

CRIMINAL JUSTICE AND COURTS ACT 2015: OVERARCHING IMPACT ASSESSMENT

Title: Criminal Justice and Courts Act IA No: MoJ001/14 Lead department or agency: Ministry of Justice Other departments or agencies: Department of Health Department for Communities and Local Government Home Office		Impact Assessment (IA)		
		Date: 12/02/2015		
		Stage: Enactment		
		Source of intervention: Domestic		
		Type of measure: Primary legislation		
Summary: Intervention and Options		Contact for enquiries: general.queries@justice.gsi.gov.uk		
		RPC Opinion: NA		
Cost of Preferred (or more likely) Option				
Total Net Present Value Unknown	Business Net Present n/a	Net cost to business per year n/a	In scope of One-In, Two-No No	Measure qualifies as n/a
What is the problem under consideration? Why is government intervention necessary? Whilst there have been considerable improvements in the Criminal Justice System (CJS) in recent years, there is room for further reform. Re-offending rates remain high and there is an ongoing need to ensure offenders are properly punished and the public protected. Re-offending is particularly high for young offenders leaving custody. In addition, offenders do not currently bear the costs of their court cases, thus placing a burden on tax payers. The Government also believes that there are unnecessary delays in the judicial review system and too many unmeritorious cases. In addition to a risk that increased use of the internet could impact negatively on trial by jury and prevent fair trials. Further details can be found in individual impact assessments on why intervention is necessary.				
What are the policy objectives and the intended effects? <ul style="list-style-type: none"> • Deliver a firm but fair package of sentencing and criminal law reforms that properly punish serious and repeat offenders and better protect victims and the public. People who break the law will not escape the law. • Reduce the burden on hardworking taxpayers of funding the courts. • Put education at the heart of youth custody, giving young offenders the tools they need to turn their backs on crime. • Modernise the law on juries, the cornerstone of the Criminal Justice System. 				
What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) Option 1: Do nothing, retain the current position Option 2: Introduce the Criminal Justice and Courts Act Option 2 is the preferred option as the Government believes this will increase public protection, punish offenders and deliver a more efficient CJS in a way that represents value for money to the tax payer. It is not possible to provide a net present value for the entire Act as the full impact of the provisions will not be felt for up to 20 years and it is not possible to provide costs over such a long horizon. It has also not proved possible to fully quantify costs for all of the provisions. Any total figure provided would risk being highly misleading.				

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Will the policy be reviewed? It will be reviewed. If applicable, set review date: 3-5 years after implementation					
Does implementation go beyond minimum EU requirements?			NA		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro No	< 20 No	Small No	Medium No	Large No
What is the CO₂ equivalent change in greenhouse gas emissions?			Traded: NA	Non-traded: NA	

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.

Signed by the responsible Minister

Andrew Selous Andrew Selous **Date** 02/07/2015

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Summary: Analysis & Evidence

Policy Option 1

Description: Royal Assent of the CJC Act.

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: Unknown	High: Unknown	Best Estimate: Unknown
2013/14	2013/14	NA			

COSTS (£m)	Total Transition (Constant Price) Year	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Unknown	Unknown	Unknown
High	Unknown	Unknown	Unknown
Best Estimate			

Description and scale of key monetised costs by ‘main affected groups’

Monetised costs, where available, are detailed in individual impact assessments. The Act’s costs will mainly impact on the public sector - primarily the police, Crown Prosecution Service (CPS), Her Majesty’s Courts and Tribunal Services (HMCTS), the Legal Aid Agency (LAA) and the National Offender Management Service (NOMS).

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

A number of public bodies will be required to make administrative changes in relation to provisions in the Act, particularly HMCTS. These non-monetised costs are also detailed in individual impact assessments.

BENEFITS (£m)	Total Transition (Constant Price) Year	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Unknown	Unknown	Unknown
High	Unknown	Unknown	Unknown
Best Estimate			

Description and scale of key monetised benefits by ‘main affected groups’

Full details of the key monetised benefits are detailed in individual impact assessments. In particular, there will be benefits to HMCTS from removing high volume, summary only non-imprisonable cases from traditional magistrates’ courtrooms and from charging convicted offenders. These provisions will benefit taxpayers by offering better value for money. There will also be benefits to the youth secure estate with the introduction of Secure Colleges.

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

Full details of the key non-monetised benefits are detailed in individual impact assessments. The sentencing and youth provision have the potential to improve public protection and reduce re-offending rates within communities. The judicial review changes have the potential to result in quicker resolution of cases and reduced costs to litigants and HMCTS.

There is also the potential for reduced social costs associated with re-offending behaviour. This is because crime imposes costs on society; notably the physical, emotional and financial impact on victims.

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Key assumptions/sensitivities/risks	NA
The above monetised and non-monetised costs and benefits are based on the key assumptions outlined in the individual impact assessments which contain a breakdown of the risks and benefits in further detail.	

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of	Measure
Costs: NA	Benefits: NA	Net: NA	No	Zero net cost

Evidence Base (for summary sheets)

Problem under consideration

1. The Criminal Justice and Courts Act will make significant and wide ranging reforms to the justice system as well as targeted provisions to improve public protection and reduce re-offending. The judicial review, youth and juror provisions follow extensive public consultation, and the criminal justice reforms have been subject to detailed policy development, consulting key CJS partners where appropriate.
2. This overarching impact assessment has been developed to provide an overview of the main provisions of the Act. Individual impact assessments have been produced for the majority of the provisions in the Act and contain more detail on the costs and benefits of specific provisions. Some provisions (as indicated below) have little or minor impact and therefore, in line with standard practice, we have not published an impact assessment.

Rationale for intervention

3. Whilst there have been considerable improvements in the Criminal Justice System (CJS) in recent years, there is room for further reform. Re-offending rates remain high and there is an ongoing need to ensure offenders are properly punished and the public is protected. Re-offending is particularly high for young offenders leaving custody. In addition, offenders do not currently bear the costs of their court cases, thus placing a burden on tax payers. The Government also believes that there are unnecessary delays in the judicial review system and too many unmeritorious cases proceed further than they should, requiring too much court resource to arrive at a final determination. This can delay important projects and initiatives. The Government also believes there is a risk that increased use of the internet could impact negatively on trial by jury and prevent fair trials.

Policy objective

4. The aims of this Criminal Justice and Courts Act are to:
 - Deliver a firm but fair package of sentencing and criminal law reforms that properly punish serious and repeat offenders and better protect victims and the public, people who break the law will not escape the law. This will include provisions about the giving of cautions; sentencing and the release and recall of offenders; and the electronic monitoring of offenders released on licence. It will also contain a provision for the offence of possessing extreme pornography and will create a statutory offence of police corruption.

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- Reduce the burden on hardworking taxpayers of the courts by removing low-level 'regulatory' cases from traditional magistrates' courtrooms in certain circumstances; making provisions for the recovery of the costs of the criminal courts from offenders; providing for the circumstances in which the High Court and the Upper Tribunal may refuse relief in judicial review proceedings and funding and costs in relation to such proceedings.
- Put education at the heart of youth custody, giving young offenders the tools they need to turn their backs on crime. The Act will make provisions for the detention of young offenders, giving cautions and conditional cautions to youths and referral orders.
- Modernise the law on juries, the cornerstone of the CJS. The Government will clarify powers to tackle the influence of the internet on trials by jury to ensure that defendants receive a fair trial. We will also increase the upper age limit for jurors from 70 to 75 and so harness the knowledge and life experiences of a group of people who can offer significant benefits to the court process.

Description of options considered

Option 0: Do nothing

1. Under this option the CJC Act would not be introduced and current legislation would continue. This has been rejected as it would not address the objectives identified above.

Option 1: Introduction of CJC Act

2. The Act will achieve the above listed priorities through the following provisions. A full summary including costs, benefits and key assumptions for all of the policies can be found at table 1 below.

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PART 1

Sections 1 - 6

Changes to the framework for the sentencing and release of serious and dangerous sexual and violent offenders

1. These changes are intended to ensure that the most serious offenders, and all dangerous offenders serving an Extended Determinate Sentence (EDS), are subject to early release only at the discretion of the Parole Board. The addition of terrorism and offences that may be charged in serious terrorism cases to Schedule 15B of the Criminal Justice Act 2003, and the increase in some maximum penalties to life imprisonment is to reflect the seriousness of modern terrorist offending. Public confidence should be increased if the most serious offenders can only be released early after Parole Board assessment. Offenders should also be encouraged to take responsibility for their rehabilitation.
2. Key costs - We estimate that these proposals will result in a steady state increase in the prison population of around 1,200 places, from around 2035. It is not possible to estimate the prison costs at this point as we cannot be sure what the unit cost of a prison place will be by 2035. We estimate that there would be an increase of less than 10 prison places in the next Spending Round period (ending March 2016); and that there would be an increase of around 200 prison places by Spring 2020.
3. We estimate that these proposals would result in a steady state increase of around 1,300 Parole Board hearings per year, again by around 2035. We estimate that there would be an increase of less than 30 hearings per year in the next Spending Round period (ending March 2016); and that there would be an increase of around 300 hearings per year by Spring 2020.
4. Key benefits - We expect benefits to society and, in particular, victims of crime through the introduction of a new framework for the most serious offending, which ensures that offenders are not released early unless the Parole Board believes it is appropriate to do so; thereby enhancing public confidence in the criminal justice system. There is potential benefit to offenders in that discretionary release should encourage them to take responsibility for their rehabilitation.

Section 7

Electronic monitoring of whereabouts as a compulsory licence condition

5. This provision will deter offenders from re-offending following release from custody by introducing Electronic Location Monitoring (ELM) as a compulsory licence condition. It will also provide additional public and victim protection, by enabling known offenders to be monitored following their release from custody, and to enforce more robustly other licence conditions such as exclusion zones.
6. Key costs - It is not possible at this stage to provide the costs associated with ELM hardware and service provision, due to the ongoing process of procuring the equipment and associated services from private sector providers.

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7. Key benefits - The key benefits are the potential for a reduction in re-offending and an increased efficiency of law enforcement agencies (due to increased ability to detect crime).

Section 8

Introduction of Recall Adjudicators to review the recalled determinate sentence prisoners

8. These provisions give the Secretary of State the power to appoint "recall adjudicators" to review the detention of recalled determinate sentence prisoners. This function is currently performed by the Parole Board. These amendments remove the statutory requirements in the Criminal Justice Act 2003 ("2003 Act") for the Secretary of State to refer determinate sentence recalled prisoners to the Parole Board and replace references to the Board in that context with references to a "recall adjudicator". The Secretary of State would be able to appoint the Parole Board or any other person to be a recall adjudicator.

It has not been possible at this stage to quantify any of the expected costs or benefits (or cost savings) but this will be done once further details of the proposed new recall adjudicator model have been finalised.

9. Key costs –The main non-monetised costs include one-off costs associated with a recruitment campaign, training and for setting up the new process. There will also be potential on-going costs associated with the running of the new system, including payments to Recall Adjudicators. However we do not know the extent of savings relative to the base case as we do not currently know the exact features of the recall adjudicator model and the extent to which the new system will prove to be more efficient than the existing system. A further Impact Assessment will be published when the details of the new system have been finalised and before the provisions are implemented.
10. Key benefits – The main non-monetised benefits of the Recall Adjudicator process include benefits to the criminal justice system, including prisoners themselves, and society stemming from greater flexibility in the system to deal with determinate sentence recall prisoners, which may include efficiency savings from a more streamlined, timely and effective process. Benefits from the more timely treatment by the Parole Board of indeterminate prisoners whose hearings are currently being delayed in the base case. This ought to ease the pressure on the system (for example by tackling the growth in the Parole Board backlog) and reduce the demand on prison places than would have been the case otherwise.

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Sections 9 - 11

Introduction of a new statutory test for release after recall of determinate sentence prisoners

11. The new test is intended to deter offenders from repeatedly breaching their licence conditions, or wilfully refusing to submit to supervision, because they will know that if they do they face serving the remainder of their sentence in prison, rather than receiving short fixed term periods of recall. For those offenders who nevertheless continue to be persistently non-compliant, they can continue to be detained and will not be released by a Recall Adjudicator or the Secretary of State before the end of their sentence unless the adjudicator/Secretary of State is satisfied that they are not highly likely to continue to commit further breaches of their licence if they were to be released.
12. Key costs - It is estimated that this policy will have a steady state impact on an additional 75 offenders per year and require up to an additional 50 prison places at a cost of around £1.5m per annum from 2015/16.
13. Key benefits - This will increase the incentives on offenders to remain compliant with their licence conditions and will ensure that those who do not are returned to custody and are only released before the end of their sentence at the discretion of the Secretary of State or a Recall Adjudicator, if satisfied that they are not highly likely to commit further licence breaches if released.

Sections 12 – 13

New offence for offenders unlawfully at large (UAL) following recall and increase of maximum sentence for offenders who fail to return from release on temporary licence (ROTL)

14. The new offence is intended to deter offenders who remain unlawfully at large after recall from licence from failing to return to custody and ensure that those who deliberately seek to avoid serving the remainder of their sentence can be properly punished once they are returned to custody.
15. Increasing the maximum sentence for offenders who fail to return to custody from release on temporary licence (ROTL) is intended to further deter offenders from failing to return from release on ROTL as failure to return undermines the criminal justice system. The intention is to send a strong message that failure to return from ROTL is unacceptable and warrants a significant custodial sentence. This will also give sentencers greater discretion to impose longer sentences where offenders abuse the privilege of ROTL by failing to return.
16. Key costs - The creation of a new offence for 'being unlawfully at large following recall to custody' is likely to result in costs to HMCTS, Crown Prosecution Service and the Legal Aid Agency, as offenders will be prosecuted for this offence. Additionally, we expect the change to the Prisoners (Return to Custody) Act 1995 offence of 'failure to return while on temporary licence (ROTL)', increasing the maximum sentence from 6 months to 2 years, to lead to increased CJS costs as this offence will now be triable either way. Although the increase in NOMS costs is expected to be relatively small, overall steady state annual costs to the CJS are estimated to be around £200k from 2015/16. It is difficult to estimate the precise impact because of a number of variables which include the significant discretion to the judge sentencing the case and the fact that the impact will differ depending on the individual circumstances of each case – including sentence length.

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However, we expect the new offence and its maximum penalty of 2 years to have a punitive impact on some of those who commit the most serious UAL offences. We have not quantified additional NOMS costs generated by the increase in the maximum custodial sentence for the ROTL offence.

17. Key benefits - The new offence for being unlawfully at large following recall to custody will mean that offenders, if given a custodial sentence, will not be considered by the Recall Adjudicator for release from the original sentence until they have served the custodial period of the new sentence. This is most likely to significantly affect those who were already close to their sentence expiry date at the point that their licence was revoked as it is more likely that in those cases the new sentence will extend beyond the end of the recall period. In addition to greater sentencing powers to punish offenders UAL and those who fail to return from ROTL, there may be a deterrent effect which may result in a reduction of offenders remaining UAL and failing to return from ROTL.
18. The new offence will in addition create a punitive measure for offenders who remain UAL after recall from licence as currently 'being unlawfully at large following recall' is not a separate offence and offenders can only be required to serve the outstanding part of the original sentence in custody.

Section 14 - 15

Definition of "Requisite custodial period" and minor amendments and transitional cases

19. Clause 14 inserts within the interpretation provisions in the Criminal Justice Act 2003 the definition of what the "requisite custodial period" is for different types of sentence. It makes no substantive changes – it simply tidies and clarifies the legislation by bringing the definitions into one place – and therefore has no costs or savings attached.
20. Clause 15 makes minor consequential amendments and provision to deal with transitional cases stemming from the changes made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. These are minor and technical changes which also have no significant impact or associated costs or savings.

Section 16

Drug testing in Prison

21. This provision expands the range of drugs that prisoners can be tested for under the existing Mandatory Drug Testing (MDT) programme. Currently under section 16A of the Prison Act 1952 prisoners can only be tested for drugs that are controlled under the Misuse of Drugs Act 1971 ("the 1971 Act"). This clause permits the Secretary of State to specify in prison rules and rules for other places of detention, non-controlled drugs which can be tested for under the existing MDT programme.
22. MDT aims to measure the extent to which prisoners misuse drugs, deter prisoners from misusing drugs through punishing those that test positive under the prison discipline system, and to identify those prisoners that may benefit from drug treatment through referring prisoners who test positive to drug treatment providers. MDT can only meet those aims if it tests prisoners for the drugs they most commonly misuse.

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23. Key costs -The clause itself will impose no financial obligations on the public sector. It will make it possible for the Secretary of State to broaden the range of drugs that prisoners can be tested for but not require him to do so. Even where the Secretary of State specifies a particular non-controlled drug that could be tested for, that will not require prisons to then test for it; it will simply enable them to do so should they wish.
24. Key benefits -There has been a recent rise in the extent to which prisoners are misusing drugs which are not controlled under the Misuse of Drugs Act 1971 Act, such as prescription medicines and new psychoactive substances. As some prescription medicines and new psychoactive substances are not controlled they currently cannot be tested for under MDT and MDT is therefore not meeting its aims to the greatest possible extent. The provision will allow the Secretary of State to extend MDT to include these new substances and therefore increase its efficacy.

This provision has a relatively minor impact and therefore a full Impact Assessment is not deemed necessary.

Section 17 – 18

Restriction of the use of simple cautions

25. These provisions are intended to prevent the use of simple cautions for indictable only and certain serious triable either way offences specified in secondary legislation (e.g. possession of an offensive weapon, child prostitution and pornography or procuring or supplying Class A drugs), apart from in exceptional circumstances and where a senior police officer, as well as the CPS for the indictable only cases, has agreed that a simple caution can be administered. The provisions also prevent the use of simple cautions where offenders have received a conviction or caution for a similar either way or summary offence in the last two years, again, unless there are exceptional circumstances. The policy will not apply in relation to conditional cautions, youth cautions or youth conditional cautions.
26. Key costs - It is not possible to estimate the exact financial impact of this policy due to the considerable uncertainty around potential decisions of the police and CPS. However, we do not expect the overall costs to exceed £10m per year¹ from 2015/16.
27. Key benefits - The proposals to restrict the use of cautions are intended to ensure that the public have a greater level of confidence in cautions; that the police have a clear understanding of the offences for which they should not be used; and that Police and Crime Commissioners can better hold their forces to account for the use of cautions.

Section 19

Alternatives to prosecution: rehabilitation of offenders in Scotland

28. This clause amends Schedule 3 to the Rehabilitation of Offenders Act 1974 to enable the Scottish Ministers to exercise the powers in paragraph 6 of Schedule 3 and section 7(4) as applied by paragraph 8 of Schedule 3 to that Act in respect to both devolved and reserved subject matters.

¹ 2013/14 prices

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29. Key costs - The clause itself will impose no financial obligations on the public sector, private sector or civil society organisations and will not impose or reduce costs. It will allow the Scottish Ministers to exercise these powers but does not require them to.
30. Key benefits – The clause will allow the Scottish Ministers to set out exclusions, modifications and exceptions to the general rules in the 1974 Act concerning spent alternatives to prosecution, in the same way they currently do in relation to convictions. It will also allow the Scottish Government to roll out its full package of reforms, including commencement of sections 187 and 188 of the Children’s Hearings (Scotland) Act 2011. These reforms are intended to ensure that (a) where a child has committed a serious offence and may potentially offend again and be a danger to others, information is disclosed to those who need to be aware of it; and (b) children who have committed less serious offences have the opportunity to turn their lives around and not carry a criminal record.

This provision has a relatively minor impact and therefore a full Impact Assessment is not deemed necessary.

Sections 20 – 25

New criminal offence(s) of ill-treatment or wilful neglect

31. At present, there is a gap in the statutory legislative framework relating to the offence of ill-treatment or wilful neglect of users of health or adult social care services. That offence currently exists only where a person lacks capacity under the Mental Capacity Act 2005, or is subject to the Mental Health Act 1983 and in relation to children in certain circumstances. These new statutory offences will ensure this ‘gap’ in the legislation is closed by ensuring cover for all relevant individuals, and providing consistency of approach in relation to ill-treatment and wilful neglect.
32. Key costs - With the Mental Capacity Act 2005 as a proxy, we estimate that in steady state there may be up to 240 cases a year under the proposed new offences, with an average total CJS cost estimate of £2.3m pa from 2018/19. There will also be police costs associated with investigations, however it has not been possible to quantify these costs.
33. Key benefits - The new offences will benefit individuals in receipt of health and adult social care services by ensuring they are equally protected from ill-treatment or wilful neglect. It will also ensure that those responsible for the worst failures in care can be held accountable. The associated sanctions may also act as a deterrent, reducing the number of incidents and leading to improved safety and quality of services for all. However it has not been possible to quantify these benefits.

Section 26

Police Corruption

34. In order that police officers can discharge their duties effectively, it is vital that the public have confidence that the police will act honestly and in the public interest. Where officers fail to do so, they must be investigated and punished appropriately for any wrongdoing. The well-established police disciplinary system deals with minor wrongdoing but, in the most serious cases, including cases of corruption, only a criminal sanction can deliver the appropriate punishment.

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35. The Act introduces a new offence, which can be tried only on indictment, carrying a 14-year maximum prison sentence, aimed at addressing the corrupt use of the powers and privileges of police officers, for which only a criminal penalty is appropriate. It will also cover cases where an officer fails to act for corrupt reasons (e.g. where he knows that a suspect did not commit a particular crime but conceals that knowledge because of a corrupt relationship with the person who did commit the offence) or where an officer threatens to act, or not to act, for corrupt reasons.
36. Key costs - It is anticipated that this policy may lead to additional prosecutions with associated costs. The potential size of this increase is not known but it is not currently anticipated that there will be a significant number of additional prosecutions as a result of this provision.
37. Key benefits -The new offence may have a possible deterrent effect on police officers as the offence is more clearly linked to them and this may in turn lead to fewer incidences of police corruption. In addition, the new offence may increase public trust in the police as it is clearer that police corruption is being directly addressed.

Section 27

Extending the starting point for the murder of a police or prison officer to a whole life order

38. This provision will increase the starting point for determining the minimum term for a life sentence for the murder of a police or prison officer in the course of their duty, from 30 years to a whole life order. This will apply where the offender is 21 or over at the time of the offence. The increase will not necessarily mean that all cases will result in a whole life order as the courts must still take into account all the circumstances of the case. This provision reflects the grave seriousness of these offences.
39. Key costs - Anticipated costs are small. Whilst we do not routinely collect data on the victims of homicide there are only a very small number of relevant offences – on average less than one per year. They currently attract long minimum terms and many are likely to be greater than the 30 year starting point.
40. Any additional prison places would start to accrue only after around 30 years and would reach a steady state when the death rate of such prisoners balances inflow. There may be some offsetting of costs, as these offenders would otherwise have been subject to licence conditions for life following release from custody.
41. Key benefits - This policy sends a clear message that the murder of a police or prison officer in the course of their duty is among the most serious offences and that offenders will face the most severe sentence available.

This provision has a relatively minor impact and therefore a full Impact Assessment is not deemed necessary.

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Section 28

Minimum sentence for repeat offences involving offensive weapons etc

42. This clause was introduced by back bench amendment and accepted by Parliament. It was not developed as Government policy. If commenced, this provision would introduce a minimum custodial sentence of 6 months imprisonment for adults and a 4 month Detention and Training Order for 16 and 17 year olds where an offender has been convicted for the possession of a knife or an offensive weapon and has one or more previous convictions for the same offences or for threatening with a knife or an offensive weapon in a public place or school.
43. Key costs: If implemented this provision would have an impact on the prison population and other parts of the criminal justice system. The precise impact over time would depend on the number of repeat offenders appearing before the courts and sentence behaviour. A full standalone impact assessment will be published separately.
44. Key benefits: Tougher sentencing for knife possession may increase public confidence in the justice system.

Sections 29

Causing death or serious injury by driving when disqualified

45. This provision amends the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988 to create a separate offence of causing death by disqualified driving (increasing the penalty from two to 10 years' imprisonment) and to create a specific new provision criminalising disqualified drivers who cause serious injury (with a maximum penalty of four years' imprisonment).
46. Key costs - Overall we estimate increased steady state annual costs to the CJS to be in the region of £250,000 from 2018/19. The main impact on the criminal justice system will arise as a result of convicted offenders receiving longer sentences.
47. Key benefits - There may be a deterrent effect if disqualified drivers are deterred from flouting their driving bans. In addition, longer prison sentences could mean British roads are safer because there are fewer disqualified drivers driving on them.

Section 30

Extension of disqualification where custodial sentence also imposed

48. Section 30 of the Act amends section 35A of the Road Traffic Offenders Act 1988 and section 147A of the Powers of Criminal Courts (Sentencing) Act which require a court, when sentencing an offender to immediate custody and imposing a driving ban, to extend the driving ban to take account of the period the offender will spend in custody. The provisions were inserted by the Coroners and Justice Act 2009 Act and were designed to avoid a driving ban expiring, or being significantly diminished, during the period the offender is in custody.

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49. The impact of the 2009 Act provisions were assessed by the then Government during the passage of that legislation. In short, that assessment concluded there would be a minimal impact on correctional services from the implementation of the provisions because the practice of extended driving disqualifications was already occurring and these provisions were designed to put that existing practice on a statutory footing. The minimal impact would be caused by the possibility of a small number of offenders being convicted of the offence of driving whilst disqualified, who would not otherwise have been convicted of the offence, but for being subject to a longer driving ban. The provisions in this Act do not substantially alter the duty on courts to extend a driving ban; instead they make some technical changes to the process that applies only in England and Wales for calculating the appropriate length of driving ban where an offender has been remanded in custody. As a result the Act's provisions do not change to any significant degree the already limited impact of the original 2009 Act provisions.

Section 31

Mutual Recognition of driving disqualification in UK and Republic of Ireland

50. Between 28 January 2010 and 1 December 2014 driving disqualifications imposed on UK and Republic of Ireland (RoI) residents were mutually recognised under the European Convention on Driving Disqualifications 1998 (the Convention). The Convention ensured that residents of the UK and RoI who were disqualified from driving in the state in which they were not resident had their disqualification recognised in their home state. The UK and the Republic of Ireland were the only signatories to the Convention, which was incorporated into UK law in the Crime (International Co-operation) Act 2003 (CICA). Following the UK's opt-out of Article 10(4) of Protocol 36 to the Treaties, acts of the Union in the field of police cooperation and judicial cooperation in criminal matters which had been adopted before the entry into force of the Treaty of Lisbon ceased to apply to the UK on 1st December 2014. The Convention is one of these acts so mutual recognition of driving disqualifications with the RoI ceased to apply from 1 December 2014, until another mechanism is in place. The changes to CICA will implement the proposed new bilateral treaty which contains similar arrangements for the mutual recognition of driving disqualifications as those under the Convention.
51. Key Costs - There is no change in policy. The new arrangements will be almost identical to those under the Convention.
52. Key Benefits – Once the bilateral agreement is ratified and mutual recognition of driving disqualifications re-commences then dangerous drivers will be banned from driving so providing a road safety benefit. We have taken the opportunity to close a loophole created by the wording of the Convention where driving bans are upheld within the state of “normal residence” of the driver. The loophole exists, for example, where an Irish driver disqualified from driving whilst in Great Britain could claim residence dishonestly in the UK so the Irish Road Safety Authority would not be notified by the DVLA that the driver is disqualified and the ban would not be upheld when the driver returns. The same exists for UK drivers disqualified in Ireland who claim residence there falsely. This amendment will only catch those who should have been caught in any case. No-one who is not presently in conflict with the law will be brought into scope, except those who were dishonestly claiming residency in the other country to avoid penalty. We are also updating the list of Northern Irish offences which are mutually recognised with RoI to bring these into line with those Great Britain mutually recognises with RoI. The small number of additional Northern

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Irish offences have minimal costs (and not usually to business) and these were costed for in the Impact Assessment when mutual recognition arrangements with the Rol were originally introduced as there was no intention to mutually recognise disqualifications for different offences in Northern Ireland than in Great Britain.

Section 32

Malicious Communication: Making the offence in section 1 of the Malicious Communications Act 1988 a triable either-way offence

53. This provision amends section 1 of the Malicious Communications Act 1988 to make the offence of sending certain articles with intent to cause distress or anxiety an 'either-way offence', and increases the maximum penalty to two years imprisonment, or an unlimited fine, or both. The offence in section 1 is currently summary only. This means that: prosecutions can only be brought in the magistrates' courts; the maximum penalty for the offence is currently a fine of up to £5,000, or a custodial sentence of up to six months (or both); and that prosecutions for the offence must be brought within six months from the time it was committed. Making the offence either way would remove the six-month time limit and provide for a higher maximum penalty.
54. Key costs - Overall we estimate increased steady state annual costs to the CJS of up to around £1.5m from 2015/16. This includes an approximate £0.5m in additional costs to NOMS (including around 11 extra prison places) per annum and £1m to the wider CJS (including the CPS, HMCTS and LAA).
55. Key benefits - The key benefit of the proposed changes to section 1 is better protection for those at risk of becoming victims of a section 1 offence, including vulnerable young people. Making this into an either-way offence under section 1 would allow more time for prosecutions to be brought and provide for a higher maximum penalty (of up to two years imprisonment). The increase to the maximum penalty may have a deterrent effect, which could in turn protect the public.

Sections 33 - 35

Disclosing private sexual photographs and films with intent to cause distress

56. This provision creates a new criminal offence prohibiting the disclosure, (including publishing, giving or sharing online and offline) of private sexual photographs. It is a response to calls from campaigners, victims and Parliamentarians specifically to criminalise the online posting or sharing of material that has come to be known as "revenge pornography". The offence will be triable either way and will carry a two year maximum prison sentence.

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57. Key costs – The number of additional prosecutions under a stand alone offence for revenge porn is highly uncertain, and it has not been possible to form a robust estimate. However, based on liaisons with the police and the CPS and other informal data gathering exercises, we do not expect there to be a significant number of prosecutions. There are various reasons for this, for example: We do not expect this offence to be actively detected by the police. Instead we anticipate most cases to be reported by victims, many of whom are likely to want to images to be removed, rather than to pursue a prosecution. Many of the more serious instances of revenge pornography can be prosecuted under existing legislation (for example, laws on harassment, or malicious communications). Therefore some cases may be displaced prosecutions from existing offences and will not impose additional costs on the CJS. Whilst revenge porn has a significant personal impact we do not believe the behaviour to be widespread at present
58. Evidence also suggests that the cost to the CJS per additional prosecution will be minimal. Using data from the proxy offence of publication of obscene materials, we estimate that each additional prosecution under the new offence would cost the Criminal Justice System up to £6,000 (in 2013/14 prices, rounded to the nearest £1000). This includes costs to the CPS, HMCTS, LAA and NOMS. We also expect the impact on the prison population to be minimal; as an indication, if there were 10 prosecutions per year, there would be around 3 additional prison places occupied. We therefore expect the overall resource burden of the new offence will be minimal.
59. Key benefits – This amendment, although it applies both online and offline, reflects the government’s ongoing commitment to protecting people from bullying, exploitation and harassment on the internet. Whilst there exists a range of offences that in some circumstances can address the more serious instances of “revenge pornography”, we believe there will be some benefits to having a specific offence, so that there can be no doubt that this behaviour is criminal. This new offence will ensure the justice system is fully equipped to deal with this deeply distressing behaviour.

This provision has a relatively minor impact and therefore a full Impact Assessment is not deemed necessary.

Section 36

Amending Section 15 of the 2003 Sexual Offences Act (The “Grooming Offence”)

60. This provision amends the sexual grooming offences in section 15 of the Sexual Offences Act 2003 so that the number of required preliminary meetings or communications between a defendant and a child is reduced from two to one. The penalties for the offences and method of trial will remain the same.
61. Key costs – Based on advice from the CPS we expect the number of additional prosecutions will be minimal and therefore the total costs minimal. We estimate that each additional case would cost the CJS £35k (including costs to the CPS, HMCTS, LAA and NOMS).

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62. Key benefits – This amendment reflects the government’s ongoing commitment to protecting children from sexual abuse and exploitation. It may also reduce the resource burden on the Police and the CPS by potentially reducing their evidential burden in these cases (i.e. because they would only have to prove on initial contact between a defendant and a child rather than two at present). This amendment may also help to protect potential victims of grooming by enabling the prosecution of individuals who would currently be outside the scope of the offence.

This provision has a relatively minor impact and therefore a full Impact Assessment is not deemed necessary.

Section 37

Extension to the extreme pornography possession offence at section 63 Criminal Justice & Immigration Act 2008

63. This provision will criminalise the possession of extreme pornographic images depicting rape and/or non-consensual penetrative sexual conduct through an extension to the existing criminal offence at section 63 of the Criminal Justice and Immigration Act 2008. This prohibited conduct will be subject to a 3 year maximum prison sentence.
64. Key costs - It is difficult to estimate the number of cases that will be impacted however the estimated cost per case is up to around £9,000. Each additional case is estimated to cost the Crown Prosecution Service approximately between £800 and £2,300 and Her Majesty’s Courts and Tribunal Service £900. Costs to the Legal Aid Agency, Prisons and Probation Service have been estimated at approximately £2,700, £1,400 and £1,700 per case respectively.
65. Key benefits - The amendment reflects the Government’s commitment to reducing violence against women and aims to help address the concern that these images promote the sexual abuse of women. It will send out a clear message that extreme pornographic depictions of non-consensual sexual penetration are unacceptable and that the Government is committed to protecting women from violence. The extension of the offence would also bring it in line with existing provisions in Scotland.

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PART 2

Sections 38 - 39

Detention of Young Offenders – Secure Colleges

66. This provision will enable the development of a new type of youth custodial provision, called Secure Colleges. These Secure Colleges will put education at the heart of detention, raise educational engagement and attainment in youth custody, contribute to reducing the high levels of re-offending of young people leaving custody, and reduce the overall cost of youth custody.
67. Key costs - We have not provided monetised estimates of costs and benefits as doing so would prejudice the effectiveness of a competition for the delivery of services. We estimate that a Secure College will achieve an operating cost significantly lower than the current average cost of a place in youth custody and will allow us to withdraw from more expensive and inefficient existing custodial provision.
68. Key benefits - Should these reforms lead to reductions in re-offending of those young people held in custody, this has the potential to reduce the costs to Youth Offending Teams (YOTs) and probation services, to reduce the future demand for youth custody and therefore the cost of providing youth custody, to reduce court backlogs and to allow for savings to legal aid provision. In addition, the resultant reduction in crimes committed would lead to reduction in the harm caused to society from offending. There is also some evidence that improved education in custody is associated with increased earnings in the future for certain groups, and increased employability. Any improvements in employability of those released from custody would lead to significant wider economic benefits.

Section 40

Powers of the Youth Justice Board in relation to provision of accommodation

69. This provision amends section 41(5) of the Crime and Disorder Act 1998 (which sets out powers of the Youth Justice Board for England and Wales ('the YJB')), to provide that the YJB may enter into agreements for the provision of accommodation in relation to young offenders of specific types of sentence. Accommodation is already being provided for young people on the specified sentences so there will be no impact on resources, and therefore no assessment has been undertaken. The provision simply ensures that the YJB's powers to arrange accommodation cover all relevant sentence types.

Sections 41

Changes to Youth Caution and Youth Conditional Caution to extend appropriate adult to 17 year olds

70. We are amending the Crime and Disorder Act 1998 to ensure that 17 year olds are treated in the same way as those under 17 years of age when given a Youth Caution or a Youth Conditional Caution by the police as an alternative to charging and prosecuting a child. Under current primary legislation there is no requirement for an "appropriate adult" to be present in the case of a 17 year old, although there is such a requirement for those aged 10 to 16.

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71. This amendment reflects recent changes to police practice recently brought into effect by the Home Office and is therefore unlikely to have an impact on resources. In response to the judgment *HC vs. (1) Secretary of State for the Home Department and (2) Commissioner of Police for the Metropolis* [2013] EWHC 982 (Admin), in October 2013 the Home Office amended the relevant Codes of Practice to the Police and Criminal Evidence (PACE) Act 1984 so that 17 year olds are afforded the same access to appropriate adults as 10-16 year olds when dealt with by the police.
72. This legislative measure therefore merely formalises a change in practice that has already been instituted by the Home Office and Association of Chief Police Officers following the judgment and will not have any new impact.

Sections 42

Duties of custody officer after charge: arrested juveniles

73. Certain provisions of the Police and Criminal Evidence Act 1984 (PACE) treat 17 year olds as adults and as such they are typically detained in police custody when charged and denied bail whereas children aged 10-16 in these circumstances are not. This is inconsistent with 17 year olds being regarded as children for the purposes of the Children Act 2004, for the majority of other primary legislation and under the United Nations Convention on the Rights of the Child (UNCRC). The treatment of this age group in detention goes against the Government's commitment to treat children and young adults fairly and appropriately in police custody.
74. The intention of this measure is to provide detention accommodation which constitutes fair and appropriate treatment in line with 17 year olds' status as children. This will move PACE closer to other legislative provisions, creating consistency with regards to the treatment of 17 year olds whilst honouring the Government's commitment to treat children and young people fairly and appropriately in police custody.
75. Key costs – The estimated annual cost of local authority accommodation for 17 year olds following charge is £2.47 million per annum. Over 10 years, this represents a total cost of £21.26 million in present values. The estimated annual cost of transfers is £1.18 million which, over ten years, represents a total cost of £10.16 million in present values. Overall, the best estimate of the net effect of this policy is a cost of £31.42 million over ten years in present values. The average annual cost is £3.65 million.
76. Key benefits – This policy is designed to ensure 17 year olds are treated appropriately by transferring them to overnight accommodation in local authority care instead of them remaining in police custody. Affected 17 year olds are likely to receive non pecuniary benefits including improved mental well-being and general welfare by being detained in an appropriate facility which is reflective of their status as children. There will also be benefits in terms of greater consistency with other legislation concerning 17 year olds and an increase in police cell capacity.

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Sections 43 -45

Youth Referral Orders

77. The youth referral order provisions are consequential changes to the Legal Aid, Sentencing and Punishment of Offenders Act that removed the restriction on repeated use of the referral order. This aligns with our policy of promoting use of the referral order, and the youth offender panel to whom an offender is referred, to deliver increased levels of restorative justice. To this end the Youth Justice Board (YJB) have provided funding to YOTs to train youth offender panel volunteers as restorative justice conference facilitators. The provisions in the CJC Act make amendments to the existing legislation applying to where the offender breaches a referral order contract or is dealt with for further offences to remove the requirement to revoke the referral order and allow the court the discretion to allow it to continue. This is aimed at ensuring the continuation of a restorative justice approach within the framework of the referral order to enable the victim to complete the process.
78. As such there is no expectation of increased costs. If anything it may reduce costs as the alternative to continuing an existing referral order is revocation and resentencing to the higher level youth rehabilitation order.

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PART 3

Sections 46 – 50

Trial by single justice on the papers

79. The Government intends to reform the process for hearing 'regulatory cases' to simplify it in certain circumstances; ensure it is proportionate to the seriousness of the offending and the consequences for the offender; and focus traditional magistrates' courtrooms on those cases, such as public disorder, shoplifting and antisocial behaviour, which have the biggest impact on local communities.
80. Key costs - Total costs are currently estimated to lie in the range of £3 – 14 million over 10 years in present value terms (equivalent to £1.7m per annum from 2016/17). This is split between transition costs and ongoing costs.
81. Key benefits - Principal monetised annual benefits are based on the potential for increased efficiency as a result of reduced bureaucracy associated with removal of unnecessary statutory processes steps in relation to these cases. The total benefits are currently estimated to lie in the range of £49 – 67 million over 10 years in present value terms (equivalent to £11.6m per annum from 2016/17).

Section 51

Amendment to section 127 of the 2003 Communications Act: extending the time limit for bringing prosecutions

82. This amendment extends the time limit for commencing prosecutions for the offences under section 127 of the Communications Act 2003 (improper use of public electronic communications network) from six months of the offence being committed to three years of the offence being committed if this is also within six months of the day on which sufficient evidence comes to the knowledge of the prosecutor to justify proceedings. The offence will remain a summary only offence with a maximum penalty of six months imprisonment and/or a fine of up to £5,000.
83. Key costs: CPS experience suggests that there could be upto 70 additional prosecutions per year. Overall we estimate increased yearly costs across the CJS of approximately £130,000 (including costs to the CPS, HMCTS, LAA and NOMS). This includes around 1 additional prison place per year (given that we estimate that around 11% of defendants will be sentenced to immediate custody, and that they will serve, on average, around 1 month in prison). There could be additional costs to the police from more investigations, but we don't have an estimate of the number of additional investigations nor the average time/resource taken to conduct an investigation. However as with the CJS costs, these are expected to be small.
84. Key benefits: The key benefit is better protection for those at risk of becoming victims of a section 127 offence, including vulnerable young people. Allowing more time for prosecutions to be brought will enable a greater number of prosecutions.

This provision has a relatively minor impact and therefore a full Impact Assessment is not deemed necessary.

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Section 52

Low value shoplifting: mode of trial

85. This provision merely clarifies the law, and so no impact is expected. No impact assessment has therefore been prepared.

Section 53

Power to commit a young offender to the Crown Court for sentence on summary conviction

86. This provision closes a gap in the powers of magistrates' courts by enabling them, on convicting a person under 18 of an offence, to commit him or her to the Crown Court for sentence in any case where the court is of the opinion that a Crown Court sentence is required, and not (as now) only where the defendant pleaded guilty at the outset or satisfies the criteria for an extended sentence.

87. Key costs - Although longer sentences – which would cost more – would be the likely result in cases where the new committal power is used, this provision will only be relevant in a limited number of cases.

88. Key benefits - The objective of the provision is to remove a possible disincentive to magistrates' courts accepting jurisdiction in cases involving serious offences. This will mean that some cases that are now tried in the Crown Court will be tried in youth courts instead, which is both more appropriate and less expensive.

These provisions have a relatively minor impact and therefore full Impact Assessments are not deemed necessary.

Sections 54- 56

Criminal Courts Charging

89. The Government is looking at new ways to fund the Criminal Justice System and reduce the burden on the taxpayer in England and Wales. This provision will ensure that adults who break the law and are dealt with by a criminal court contribute towards its costs. The criminal courts charge will be collected after other existing financial impositions have been paid (that is, compensation, the Victim Surcharge, prosecution costs and fines). The provisions also enable fines officers to vary repayment rates after the point of default and increase an offender's payment rate, at any time, with the consent of the offender.

90. Key costs - approximately £0.7m will be required in 2014/15 to be spent on implementation. A further £0.1m will be required for implementation in 2015/16. Once the CCC comes into force, there are no current plans to provide additional enforcement resource. The operational expectation is that the CCC will not have a substantial impact on the volume of cases to be enforced, as virtually all offenders will already be paying the Victim Surcharge at the very least.

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91. It is anticipated that any additional workload will be absorbed by existing staff and therefore there will be no additional financial cost associated with enforcing the CCC. There will be an economic cost associated with undertaking this work, as other work will be displaced. Because of the limited information available on costs and drivers of workload in enforcement we are unable to estimate the extent of the additional workload and the displacement. However, as the current cost of enforcement is approximately £50m per year and no additional resources will be made available to enforce the CCC, we know that the economic cost of enforcing the CCC must be up to £50m per year.
92. Additionally, it is anticipated that offenders who willfully refuse or culpably neglect to pay the charge where they have the means to do so would face the sanction of committal to prison. This may lead to costs for HMPS/NOMS in terms of accommodating the offenders. However, as this sanction will be only used as a last course of action after all other means of pursuing payment have been exhausted, it is not expected that this cost will be substantial. The IA estimates that the potential increase in prison occupancy resulting from this sanction could lead to a cost of around £5m per annum in steady state (although actual costs depend on capacity).
93. Key benefits - The potential cash inflows that could be realised from the imposition of a charge were estimated at £95m from 2019/20.

Section 57

Dismissal of personal injury claims involving fundamental dishonesty

94. This provision aims to discourage fundamentally dishonest claims and ensure that compensation is only awarded in cases of genuine and reasonable claims. It introduces a provision to require the court to dismiss in its entirety any claim where it is satisfied that the claimant has been fundamentally dishonest, unless it would cause substantial injustice to the claimant to do so. It is anticipated that the main effect of the reform will be the wider behavioural impact of discouraging claimants from making exaggerated claims.
95. Key costs - Claimants who are fundamentally dishonest will be unable to gain any compensation for the genuine part of their claim as a result of these claims being dismissed entirely. Claimants may receive less compensation if they exaggerate claims less in future. No win no fee claimant lawyers may receive less success fee income as a consequence of reduced compensation for claimants. The Department for Work and Pensions and the Department of Health will be unable to recover benefit payments or health costs in relation to the genuine part of the claim from the defendant through the Compensation Recovery Unit, although the option will remain of pursuing the claimant for the money under fraud procedures if appropriate.
96. Key benefits - Defendants (insurers and the NHS) will benefit from paying reduced compensation in relation to fundamentally dishonest claims that are dismissed entirely. Defendants (insurers and the NHS) may benefit from paying reduced compensation if claimants exaggerate less in future. If reduced costs incurred by defendant insurers are passed on via lower insurance premiums then policy holders would benefit (including businesses, local authorities and motorists).

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Sections 58 - 61

Prohibit the offering of inducements or similar rewards as an encouragement to make a personal injury compensation claim

97. This provision aims to ban personal injury claimant lawyers from offering financial inducements or similar rewards to claimants in return for making a personal injury claim. The offering of inducements encourages an additional volume of weaker claims which would not otherwise be made, ultimately increasing costs for motor insurers and hence leading to higher motor insurance premiums than otherwise. Many inducements which appear to be offered do not materialise in practice, thereby misleading claimants. The Government seeks to ban claimant lawyers from offering inducements or similar rewards, either directly or through a third party. It is anticipated that the main effects of the reform are to reduce the volume of weaker claims and to protect claimants from inducement advertising which is misleading.
98. Key costs - Claimants may lose around £160,000 in lost inducement gifts and cash flow advances. Claimants no longer receive around £20m in compensation in relation to weaker cases which are no longer pursued in future (net of success fees they pay to their lawyers). Claimant lawyers engaged in inducement advertising incur around £125,000 transitional costs from changing their advertisements. Claimant lawyers in aggregate receive around £10m less income as a result of fewer weaker claims being pursued (this includes £5m less from defendant insurers and £5m less from claimant success fees). Individual claimant lawyers would lose £8m income to other claimant lawyers if claimants change provider as a result of the reforms. The claimant lawyer sector may incur business adjustment costs.
99. Key benefits - Claimants gain from no longer being misled by inducement advertising. Claimants may benefit if they select a claimant lawyer more suitable to them and to their claim in future. Claimant lawyers which fund inducements via excess profits would retain those excess profits in future in relation to cases still brought via them. These retained excess profits amount to £16,000 in aggregate. Some claimant lawyers would gain £8m in additional business if claimants change provider as a result of the reforms. The reputation of the claimant lawyer profession may benefit if the reforms in effect prevent some lawyers from misleading consumers. Defendant insurers save £25m from no longer paying compensation and £5m no longer covering claimant lawyer costs in relation to weaker claims which are not pursued in future. Wider economic benefits from resources no longer used to settle personal injury claims being allocated to other activities which generate economic welfare. Wider economic benefits from reduced upward pressure on insurance premiums.

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Sections 62

Appeals from the Court of Protection

100. This provision seeks to rectify an omission in relation to appeals from decisions at lower levels in the Court of Protection which was not addressed when the range of judicial office holders able to sit as judges of the Court of Protection was expanded in the Crime and Courts Act 2013. The need for the amendment does not only arise from, but has been starkly highlighted by, the 2014 decision of the Supreme Court in what has become known as the 'Cheshire West' case. That decision required a radical reassessment of cases in which it may now be considered that a person who lacks mental capacity to consent to care arrangements is deprived of liberty as a result of those arrangements, so that the authorisation of the court is required for such deprivation of liberty.
101. As a result, it is predicted that there will be a large increase in the number of cases coming before the Court of Protection for declarations authorising deprivation of liberty in cases where, prior to "Cheshire West", no such authorisation was considered necessary. We estimate that in around 29,000 additional cases would be heard in 2014/15 and 32,000 additional cases would be heard from 2015/16 onwards in England and Wales, taking into account that around 200 cases are currently heard in the Court of Protection.
102. Key costs:
- Income Cost: HMCTS would receive a reduction of fee income from appeals that would not be heard in the Court of Appeal. It has been assumed that 15% of cases would be appealed resulting in around 4,400 appeals in 2014/15 and around 4,800 thereafter. The average fee in the Court of Appeal is around £830. This results in an annual loss to HMCTS in fee income of £3.6 million in 2014/15 and £4.0 million thereafter.
 - Resource Cost: HMCTS would have an increase in resource costs at the Court of Protection from an increase in appeals moving from the Court of Appeal. As HMCTS broadly achieves cost recovery in the Court of Protection the resource cost is approximately equal to the fee income. In 2014/15 this would result in a resource cost of £1.8 million and thereafter £2.0 million.
 - Court users: There would be a fee to court users having their appeals heard in the Court of Protection. Assuming that there are around 4,400 appeals in 2014/15 and 4,800 annually thereafter, and that the fee for an appeal is £410, total cost of these appeals is around £1.8 million for 2014/15 and £2.0 million thereafter.
103. Key benefits:
- Income benefit: There will be an increase in fee income from appeals that would be heard in the Court of Protection. It has been assumed that 15% of cases would be appealed resulting in around 4,400 appeals in 2014/15 and around 4,800 thereafter. The fee to bring an appeal in the Court of Protection is £410. This results in an annual gain to HMCTS in fee income from 2014/15 of £1.8 million and £2.0 million thereafter.
 - Resource benefit: There would be resource savings to HMCTS from not having cases heard in the Court of Appeal. The average cost of an appeal in the Court of Appeal is £4,400 therefore HMCTS would save £19 million in 2014/15 and £21 million thereafter.

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- Court users: Court users would not have to pay the court fees to have their appeals heard in the Court of Appeal. Assuming, around 4,400 appeals in 2014/15 and 4,800 appeals thereafter, the fee saving of these appeals in the Court of Appeal is around £3.6 million in 2014/15 and £4.0 million annually thereafter.

104. In conclusion, the total costs and benefits are as follows: HMCTS would be around £16 million better off in 2014/15 and £17 million annually thereafter. Court users would be around £1.8 million better off in 2014/15 and £2.0 million annually thereafter.

Sections 63-66

Appeals in Civil Proceedings

105. These provisions expand the circumstances under which cases may “leapfrog” to the Supreme Court in three ways. First it extends the circumstances in which this can happen to include cases which are of national importance or which raise significant issues. Secondly, it abolishes the need for all parties to consent to a leapfrog taking place, whilst ensuring the judiciary retain their current role in deciding whether to grant requests to leapfrog. Thirdly, in addition to the High Court and Divisional Courts of England and Wales, leapfrogging will extend to include the Upper Tribunal in England and Wales and Northern Ireland, the Employment Appeals Tribunal and the Special Immigration Appeals Commission.
106. Key costs - It has not been possible to fully monetise the impacts of this reform but some claimants and third parties may lose out from quicker case resolution if they had an interest in government decisions being delayed. HMCTS may also receive less fee income if cases are resolved with fewer steps, however as they would also require less resource to process cases, the overall impact on HMCTS is assumed to be neutral.
107. Key Benefits – Defendants (public bodies) would benefit from quicker case resolution and may save legal costs if cases are resolved with fewer steps. Some claimants may also benefit from reduced legal costs. The LAA may benefit if some legally aided cases are resolved with fewer steps and require less funding from the legal aid budget. HMCTS would benefit from reduced costs if cases are resolved with fewer steps, but as above, the overall financial impact on HMCTS is neutral.
108. Risks and assumptions – It is assumed that more cases would be leapfrogged under this change and that parties would be able to correctly judge which cases would ultimately appeal to the Supreme Court. If this is not the case, there is a risk that cases will be more costly as they would be heard in the Supreme Court rather than the Court of Appeal.

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Section 67

Wasted costs in certain civil proceedings

109. A Wasted Costs Order (WCO) relating to misconduct by a legal services provider or their employees may currently be made when legal services providers are judged to have generated costs on either a claimant or defendant as a result of improper or negligent conduct, including omissions. Under the reforms, when a WCO is made against a legal representative, the court would be required to consider whether this should be brought to the attention of their professional regulator (such as the Solicitors Regulation Authority) which may improve incentives for legal representatives to avoid WCOS in future.
110. Key costs – There would be no costs to defendants from more WCOs. If legal representatives incurred any costs as a result of this reform, these would be regarded as costs which apply to non-compliant businesses.
111. Key benefits – Defendants (public bodies) would benefit from quicker case resolution and may save legal costs if cases are resolved with fewer steps. Some claimants may also benefit from reduced legal costs. The LAA may benefit if some legally aided cases are resolved with fewer steps and require less funding from the legal aid budget. HMCTS would benefit from reduced costs if cases are resolved with fewer steps, but as above, the overall financial impact on HMCTS is neutral.
112. Risks and assumptions about how the number and amount of WCOs might change as a result of this reform, however the reforms may improve incentives for legal representatives to avoid WCOs in future. Claimants and defendants may both gain if the reforms lead to legal providers engaging in less of the sort of wasteful activity which might result in a WCO being awarded.

Section 68

Increase in the age limit for jury service in England & Wales

113. The objective is to allow people between the ages of 70 and 75 inclusive to sit as jurors. The intended effect is to make juries in England and Wales more representative of the adult population with regard to age than is currently the case, thereby ensuring that juries benefit from the experience and knowledge of people in the 70-75 age group. The latest published figures from the Office for National Statistics show that the healthy life expectancy of men and women at age 65 is at least 10 years in England and Wales.
114. Key costs - HMCTS may incur implementation costs of up to £250k in 2015 as a result of IT changes that would have to be made. However, it is currently expected that the Electoral Commission's costs would be *de minimis* with respect to modifications to the annual voter registration form.
115. HMCTS may incur costs of some £60-80k per year from 2016 due to an increase in the number of summons issued, on the grounds that 70-75 year olds may have a lower propensity to serve on juries than younger adults.

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116. Key benefits - Although it is the main policy objective, any improvement in juries' decision-making is an unquantified benefit. In financial terms the Exchequer (i.e. HMCTS) may benefit by up to £1 million per year from 2016 due to having to pay fewer claims for financial loss as fewer serving jurors would be employed than otherwise. There is also a potential gain to GDP, which is currently estimated to be some £3-6 million per year higher than otherwise from 2016 as fewer workers would be temporarily diverted away from their jobs to attend jury service; this is because a greater proportion of the jury pool in England and Wales would be economically inactive than otherwise.

Sections 69 – 77

Juror misconduct

117. Our policy objective is to ensure that the law and criminal procedures strike a balance between the public interest in the administration of justice, the defendant's right to a fair trial and the rights of jurors. These provisions will make certain types of juror misconduct a criminal offence and provide for two related measures - a discretionary power for a judge to order the temporary removal of electronic communication devices from jurors and the disqualification from jury service for 10 years for a person who has been found guilty of a contempt offence.
118. Key costs - The creation of the four new juror misconduct offences is unlikely to have an impact on costs, as the behaviour subject to these offences is already covered by common law contempt. The main difference will be the manner in which the misconduct is tried and the procedures that will apply. The costs associated with the new provisions are likely to remain at a similar level, but assuming that juror misconduct cases heard in the Divisional court (with two or more judges) are costlier than those heard in the Crown Court, it is possible that costs to HMCTS may be lower.
119. Key benefits - There could potentially be a more efficient use of court resources, if fewer trials are stopped because of juror misconduct.

Sections 78 – 80

Youth Reporting Restrictions

The duration of youth reporting restrictions

120. We are providing the courts with a clear discretionary statutory power to make lifelong reporting restrictions for the benefit of victims and witnesses under the age of 18 involved in criminal trials. This will assist them in cooperating effectively with parties and in the giving of evidence, thereby overall improving the efficacy of the criminal justice system.
121. This power could be used by the criminal courts in limited circumstances and therefore is likely to apply in a very small number of cases. The circumstances are where the prospect of youth reporting restrictions ending automatically when a child or young person reaches the age of 18 after court proceedings have been completed, coupled with fear or distress in connection with being identified by members of the public as a victim or witness in the proceedings, may therefore have a deleterious effect on the proper administration of justice in criminal trials.

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122. It is not expected that this new power will be used in a significant number of cases and, as a result, there are likely to be very few cases where prosecutions are subsequently brought for breach of this new and additional reporting restriction. For example, between 2003 and 2013 administrative data indicates that only eight people were taken to court for allegedly breaching a similar reporting restriction that applied for the lifetime of adult witnesses (where the alleged breach was the principal difference)². Therefore, in line with standard practice, we have not published an impact assessment in respect of the new provision that may apply for the lifetime of victims and witnesses under the age of 18.

This provision has a relatively minor impact and therefore a full Impact Assessment is not deemed necessary.

Youth reporting restrictions and online content

123. The provision in the CJC Act ensures that a youth reporting restriction that may be applied by any court in England and Wales, other than in criminal proceedings, applies to online content. Currently youth reporting restrictions imposed by the court under section 39 of the Children and Young Persons Act 1933 apply only to print and broadcast media. Commencement of section 79 in the CJC Act will provide that s.39 of the Children and Young Persons Act 1933 applies to non-criminal proceedings and that the scope of the reporting restrictions available under section 39 of the 1933 extends to online content.

124. Key costs: There are already provisions on the statute book, sections 45 and 48 of the Youth Justice and Criminal Evidence Act 1999, which once commenced would ensure that youth reporting restrictions apply to online content in criminal proceedings including those in the Youth Court and on appeal from the Youth Court. The Government intends to commence the provisions in the 1999 Act at the same time as sections 79 and 80 of the CJC Act. The amendment to legislation therefore simply makes sure that the scope of youth reporting restrictions applies consistently in all courts.

125. Key benefits: Youth reporting restrictions are a recognition of the age and maturity of children and young people in court proceedings and that their needs may therefore be different to those of adults. This change to legislation makes sure that the effect of youth reporting restrictions is not undermined by a lacuna in the law which would allow publication through online content of material that would otherwise not be able to be published through print and broadcast media.

126. Currently there is no data available on how often youth reporting restrictions are made, varied or lifted or how often prosecutions are brought for breach. These provisions are expected, however, to have a relatively minor impact and therefore, in line with standard practice, we have not published an impact assessment.

This provision has a relatively minor impact and therefore a full Impact Assessment is not deemed necessary.

² Every effort is made to ensure that this figure is accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

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Sections 81 - 82

Representation to Parliament by the President of the Supreme Court

127. There is not expected to be any impact on business, charities or voluntary bodies as a result of either amendment. The overall impact on the public sector is likely to be very low.
128. After consultation with colleagues in Judicial Office and the Supreme Court, it has not been possible to quantify the cost of making written representations to Parliament. This is because it is unknown how many man-hours of Supreme Court staff time are likely to be taken up in this task or how frequent such representations would be. However, it is not expected that this cost would be significant. For instance, the Lord Chief Justice last exercised this power when he issued the Judicial Office Annual report in July 2013. Moreover, the annual statement is now “digital by default”, which means that the only costs are staff costs in preparing and producing the report, and printing a very small number of copies. The benefit of this amendment is non-financial in that it would allow Parliament to be better informed of the views of the Supreme Court President in relation to important legal matters.
129. There is not expected to be any material cost in widening the pool of candidates who can sit as judges in the Supplementary Panel, given that the selection process will remain rigorous. The benefit of the amendment is to ensure that the judicial decision-making of the Supplementary Panel continues to be of a high quality.

These provisions have a relatively minor impact and therefore full Impact Assessments are not deemed necessary.

Section 83

Second-tier Appeals Test for Scotland

130. This provision will bring the test applied to applications for permission to appeal from the Upper Tribunal in Scotland into line with the test applied to such applications in England and Wales and Northern Ireland.

This provision has a relatively minor impact and therefore a full Impact Assessment is not deemed necessary.

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PART 4

Sections 84 – 92

Reforms to judicial review

131. These provisions aim to ensure that judicial review (JR) cases, including those with potentially large impacts on economic development and growth, are resolved as quickly and efficiently as possible and that there is less scope for abuse of the system, such as bringing JR applications with an intention to delay lawful Government action. There are four areas in which this Act will deliver reforms:

- **Likelihood of substantially different outcome for applicant** - requiring the court and Upper Tribunal to refuse either permission or a remedy where it is highly likely that a complained of flaw would have made no substantive difference to the outcome for the applicant, except where the judge certifies that is appropriate to grant permission or remedy for reasons of exceptional public interest;
- **Provision of information about financial resources** - requiring an applicant for judicial review to provide details of their financial resources on an application for permission and requiring the court to consider that information when making cost orders;
- **Interveners and costs** - establishing two presumptions so that voluntary interveners must i) meet their own costs; and ii) if they meet one or more of the specified conditions, meet the costs of the parties' incurred as a result of their intervention, both unless there are exceptional circumstances;
- **Capping of costs** – establishing Costs Capping Orders in non environmental cases. These replace Protective Costs Orders and can only be granted in public interest proceedings once permission has been granted. Where a Costs Capping Order is given the court must also apply a cross-cap for the defendant.

132. There are three specific Impact Assessments for the clauses on JR in the Act, one for Funding and Costs, a second that includes procedural defects and Leapfrog Appeals and a third for the introduction of a permissions filter in statutory challenges and the standardisation of the start point from which the six week challenge period is calculated. These Impact Assessments also include reforms not being delivered in the Act, such as the creation of a Planning Court within the High Court and changes to the recovery of costs of oral permission hearings which are part of the wider reform package on judicial review.

133. **Key costs** - It has not been possible to fully monetise the impacts of these reforms. One off transition costs for HMCTS (e.g. adapting IT systems) are negligible. The cost to claimants as a result of changes to funding and costs are around £1.4m per year from 2014. The societal costs are around £2.0m per year.

134. **Key benefits** -.The benefits to government as a result of changes to funding and costs are around £2.5m. The societal benefits are around £0.9m per year from mid-2015. The establishment of a planning court and permission filters in statutory challenges are expected to lead to wider economic benefits as a result of quicker resolution of infrastructure and development cases and the filtering out of unmeritorious cases at an earlier stage. Defendants (public bodies) will also benefit from quicker case resolution and as a result may save legal costs. Some claimants and third parties may also benefit from quicker resolution. HMCTS would benefit from reduced costs if cases are resolved more quickly.

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Summary

135. Option 1 is considered the best value for money as it addressed the rationale for intervention in a cost effective way. This is based on the individual assessments of the provisions which can be found included in the individual IAs referenced above.

Risk and Assumptions

136. Key assumptions made in calculating the impacts of the relative provisions can be found in the table below. More detail on the assumptions, and associated risks, can be found in the individual impact assessments referenced above.

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Table 1: Summary of Impacts

Provision	Quantified Costs			Quantified Benefits		Key Assumptions
	Additional Prison Places Required (at steady state)	Government	Social	Government	Social	
Restrictions of the use of simple cautions	Not quantified	Will not exceed £10m per annum	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> Costs are highly dependent on the behaviour of the police, Crown Prosecution Service, sentencers and the offenders.
Changes to framework for sentencing and release	1,200 from 2035	Not quantified	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> We assume that all offenders will have a Parole Board hearing when they reach the half-way point/two-thirds point of their sentence, and subsequent hearings every 15 months, until the end of their sentence. We assume that the Parole Board release 16% of offenders at each parole board
Statutory test for release after recall	50	£1.5m per annum from 2015/16	None	Not quantified	Not quantified	<ul style="list-style-type: none"> We assume an additional 75 offenders per annum will be affected by this policy. We assume that they will spend on average an additional 234 days in prison each. We assume no impact on numbers as a result of license conditions for under 12 month group following commencement of the Offender Rehabilitation Bill.
Electronic monitoring of whereabouts as a compulsory licence condition.	Not quantified	Not quantified	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> The Electronic Monitoring contract competition will provide location monitoring technology at an acceptable cost. The location monitoring of offenders will deter them from re-offending.

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						<ul style="list-style-type: none"> ▪ The introduction of Electronic Location Monitoring technology will not adversely affect compliance with licence conditions.
Recall Adjudicators	Not quantified	Not quantified	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ It has not been possible at this stage to quantify any of the expected costs or benefits (or cost savings) but this will be done once further details of the proposed new recall adjudicator model have been finalised. ▪ A further Impact Assessment will be published when the details of the new system have been finalised and before the provisions are implemented.
New offence for 'being unlawfully at large (UAL)' and increasing the maximum custodial sentence for 'failing to return to custody following release on temporary licence (ROTL)'	Not quantified / Minimal	£0.2m per annum from 2015/16	N/A	Not quantified	Not quantified	<p><u>UAL</u></p> <ul style="list-style-type: none"> ▪ Based on internal management information we estimate that a maximum of 800 – 900 offenders per annum are UAL for more than 28 days. However, we estimated that only the most serious cases would be prosecuted and sentenced and have estimated CJS costs accordingly ▪ The average custodial sentence length given for the new offence and the proportion of offenders receiving the maximum custodial sentence are equivalent to that for the Prisoners (Return to Custody) Act 1995 offence. ▪ We assume that 10% of UAL offenders prosecuted will be sent to Crown Court and given the maximum custodial sentence. <p><u>ROTL</u></p> <ul style="list-style-type: none"> ▪ We assume that total volumes of offenders are equivalent to the number of convictions that occurred in 2012, and that all proceedings in 2012 resulted in a conviction. ▪ We assume that charging volumes remain the same as now. ▪ We assume that 1% of offenders will be sent to Crown Court and given the maximum custodial sentence.

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Drugs for which prisoners etc may be tested	Not quantified/ None	<ul style="list-style-type: none"> ▪ This clause permits the Secretary of State to specify in prison rules and rules for other places of detention, non-controlled drugs which can be tested for under the existing MDT programme. ▪ Where the Secretary of State specifies a particular non-controlled drug that could be tested for, that will not require prisons to then test for it; it will simply enable them to do so should they wish. ▪ The clause itself will impose no financial obligations on the public sector. 				
Definition of “Requisite custodial period” and minor amendments and transitional cases	N/A	N/A	N/A	N/A	N/A	<ul style="list-style-type: none"> ▪ It makes no substantive changes – it simply tidies and clarifies the legislation by bringing the definitions into one place – and therefore has no costs or savings attached.
Alternatives to Prosecution – Rehabilitation of offenders in Scotland	N/A	Not quantified	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ This provision confers executive competence of the Scottish Ministers so as to allow the Scottish Ministers to set out exclusions, modifications and exceptions to the general rules in the Rehabilitation of Offenders Act 1974 concerning spent alternatives to prosecution, if they wish to do so. ▪ It does not require the Scottish Ministers to make any further provision. ▪ This provision in itself will not impose costs or have any impact on the private or voluntary sectors or otherwise

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New criminal offence(s) of ill-treatment or wilful neglect	14	£2.3m per annum from 2018/19	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ The estimates of the number of cases, and the progression of a case through the CJS are based on data for 2013 of the proxy offence s44 the Mental Capacity Act 2005. ▪ We assume that, due to differences in the potential prevalence and reporting of ill-treatment or wilful neglect between those with Mental Capacity and those without, the prevalence rate of cases of ill treatment or wilful neglect will be 2.8 times higher than under s44 of the Mental Capacity Act 2005. ▪ It has not been possible to make adjustments for the fact that there are two offences - one for organisations and one for individuals - which could increase costs as it is not possible to identify whether the proxy data covers the same range of cases.
Police Corruption	Not quantified /Minimal	Not quantified	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ It is likely that the number of additional cases will be minimal. Any change in this could bring additional costs to the Criminal Justice System.
Term of imprisonment for murder of a police officer or prison officer	Not quantified /Minimal	Not quantified	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ The increase will not necessarily mean that all cases will result in a whole life order as the courts must still take into account all the circumstances of the case. ▪ There are only a very small number of relevant offences – on average less than one per year. ▪ These offences currently attract long minimum terms and many are likely to be greater than the 30 year starting point. ▪ Any additional prison places would start to accrue only after around 30 years and would reach a steady state when the death rate of such prisoners balances inflow.

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Minimum sentence for repeat offences involving offensive weapons	See standalone impact assessment					
Offences committed by disqualified drivers	Minimal	£0.25m per annum.	N/A	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ For the causing death offence, MoJ data is used based on the existing offence of causing death by dangerous driving to estimate proportions for disposals, including the average custodial sentence length (ACSL) given of 48.7 months. ▪ For the causing serious injury offence, NI data is used to estimate the number of proceedings. We estimate broadly twice as many proceedings for causing serious injury as for causing death, roughly seven. We use the offence of causing death by careless driving as a proxy to estimate proportions for disposals, including the ASCL given of 15.3 months.
Mutual Recognition of driving offences	N/A	N/A	N/A	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ There is no change in policy. The new arrangements will be almost identical to those under the Convention.
Malicious Communications	11	£1.5m per annum from 2015/16	N/A	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ We assume that the number of offenders proceeded against and those given a custodial sentence under section 1 of the MCA will remain broadly similar as in 2012. ▪ We use the proxy offence of publication of obscene materials to estimate the proportion of cases tried in each court and the new ACSL given. Data from 2005-2008 shows that on average 24% of cases were tried in the Crown Court and the ACSL given to offenders given immediate custody was approximately 6 months.

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Revenge Pornography	Not quantified	Not quantified - Additional prosecution under the new offence would cost the Criminal Justice System up to £6,000 (in 2013/14 prices, rounded to the nearest £1,000).	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ Based on liaisons with the police and the CPS and other informal data gathering exercises, we do not expect there to be a significant number of prosecutions.
Meeting a child following sexual grooming	Not quantified /Minimal	Not quantified- Additional prosecution under the amended offence would cost the Criminal Justice System up to £35,000 (in 2013/14 prices, rounded to the nearest £1,000).	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ Based on advice from the CPS we expect the number of additional prosecutions will be minimal.
Extension of the offence of extreme pornography	Not quantified / Minimal	Not quantified- Additional prosecution under the extension of this offence would cost the Criminal Justice System up to £9,000 per case	N/A	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ The number of offenders proceeded against for the extension of the offence to cover depictions of non-consensual sex is highly uncertain, but based on the anecdote from Scotland (where these types of images are already included in their existing offence) we assume that they will be low. ▪ The CJS cost per case is estimated using data on the bestiality arm of the existing offence. ▪ Estimates are based on 2012 data but the average custodial sentence length has been averaged across

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		(in 2013/14 prices, rounded to the nearest £1,000).				
						the period 2010-2012 due to small fluctuations in sentencing. Roughly 50% of offenders are proceeded against in the Magistrates and Crown courts, and the estimated average cost per case accounts for this court split.
Secure Colleges	Not quantified	Not quantified	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ We have not provided monetised estimates of costs and benefits as doing so would prejudice the effectiveness of a competition for the delivery of services. ▪ We estimate that a Secure College will achieve an operating cost significantly lower than the current average cost of a place in youth custody and will allow us to withdraw from more expensive and inefficient existing custodial provision. ▪ Should the reforms lead to reductions in re-offending, there is the potential to reduce costs across the CJS. In addition, reductions in re-offences would lead to significant benefits to society from reductions in harm. Improvements in education in custody also have the potential to improve employability of young people released from youth custody, leading to further economic benefits to society.
Powers of the Youth Justice Board in relation to the provision of accommodation	Not quantified	Not quantified	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ The provision simply ensures that the YJB's powers to arrange accommodation cover all relevant sentence types, as such it is assumed that this would not result in a change in the type or amount of accommodation provided for young people.
Youth Cautions & appropriate adults	Not quantified	Not quantified	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ Legislative measure formalises a change in practice that has already been instituted by the Home Office and Association of Chief Police Officers following a High Court judgment and will not therefore have any new impact.
Duties of a custody officer	N/A	£3.65m per annum;	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ The estimated annual cost of local authority accommodation for 17 year olds following charge is

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after charge: arrested juveniles		£31.42m over ten years.				<p>£2.47 million per annum.</p> <ul style="list-style-type: none"> Affected 17 year olds are likely to receive non pecuniary benefits including improved mental well-being and general welfare by being detained in an appropriate facility which is reflective of their status as children.
Youth Referral Orders	Not quantified	Not quantified	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> We assume there will be no increased costs. This is dependent on the behaviour of sentencers, youth offender panels and youth offending teams in how they use the new referral order provisions.
Low value shoplifting: mode of trial	N/A	N/A	N/A	Not quantified	Not quantified	<ul style="list-style-type: none"> This provision merely clarifies the law, and so no impact is expected.
s.127 Communications Act	1	Up to £0.13m per annum.	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> CPS experience suggests that there could be upto 70 additional prosecutions per year. Cost per case based on data from the existing offence.
Removing high-volume, low-level 'Trial by single justice on the papers' in magistrates' courts	N/A	Up to £1.7m per annum from 2016/17	N/A	Up to £11.6m per annum. from 2016/17	N/A	<ul style="list-style-type: none"> Assumes that the total annual volume of magistrates' courts completed remains static from 2012/13. Assumed that proportionate case mix between "in scope" and "out of scope" remains stable Steady state reached in 2016/17 onward
Power to commit a young offender to the Crown Court for sentence on summary conviction	Not quantified /Minimal	Not quantified	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> Although longer sentences – which would cost more – would be the likely result in cases where the new committal power is used, this provision will only be relevant in a limited number of cases. The objective of the provision is to remove a possible disincentive to magistrates' courts accepting jurisdiction

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						<p>in cases involving serious offences. This will mean that some cases that are now tried in the Crown Court will be tried in youth courts instead, which is both more appropriate and less expensive.</p> <ul style="list-style-type: none"> ▪ These provisions have a relatively minor impact and therefore full Impact Assessments are not deemed necessary.
Criminal Courts Charging	100-250	£5-25m per annum from 2016/17	Not quantified	£95m from 2019/20 (steady state)	Not quantified	<ul style="list-style-type: none"> • Appraised over 10 years from 14/15 (10 year NPV £400m-£550m depending on cost estimates) • Assumes case mix and volumes flat line • Assumes charges and debt rise in line with inflation • Changes in sentencing behaviour or offender behaviour not modelled • Assumes date of commencement is Apr 2015
Dismissal of personal injury claims involving fundamental dishonesty	N/A	Not quantified / Minimal	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ Volume of cases will remain the same as in 2013/14. ▪ Savings to defendant insurers from reduction in compensation and legal fee payments. This should translate to lower insurance premiums to the taxpayer. ▪ Claimants and legal service providers receive a reduction in compensation and legal fees, respectively.
Rules against inducements to make personal injury claims	N/A	N/A	£0.1m transitional costs; around £38m per annum.	N/A	Around £38m per annum.	<ul style="list-style-type: none"> ▪ Inducement advertising applies to small number of claims which are evenly spread across all personal injury firms. ▪ In future claimants will no longer pursue some weaker claims ▪ The majority of personal injury claims are low value claims with fixed recoverable costs ▪ In the majority of cases the inducement is not provided due to hidden terms and conditions ▪ In the majority of cases a cash advance is provided, and in the remainder a gift is provided,

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Appeals to the Court of Protection	N/A	£5.4m in 2014/15 and £6m per annum from 2015/16	£1.8m in 2014/15 and £2m per annum from 2015/16	Around £21m in 2014/15 and £23m per annum from 2015/16	£3.6m in 2014/15 and £4.0m per annum from 2015/16	<ul style="list-style-type: none"> Assumed that around 29,300 additional cases would be heard in 2014/15 and 32,200 additional cases would be heard from 2015/16 onwards in England and Wales. Assumed that the appeal rate would be 15%.
Judicial review: refusal of relief and 'leapfrog appeals'	N/A	Not quantified	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> Volume of cases will remain the same as in 2011/2012. Unable to quantify costs of planning, procedural defects and leapfrogging proposals.
Jury service upper age limit	N/A	Less than £0.1m per annum from 2016	N/A	£0-1m per annum from 2016	£3m - 6m per annum in GDP gain from 2016	<ul style="list-style-type: none"> ONS principal population projections by age are adjusted to take account of differential voter registration rates by age = annual E&W juror eligible population 10-20% of summoned 70-75 year olds participate in jury service Assumption that policy takes effect from start of 2016; immediate steady state
Juror misconduct	Not quantified / Minimal	Not quantified / Minimal	N/A	Not quantified	Not quantified	<ul style="list-style-type: none"> Number of juror cases assumed to be low Average Custodial Sentence Length (ACSL) given for the new offence is assumed to be the same as for the current offences. Costs and prison places estimated as minimal, but subject to further refinement of assumptions
Judicial review: funding and costs	N/A	£1.4m per annum from mid 2015	£2.0m per annum from mid 2015	£2.5m per annum from mid 2015	£0.9m per annum from mid 2015	<ul style="list-style-type: none"> Volume of cases will remain the same as in 2011/2012.

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Youth Reporting Restrictions	Not quantified	Not quantified	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ Comparable administrative data indicates that very few prosecutions are brought for breach of lifelong statutory reporting restriction for adult witnesses. Therefore figures are similarly likely to be low in respect of new equivalent power for victims and witnesses under the age of 18. ▪ Provisions already on the statute book that widen the scope of youth reporting restrictions to apply to online content. ▪ Currently no data available on how often youth reporting restrictions are made, varied or lifted or how often prosecutions are brought for breach.
Appeals in Civil Proceedings Appeals in Civil Proceedings	N/A	Not quantified/ Minimal	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ It is assumed that more cases would be leapfrogged under this change and that parties would be able to correctly judge which cases would ultimately appeal to the Supreme Court. If this is not the case, there is a risk that cases will be more costly as they would be heard in the Supreme Court rather than the Court of Appeal.
Representation to Parliament by the President of the Supreme	N/A	None	None	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ The benefit of this amendment is non-financial in that it would allow Parliament to be better informed of the views of the Supreme Court President in relation to important legal matters.
Second-tier Appeals Test for Scotland	N/A	N/A	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ None
Wasted costs in certain civil proceedings	N/A	N/A	Not quantified	Not quantified	Not quantified	<ul style="list-style-type: none"> ▪ The main risks and assumptions centre around the number and amount of WCOs and how it might change as a result of this reform.

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Driving Ban Extension	Not quantified/ Minimal	Not quantified/ Minimal	Not quantified	Not quantified	Not quantified	▪ None
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