

Title: Courts and Tribunals Bill (Structural Criminal Court Reform) IA No: MoJ035/2025 RPC Reference No: N/A Lead department or agency: MoJ Other departments or agencies:	Impact Assessment (IA)
	Date: 24/02/2026
	Stage: Development/Options
	Source of intervention: Domestic
	Type of measure: Primary legislation
	Contact for enquiries: lily.sullivan@justice.gov.uk
Summary: Intervention and Options	RPC Opinion: N/A

Cost of Preferred (or more likely) Option (in 2025/26 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
-£54m	N/A	N/A	Not a regulatory provision

What is the problem under consideration? Why is government action or intervention necessary?

The Crown Court open caseload has more than doubled since 2019 and stood at 79,619 cases in September 2025. Without action this is expected to continue increasing and could exceed 100,000 by 2028 and 123,000 by the end of March 2030 under a central demand scenario (low and high demand scenarios are covered in figure 1). Despite record Government financial investment into criminal court capacity – the Crown Court is hearing just under 20% more trials than pre-Covid (2019) by sitting the equivalent of 111,250 days in 2025/26 - Crown Court receipts continue to outstrip disposals. The Crown Court would need to be sitting the equivalent of 139,000 days by the end of 2029/30 just to keep up with forecast demand, and this would still not reduce the Crown Court open caseload.

The Government is committed to greater financial investment and delivering an ambitious package of efficiencies this Parliament. But that action alone will neither allow the criminal courts to fully meet projected incoming demand, nor begin to bring down the Crown Court open caseload. It was against this background that the Government commissioned Sir Brian Leveson to carry out an Independent Review of the Criminal Courts (the Review). Sir Brian was asked to comprehensively re-evaluate the criminal courts in England and Wales and consider the merits of longer-term structural reform (Part 1), and the efficiency and timeliness of processes (including those of partner agencies) in cases through charge to conviction or acquittal (Part 2). Sir Brian published Part 1 of the Review in July 2025 and Part 2 in February 2026. Only through a combination of reform and efficiencies, plus investment, can the Government meet demand and begin to address the rising Crown Court open caseload. The Deputy Prime Minister set out on 2 December 2025 how the Government planned to act on the blueprint set out by Sir Brian, with a package of structural reforms for which he would legislate. This Impact Assessment (IA) covers those reforms.

Government intervention via primary legislation is necessary to ensure justice can be delivered fairly and in a timely manner, and to prevent victims, witnesses and defendants waiting years for a trial.

What are the policy objectives of the action or intervention and the intended effects?

The overall policy objectives of the measures outlined in this IA are:

- To address the existing backlog of outstanding cases in the Crown Court and to turn the tide on the rising open caseload so that it is on a downward trend by the end of this Parliament;
- To improve timeliness in access to justice for victims, witnesses and defendants; by
 - ensuring a more proportionate allocation of resources across the criminal courts, in line with the severity and complexity of cases; and
 - to place the criminal courts on a more sustainable footing.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

- **Option 0:** Do nothing
- **Option 1:** Implement the criminal court reform measures in the Courts and Tribunals Bill.

The Government’s preferred option is Option 1 because it best meets policy objectives.

Will the policy be reviewed? N/A.						
Is this measure likely to impact on international trade and investment?			No			
Are any of these organisations in scope?			Micro No	Small No	Medium No	Large No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: n/a	Non-traded: n/a		
<i>I have read the Impact Assessment, and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.</i>						
Signed by the responsible minister SELECT SIGNATORY:					Date: 24/02/2026	

Summary: Analysis & Evidence

Policy Option 1

Description: Implement the measures in the Courts and Tribunals Bill

FULL ECONOMIC ASSESSMENT

Price Base Year 25/26	PV Base Year 26/27	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -	High: -	Best Estimate: -£54m

COSTS (£m)	Total Transition (Constant Price) 4 Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	-	Optional	Optional
High	-	Optional	Optional
Best Estimate	£86m	£31m	£338m

Description and scale of key monetised costs by 'main affected groups'

The monetised costs of these measures will primarily arise from increased average annual prison running costs (£1m), probation (£17m), legal aid costs (£9m) and total implementation costs (£123m) (which includes transition costs). Prison services will face changing demand due to faster court resolution leading to earlier entry to the sentenced population, only partially offset by shorter time on remand over a 10-year horizon. Faster case resolution also speeds up when cases fall under probation services, resulting in additional costs. Finally, implementation will require upfront investment in IT system changes, recording equipment, and training for judicial staff. Legal aid costs to Government will see a pull-forward due to the faster resolution of cases alongside additional operational costs from higher case volumes.

Other key non-monetised costs by 'main affected groups'

Implementing the reforms will generate operational costs for courts and prisons, including staff training, scheduling adjustments, system updates, and estate works, alongside potential recruitment for probation services. CPS will also face additional operational costs from higher case volumes and structural change.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (opportunity cost, not financial benefit) (Present Value)
Low	-	Optional	Optional
High	-	Optional	Optional
Best Estimate	-	£34m	£285m

Description and scale of key monetised benefits by 'main affected groups'

The monetised benefits of these measures will primarily come from efficiency gains across courts services. By retaining cases in the magistrates' courts and introducing judge-only trials, the Crown Court is expected to free up the equivalent of c. 27,000 sitting days' worth of capacity. These time savings in the Crown Court will **not** necessarily result in direct budgetary savings as time will be used to hear more cases and reduce the open caseload. Crown Court time savings and the demand increase in the magistrates' courts have been monetised to understand the overall economic value only, but these impacts do **not** translate into direct financial savings. Legal aid provides access to legal representation, which is expected to enhance the overall experience of the justice process. An upper limit of this non-financial benefit has also been monetised.

Other key non-monetised benefits by ‘main affected groups’

Earlier resolution helps restore confidence in the criminal justice system by reducing the prolonged uncertainty that defendants, victims and their families often face. Court delays have significant negative impacts on victims’ lives, exacerbating stress and re-traumatising them. When defendants are in the community awaiting trial, delay can increase the risk to victims and witnesses of further abuse and harassment. When cases conclude more quickly, many victims will likely experience less emotional strain, stress and negative impacts on their daily life. The measures will also deliver significant operational benefits across the justice system. By reducing the Crown Court open caseload, courts can allocate resources more effectively, reducing delays for serious cases. This will likely shift incentives and encourage defendants who intend to plead guilty to do so earlier in the process, knowing their case will be heard sooner. Recording equipment will enhance procedural accuracy and transparency, improving the quality of appeal decisions, and reducing duplication of effort. For prison and probation services, earlier sentencing and case resolution will allow better planning of custodial and community sentences, reducing bottlenecks and improving rehabilitation pathways. Equally, moving convicted people into prison removes potentially dangerous individuals from society which brings the benefits of safer communities. Collectively, these changes strengthen system resilience. While the modelled period shows an increase in the prison population (reflecting cases being dealt with more quickly, as opposed to any projected increase in sentencing outcomes), in the longer term we would expect a steady state reduction in the remand population. This reflects cases being processed more quickly, reducing the average time individuals spend on remand.

Key assumptions/sensitivities/risks	Discount rate (%)	3.5
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See Table on page 30 for key assumptions

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:				Score for Business Impact Target (qualifying provisions only) £m: N/A	
Costs:	N/A	Benefits:	N/A		Net:

Evidence Base

A. Background

- This IA assesses the following measures included in the Courts and Tribunals Bill.

Table 1: Summary of Courts and Tribunals Bill Measures	
Measure	Description
<i>[Policy Area]</i>	
<i>1a: Magistrates' court sentencing powers</i>	To introduce a power to extend magistrates' court sentencing powers up to 24 months' imprisonment for single and multiple triable either-way offences, maintaining the ability to vary in increments, with the intention that this will then be set at 18 months via secondary legislation.
<i>1b: Remove the defendant's right to elect</i>	To remove defendants' right to elect for trial in the Crown Court for all triable either-way offences, so the decision on jurisdiction will be made solely by the magistrates' courts. To remove the requirement of defendants' consent for cases to be remitted to magistrates' courts from the Crown Court.
<i>1c. Magistrates' courts appeals</i>	To replace the automatic right to appeal against conviction or sentence in magistrates' courts with a permission stage, and to replace the full rehearing in the Crown Court with a hearing confined to the grounds on which permission was granted.
<i>1d: Crown Court Bench Division</i>	To introduce a Crown Court Bench Division, where triable either-way cases with a likely sentence of three years or less are heard by a judge alone.
<i>1e: Trials by judge alone for technical and lengthy fraud cases</i>	To introduce trials by judge alone for certain technical and lengthy cases involving fraud and financial related offences.

- The rest of this IA sets out the issues under consideration, the options being considered to address them, and their associated impacts. The cost estimates presented in this IA reflect the best information currently available, and we will continue to work with relevant agencies and other government departments to refine estimates as needed.

Problem under consideration

- The last time the criminal courts saw meaningful reform was in the 1970s, when the Crown Court was first established. Over fifty years later, we have seen significant changes in the criminal justice landscape which impacts how our criminal courts operate.
- The demand entering the system rose between 2019 and 2025 (and continues to rise), the number of arrests has risen by 10%, and the number of cases arriving at the Crown Court is up 18%.
- The Crown Court is dealing with more complex and serious offences, which take longer to hear. As the Review said, "putting lengthy fraud and terrorism to one side, violence and sexual offences represent a higher proportion of the caseload."¹ In the year ending September 2019, sexual offences and violence against the person offences accounted for 33% of all open cases. By September 2025 (Q3 2025), this proportion increased to 49%. The growing complexity of criminal law and procedure, alongside new forms of evidence

¹ [Independent Review of the Criminal Courts – Overview](#)

(such as material extracted from mobile phones, computers or DNA analysis) has increased the time that trials take.

- Defendants are also entering guilty pleas later in the process, exacerbated by the lengthy wait for trial currently. In Q3 2025, 58% of defendants who pleaded guilty before trial required more than one hearing, up from 44% in Q3 2019. The proportion of pre-trial guilty pleas requiring 6 or more hearings more than trebled from 3% in 2019 to 10% in Q3 2025.
- These factors combined mean that cases are taking longer to be heard. The Review has said that jury trials are now taking twice as long as they did in the early 2000s, and cases are now open for 80% longer at the Crown Court compared to 2019 (156 days in Q3 2019 compared to 281 days in Q3 2025). As of Q3 2025, 20,155 cases at the Crown Court, and around a third of all sexual offences, have been open for a year or longer. These delays have real consequences for victims, witnesses, and defendants who can spend years waiting for their trial.
- However, while demand, crime types, evidence and criminal proceedings have changed significantly since the 1970s, the structure of our criminal courts has not, causing an imbalance between demand and supply. The system is no longer able to meet the demands of criminal justice in the 21st century. In Q3 2025, the Crown Court open caseload reached 79,619 - around double pre-Covid levels - and without intervention (with structural reform providing the most significant impacts), it is expected to surpass 100,000 by 2028 under a central demand scenario.
- Recent projections, published on 4 December 2025,² indicate that the workload implications for the Crown Court are significant – a 7% increase in cases coming into the Crown Court by March 2030, relative to the levels observed in the 12 months to the end of June 2025. That is the equivalent of 138,000 sitting days of work over 2029/30, reaching a steady state equivalent to 139,000 days per annum by the end of that period (145,000 days in the high scenario). If historic trends of growing indictable only trial lengths continue and we see a further 10% rise in indictable only trial lengths by 2030, then this could rise to 144,000 days per annum at steady state in the central scenario (151,000 days in the high scenario).
- This Government has already taken action, including funding a record 111,250 Crown Court sitting days this financial year, but the scale of the challenge cannot be addressed by increasing that sitting day allocation and modernisation alone. The Review said “the scale of the problem means that more money alone cannot remedy the problem quickly enough (if at all) [...] Similarly, the scale and deep-rooted nature of the problems also made clear to me that efficiency measures alone [...] would not be sufficient to meet the volume of cases now coming into the system, let alone reduce the open caseload.”³ That would lead to a steady accumulation of unresolved cases over time, causing the Crown Court open caseload to increase continuously, leading to the system facing the risk of collapse. To simply stop the Crown Court open caseload from growing, the Crown Court would need to operate at 139,000 sitting days. But there is not sufficient capacity within the system to operate at this level of activity. The Government must consider whole system capacity when assessing how many sitting days’ worth of work can be delivered each year -the availability not just of judges to sit in the Crown Court, but of the lawyers, prosecutors, and defence advocates and solicitors that enable the system to function.

² [Prison Population Projections: 2025 to 2030 - GOV.UK](#)

³ [Independent Review of the Criminal Courts – Overview](#)

- It was against this background that the Government commissioned Sir Brian Leveson to conduct the Independent Review of the Criminal Courts⁴ (the Review), evaluating the criminal courts in England and Wales and recommending reforms to address rising demand and the Crown Court open caseload.
- The Review addressed long term structural reform of the criminal courts (Part 1) and improving efficiency in the criminal courts (Part 2).
- Sir Brian published Part 1 of the Review on 9 July 2025 and Part 2 on 4 February 2026. In the Review, he identified a profound and escalating crisis within the criminal justice system, particularly in the Crown Court. Importantly, Sir Brian has been clear that “more money and efficiency measures alone will not be sufficient to allow the system to operate as it should. To be given the best chance of success, it requires all three critical levers – money, structural reform and efficiency.”⁵
- Sir Brian highlighted that these delays result in a host of problems: devastating impacts on the lives of victims and witnesses, leading to a number who may withdraw from proceedings; defendants left in limbo for years; and knock-on effects on the rest of the criminal justice system. These pressures collectively erode public trust and compromise the fairness and effectiveness of criminal justice.

B. Rationale & Policy Objectives

Overarching Rationale

- The conventional economic approaches to government intervention are based on efficiency or equity arguments. Governments may consider intervening if there are strong enough failures in the way markets operate (e.g. monopolies overcharging consumers) or there are strong enough failures in existing Government interventions (e.g. waste generated by misdirected rules) where the proposed new interventions avoid creating a further set of disproportionate costs and distortions. The Government may also intervene for equity (fairness) and distributional reasons (e.g. to reallocate goods and services to more vulnerable groups in society).
- In this instance, the overall rationale for reform is both efficiency and fairness. The measures in the Courts and Tribunals Bill will promote efficiency by ensuring a more proportionate allocation of criminal court resources, in line with the severity and complexity of the offending. They will promote fairness by ensuring that cases can be heard more quickly, reducing delays and the associated costs to victims.

Overarching Policy Objectives

- The overall policy objectives of the measures outlined in this IA are:
 - To address the existing backlog of outstanding cases in the Crown Court and to turn the tide on the rising open caseload so that it is on a downward trend by the end of this Parliament;
 - To improve timeliness in access to justice for victims, witnesses and defendants; by
 - ensuring a more proportionate allocation of resources across the criminal courts, in line with the severity and complexity of cases; and
 - To place the criminal courts on a more sustainable footing.

⁴ [Independent Review of the Criminal Courts - Part 1](#)

⁵ [Independent Review of the Criminal Courts – Overview](#)

- We describe the policy objectives of the specific Bill measures in the following paragraphs.

Measure 1a: increasing magistrates' court sentencing powers

- This measure has the following policy objective:
 - To enable magistrates' courts to retain and sentence a broader range of cases, thereby freeing up capacity in the Crown Court for more serious and complex cases, and ensuring a more proportionate allocation of criminal court resources.

Measure 1b: removing the defendant's right to elect

- This measure has the following policy objectives:
 - To ensure a more proportionate allocation of court resource and to prevent lower-level cases from escalating to the Crown Court unnecessarily (cases will be managed by the magistrates' courts based on severity and complexity).
 - To reserve Crown Court time for cases of appropriate severity and complexity by placing the decision on appropriate venue for trial with magistrates and District Judges alone.

Measure 1c: reforming magistrates' court appeals

- This measure has the following policy objectives:
 - To reduce the time spent in the Crown Court dealing with appeals that have no merit.
 - To spare victims and witnesses from the trauma of a second trial where the original conviction arrived at in the magistrates' court was safe.

Measure 1d: establishing the Crown Court Bench Division

- This measure has the following policy objectives:
 - To improve the timeliness of eligible cases by hearing by judge alone.
 - To release Crown Court capacity to hear other, more serious cases, by jury.

Measure 1e: trials by judge-alone for technical and lengthy cases

- This measure has the following policy objectives:
 - To reduce the time taken to hear these particularly lengthy cases by hearing them judge alone, saving Crown Court capacity to hear other cases by jury trial.
 - To prevent jurors sitting on trials that last months, which can significantly interfere with their personal and professional lives.

C. Affected Stakeholder Groups, Organisations and Sectors

- A list of the main groups that would be affected is shown below:

- Victims, their families and witnesses
- Defendants, and their families
- His Majesty's Courts and Tribunals Service (HMCTS)
- His Majesty's Prison and Probation Service (HMPPS)
- The judiciary
- Legal Aid Agency (LAA)
- The Crown Prosecution Service (CPS)
- The Police
- The wider public
- Barristers and solicitors
- Victims support services
- Prisoner Escort Services (PECS)

D. Options under consideration

- To meet these policy objectives, the following two options are considered in this IA:
 - **Option 0: Do Nothing: Make no changes to existing legislation**
 - **Option 1: Legislate to introduce the measures in the Courts Bill**
- Option 1 consists of five measures which are described in more detail below. Measures 1a-e are the preferred option as they best meet the above policy objectives.

Option 0

- Under this option, the various problems identified above would remain and the criminal courts system would deteriorate.

Measure 1a: Magistrates' court sentencing powers (MSPs).

- Currently, MSPs are set to a maximum of 12 months imprisonment for single and multiple triable either-way offences, and the Government can vary MSPs between 6 and 12 months. A key factor that magistrates' courts consider when deciding whether to retain a TEW case for trial is whether the sentence likely imposed (if the defendant is convicted) would be in excess of their sentencing powers. Magistrates' courts allocation guidance (developed by the Justices' Legal Advisers and Court Officers' Service) advises that magistrates' courts should retain cases where the expected sentence could be up to 18 months (i.e. they take the case and then send it to the Crown for sentencing if there is a conviction, and the sentence should be more than 12 months). If magistrates or District Judges believe a case is likely to receive a sentence greater than that advised in their allocation guidance (currently 18 months), they will send it to the Crown Court.
- Parliament has previously legislated to change MSPs. Until May 2022, MSPs were limited to 6 months for a single summary-only or triable either-way offence. Between May 2022 and November 2024, MSPs for a single triable either-way offence were varied between 6 and 12 months (using the varying power in the Sentencing Act 2020) as part of efforts to reduce pressure on prison capacity.
- Measure 1a will introduce the power to extend MSPs up to 18 months or 24 months maximum imprisonment for single and multiple triable either-way offences.
- This measure will not alter the statutory maximum sentence for any offences. Once commenced, it will expand the range of cases magistrates' courts can hear and sentence. With the increase of MSPs to 18 or 24 months, the magistrates' courts allocation guidance

will likely also increase to 24, 30, or 36 months. This means that magistrates' courts could impose custodial sentences up to 18 or 24 months while also retaining cases for hearing expected to attract longer sentences. Any changes to this will be outlined in the allocation guidance developed by the Justices' Legal Advisers and Court Officers' Service.

- Increasing MSPs will mean that cases that would otherwise be sent to the Crown Court can be retained in the magistrates' courts for hearing and sentencing. The aim is to free up capacity in the Crown Court for more serious and complex cases. When MSPs were raised from 6 to 12 months in May 2022, there was a 21% reduction in the number of defendants sent by the magistrates' courts to the Crown Court for sentencing and a 6% reduction in the number of theft offences sent for trial to the Crown Court by March 2023. The increase from 6 to 12 months in November 2024 was estimated to have freed up to 2,000 sitting days' worth of work in the Crown Court.
- Extending MSPs beyond the current limit will help address the Crown Court open caseload and support a more proportionate allocation of resources by ensuring that Crown Court time is reserved for cases of appropriate severity and complexity.

Measure 1b: Remove the right to elect for trial in the Crown Court for all triable either-way (TEW) offences.

- For all triable either-way offences, defendants currently have an unrestricted right to elect for a Crown Court trial, even where the magistrates' courts determine they can retain the case and are not required to give any reasons or justification for doing so. This takes up resource and time in the Crown Court which should be reserved for work on more serious cases.
- Removing the ability of a defendant to elect for trial in the Crown Court means that a decision on jurisdiction will be made solely by the magistrates' courts.
- Judges in the Crown Court are currently able to return a case from the Crown Court to the magistrates' courts where they determine it to be within a magistrates' court's jurisdiction. However, this is subject to defendants' consent. Alongside the measure to remove the right to elect for trial in the Crown Court, legislation will also be amended to remove the consent requirement, so Crown Court judges can remit a case to the magistrates' courts without a defendant's consent.

Measure 1c: Amending criminal appeals from magistrates' courts to the Crown Court.

- In line with Sir Brian Leveson's recommendation, Measure 1c will replace the automatic right to appeal in magistrates' courts against conviction or sentence with a requirement for permission to appeal, and to replace the requirement for a full re-hearing in the Crown Court with a hearing on the issues for which leave to appeal has been granted. Any permission hearing and the full appeal hearing will be heard by a judge sitting alone, rather than by a judge together with magistrates, as is currently the case.
- Currently, for many cases that are appealed, victims and witnesses are required to go through the ordeal of a second trial even when there is very little prospect of an appeal succeeding. This can be traumatic for victims and witnesses, and could even result in some appeals not being contested at the Crown Court due to victim and witness attrition.
- In Q3 2025, appeals against magistrates' decisions made up 5% of disposals in the Crown Court (1,357 appellants). 59% of appeals against conviction and 53% of appeals against sentence were unsuccessful.⁶ The permission stage aims to filter out appeals which are unlikely to succeed at an earlier stage in the process. Combined with removing the need for a full rehearing,

⁶ As they were dismissed, abandoned or otherwise disposed.

these reforms will not only increase court efficiency but reduce the impact of appeals on victims and witnesses.

- This measure will contribute towards saving time in the Crown Court, as appeals made up around 4% of the Crown Court open caseload in Q3 2025 (equivalent to around 2,800 open Crown Court cases at the end of September 2025).
- These changes are also particularly important given that other measures (removing the right to elect for trial in the Crown Court and increasing magistrates' courts sentencing powers) will result in a larger proportion of cases being retained in magistrates' courts. Without replacing the automatic right to appeal, there is a risk that volumes of unnecessary appeals to the Crown Court will increase, along with the impact on victims and witnesses having to undergo re-trials.
- Introducing a permission stage for appeals and replacing the rehearing with a hearing confined to the grounds that permission is granted, is the same process that takes place for appeals on Crown Court decisions to the Court of Appeal. The reforms to magistrates' courts appeals change mirrors the existing process from the Crown Court to the Court of Appeal in most aspects, including the powers of the higher court on appeal. There are some small details where it will depart from the process in the Court of Appeal to better suit the appeals process from magistrates' courts to the Crown Court. For example, there is no test for allowing an appeal against sentence from the Crown Court to the Court of appeal – it is only stated in Common Law. For legal certainty, we will be introducing a test for appeals against sentence from magistrates' courts to the Crown Court in statute.
- This amended appeals policy will apply to all appeals against conviction and sentence from the magistrates' court to the Crown Court, including the youth court. The requirement of permission will also apply in the limited circumstances where the prosecution can appeal against a sentence or acquittal to the Crown Court. The exception to these reforms is civil matters heard in magistrates' courts, which will continue to have an automatic right to a rehearing in the Crown Court, and certain interlocutory appeals from magistrates' courts in criminal proceedings.

Measure 1d: Introduce trials by judge alone for triable either-way (TEW) cases likely to receive a custodial sentence of 3 years' imprisonment or less (Crown Court Bench Division (CCBD)).

- Currently, almost all trials in the Crown Court are heard by a judge and jury. Hearing certain cases by judge alone is expected to reduce hearing times, freeing up Crown Court capacity to hear other, more serious, cases with a jury.
- Jury trials require specific time dedicated to the management and handling of jurors, including jury selection, jury instruction, and deliberation time. Sir Brian Leveson's Review says that trials proceeding without a jury could reduce hearing times by at least 20%, and he says that he thinks this is a very conservative estimate. Sir Brian's Review reached this assumption by conducting:
 - a. Quantitative analyses explored potential proxies for jury trial savings by drawing comparisons within the current system. This provided a framework for elicitation workshops and judicial engagement.
 - b. A structured elicitation workshop with expert operational staff from HMCTS. The quantitative analysis was shared with participants, and the workshop generated a suggested estimated range of 10-30% for lower to upper end plausible time savings, with 20% given as a median value.

- c. Engagement session with judges to understand their personal expectations of potential time-savings, intended to provide an anecdotal indication of where and how the judiciary thought time savings may or may not become apparent in a CCBD. Their views were in keeping with wider estimates.
- The Courts and Tribunals Bill therefore includes two measures to enable the Crown Court to try cases by judge alone under specific circumstances.
- In line with Sir Brian’s recommendation, the first of these measures (Measure 1d) will introduce a Crown Court Bench Division (CCBD), within the existing Crown Court, where certain trials will be heard by a judge alone.
- To ensure that jury trials remain in place for the most serious crimes, the CCBD will only hear triable either-way cases likely to receive a custodial sentence of three years or less (including non-custodial sentences). Indictable-only offences can never be heard there. To determine whether a triable either-way case is eligible for trial in the CCBD, a Crown Court judge will assess whether the offences to be tried are likely to attract a custodial sentence of three years or less. They will take this decision at the first opportunity the defendant has to enter a plea in the Crown Court, which will usually be the Plea and Trial Preparation Hearing. Counts to which defendants have pleaded guilty are not included in the assessments of likely sentence. Youth defendants will be in scope of this policy.
- If cases involve multiple defendants, judges must assess eligibility based on the highest likely sentence of any one defendant.
- The CCBD will operate as a lower tier within the Crown Court. This means the same procedures in the Crown Court will apply to the CCBD. This includes the appeal route from the Crown Court to the Court of Appeal. In the CCBD, judges will also retain the full sentencing powers of the Crown Court – they are not restricted to handing down sentences of three years or less. Unlike juries, judges will provide reasoned judgments for their decisions to convict or acquit. The CCBD operating in this way, as opposed to establishing a new intermediate court, limits the financial and implementation impacts – in his Review, Sir Brian notes that the CCBD sitting in the Crown Court is a critical feature of achieving an increase in allocated sitting days.
- Cases already in the Crown Court open caseload can be allocated to judge alone trial in the CCBD if the trial is listed to begin after implementation of the reforms. Cases already part-way through a jury trial will proceed unaffected.
- Cases can be reallocated, to either the CCBD or jury trial, where there has been a significant change of circumstances. If an indictable-only offence is added to a CCBD case, it must always be reallocated to jury trial. If a jury trial has started, it cannot be reallocated to the CCBD. In other scenarios, the judge should also consider other factors such as delay to the trial and interests of victims when deciding whether to reallocate.

Measure 1e: Trials by judge-alone in the Crown Court for suitably technical and lengthy fraud and other financial cases

- The second “judge alone” measure (Measure 1e) will allow certain technical and lengthy fraud and financial offences to be heard by a judge alone in the Crown Court. Measure 1e will reduce the burden placed on jurors by these exceptionally lengthy cases, as well as reduce the time taken to hear these cases.
- Cases will only be eligible if a specific preparatory hearing is ordered under either section 7(1) of the Criminal Justice Act 1987 or, section 29(1) of the Criminal Procedure and

Investigations Act 1996. These are only ordered if a complex case needs additional case management.

- This measure will be limited to cases involving at least one count of certain fraud and financial offences specified in a Schedule to the Courts and Tribunals Bill (such as fraud, bribery, money laundering, insider trading, among others). Indictable-only homicide offences (e.g. murder and manslaughter) and indictable-only sexual offences (e.g. rape and assault by penetration) - including attempts or conspiracies to commit any of these crimes - will always be excluded under this measure, no matter how lengthy or technical. The Secretary of State for Justice will have the power to modify the Schedule of eligible offences via affirmative Statutory Instrument.
- A judge must also be satisfied that the case is suitably technical and lengthy to direct trial by a judge-alone. When determining whether a case is suitable for a judge-alone trial under this measure, the judge must also consider whether it is in the public interest for a particular case to be heard by a jury. If it is, then the case must be tried by a jury.
- These judge alone trials will operate within the existing Crown Court. This means that the procedures in the Crown Court will continue to apply – including the appeal route from the Crown Court to the Court of Appeal and the full sentencing powers of the Crown Court. Decisions to allocate cases to a judge alone trial under this policy at a preparatory hearing will not be appealable by interlocutory appeal.
- Offences to which the defendant has pleaded guilty will not be included in the assessment of eligibility. As with the CCBD, youth defendants will be in scope of this policy if they meet the criteria set out above. Unlike juries, judges will provide reasoned judgments for their decisions to convict or acquit.
- As with the CCBD, technical and lengthy fraud and financial cases already in the Crown Court open caseload can also be allocated to judge alone trial if the trial is listed to begin after implementation of the reforms. Cases already part-way through a jury trial will proceed unaffected.
- As with the CCBD, if a change of circumstances means that an excluded offence comes into scope of this policy, it must always be reallocated to jury trial. If a jury trial has started, an order cannot be made for a judge-alone trial. In other scenarios, the judge should also consider other relevant factors when deciding whether to revoke or make an order, such as delay to the trial and the interests of victims.

E. Cost & Benefit Analysis

- This section summarises the **monetised and non-monetised impacts** of the above legislative measures on individuals and groups in England and Wales. The assessment follows the procedures and criteria set out in the Impact Assessment Guidance and is consistent with HM Treasury's Green Book principles.
- Where possible, the IA identifies both monetised and non-monetised impacts on individuals, groups, and businesses, with the aim of understanding the overall societal impact of the proposals. It has not been possible to monetise all costs and benefits, and where quantification has been possible, the estimated impacts are presented below based on key measurable outcomes. For areas where outcomes could not be quantified, the impacts have been assessed qualitatively in the non-monetised impacts section to ensure they are still considered in the overall appraisal.

- In this IA, the analysis looks at the costs and benefits of the criminal courts reform measures, based on the Review, as a package (Option 1) as opposed to the individual measures. This provides the overall picture of the measures' impact. The costs and benefits of Option 1 are assessed relative to Option 0, the counterfactual or "do nothing" scenario. As the counterfactual is compared to itself, its costs and benefits are necessarily zero, as is its Net Present Social Value (NPSV).
- The expected impacts of the legislative measures are summarised in the tables below. To ensure comparability across measures, the following conventions have been applied:
 - All monetised costs and benefits are expressed in 2025–26 prices.
 - The NPSV is calculated over a 10-year appraisal period (from 25/26 - 34/35), using a 3.5% discount rate.
 - Optimism bias adjustments have been applied at 20%.
- All estimates represent best available evidence but are subject to uncertainty. Sensitivity analysis has been carried out where there is uncertainty on caseload impacts (section F).
- As with all such IAs, the direct impact on offenders has not been assessed where the changes are required to uphold the sentence of the courts.

Overall Impact

- The current NPSV of Option 1 is estimated at –£54 million. This largely reflects the use of a 10-year appraisal period and the fact that many benefits are not monetised. Several of the most significant benefits are expected to materialise beyond the appraisal period and are therefore excluded, including the gradual reduction in prison capacity and the longer-term benefits to victims from reducing the Crown Court open caseload. Wider societal and justice system improvements, while substantial, also fall outside the scope of the current NPSV.
- In addition, a number of key benefits underpinning the case for Option 1 cannot be monetised due to data limitations. These include faster case progression; increased confidence in the justice system; reduced risk of cases collapsing; improved efficiency and fairness; and reduced delays, which help maintain victim and witness engagement, shorten periods of uncertainty, and support quicker recovery for victims.
- Some costs included in the NPSV reflect timing effects rather than additional resource use (e.g. where expenditure such as Legal Aid is brought forward as the open caseload reduces).
- The NPSV should therefore be interpreted with caution. It does not reflect the full value of the Courts and Tribunals Bill measures, and the longer-term quantitative and qualitative benefits are expected to result in a positive overall NPSV.

Baseline

- The most recent prison and court caseload projections (published on 4 December 2025) are used as the baseline in this IA because they reflect a scenario where the Government does not implement the proposed measures. As these projections represent the baselines for each area in the absence of any policy changes yet to receive Royal Assent, they form the basis for comparing the impact of the Bill measures against the status quo.
- The baseline also assumes that Crown Court sitting day capacity increases to 117,000 days in 2028/29. This is a planning assumption only. Actual sitting days will be agreed between

the Lord Chancellor and Lady Chief Justice each year through the Concordat process. For the financial year 2026/27, they have agreed to uncap sitting days in the Crown Court, which means there is no financial limit on the amount of work the Crown Court can undertake. There are capacity constraints in the system, however, with maximum capacity currently estimated to be 113,000 sitting days for the financial year 2026/27, increasing thereafter.

- Based on these projections, the throughput of cases in the Crown Court will not keep pace with incoming demand, even with financial investment to fund more capacity. This dynamic would lead to a steady accumulation of unresolved cases over time, causing the overall caseload – and consequently the backlog – to increase continuously.
- The trend is illustrated in the graph below (figure 1), which shows a persistent upward trajectory in open cases across a five-year projection period. This trend is expected to reach 100,000 by 2028 and 123,000 by March 2030, based on the central assumption about the future changes in demand entering the Crown Court. This is driven by incoming demand into the Crown Court which is estimated to reach the equivalent of 137,000 sitting days of work in 2028/29 and will continue to grow to 138,000 into 2029/2030 reaching a steady state equivalent to 139,000 days per annum by the end of that period.
- Over the longer term, the Crown Court open caseload will continue to grow in the absence of structural reform. We project over a five-year horizon - beyond this a broader range of factors are likely to come into play to impact demand and activity in courts (e.g. demographic and societal changes, changes in technology, and trends in crime). For the purpose of this IA and assessing the costs and benefits over 10 years, we have taken a simple approach to extending the projection assuming these factors, and other assumptions remain constant. This element of the projection should be viewed as illustrative and experimental. Under these circumstances the Crown Court open caseload could grow to over 170,000 by March 2035, reflecting continued growth while capacity of the Crown Court remains below demand arriving without intervention.
- Examining a scenario in which future incoming demand is higher than the central assumption exacerbates the Crown Court open caseload. In this scenario incoming demand is estimated to reach 144,000 sitting days' worth of work in 2028/29 and 145,000 by 2029/2030. This higher demand drives even greater growth in the open caseload, reaching 135,000 by March 2030 and 204,000 by March 2035. Likewise, in a low demand scenario, which assumes that currently observed levels of demand (130,000 sitting days) remain into the future, the caseload continues to grow without action, reaching 107,000 by March 2030 and 138,000 by March 2035.
- This growing backlog has significant implications: delays in case resolution can prolong uncertainty for victims, witnesses, defendants and their families, often exacerbating emotional distress and undermining confidence in the criminal justice system. In some instances, extended timelines may also affect the quality of evidence (e.g. due to difficulties recalling events) and outcomes, further compounding the harm experienced by those seeking closure. A growing backlog creates pressure elsewhere in the system, such as increasing the remand population as defendants await trial, and leaving those on bail facing the longest waiting times (because remand cases are prioritised over bail cases), which may heighten risks of reoffending. These knock-on effects can strain prison capacity and community supervision resources, amplifying operational and societal costs.

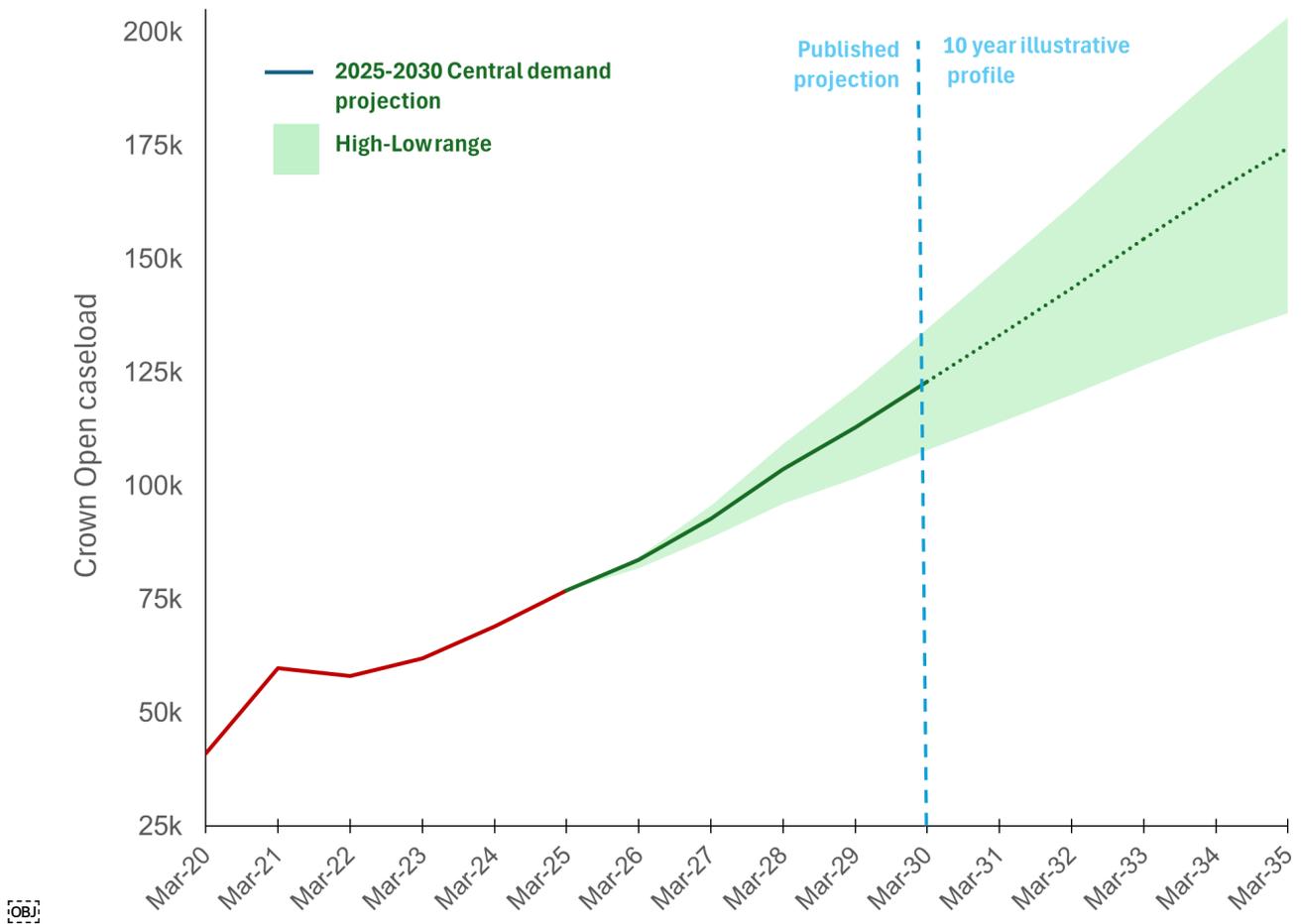


Figure 1: Indicative Crown Court Open Caseload Baseline Projection

Option 1: Legislate to introduce the measures in the Courts Bill

- This IA assumes that the measures in the Bill will begin to come into force from the end of March 2028. Implementing measures beyond this timeframe will directly limit the ability of government to meet its commitment to reduce the Crown Court open caseload before the end of this Parliament. The longer the reforms are delayed, the higher the caseload peak becomes, and the harder it will be to meet demand and reduce the caseload. This timeframe reflects the need to allow sufficient time for parliamentary passage of the Bill, as well as the design, development, testing, and implementation of required system, operational, and workforce changes across the criminal justice system. A number of the measures are dependent on changes to core digital systems, including HMCTS case management systems, which cannot be fully designed or built until Royal Assent has been secured, in line with HMT rules on Managing Public Money. Initial estimates indicate that delivery of these IT changes could take up to 12 months following Royal Assent, with additional time required for deployment, training and transition to business-as-usual operations. In parallel, partner agencies across the system – including HMCTS, the CPS, HMPPS and legal aid providers – will require lead-in time to ensure operational readiness. This includes updating guidance and processes, training staff, and ensuring that downstream impacts on prisons, probation and legal services can be managed safely and effectively.

Monetised impacts

- The following section outlines the different cost and benefit categories that comprise the monetised impacts of Option 1. These categories include:

- Sitting day impacts, leading to overall economic benefits. These impacts are non-cashable and will not translate into budgetary savings.
 - Prison costs.
 - Probation costs.
 - Implementation costs.
 - Legal aid costs and non-cashable benefits to legal aid recipients.
- These impacts have been presented in the following summary tables:
 - **Table 2:** Breaks down sitting day impacts by measure.
 - **Table 3:** Summarises all quantified impacts (e.g. number of prison places and number of sitting days).
 - **Table 4:** Monetises these impacts and presents an overall NPV figure.

Sitting day impacts

- The package of measures is estimated to reduce incoming demand on the Crown Court by the equivalent of around 27,000 sitting days in 2028/29. Our latest projections show the Crown Court would require at least 137,000 sitting days in that year to keep pace with demand. With the reforms in place, this falls to around 110,000 sitting days – overall the reforms will reduce demand on Crown Court time by almost 20%, enabling the system to both meet demand and start to reduce the Crown Court open caseload. The reforms increase sitting day requirements in the magistrates' courts by approximately 8,500 sitting days.
- These changes are annual and continue into future years. In 2028/29 a further one-off gain of c. 3,500 Crown Court sitting days will accrue from changing mode of trial on cases already in the Crown Court open caseload from jury trial to trial by judge alone (either under the Crown Court Bench Division or on grounds of technicality or length).
- These impacts arise from two different effects generated by the package of measures:
 - a. A fall in the number of cases arriving at the Crown Court:** The measures to remove the right to elect and to increase magistrates' court sentencing powers shift work between the two courts and are estimated to reduce Crown Court case receipts by around 25,000 cases per year. Of these, approximately 5,500 cases that would have gone on to receive a jury trial under the Do Nothing option are retained in the magistrates' courts. Where cases are retained in the magistrates' courts, all judicial time associated with the case is assumed to be diverted from the Crown Court.
 - b. A reduction in hearing time for cases that remain in the Crown Court** and are eligible for either the CCBD or a judge only trial (technical and lengthy), where the case proceeds to trial. Around 14,000 cases are projected to continue arriving at the Crown Court in 2028/29 and require a trial. Of these, approximately 10,000 cases are expected to continue being heard by a jury (equivalent to about half (53%) of current jury trials and nearly three quarters (73%) of all trials that remain in the Crown Court after reform), with the remaining 4,000 cases expected to be heard by a judge alone.
- Table 2 below shows the sitting day impact of each measure (including interactions between the measures)

Table 2: Summary of Courts Bill Measures broken down by sitting day impacts

Measure	Crown Court sitting days demand changes (2028/29)	Magistrates' courts sitting day demand changes (2028/29)
<i>Remove the defendant's right to elect for a jury trial in the Crown Court for all triable either-way offences.</i>	-16,000	+8,500
<i>Magistrates' court sentencing powers to 18 months of custodial sentence.</i>	-8,000	
<i>Introduce a Crown Court Bench Division that will hear triable either-way cases which are likely to receive a sentence of three years or below by a judge alone</i>	-5,000	
<i>Trials by judge alone for technical and lengthy fraud and financial crime cases.</i>	-200	
<i>Amending appeals process from magistrates' courts to the Crown Court.</i>	-500	
<i>Diverted cases returning for appeal and sentence.</i>	+1,000	
<i>Interactions between the measures which address similar cohorts of cases.</i>	+2,500	
Total annual impacts	-27,000	+8,500
<i>Additional mode of trial change in impacts 2028/29</i>	-3,500	

Note1: Numbers are rounded to the nearest 1,000 when over 10,000, to the nearest 500 when between 500 and 10,000 and to the nearest 100 when the value is under 500. Rounded figures may not sum to the rounded package total.

Note2: The changes to appeals will also free up magistrates time (a panel of 2 magistrates currently hear appeals alongside a judge), and we have estimated that this will free around 5,500 days of their time. These cannot be assumed to be set off against the additional pressures in magistrates' courts where magistrates usually sit in panels of 3 but also need a legal adviser to sit alongside them (this is not factored into the numbers above but will nevertheless help offset some of the costs of the additional 8,500 sitting days in the magistrates' courts).

Caseload impacts

- Once the measures commence, the Crown Court open caseload is expected to fall sharply, by around 14,000 cases over 2028/29 (see figure 2). This is mainly due to fewer new cases arriving at the Crown Court as more work is retained in the magistrates' courts. Sitting day gains start to gradually free up capacity and allow cases to be completed more quickly than under Option 0.

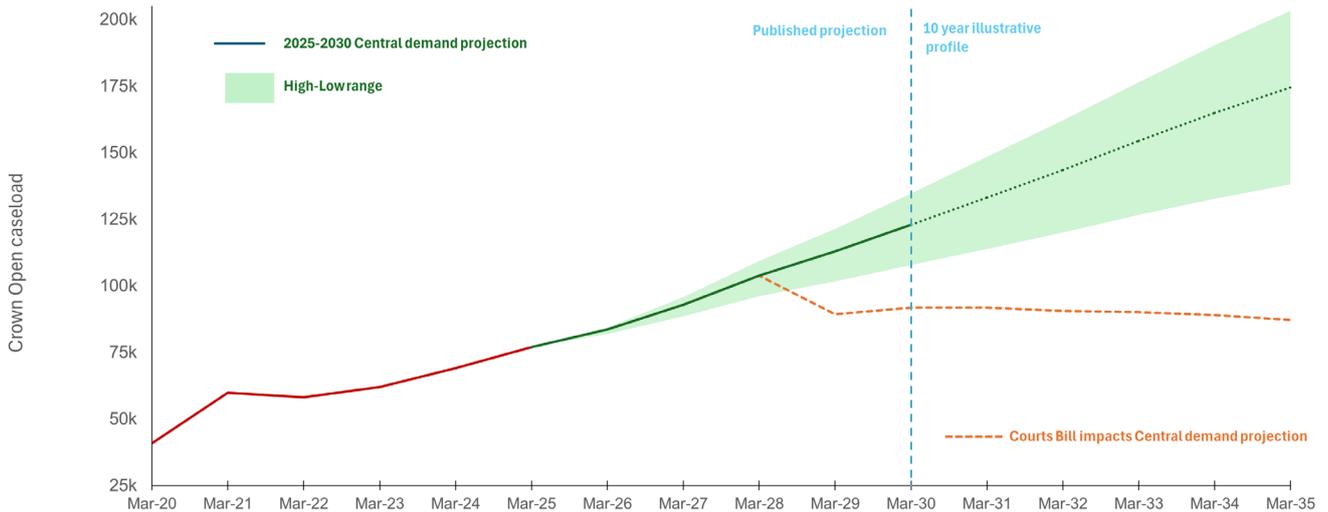


Figure 2: projection of Crown Court open caseload under the implementation of the reforms

- Taken together, these impacts reduce the projected Crown Court open caseload by 31,000 cases by March 2030 (from 123,000 to 92,000). By March 2035, these impacts lower the projected Crown Court open caseload by 87,000 (from 174,000 to 87,000) under central demand assumptions.
- The slower decline in the caseload after the first year reflects the expectation that current judicial listing practices and priorities will continue. This means any extra capacity will focus on clearing lengthy, complex cases already in the Crown Court open caseload, lowering disposal rates per sitting day in the short-term.
- Although the Bill measures are not assumed to change case outcomes in terms of pleas, verdicts or sentencing decisions, processing cases more quickly than under Option 0 affects the timing of demand elsewhere in the system. The same two dynamics described above therefore also drive changes in projected prison and probation demand, as faster case progression brings forward flows into custody and community supervision.

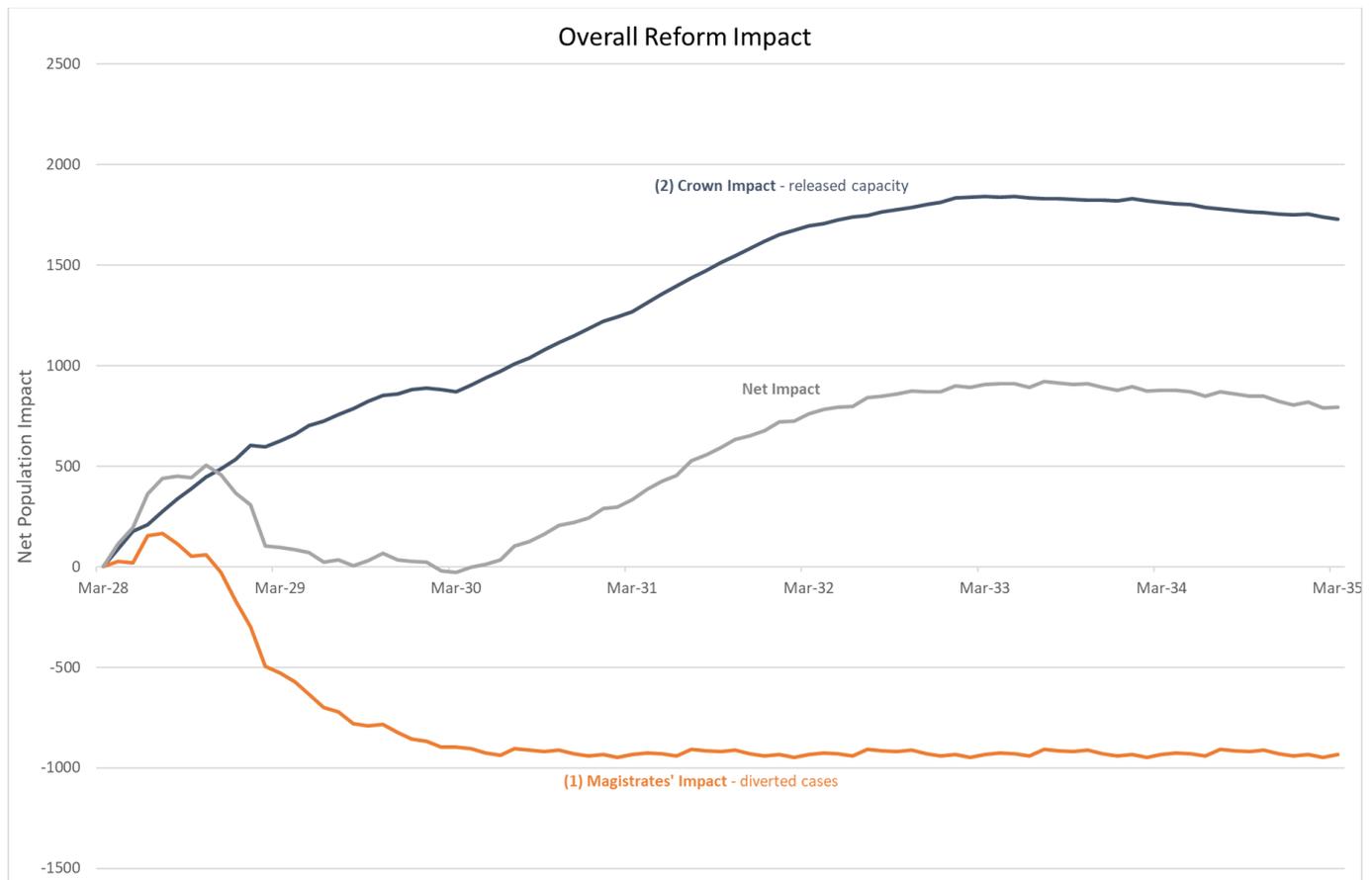


Figure 3: the estimated change to the projected prison population, due to court reforms.

- The court reforms will have knock-on impacts on the prison population. These can be grouped into two distinct, but offsetting impacts:
- **(1) Magistrates Impact – diverted cases:** The reforms reduce the prison population mainly by cutting time spent on remand. Cases diverted from the Crown Court to the magistrates' courts will progress more quickly, meaning defendants - whether ultimately convicted or not – are assumed to spend around two months less on remand.
- For those who are later convicted, this earlier resolution shifts time served from the remand population into the sentenced population, with no change in total custody days. However, there are genuine net savings for defendants who are acquitted, receive non-custodial outcomes, or who previously would have spent longer on remand than the custodial term they ultimately receive.
- There is some offsetting upward pressure due to bail defendants being heard and sentenced sooner. However, this impact is relatively modest, as these cases tend to be less serious. Overall, the reduction in remand time is larger and dominates these offsetting effects, leading to a downward impact on the prison population.
- **(2) Crown Impact – released capacity:** The reforms save the equivalent of c. 27,000 days' worth of work in the Crown Court. The main effect of this additional capacity is the acceleration of the oldest Crown Court cases, which are assumed to disproportionately involve defendants on bail. These cases tend to be more serious and complex, by virtue of still being dealt with in the Crown Court, not the magistrates' courts, with a higher proportion of not guilty pleas. Bringing them forward means these offenders enter the sentenced population earlier than they otherwise would if their cases had remained in the backlog, generating upward pressure on the prison population.

- There is an offsetting downward impact from cases spending less time on remand, but over the horizon considered this effect is smaller. This is because the cases assumed to be prioritised for accelerated listing are predominantly on bail. Additionally, the reduction in time spent on remand is more limited for these cases, as they continue to be heard in the Crown Court (unlike cases diverted to the magistrates' court, where the time savings assumed are greater). As a result, while remand reductions still contribute some downward pressure, they are outweighed - in this 10-year horizon - by the earlier sentencing of more serious bail cases.
- **Net Impact:** The net effect of these offsetting drivers is a projected increase in the prison population, peaking at around 900 additional prison places in 2033 before gradually declining. These pressures can be accommodated within existing prison capacity plans. The most recent Annual Statement on Prison Capacity⁷ indicates headroom of approximately 3,000 places in 2032 under the central planning scenario.
- Beyond the ten-year projection period, we expect criminal court reform to reduce the prison population relative to the baseline. As the backlog starts to fall, the upward pressure created by bringing forward bail cases begins to ease. This is shown in the chart above, where the impact of the additional sitting days on the prison population starts to decline from 2033 onwards. Once the backlog has been reduced and there are no additional cases to accelerate, the upward pressure on the sentenced population will decline. However, the reduction in time spent on remand remains, leading to a lower overall prison population.

Probation impacts

- The estimated annual mean impact on the probation caseload within the community averages at approximately 6,300 additional cases per year, over the 7-year period from implementation i.e. April 2028 - March 2035. This includes around 900 cases added to the licence caseload, approximately 1,400 added to the pre-release caseload, and approximately 3,900 cases added to the community order (CO) and suspended sentence order (SSO) caseload.
- The additional pressure on probation staff in sentence management is expected to be equivalent to an additional 410 FTE (mean over the 7-year period from implementation i.e. April 2028 - March 2035, including 310 PO & PSO FTE). This increase does not account for any further impact on probation staff e.g. at court. This combined effect is driven by the same two main factors as the increase in the prison caseload: cases being transferred to magistrates' courts (and therefore being disposed of more quickly) and more cases being resolved in the Crown Court.
- On the basis of the above, the average annual probation staffing costs are estimated to increase by £24 million (real terms) from 2028/298. This impact will be accounted for in long term workforce and strategic planning. Improvements through digital, process and policy changes (such as those contained in the recent Sentencing Act) will help us manage the existing probation capacity gap and we will continue to take action to ensure probation capacity is balanced.

Table 3: Number of extra FTE for probation each FY

Year	All Probation FTE	Just PO&PSO
2026/2027	0	0

⁷Annual Statement on Prison Capacity: 2025 - GOV.UK

⁸Note this is still within a 10-year appraisal period starting in 2025/26.

2027/2028	0	0
2028/2029	130	100
2029/2030	290	220
2030/2031	380	290
2031/2032	450	340
2032/2033	500	380
2033/2034	520	390
2034/2035	530	400
Average over period	410	310

Note1: The figures in this table have all been rounded from monthly figures and to the nearest 10 (so averaging figures in the table won't create the total averages)

Implementation costs

- Option 1 is expected to generate implementation costs including project delivery and IT system changes to enable new processes, alongside meeting management information requirements. Additional expenditure will also be required for installing digital audio recording equipment. Note that implementation costs are indicative and may be subject to change.
- There will also be one-off judicial training costs, including costs to redesign and develop training materials. These estimates are sensitive to timing and future sitting day levels, which could vary depending on operational requirements and wider system pressures.
- It should be noted that implementation costs comprise both one-off and ongoing elements. For example, initial expenditure will be required for IT system changes and installation of recording technology, but there will also be steady-state annual costs associated with maintaining and operating these systems. On this basis, the implementation costs of Option 1 are expected to be a total of £86m in the lead-up to policy implementation and £6 million per annum thereafter.
- There are further implementation costs that have not been monetised at this stage. A discussion of these elements is provided in the 'non-monetised impacts' section below.

Legal aid costs and benefits associated with more case disposals in the Crown Court Bench Division (CCBD)

- Under Option 1, defendants whose case will be held in the CCBD will be entitled to the same level of legal aid as they would have been in the Crown Court under Option 0. Also under Option 1, the CCBD is expected to process a higher volume of cases each day, which could pull forward expenditure, increasing overall cost pressures on both legal aid staff and fee costs.
- However, these cases are anticipated to be less complex and cheaper per case than those typically heard in the Crown Court, which may help to mitigate some of the additional costs (this component has not been monetised).
- As a result of the higher volume of cases heard, the average additional annual legal aid fee and legal aid staff costs are estimated at £13 million (real terms) from the year Option 1 is

implemented⁹.

- There are also expected potential benefits for recipients of legal aid services. Legal aid provides access to legal representation, which is expected to enhance their overall experience of the justice process. While we do not have direct evidence on recipients' capacity or willingness to pay (WTP) for these benefits, for the purpose of this assessment we assume that the overall benefit is likely to correspond to the cost of providing legal aid services - measured using legal aid rates. Therefore, it is assumed in the analysis as a proxy that benefits of legal aid equal the costs, therefore the estimated average discounted legal aid benefit, after the policy commences, is £9 million per year.

Quantified and Monetised Impacts

- The current NPSV for Option 1 is estimated at –£54 million. This figure is based on a 10-year appraisal window, which means it does not capture benefits that will accrue beyond this period. Many of the most significant impacts of the Bill are expected to materialise over a longer timeframe and therefore fall outside the scope of this calculation. Furthermore, the NPSV excludes a range of wider justice system and societal benefits that are central to the rationale for selecting Option 1. These benefits could not be monetised due to data limitations and are discussed in detail in the non-monetised impacts section below.
- **Quantified** impacts refer to outcomes we can measure in numerical terms (e.g., number of sitting days or prison places). **Monetised** impacts go a step further by converting these quantified figures into monetary (£) values, which are then used in the Net Present Value (NPV) analysis.
- The **quantified** impacts on sitting day demand, prison places, and probation services are presented in Table 4 below.

9

Note this is still within a 10-year appraisal period starting in 2025/26.

Table 4: Summary of Quantified Impacts, Best Estimates (compared to counterfactual)

	Costs	Benefits
<i>Combined impact of all measures</i>	<p>Increase in magistrates' courts sitting day demand: 8,500 per year.</p> <p>Prison place impacts: The peak impact is 900 additional prison places which is expected to be seen mid-2033/34. Prison demand starts to decline from 2034/35.</p> <p>Average caseload over the 7-year period after implementation: community caseload impacts 4,000 per annum for Community Order and Suspended Sentence Order caseload, 1,400 for pre-release caseload and 1,000 per annum for licence caseload.</p> <p>Average workload over the 7-year period after implementation-equivalent to 410 Full Time Equivalent (FTE) of staff time, including 310 Probation Officers and Probation Support Officer FTE staff time per annum.</p>	<p>Decreased volume of Crown Court sitting days needed: 27,000 per year.</p> <p>Impact on backlog (years): open caseload falls by around 87,000 in 2035 (see figure 2).¹⁰</p>

- These impacts have been **monetised** by applying the relevant unit cost estimates¹¹ to each impact category. These monetised impacts have had economic adjustments applied¹² and aggregated with the implementation costs and additional legal aid fee costs to calculate a Net Present Social Value (NPSV) shown in Table 4.
- The overall approach to monetisation includes the following elements for the NPSV: implementation costs, prison costs, probation costs and legal aid staff and fee costs. The monetised benefits in the NPSV analysis comprise of the opportunity cost impacts of sitting day savings (explained below) and the benefits to legal aid recipients. Please note that backlog-related impacts presented in table 3 have not been included in the calculations due to the absence of an agreed methodology for robust estimation. This has been assessed qualitatively in the 'non-monetised impacts' section below.
- As per **HM Treasury Green Book guidance**, this appraisal has been carried out from the perspective of **resource use and opportunity cost**, rather than purely financial savings. The Net Present Social Value (NPSV) presented here reflects the monetised economic impacts of the policy, but it does not capture the full range of benefits. In particular, the most significant benefit – reducing the backlog and improving outcomes for victims, families, and wider society – cannot currently be monetised as there is not sufficient data or evidence to robustly monetise the positive impact the improved timeliness will have on victims, families,

¹⁰ Note that this has not been included in the monetised calculations in table 4 due to there being no agreed methodology for monetisation

¹¹ Prison, sitting day and probation unit costs have been applied

¹² See assumptions table 6

and their wellbeing. These social impacts are therefore described qualitatively in the non-monetised section of this assessment.

- In addition to the monetised costs and benefits already discussed, sitting day impacts as quantified in the previous section have also been monetised to show the economic value of changes in time use and demand across courts, including:
 - Crown Court time savings from reduced sitting days.
 - Increased demand in magistrates’ courts due to policy changes.
- These sitting day figures do **not** represent direct financial savings. They reflect the opportunity cost of scarce resources— judicial time and courtroom capacity — that could otherwise help clear backlogs or prioritise cases. Monetisation illustrates the economic implications of reallocating resources, even when budgets remain unchanged.
- Table 5 below shows both financial costs and monetised economic impacts. Financial costs affect budgets (e.g. implementation, legal aid, prison, probation). Economic impacts, such as Crown Court time savings, do not reduce expenditure; they free up resources to hear more cases and reduce backlogs. Monetising these impacts represents an economic benefit, not a fiscal saving.
- The majority of the prison-related cost is driven by staffing which remains unchanged if there are small changes in the population of a prison, along with the cost of utilities and local interventions which remain static. A small change in prisoner numbers in a prison will result in increased/decreased costs in areas driven by offender numbers such as food, prisoner earnings and clothing. Therefore, a marginal cost approach has been taken to estimate the cost of additional prison places, using 2025-26 budget values.

Table 5: Summary of Present Value Monetised Impacts over 10-year appraisal period (2024/25 - 2034/35), Best Estimates

	Costs	Benefits	10 Year NPSV
<i>Combined impact of all measures</i>	Cost of additional prison places: £8m Probation: £140m Legal aid staff costs and fees: £78m Implementation costs: £112m Total costs: £338m	Sitting day time savings (opportunity cost, not financial saving) £234m Legal aid non-financial benefits to recipients: £51m Total benefits (value of opportunity cost only, i.e. these time savings in the Crown Court do not represent direct financial savings as they will be used to hear more cases and reduce the open caseload: £285m	The 10-year net present social value of this measure is estimated to be -£54m (the minus sign indicates that is a cost overall).

- In summary, table 4 shows that the NPV of Option 1 is -£54m. However, and as has been noted this negative figure is a function of the appraisal period adopted and because of the difficulties in valuing the main benefits of reform.

Non-monetised impacts

- The following section is divided into non-monetised costs and non-monetised benefits, of which some of these are very significant. Please note that these impacts have not been monetised due to a range of reasons, including data limitations and methodological constraints.

Non-monetised costs

Operational and implementation costs

- As noted above, implementing the Bill measures will require significant operational adjustments in the criminal justice system. However, as was also noted above, we have not been able to monetise all of these costs at this time.
- For the criminal courts, these non-monetised costs will include the cost of training for court staff magistrates and judges on the extended sentencing powers, new allocation rules, and judge-only trial procedures. Additional staff and overtime may also be required during the transition to manage listing changes and throughput.
- In prisons, the non-monetised costs will include the cost of training for reception and sentence calculation teams, updates to digital systems, and minor estate works to relieve bottlenecks. For probation, there may also be one-off costs associated with higher probation caseloads, such as recruitment of additional staff, although these have not been modelled.
- The financial impact of reforms to the appeals process on legal aid is challenging to quantify. While we anticipate no significant change in the appeals caseload within the magistrates' courts, practitioners may spend more time on cases during the permission stage. The extent of this impact remains uncertain and is therefore difficult to monetise. In the Crown Court, appeals hearings are expected to be shorter; however, the impact is also difficult to quantify.
- More widely, updates to LAA digital systems may be required to, for example, maintain the ability to validate mode of trial information within the new structures and to record appropriate management information. We are unable to monetise these costs until the final Review proposals are confirmed, including the required changes to other systems such as Common Platform. The LAA will then be able to identify implementation requirements.

Crown Prosecution Service (CPS) costs

- For the Crown Prosecution Service (CPS), the same cost drivers apply as those described for legal aid. The reforms will increase case volumes in the short term which will directly increase costs. Costs will also arise from operational changes necessary to align with the new criminal court structures. The changes in scope to the magistrate's courts will incur additional costs (including fees) arising from more serious cases being heard. This may also include consequential updates to case management systems, changes in resource and workforce allocation, and training requirements.

Impact on magistrates' courts' open caseload

- While the Bill measures will alleviate pressure on Crown Court capacity, it will result in increased demand in the magistrates' courts - reallocating cases from the Crown Court to the magistrates' courts is expected to increase the open caseload within the magistrates' jurisdiction.

- This shift is likely to extend waiting times for hearings and sentencing in the magistrates' courts. To mitigate this, we are implementing plans to strengthen capacity in the magistrates' courts, including by increasing the pace and efficiency of recruitment and building on the progress made in recent years. Since January 2022, approximately 2,907 new magistrates have been appointed across England and Wales, and as of 1 April 2024 the magistracy comprised 14,576 active members. Our plans will support the recruitment of more new and diverse magistrates while also recognising and retaining our existing cadre. The latest magistrates' recruitment campaign, launched in January, is already generating strong engagement, with increasing numbers accessing the 'I Can Be a Magistrate' website. Taken together, these indicators demonstrate sustained interest and a strong pipeline to meet future demand needs.
- We are also recruiting more legal advisers who sit with and advise magistrates in Court. Last year we onboarded 108 new trainee legal advisers, doubled specialist allowances, and have committed to reviewing pay and progression alongside initiatives to strengthen career development and retention.

Prisoner Escort and Custody Services (PECS) impacts

- The reforms will directly impact the Prisoner Escort and Custody Services (PECS)¹³ logistical model by altering the approach to case allocation in courts, increasing reliance and flow in the magistrates' courts, and accelerating hearing timetables. It is not anticipated that the flow through the Crown Court for PECS will reduce because the Crown Court will be working to clear the backlog of cases.
- The overall effect will increase the number of journeys PECS suppliers will be required to complete, including an anticipated increase in the number of locations prisoners will be moved from and place greater pressure on local court cell capacity. As such, it is expected that changes will need to be made to PECS services as part of the implementation programme, but this is a normal part of procedure to meet changing operational needs.

Non-monetised benefits

Social benefits for victims and witness

- Research shows that court delays have significant negative impacts on victims' mental health, affecting their ability to function in daily life – including going to work or engaging with education and resulting in the breakdown of relationships. Many report feeling 'in limbo' and struggling to cope and recover from their experiences whilst the court case is ongoing. Court delays exacerbate the stress experienced by victims and leads to re-traumatisation.
- When defendants are in the community awaiting trial, court delays may increase the risk to victims and witnesses of further abuse, harassment and/or intimidation; especially in cases involving sexual offences and domestic abuse.
- The impact that court delays have on the victim have wider systemic implications including increasing likelihood of victims' withdrawing from the justice process, encouraging the defendant to plead guilty later in the process, and impacts on other legal processes, causing issues with Family Court proceedings, applications to the Criminal Injuries Compensation Authority (CICA), and eviction orders. Furthermore, increased waiting time for trials diminishes evidence due to fading witness memory and can affect the serving of justice as the longer a trial is waiting to be heard, the more likely it is that a

¹³ PECS' responsibilities include transporting prisoners safely and securely between courts, prisons, and sometimes hospitals.

defendant will have served their sentence on remand or through bail conditions. There may be cases where the CPS had dropped charges it no longer considered to be in the public interest due to the time passed since the offence, or where defendants had died before the trial could take place. All of this affects the victim's sense that justice has been served, allowing them to feel closure.

- Reducing delays in the process will help to maintain victims' and witnesses' engagement in the process, as shorter timelines should lead to an improvement in attrition rates. Victims report higher satisfaction when they can engage meaningfully and promptly with the justice system, enhancing public trust and perceived fairness. Improving timeliness should also reduce uncertainty and psychological distress, enabling quicker recovery for victims and witnesses. Evidence from the Victims' Commissioner's report shows that timely engagement with justice processes can reduce stress, particularly among victims¹⁴. It helps minimise stress and uncertainty, improving their confidence to attend court¹⁵. It also mitigates the emotional strain caused by prolonged uncertainty, supporting better mental wellbeing for victims and defendants awaiting trial¹⁶.
- More efficient sentencing brings forward the sense of retribution for victims of crime, and society more generally, by ensuring justice is delivered sooner. This also strengthens public confidence by demonstrating that cases are dealt with efficiently. The more timely delivery of justice, and realisation of the sense of closure, should contribute to the mental health benefits described above for victims and witnesses. Where defendants are on bail and may therefore enter the prison estate more quickly following implementation of court reforms, there may be a public protection benefit for society because defendants who should be serving their sentence in prison begin doing so quicker, reducing the potential of further reoffending and/or victimisation.

Social benefits for defendants

- For defendants, swifter access to justice upholds the principle of "innocent until proven guilty" and reduces stigma associated with prolonged legal uncertainty. It allows sentencing to take place sooner, as well as rehabilitation, with benefits subsequently being realised in quicker time.
- Swifter access to justice also reduces the risk of income loss and job disruption caused by lengthy pre-trial periods. Avoiding extended remand or uncertainty allows individuals to maintain employment or seek work, mitigating long-term dependency on welfare.

Wider economic and social benefits

- Swifter access to justice will deliver benefits for victims and defendants. For victims, shorter waiting times will reduce the need for repeated court attendance, lowering associated costs such as travel, childcare, and time off work. Quicker outcomes also limit the financial strain caused by prolonged uncertainty, enabling victims to return to employment or education sooner and reducing reliance on public services such as mental health support and housing assistance.
- In the monetised impacts section, the pull-forward in legal aid costs associated with increased case disposals due to the CCBD have been set out. A higher volume of criminal cases per day will help improve access to justice. This strengthens confidence in legal institutions and underpins the rule of law, which contributes to a stable and predictable

¹⁴ Victims' Commissioner (2025) *Justice delayed: The impact of the Crown Court backlog on victims, victim services and the criminal justice system*.

¹⁵ National Audit Office (2024) *Reducing the backlog in the Crown Court*.

¹⁶ National Audit Office (2024) *Ambition to reduce Crown Court backlog no longer achievable*. Available at: NAO Press Release

economic environment. A well-functioning criminal legal aid system supports social and economic resilience, which in turn can have a positive effect on economic growth.

- Similarly, less delays to sentencing brings forward the sense of justice for victims of crime, and society more generally, by ensuring justice is delivered sooner. It also strengthens public confidence by demonstrating that cases are dealt with efficiently. Swifter delivery of justice, and realisation of the sense of retribution, should contribute to the mental health benefits for victims and witnesses. For defendants on bail, who would enter the prison estate more quickly following implementation of these court reforms, there could be a public protection benefit for society because defendants who should be serving their sentence in prison begin doing so quicker, reducing the potential to be committing crimes in society. For probation, this means individuals have their sentences managed sooner in the community allowing steps taken to address offender behaviour and criminogenic needs earlier leading to public protection benefits for society.
- Table 6 presents non-monetised impacts broken down by individual measure.

Table 6: Breakdown of Non-Monetised Impacts

	Non-monetised Costs	Non-monetised Benefits
Measure 1a: Introduce a power to enable the extension of MSPs to 18- or 24-months custody for both single and multiple TEW offences	There may be operational costs associated with additional work processing and risk assessing the additional new arrivals into the sentenced population. These pressures could be particularly acute during the transition period if magistrates begin sentencing new cases while the Crown Court continues to dispose of legacy cases in parallel.	This measure will enable a more proportionate allocation of criminal court resources, in line with the severity of the offending. This may deter offending through fewer delays in case progression and reduces the need to escalate cases to the Crown Court, leading to a reduction in Crown Court demand and results in quicker access to justice for victims, witnesses and defendants.
Measure 1b: Remove the defendant's right to elect for a jury trial in the Crown Court for all TEW offences	As above.	As above.
Measure 1c: Amending criminal appeals from magistrates' courts to the Crown Court	This measure introduces a permission stage which adds another step in the process to appeal magistrates' court decisions. This could be seen as adding additional procedural complexity.	It will likely improve the efficiency of the appeals process, reduce the number of appeals without merit, enhance the quality of appellate review, and support better resource allocation across the system. It spares victims and witnesses from going through the trauma of a second trial at appeal when there is very little prospect of an appeal succeeding.
Measure 1d: Introduce a CCBD to hear TEW cases likely to receive a sentence of three years or less by a judge alone	There may be operational costs associated with additional training for court staff and judges on judge-only trial procedures.	Cases should complete faster without a jury, reducing the emotional strain caused to all parties over the course of a trial. Fewer people being out of work to act as jurors should have economic benefits.
Measure 1e: Judge-only trials for technical and lengthy fraud and financial cases	As above.	This measure targets particularly lengthy cases and will therefore spare potential jurors from the personal and professional imposition of sitting on a very long trial. Fewer people being out of work to act as jurors should have economic benefits.

F. Assumptions, Risks and Sensitivity Analysis

- The justice system is inherently complex, with interconnected processes and dependencies across different areas. This complexity makes modelling impacts challenging, as changes in one part of the system can have knock-on effects elsewhere. Nonetheless, what follows (table 7) represents our best estimates of the relevant assumptions underpinning the analysis. These are informed by available evidence and expert judgment, based on the best information currently accessible.
- Assumptions have been made in consultation with policy and operational experts to ensure they reflect their expectations for changes in practice and procedure within the courts as a result of measures introduced by the Bill.
- Estimates of sitting day, caseload, prison and probation demand impacts have undergone assurance to meet Analytical Quality Assurance (AQuA) Book standards. This has included an internal independent validation to ensure the data is used appropriately, the methodology and assumptions are robust, and the analysis is fit for purpose given its operational implications. **In addition, external assurance has been carried out by the analytical consultancy Hartley McMaster.**

Modelling approach

- The estimated impacts of the Bill measures are derived from a snapshot of Crown Court cases extracted in July 2025. This dataset includes all cases received or disposed of between 2018 and 2024 and contains detailed information for every case, including offence type, plea, custody status, hearing times and outcomes.
- To ensure the analysis reflects expected future conditions, the historical data is scaled to produce a representative dataset for 2028/29. This scaling is carried out in a way that aligns the dataset with the Department's published central projections and accounts for recent trends, including growth in receipts.
- A simulation model is then used to identify which cases would be affected by each reform and to estimate the resulting time savings. The assumptions underpinning each measure are set out in the table below. In broad terms, for reforms that retain cases in the Magistrates Court, all associated Crown Court activity is removed under Option 1. For cases that remain in the Crown Court but change mode of trial, hearing times are assumed to fall by 20 percent, consistent with estimates from Sir Brian Leveson's Review. The simulation is run for each measure individually and for the full package to ensure that cases eligible for more than one reform are not double counted.
- The simulation indicates that the package of measures will save around 27,000 Crown Court sitting days. This estimate is then combined with a wider suite of models, including the Department's established Criminal Justice System projection models to assess the wider system impacts¹⁷. The effects on the Crown Court open caseload, prisons and probation reflect both the reduction in receipts entering the Crown Court and how the additional capacity is expected to be reinvested into increased disposals, assuming current listing practices continue.
- The first of these models projects the impact on the Crown Court open caseload by estimating how many cases will enter the courts after the reforms and how long they will take to be dealt with. Assumptions about available sitting days, including the additional

¹⁷ For more detail, see "Overview of the modelling approach" - [Prison Population Projections: 2025 to 2030 - GOV.UK](#)

capacity created by the reforms, are used to estimate the number of disposals that can be achieved. The Crown Court open caseload is then updated each period by adding projected receipts and subtracting projected disposals.

- Impacts on prisons and probation are estimated through two linked models. The first captures the effect of cases progressing more quickly through the magistrates' court, which increases the number of sentenced offenders in the short term but reduces remand demand in the medium term. The second assesses the impact of additional Crown Court disposals enabled by the extra capacity, which brings forward flows out of remand and into custodial sentences, community orders and post release supervision. Further detail is provided in section E.
- Finally, the knock-on impacts on the magistrates' courts are also estimated, using assumptions on hearing durations, to quantify the additional workload transferred from the Crown Court. This analysis indicates that the reforms would generate approximately 8,500 additional magistrates' courts sitting days.

Table 7 - Measure Specific Assumptions:

(1) Removing the Right to Elect	
Key Assumptions	<ul style="list-style-type: none"> Around 30% of 2024 triable either-way (TEW) receipts are assumed to elect to the Crown Court. All TEW cases where HMCTS provisional data shows defendant election information are included. Cases with unknown grounds elect at the same rate as known cases.
Risks & Uncertainties	<ul style="list-style-type: none"> The rate of election to the Crown Court is based on partial data on the 'grounds for sending' cases from the magistrates' courts to the Crown Court. At the time of analysis c. 15% of TEW receipts into the Crown Court had an 'unknown' reason recorded in HMCTS reporting systems. Estimated impacts are sensitive to the assumption made on rate of election among these unknown cases - if none of the unknown cases include defendant election, the overall rate of election for TEW receipts falls to c.27%, or increases to 45% if all cases with an unknown 'grounds for sending' arrived at the Crown Court due to defendant election. Future demand into Crown Court is uncertain and affects all measures. Behavioural responses of actors (e.g. defendants) may differ from assumed patterns. Grounds for sending data contains a high share of unknowns, which may bias the assumption. Defendant behaviour may change, for example through increased attempts to appeal instead. Shifts in plea behaviour could alter trial volumes and Crown Court time saved.
(2) Extending magistrates' court sentencing powers to 18 Months	
Key Assumptions	<ul style="list-style-type: none"> Allocation guidelines increase from 18 to 24 months due to this policy. The measure to remove the right to elect is already in place. Assumed cases affected: <ul style="list-style-type: none"> Where cases are currently committed to the Crown Court for sentence cases with a likely sentence between 12 and 18 months, 88% are instead retained by the magistrates. Where TEW cases are currently committed to the Crown Court for trial, cases with a likely sentence between 18 and 24 months are retained at a rate of 85%. TEW conviction rates from historical Crown Court data are used to estimate the proportion of cases in this cohort who return to Crown Court for sentencing. There is also a 10%-point improvement in allocation accuracy for TEW for trial cases with a likely sentence within the existing magistrates' allocation guidelines (up to 18 months) from 85% to 95%.
Risks & Uncertainties	<ul style="list-style-type: none"> Assumed allocation rates for new cohorts of cases coming into scope of the magistrates remit for the first time are based on estimates of the accuracy of current allocation decision. This has been estimated using the proportion of sentences currently in scope of the magistrates' courts' powers and/or guidelines awarded by each court, accounting for defendants' elections. Policy assumptions have been made to reflect an improvement in existing rates for cases already in scope. A 'likely sentence' for each case in the data snapshot is also simulated initially on historical sentencing patterns in the Crown Court for offences with the same code, except where the defendant has elected to the Crown Court, where it is assumed the 'likely sentence' is below the 18-month threshold currently set out in magistrates allocation guidelines. Sentencing depends on many factors beyond offence code. Behavioural responses of actors (e.g. defendants) may differ from assumed patterns.

(3) Crown Court Bench Division (CCBD)

Key Assumptions	<ul style="list-style-type: none">• All TEW cases where the most serious offence on a case has a legislative maximum of up to three years sentence are allocated to the CCBD.• Other TEW cases are reviewed at PTPH where allocation accuracy of judges at this stage is assumed to be above the 85% estimated at the current magistrates allocation stage to:<ul style="list-style-type: none">○ 95% for cases with likely sentences up to two-years.○ 90% for cases with a likely sentence between two and three years.○ No open cases with likely sentences over three years are allocated.
Risks & Uncertainties	<ul style="list-style-type: none">• Judicial discretion may lead to higher or lower allocation levels than modelled.• Case mix and complexity could differ from the historical data used.• Plea behaviour shifts could alter trial volumes and Crown Court time saved.

(4) Judge-Only Trials for Technical and Lengthy Fraud Cases

Key Assumptions	<ul style="list-style-type: none">• The policy applies only to offences listed in the Bill schedule.• Judges deem 25% of eligible cases suitable for a judge-only trial.• Open cases where the defendants have not yet entered a plea but otherwise meet the above criteria are allocated for judge-only trial at the same rate.
Risks & Uncertainties	<ul style="list-style-type: none">• Judicial use of discretion may differ from these assumptions.• Some offence categories have very small samples.• Shifts in plea behaviour could alter trial volumes and Crown Court time saved.

(5) Appeals Reform

Key Assumptions	<ul style="list-style-type: none">• Introducing a permission stage does not lower rates of existing appeals from the magistrates' courts. Overall, more appeals will reach the Crown Court because more cases stay in the magistrates' courts.• Appeal rates on these new cohorts are estimated from the average 2019 to 2024 behaviour.• The permission stage applies to all appeals, with 21% proceeding to an appeal hearing.
Risks & Uncertainties	<ul style="list-style-type: none">• Defendant behaviour may change, affecting both election and appeal rates.• Rates of success at permission stage based on data on rates Judicial reviews against Magistrates court decisions are successful at permission stage and may not translate to this new context (e.g. if different type of cases appeal to Crown compared to Judicial review).

Other Modelling Assumptions:

Converting Cases into Crown Court Sitting Days	
Key Assumptions	<ul style="list-style-type: none"> • Historical plea patterns and hearing times remain stable for new demand arriving at court. • Plea routes for new cases are based on disposal rates between January 2018 to December 2019, before caseload growth (disposal plea rates can be biased compared to receipts.) • Plea routes for open cases at commencement are based on projected composition of the Crown Court open cases in departmental projections. • CCBD and judge-only trials assume a 20% reduction in total hearing time relative to jury trials. • Reviewing open cases for eligibility for CCBD or judge-only trials for technical and lengthy financial crime cases takes 20 minutes on average. Otherwise, decision on allocation is made within the existing PTPH hearing. • The permission stage for appeals is assumed to take 32 minutes based on HMCTS management information on hearing time for permission stages where they exist (e.g. IAC). • Duration of any subsequent appeal hearing remains as currently observed in the Crown Court.
Risks & Uncertainties	<ul style="list-style-type: none"> • Future hearing times and or rates cases enter plea or drop may differ from historical trends. • Actual time savings from CCBD and judge-only trials are estimates. • Small sample sizes for some offences reduce accuracy. Where less than 50 cases were available the assumption on hearing time is based on the offence group average.
Magistrates Court Sitting Day Impacts	
Key Assumptions	<ul style="list-style-type: none"> • Guilty plea cases require 30 minutes; trials require 4 hours. • Case volumes match those used for Crown Court Impacts.
Risks & Uncertainties	<ul style="list-style-type: none"> • Actual hearing times may vary as magistrates become familiar with these cases. • If planned recruitment is not successful, there may be insufficient magistrates to deliver the additional 8,500 sitting days required.
Crown Court Open Caseload Impacts	
Key Assumptions	<ul style="list-style-type: none"> • Diverted receipts create a one-off reduction in the Crown Court open caseload. • 2024 average timeliness is applied to estimate the steady impact of this on the caseload. • 27,000 sitting days additional capacity per annum assumed and change in caseload reflects the relationship between capacity and disposal rate set out in the Central demand scenario of the published projections (i.e. current listing priorities apply). • Benefits of freed capacity resulting from lowering work entering the Crown Court phase in gradually: 50% by the end of year 1, 100% by the end of year 3 (based on NGP TEW timeliness outcomes for 2024). • A further 3,500 days one off capacity gain is assumed in Year 1 and assumed to be allocated to TEW case disposals.
Risks & Uncertainties	<ul style="list-style-type: none"> • Changes in demand, sitting days available to Crown or efficiency of the court varies from assumptions underpinning the Central demand projections used as a counterfactual. • The time to reach steady state impact of receipts diversion is sensitive to rates of disposals for this cohort of cases in the counterfactual.

- Future listing priorities may differ from assumptions.
- Changing case mix could affect disposal rates.
- Actual savings from policy measures may vary from assumptions.

Prison Impacts

<p>Key Assumptions</p>	<p>Magistrates Model - Diverted Cases</p> <ul style="list-style-type: none"> • Case volumes match those flagged under measures diverting cases to the magistrates' court, the policy simulation data is also used to estimate the rate of remand for each measure. • Sentencing behaviour is assumed to be the same in both courts. • Magistrates court processing times for diverted cases receiving custodial sentence <ul style="list-style-type: none"> ○ Remand Guilty Plea: 1 month ○ Bail Guilty Plea: 2 months ○ Remand Not-Guilty Plea: 3 months ○ Bail Not-Guilty Plea: 6 months ○ These are faster than the Crown Court based counterfactual using Q2 2025 mean timeliness ○ Time in custody uses 2025 MoJ data. <p>Crown Court Model - Extra Sitting Days</p> <ul style="list-style-type: none"> • 27,000 sitting days per annum are applied to clearing the oldest backlog cases first. With the same benefit provide assumed in estimating caseload impacts above. • These are more likely to involve defendants on bail. • A further 3,500 days of capacity is applied in Year 1 and allocated to hear TEW cases in the backlog, again on an oldest first basis.
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<p>Risks & Uncertainties</p>	<ul style="list-style-type: none"> • Data is not available on magistrates' courts processing times at the detailed level used in the modelling. • The relative speed of magistrates' courts case completion for defendants remanded on bail compared to those in custody are estimated from all TEW case averages by plea by operational experts. • Listing practices may change in either direction. • Underlying future demand projections are uncertain. • Available capacity in each court is uncertain.
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Probation Impacts

<p>Key Assumptions</p>	<ul style="list-style-type: none"> • Extra caseload given the same tier split as September 2025 caseloads for sentences over 12 months. • Probation FTE is based on average hours for sentence management by caseload and tier.
<p>Risks & Uncertainties</p>	<ul style="list-style-type: none"> • Additional probation demands for pre-sentence reporting at court are not included. • Case complexity may differ from assumptions.

Legal Aid Impacts

<p>Key Assumptions</p>	<ul style="list-style-type: none"> • Eligibility rules differ between courts, so more defendants may be ineligible in Magistrates. • Crown legal aid costs based on 2024/25 averages with uplift for December 2025 LGFS changes. • CCBD and judge-only costs reflect 20% shorter trials.
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	<ul style="list-style-type: none"> • Sitting days freed in CCBD or the magistrates' courts lead to extra Crown Court disposals.
Risks & Uncertainties	<ul style="list-style-type: none"> • Defendant-level eligibility varies. • Future case complexity may differ from current averages. • Savings from CCBD may differ from internal estimates.

Sensitivity Analysis

- The above impacts are based on various assumptions. As a result, we have looked at how these impacts might change if these assumptions were not to hold. The following table presents sensitivity analysis carried out on sitting day and Crown Court open caseload impacts.

Table 7: Sensitivity Analysis for Quantified Impacts

Uncertainty		Low	Best Estimate	High	
Capacity saved across the overall package of measures	<p>There are risks and uncertainties in assumptions and modelling both directions over the combined package which could lead to under- or over- estimating of impacts of the measures.</p> <p>To attempt to capture multiple risks, we have tested the impact of the package of measures delivering a Crown Court sitting day saving 20% higher or lower than the central estimate. In assessing caseload impacts estimates for the volume case diverted to the magistrates' courts has also been varied by +/- 20%.</p>				
	Measure		-20%	Best estimate	+20%
	Crown Court Sitting Day Saving Estimates	Annual incoming demand change	21,000 days (-5,500 days)	27,000 days	32,000 days (+5,500 days)
	Crown Court Open Caseload Estimates	at end Mar-29	94,000 cases (+5,000 cases)	89,000 cases	84,000 cases (-5,500 cases)
		at end Mar-35	103,000 cases (+16,000 cases)	87,000 cases	70,000 cases (-17,000 cases)
Average hearing time saving associated with judge only trials	<p>There is uncertainty associated with the assumption that hearing times fall by 20% for cases involving a trial with a judge sitting alone compared to current jury trials. While 20% remains the central assumption, international evidence and changes associated with judge only trials on hearing times range from a 10% saving to a 50% saving relative to trial by jury. The assumption has been varied on all measures where mode of trial for cases is changed.</p>				
	Measure		10% saving	Best estimate	50% saving
	Crown Court Sitting Day Saving Estimates	Annual incoming demand change	26,000 days (-1,000 days)	27,000 days	30,000 days (+3,500 days)
	Crown Court Open Caseload Estimates	at end Mar-29	92,000 cases (+3,000 cases)	89,000 cases	84,000 cases (-5,000 cases)
		at end Mar-35	93,000 cases (+5500 cases)	87,000 cases	74,000 cases (-13000 cases)
Incoming demand	<p>Both estimates for sitting days and changes in caseload are sensitive to the volume and nature of demand entering courts from police and prosecutorial activity. Low and High upstream demand scenarios in the 2025 published projections¹ have been used to illustrate sensitivities of the Central demand scenario where demand at March 2030 is c. 7% higher in the Crown Court than observed over the 12 months to end June 2025.</p>				
	Measure		Low upstream demand	Best estimate	High upstream demand

	<i>Crown Court Sitting Day Saving Estimates</i>	<i>Annual incoming demand change</i>	25,000 days (-1,500 days)	27,000 days	28,000 days (+1,000 days)
	<i>Crown Court Open Caseload Estimates</i>	<i>at end Mar-29</i>	80,000 cases (-9,000 cases)	89,000 cases	97,000 cases (+7,000 cases)
		<i>at end Mar-35</i>	61,000 cases (-27,000 cases)	87,000 cases	104,000 cases (+17,000 cases)

Note 1: Rounded differences may not sum between different estimates.

G. Wider Impacts

- Please provide detail where any of the below wider impacts are relevant to any of the measures:

Better Regulation

- These proposals are not considered to be qualifying regulatory provisions and are out of scope of the Better Regulation Framework.
- This IA forms part of the Courts Bill and should be considered in that context. The Courts Bill is supported by two separate IAs: one is this document, which addresses the Leveson reforms and the second covers all remaining measures contained within the Bill. Together, these assessments provide a comprehensive view of the anticipated impacts arising from the Courts Bill as a whole.

Public Sector Equality Duty

- An Equalities Impact Assessment for each of the legislative measures in this IA has been published alongside this IA.

Additional considerations

- The prisons and probation impacts in this document account for measures in the Sentencing Act 2026, which introduces a presumption to suspend short custodial sentences, expands community-based alternatives, and increases electronic monitoring.
- As part of wider reforms, it is intended to uplift advocate legal aid fees. This uplift is outside the scope of this Bill and will be subject to its own IA as part of the consultation process.

Growth impacts

- The direct impact of these reforms on economic growth is expected to be minimal. They do not introduce significant changes to productivity, investment incentives, or market dynamics. However, the reforms play an important role in strengthening the rule of law, which is a foundational element for sustainable economic growth. A robust legal framework enhances certainty, reduces transaction costs, and supports long-term investment by ensuring fair and predictable enforcement of rights and obligations. In this sense, while the reforms themselves are not growth-driving measures, they underpin the institutional environment on which growth depends.

H. Monitoring & Evaluation

- Statistics on convictions are routinely published within Criminal Justice Statistics Quarterly and this information is published by age, sex and ethnicity for magistrates' courts and the Crown Court. We will regularly review the data once available to obtain an up-to-date understanding of the impact of reforms.

Annex A1: Estimating rate cases arriving at the Crown Court due to defendant election

A provisional new management information series on 'grounds for sending' triable either-way case receipts into the Crown from magistrates' court has been used to inform assumptions on the rate defendants elect to the Crown Court.

This series remains provisional rather than published in HMCTS MI or MoJ statistical releases due to a high rate of receipts with an 'unknown' ground for sending in MI data tables. While the rate of cases with an 'unknown' improved considerably over 2024, from c. 70% to c. 15%, it remained persistently around that rate over the first half of 2025.

Investigations into reasons for the high rate of 'unknowns' identified a broken link between what is recorded on the front-end system in the courts and the data that is passed through to MI reporting. Once addressed, final assurance will be undertaken before publication on the series restart routinely in Criminal Court Statistics Quarterly.

The assumption used the policy simulation (30%) reflects the average rate observed across cases with a known grounds for sending between April 2024 and June 2025. By analysing the proportion of cases with 'unknown' grounds for sending to assess uncertainty, we estimate the true election rate to be in the range of 22 to 48%.

