



## DEBATE PACK

Number CDP-0081, 26 March 2018

# Court closures and reform

A general debate on court closures and reform initiated by Tanmanjeet Singh Dhesi MP will be held in Westminster Hall on Tuesday 27 March 2018 at 9.30am. The debate will last 90 minutes.

The debate will be on the motion: That this House has considered court closures and reform.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

By Jack Simpson Caird  
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# 1. Court closures and reforms

## 1.1 Court closures

Since 2010, the court and tribunal estate has changed significantly. In between May 2010 and July 2015, 146 courts were closed.<sup>1</sup> On 11 February 2016, Shailesh Vara MP, the Parliamentary Under-Secretary of State for Justice, announced that 86 courts and tribunals would be closed:

On average, the 86 courts we are closing are used for just over a third of their available hearing time. That is equivalent to less than 2 days a week. It will still be the case that after these closures, over 97% of citizens will be able to reach their required court within an hour by car. This represents a change of just 1 percentage points for both criminal and County Courts. The proportion able to reach a tribunal within an hour by car will remain unchanged at 83%.<sup>2</sup>

The Government had originally consulted on plans to close 91 courts and tribunals. In January 2018, the Government updated that the 2016 round of closures would have reduced the total number of operational court buildings from 460 to 339.<sup>3</sup>

The closures are one element of Her Majesty's Court and Tribunal Service's Reform Programme, which began in March 2014. The programme aims to modernise the court system through the use of technology, rationalise the court estate, and change the role of case officers (originally known as Designated Judicial Officers).

The forward to the Government's consultation on the closures, published in July 2015, stated:

We can only provide better access to justice if we take difficult decisions to reduce the cost of our estate and reinvest the savings.<sup>4</sup>

Successive governments have identified the courts estate as a target for efficiency savings. There are two main reasons given. The first is that the utilisation rate of some courts is low. This means that the workloads of these courts can be transferred, without pushing recipient courts beyond capacity. The second is the policy aim of reforming access to justice through modernisation, and by increased use of technology in particular. Increased use of online forms and video links for witnesses,

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<sup>1</sup> See Appendix

<sup>2</sup> Shailesh Vara MP, HM Courts and Tribunals Service, 11 February 2016, HCWS536

<sup>3</sup> HMCTS and MoJ, Fit for the future: transforming the Court and Tribunal Estate ([Jan 2018](#)) para 2.4

<sup>4</sup> Ministry of Justice, 'Proposal on the provision of court and tribunal estate in England and Wales' (2015) p5

for example, could help to mitigate the impact of the loss of court buildings upon access to justice.

An effective legal system relies upon a network of well-maintained and fit-for-purpose courts. Her Majesty's Courts and Tribunals Service's (HMCTS) estate is the physical embodiment of the state's judicial powers, and for that power to function in the public interest, individuals must have effective access to that estate.<sup>5</sup> This requirement is in part reflected in the duty placed upon the Lord Chancellor by section 1 of the *Courts Act 2003*, which states that he or she should "ensure that there is an efficient and effective system to support the carrying on of the business of— (a) the Supreme Court, (b) county courts, and (c) magistrates' courts, and that appropriate services are provided for those courts".

The Government's closures have been subject to criticism. The Law Society president Jonathan Smithers said:

We are disappointed that the government is pressing ahead with the closure of so many courts. The majority of these closures will make it more difficult for a significant number of people to get to court, disproportionately affecting people living in rural areas, those with disabilities and lower income families.<sup>6</sup>

Justice, a law reform and human rights organisation, raised the following concerns in relation to the proposed closures:

JUSTICE is concerned that the current court closures be informed not just by how courts are used at the moment, but also how judicial processes are likely to develop in the next five to ten years and beyond, and what 'courts' will be needed to facilitate these processes. Key criterion in this regard should be flexibility of space, both in terms of space and design and also the contracts related to their operation. In this regard, the ability to use the court estate flexibly in the future – and to facilitate access to justice and fair trial regardless of the fluctuating investment in the justice system – will be key.<sup>7</sup>

The Government has committed itself to moving to a system where access to justice is not defined by proximity to a court or tribunal building.<sup>8</sup>

### **Fit for future: transforming the Court and Tribunal Estate**

On 18 January 2018 the Ministry of Justice and HMCTS published "[Fit for the future: transforming the Court and Tribunal Estate](#)", a consultation on the future of the Court and Tribunal Estate. The consultation will close on 29 March 2018.

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<sup>5</sup> A Le Sueur, 'The Foundations of Justice' in J Jowell, D Oliver and C O'Connell (eds) *The Changing Constitution* (OUP 2015) p222

<sup>6</sup> Law Society, [Press Release](#) 11 February 2016

<sup>7</sup> Justice, [HMCTS Proposal on the provision of court and tribunal estate in England and Wales – consultation response](#) (2015)

<sup>8</sup> Ministry of Justice and HMCTS, [Response to the proposal on the provision of court and tribunal estate in England and Wales](#) (2016) p4

The consultation provided an update on the closure programme:

A further national consultation was published in July 2015 and two London magistrates' courts were consulted on in September 2016. Together these will result in the closure of 121 buildings (including integrations within local areas, i.e. where the building being closed is in close proximity to a neighbouring building into which the workload will be moving) reducing from a total of 460 operational court and tribunal buildings to 339.<sup>9</sup>

The consultation explained that the HMCTS is seeking views on the closure on a further 8 courts:

- Banbury Magistrates' and County Court
- Maidenhead Magistrates' Court
- Cambridge Magistrates' Court
- Chorley Magistrates' Court
- Fleetwood Magistrates' Court
- Northallerton Magistrates' Court
- Wandsworth County Court
- Blackfriars Crown Court<sup>10</sup>

The consultation explained that the three core objectives of the reform of the estate were:

- We need to modernise our estate to align with the modernised service, including delivering some services away from traditional court and tribunal buildings, online and through virtual hearings. Changes to how services will be delivered will over time translate into changes to the look, feel and configuration of our buildings;
- We need to continue to improve the efficiency of our estate and maximise the utilisation of those buildings we plan to keep and invest in for the long term;
- We need to improve the quality of our buildings for users, the judiciary and our people, which is currently at a low base in too many of our sites.<sup>11</sup>

## 1.2 Court reform

### The HMCTS Reform programme

"The entire criminal justice system is being digitised, in partnership with the Crown Prosecution Service and police, with

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<sup>9</sup> HMCTS and MoJ, Fit for the future: transforming the Court and Tribunal Estate ([Jan 2018](#)) para 2.4

<sup>10</sup> HMCTS and MoJ, Fit for the future: transforming the Court and Tribunal Estate ([Jan 2018](#)) para 3.8

<sup>11</sup> HMCTS and MoJ, Fit for the future: transforming the Court and Tribunal Estate ([Jan 2018](#)) para 4.4

investment of £270 million agreed in 2015 and due to be completed in 2019.”<sup>12</sup>

[Transforming our justice system](#) - By the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals – September 2016

“By the year 2022, most civil disputes in England and Wales will be resolved through an online court.”<sup>13</sup>

Joshua Rozenberg QC, *Online Courts Will IT Work?* (2017)

The striking nature of these predictions underlines the historic nature of the changes to the justice system that the Government and Her Majesty’s Court and Tribunal Service (HMCTS) are currently undertaking through the HMCTS Reform Programme. The Government and HMCTS have sought to emphasise that this is not ‘big bang’ reform but is instead being rolled out gradually.<sup>14</sup> The intention is for each step is to be phased in and tested before being fully implemented. In the words of Susan Ackland-Hood, HMCTS Chief Executive, the changes will be done “in bite sized chunks with lots of testing”.<sup>15</sup>

In 2016, the then Lord Chief Justice of England and Wales described the modernisation programme as “the most radical reform since 1873”.<sup>16</sup> The idea of the bulk of civil disputes moving online in 5 years, as Rozenberg predicts, is remarkable in view of the current justice system’s limited use of technology.

The justice system is currently reliant on huge amounts of paper. The former Justice Minister Damian Green MP said in 2013, in relation to the criminal justice system: “every year the courts and the Crown Prosecution Service use roughly 160 million sheets of paper. Stacked up this would be the same as 15 Mount Snowdons – literally mountains of paper”.<sup>17</sup>

In June 2015, HMCTS stated in its annual report that “the level of service currently received at a court or tribunal is at best inconsistent and, at worst, frustrating, despite the continuing great efforts of our staff and the judiciary”.<sup>18</sup> HMCTS described a lack of digital services and outdated systems—noting that accessing its service often involved filling in paper forms, travelling to its buildings to complete “a simple process” or needing to arrange face-to-face meetings for “basic” guidance. It added that even where it had previously tried to introduce more digital ways of working, it had often relied on “digitised versions of paper-based

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<sup>12</sup> Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals [Transforming our justice system](#), September 2016

<sup>13</sup> Joshua Rozenberg, *Online Courts Will It Work?* (2017) p3

<sup>14</sup> Susan Ackland-Hood (Chief Executive of HMCTS), [The Case for Online Courts](#), UCL February 2016

<sup>15</sup> *ibid*

<sup>16</sup> [The Lord Chief Justice’s Report](#) (2016) p7

<sup>17</sup> Ministry of Justice: [‘Digital Courtrooms’ to be rolled out nationally](#) 28 June 2013

<sup>18</sup> HM Courts and Tribunals Service, [Annual Report and Accounts 2014-15](#), p20

business processes, layered on top of legacy IT systems, some of which are over 30 years old".<sup>19</sup>

Despite these problems technology has been successfully introduced into parts of the justice system. In the criminal context prison to court video links are used extensively for preliminary hearings.<sup>20</sup> In terms of tribunals, the Traffic Penalty Tribunal makes extensive use of online procedures, including appeals submitted online, an inquisitorial approach using instant messaging; and is accessible through smart phones.<sup>21</sup> Professor Robert Thomas, University of Manchester, and Joe Tomlinson, Lecturer in Public Law, University of Sheffield, note that the online system has succeeded for the Traffic Penalty Tribunal, reducing costs and the duration of appeals.<sup>22</sup>

Thomas and Tomlinson argue, in a report published in 2016 that the expansion of the approach to online systems used in the Traffic Penalty Tribunal into other courts and tribunals raises significant questions about the nature of the justice system:

The wider challenge is to re-design and improve the delivery of justice from an established system that was devised on the basis that legal representation would normally be available to one in which such representation is no longer normally available.<sup>23</sup>

Further, there are many practical questions about moving courts and tribunals online, for example:

- Are there some cases that should not be dealt with online? If not, how will this be decided?
- How will it be possible to know whether an appellant appealing online is the person they say they are?
- How will assisted digital be designed to help those without access to the internet?<sup>24</sup>

### Box 1: Her Majesty's Court and Tribunal Service

HMCTS is an agency of the Ministry of Justice and was created on the 1st April 2011. It operates on the basis of a partnership between the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals.<sup>25</sup>

<sup>19</sup> Ibid

<sup>20</sup> Police: Video Conferencing: Written question - [33154](#)

<sup>21</sup> <https://www.trafficpenaltytribunal.gov.uk/>

<sup>22</sup> Robert Thomas and Joe Tomlinson, [Current issues in administrative justice: Examining administrative review, better initial decisions, and tribunal reform](#) (2016) p20

<sup>23</sup> Ibid p22

<sup>24</sup> Ibid

<sup>25</sup> The **Senior President of Tribunals** is at present a separate judicial office with similar, but not identical, responsibilities to the Lord Chief Justice. For as long as the separate statutory office remains, references to the Lord Chief Justice should be taken as including references to the Senior President.

- **Functions**

HM Courts & Tribunals Service provides the system of support, including infrastructure and resources, for the administration of the business of the courts in England and Wales and those tribunals throughout the United Kingdom, for which the Lord Chancellor is responsible. The agency provides the support necessary to enable the judiciary, tribunal members and magistracy to exercise their judicial functions independently.

- **Leadership**

The [HMCTS's Service Framework Document](#) sets out that the Lord Chancellor and Lord Chief Justice<sup>26</sup> will not intervene in the day-to-day operations of the agency and have placed the responsibility for overseeing the leadership and direction of HM Courts & Tribunals Service in the hands of its Board.

The **Chief Executive** is responsible for the day-to-day operations and administration of the agency. Since 21 November Susan Acland-Hood has been Chief Executive of HMCTS.<sup>27</sup>

The **Board** is responsible for overseeing the leadership and direction of HM Courts & Tribunals Service in delivering the aim and objectives set by the Lord Chancellor and the Lord Chief Justice.

- **Staffing**

The [HMCTS Annual Report for 2015-2016](#) reported that the agency is comprised of 16,000 full time equivalent staff (excluding judiciary). In 2010-11 the number of staff stood at 20,777. The [HMCTS Annual Report for 2015-2016](#) reported that the agency comprised 16,000 full time equivalent staff (excluding judiciary). In 2010-11 the number of staff stood at 20,777.

- **Estate**

Since 2010, the court and tribunal estate has changed significantly. Between May 2010 and July 2015, 146 courts were closed. On 11 February 2016, Shailesh Vara MP, the Parliamentary Under-Secretary of State for Justice, announced that 86 courts and tribunals would be closed.<sup>28</sup>

The cooperation between the judiciary and the Government through the structure of the HMCTS has been prevalent at every stage of the Reform Programme. As Gee, Hazell, Malleson and O'Brien (a group of academics) note in their recent study of judicial independence, courts administration is now run on a "partnership model".<sup>29</sup> They observed that HMCTS has secured "genuine judicial involvement", on both short-term funding decisions and on long-term strategic thinking.<sup>30</sup> In terms of weaknesses they point out that HMCTS is limited by both the Ministry of Justice's centrally negotiated contracts and its lack of control of its own financial resources.<sup>31</sup>

## The launch of the HMCTS Reform Programme

In March 2014, Lord Thomas of Cwmgiedd, then Lord Chief Justice of England and Wales, Chris Grayling MP, then Lord Chancellor and

<sup>26</sup> The **Lord Chief Justice of England and Wales** is the president of the courts in England and Wales and his statutory responsibilities include judicial deployment, the provision of welfare, training and guidance to the judiciary, and representing the views of the judiciary to the Lord Chancellor and ministers of the Crown.

<sup>27</sup> Susan Acland-Hood is on twitter [@CEOofHMCTS](#)

<sup>28</sup> Shailesh Vara MP, HM Courts and Tribunals Service, 11 February 2016, HCWS536

<sup>29</sup> Graham Gee, Robert Hazell, Kate Malleson and Patrick O'Brien, *The Politics of Judicial Independence in the UK's Changing Constitution* (2015) p70-78

<sup>30</sup> Ibid p75

<sup>31</sup> Ibid

Secretary of State for Justice, and Sir Jeremy Sullivan, Senior President of Tribunals, [announced](#) a reform programme for the resourcing and administration of HMCTS. The HMCTS Reform Programme has three main elements:

- Digitisation and use of state of the art IT for all procedures and hearings
- Simplification of processes and procedures in the criminal courts, civil courts, family courts and tribunals
- Modernisation of the court estate

Since this announcement the Reform Programme has developed through a number of reviews, namely Sir Brian Leveson's review of the Criminal Justice System and Lord Justice Briggs' review of the Civil Courts, and Government proposals, consultations and announcements.

### The Leveson Report

In January 2015, Sir Brian Leveson's [Review of Efficiency in Criminal Proceedings](#) was published. The Review made a number of recommendations relating to the need to improve the technology available within the courts estate, for example by ensuring that digital evidence can be easily presented in court.<sup>32</sup>

For example, Sir Brian Leveson's report argued that for pre-trial and case management hearings, the process of always gathering together in the same place was "inefficient and expensive".<sup>33</sup> As a result, Sir Brian Leveson made the case for remote hearings using new technology to enable many, but not all, aspects of criminal cases to be dealt with without requiring all the various parties to be in the same place.<sup>34</sup>

Notably, Sir Brian Leveson set out eight "essential prerequisites for remote hearings".<sup>35</sup> These prerequisites highlight some of the practical challenges of installing and using technology in the criminal courts.

- **Box 1: Sir Brian Leveson's essential prerequisites for remote hearings**
- **High quality equipment:** The equipment must be reliable and the audio and visual quality should be of a high standard;
- **Digital recording and access:** The proceedings must be digitally recorded, with easy access provided to the audio and visual archive;
- **Cases to be "queued":** There needs to be a sophisticated listing system for audio and video hearings, so that cases are "queued" with the participants waiting online to be called on, in the same way that occurs with cases in court;

<sup>32</sup> Sir Brian Leveson, [Review of Efficiency in Criminal Proceedings](#) (2015) p97

<sup>33</sup> Ibid

<sup>34</sup> Ibid p13

<sup>35</sup> Ibid p14-16

- **Involvement of advocates instructed for the substantive hearing:** For Judges conducting remote hearings, sensible arrangements need to be made to ensure that, to the greatest possible extent, the advocates who are instructed in the case are available to assist the Judge;
- **Video facilities in prisons:** The system will be dependent, to a marked extent, on the ability of the prison establishment to provide sufficient video booths so that defendants can be “present” during the hearing without having to travel to court;
- **Showing exhibits:** The system(s) that are used must enable documents and other exhibits to be shown via the video link.
- **Training:** The Judges and court staff must be properly trained in the use of these new technologies.
- **Retention of the gravitas of proceedings:** We must ensure that the presentation of the proceedings if undertaken in virtual form does not detract from the solemnity and gravitas of the court.<sup>36</sup>

## The Briggs Report

Lord Justice Briggs was commissioned in July 2015 to review the civil courts in England and Wales. In July 2016 the [final report](#) was published.<sup>37</sup> That report outlined five main weaknesses afflicting the civil courts:

The **first** is the lack of adequate access to justice for ordinary individuals and small businesses due to the combination of the excessive costs expenditure and costs risk of civil litigation about moderate sums, and the lawyerish culture and procedure of the civil courts, which makes litigation without lawyers impracticable.

The **second** consists of the inefficiencies arising from the continuing tyranny of paper, coupled with the use of obsolete and inadequate IT facilities in most of the civil courts.

The **third** consists of the unacceptable delays in the Court of Appeal, caused by its excessive workload.

The **fourth** lies in the serious under-investment in provision for civil justice outside London.

The **fifth** consists of the widespread weaknesses in the processes for the enforcement of judgments and orders.<sup>38</sup>

Briggs balanced this by acknowledging that the civil courts provide a “world-class justice service” to those with civil disputes.<sup>39</sup>

To counter the problems, Briggs recommended the creation of an online court. The online court would represent:

A radically new and different procedural and cultural approach to the resolution of civil disputes which, if successful, may pave the way for fundamental changes in the conduct of civil litigation over

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<sup>36</sup> Ibid

<sup>37</sup> Lord Justice Briggs, [Civil Courts Structure Review: Final Report](#) (2016)

<sup>38</sup> Ibid p115

<sup>39</sup> Ibid

much wider ground than is currently contemplated by its first stage ambition, to resolve money claims up to £25,000 subject to substantial exclusions.<sup>40</sup>

Briggs added that such a court could be designed “for the specific purpose of enabling individuals and small businesses to vindicate their civil rights in a range of small and moderate cases”.<sup>41</sup> Thus the system could be designed so as to limit the need to have recourse to lawyers.<sup>42</sup> Briggs emphasised that this would be the court’s “true distinguishing feature”.<sup>43</sup>

## Transforming our Justice System

In September 2016, the then Lord Chancellor (Elizabeth Truss MP), Lord Chief Justice (Lord Thomas) and Senior President of the Tribunals (Sir Ernest Ryder) published a [joint statement](#) setting out their shared vision for reforming the justice system.

The statement outlines the need for “radical change” to ensure that our justice system continues to “lead the world”. The statement set out the need to introduce modern IT and processes to upgrade the system so that it works better for “everyone”.<sup>44</sup>

The vision is based on three core principles:

- **Just** – the judiciary must be supported by modern transparent processes that are consistent
- **Proportionate** – the costs, speed and complexity should be proportionate to the scale and substance of the case
- **Accessible** – the system should be intelligible to non-lawyers, and those with disabilities should not be excluded, nor those uncomfortable with new technology

Roger Smith, visiting professor at London South Bank University and former director of human rights group Justice, criticised the paper’s “narrow” definition of accessibility:

It includes availability, intelligibility and accommodation to disability. It does not include cost – a somewhat telling omission because the paper on our justice system deals neither with legal aid nor court fees.<sup>45</sup>

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<sup>40</sup> Ibid

<sup>41</sup> Ibid

<sup>42</sup> Lord Justice Briggs, [Civil Courts Structure Review: Interim Report](#) (2015) p75

<sup>43</sup> Ibid

<sup>44</sup> Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals [Transforming our justice system](#), September 2016

<sup>45</sup> Roger Smith, [Transforming justice – beyond the bombast](#), Law Gazette, 10 October 2016

The Transforming our Justice statement was accompanied by a further [white paper](#) summarising the reforms and consultations proposed.<sup>46</sup>

### Access to justice

Increasing access to justice is a central aim of the HMCTS reform programme.

In 2015, the Lord Chief Justice's Annual Report noted that "our system of justice has become unaffordable to most".<sup>47</sup> He added that there had been an increase of litigants in person, which the justice system was struggling to cope with.<sup>48</sup>

The Bach Commission on Access to Justice, supported by the Fabian Society and the Labour peer Lord Willy Bach, in a report published in 2016, argued that access to justice in England and Wales was facing six main challenges:

- Fewer people can access financial support for a legal case
- Exceptional case funding has failed to deliver for those in need
- Public legal education and legal advice are inadequate and disjointed
- High court and tribunal fees are preventing people pursuing legal claims
- Bureaucracy in the Legal Aid Agency is costly and time-consuming
- Out of date technologies keep the justice system wedded to the past<sup>49</sup>

The Government has argued that the constitutional principle of access to justice needs to be reconceptualised for the 21<sup>st</sup> century. The Government has argued that the principle no longer simply refers to accessibility to a physical court, and will now increasingly refer to the ability to access online services.<sup>50</sup> In evidence to the House of Lords Constitution Committee, the Lord Chancellor Liz Truss confirmed that the Government's aim was to shift away from existing conceptions of access to justice:

On the specific issue of legal aid, one of the points about the Prisons and Courts Bill is that it will change the way the system works. More things will be done online; there will be a more streamlined process. We will need fewer lawyers to help people

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<sup>46</sup> [Transforming our justice system: summary of reforms and consultation](#) (September 2016) Cm 9321

<sup>47</sup> [The Lord Chief Justice's Report](#) (2015) p5

<sup>48</sup> Ibid

<sup>49</sup> The Bach Commission on Access to Justice, '[The crisis in the Justice System in England and Wales](#)' Fabian Society (2016) p5

<sup>50</sup> See for example: Shailesh Vara MP, who as Minister of State for Justice, put the case for online courts in the context of a debate on court closures in a debate: HC Deb 16 September 2015 c338WH

navigate through the system, and, I suggest, more and early legal support and legal education, as well as more support in areas like representation, because at the moment a lot of legal effort is being spent navigating through a cumbersome and complex system.<sup>51</sup>

Professor Richard Susskind, the leading expert on technology and the law and Chair of the Online Dispute Resolution Advisory Group of the Civil Justice Council, has argued that online courts will lead to both an “increase in access to justice (a more affordable and user-friendly service) and substantial savings in costs, both for individual litigants as well for the court system”.<sup>52</sup>

Susskind has argued that critics of online courts should not compare them “with some ideal and yet simply unaffordable conventional court service”.<sup>53</sup> Instead we should compare with the system at present: “a system that is too expensive, takes too long, is barely intelligible to the non-lawyer, and so excludes many potential litigants with credible claims”.<sup>54</sup> Central to Susskind’s case is that online courts and technology can enable the justice system to reach the unmet legal need that currently exists at proportionate costs.

Critics of the modernisation agenda have challenged the idea that technology can replace face-to-face contact with lawyers. A point noted by a report by the Bach Commission on Access to Justice, published in 2016:

As many witnesses have pointed out to the Commission, face-to-face contact is irreplaceable. While Professor Susskind suggests as little as 3 per cent of the population are without internet access, research from the Legal Education Foundation found only 50 per cent of those entitled to civil legal aid pre-2013 would be willing and able to operate online. People facing the type of legal problems for which legal aid is needed are much less likely to be able to utilise the internet to resolve their problems. As the Legal Education Foundation note, it “certainly cannot be assumed that effective access simply equates with access to the internet.”<sup>55</sup>

Concerns over the ability of those who might need assistance to use online court services prompted the Government to consult on the proposed assisted digital services, designed to support those that have

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<sup>51</sup> House of Lords Select Committee on the Constitution, [Uncorrected oral evidence: Oral evidence session with the Lord Chancellor and Secretary of State for Justice](#), Wednesday (1 March 2017)

<sup>52</sup> Richard Susskind, [‘Online Courts And Online Dispute Resolution’](#) Paper for World Bar Conference 2016 (2016)

<sup>53</sup> Ibid

<sup>54</sup> Ibid

<sup>55</sup> The Bach Commission on Access to Justice, [‘The crisis in the Justice System in England and Wales’](#) Fabian Society (2016) p16

difficulty using technology.<sup>56</sup> The consultation response stated that the Government will ensure that the assisted digital support “takes into account the needs of those who are elderly or have disabilities, those with poor literacy or English skills, and those who lack access to technology because of cost or geography”.<sup>57</sup> The response also promised to conduct extensive research and testing on the services offered.

### **The Prison and Courts Bill**

In 2017, the Government introduced *the Prisons and Courts Bill*. Parts 2 and 3 of that Bill provided a legislative framework for the court reform programme, including changes to both the criminal and civil courts. The Bill did not complete its parliamentary stages because of the General Election.<sup>58</sup>

### **The Courts Bill**

The 2017 Queen’s Speech stated that the Government would introduce a Courts Bill to “reform the courts system in England and Wales to ensure it is more efficient and accessible, and in doing so utilise more modern technology”.<sup>59</sup> Joshua Rozenberg, writing in the *Law Society Gazette*, reported in February 2018 that: “HMCTS, the courts and tribunals service whose officials are responsible for implementing the reforms, tell me they have no idea when the bill will be back before parliament”.<sup>60</sup> Rozenberg added that HMCTS is continuing with the reform programme and digitising court process in the meantime:

For example, the common platform developed for criminal cases has now enabled cases to be listed for trial in Liverpool on the strength of a single electronic case file to which police, prosecutors, defence lawyers and the court all have appropriate access. At the other end of the scale, fare evasion cases are now being processed in bulk using the single justice procedure at Lavender Hill Magistrates’ Court in London.

There is also progress on the civil side. Selected applicants for probate and divorce, as well as people bringing small money claims, are taking part in live pilot schemes.<sup>61</sup>

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<sup>56</sup> Ministry of Justice, [Transforming our justice system: assisted digital strategy, automatic online conviction and statutory standard penalty, and panel composition in tribunals Government response](#) (February 2017) Cm 9391

<sup>57</sup> *Ibid* para 70

<sup>58</sup> For information on the Prisons and Courts Bill – see [the HC Library’s Briefing: The Prisons and Court Bill CBP 7907](#)

<sup>59</sup> [The Queen’s Speech and Associated Background Briefing, on the Occasion of the Opening of Parliament on Wednesday 21 June 2017](#)

<sup>60</sup> Joshua Rozenberg, [Signal problems](#), *Law Gazette* 19 February 2018

<sup>61</sup> Joshua Rozenberg, [Signal problems](#), *Law Gazette* 19 February 2018

## 2. Press and journal articles

*Please note: the Library is not responsible for either the views or accuracy of external content.*

### [Family courts need radical reform to shed secrecy charge, says judge](#)

Slough and Windsor Observer

21 Mar 2018

Radical reform is needed if family court judges are to rid themselves of the charge they operate a system of “private” or “secret” justice, the most senior family court judge in England and Wales said.

### [Barrister blows whistle on 'broken legal system brought to its knees by cuts](#)

The Guardian

18 Mar 2018

The anonymous author of *The Secret Barrister: Stories of the law and how it's broken*, who works as a defence lawyer and prosecutor warns that our legal system is approaching a tipping point and in urgent need of funding and reform.

### [Court closures: sale of 126 premises raised just £34m, figures show](#)

Owen Bowcott, The Guardian

8 Mar 2018

The government's courts closure programme is creating geographical gaps that restrict access to justice while raising pitifully small sums from the sale of most buildings, Labour has said. According to analysis of newly released figures, the sale of 126 court premises in England and Wales since 2010 has raised a total of £34m – each going for little more than the average house price.

### [Rural communities could actually gain from a digital criminal justice system](#)

William Mosseri-Marlio, The Guardian

18 Feb 2018

The Conservative government has come up against a lot of criticism for its record on access to justice, but digital courts are a step in the right direction

[HMCTS reveals eight proposed new court closures](#)

Law Society Gazette

18 Jan 2018

The government today unveiled a fresh round of eight proposed court closures as part of its ongoing modernisation programme in a move described by the Law Society as putting the cart before the horse.

[MPs lament 'chaotic' aftermath of court closures](#)

Law Society Gazette

7 Mar 2018

MPs with experience of court closures on their doorstep have pleaded with ministers to halt current plans for further consolidation of the estate.

[Videolinks in court trials undermine justice system, says report](#)

Owen Bowcott, The Guardian

23 Oct 2017

Video-conferencing threatens defendants' rights and undermines trust in the justice system, according to a report on the government's drive towards so-called "trial by Skype".

[UK looks to Singapore to inspire court reform](#)

Max Walters, Law Society Gazette

6 October 2017

The UK could learn from Singapore's 'expertise in innovation', including how legal technology can improve the court system, a government minister has claimed.

[The Conservatives are bringing a tech revolution to public services](#)

Dominic Raab, The Telegraph

4 Aug 2017

You may not instantly associate cloistered Inns of Court, judicial robes or the dock of a trial with the white heat of technological innovation. But this Government is using technology to pioneer reform to bring our courts into the 21st century – and deliver wider improvements in public services across the board.

[Travel, court closures and falling crime: why magistrates are quitting](#)

Owen Bowcott, The Guardian

2 Dec 2016

The number of unpaid magistrates in England and Wales has declined steeply from 30,000 in 2006 to 17,500 today.

[Court closures set for completion by September 2017](#)

Law Society Gazette

19 Oct 2016

The government says it is on track to shut all 86 courts and tribunals earmarked for closure by next September.

[Infographic lays bare impact of court closures](#)

Law Society Gazette

14 Aug 2015

The Law Society has published an online map to show how Ministry of Justice plans to close 91 courts and tribunals across England and Wales will affect solicitors.

## 3. Parliamentary material

### 3.1 Written statement

#### [Her Majesty's Courts and Tribunals Service](#)

18 Jan 2018

HCWS412

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer)

Together with the senior judiciary, the Government are committed to modernising the justice system. HM Courts and Tribunals Service's long-term reform programme is already delivering benefits by making access to justice quicker and easier while ensuring fairness. HM Courts and Tribunals Service's £1 billion reform programme is ambitious, ensuring justice is accessible but proportionate and making use of the technology available in the modern world. It will provide modern IT and processes, and focused services to support those who require court services. It covers all jurisdictions and touches every aspect of the system, including making more effective use of its physical places, spaces and buildings.

Courts and tribunals estate

It is important that when the programme of reform is complete we have the right buildings in the right places that can take full advantage of the opportunities that modernisation brings. They should be flexible, efficient and offer the best possible environment for those who seek justice, and our approach should reflect the greater use of digital services.

I am, today, announcing the publication of six separate, but related, consultations about the HM Courts and Tribunals Service estate.

Consultation on future estates strategy

The first consultation, "Fit for the future: transforming the courts and tribunals estate", provides an outline of reform activities which are either under way or planned. It outlines the three core principles behind our approach—ensuring access to justice, providing value for money for the taxpayer and ensuring efficiency in the long term— and a proposed approach to future consultations on changes to the estate as HMCTS reform initiatives deliver results.

Consultations on court closure proposals

While consideration of the demands on the courts and tribunals estate in the context of reform is important, we also need to assess the existing estate to make sure it is efficient and offers value for money to taxpayers now. To this end, a key consideration in management of the estate is that we only operate buildings that we need, eliminating duplication and overlapping service provision, with the savings recycled back into the reform programme.

I am therefore today announcing five separate consultations on proposals to close eight courts. These proposals are being made under the existing courts and tribunals estates principles and current processes and workloads.

The courts are:

Banbury magistrates' and county court and Maidenhead magistrates' court (in a single consultation for the court estate in the Thames valley), Cambridge magistrates' court, Chorley magistrates' court and Fleetwood magistrates' court (in a single consultation for the court estate in Lancashire), Northallerton magistrates' court, and Wandsworth county court and Blackfriars Crown court (in a single consultation for the court estate in London).

All consultations will begin on 18 January 2018 and run for 10 weeks. A response to the consultations will be published following proper consideration of all views submitted.

A copy of the consultation documents will be placed in the Libraries of both Houses.

## 3.2 Oral parliamentary questions

### [Court Closures](#)

HC Deb 6 March 2018 cc145-146

**Ruth George (High Peak) (Lab):** 1. What recent assessment his Department has made of the effect of court closures on access to justice. [904186]

**Helen Hayes (Dulwich and West Norwood) (Lab):** 2. What recent assessment his Department has made of the effect of court closures on access to justice. [904188]

**The Secretary of State for Justice and Lord Chancellor (Mr David Gauke):** Maintaining access to justice is a key principle when changes to the estate are proposed. Before issuing our consultation on court closures in January, we assessed the impact on access to justice—principally, the changes in travel time for court users. The decision to close a court is never taken lightly, and is made only after full public consultation and where we are satisfied that access to justice is maintained. Our reform programme will improve access to justice for many users, while allowing many needs to be met without the need to attend court. Online solutions and video hearings will make access to justice easier.

**Ruth George:** The Minister's experience is not happening in my constituency, where Buxton court closed in 2016. Some of my constituents now have to travel 40 miles on a one-and-a-half-hour trip to Chesterfield court. The police say that it now takes them a whole day to take someone to court, whereas it used to take less than half a day, and that is having an impact on the number of offenders they can bring

to court and on justice in my area. Please will the Minister take this into account in the current consultation?

**Mr Gauke:** I am grateful to the hon. Lady for her comments, but we also have to take into account the fact that 41% of courts and tribunals used less than half their available hearing capacity during the financial year 2016-17, and across the country courts are utilised at 58% of their capacity. In those circumstances, where resources are scarce we have to make decisions about the reforms we undertake.

**Helen Hayes:** I have been raising concerns about the closure of Lambeth county court for the past two years, and the court finally closed in December. My constituents facing the repossession of their homes must now attend Clerkenwell county court, which lawyers report to be a chaotic environment, which is impossible to contact by telephone, where cases and files frequently go missing and where the number of respondents failing to attend is rocketing. When will the Justice Secretary take action to address this unacceptable situation?

**Mr Gauke:** The reality is that we are undertaking a series of reforms, making much greater use of digital technology and increasing access to online ways of dealing with this. This is an important modernisation that the courts system needs.

[...]

**Yasmin Qureshi (Bolton South East) (Lab):** The Government are continuing to cut court staff, close courts and sign contracts worth millions of pounds for their digitisation programme. These are huge changes, which will have an impact on our courts for decades. Will the Minister promise not to close any more courts or sign contracts until the courts Bill is published and the matter has been debated fully in this Chamber?

**Mr Gauke:** I hope to be able to bring forward further news on the courts Bill in the near future, but I am not going to give the undertaking the hon. Lady seeks. It is important that we continue to look to get the best out of the resources we have. If that means reforms here in making greater use of digital technology and ensuring that our court estate is as rational and efficient as possible, we will need to continue to do that.

### 3.3 Written parliamentary questions

#### [Courts: Closures](#)

**Asked by:** Burgon, Richard

To ask the Secretary of State for Justice, which courts closed since 2010 have yet to be sold; and what the annual maintenance costs of each of those courts has been over the period of their closure.

**Answering member:** Lucy Frazer | **Department:** Ministry of Justice

Of the courts that have closed since 2010, the following have yet to be sold or disposed of:

Court	Closure Date	Disposal Progress***	Maintenance Costs* (financial year)		
			17/18** (£)	16/17 (£)	15/16 (£)
Abergavenny Magistrates' Court	October 2013	Exchanged	4,866	6,007	1,907
Alton Magistrates' Court	September 2014	Exchanged	5,824	5,963	575
Birmingham Youth Court	January 2018	Pre-marketing	2,128	0	0
Bournemouth Magistrates' Court	January 2017	Exchanged	22,028	869	0
Brecon Law Court	September 2016	Exchanged	6,707	2,697	0
Caerphilly Magistrates' Court	May 2016	Exchanged	7,399	12,189	0
Chichester Magistrates' Court	June 2017	Transfer to Homes England	4,960	0	0
East Parade - Sheffield Tribunal	June 2017	Pre-Marketing	5,838	0	0
Keighley (Bingley) Magistrates' Court	December 2011	Under Offer	3,176	10,332	3,509
Liverpool, Dale Street Magistrates'	June 2015	Pre-Marketing/Contractual Issues	0	42,381	26,101
Llangefni County Court	August 2017	Exchanged	3,501	0	0
Lyndhurst Magistrates' Court	April 2011	Under Offer	3,924	2,673	556
Oswestry Magistrates'/County Court	April 2013	Under Offer	2,974	3,235	1,012
Runcorn (Halton) Magistrates' Court	January 2017	Pre-Marketing	10,398	0	0

Southampton Combined Court - Barrack Block	June 2016	Marketing	13,768	6,099	0
Telford County Court	September 2017	Transfer to Homes England	11,378	0	0
Torquay Magistrates' Court	September 2017	Marketing	5,583	0	0
Watford Magistrates' Court	July 2017	In solicitors' hands	8,833	0	0

\* Maintenance costs include planned and emergency works on court sites that includes works to repair or preserve the fabric of the building as well as utilities, fixtures and fittings. \*\* figures provided are up to 28 February 2018  
\*\*\* Summary of disposal status:

Status	Description
Exchanged	Contracts have been exchanged between the buyer and seller, this is the stage before completion.
Under Offer	An offer from a potential purchaser has been received and is under consideration.
Marketing	The property is being advertised to potential buyers
Pre-marketing	This phase includes investigations to support strategic decisions made on the portfolio and or future value maximisation
In solicitors' hands	Conveyancing is underway and contracts are being negotiated with the preferred party.
Transfer	The property has been or is due to be transferred to Homes England (formerly the Homes and Communities Agency) or the Education Funding Agency

The information requested relating to annual maintenance costs for period prior to the 2015/16 financial year could only be obtained at disproportionate cost.

12 Mar 2018 | Written questions | Answered | House of Commons | 131159

- [Courts: Buildings](#)

**Asked by:** Burgon, Richard

To ask the Secretary of State for Justice, how much money was raised for the public purse from the sale of each court since 2010.

**Answering member:** Lucy Frazer | **Department:** Ministry of Justice

We are investing over £1bn to reform and improve our world-leading courts and tribunals system. Our ongoing court sales are contributing to the court reform programme.

Since 2010, the following proceeds have been received from the sale of each court:

	<b>Proceeds (£)</b>
<b>2010/2011</b>	
ALDRIDGE MAGISTRATES' COURT	330,000
LEIGH COUNTY COURT	155,001
LOUTH MAGISTRATES' COURT	200,000
SLEAFORD MAGISTRATES' COURT	384,000
WIGAN COUNTY COURT	200,278
WORKSOP COUNTY COURT	151,335
BARNET MAGISTRATES' COURT	775,000
<b>Total 2010/11</b>	<b>2,195,614</b>
<b>2011/12</b>	
ABERTILLERY MAGISTRATES' COURT	81,000
ACTON MAGISTRATES' COURT	1,176,665
BLANDFORD MAGISTRATES' COURT	175,000
BODMIN COUNTY COURT	140,000
BRENTFORD MAGISTRATES' COURT	650,000
CAERNARFON CROWN COURT	30,776
CHESHUNT MAGISTRATES' COURT	540,000
COALVILLE MAGISTRATES' COURT	245,000
CULLOMPTON MAGISTRATES' COURT	235,000
EASTLEIGH MAGISTRATES' COURT	850,000
GAINSBOROUGH MAGISTRATES' COURT	315,000
GRAVESEND COUNTY COURT	100,000
HARROW MAGISTRATES' COURT	1,125,000
HORSEFERRY ROAD MAGISTRATES' COURT	20,755,860
MANSFIELD COUNTY COURT	342,500
PENRITH MAGISTRATES' COURT	174,600

STRATFORD-UPON-AVON MAGISTRATES' COURT	530,000
SUTTON MAGISTRATES' COURT	2,247,000
WITNEY MAGISTRATES' COURT	330,000
MILDENHALL MAGISTRATES' COURT	328,000
RHONDDA MAGISTRATES' COURT	470,654
WHITBY MAGISTRATES' COURT	400,000
CAERNARFON MAGISTRATES' COURT	30,776
MARYLEBONE MAGISTRATES' COURT	13,400,000
<b>Total 2011/12</b>	<b>44,672,830</b>

**2012/13**

ABERDARE MAGISTRATES' COURT	275,000
ALNWICK MAGISTRATES' COURT	20,000
AMMANFORD MAGISTRATES' COURT	90,000
BARKING MAGISTRATES' COURT	505,000
BARNESLEY COUNTY COURT	169,864
BARRY MAGISTRATES' COURT	250,000
BLAYDON MAGISTRATES' COURT	144,990
BRISTOL MAGISTRATES' COURT	1,800,000
CAMBORNE MAGISTRATES' COURT	137,500
CARMARTHEN COUNTY COURT	275,000
CONSETT COUNTY COURT	81,265
CONSETT COUNTY COURT,	13,735
GUISBOROUGH MAGISTRATES' COURT	275,000
HEMEL HEMPSTEAD MAGISTRATES' COURT	650,000
HEXHAM MAGISTRATES' COURT	102,500
ILFORD COUNTY COURT	1,313,013
ILKESTON MAGISTRATES' COURT	610,000
NEWPORT MAGISTRATES' COURT	59,000
NORTHWICH MAGISTRATES' COURT	260,000
PENZANCE COUNTY COURT	230,000

PORT TALBOT MAGISTRATES' COURT	225,000
PWLLHELI MAGISTRATES' COURT	131,013
SITTINGBOURNE MAGISTRATES' COURT	430,000
SUTTON COLDFIELD MAGISTRATES' COURT	440,000
TECHNOLOGY & CONSTRUCTION COURT	25,337,500
WOOLWICH MAGISTRATES' COURT	335,000
MARKET HARBOROUGH MAGISTRATES' COURT	291,500
NEWARK MAGISTRATES' COURT	404,464
RUGBY MAGISTRATES' AND COUNTY COURT	285,000
WEST BROMWICH MAGISTRATES' COURT	160,000
ABERAERON OFFICE SUNNYSIDE MAGISTRATES' COURT	225,000
<b>Total 2012/13</b>	<b>35,526,344</b>
<b>2013/14</b>	
BALHAM YOUTH COURT	2,000,000
CARDIGAN MAGISTRATES' COURT	48,910
DENBIGH MAGISTRATES' COURT	165,000
DEWSBURY COUNTY COURT	276,000
DIDCOT MAGISTRATES' COURT	400,000
ELY MAGISTRATES' COURT	1
GOSFORTH MAGISTRATES' COURT	378,000
HALESOWEN MAGISTRATES' COURT	314,250
HARWICH MAGISTRATES' COURT	352,500
IPSWICH CROWN COURT	360,000
KEIGHLEY COUNTY COURT	130,000
LISKEARD MAGISTRATES' COURT	380,000
NEWPORT MAGISTRATES' COURT	380,000
RETFORD MAGISTRATES' COURT	151,000
SALFORD MAGISTRATES' COURT	544,000
SWAFFHAM MAGISTRATES' COURT	155,000
TAMWORTH MAGISTRATES' COURT	437,500

THETFORD MAGISTRATES' COURT	231,550
TOWER BRIDGE MAGISTRATES' COURT	8,525,000
WAREHAM MAGISTRATES' COURT	290,000
WHITEHAVEN MAGISTRATES' COURT	200,000
WISBECH MAGISTRATES' COURT	151,350
ASHFORD MAGISTRATES' COURT	375,000
LAUNCESTON MAGISTRATES' COURT	87,500
MELTON MOWBRAY MAGISTRATES' COURT	147,000
RAWTENSTALL MAGISTRATES' COURT	135,000
SUDBURY MAGISTRATES' COURT	112,000
WOKING MAGISTRATES' COURT	1,050,000
<b>Total 2013/14</b>	<b>17,776,561</b>
<b>2014/15</b>	
CHESHIRE MCC COURT	195,865
CROMER MAGISTRATES' COURT	325,000
DAVENTRY MAGISTRATES' COURT	140,000
DEWSBURY MAGISTRATES' COURT	300,000
EPPING MAGISTRATES' COURT	750,000
HARINGEY MAGISTRATES' COURT	10,100,000
HONITON MAGISTRATES' COURT	183,000
LLANDRINDOD WELLS MAGISTRATES' COURT	34,400
NEATH MAGISTRATES' COURT	450,000
PONTYPOOL COUNTY COURT	200,000
REDDITCH COUNTY COURT	345,000
ROCHDALE MAGISTRATES' COURT	6,316
SELBY MAGISTRATES' COURT	186,000
BISHOP AUCKLAND MAGISTRATES' COURT	150,000
KNOWSLEY MAGISTRATES' COURT	250,000
MID SUSSEX MAGISTRATES' COURT	2,105,000
ROCHDALE MAGISTRATES' COURT	323,685

SOUTHPORT MAGISTRATES' COURT	304,000
<b>Total 2014/15</b>	<b>16,348,266</b>
<b>2015/16</b>	
ANDOVER MAGISTRATES' COURT	537,500
BRIDPORT MAGISTRATES' COURT	693,460
BURTON ON TRENT COUNTY COURT	185,000
COLEFORD MAGISTRATES' COURT	170,000
FLINT MAGISTRATES' COURT	87,500
GOOLE MAGISTRATES' COURT	60,000
HOUGHTON LE SPRING MAGISTRATES' COURT	30,000
HOUGHTON LE SPRING MC	60,000
KNUTSFORD CROWN COURT	1,600,000
LEWES MAGISTRATES' COURT	1,900,000
MARKET DRAYTON MAGISTRATES' COURT	100,000
STOKE ON TRENT MAGISTRATES' COURT	200,000
WANTAGE MAGISTRATES' COURT	657,000
WIMBORNE MAGISTRATES' COURT	310,000
WITHAM MAGISTRATES' COURT	525,000
<b>Total 2015/16</b>	<b>7,115,460</b>
<b>2016/17</b>	
BRIDGEND LAW COURTS	375,000
CARMARTHEN MAGISTRATES' & CROWN COURT	223,004
EAST BERKSHIRE (BRACKNELL) MAGISTRATES' COURT	1,000,001
FELTHAM MAGISTRATES' COURT	2,150,000
FROME MAGISTRATES' COURT	397,666
GRANTHAM MAGISTRATES' AND COUNTY COURT	112,000
GRANTHAM MAGISTRATES' COURT	448,000
PONTYPRIDD MAGISTRATES' COURT	350,000
SHERBORNE MAGISTRATES' COURT	250,000
SPALDING MAGISTRATES' COURT	270,430

SWANSEA CROWN COURT	774,528
TOTNES MAGISTRATES' COURT	237,000
Weston Super Mare Magistrates' Court	116,078
PONTEFRAC T MAGISTRATES' COURT	205,000
BRIDGEWATER MAGISTRATES' COURT	167,652
<b>Total 2016/17</b>	<b>7,076,360</b>
<b>2017/18</b>	
BOW COUNTY COURT	3,500,000
CIRENCESTER MAGISTRATES' COURT	450,000
DORKING MAGISTRATES' COURT	2,125,000
GREENWICH MAGISTRATES' COURT	12,005,000
HAMMERSMITH MAGISTRATES' COURT	43,000,000
HOLYHEAD MAGISTRATES' COURT	112,500
NEATH AND PORT TALBOT COUNTY COURT	250,000
REDHILL MAGISTRATES' COURT	6,550,000
RHYL COUNTY COURT	92,150
RICHMOND UPON THAMES MAGISTRATES' COURT	9,838,000
SOLIHULL MAGISTRATES' COURT	4,312,000
WALTHAM FOREST MAGISTRATES' COURT	3,471,040
WOOLWICH COUNTY COURT	2,555,000
CHESTER-LE-ST MAGISTRATES' COURT	100,000
TOTTENHAM (ENFIELD) MAGISTRATES' COURT	4,570,000
<b>Total 2017/18*</b>	<b>92,930,690</b>
<b>Grand Total</b>	<b>223,642,125</b>

\*2017-18 financial year figures are for proceeds up until 31 December 2017.

20 Feb 2018 | Written questions | Answered | House of Commons | 127599

[Courts: Closures](#)

**Asked by:** Burgon, Richard

To ask the Secretary of State for Justice, what the estimated return to the public purse will be from the sale of each of the eight courts for which a closure consultation has recently been opened.

**Answering member:** Lucy Frazer | **Department:** Ministry of Justice

HM Courts & Tribunals Service is unable to disclose the estimated return from any sale of buildings currently open for public consultation, should the decision be made to close them, as this is commercially sensitive.

07 Feb 2018 | Written questions | Answered | House of Commons | 125740

[Courts: ICT](#)

**Asked by:** Burgon, Richard

To ask the Secretary of State for Justice, pursuant to the Answer of 7 February 2018 to Question 125455, on Courts: ICT, what performance related measures are applied to the PwC contract for the delivery of digital courts reform.

**Answering member:** Lucy Frazer | **Department:** Ministry of Justice

The performance related measures are:

**Operational** - outcome of deliverables within each work package - this is monitored on an operational level daily and formally reviewed against the contract at the monthly contract management meetings

**A performance incentive mechanism (Retention and Performance fee)** – this is monitored via 4 balance scorecard measures (reviewed at the monthly contract management meetings)

including:

- 1) portfolio delivery (supporting delivery and achieving overarching objectives of reform),
- 2) benefits realisation (realising benefits of reform),
- 3) behaviours (approach to partnership) and
- 4) knowledge transfer/capability build (developing HMCTS Reform staff to reduce reliance on external support).

20 Feb 2018 | Written questions | Answered | House of Commons | 127581

[Courts: ICT](#)

**Asked by:** Burgon, Richard

To ask the Secretary of State for Justice, whether access to justice will be used as a criteria by his Department to assess the performance of (a)

PwC and (b) other contractors in the delivery of digital courts reform contracts.

**Answering member:** Lucy Frazer | **Department:** Ministry of Justice

Court reform is designed to improve our courts, which includes people's ability to access justice. Various suppliers are enabling the department to deliver against our court reform goals, and contractual arrangements are in place to ensure they deliver our requirements.

The PwC arrangement does not include any prima facie assessment of performance related to access to justice. There are other performance related measures applied to that contract to enable PwC support the department.

07 Feb 2018 | Written questions | Answered | House of Commons | 125455

#### [Courts: Closures](#)

**Asked by:** Burgon, Richard

To ask the Secretary of State for Justice, how many courts were closed in each year since 2010.

**Answering member:** Dr Phillip Lee | **Department:** Ministry of Justice

This government is investing over £1billion to reform and modernise the justice system – making it more convenient, easier to use, and providing better value for the taxpayer.

As we increase the use of digital services, it makes sense to consider the wider role and need for Court buildings and assess whether some are still necessary to provide effective access to justice. Where physical courts are to close, every penny raised will be put back into funding changes which will make justice easier to access for all at the same time as offering protections for the most vulnerable.

Since 2010, the following number of courts have closed in each financial year as detailed below:

2010/11: 1

2011/12: 129

2012/13: 7

2013/14: 5

2014/15: 7

2015/16: 20

2016/17: 64

2017/18: 25

29 Jan 2018 | Written questions | Answered | House of Commons | 123668

Courts: Closures

**Asked by:** Mackintosh, David

To ask the Secretary of State for Justice, what steps he has taken to ensure (a) the efficiency of the transition to new courts of cases from courts that are planned for closure and (b) minimal adverse effect on those remaining courts.

**Answering member:** Mr Shailesh Vara | **Department:** Ministry of Justice

Implementation of court closures has commenced and is expected to take place on a phased basis over the next two years. A schedule of anticipated closure dates has been published and can be accessed online at [www.gov.uk/moj](http://www.gov.uk/moj).

Detailed implementation plans are being developed by each region of HM Courts & Tribunals Service. Local implementation groups will be established to oversee each closure. They will work in close cooperation with the judiciary where appropriate. The groups are responsible for ensuring that the transfer of work to receiving sites takes place efficiently and that effective service delivery is maintained at receiving sites throughout the process of court closure.

29 Mar 2016 | Written questions | Answered | House of Commons | 31767

Courts: ICT

**Asked by:** Burgon, Richard

To ask the Secretary of State for Justice, how many contracts his Department has signed with companies in respect of the digital courts reform programme; what other signatories there are for each of those contracts; what the value of each of those contracts is; and what the performance measures are which form part of each of those contracts.

**Answering member:** Dr Phillip Lee | **Department:** Ministry of Justice

As of 22/01/2018 forty-one (41) contracts have been awarded under the category 'Digital and Technology' to support the delivery of the HMCTS Reform Programme. The Total Contract Value of these contracts is £106.4m. The signatories for these contracts will vary depending on value and budgetary / contractual financial delegations. Prior to 'contract award' approval is required through the following channels:

- o Programme / Project Business Case;
- o Cabinet Office Spend Controls (where applicable);
- o Technology Owner;
- o Digital / Technology Director;
- o Budget Holder; and

- Commercial Manager / Senior Commercial Manager / Commercial Director.

The final contract is signed by the supplier and a member of the commercial team (subject to value).

Performance measures vary by contract and by programme, depending on the services being delivered. Some of these contracts are short fixed price pieces of work, with payment only on acceptable performance and delivery of milestones. Other longer term contracts include service and performance review boards where the HMCTS Senior Business Owner and team will review the services delivered in month. They will then assure whether or not the deliverables have been delivered in line with the contract. Should the performance not meet the standards expected in the contract in accordance with the Service Level Agreements (SLAs) then HMCTS may have a right to service credits or other such remedy from the supplier. At a project level, regular programme reviews and supplier reviews take place for each of the digital service projects being delivered.

29 Jan 2018 | Written questions | Answered | House of Commons | 123663

#### [Courts: ICT](#)

**Asked by:** Burgon, Richard

To ask the Secretary of State for Justice, if he will publish the plan which PwC has been contracted by his Department to deliver in respect of the digital courts reform programme.

**Answering member:** Lucy Frazer | **Department:** Ministry of Justice

The contract awarded to PwC includes their plans to deliver against the 6 initial work packages. A redacted version will be published on Contracts Finder which will provide further details, by the end of January. Throughout the life of the contract, agreed delivery plans will be submitted for each new work package commissioned.

26 Jan 2018 | Written questions | Answered | House of Commons | 123660

#### [Courts: Reform](#)

**Asked by:** Phillipson, Bridget

To ask the Secretary of State for Justice, what recent progress has been made on the court reform programme.

**Answering member:** Dominic Raab | **Department:** Ministry of Justice

Our vision is for a modern and world-renowned justice system that is swifter, more accessible and easier to use for everyone. The modernisation programme is now in its second year and is progressing

well. Tax Appeal Online was launched in June and a number of new services are being tested with the public. These include Probate Online and online tracking in the Social Security & Child Support Tribunal. In the magistrates' court, good progress is being made in developing a simpler way of deciding summary, non-imprisonable offences using streamlined processes and a new digital system.

18 Jul 2017 | Written questions | Answered | House of Commons | 4937

### [Courts: ICT](#)

**Asked by:** Burgon, Richard

To ask the Secretary of State for Justice, pursuant to the joint statement by The Lord Chancellor, the Lord Chief Justice, and the Senior President of Tribunals, Transforming our justice system made in September 2016, how much funding the Government plans to allocate to the digital court reform programme; and if he will Minister publish the business case for that programme.

**Answering member:** Dominic Raab | **Department:** Ministry of Justice

The Government is committed to maintaining a world-leading legal system and is investing over £1bn to transform our courts and tribunals and deliver a modern, world-renowned justice system that is swifter and more accessible.

Business cases are used for internal governance purposes within HMCTS and the wider Ministry and are shared with the HM Treasury to assist with funding discussions. The business case relating to court reform will not be released for external publication.

08 Jan 2018 | Written questions | Answered | House of Commons | 120983

### [Family Courts: Modernisation](#)

**Asked by:** Lord, Mr Jonathan

To ask the Secretary of State for Justice, what plans her Department has to modernise family courts across England Wales; and if she will make a statement.

**Answering member:** Sir Oliver Heald | **Department:** Ministry of Justice

I want our legal services and justice system to be the best in the world and I am totally committed to the Court Reform Programme. We are investing close to £1billion to reform and digitalise our courts and tribunal services to deliver swifter and more certain justice. Family Justice has an important place within the HMCTS Reform programme.

The first element of the family service to be transformed under the HMCTS Reform Programme is the divorce service. As a result, users will be able to issue and progress their divorce application online whilst

accessing improved guidance and signposting to help them to understand each step in the process and get things right first time. They will also be able to track the progress of their case online.

Work on transforming the divorce service has already commenced with future plans including modernisation of the administration of public law, adoption, private law and family law act applications.

Future changes are planned to modernise and digitalise our service in relation to public law, adoption, private law and other types of family application over the coming years.

13 Dec 2016 | Written questions | Answered | House of Commons | 56062

### 3.4 Parliamentary debate

[Backbench Business debate: Court Closures](#)

HC Deb 24 Mar 2016 c1784-

**Helen Hayes (Dulwich and West Norwood) (Lab):** I beg to move, That this House acknowledges the need for some underused courts and tribunals to close; notes the detrimental effect that too many court closures will have on access to justice for vulnerable families and individuals particularly in rural areas where public transport is less reliable; further notes with concern the effect these closures will have on the experienced and dedicated staff working in the 86 courts and tribunals; and calls on the Government to acknowledge the concerns of staff, magistrates and third sector organisations who highlighted numerous flaws in the consultation document, to think again on some of these closures and acknowledge the importance of access to local justice.

## 4. Further reading

### 4.1 Commons Library briefings

#### [Court and tribunal closures](#)

Commons Library briefing, CBP 7346

21 March 2016

This briefing paper analyses court and tribunal closures in England and Wales. Since 2010, there have been two major court closure programmes: the then Her Majesty's Courts Service's (HCMS) Court Estate Reform Programme (CERP) (2010-2014) and Her Majesty's Courts and Tribunals Service's (HMCTS) Estates Reform Project (ERP) (2015-). The CERP resulted in 103 magistrates' courts and 54 county courts being earmarked for closure. The ERP has led to 86 court and tribunal buildings to be scheduled for closure. These latest closures are one part of HMCTS' Reform Programme, which aims to improve access to justice by both modernising the court and tribunal estate and by making greater use of technology.

#### [Commons Library Analysis: The Prisons and Courts Bill](#)

Commons Library briefing, CBP 7907

16 March 2017

The Prisons and Courts Bill 2016-17 had its second reading in the Commons on 20 March 2017. This Briefing Paper provides relevant information and analysis, including commentary from other organisations. The paper covers court reform [here](#). The bill was in Committee in the Commons when its progress was interrupted by the general election.

#### [Prisons and Courts Statistics, England and Wales](#)

Commons Library briefing, CBP 7892

7 March 2017

This paper provides background statistics on prisons and courts in England and Wales ahead of the Second Reading of the Prisons and Courts Bill 2016-17.

## 4.2 Ministry of Justice and HM Courts & Tribunals Service

### Transforming our justice system: consultation outcome

MoJ and HMCTS

15 Sep 2016

On 15 September 2016, the Lord Chancellor, Lord Chief Justice, and the Senior President of Tribunals issued a [joint statement](#) on their shared vision for the future of Her Majesty's Courts & Tribunal Service. We invited the public and interested stakeholders to give their views on 3 specific areas:

- assisted digital facilities
- automatic online conviction and statutory standard penalty
- panel composition in tribunals.

We received a total of 790 responses to the consultation, including from legal practitioners and their representative groups, charities and other third parties, the judiciary and members of the public. We have carefully considered all the responses, and are now publishing our formal response.

As a result of the consultation, we will be continuing with our proposals to provide assisted digital facilities for users who have trouble with using technology.

We also intend to introduce an automatic online conviction and statutory standard penalty procedure for railway fare evasion, tram fare evasion and possession of unlicensed rod and line.

Whilst we will be removing the requirement for the Senior President of Tribunals (SPT) to pay regard to historic tribunal composition, we do not intend to proceed with the proposal to introduce a single member panel as the default position in the unified tribunals. Instead, we will amend the First-tier Tribunal and Upper Tribunal (Composition of Tribunal) Order 2008 that the SPT may provide that a panel should consist of 1, 2 or 3 members, as required, to determine the matters before the tribunal justly and fairly.

This consultation was held on another website.

This consultation ran from 10am on 15 September 2016 to 11:45pm on 24 November 2016

### Virtual Court pilot: Outcome evaluation

Matthew Terry, Dr Steve Johnson and Peter Thompson

Ministry of Justice Research Series 21/10

December 2010

The pilot ran from May 2009 for 12 months in two magistrates' courts in London and North Kent, covering 15 police stations in London and one in North Kent. More detail on the pilot can be found at Annex A.

## 4.3 The Bach Commission

### [The Right to Justice: The final report of the Bach Commission](#)

The Bach Commission

22 Sep 2017

People should have a right to justice they can afford, urges this major new report on access to our justice system.

In its final report, published today, the commission calls on the government and other political parties to ensure minimum standards on access to justice are upheld through a new Right to Justice Act.

## 4.4 Blogs

### [Building improvements underway as we overcome extra challenges caused by bad weather](#)

Susan Acland-Hood, Inside HMCTS

6 Mar 2018

A blog by Susan Acland-Hood in which she details how some of our courts and tribunals buildings can be uncomfortable and difficult to use, even at the best of times. Susan confirms we are well aware of these challenges, and we're doing everything we can with the resources available to improve the situation now and in the longer term through our reform programme.

### [Digital courts: evidence for the prosecution](#)

The Reformer Blog

18 February 2016

Governments since at least the 1980s have stressed the need for judicial speed. Victims and witnesses want a proximate relationship between crime and punishment. With the Government still battling the deficit, the expense entailed by court delays is not welcome. However the most significant reason to value swift justice is that outcomes are affected by duration. The longer cases drag on, the more likely they are to collapse.

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