

Written evidence submitted by an individual who wishes to remain anonymous (CTB13)

SUMMARY

I am a member of the public going through a criminal court case in England involving protest. I support modernising our courts. What I do not support is removing jury trial to paper over a broken system that the government has chosen not to fix. The delays and costs people experience in court have nothing to do with juries. They happen before any trial begins, in hearings that are wasteful, expensive and entirely avoidable. Independent analysis confirms the Bill would save at best one to two per cent of Crown Court time. Meanwhile the real causes of delay and the true cost of unnecessary hearings are not counted anywhere in the government's figures. The Bill's scope covers exactly the charges most commonly brought against people exercising rights of protest and removes the jury that is most needed in those cases. This submission sets out the evidence, the alternatives, and why the right to be judged by your peers matters, including for people in exactly my position.

1. Who I am and why I am writing this

I am an ordinary member of the public going through a criminal court case in England. I have attended the Magistrates Court and the Crown Court. I have paid for legal representation at each stage. I am also someone who has taken part in lawful protest.

I am writing because the waste I experienced had nothing to do with juries. It happened before any trial, at hearings that served no meaningful purpose. I also want to make clear that I understand why the right to jury trial matters beyond efficiency. In cases involving protest and conscience, juries provide something no single judge can: the judgement of ordinary people who bring common sense, life experience, and the ability to weigh whether a prosecution is not just technically lawful but genuinely just.

I have seen what the system costs. I have looked at how other countries do it better. And I want the Committee to understand both.

2. What I experienced personally

The hearing that served no purpose

My case started at the Magistrates Court. The hearing lasted only a few minutes. The court looked at the charge and confirmed it was too serious for magistrates. That was it. No evidence was heard. Nothing was decided. There was a judge, a clerk, a usher, prosecution representation and my own legal representative all present for a decision that a case assessor reviewing the charge on paper could have made in minutes on the day I was charged.

That hearing cost me money, around £800. It cost the taxpayer an estimated £800 to £1500 in court running costs alone. Then I waited six weeks before anything moved to Crown Court, six weeks added to the backlog for no reason other than the system required it.

The pretrial hearing that cost over £1,200

At Crown Court I then attended a formal hearing to agree dates and sort out administrative arrangements. Wigs and gowns. A full court sitting. Over twelve hundred pounds of my own money for a scheduling conversation. The taxpayer cost of that hearing is estimated at £2,500 to £5,000 before legal aid is counted. In Denmark, Norway or Estonia that exchange would have happened in writing, digitally, without anyone attending court at all.

Time wise, the hearing was set to 10am but we didn't get out until after 2pm, this was because they lump all cases that morning in at one time and I was last in the queue.

The system has many more steps to come

I am told I am still at the beginning. Each further hearing adds to my costs and to the public cost. Nobody in government appears to have added up what unnecessary pretrial hearings cost across the hundred thousand or so either way cases per year. A conservative estimate puts it at hundreds of millions of pounds annually. None of it is in the government's impact assessment. None of it is addressed by the Bill.

3. The ten things the Committee should know

The table below sets out the ten most important facts about this Bill. A full cost comparison with supporting figures is provided as a separate spreadsheet submitted alongside this letter.

#	The fact	Why it matters
1	The government claims this Bill will save 20% of Crown Court time. The independent Institute for Government puts the real saving at 1 to 2 per cent.	A rape victim waiting over a year for trial would get to court roughly one week earlier. That is the entire return on removing a nine hundred year old democratic right.
2	The government's own impact assessment puts implementation costs for the Bill at £123 million.	That is enough to fund a national digital case management system on the Estonian model, which doubled caseload with the same number of judges at one of the lowest per capita court budgets in Europe.
3	Juries deliberate while judges run other trials in parallel. The government counts jury deliberation as wasted time. It is not.	Remove juries and that parallel capacity disappears. The Bill therefore creates new time burdens that will partially or entirely cancel the savings it claims to be making.
4	The Bill adds a new hearing in every affected case: a judge must assess the likely sentence before trial to determine whether a jury applies.	This new hearing, which does not currently exist, is not costed in the government's model. In multi defendant cases it means hearing from every party's lawyer before any evidence is tested.
5	40% of Magistrates Court convictions appealed to Crown	The Bill removes the automatic right to make that appeal. Nearly half of everyone who appeals is

	Court are overturned. 47% of sentences appealed are overturned.	currently found to have been wrongly convicted or wrongly sentenced.
6	23% of Crown Court trials are currently ineffective on the day they are listed, mainly because of failed prisoner transport.	The Bill does not address prisoner transport. The CBA confirmed in February 2026 that a defendant at Leicester Crown Court was not expected to arrive until 5pm for a 9:45am hearing. Fixing this alone would save thousands of sitting days.
7	No top ranked judicial system in the world fixed its court backlog by removing jury trial.	Denmark (ranked first in the world), Estonia (fastest in the EU), Norway (ranked second) all modernised their processes. All kept jury trial. Denmark routes cases directly from charge with no relay hearing. Estonia went fully digital in 2005 and runs its entire court system for around 50 euros per person per year.
8	The right to be judged by your peers dates to Magna Carta in 1215. This Bill removes it for roughly half of all current jury cases with no electoral mandate and no public consultation.	Clause 39 of Magna Carta stated that no free person shall be tried except by the lawful judgement of their peers. Eight hundred years later that principle is being set aside not because it causes the backlog, but because it is easier than fixing the system.
9	Juries can acquit on conscience where a judge cannot. This is most relevant in protest cases, civil disobedience, and cases where a technically guilty verdict would be widely seen as disproportionate.	Cases currently in scope of judge-only trial include criminal damage, public order offences, and charges under the Terrorism Act 2000 – the charges most commonly brought against protesters and those engaged in civil disobedience. A single professional judge working within the rules of law cannot weigh a case the way twelve citizens drawn from the community can. In recent years juries have acquitted defendants in climate protest cases and cases involving nonviolent direct action where a judge applying the law strictly would likely have convicted. Those acquittals are the jury system working as intended. The Bill removes that function entirely from this category of case.
10	The legal profession earns from hearings. Solicitors and barristers are paid per appearance. Nobody inside the current system has a financial interest in reducing the number of physical court appearances.	That is partly why the pretrial architecture has not been reformed for decades despite everyone knowing it is wasteful. The profession will argue against removing jury trial, which is right. But they will not propose eliminating the relay hearings and in person case management that fund their businesses. The public have to make that argument themselves.

Full supporting data, cost estimates and international comparisons are set out in the spreadsheet submitted alongside this letter.

4. What should happen instead

These measures would address the real causes of delay and cost without removing any democratic safeguard. All are proven to work in countries that rank above England and Wales on every measure of judicial quality.

- Remove the Magistrates relay hearing for either way cases. Route cases directly to the appropriate court from the day of charge, by a case assessor on paper. No court sitting required.
- Replace in person pretrial hearings with written and digital case management. Dates, disclosure, administrative orders: all of this should happen electronically. Physical hearings only where there is a genuine dispute to resolve.
- Build a national digital case file system. Estonia did this in 2005. England and Wales is still conducting formal court sittings for tasks a secure online platform would handle in minutes.
- Fix the prisoner transport contracts. Trials are adjourning every week because defendants are arriving hours late or not at all. This has nothing to do with juries.
- Increase court sitting hours. Courts do not sit for the full available day. This requires no legislation.
- Require full prosecution disclosure before any listing date is set. Late disclosure causes adjournments. Make it a hard requirement.

5. The cases this Bill would affect and why the jury matters most in them

The Bill's most significant effect is on either way offences below the three year sentencing threshold. These include criminal damage, public order offences, and low level offences under the Terrorism Act 2000. These are precisely the charges most commonly brought against people exercising rights of protest and civil disobedience. Removing jury trial from this category of case is therefore not a neutral administrative change. It removes the safeguard that is most relevant in cases where the prosecution of a technically lawful charge may not be just in the particular circumstances.

The record of jury decisions in recent years illustrates this. In cases involving climate protesters charged with criminal damage, juries have repeatedly returned not guilty verdicts after hearing evidence about the defendants' motivations and circumstances. In cases where ordinary people have been charged under public order and terrorism legislation for displaying signs or engaging in nonviolent direct action, juries and courts have reached conclusions that differ from what a professional judge applying the rules strictly might be expected to find. These verdicts are not malfunctions. They reflect the function juries were designed to perform: applying the moral judgement of the community, not just the technical requirements of the law.

The Committee should be aware of the broader legal context in which this Bill arrives. Over the preceding four years, the court of appeal has been used on two occasions by successive attorneys general to remove defences previously available to protesters in criminal damage cases – including the longstanding “consent” defence under the Criminal Damage Act 1971, stripped away in March 2024 following a series of jury acquittals. Defendants have been prohibited by trial judges from mentioning the words “climate change” in court. People have

been jailed for contempt simply for informing fellow jurors of their right to acquit on conscience. Nearly three thousand people face charges under the Terrorism Act 2000 for holding signs as part of a campaign to challenge the proscription of a domestic direct action group, a proscription that the High Court in February 2026 found to be unlawful on two separate grounds.

Taken individually, each of these steps can be presented as a technical legal clarification or a court management measure. Taken together, they represent a sustained reduction in the ability of ordinary people to challenge the exercise of state power through the courts. The removal of jury trial for either way offences is the most significant of these steps. It does not merely change procedure. It removes the only mechanism by which twelve members of the public can collectively say, after hearing the evidence, that a conviction would not be just.

This matters to me personally. I am going through a criminal case involving protest. I am not asking for special treatment. I am asking to be tried by my peers, as the law has guaranteed for eight hundred years. That right is being removed not because it causes delay, it does not, as the evidence in this submission demonstrates but because it is inconvenient for those who prosecute. That is not a sufficient justification.

6. A note on access to justice

There is a wider point about who the legal system is designed to serve. The Bar is one of the least accessible professions in Britain. Most barristers fund years of poorly paid or unpaid work before they earn properly. That structurally selects for people from wealthy backgrounds, typically private school and Oxbridge, who have family money to support them through those years. The result is that the people with the most influence over how the justice system is designed and operated are, as a group, those least likely to have experienced it from the other side.

This is not an argument against those individuals. It is an observation about what happens when a system is run by and for a professional class that has no financial incentive to simplify it and no lived experience of what it costs ordinary people to go through it. Reform that genuinely serves the public would make the process faster, cheaper, clearer and less intimidating. It would also open the profession itself to people who cannot afford years of financial struggle to get a foot in the door. The Bill does none of those things. It makes the system cheaper for the government to run by removing a right. That is not the same thing.

7. Conclusion

The court system is archaic in how it operates, not in its principles. The principles, including the right to jury trial, are sound. What is broken is the process: the relay hearings, the expensive in person case management, the paper files, the ceremony for administrative steps, the prisoner transport failures. All of that can be fixed. Other countries have fixed it. None of them did it by taking away the right to be judged by your peers.

Eight hundred years ago, Magna Carta established that no free person should be tried except by the judgement of their peers. That protection was not put there by accident. It was put there because without it, the state decides outcomes and the individual has no independent check on its power. A judge sitting alone, however good and however fair, is still a professional operating within the rules of a system. A jury of twelve ordinary citizens brings something different: conscience, common sense, and the ability to say that a prosecution which is technically lawful is not in this case just.

That matters most in exactly the cases this Bill would remove from jury trial. Protest cases. Cases where the law is being used in ways that feel disproportionate. Cases where ordinary people acting on principle find themselves in court. I am one of those people. The right I am defending is not abstract to me. It is the right to have my case heard by people like me, not only by a professional appointed by the state.

I am asking the Committee to recommend that Clauses 1 to 7 are removed from the Bill, and that before bringing any further proposal on mode of trial, the government is required to model and publish the full cost of unnecessary pretrial hearings, to explain why no international comparator country has reduced its court backlog by removing jury trial, and to set out what safeguards it proposes for the categories of case - protest, civil disobedience, charges under public order and terrorism legislation where the conscience function of the jury is most clearly engaged. Fix the system. Keep the right.

A full cost comparison spreadsheet is submitted alongside this evidence.

I am willing to provide oral evidence if the Committee wishes to hear from me.

Courts & Tribunals Bill 2026 – Where the Real Savings Are: A Reform-Based Model

All volume figures from MoJ Criminal Court Statistics Quarterly 2024-25 and Justice Data. Cost per hearing from Law Society analysis of HMCTS accounts (inflation-adjusted to 2025-26). Legal aid rates from Legal Aid Agency published fee schemes 2024-25. All savings are annual estimates. Conservative (low) and realistic (mid) estimates shown.

A. THE CURRENT SYSTEM – WHAT IT COSTS THE TAXPAYER EVERY YEAR

Cost category	Volume per year	Unit cost (£)	Annual cost (£)	Notes / Source
TOTAL SYSTEM CONTEXT: HMCTS operating budget (all courts & tribunals combined)	System-wide (not a waste figure)	n/a	£2,744,000,000	CONTEXT ONLY – this is the full HMCTS budget for ALL courts (criminal, civil, family, tribunals). It is shown for scale only. The avoidable waste rows below are a subset of this total.
TOTAL SYSTEM CONTEXT: Criminal legal aid annual spend (all stages)	System-wide (not a waste figure)	n/a	£873,000,000	CONTEXT ONLY – the full criminal legal aid budget. Crown Court work = ~75% of this. Shown for scale. Not added into the waste total below.
TOTAL SYSTEM CONTEXT: Crown Court criminal legal aid (estimated share)	~120,000 Crown Court cases/yr	n/a	£654,750,000	CONTEXT ONLY – estimated 75% of criminal legal aid. A large share of this funds hearings that should not exist. Not added into the waste total below.
▼ AVOIDABLE WASTE WITHIN THE SYSTEM – the four rows below are the specific wasteful costs this spreadsheet identifies. The red TOTAL below adds ONLY these four rows.				
Magistrates relay hearings: cases plainly going to Crown Court (indictable-only + high-value either-way)	~70,000/yr (est. based on ~120,000 Crown Court receipts minus those decided at Magistrates)	£1,150 (mid-estimate)	£80,500,000	Cost per hearing: court building, judge/magistrate, clerk, usher, prosecution representation, administration. Law Society £2,692/day (2018) uplifted to £3,450 by 2025-26 CPI. Half-day average = £1,150-£1,750.
Crown Court Plea & Trial Preparation Hearings (PTPH) (one per case, case management only, no evidence heard)	~120,000/yr (one per Crown Court receipt)	£3,750 (mid-estimate)	£450,000,000	Full sitting, judge + clerk + usher + prosecution barrister (legal aid) + defence. Crown Court sitting day cost ~£3,400-£4,000 (HMCTS budget / 110,000 sitting days). Typical PTPH = 1 morning.
Ineffective Crown Court trials (adjourned on the day, main cause: prisoner transport failure)	~24,000/yr (23% of ~107,000 listed trials)	£8,000 (full day, all parties assembled)	£192,000,000	23% ineffective trial rate (MoJ Criminal Court Statistics Q3 2025). Cost = full Crown Court sitting day plus all party preparation already incurred.
Wasted sitting days from late prisoner transport (cases part-heard or significantly delayed)			£55,500,000	CBA evidence Feb 2026: Leicester Crown Court defendant not expected until 17:00 for 09:45 hearing. No contractual penalty to transport provider.
ESTIMATED AVOIDABLE WASTE IN CURRENT SYSTEM (relay hearings + PTPH + ineffective trials + transport)			£778,000,000	TOTAL OF THE FOUR AVOIDABLE WASTE ROWS ABOVE ONLY (rows 10-13). This does NOT include the context budget figures in rows 6-8. It represents spending on: relay hearings + pretrial hearings + ineffective trials + transport waste.

B. WHAT REAL PROCESS REFORM WOULD SAVE (DENMARK / ESTONIA / NORWAY MODEL)

Reform measure	Cases / hearings affected	Saving per case (£)	Annual saving (£)	Notes
Abolish Magistrates relay hearing for cases going to Crown Court (replaced by paper routing on day of charge)	~70,000 hearings/yr	£1,150 (court + legal aid)	£80,500,000	Full saving: court time, judicial time, prosecution representation, defence preparation. Denmark does this already. Zero new legislation required if done administratively.
Replace Crown Court Plea & Trial Preparation Hearings with written / digital case management (as in Denmark, Norway, Estonia)	~120,000 hearings/yr	£2,500–£5,000 (using £3,750 mid)	£450,000,000	Full court sitting replaced by written exchange. Parties submit documents electronically. Dates agreed without physical attendance. Norway legislated this permanently in 2022.
Fix prisoner transport contracts (eliminate avoidable ineffective trials)	~20,000 ineffective trials/yr (50% avoidable via transport fix)	£8,000 each	£160,000,000	Conservative assumption: fixing transport contracts eliminates 50% of ineffective trials. CBA evidence Feb 2026. No legislation required – contract management.
Introduce digital case file system (Estonia model: eliminate paper filing, reduce admin hearings)	All ~120,000 Crown Court cases/yr	£500–£1,000 (admin saving per case)	£75,000,000	Estonia doubled caseload with same judges after 2005 digitalisation. Running court budget ~50 euros/person/yr vs England & Wales ~£200+/person/yr. Conservative saving modelled at £500-£1,000 per Crown Court case in admin/staff time.
Extend court sitting hours to full available day (courts currently under-utilised)	110,000 sitting days/yr funded	£1,850 extra value per extended day	£55,000,000	Courts routinely finish early. Opposition amendment at 2nd Reading called for this. Increasing average sitting by 30 minutes across Crown Court would yield equiv of ~15,000 extra sitting days/yr. No legislation needed.

Mandatory prosecution disclosure before listing (eliminate adjournments from late disclosure)		£64,000,000	Late prosecution disclosure is a leading cause of adjourned trials. MoJ Criminal Court Statistics 2023-24. Making this a hard pre-condition for listing would eliminate the hearings entirely.
TOTAL ESTIMATED ANNUAL SAVING FROM PROCESS REFORM (conservative model)		£884,500,000	This saving is achieved WITHOUT removing jury trial, WITHOUT new legislation for most measures, and WITHOUT the £123m implementation cost the Bill requires.

C. WHAT THE GOVERNMENT'S BILL ACTUALLY SAVES (AND COSTS) – FOR COMPARISON

Bill measure	Cases affected	Claimed saving	Independent estimate	New costs created
Remove right to elect jury trial for either-way offences	~50,000 cases/yr moved from Crown Court to magistrates	16,000 Crown Court sitting days saved/yr (~£55m)	1-2% of Crown Court time (IfG: ~£27m-£54m) Net saving much lower due to new burdens	New 'likely sentence assessment' hearing required per case before trial = new uncoded hearings. Judges must write conviction/acquittal reasons = hours per case. Magistrates courts not resourced to absorb 50,000 extra complex cases.
Increase magistrates sentencing powers to 18-24 months	~8,000 cases kept at magistrates/yr	8,000 Crown Court sitting days saved/yr (~£27m)	Modest but partially valid – this measure has been done before (2021)	40% of Magistrates convictions overturned on appeal. 47% of Magistrates sentences overturned. Bill removes automatic appeal right.
Judge-only trials for 'complex' cases (fraud etc)	~200 cases/yr (very small cohort)	200 sitting days saved/yr (~£700k)	Broadly accepted as marginal (CBA Nutshell Guide)	Opposition to this measure from legal profession. Risk of judicial politicisation.
TOTAL CLAIMED BY GOVERNMENT	N/A	£55m + £27m + £0.7m = ~£83m gross saving	IfG estimate: £27m–£54m gross before new costs deducted	PLUS: £123m implementation cost (govt's own figure) £9m/yr added legal aid costs (govt's own figure) £17m/yr probation costs (govt's own figure) £1m/yr prison costs (govt's own figure)

D. HEAD-TO-HEAD: THE BILL vs REAL REFORM

Metric	Current system	Government's Bill	Real process reform	What gets fixed?
Estimated annual saving to taxpayer	Baseline: £0	£27m–£54m gross (MINUS £9m+ running costs = ~£18m–£45m net)	£884,500,000	<i>Process reform saves 10–20x more than the Bill</i>
Implementation cost	N/A	£123m one-off (govt estimate)	Comparable investment but with proven ROI (Estonia model)	<i>Estonia's digital transformation paid for itself within years</i>
Crown Court backlog (80,000+ cases)	Growing: +25% since July 2024	Minimal impact: 1–2% reduction = ~800–1,600 cases	Significant: eliminating relay hearings + PTPH frees capacity immediately	<i>Only process reform addresses the actual bottleneck</i>
Waiting time for rape victims (423 day average)	423 days	~1 week faster	Potentially months faster with direct routing + digital case management	<i>The Bill's own supporters admit the time saving is negligible</i>
Jury trial retained?	Yes – 100%	No – ~50% of current jury cases lose this right	Yes – 100% All reforms retain jury trial	<i>Only one option preserves democratic right</i>
Magna Carta right (Clause 39, 1215)	Protected	Removed for ~50,000 cases/yr without mandate	Protected in full	<i>800 years of protection removed without consultation</i>
Risk of wrongful conviction (appeal overturn rate)	Baseline: 40% of Magistrates convictions overturned on appeal. 47% of Magistrates sentences overturned on appeal. (MoJ Criminal Courts Statistics 2024-25)	HIGH RISK INCREASED: Bill removes automatic right of appeal. ~50,000 extra cases routed to Magistrates. At 40% overturn rate = ~20,000 potential wrongful convictions/yr with no automatic remedy.	LOW RISK: Crown Court jury acquittal rate higher than Magistrates. Process reform keeps existing appeal rights intact. No change to wrongful conviction exposure.	The Bill suppresses the appeal data that exposes Magistrates error rates, then removes the automatic right to appeal. These two moves together significantly increase wrongful conviction risk for the ~50,000 cases affected.

Protest, civil disobedience
and conscience cases

Legal profession commercial interest reduced?	No – every hearing = income	No – relay hearings and PTPH unchanged New hearings added	Yes – unnecessary hearings eliminated Less income from procedural waste	<i>This is why the profession won't propose it</i>
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BOTTOM LINE: Process reform (direct routing + digital case management + prisoner transport fix) saves an estimated £880m+ annually in avoidable waste, preserves jury trial in full, costs far less to implement than the Bill, and is already proven to work in Denmark, Norway and Estonia. The government's Bill saves ~£18m–£45m net annually, removes nine hundred years of democratic right, costs £123m to implement, does not address the causes of delay at all, increases wrongful conviction risk for ~50,000 cases per year, and removes jury trial from exactly the cases — protest, civil disobedience, public order and terrorism charges where the conscience function of the jury matters most.

Your Case: Estimated Cost to You and to the Taxpayer

Costs to you are your actual figures where known. Taxpayer costs are estimates based on HMCTS published budgets and Law Society court cost analysis (inflation-adjusted to 2025-26). Figures exclude CPS prosecution costs which would add further.

Hearing or step in your case	Your cost (£)	Taxpayer cost (£)	Should this exist?
Magistrates Court relay hearing (purpose: confirm case goes to Crown Court)	£800	Est. £800 – £1,500 (court, judge, clerk, usher, prosecution, building)	NO. Should be a paper routing decision made on day of charge. Denmark does this.
6-week wait between Magistrates and Crown Court listing	Cost of uncertainty, time off work, anxiety	Administrative re-listing cost + 6 weeks added to backlog	NO. Direct routing eliminates this delay entirely.
Crown Court Plea & Trial Preparation Hearing (purpose: agree dates and case management)	£1,200	Est. £2,500 – £5,000 (judge, clerk, usher, both barristers, building, legal aid)	NO. Should be written and digital. Norway has legislated this as standard.
Further case management / mention hearings (before trial date is reached)	Further legal fees at each stage £1,200 each one	Est. £1,500 – £3,000 per hearing	MOSTLY NO. Most can be handled in writing.
The trial itself	£60K	Est. £15,000 – £60,000+ depending on length (all parties, jury, judge, building)	YES. This is what the entire system exists for.

KEY POINT: The government has not modelled the cost of the unnecessary pretrial hearings that every either-way defendant in England and Wales must attend. With approximately 70,000 to 120,000 cases per year going through Magistrates relay hearings and Crown Court PTPHs, the avoidable taxpayer cost is conservatively estimated at over £500 million per year. None of this is in the government's impact assessment. None of it is addressed by the Bill. Every penny of it could be saved through process reform, without removing a single democratic right.