



Independent Review of the Criminal Courts: Part 1

Briefing for MPs – Westminster Hall Debate

About Us

The Bar Council represents approximately 18,000 barristers in England and Wales. It is also the Approved Regulator for the Bar of England and Wales. A strong and independent Bar exists to serve the public and is crucial to the administration of justice and upholding the rule of law.

Summary

The Bar Council welcomes the focus on diversion from the criminal justice system in Part 1 of Sir Brian Leveson's Independent Review of the Criminal Courts. However, we remain concerned about the proposals to restrict jury trials. There are several recommendations made in Part 1 which can be implemented immediately, together with additional steps, that we believe will help make a significant contribution to reducing the backlogs. Those are:

- Prison Escort Custody Services (PECS) reform
- Investment in the court estate
- Imposition of time limits on aspects of the criminal trial
- Better use of out of court technology

While we await publication of Part 2 of Sir Brian's Review, which will address the overall efficiency of the criminal courts, we suggest the above changes are prioritised.

Sir Brian Leveson's Independent Review of the Criminal Courts: Part 1

The criminal justice system is in crisis and in urgent need of reform and repair. At a time of the highest Crown Court backlog on record, 78,329¹, the "once-in-a-generation"² Review of the Criminal Courts, announced in December 2024, has been widely welcomed, including by the Bar Council³. We have actively engaged with Sir Brian in his development of the Review including by [our full submission](#)⁴, and remain committed to contribute to Part 2.

¹ Ministry of Justice "[Criminal court statistics quarterly: April to June 2025](#)", 30 September 2025

² Ministry of Justice "[Courts reform to see quicker justice for victims and keeps streets safe](#)" 12 December 2024

³ Bar Council "[Bar Council reacts to Leveson review of criminal courts and latest court statistics](#)" 12 December 2024

⁴ Bar Council "[Bar Council Leveson Review Submission Executive Summary](#)" May 2025

The Bar Council [has responded to each recommendation](#) made by Sir Brian in Part 1 of his Review⁵. Of all the 45 recommendations made by Sir Brian in Part 1, we agree with by far the majority, including, but not limited to, his proposals for:

- (Recommendations 1-10) Increased use of out of court resolutions and greater use of rehabilitation programmes and health intervention programmes. This echoes the Bar Council's recommendations on diversion⁶.
- (Recommendation 34) The allocation of sitting days to be increased, where possible, to 130,000 per year. The Bar Council continues to call for the cap on sitting days to be lifted⁷.
- (Recommendation 41) A Ministry of Justice match-funding scheme for criminal barrister pupillages. This is in line with the Bar Council's 2024 manifesto ask⁸.
- (Recommendations 23-29) Measures to increase those intent on pleading guilty to do so at the earliest opportunity including increasing the maximum reduction for entering a guilty plea at the first opportunity to 40%. This is broadly in line with the Bar Council's recommendation for credit to be given for early guilty pleas⁹.

Whilst we agree with most of the recommendations, the Bar Council remains concerned about the proposal for the creation of the Crown Court Bench Division (CCBD). Despite requests having been made for data, modelling, or a pilot scheme that would demonstrate that the proposed CCBD would indeed have the desired effect of reducing the backlog, we are not aware of any evidence that has been made publicly available that would seem to justify making such a significant constitutional change. As to the reasoning for opposing this proposal, the Bar Council believes that:

1. It would take some considerable time to establish (both in terms of the legislative timetable and the administrative aspects of the process).
2. Cases in the backlog are those where defendants already have elected. There could be potential legal challenges under public law principles of legislation applying retrospectively.
3. Likely to be increase in interlocutory and final appeals (jury verdicts themselves are virtually impossible to appeal).

⁵ Bar Council "[Independent Review of the Criminal Courts Bar Council Response to the Review Part 1 Recommendations](#)" August 2025

⁶ Bar Council "[Bar Council Leveson Review Submission Executive Summary](#)" May 2025

⁷ Bar Council "[Bar Council welcomes increase to Crown Court sitting days but warns long-term investment is needed to reduce case backlog](#)" 1 October 2025

⁸ Bar Council "[Manifesto for Justice 2024](#)" 4 June 2024

⁹ Bar Council "[Bar Council Leveson Review Submission Executive Summary](#)" May 2025

4. Its success depends on additional judicial resource, and an increase in the number of court staff, advocates, probation and PECS delivering on time and being in the dock. If such increased resources were available and PECS delivered, then jury trials could be disposed of at a faster rate than they are at present, so any savings may be illusory.
5. The additional resource in terms of lay magistrates is unlikely to be found (as the Magistrates Association notes – suggesting that its numbers would need to increase by around a third if a CCBD were introduced¹⁰).

Rather than introducing new courts, which will require time and significant resource to establish as well as being a significant constitutional change that may have adverse effects on public confidence in the justice system, there are a number of steps that can and should be taken immediately. While we await Part 2 of Sir Brian's Review, the following steps could be taken and would make an appreciable contribution to reducing the backlog:

1. **Prison Escort Custody Services (PECS) reform** – hours are lost each day due to delays caused by PECS. Undoubtedly this amounts to weeks over long trials. A lost hour per day over a week amounts to an extra sitting day. It has further knock-on effects such as defence needing more time as they haven't been able to have sufficient time with their client. Given the centrality of the contract in the operation of PECS, it may be appropriate to consider its revision.
2. **Court estate** – time is too frequently lost due to break down in courts (loss of power, floods etc, issue with tech). Immediate investment in the court estate is required as a matter of urgency.
3. **Impose time limits on aspects of the criminal trial** - many aspects of a trial can and should be streamlined. There should also be a consideration as to the length of summings-up – reduce rehearsal of evidence and focus only on the key evidence going to disputed issues. This shortens summings-up and trials. That would have particular impact on the longest trials, which are statistically anomalous, in that they may show up in some modelling data as single trial units but take up a significant number of sitting days.
4. **Better use of out of court technology** - introduce the use of other judicial office-holders, for example District Judges, to deal with case management (as with the use of Masters in the High Court).

¹⁰ Magistrates' Association "[Magistrates' Association Welcomes Leveson Review](#)" 9 July 2025

Conclusion

The Bar Council welcomes the government's commitment to tackling the backlog in the criminal courts, as well as many of Sir Brian's Review Part 1 recommendations. However, we remain concerned about the proposed creation of the CCBD. The jury system is linked to the functioning of the liberal democracy of England and Wales, and has deep historical and constitutional roots. By involving citizens, juries increase trust and confidence in our criminal justice system.

We urge the government to consider those immediate interventions that could significantly reduce the backlog and do not require drastic constitutional change – a change which could risk further eroding public confidence in our justice system.

The Bar Council remains committed to assisting in the implementation of effective and considered measures urgently needed to repair the justice system.

The Bar Council
October 2025