



LEGAL DEPARTMENTS

Spending overall on the Legal Departments will rise by £600 million by 2005-06, compared with 2002-03, an average increase of 3.0 per cent per year in real terms. Reflecting the Government's priorities, funding to improve the Criminal Justice System (CJS) will grow annually at 5 per cent in real terms.

With other agencies of the Criminal Justice System, the Lord Chancellor's Department (LCD) and the Crown Prosecution Service (CPS) will improve the delivery of justice by:

- increasing the number of crimes for which an offender is brought to justice to 1.2 million by 2005-06, including a reduction in the proportion of ineffective trials;
- CPS and Crown and Magistrates' Courts linked into joined-up CJS IT; and
- stricter enforcement of court fines.

The Lord Chancellor's Departments will also:

- provide support for children in family courts;
- improve consumer choice by improving information to the citizen, and by promoting competition; and
- modernise the law in relation to housing.

Strategic objectives and key priorities for the Review period

11.1 The Lord Chancellor's Department aims to ensure effective and accessible justice; to protect the rights of citizens; and to modernise the law and the constitution. The Crown Prosecution Service aims to bring offenders to justice, and to promote public confidence in the rule of law, through independent review of criminal cases, and a fair and thorough presentation at court.

New Public Service Agreement

11.2 As part of the settlement, LCD and the CPS will have tough new Public Service Agreement (PSA) targets reflecting the Government's determination to improve the Criminal Justice System, and LCD will share with the Home Office a new target to speed up asylum applications and appeals.

Box 11.1: Key PSA targets

Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.2 million by 2005-06; with an improvement in all CJS areas, a greater increase in the worst performing areas and a reduction in the proportion of ineffective trials.

Improve the level of public confidence in the Criminal Justice system, including increasing that of ethnic minority communities and increasing year on year the satisfaction of victims and witnesses, whilst respecting the rights of defendants.

Focus the asylum system on those genuinely fleeing persecution by taking speedy, high quality decisions and reducing significantly unfounded asylum claims (*joint with the Home Office*), including by:

- first turnabout of manifestly unfounded cases;
- ensuring by 2004 that 75 per cent of substantive asylum applications are decided within 2 months; and that a proportion (to be determined) including final appeal, are decided within 6 months; and
- enforcing the immigration laws more effectively by removing a greater proportion of failed asylum-seekers.

KEY REFORMS WILL BE DELIVERED IN THE FOLLOWING AREAS

Improving the delivery of justice in the Criminal Courts

11.3 Working with the other agencies in the Criminal Justice System, LCD and the CPS will contribute to increasing the proportion and number of recorded crimes for which an offender is brought to justice by promoting the swift and efficient disposal of cases.

11.4 Progress has been achieved in reducing unnecessary delay, and the Government has delivered on its PSA target to halve from 142 to 71 days by March 2002 the time taken from arrest to sentence for persistent young offenders. There has been a significant shortening in the period between the arrest of a defendant and their first court appearance, and defendants now normally appear in court at the next available sitting.

11.5 Priority needs now to be given to ensuring the more effective disposal of cases, and reducing the proportion of cases that are unnecessarily discontinued. The Government wants to see pre-trial and trial processes which are more tightly managed, less wasteful and more responsive to the needs of victims, witnesses and the wider public.

CIVIL AND FAMILY JUSTICE

Just and timely resolution of civil disputes

11.6 Working with the Law Commission, the Government will ensure that the civil law is simple, fair and up-to-date. Where possible to avoid unnecessary legal disputes, alternative dispute resolution (ADR) processes such as arbitration and mediation are promoted, together with complaints and ombudsman schemes. All government departments and agencies will use ADR where appropriate and when the other party accepts it.

11.7 Recent reforms to civil justice have led to faster cases, more out-of-court settlements and fewer ill-founded claims. The Government will continue to promote a cost effective and integrated approach to civil justice, and to examine the scope for further reform. It will also seek to ensure that when people have a judgment made in their favour, that judgment is properly enforced. The performance of county court bailiffs on warrant enforcement has

improved steadily since 1998-99 and they now collect 84.6p in every £1 of correctly directed warrants.

Support for children

11.8 Where marriages or other relationships do not work, the Family Courts help deal with the consequences with the least damage possible, especially to children in the household.

LEGAL SERVICES

Improving consumer choice

11.9 The Government will improve consumer choice in legal services by improving the information available to the citizen.

11.10 New ways of delivering information on legal services are being developed such as the Just Ask! web site which aims to be the first port of call for people wishing to find legal information. The Government will promote further initiatives to ensure that people have readily available information and advice about the law and the legal system, including the quality of legal services, dispute resolution services and effective enforcement procedures. It will also build on progress made in interactive government internet services such as Money Claims On-line which allows people to make claims for up to £100,000 and if the case is undefended, apply for a judgement and warrant of execution. LCD are developing partnerships with agencies such as Citizens Advice Bureaux to help people who do not have access to IT.

11.11 The consumer will also benefit from initiatives to promote competition in legal services through the liberalisation of the domestic and international markets.

11.12 Domestically, the Government is keen to remove restrictions that are not in the public interest and welcomes moves by the legal profession to respond to issues raised by the Office of Fair Trading's report on competition in the market for professional services. The Government will also reduce regulatory barriers to international trade in legal Services by working through the General Agreement on Trade in Services (GATS) 2000. The objective remains to work with European Union partners to reduce barriers to cross-border trade, while maintaining the fundamental basis of the English common law of contract.

Private funding of legal services

11.13 Fundamental changes have been introduced to the funding regime for civil litigation. Most personal injury cases are no longer eligible for public funding; and success fees in conditional fee agreements (commonly called 'no-win, no-fee' agreements) and after the event insurance premiums are recoverable from a losing opponent. LCD is working with the market on more effective and accessible private legal services with more private funding through improved costs rules, the development of conditional fees agreements, litigation insurance and other market-led options for funding civil litigation. The market has responded well to the changes, delivering a diverse range of litigation funding products to meet the needs of most personal injury cases.

11.14 LCD will continue to work to make the new arrangements work better to provide more certainty and stability on litigation costs, to encourage the further development of innovative products to fund litigation.

Legal services funded by the state

11.15 State funded services have an important role in promoting social justice and tackling social exclusion. Legal aid – both criminal and civil – is now provided through contracts with quality assured providers by the Legal Services Commission which administers civil aid through the Community Legal Service (CLS) and criminal aid through the Criminal Defence Service (CDS).

11.16 The CLS has sought to improve access to justice by setting up partnerships between funders and providers of legal help and advice to deliver services that meet local needs and priorities. New ways are being developed to provide legal services, such as advice by telephone, and legal services which are becoming available in places such as libraries or doctors' surgeries.

11.17 The Criminal Defence Service (CDS) now provides legal advice and representation to those charged with a criminal offence. Through contracts, solicitors' firms provide defence services ranging from advice at the police station to representation at the magistrates' court. The Legal Services Commission is piloting a Public Defender Service (PDS) which will provide greater flexibility and choice in the delivery of criminal defence services.

ASYLUM APPEALS

Speeding up asylum appeals

11.18 LCD is working with the Home Office to deliver a more efficient asylum system. LCD is increasing its asylum processing capacity from 4,000 asylum cases per month to 6,000, and is setting up dedicated listing offices in major hearing centres to manage cases directly and to reduce unnecessary adjournments. The Nationality, Immigration and Asylum Bill makes provision for a more streamlined appeals process.

HOUSING LAW

Modernising the law in relation to housing

11.19 The Commonhold and Leasehold Bill will lay out a system of home ownership fit for the 21st century by introducing commonhold tenure. This will give people living in flats a way to own the freehold of their property without the disadvantages associated with long-term leases or 'flying freeholds'.

11.20 The Government is taking forward its commitment to electronic conveyancing. A legal framework will be created to allow a full electronic conveyancing system in which investigation of title will be almost entirely online and changes in ownership will happen on registration. The system will provide instantaneous electronic transfer of funds and show the participants how each element in a chain of transactions is progressing.

CONSTITUTIONAL ISSUES

Human rights, modernising the constitution and freedom of information

11.21 The Prime Minister has transferred new responsibilities to LCD, including the following, which the department will take forward:

- the Human Rights Act, which came fully into effect on 2 October 2000, to give further effect in the UK to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights;
- the Government's manifesto commitment to further reform of the House of Lords; and
- the Freedom of Information Act, passed in November 2000, which gives the public a right of access to the information held by public authorities. The Act which will be implemented across the public sector by January 2005 will affect more than 70,000 organisations, from government departments and local authorities to schools and health authorities.



Table 11.1: Key figures

	£ million			
	2002-03	2003-04	2004-05	2005-06
Lord Chancellor's Departments				
Legal aid (all resource)	1,748	1,819	1,874	1,929
Other resource budget	1,106	1,271	1,404	1,414
Capital budget	74	77	101	117
Total Departmental Expenditure Limit¹	2,855	3,082	3,293	3,373
Near-cash spending in LCD DEL ²	2,843	3,098	3,309	3,388
Law Officers' Departments				
Resource budget	470	497	523	543
Capital budget	10	6	14	16
Total Departmental Expenditure Limit¹	466	488	520	541
Near-cash spending in Law Officers' DEL ²	461	483	514	535

¹ Full resource budgeting basis, net of depreciation.

² Consistent with previous control basis.

