



JUSTICE

Courts and Tribunals Bill

Committee Stage, House of Commons

April 2026

Introduction

1. JUSTICE is a cross-party law reform and human rights organisation working to create a fair justice system within everyone's reach.
2. This briefing addresses the Courts and Tribunals Bill 2026 (the "**Bill**") in advance of Committee Stage in the House of Commons. The Bill is introduced as one part of the Government's response to the outstanding caseload in the Crown Court which continues to grow and currently stands at almost 80,000 cases. The Bill follows Sir Brian Leveson's Independent Review of the Criminal Courts (the "**Review**"). Sir Brian Leveson recommended getting rid of jury trials for cases with a likely sentence of three years or less and replacing them with trial by a judge and two magistrates. The Review also recommended introducing judge-only trials for certain serious and complex cases, for example, complex fraud.¹
3. The Bill goes further than the Review's recommendations and would have the following effect:
 - (a) **Removal of the right of defendants to elect** for Crown Court trial in triable by either way cases.
 - (b) **Replacing the automatic right to appeal to the Crown Court from the magistrates' court** in criminal proceedings with a permission stage - and replacing the full re-hearing in the Crown Court with a hearing on issues only for which leave to appeal has been granted.
 - (c) **Introducing powers to extend the magistrates' court sentencing powers** from the current 12 months, to either 18 or 24 months by way of secondary legislation.
 - (d) **Restricting jury trials by introducing judge only trials for:**
 - (i) triable either-way cases likely to receive a custodial sentence of three years or less by judge alone.
 - (ii) technical and lengthy fraud and financial cases.
4. The Bill would also introduce other measures including amending the statutory thresholds governing the admissibility of evidence, amendments to the Children Act 1989 in respect

¹ Sir Brian Leveson, [Independent Review of the Criminal Courts: Part I](#), Ministry of Justice, July 2025

to the presumption of parental involvement, reforms to the leadership of Tribunals, and changes in respect to magistrates' expenses.

5. JUSTICE is concerned by several of the proposed reforms to the criminal courts and strongly opposes the proposal to restrict jury trials. JUSTICE has provided a comprehensive briefing on the case against restricting jury trials, which can be found [here](#).
6. Sir Brian Leveson's Independent Review of the Criminal Courts made 180 recommendations to increase capacity and reduce demand in the criminal justice system. Many of these recommendations, including addressing prison transport delays, improving case management and the listing framework, increasing sitting days and bolstering the criminal legal workforce have widespread support and can be implemented at a much faster rate than the measures within the Courts and Tribunals Bill. Analysis of government figures has found that since the cap on the number of judicial sitting days in crown courts was lifted in October 2025 the backlog has reduced in key regions of England and Wales, including in London.² The backlog at courts in Wales and the northwest and southeast of England fell considerably since the sitting days were added and in Maidstone crown court the case backlog had fallen by more than 5% in the past six months.³
7. This makes the Government's decision to proceed with restricting jury trials all the more concerning, particularly as it has not yet provided a full response to Parts I and II of Sir Brian Leveson's criminal courts review.
8. We urge MPs to support the following amendments:
 - (a) **Amendment 15** in the name of Jess Brown-Fuller which would make the publication of the Government response to Part II of the Independent Review of the Criminal Courts a precondition of Clause 1 to 7 of this Bill coming into force.
 - (b) **Amendment 35** in the name of Dr Kieran Mullan which prevents the provisions in sections 1 to 7 of the Bill from coming into force until the Lord Chancellor has provided funding for 130,000 sittings days in the Crown Court; HMCTS has assessed that the Crown Court has used its allocation of sitting days; and the Lord Chancellor has made a statement to the House that this has not reduced the backlog.
 - (c) **Amendment 36** in the name of Dr Kieran Mullan which would ensure that clauses 1 to 7 of the Act do not come into force until the Lord Chancellor has reviewed how to increase sitting hours in the Crown Court.
 - (d) **Amendment 59** in the name of Dr Kieran Mullan which would ensure that sections 1 to 7 of the Act could not be commenced until the Lord Chancellor has used alternative means to increase Crown Court sitting capacity.
 - (e) **Amendment NC27** (as well as amendment 60 consequentially) in the name of Mr Adnan Hussain and amendment NC11 (as well as amendment 16 consequentially)

² The Times, ['Data shows court backlogs falling, so why aren't ministers talking about it?'](#) (2026)

³ Ibid.

in the name of Jess Brown-Fuller which would require the Government to pilot the removal of the right to elect trial by jury before national implementation, and to report to Parliament on its impact.

- (f) **Amendment NC24** in the name of Dr Kieran Mullan which would sunset sections 1 to 7 of this Act so that they will no longer be in force once the court backlog has been resolved.
- (g) **Amendment NC13** in the name of Jess Brown-Fuller which would require the Lord Chancellor to commission, lay, and respond to a report on the effect of the Bill on public trust in the criminal justice system.

Magistrates' Courts – right to elect and sentencing powers

Removing the right to elect – Clauses 1 and 2

- 9. Triable either-way offences are offences that can be heard in either the Magistrates' Courts or the Crown Court. Currently, for these offences, the defendant has the right to elect for trial in the Crown Court. **Clauses 1 and 2** of the Bill will remove this right. Instead, it will be up to the Magistrates' Court to decide whether to hear the case or send it to the Crown Court.

Sentencing Powers – Clause 6

- 10. **Clause 6** of the Bill would allow the Lord Chancellor to increase the maximum sentencing powers of the Magistrates' Court by statutory instrument from 12 months⁴ to either 18 months or 24 months.

Concerns

- 11. The Ministry of Justice projects that, taken together clauses 1,2 and 6 of the Bill will see the Magistrates' Courts retaining more either-way cases.
- 12. However, the Institute for Government highlights that only around 30% of sentences of 6–12 months were handed down by Magistrates since their sentencing powers increased from six to 12 months in 2024.⁵ This indicates a lack of confidence among Magistrates to retain more serious cases. If cases likely to receive 1–2-year sentences continue to be sent to the Crown Court or if time is spent sending cases to the Crown Court only for them to be returned to the Magistrates' Court, the MOJ's expected time savings are unlikely to materialise.

Challenges facing the Magistrates' Courts

- 13. Whilst the Magistrates' currently make allocation decisions, for triable either-way offences, these decisions do not determine the venue in practice as the defendant is then able to choose whether their trial takes place in the Crown Court or the Magistrates'

⁴ Increased from 6 months in 2024

⁵ IFG, ['Beyond reasonable doubt?: Reviewing proposed reforms to jury trials'](#) (2026)

Court. Removing defendant's right to elect Crown Court trial risks placing critical allocation decisions on Magistrates' Courts at a time when they are structurally ill-equipped. Magistrates' Courts are designed for the trial of minor offences and Magistrates generally only sit for around 13 full days per year. Cases in the Magistrates' Courts have also become less complex since 2019, with fewer triable either-way or indictable-only matters.⁶ As a result, the system is not set up to absorb a greater volume of more complex allocation decisions.

14. Further, Magistrate numbers have fallen dramatically, sitting at 46% below the number in 2010/11,⁷ despite a large-scale recruitment drive for both magistrates and legal advisers.⁸ A significant proportion of the magistracy is therefore likely to be relatively inexperienced in dealing with complex matters and making allocation decisions. This is particularly concerning given the high rate of success in appealing Magistrate decisions (over 40% of verdict appeals succeed, and 47% of sentence appeals upheld), indicating poor decision making in the first place.⁹
15. Additionally, if the MOJ is correct that the Magistrates' Courts will retain a greater number of cases, we are concerned that the system will struggle to absorb the increased workload, both in hearing more cases and in making more meaningful allocation decisions. This would also come at a time when the Magistrates' Courts is facing its own growing backlog,¹⁰ and the number of trials conducted¹¹ has fallen sharply.

Reduced access to Legal Aid

16. The Equalities Statement for the Bill acknowledges that "if more cases are dealt with in the Magistrates' Courts, it is likely that an increased proportion of these defendants may be ineligible for legal aid when they would otherwise have been eligible if their case had been heard at the Crown Court."¹² This is because the eligibility threshold for receiving representation by a publicly funded lawyer in the Magistrates' Courts is an annual income of below £22,325, significantly lower than the Crown Court threshold of £37,500. As a result, individuals in full-time minimum wage employment will not qualify for legal aid at the Magistrates' Court.¹³

⁶ [Performance Tracker 2025: Criminal courts | Institute for Government](#)

⁷ [Performance Tracker 2025: Criminal courts | Institute for Government](#)

⁸ For example see: Ministry of Justice, [Impact Assessment](#) which states "The latest magistrates' recruitment campaign, launched in January" and "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.", p.26.

⁹ See: The Times ['Cutting right to appeal is profoundly dangerous, KCs tell David Lammy'](#) (2025); CBA ['Nutshell-Guide-to-the-Courts-and-Tribunals-Bill'](#) (2026)

¹⁰ Ibid.

¹¹ (excluding guilty plea cases and cases decided without a hearing)

¹² Ministry of Justice, [Equalities Statement](#), p.12.

¹³ Emily Dugan, [Defendants 'priced out of justice' by cuts to jury trials](#), *The Sunday Times*, 28 February 2026.

17. An increase in unrepresented defendants' risks undermining fairness. Transform Justice reported that unrepresented defendants were observed to often suffer serious disadvantages in court, for example, lacking understanding of the charges against them, entering inappropriate pleas, struggling with cross-examination and ultimately receiving harsher sentences as they did not know how to mitigate.¹⁴ This is particularly concerning given the proposed increase in Magistrates' sentencing powers, which mean that defendants could face trial for offences carrying a sentence of up to two years' without any legal representation.
18. Additionally, without legal representation individuals will have little choice but to represent themselves which the Institute for Government has highlighted is likely to prolong hearings and therefore erode anticipated efficiency gains.¹⁵ Further, whilst defendants are banned from questioning victims in sexual, child abuse and domestic abuse cases, there remain a wide range of offences, for example assault, where cross-examination is permitted. Pushing additional cases into the magistrates' court, where free legal support is much harder to access for defendants, risks leaving victims exposed to being cross-examined by alleged perpetrators.¹⁶

Impact on minority and vulnerable groups

19. The Equalities Statement for the Bill acknowledges that historic data for triable either-way offences shows that Black defendants, older defendants, and female defendants elect for trial at the Crown Court at higher rates than other groups. For example, in 2022 26% of Black defendants elected for trial in the Crown Court, compared to 19% Mixed ethnicity, 17% Asian, 17% Other ethnicity, and 15% White defendants.¹⁷
20. The Equalities Statement states that the reasons for these differences are unclear. However, it should be noted that the current Deputy Prime Minister and Secretary of State for Justice, David Lammy, concluded, in his review into the treatment of, and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system, that many individuals from ethnic minorities opted for trial in the Crown Court whenever possible as they had more confidence in the fairness of juries than in the fairness of Magistrates' Courts.¹⁸ Given that racial disproportionality exists in numerous places in the criminal justice system,¹⁹ public trust in the criminal justice system amongst ethnic minority communities is particularly fragile.²⁰ This makes the proposals particularly concerning,

¹⁴ Transform Justice, [Justice Denied? The experience of unrepresented defendants in the criminal courts](#) (2016).

¹⁵ Institute for Government, [Beyond reasonable doubt?: Reviewing proposed reforms to jury trials](#) (2026)

¹⁶ [Cutting jury trials risks more miscarriages of justice](#)

¹⁷ Ministry of Justice, [Equalities Statement](#), p.8.

¹⁸ David Lammy, [The Lammy Review](#) (2017), p.27.

¹⁹ Centre for Justice Innovation, [Building Trust: How our courts can improve the criminal court experience for Black, Asian and Minority Ethnic defendants](#) (2019); Crown Prosecution Service, [Disproportionality Action Plan](#) November 2024 page 1; Ministry of Justice, [Statistics on Ethnicity and the Criminal Justice System](#) 2024 (see Main Points section)

²⁰ Centre for Justice Innovation, [Building Trust: How our courts can improve the criminal court experience for Black, Asian and Minority Ethnic defendants](#) (2019).

as any reform that further reduces choice or confidence in the system risks deepening existing disparities and exacerbating distrust from minoritised communities.

21. The Equalities Statement for the Bill also acknowledges that section 28 measures are not available in the Magistrates' Court which allow witnesses or victims to pre-record their cross-examination ahead of trial. This will affect children, people with certain disabilities and complainants of sexual offences (who are more likely to be women) who would, in the Crown Court, be eligible for section 28 measures. Whilst the Government states that the Magistrates' Courts already manage these issues, it is concerning that there is a lack of sufficient data on s28 cases and users to understand how many vulnerable witnesses or victims would be affected by the increased number of cases in the Magistrates' Courts.²¹

Recommendations

Clauses 1 and 2

22. For the reasons set out above we urge MPs to support **amendment 1 and 2** in the names of Jess Brown-Fuller, Siân Berry, Yasmin Qureshi, Karl Turner and Cat Eccles to leave out Clause 1 and 2 of the Bill.

Clause 6

23. We urge MPs to support amendment 6 in the names of Jess Brown-Fuller, Siân Berry, Yasmin Qureshi and Karl Turner to leave out Clause 6 of the Bill.
24. In the alternative to leaving out Clause 6 of the Bill, we urge MPs to support the following amendments:
- (a) **Amendment 13** in the name of Jess Brown-Fuller which would provide that the Magistrates' sentencing powers are not increased beyond 12 months.
 - (b) **Amendment 53** in the name of Dr Kieran Mullan which would ensure that regulations to extend magistrates' courts sentencing powers must be approved by both houses of Parliament.
 - (c) **Amendment 22** in the name of Jess Brown-Fuller which would ensure that where defendants face more than 12 months' imprisonment, they will receive Crown Court level funding regardless of which court the case is heard in.

The right to appeal from the Magistrates' Courts

Clause 7 and Schedule 2

25. Currently, a defendant has an automatic right of appeal from the Magistrates' Court to the Crown Court against either conviction or sentence. In either case the appeal is a re-hearing before a judge and two magistrates.

²¹ Ministry of Justice, [Equalities Statement](#), p.8.

26. **Clause 7** of the Bill introduces **Schedule 2**, which would remove this automatic right of appeal. Instead, it introduces a requirement for an application for permission to appeal based on written grounds. A Crown Court judge will decide whether to grant permission and the appeal hearing would be heard by a single judge. Instead of a re-hearing, the appeal would only be on the issues on which permission is granted. If the appeal is against conviction, the judge must allow the appeal if the conviction is unsafe. If so, the judge may order a retrial in the Magistrates' Court.

Concerns

27. The replacement of the automatic right to appeal Magistrates' decisions with a multi-stage permission system is complicated and highly likely to be inefficient. The Bill does not consider the practicalities involved, such as defendant's finding lawyers to assist them in reviewing transcripts and preparing permission grounds of appeal. Victims and defendants will face further delay if, following a successful appeal, the case is then sent back to the Magistrates' Court for a rehearing, rather than the Crown Court making a fresh decision there and then. Additionally, defendants who have their case sent for a re-hearing in Magistrates' Courts could also face issues with not being able to gain representation under Legal Aid due to the lower eligibility threshold.²²

Recommendations

28. For the reasons set out above, we urge MPs to support **amendments 7 and 9** in the names of Jess Brown-Fuller, Siân Berry, Yasmin Qureshi and Karl Turner to leave out Clause 7 and Schedule 2 of the Bill.
29. In the alternative to leaving out Clause 7 and Schedule 2 of the Bill, we urge MPs to support the following amendments:
- (a) **Amendments 54 and 57** in the name of Dr Kieran Mullan which would remove the provision that limits appeals to specific grounds and instead ensure that the Crown Court allows an appeal against conviction or sentence if it is made.
 - (b) **Amendment 37** in the name of Dr Kieran Mullan which would prevent the restriction of right of appeal against magistrates court decisions unless the rate of successful appeals from the magistrates courts has been below 10% in the previous two years.
 - (c) **Amendment 66** (as well as 64 and 65 consequentially) in the names of Rachael Maskell, John McDonnell and Yasmin Qureshi which ensures a right to appeal orally and provides that grounds for appeal include procedure and fact, as well as points of law.

Restriction of jury trials – triable either-way offences

Clause 3

²² The Criminal Bar Association, [The Nutshell Guide to the Courts and Tribunals Bill 2026](#), p.13.

30. Clause 3 of the Bill would remove the right to trial by jury for either-way offences where the likely sentence is 3 years or less. These cases will be heard in the Crown Court in a tier that the Government is calling the **Crown Court Bench Division**. Cases heard here will be heard by a judge alone. This could include sexual offences, sexual abuse of children, stalking, fraud offences, violence against the person offences and theft offences. Most of the postmasters wrongly convicted in the Horizon scandal received a sentence under three years.
31. The allocation decision will be taken by a Crown Court judge at a pre-trial hearing called the plea and trial preparation hearing. Both the prosecution and defendant will be allowed to make representations.
32. The Bill also sets out circumstances in which the case may be reallocated from judge-only trial to jury trial or vice-versa.
33. There is no right to appeal against allocation or reallocation decisions.
34. A judge sitting alone in the Crown Court Bench Division can impose any sentence available in the Crown Court, **including sentences longer than three years**.

Clause 5

35. Clause 5 of the Bill provides that the court must provide a judgment stating the reasons for a decision to convict or acquit the defendant at the time of the verdict or as soon as reasonably practicable thereafter.

Concerns

36. JUSTICE strongly opposes the restriction of jury trials for the following reasons.

Public trust and confidence

37. For centuries, juries have acted as a constitutional safeguard, anchoring public trust in the system by ensuring that individuals are judged by their peers rather than a single authority. Without juries, evidence passes from the police to the prosecution to a judge alone, having only been considered by professionals in the criminal justice system.²³
38. Public polling also shows that the British public views the 'right to a fair trial by jury' as a fundamental protection, ranking it as a primary right that they believe should be enshrined in law.²⁴ Research shows that most people would serve on a jury again as they believed that the system was fair.²⁵ It is particularly important that we do not remove the

²³ DAT Green, '[Why juries matter](#)' *Prospect*, 4 December 2025.

²⁴ Professor Cheryl Thomas KC (Hon) '[How the jury system really works](#)' *Counsel*, 19 December 2025: the Rowntree Foundation conducted research with the British public on what rights should be enshrined the last time a Bill of Rights was proposed, "the right to a fair trial before a jury" came out top of the list. 89% of the British population thought that this was a primary right that should be enshrined in law.

²⁵ *Ibid.*

most trusted part of the criminal justice system at a time where public confidence in the criminal justice system is fragile.²⁶

39. The impact assessment of the Bill states that public confidence is strengthened when cases are dealt with efficiently.²⁷ However, it fails to recognise that there is no evidence that restricting jury trials will improve efficiency (see further below), and it overlooks the fact that juries are one of the most trusted elements of the criminal justice system.
40. In addition, the three year threshold is likely to lead to outcomes that are seen as unfair to both those within the system and the public. It means that repeat offenders are more likely to qualify for a jury trial because their previous convictions would push the likely sentence above three years, while first-time offenders committing the same offence may be denied a jury trial.

Restricting jury trials will not solve the backlog

41. There is no empirical proof or existing pilot that demonstrates that removing juries will make a material difference in reducing delays in the criminal courts, nor ease pressure on prisons and probation. The Government itself estimates that the Bill's measures will not impact the court backlog until 2028/2029 and that prison demand is only predicted to start to decline from 2034/35.²⁸
42. Analysis by the Criminal Bar Association demonstrates that the proposals are based on optimistic assumptions. The impact assessment assumes that the proposal will save 5000 Crown Court sitting days.²⁹ However, this represents only around 3.5% of the current Crown Court workload, which means that victims who currently have to wait a year for their trial might see their cases brought forward by a week.³⁰ Further, the assessment assumes that cases within scope of the proposals average 6.25 sitting days, yet the Criminal Bar Association notes that in practice they are typically closer to 3 sitting days; the basis of the savings are therefore over-estimated by around double the realistic figure.³¹
43. Detailed analysis by the Institute for Government - and based on the Government's own figures- shows that the predicted time savings from judge-only- trials are marginal at best; predicting only 1.5-2.5% of Crown Court time will be saved through judge-only trials.³²
44. This figure uses the Government's own assumption that hearing times will fall by 20% for judge alone trials compared to jury trials. However, this figure is very likely an

²⁶ Gallup, '[Britons' Trust in Courts and Police Declines](#)' (December 2025): polling shows that in 2025 there was the biggest annual drop in confidence in the judicial system on record. Only 57% expressed confidence in the judicial system and courts, down 12 percentage points from 2024.

²⁷ Ministry of Justice, [Impact Assessment](#), p.27.

²⁸ Ministry of Justice, [Impact Assessment](#), p.23

²⁹ *Ibid*, p.17.

³⁰ The Criminal Bar Association, [The Nutshell Guide to the Courts and Tribunals Bill 2026](#), p.3.

³¹ *Ibid*.

³² Institute for Government, '[Trial and error?: The impact of restricting jury trials on court demand](#)' 22 January 2026

overestimate, and the Government acknowledges within the impact assessment that there is uncertainty in this assumption.³³ Crucially, any potential time savings from not having a jury must be offset by the time that it will take for judges to write reasoned decisions, as required by the Bill. The allocation of cases is going to lengthen the plea and trial preparation hearing as will the process of reallocation. This model also overlooks that currently a judge can sit on two concurrent jury trials whilst one jury is in retirement, which will not be possible with judge-alone trials. Setting up a new court infrastructure and adapting the Common Platform³⁴ would be challenging, particularly given existing difficulties.³⁵ Further, restricting jury trials may be counterproductive given the strong opposition by the criminal legal profession, given the existing shortage of criminal lawyers driving productivity issues.³⁶

45. Further, given there is no right to appeal allocation or reallocation decision to the Crown Court Bench Division, there is likely to be an increase in the number of judicial reviews of these decisions, which will increase pressure on the High Court. There are also likely to be an increase in appeals of Crown Court Bench Division decisions to the Court of Appeal, in light of the written reasons the judges will have to provide – something that juries are not required to do. The proposal therefore risks creating a parallel system that simply displaces the criminal court backlog onto another court.

Focus on fixing the real causes of the backlog

46. Delays in the criminal courts stem from a range of causes, including chronic underfunding, as highlighted by Sir Brian Leveson in his Independent Review of Criminal Courts. JUSTICE has highlighted that there are several avoidable inefficiencies which arise before juries are sworn in. Unavailability of witnesses, poor case management, prison transport delays and the prosecution or defence advocate failing to attend are amongst the reasons for ineffective trials and key operational failures attributed to ineffective trials between 2019-2024.³⁷
47. There are changes, such as improving court productivity, which could begin much more quickly. These changes do not carry the same risks to damaging public confidence in the criminal justice system. To that end, many of the recommendations made by Sir Brian Leveson are welcomed, including, increased use of out of court resolutions, increased sitting days, improved efficiency in prisoner transport to court and measures to bolster the criminal legal workforce.³⁸ Examples across England and Wales, such as Liverpool

³³ Ministry of Justice, Impact Assessment, p.37

³⁴ HMCTS Common Platform

³⁵ A Guide to Criminal court statistics: "There remains a proportion of cases being entered on legacy systems."

³⁶ IFG, 'Beyond reasonable doubt?: Reviewing proposed reforms to jury trials' (2026)

³⁷ JUSTICE, 'Restricting the Right to a Jury Trial' 2026, page 9; Institute for Fiscal Studies, 'Productivity in the Crown Court | Institute for Fiscal Studies' 2025

³⁸ Sir Brian Leveson, Independent Review of the Criminal Courts: Part I and Independent Review of the Criminal Courts Part II, Ministry of Justice, July 2025 and

Crown Court, demonstrate that investment, efficient case management and practical court adaptations work in managing the court backlog without curtailing jury trials.³⁹

48. The Government has announced several welcome measures that do not require legislation, including increased funding and investment, including into the physical court estate, the removal of the cap on sitting days, and the use of 'blitz' courts.⁴⁰ These measures can be implemented immediately without major structural change of introducing a Crown Court Bench Division – a disruption which will divert resources from other solutions, which will have a much bigger impact on reducing the backlog.

Impact on marginalised communities and victims

49. This Bill risks further failing victims and marginalised communities. Racial disproportionality is evident throughout the criminal justice system⁴¹ however, research demonstrates that jury decision making is one of the few places such disproportionality does not appear to exist. The Lammy Review found that juries convicted defendants from racialised groups at very similar rates to white defendants, including in cases with all-white juries and across a variety of offence types.⁴² This continues to be the case today.⁴³
50. In contrast, judges sentencing defendants in the Crown Court are more likely to give defendants from ethnic minority backgrounds prison sentences than white British defendants. They are also more likely to give defendants from certain ethnic minority backgrounds a longer sentence for similar crimes.⁴⁴ We are deeply concerned that this racial disproportionality will translate into conviction decisions.
51. Juries bring together 12 randomly selected citizens, with broader diversity and collective deliberation compared to a single judge. Diversity of circuit judges who sit in the Crown Court and would hear judge alone trials is particularly concerning – only 36% of circuit judges are women and only 10% are from minority ethnic backgrounds.⁴⁵ Concerningly, in the report 'Racial Bias and the Bench' 95% of the 350 professionals surveyed said that

³⁹ JUSTICE, '[Restricting the Right to a Jury Trial](#)' 2026: page 8-9

⁴⁰ Deputy Prime Minister Rt Hon David Lammy MP, '[We are calling time on the justice system of the past](#)', 24 February 2026

⁴¹ Centre for Justice Innovation, '[Building-trust](#)' 2019; Crown Prosecution Service, '[Disproportionality-Action-Plan](#)' November 2024 page 1; Ministry of Justice, '[Statistics on Ethnicity and the Criminal Justice System](#)' 2024 (see Main Points section)

⁴² [The Lammy Review](#). p 31-32.

⁴³ Professor Cheryl Thomas KC (Hon) '[How the jury system really works](#)' *Counsel*, 19 December 2025.

⁴⁴ Kitty Lymperopoulou, '[Ethnic Inequalities in Sentencing: Evidence from the Crown Court in England and Wales](#)', *The British Journal of Criminology*, 2024, 64, p.1197-8. After adjusting for individual and case characteristics, a custodial sentence is 41 per cent more likely for Chinese defendants, and between 16 and 21 per cent more likely for defendants from Asian groups, compared with white British defendants. Similarly, a custodial sentence is between 9 and 19 per cent more likely for defendants in the black groups, and 22 per cent more likely for white and black African defendants than white British defendants after adjusting for other characteristics.

Those from Pakistani, Bangladeshi and black Caribbean groups who are shown to have worse sentencing outcomes than the white British even after controlling for individual, case and court characteristics, receiving between 4 and 11 per cent longer sentences than the white British

⁴⁵ Ministry of Justice '[Diversity of the judiciary: Legal professions, new appointments and current post-holders](#)', 2025

racial bias played some role in the justice system, 63% said it played a significant role and 29% said racial bias played a fundamental role.⁴⁶ Diversity is not only important for decision making but is crucial for trust and legitimacy. Replacing jury trials with a single, likely white male judge, risks eroding already fragile trust in the justice system, particularly among minority ethnic communities.

52. The Deputy Prime Minister himself stated that when *"a jury retires to make a decision, its members must consider the evidence, discuss the case, and seek to persuade one another if necessary. This debate and deliberation acts as a filter for prejudice – to persuade other jurors, people must justify their position. In the final decision, power is also never concentrated in the hands of one individual."* (emphasis added).
53. The government has presented proposals to restrict jury trials as a solution to speed up justice for victims. Victims deserve timely justice but this Bill will not deliver it. Instead, it removes an important safeguard, particularly for women and minoritised groups and will result in rushed structural change which risks detracting from the real solutions to the backlogs. Organisations such as Rights of Women, End Violence Against Women Coalition and over 20 other organisations representing victims of violence against women and girls stress that preserving jury trials is essential to survivors' access to justice; what is needed instead of curtailing jury trials is greater investment in prevention and early intervention.⁴⁷
54. We also remain concerned that practical issues arise from judge-only trials, which would impact directly upon victims of sexual offences. In sexual offence cases, strict rules limit the use of evidence about a complainant's previous sexual history.⁴⁸ While judges currently rule on admissibility and juries never see excluded material, a judge-only trial would require the judge to view such material and then to 'put out of his or her mind' any of the material that is inadmissible before making a decision on guilt.

The impact on the judiciary

55. We are concerned about the impact of these reforms on the judiciary, in terms of their politicisation, demands on their workload, and recruitment. Judges would become arbiters of fact as well as law in several sensitive and sometimes controversial cases. This would risk exposing them to undue politicisation. Juries insulate the judiciary from public criticism. As highlighted by His Honour Geoffrey Rivlin KC, the former Resident Judge at Southwark Crown Court and Honorary Recorder of Westminster *"judge-alone trials are calculated to throw a harsh spotlight on individual judges; their jobs will become much more difficult. It risks division in the public perception of justice, and, seriously, a lack of confidence – first in the judiciary and then the system as a whole."*⁴⁹ This is in

⁴⁶ University of Manchester; Keir Monteith KC, Professor Eithne Quinn, Professor Andrea L. Dennis, Dr Remi Joseph-Salisbury, Erica Kane, Franklyn Addo, Professor Claire McGourlay, ['Racial Bias and The Bench'](#) 2022

⁴⁷ Rights of Women ['VAWG sector letter to Justice Secretary calls for re-think on jury trials'](#) (March 2026) Rights of Women, [Maintaining jury trials is critical to women survivors' access to justice](#), 2 December 2025

⁴⁸ Crown Prosecution Service, ['Limiting the use of complainants' sexual history in sexual offence cases'](#), ['Rape and Sexual Offences - Chapter 11: The Sexual History of Complainants, Section 41 YJCEA 1999'](#) 2021

⁴⁹ HH Geoffrey Rivlin KC, ['Juries and Judges - The Right to Choose & Current Proposals'](#) Red Lion Chambers, 11 December 2025

turn is likely to impact the retention and recruitment of judges, already facing serious difficulties.⁵⁰

Recommendations

Clause 3

56. For the reasons set out above, we urge MPs to support **amendment 3** in the names of Jess Brown-Fuller, Siân Berry, Yasmin Qureshi, Karl Turner and Cat Eccles to leave out Clause 3 of the Bill.
57. In the alternative to leaving out Clause 3, we urge MPs to support the following amendments to the Clause:
- (a) **Amendment 18** in the names of Jess Brown-Fuller and Yasmin Qureshi which entitles a defendant to appeal against a judge's decision to allocate a case to trial by judge-alone.
 - (b) **Amendment 39** in the name of Dr Kieran Millan which would ensure that trials by jury continue for indictable offences carrying a sentence of less than three years in prison if the defendant can demonstrate that it would be in the interests of natural justice.
 - (c) **Amendment 40** in the name of Dr Kieran Mullan which would allow a defendant to appeal the decision to have a judge-only trial on the basis that it is in the interests of natural justice for the trial to be with a jury.
 - (d) **Amendment 42** in the name of Dr Kieran Mullan which prevents a judge sitting alone from sentencing a defendant to more than three years in prison, and requires that if this is the likely sentence, the case must be remitted for trial by jury.
 - (e) **Amendment 44** in the name of Dr Kieran Mullan which would ensure that where a decision for a judge-only trial is being considered for reallocation following a change in circumstances, the judge must consider fairness when considering the rights and circumstances of the defendant and the interests of justice.
 - (f) **Amendment NC2** in the name of Charlotte Nichols and 25 others, which would establish specialist courts for sexual offences and domestic abuse cases, with those cases heard by a specialist judge and a jury. It makes further provision including for victim support, and to prioritise cases where a defendant is bailed
 - (g) **Amendment NC8** in the name of Jess Brown-Fuller which requires the provision of training for the judiciary focused on discrimination against ethnic minorities, including racial bias and its impact on judicial decision-making.
 - (h) **Amendment NC7** which would require the Lord Chancellor to lay before Parliament a strategy for victim-led case management in relation to criminal court proceedings and **Amendment NC9** in the name of Jess Brown-Fuller which requires the provision of training for the judiciary focused on violence against women and girls.

⁵⁰ UCL, ['Judicial system facing looming crisis in recruiting and retaining judges'](#), (February 2025)

Clause 5

58. For the reasons set out above, we urge MPs to support **amendment 5** in the names of Jess Brown-Fuller, Siân Berry, Yasmin Qureshi and Karl Turner to leave out Clause 5 of the Bill.
59. In the alternative to leaving out Clause 5, we urge MPs to support the following amendments:
- (a) **Amendment 58** in the name of Dr Kieran Mullan which would stop sections 3 to 5 coming into force until the Government had an evidence base for how long these provisions might delay the issuing of judgments after convictions.

Restriction of jury trials – complex and lengthy cases

Clause 4 and Schedule 1

60. Clause 4 and Schedule 1 give the court the power to order that a trial of certain cases as listed in the schedule, be heard by a judge alone where (a) the complexity and/or length of the trial makes it appropriate to do so; (b) it is in the public interest; and (c) there are no other reasons why it would be more appropriate for the trial to be conducted with a jury.
61. Currently the cases in the schedule are confined to fraud, money laundering and terrorism funding. However, there is a power for the Secretary of State to amend the schedule to include other offences.

Concerns

62. The Government states that the aim of these provisions is to (a) reduce the time taken to hear particularly lengthy and complex cases; and (b) remove the requirement for jurors to sit on trials that can last many months. However, the change is unnecessary, will not impact the backlog in any meaningful way and risks opening the door to the restriction of jury trials in other cases.
63. The Government's own Impact Assessment states the anticipated saving from these provisions is 200 Crown Court sittings days per year.⁵¹ This is a tiny fraction of Crown Court sitting days – around 0.18% of current capacity.⁵²
64. His Honour Geoffrey Rivlin KC collected data from Southwark Crown Court (the primary venue for complex financial crime trials) on the length of fraud cases over the six years 2018-2024. The data show the vast majority of fraud cases lasted less than three months,

⁵¹ Ministry of Justice, [Impact Assessment](#), p. 17

⁵² Sitting days this year are expected to be 113,000 (Rajeev Syal, '[David Lammy lifts cap on court sitting days in effort to cut backlog of cases](#)' *Guardian*, 24 February 2026)

with only one or two cases per year lasting over three months and only two cases in total that were over 6 months.⁵³

65. As His Honour Geoffrey Rivlin KC has argued, jury trials impose discipline to reduce the length of fraud trials. Without this incentive, judge alone trials may be as long or even longer than jury trials.⁵⁴ Further, in complex fraud, money laundering and terrorism funding cases, the length of time it will take the judge to write their reasoned judgement is likely to be significant.
66. Delays, collapses of fraud cases and miscarriages of justice are not caused by juries, as demonstrated by the recent case of R v Hayes.⁵⁵ In this case, the convictions of Tom Hayes and Carlo Palombo for LIBOR and EURIBOR manipulations were quashed – not because of issues with the jury but because of judicial misdirection.
67. The issues which juries decide in fraud trials are factual, not technical: in particular, whether the defendant was dishonest. This is assessed by reference to the standards of ordinary decent people.⁵⁶ Twelve 'ordinary' jurors are much better placed to decide this than a single judge alone.
68. We are particularly concerned with the unconstrained power provided to the Secretary of State to add offences to the list of those which may be heard without a jury. The Government has currently singled out fraud, money laundering and terrorism funding as "particularly lengthy and complex cases", however, we are concerned at the ease at which he will be able to add another class of long trials to the list. Terrorism, murder, rape and drug trials can last many months and be equally as complex as fraud cases. This is particularly the case for those involving multiple defendants and/or contested expert evidence – there is no reason why these would not be regarded by the Secretary of State as equally ripe for purported time savings and 'burdensome' on jurors.⁵⁷

Recommendations

69. For the reasons set out above, we urge MPs to support **amendment 4 and 8** tabled by Jess Brown-Fuller to leave out Clause 4 and Schedule 1 of the Bill.
70. In the alternative to leaving out Clause 4 and Schedule 1, we urge MPs to support the following amendments:
 - (a) **Amendment 51** in the name of Dr Kieran Mullan which prevents the Lord Chancellor adding further offences to the list in Schedule 1 by regulations.

⁵³ HH Geoffrey Rivlin KC, Juries and Judges - The Right to Choose & Current Proposals Red Lion Chambers, 11 December 2025.

⁵⁴ *Ibid.*

⁵⁵ [2025] UKSC 29.

⁵⁶ *Ivey v Genting Casinos UK Ltd (t/a Crockfords Club)* [2017] UKSC 67, [2018] AC 391

⁵⁷ HH Geoffrey Rivlin KC, Juries and Judges - The Right to Choose & Current Proposals Red Lion Chambers, 11 December 2025.

- (b) **Amendment 47** in the name of Dr Kieran Mullan and amendment 30 in the names of Yasmin Qureshi and John McDonnell which would add a right for defendants to appeal against the decision for a judge-only trial for lengthy and complex cases.
- (c) **Amendment 50** in the name of Dr Kieran Mullan which would prevent the court unilaterally overriding a reason to issue a revocation order so that a case allocated for judge-only trial under this section could be tried by jury.
- (d) **Amendment 61** in the name of Adnan Hussain which would restrict the use of judge-only trials to exceptional circumstances and require courts to give written reasons decisions to allocate such trials.

Retrospective effect

71. Clauses 3(2)-(4) and 4(6)-(8) confirm that the provisions relating to judge alone trials will **apply retrospectively**, to any trials beginning on a day specified by the Lord Chancellor which must be at least three months after Clause 3 is commenced.

Concerns

72. The retrospective application of the provisions curtailing jury trials is contrary to the rule of law. The House of Lords Constitution Committee's legislative standards state that retrospective legislation is unacceptable other than in very exceptional circumstances and must have the strongest possible justification.⁵⁸ Given that the curtailment of jury trials is going to have only a marginal effect at best on the court backlog, we cannot see how this retrospective application can be justified. It is deeply unfair for defendants who elected for trial in the Crown Court on the basis that it would mean a trial by jury, to subsequently have their cases tried by a judge alone, under a process that did not even exist at the time they made their election. Defendants who opted for a jury trial may have been incarcerated on remand waiting for their Crown Court jury trial. Had they known that this was never going to materialise they may well have opted for a magistrates trial and have already been released.
73. The reallocation of cases already in the Crown Court caseload to the Bench Division could result in challenges by way of judicial review. This would also require additional hearings and the preparation of representations for every affected case already in the backlog, creating further delays and placing unnecessary burdens on both defendants and the prosecution who are already under significant pressures.

Recommendations

74. Given the above concerns, we urge MPs to support **amendment 12** in the name of Jess Brown-Fuller and **amendment 43** in the name of Kieran Mullan which would prevent the provisions on trial on indictment without a jury applying retrospectively to cases where the defendant has elected trial by jury before these provisions become law.

⁵⁸ <https://committees.parliament.uk/publications/47701/documents/249210/default/> para 77 and 78.

75. Additionally, we urge MPs to support **amendment 49** in the name of Dr Kieran Mullen which prevents the provisions in Clause 4 coming into effect retrospectively.

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