



The Bar Council

**Briefing for MPs**  
**Opposition Day Debate on Jury Trials**  
**Wednesday 7 January 2026**

### **Overview**

The Bar Council, Circuit Leaders, and the Criminal Bar Association fundamentally disagree with the plan to restrict the deeply entrenched constitutional principle of a jury trial.

In the absence of modelling / pilot schemes or impact assessments, efficiency reforms should be implemented before engaging in large scale constitutional change.

That is all the more so given that there are widespread concerns about the fairness, practicality and uncertainty of such structural reforms. Monitoring will not prevent a loss of trust if unfairness emerges.

The Government faces two challenges:

1. reducing waiting times for trials and completion so as to reduce the numbers of cases pending and so deliver justice
2. ensuring that the criminal justice system is future proofed.

We support efforts to achieve both.

However, we have seen no evidence that restricting jury trials will solve either problem.

From our experience as barristers, conducting trials daily and across the country, we do not see how restricting jury trials will have an impact on the existing backlog.

### **Reducing Jury Trials will not reduce delays**

The Government itself acknowledged on numerous occasions that this proposal will not make a difference in the short- term or even medium-term.

- Sir Brian Leveson's modelling on saving sitting days is based on a presumption that courts without juries will be 20% quicker<sup>1</sup>.
- However, he emphasises that this is "**very uncertain**". He states that the evidence is "**incomplete**" and encourages the Ministry of Justice to do further research.

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<sup>1</sup> Sir Brian Leveson [Independent Review of the Criminal Courts](#), p239

The set up costs are not assessed.

### Bar Council Recommendations

To assist victims/complainants and defendants, the Government must **prioritise dealing with cases already in the backlog**, rather than diverting time and focus to measures that will have no meaningful effect for three or four years.

#### Reducing delays requires:

- **Increasing sitting days** to immediately open courts that sit empty (Leveson's recommendation is to increase up to 130,000 days)
- **PECS reform** - hours are lost each day due to delays caused by PECS failing to bring defendants to court on time and/or into the dock on time. Hours are lost each day in cases in courts up and down the country. A contract that fits court requirements is needed.
- **Remove cases from the backlog**- this is the only way to reduce it. This requires the Crown Prosecution Service to proactively remove cases that no longer are in the public interest to prosecute, lesser charges should be accepted or no evidence offered for other reasons (in consultation with victims). Successful reduction of the backlog can be seen in courts where there has been pro-active triaging of cases between police, CPS and Judge. This happened in the SouthWest during Covid, and has been successful in courts such as Woolwich Crown Court and Liverpool. It requires a specific case progression court.
- **Court estate** - time is lost due to poor maintenance in courts (loss of power, floods etc, issue with tech). Immediate investment is required in the court estate.
- **Implement efficiency measures** as put forward in the Leveson Independent Review Part 1 and await his efficiency proposals in Part 2 (to be published shortly)<sup>2</sup>
- **Implement more out of court resolutions** – following the implementation of the Sentencing Bill 2025.
- **Amend Goodyear** (currently empowers a Judge to indicate the maximum sentence that would be imposed) to enable Judges to give a realistic indication of sentence at an early stage (it requires only a Practice Direction) and so incentivise guilty pleas.

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<sup>2</sup> Sir Brian Leveson [Independent Review of the Criminal Courts](#)

- **Out of Court technology** -better use of out of court technology – this will be addressed in Part 2 of Sir Brian Leveson’s Review of Criminal Courts due to publish shortly.
- **Implement increase in legal aid** – it will assist retention of barristers to prosecute and defend when the case reaches court

Resources need to be focused on rebuilding the system and allowing other measures to embed.

Sir Brian’s recommendations, outside setting up a new court, can be implemented **immediately** and would help reduce the backlog, if done collectively. These should be prioritised while we await the publication of Part 2, which will address the overall efficiency.

The Government announced a series of measures<sup>3</sup> in their response to Part of Sir Brian Leveson’s review into criminal courts.

The Bar Council position on additional restrictions and a welcome of potential benefits to the criminal justice system:

### **Jury Trials**

The Government’s proposal hinges on [Sir Brian Leveson’s recommendation](#)<sup>4</sup> which has not been piloted or thoroughly modelled and he describes his prediction of juryless trials being 20% quicker as being “highly uncertain”.

Criminal trials being decided by a single judge goes further than the recommendation by Sir Brian Leveson which recognised the importance of **judgement by peers and community involvement** in criminal justice (considering the evidence from the Lammy report in 2017).

### **Increasing Magistrates Sentencing Powers**

The total number of defendants appealing successfully against their conviction in the Magistrates Courts was 41%<sup>5</sup>.

The loss of the automatic right of appeal from Magistrate’s Court to the Crown Court in combination with the proposed increase in magistrates sentencing powers removes effective checks and balances from the process.

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<sup>3</sup> Lord Chancellor, [Written Ministerial Statement: Criminal Court Reform](#), 2 December 2025

<sup>4</sup> Sir Brian Leveson [Independent Review of the Criminal Courts](#), p25

<sup>5</sup> Sir Brian Leveson [Independent Review of the Criminal Courts: Part 1](#), p 188

## **Legal Aid**

The additional £34m investment in criminal legal aid fees for the Bar is a much needed and overdue injection of funds. However, it must be provided quickly and on existing cases.

## **Match Funded Pupillages**

We welcome the Government taking forward our own recommendation to match fund criminal pupillages which signals commitment to sustaining the criminal Bar.

## **Language around complainants**

We are concerned at the language being used and the suggestion of “criminals gaming the system” to torment their victims appears to be based on anecdotes and undermines the principle that a person is innocent until proven guilty<sup>6</sup>. Criminal barristers do not have this experience when we tell our clients that their trial will be years in the distance.

Sir Brian Leveson recognises that delays impact negatively on defendants as well as victims/alleged victims.

We have many examples of defendants whose lives are completely put on hold as they wait for their trial.

## **Conclusion**

The Bar Council agrees that the current Crown court backlog of 79,619<sup>7</sup> is a blight on the criminal justice system and stands with its barristers to deliver justice for victims and defendants.

Savage cuts to funding on top of years of underfunding the criminal justice system is the cause of the near collapse of the Criminal Justice system (§2 Leveson).

However, restricting the right to trial by jury is not the answer to impactfully reducing the backlog of cases.

**The Bar Council**  
**January 2026**

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<sup>6</sup> Lord Chancellor, [Hansard: Criminal Court Reform](#), 2 December 2025

<sup>7</sup> MoJ [Criminal court statistics quarterly: July to September 2025](#) 18 December 2025