

The role of the Judicial Data Protection Panel is to supervise the processing of personal data by individuals, courts and tribunals acting in a judicial capacity.

During the reporting period, progress continued in raising awareness across the judiciary of data protection requirements and in embedding compliance. This work continues to be overseen by the Panel. The Panel reviews all judicial data incidents to identify themes and to inform advice and guidance. The Panel also considers complaints from individuals about how their personal data has been processed.

There were very few data breaches during the reporting period, and none that were assessed as serious. This year, the Panel produced revised and expanded data protection guidance for the judiciary in the form of a 'judicial data protection handbook'.

---

## 5. Criminal justice

### Court of Appeal Criminal Division (CACD)

Receipts in the CACD rose steadily during the reporting period.<sup>21</sup> Although total receipts did not quite return to pre-pandemic levels, there was an increase in the numbers of both conviction and sentence applications received, as well as a continued rise in references made under the unduly lenient sentence scheme.

Applications by litigants in person continued to form a significant part of the CACD's work, but the proportion of such applications was less than last year. The CACD has introduced further measures to help guide litigants in person through the process, including the provision of standard letters and appropriately drafted procedural advice.

The CACD is now essentially a paperless court, save for those cases where the proceedings below were conducted with paper bundles. There was a continued improvement in the efficiency with which applications for leave to appeal were referred to single judges and their decisions returned to be processed, particularly in urgent cases. This, in turn, contributed to a considerable improvement in the average time taken from receipt to listing before the full court for both appeals and renewed application for permission to appeal.

Innovative working practices introduced last year to deal with appeals and applications received in the high-profile Post Office cases were again implemented to deal with further cases received during this year. The specialised team of legal and administrative staff again ensured the necessary information was collected and collated efficiently to achieve the timely disposal of these cases, many of which involved a miscarriage of justice.

The CACD continued to make use of online hearings where appropriate. While the majority of hearings in CACD take place in person, this flexible approach served to minimise disruption to both CACD and Crown Court proceedings. In response to recent legislative changes governing remote observation of proceedings, new procedures to obtain permission for a non-participant to observe proceedings were adopted.

---

21 Statistics for the Court of Appeal are published annually in the Royal Courts of Justice annual tables, under the Civil Justice Statistics collection: [www.gov.uk/government/collections/civil-justice-statistics-quarterly](http://www.gov.uk/government/collections/civil-justice-statistics-quarterly).

## Crown Court

The outstanding caseload in the Crown Court stood at about 40,000 when the country went into lockdown in March 2020.<sup>22</sup> That figure covers appeals from the magistrates' courts, cases committed for sentence and cases sent for trial. By the summer of 2021, it had risen to around 60,000 as a result of Covid-induced restrictions.<sup>23</sup> All courts were running by that period, with the addition of new temporary 'nightingale' courts, but the need for social distancing and other precautions meant the throughput of cases was slower. Nonetheless, the outstanding caseload gradually began to reduce, so that by April 2022 it stood at around 58,000.<sup>24</sup>

The dispute between Criminal Bar Association members and the Government over legal aid resulted first in a 'no returns policy' from 11 April 2022. That meant that if a barrister was unavailable for a trial, a substitute might not be found. From 27 June 2022, the action escalated to a refusal to accept new work, before a series of days, and then weeks, during which some members of the bar chose not to work in the Crown Court. Finally, some members of the bar withdrew their services altogether from 5 September 2022. Although the reporting period for this report ended on 30 September 2022, it is appropriate to record that the dispute was settled on 10 October, with the prospect of the Crown Court returning to full capacity. The outstanding caseload at the end of August 2022 had grown to over 61,000.<sup>25</sup> It continued to grow during September.

There is no current restriction on the number of days that the Crown Court can sit. The two main constraints on capacity are, first, judicial resources and, second, the ability of the legal profession to service cases. To enhance judicial capacity, extensive local and central efforts have been made to encourage recorders to sit more days, and limits on their sitting have been removed. Recorders can now more easily sit away from their circuits, so that the parts of the country with more acute problems can benefit. Circuit judges based in areas of the country with relatively light backlogs may now sit in those parts more acutely affected. The Senior Courts Act 1981 allows district judges who sit in the magistrates' courts to sit in the Crown Court. The power had not hitherto been used, but in 2022 a cadre of district judges (magistrates' courts) was identified to sit as Crown Court judges. They underwent training and now are being booked for sitting. A decision was also made to train a

---

22 MOJ Criminal Court Statistics Quarterly, January to March 2020: [www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2020](https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2020).

23 MOJ Criminal Court Statistics Quarterly, April to June 2021: [www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2021](https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2021).

24 HMCTS management information, April 2022: [www.gov.uk/government/statistical-data-sets/hmcts-management-information-april-2022](https://www.gov.uk/government/statistical-data-sets/hmcts-management-information-april-2022).

25 HMCTS management information, August 2022: [www.gov.uk/government/statistical-data-sets/hmcts-management-information-august-2022](https://www.gov.uk/government/statistical-data-sets/hmcts-management-information-august-2022).



---

cohort of deputy High Court judges to sit in the Crown Court, and their training is arranged for later in the year. The Lord Chief Justice also recently authorised retired judges to continue to sit. Each of these measures is adding to judicial capacity in the Crown Court, but it nonetheless remains an acute problem.

The 2021 competition for circuit judges produced disappointing results for the criminal jurisdiction. There were only 29 successful candidates, against a request for 45. The request for the 2022 competition is 55. The shortage of circuit judges is most acute in London and on the Midland Circuit.

Before the dispute with the bar there was a growing phenomenon in 2021 and into 2022 of trials in the Crown Court being ineffective because either the prosecution or defence could not find an advocate to conduct the trial. This problem is a consequence of the reduction in sitting days over many years and the poor relative remuneration of criminal work as compared with other areas of legal endeavour. It is critical to the administration of justice, the rule of law and the prospect of recovering in the Crown Court that there is a vibrant, adequately resourced legal community willing and able to conduct criminal work in the courts. The attrition that the criminal solicitors and bar have suffered in recent years will not be reversed overnight, but it is a critical responsibility of Government (which pays for the overwhelming majority of both prosecution and defence lawyers) that sufficient resources are made available to sustain such a community.

The Crown Court continued to use technology to aid its work. Where appropriate and in the interests of justice, the use of remote attendance of lawyers, witnesses and defendants continued. The new Common Platform continued to be introduced into more of the Crown Court during the reporting period, but this was not free from difficulty. HMCTS continues to work on technical problems and judges continue to provide feedback on the functionality of the platform via the Judicial Working Group and Judicial Engagement Group.

Judges continued to look for ways to innovate and increase efficiency in the system. The Lord Chief Justice established the Crown Court Improvement Group, chaired by the Senior Presiding Judge, to promote better ways of working within existing structures and rules, effective case management and adherence to better case management principles. The Group comprises representatives of all the major players in the criminal justice system, meeting confidentially to work out, in a non-confrontational environment, how each can contribute to improving efficiency and performance. The Group has focused on pre-trial preparation hearings to maximise throughput, aiming to ensure cases are managed more efficiently during the first 28 days of their life in the Crown Court. It has worked on how to reduce the number of hearings cases get before they are resolved, encourage earlier pleas to reduce the number of cases that ‘crack’ on the day of trial and avoid late adjournments.

Legal history was made in the Crown Court on 28 July 2022 when a judge's sentencing remarks were broadcast from a Crown Court for the first time in England and Wales. This practice of broadcasting sentencing remarks will allow the public to see and hear judges explain the reasoning behind their sentences, giving them a better understanding of how sentencing decisions are reached.

## Magistrates

Throughout the reporting period, the magistrates' courts continued on the path to recovery from the pandemic. The overall number of open cases in the magistrates' courts fell from around 375,000 in June 2021 to around 350,000 in June 2022.<sup>26</sup> Receipts remained below pre-pandemic levels. Timeliness improved during the reporting period. In many parts of the country, there remained difficulty in recruiting and retaining legal advisers in the magistrates' courts.

In May 2022, the sentencing powers of magistrates' courts were increased by statutory instrument to enable magistrates and district judges (magistrates' courts) to impose custodial sentences of up to 12 months' imprisonment for a single offence triable either in a magistrates' court or the Crown Court. The change will reduce the number of cases sent to the Crown Court for sentencing and the number of cases sent for trial in the Crown Court where the defendant is content to be tried in a magistrates' court. As a result, pressure on the Crown Court will reduce.

Recruitment to the magistracy was strong during the reporting period. A new selection process, website, online application and digital recruitment system were launched in January 2022. Following a national recruitment campaign, over 30,000 individuals expressed an interest in joining the magistracy. The raising of the judicial retirement age from 70 to 75 also bolstered magistrate numbers – over 700 experienced magistrates have returned to the bench.

As in the Crown Court, the national roll-out of Common Platform resumed in magistrates' courts in mid-2022.

---

26 HMCTS management information, June 2022: [www.gov.uk/government/statistical-data-sets/hmcts-management-information-june-2022](https://www.gov.uk/government/statistical-data-sets/hmcts-management-information-june-2022).

---

## The Criminal Procedure Rule Committee

The Committee's substantial programme of work over the reporting period included new amendments to the Criminal Procedure Rules 2020. These amendments included: rules about the procedure on committal for sentence to the Crown Court; the provision of written directions for jurors about the law; and the procedure to be followed when a defendant previously found by the Crown Court to be unfit for trial later recovers sufficiently for the trial to resume.

Amendments were also made to supplement provisions of new legislation, including provisions of the Police, Crime, Sentencing and Courts Act 2022 that allow courts to use live video and audio links in more circumstances than before, and provisions of the Judicial Review and Courts Act 2022 that allow the Crown Court to send a case back to a magistrates' court for trial or sentence where appropriate.

Other changes were made in connection with private prosecutions – requiring identification of the prosecutor in a magistrates' court summons where the prosecutor is not a public authority; listing established criteria for refusing to issue a summons; and requiring more detailed information than before for the trial court about any claim for a private prosecutor's costs to be paid out of public funds.

The Lord Chief Justice initiated a review of the Criminal Practice Directions with a view to issuing a much shorter document. That work is almost complete.

## The Sentencing Council for England and Wales

Throughout the reporting period, the Council continued to meet its primary duty of producing and revising guidelines that promote a clear, fair and consistent approach to sentencing. The Council published new guidelines for sentencing: offences under the Modern Slavery Act 2015; offenders convicted of importing prohibited or restricted firearms; and individuals and organisations for unauthorised use of a trademark. It also consulted on a number of proposed or revised guidelines – including guidelines for sentencing offences of perverting the course of justice and witness intimidation, animal cruelty, sexual offences and terrorism offences – and held its first ever consultation on miscellaneous amendments.

In November 2021, the Council published a new five-year strategy and supporting workplan, centred around five objectives.<sup>27</sup> These were developed following a public consultation held to mark the Council's tenth anniversary in 2020.

---

<sup>27</sup> [www.sentencingcouncil.org.uk/wp-content/uploads/6.7742\\_SC\\_Strategic\\_Objectives\\_Report\\_2021-2026\\_Final\\_WEB.pdf](http://www.sentencingcouncil.org.uk/wp-content/uploads/6.7742_SC_Strategic_Objectives_Report_2021-2026_Final_WEB.pdf).

## The service justice system

The service justice system includes the Court Martial, the Summary Appeal Court (hearing appeals from summary decisions made by commanding officers) and the Service Civilian Court (hearing cases overseas involving civilians subject to service discipline). All three courts operated at full capacity during the reporting period, and waiting times returned broadly to pre-pandemic levels. The courts made extensive use of remote hearings, especially for pre-trial proceedings and witness evidence.

Between August 2021 and September 2022, around 350 service personnel were tried in the Court Martial and had their cases completed. This was below the pre-pandemic average.<sup>28</sup> An extra 'nightingale court', which operated in November and December 2021, helped to reduce the backlog of cases. The return of waiting times to trial in the Court Martial back to pre-pandemic levels means it is once more possible to try high priority cases, such as serious sexual offences, within six months from direction by the Service Prosecuting Authority.

The major upgrade programme of the case management systems of the Service Police, the Service Prosecuting Authority and Military Court Service made good progress this year, and the new systems are expected to be launched in summer 2023. This will enhance the overall efficiency of case progression across the Service Justice System.

The Armed Forces Act 2021 received royal assent in December 2021. The Act contains powers to introduce several reforms, including: conferring powers on the Court Martial to use pre-recorded cross-examination and to disqualify defendants from driving; changes in the composition of Court Martial boards; establishing a new tri-service serious crimes unit; and powers for the Service Civilian Court and the Summary Appeal Court to rectify mistakes. The Judge Advocate General is working with the Ministry of Defence as it prepares secondary legislation to give effect to these reforms.

The Judge Advocate General also continued to work with the Ministry of Defence and others this year on improving the collation, transparency and use of management information across the service justice system.

---

<sup>28</sup> Based on an internal review of case files.

---

## 6. Civil justice

The priorities for civil justice during this reporting period were digitisation, data and efficiency reforms. Some important achievements across the jurisdiction were:

- The creation of a new pilot scheme allowing small claims to be determined on the papers. The pilot has been operational in six courts since June 2022. The pilot allows judgments to be produced in template form, which saves time for the judge and is more accessible for the parties.
- The appointment of new designated civil judges, providing vital local civil leadership and supporting the judiciary and HMCTS to improve performance. Four recruitment exercises were launched this year, with appointments imminent, and preparatory work has begun for a further six exercises early next year.
- A full review of the interim possession hearing arrangements, resulting in the removal of the direction for a 'review hearing' as part of the process, returning the workload of district judges in such cases to pre-pandemic levels.
- A review of civil listing practices in different courts across the UK, highlighting significant local variations in practice and the impact that the prioritisation of listing family cases can have on civil listing capacity. The Master of the Rolls and the President of the Family Division have now issued guidance to ensure that some civil provision is ring-fenced.

### County Court

In 2021, there were 81,715 claims issued online within the online civil money claims system.<sup>29</sup> As a result of technology introduced through the HMCTS reform programme, more than 300,000 such claims have now been brought online. The number of online damages claims brought since the system launched in May 2021<sup>30</sup> continued to grow, with more than 23,000 damages claims made in the first six months of 2022.<sup>31</sup>

This year, the Master of the Rolls convened a joint working group with HMCTS to focus on improving the availability of civil justice data. One of the benefits of a digitised system has been an improvement in the available data. As a result, areas of

---

29 HMCTS Factsheet: online civil money claims, September 2022: [www.gov.uk/government/publications/hmcts-reform-civil-fact-sheets/fact-sheet-online-civil-money-claims](https://www.gov.uk/government/publications/hmcts-reform-civil-fact-sheets/fact-sheet-online-civil-money-claims).

30 Since April 2022, the damages claims service for claimants' legal representatives has been mandatory and has seen a significant increase in claims being issued.

31 HMCTS Factsheet: damages claims, September 2022: [www.gov.uk/government/publications/hmcts-reform-civil-fact-sheets/fact-sheet-damages-claims](https://www.gov.uk/government/publications/hmcts-reform-civil-fact-sheets/fact-sheet-damages-claims).

particular difficulty were identified and solutions implemented. As part of the Lord Chief Justice's initiative to focus on improving performance in the county and family courts, a cross-jurisdictional pilot was set up to create a 'virtual region' to reduce the backlog of cases in the South East, where the shortage of district judges is acute. Thus, a build-up of cases in a region with reduced judicial resources can now be heard remotely by judges in a region where workloads are lower.

The volume of money claims remained below pre-pandemic levels. In particular, there was a reduction in claims worth £1,000 or less.<sup>32</sup> The volume of damages claims and part 8 claims<sup>33</sup> also remained below pre-pandemic levels. This may in part be a result of the success of the pre-action portals and the introduction in May 2021 of the whiplash portal for low-value road traffic personal injury claims.

Mortgage possession cases also remained below pre-pandemic levels. Claims, warrants and repossession volumes were at 56 percent, 51 percent and 61 percent of their pre-pandemic baselines respectively by June 2022.<sup>34</sup> Landlord possession cases increased, although they too remained below pre-pandemic levels. The time that possession cases took from claim to order decreased to around ten weeks for both mortgage possession and landlord possession cases, down from almost 19 and 22 weeks respectively in the same period in 2021.<sup>35</sup>

Also this year, the Civil Justice Council commissioned a major report on costs, considering four inter-related issues: guideline hourly rates; costs budgeting; the impact of the new fixed recoverable costs regime on other aspects of civil justice; and whether costs incurred in online pre-action portals and under pre-action protocols should be recoverable. These issues will affect both the volume of civil claims and the way in which they are processed.

---

32 MOJ Civil Justice Statistics Quarterly, January to March 2022: [www.gov.uk/government/statistics/civil-justice-statistics-quarterly-january-to-march-2022](http://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-january-to-march-2022).

33 For more information, see: [www.justice.gov.uk/courts/procedure-rules/civil/rules/part08](http://www.justice.gov.uk/courts/procedure-rules/civil/rules/part08).

34 MOJ mortgage and landlord possession statistics, April to June 2022: [www.gov.uk/government/statistics/mortgage-and-landlord-possession-statistics-april-to-june-2022/mortgage-and-landlord-possession-statistics-april-to-june-2022](http://www.gov.uk/government/statistics/mortgage-and-landlord-possession-statistics-april-to-june-2022/mortgage-and-landlord-possession-statistics-april-to-june-2022).

35 MOJ mortgage and landlord possession statistics, April to June 2022.

---

## High Court

Civil work in the King's Bench Division of the High Court continued at pre-pandemic levels, across the general list and the many specialist lists in the division. Receipts remained stable or grew, and listing times for applications and trials remained within relevant target times.<sup>36</sup>

In-person hearings of substantive matters were the norm, but video-conferencing platforms continued to be used extensively with the agreement of the judge hearing the case. This was usually for short hearings or non-contentious applications, enabling the efficient dispatch of business. The electronic filing of documents also helped to improve efficiency. Court user meetings for the various specialist lists also continued to be conducted remotely.

Updated editions of the King's Bench Division Guide<sup>37</sup> and the Commercial Court Guide<sup>38</sup> were published in 2022, as was new guidance for users of the Administrative Court.<sup>39</sup>

The general list continued to deal with a wide variety of work, including tort and contract, some exceptionally large personal injury claims for which general litigation orders were authorised, and urgent injunction and contempt cases arising out of environmental protests. The Administrative Court also dealt with a wide range of complex and high-profile matters, including cases relating to privacy and data rights, Covid-related public appointments, Government policy on asylum seekers and high-profile extradition cases. The media and communications list remained very busy and heard claims which attracted a high degree of public and press attention.

The Planning Court managed planning and environmental challenges within target timescales and dealt with a wide range of cases, including legal challenges to planning consents and development plans, and cases related to infrastructure projects of national importance, as well as pollution, climate change and environmental conservation.

The Business and Property Courts continued to promote England and Wales as a centre for international and domestic business disputes and commercial litigation. The workload in the courts remained broadly stable, though there was some increase in work in the insolvency and companies list. The 2022 edition of the

---

36 Statistics for the Court of Appeal are published annually in the Royal Courts of Justice annual tables, under the Civil Justice Statistics collection: [www.gov.uk/government/collections/civil-justice-statistics-quarterly](http://www.gov.uk/government/collections/civil-justice-statistics-quarterly).

37 [www.judiciary.uk/publications/queens-bench-division-guide-2022](http://www.judiciary.uk/publications/queens-bench-division-guide-2022).

38 [www.judiciary.uk/announcements/new-editions-of-the-commercial-court-guide-and-circuit-commercial-court-guide-published](http://www.judiciary.uk/announcements/new-editions-of-the-commercial-court-guide-and-circuit-commercial-court-guide-published).

39 [www.judiciary.uk/publications/administrative-court-information-for-court-users-june-2022](http://www.judiciary.uk/publications/administrative-court-information-for-court-users-june-2022).

Chancery Guide was published in July 2022.<sup>40</sup> The guide was wholly re-written to reflect best practice and substantial changes in the working of the courts since the last edition was released in 2016.

As one of the world's leading centres for international business dispute resolution, the Commercial Court continued to attract litigants from all over the world, in addition to providing valuable support to international arbitration in England and Wales. The judges of the Commercial Court engaged with court users through seminars, lectures and the Court's user group.

The Technology and Construction Court saw an increasing number of disputes which required technical input, including complex computer and IT infrastructure disputes, environmental pollution claims and renewable energy disputes. There was also a steady increase in cases concerning flammable cladding and general fire protection issues.

## **Court of Appeal Civil Division**

A new digital filing system, CE-file, was introduced to replace the previous RECAP case-management system that had been in place since 1991. The changeover was gradual but is now complete, and electronic filing for legally represented parties has been mandatory since February 2022.

The Court saw a reduction in the number of substantive appeals heard this year, owing at least in part to the impact of the Covid pandemic. During the reporting period, the Court largely reverted to face-to-face hearings but has retained the facility to hear cases remotely where necessary. The average time between permission to appeal being granted and judgment in an appeal remained under 40 weeks.<sup>41</sup>

The Court is also now able to livestream from the majority of its courtrooms. It is hoped that this facility will be introduced to most of the remaining courtrooms before the end of 2022. Most substantive appeals are now livestreamed, and the Court remains committed to allowing as much public access to hearings as possible.

---

<sup>40</sup> [www.judiciary.uk/guidance-and-resources/the-chancery-guide-2022](http://www.judiciary.uk/guidance-and-resources/the-chancery-guide-2022).

<sup>41</sup> MOJ Royal Courts of Justice annual tables, 2021 (Table 2.4): [www.gov.uk/government/statistics/civil-justice-statistics-quarterly-january-to-march-2022](http://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-january-to-march-2022).



---

## 7. Family justice

Some important achievements across the family jurisdiction this year were:

- The establishment of two pathfinder courts under a pilot scheme launched in February 2022, trialling an improved system to resolve private law children cases. Early anecdotal evidence suggests there are fewer hearings, more cases resolved at the first-attended hearing and better engagement with domestic abuse agencies who can offer help to families in and out of court. If success is maintained, the initiative will be rolled out more widely.
- The introduction of new training from March 2022 for all salaried and fee-paid judges on best practice in court process and the treatment of expert witnesses. Informal feedback indicates that a higher number of judgments are now being received by experts.
- The Court of Protection upfront notification pilot, which began in September 2021. The pilot enables upfront notification of property and affairs cases, allowing a more streamlined application process where cases are agreed.
- The launch of the national Deprivation of Liberty Court in July 2022. All new applications are now issued in the Royal Courts of Justice, ensuring a dedicated listing protocol and specific judicial expertise to help manage the continued growth of these types of application.

### Transparency

The President of the Family Division's transparency review continued this year under five sub-groups within the Transparency Implementation Group.<sup>42</sup>

### Medical experts

The Family Justice Council committee continued to implement the 22 recommendations made in the final report of the President's Working Group on Medical Experts in the Family Courts, which was published in November 2020.<sup>43</sup> Significant achievements this year included training for all judiciary on best practice in the use of medical expert witnesses in court, and the continued development of links with representative and expert bodies such as the Academy of Royal Medical Colleges.

---

<sup>42</sup> For more information, see: [www.judiciary.uk/publications/transparency-in-the-family-courts-report](http://www.judiciary.uk/publications/transparency-in-the-family-courts-report).

<sup>43</sup> [www.judiciary.uk/wp-content/uploads/2020/11/Working-Group-on-Medical-Experts-Final-Report-v.7.pdf](http://www.judiciary.uk/wp-content/uploads/2020/11/Working-Group-on-Medical-Experts-Final-Report-v.7.pdf).

## Public law

16,427 cases were started in 2021, a nine percent reduction on 2020.<sup>44</sup> In the first quarter of 2022, 4,248 cases were started, a four percent increase on the same quarter of 2021.

The mean timeliness for 2021 was 44.5 weeks, up from 38.5 weeks in 2020. In the first quarter of 2022, mean timeliness was 48.8 weeks, up from 42.7 weeks in the same quarter of 2021. 23 percent of cases were concluded within the statutory target of 26 weeks in 2021, down from 31 percent in 2020.<sup>45</sup> In the first quarter of 2022, 17 percent of cases were concluded within 26 weeks, down from 22 percent in the same quarter of 2021.

## Private law

54,649 cases were started in 2021, a reduction of two percent on 2020. In the first quarter of 2022, 13,197 cases were started, a reduction of nine percent compared to the first quarter of 2021.<sup>46</sup> The mean timeliness in 2021 was 40.8 weeks, compared to 32.3 weeks in 2020. In the first quarter of 2022, mean timeliness increased to 46.2 weeks, compared to 39 weeks in the first quarter of 2021.<sup>47</sup>

The judiciary welcomed the legislative changes made by the Domestic Abuse Act 2021, including better management of vulnerable witnesses, enabling more meaningful participation in the court process and prohibiting alleged perpetrators of abuse from cross-examining their victims in person.

## Financial Remedies Court

48,558 financial remedy applications were issued in 2021, a 22 percent increase from the previous year.<sup>48</sup> The number of contested cases in 2021 as a percentage of disposals was 12 percent. The Financial Remedies Court continued to promote increased awareness of out-of-court settlement. The Court also continued to assist HMCTS in improving the digitisation process to increase efficiency in the system.

---

44 MOJ Family Court statistics quarterly, January to March 2022 (Family Court tables, table 2): [www.gov.uk/government/statistics/family-court-statistics-quarterly-january-to-march-2022](http://www.gov.uk/government/statistics/family-court-statistics-quarterly-january-to-march-2022).

45 MOJ Family Court statistics quarterly, January to March 2022 (Family Court tables, table 8).

46 MOJ Family Court statistics quarterly, January to March 2022 (Family Court tables, table 2).

47 MOJ Family Court statistics quarterly, January to March 2022 (Family Court tables, table 9).

48 MOJ Family Court statistics quarterly, January to March 2022 (Family Court tables, table 15).

---

## **Court of Protection**

The Court of Protection continued to embrace the use of new technology, successfully migrating to video-conferencing platforms. This has benefited the protected party, putting them at the centre of the process. The judiciary, practitioners and the Official Solicitor are all keen to ensure this is maintained for the future.

## 8. Coroners

The Chief Coroner provides overall judicial leadership for coroners in England and Wales, including through the provision of guidance and training. The role of coroners is to conduct swift and summary judicial investigations into deaths that meet certain criteria – those which are violent, unnatural, unexplained or which have occurred in state custody.

The coroner service in England and Wales is locally delivered. It is split into 83 coroner areas, each of which is funded by a lead local authority providing staff, accommodation and other infrastructure.

As well as his day-to-day responsibilities, during this reporting period the Chief Coroner focused on:

- The post-pandemic recovery of services, through targeted engagement with individual coroner areas.
- A national 'welfare tour', visiting all 83 coroner areas in person, engaging with and thanking staff, listening to the concerns of coroners and local authorities, and working with local authorities to make improvements where necessary.
- Supporting the implementation of the national medical examiner scheme, which is led by the Department of Health and Social Care.<sup>49</sup>
- A programme of rationalising existing guidance and issuing new guidance where required. Recent new guidance covered topics such as pen portraits, remote hearings and disclosure.<sup>50</sup>

---

<sup>49</sup> For more information, see: [www.england.nhs.uk/establishing-medical-examiner-system-nhs](http://www.england.nhs.uk/establishing-medical-examiner-system-nhs).

<sup>50</sup> [www.judiciary.uk/related-offices-and-bodies/office-chief-coroner/guidance-law-sheets/coroners-guidance](http://www.judiciary.uk/related-offices-and-bodies/office-chief-coroner/guidance-law-sheets/coroners-guidance).

---

## 9. Wales

The recovery of courts in Wales in all jurisdictions continued in 2021 and 2022. In particular, by August 2021 the magistrates' courts in Wales had recovered to pre-pandemic levels of work.<sup>51</sup> Wales was therefore able to provide support more widely, for example by helping to reduce the backlog of Single Justice Procedure cases in regions of England. The volume of civil work in Wales, as in England, dropped significantly.

The development of the new Law Council for Wales continued this year. The Law Council was set up to promote legal education and training in Welsh law and to support the sustainability of the legal sector in Wales. Three working groups were established, focused on training, legal services and the creation of a dispute resolution centre for Wales.

The Lord Chief Justice visited Cardiff in October 2021 for the annual Legal Wales Conference, the meeting of the Association of Judges in Wales and the service marking the opening of the legal year in Wales. The conference provided a platform for continuing dialogue on constitutional and legal developments in Wales. The Lord Chief Justice also met the First Minister of Wales, the Rt Hon Mark Drakeford MS, and the Counsel General, Mick Antoniw MS. They discussed a range of topics related to justice in Wales, including the Law Council of Wales and looked-after children in Wales.<sup>52</sup> The Lord Chief Justice returned to Wales in December 2021 to sit in the Court of Appeal in Caernarfon. Both divisions of the Court of Appeal sat on other occasions in Wales.

The Wales Training Committee continued its work to ensure that the areas where Welsh and English law differ are understood and can be applied by judges sitting in Wales. Further training will be focused on the use of Welsh language in proceedings. The Judicial College ran a seminar in March 2022 educating judicial office holders at all levels in the use of the Welsh language in the law and jurisdictions of Wales. The Wales Training Committee is also supporting judicial office holders with a full programme of training on the changes to Welsh housing law introduced by the Renting Homes (Wales) Act 2016, which is due to enter into force shortly.

---

51 MOJ Criminal Court statistics quarterly, January to March 2022 (Magistrates' courts cases received, disposed and outstanding tool): [www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2022](https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2022).

52 A looked-after child is a child who has been in the care of a local authority for more than 24 hours.

## 10. International

The judiciary's international work gradually returned to pre-pandemic levels during the reporting period. While some jurisdictions continued to be affected by travel restrictions, there was generally a resumption of in-person multilateral meetings and a significant increase in incoming visits. Over the course of 2022, the Lord Chief Justice welcomed in person several visiting chief justices to discuss topics of mutual interest.

The Commonwealth remained an important focus of international work. The Judicial College expanded the training provided to magistrates in some Nigerian states into a country-wide programme. A partnership with Zambia to create a Judicial College continued to develop, with work on governance structures and training programmes the focus of this year. With the support of the British High Commission, work with the judiciary of the Gambia continued on a range of subjects, including sentencing guidelines. In September 2022, the Lord Chief Justice led a delegation of England and Wales judges to the Commonwealth Magistrates and Judges Association Conference in Ghana.

Engagement in Europe continued through multilateral organisations such as the European Network of the Councils for the Judiciary, the European Association of Judges, the Academy of European Law and others. Many of these resumed their in-person meetings and working groups. Judges also had the benefit of taking part in programmes of the European Judicial Training Network covering mediation, alternative dispute resolution, rule of law training for judges, leadership in communication and cultural diversity in the courtroom.

The judiciary continued to support the development of international standards and norms, particularly in the field of emerging technology. In addresses in Belfast and elsewhere, the Master of the Rolls focused on the development of mediation as an integrated part of a justice system. England and Wales was represented at the first meeting of the International Judicial Dispute Resolution Network, which shares experience on mediation and alternative dispute resolution. Judicial discussions in Europe and Brazil on environmental law continued, with leadership from the Senior President of Tribunals.

In international family law, judges worked with members of the International Hague Network of Judges and other international partners to promote the effective and consistent operation of international instruments and to assist with the expeditious resolution of individual cases.

---

The judiciary continued to support the global forum of commercial courts – the Standing International Forum of Commercial Courts – including by supplying its secretariat. The Forum held online judicial roundtables throughout the reporting period, covering a variety of subjects including mediation and arbitration, corporate legal responsibility and technology. In July 2022, England and Wales hosted the Forum’s third observation programme involving judges from jurisdictions developing their commercial courts in an intensive week of peer-to-peer observation and study.



© Crown copyright 2022

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3).

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This publication is available for download at [www.judiciary.uk](http://www.judiciary.uk)