



Ministry  
of Justice



COURTS AND  
TRIBUNALS JUDICIARY

## REFORMING HM COURTS AND TRIBUNALS SERVICE

We are writing to update you on the development of proposals to reform HM Courts and Tribunals Service.

### **The Constitutional position**

Whatever the final outcome of this work, one thing is certain. The provision of justice is and will remain a core function of the State. The Lord Chancellor is, and will continue to be, responsible by statute for the provision of an efficient and effective system to support the administration of justice. We are all committed to ensuring that vital constitutional safeguards (including access to justice, the rule of law, the independence of the judiciary, and the preservation of the position of the Lord Chief Justice) are maintained.

There will be no erosion of the constitutional position of courts and tribunals or the constitutional principles which underpin the independent administration of justice. We are not and will not be exploring any options which will involve share holders, the making of a profit or surplus or contracting out or profit making on the basis of judicial and linked administrative functions, other than for the exclusive purpose of investing any surplus into the administration of justice. No replacement organisation for HMCTS would be contemplated unless it was a body operated solely in the public interest.

### **The position facing HMCTS**

Given current financial pressures, the Lord Chief Justice, Senior President of Tribunals and Lord Chancellor have decided that we must reassess how best to ensure the continuing sustainability of our courts and tribunal systems, the provision of modern services, and better value for the tax payer's money. Our courts are not always where they need to be and not always used to the full. Our buildings do not always offer modern, high quality facilities. Some are not properly accessible to all users. They should be better equipped to enable the business of the courts and tribunals to be conducted more efficiently. A variety of difficult decisions will be required as to the appropriate level at which fees are set and about how best to deliver access to justice and value for money for the taxpayer.

### **Investment in the Spending Review 2013**

Funds to modernise technology in the criminal courts have been secured. Digital working will be introduced. Nevertheless, there is still some way to go before we have an IT system fit for purpose across the whole system.

In short, given the financial stringency which will be applied to HMCTS, as to everywhere else, we are examining every realistic option to provide greater reliability of funding for the administration of justice, greater planning certainty, and to facilitate investment in modernisation. We have been reflecting on whether it would be possible to ensure adequate investment and where consistent with the administration of justice, options to generate and retain additional income and capital for investment.

The examination of options is considering, for example, whether the current structures could be transformed, or whether an alternative structure, such as a more independent public interest corporation, would better ensure a sustainable future. Whatever model is eventually put forward for consideration, the only options which will be considered will be consistent with constitutional principle.

Work on the options is continuing and will throughout reflect the views of the judiciary, who are represented on the Programme Board. We will keep you informed as our plans develop.

**Chris Grayling**

Lord Chancellor and  
Secretary of State for Justice

**Lord Judge**

Lord Chief Justice  
of England and Wales

**Sir Jeremy Sullivan**

Senior President of Tribunals