

Title: Criminal Justice and Courts Bill IA No: MoJ001/14 Lead department or agency: Ministry of Justice Other departments or agencies: NA	Impact Assessment (IA)
	Date: 05/02/2014
	Stage: Introduction of Legislation
	Source of intervention: Domestic
	Type of measure: Primary legislation
	Contact for enquiries: general.queries@justice.gsi.gov.uk
Summary: Intervention and Options	RPC Opinion: NA

Cost of Preferred (or more likely) Option					
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out?	Measure qualifies as	
Unknown	n/a	n/a	No	n/a	
What is the problem under consideration? Why is government intervention necessary? <p>Whilst there have been considerable improvements in the Criminal Justice System (CJS) in recent years, there is room for further reform. Reoffending rates remain high and there is an ongoing need to ensure offenders are properly punished and the public protected. Reoffending 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 and that there is 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.</p>					

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.

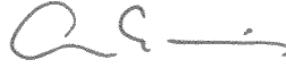
What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) Option 1: Do nothing, retain the current position Option 2: Introduce the Criminal Justice and Courts Bill Option 2 is the preferred option as the Government 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 present a net present value for the entire Bill 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 CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			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



Date: 05/02/2014

Summary: Analysis & Evidence

Policy Option 1

Description: Introduction CJC Bill.

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) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
	Low	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 Bill'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 Bill, particularly HMCTS. These non-monetised costs are also detailed in individual impact assessments.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
	Low	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, low level 'regulatory 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 reoffending 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 as crime imposes costs on society, notably the physical, emotional and financial impact on victims.

Key assumptions/sensitivities/risks	Discount rate (%)	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 OITO?	Measure qualifies as
Costs: NA	Benefits: NA	Net: NA	No	Zero net cost

Evidence Base (for summary sheets)

Problem under consideration

1. The Criminal Justice and Courts Bill will make significant and wide ranging reforms to the justice system as well as targeted provisions to protect the public better and reduce reoffending. 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 Bill. Individual impact assessments have been produced for the majority of the provisions in the Bill and contain more detail on the costs and benefits of 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. Reoffending rates remain high and there is an ongoing need to ensure offenders are properly punished and the public protected. Reoffending 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

The aims of this Bill 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, about sentencing and the release and recall of offenders and about the electronic monitoring of offenders released on licence. It will also contain a provision about the offence of possessing extreme pornography.
- Reduce the burden on hardworking taxpayers of the courts to remove low-level 'regulatory' cases from traditional magistrates' courtrooms in certain circumstances, make provision about 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 about 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 bill will make provision about the detention of young offenders, about giving cautions and conditional cautions to youths and about 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 defendants receive a fair trial. We will also increase the upper age limit for jurors from 70 - 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

4. Under this option the CJC Bill 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 Bill

5. The Bill 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.

Restrictions of the use of simple cautions

6. 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 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 only 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.
7. A full impact assessment on these provisions will be published shortly.

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

8. 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.
9. Key costs - We estimate that these proposals will result in an increase in the prison population of around 1,000 places, in the long run, with the full impact reached by 2030. We estimate that there would be no increase in the prison population in this Spending Review period (ending March 2015), 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 300 prison places by March 2020.
10. We estimate that these proposals would result in an increase of around 1,100 Parole Board hearings per year, in the long run, with the full impact reached by 2030. We estimate that there would be no increase in Parole Board hearings in this Spending Review period (ending March 2015), there would be an increase of less than 50 hearings per year in the next Spending Round period (ending March 2016), and that there would be an increase of around 400 hearings per year by March 2020.
11. 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.

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

12. 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 the Parole Board before the end of their sentence unless the Board is satisfied that they are not highly likely to continue to commit further breaches of their licence if they were to be released.
13. **Key costs** - It is estimated that this policy will have an 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.
14. **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 the Parole Board, if satisfied that they are not highly likely to commit further licence breaches if released.

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

15. 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.
16. 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. We want 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.
17. **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 annual costs to the CJS are estimated to be around £200k. 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. 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.
18. **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 Parole Board for release from the original sentence until they have served the custodial period of the new sentence. This is most likely to affect to the greatest degree those who were already close to their sentence expiry date at the point 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.

19. 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.

Electronic monitoring of whereabouts as a compulsory licence condition.

20. 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.
21. 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.
22. Key benefits - The key benefits are the potential for a reduction in reoffending and an increased efficiency of law enforcement agencies (due to increased ability to detect crime)

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

23. 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.
24. Key costs – It is difficult to estimate the number of cases which will be impacted however estimated cost per case is up to around £10K in 2013/14 prices. 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 £850. Costs to the Legal Aid Agency, HM prison services and probation services have been estimated at approximately £2,700, £2,200 and £1,800 per case respectively.
25. 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 what already happens in Scotland.

Detention of Young Offenders

26. 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 reoffending of young people leaving custody, and reduce the overall cost of youth custody.
27. 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 more expensive and inefficient existing custodial provision.
28. 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 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.

Youth Referral Orders and Cautions

Youth Referral Orders

29. 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 Bill make amendments to the existing legislation applying to where the offender breaches a referral order 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. 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.

Changes to youth caution and youth conditional caution to extend appropriate adult to 17 year olds.

30. We are amending the Crime and Disorder Act 1998 to ensure 17 year olds are treated in the same way as those aged 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 years of age.
31. 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.

32. 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.

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

Removing high-volume, low-level 'regulatory cases' in magistrates' courts

33. 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.

34. Key costs - Total costs are currently estimated to lie in the range of £3 – 14 million at 2013/14 prices over 10 years in present value terms. This is split between transition costs and ongoing costs.

35. 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 at 2013/14 prices over 10 years in present value terms.

Criminal Courts Charging

36. 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 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.

37. A full impact assessment on these provisions will be published shortly.

Second-tier Appeals Test for Scotland

38. 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.

Juror misconduct and strict liability contempt by publication

39. 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, the rights of publishers to freedom of expression and the rights of jurors. These provisions will make certain types of juror misconduct a criminal offence and reform the law on contempt by publication to regularise the position of publishers of material available to the public on the internet.

40. Key costs - The changes to the strict liability procedure will have minimal cost implications since cases are expected to be rare and would be administered by the Attorney General's Office.

41. 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.

42. Key benefits - There could potentially be a more efficient use of court resources, if fewer trials are stopped because of juror misconduct. The introduction of a notice procedure will reduce burdens on publishers, and bring greater clarity to publishers where they need to remove prejudicial material.

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

43. The objective is to allow people between the ages of 70 and 75 inclusive to sit as jurors.
44. 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.
45. 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.
46. 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.
47. Key benefits – Although 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.

Reforms to judicial review

48. The policy objective is 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 two specific Impact Assessments for the clauses on JR in the Bill, one for Funding and Costs and the other for Refusal of Relief and Leapfrog Appeals. Those assessments also include reforms not being delivered in the Bill, such as the creation of a Planning Court within the High Court.
49. Key costs - It has not been possible to fully monetise the impacts of this reform. One off transition costs for HMCTS (e.g. adapting IT systems) are negligible. There will be no increase costs for defendants or interested parties as a result of cases being heard more quickly in a separate planning list. There are no anticipated costs for claimants as a result of cases being resolved more promptly.
50. Key benefits - Defendants (public bodies) would benefit from quicker case resolution and may save legal costs. Some claimants and third parties may also benefit from quicker resolution if this is in their interests. Claimants would benefit from reduced legal costs. HMCTS would benefit from reduced

costs if cases are resolved more quickly. Legal services providers could devote freed-up resources to other profitable activities (secondary impact).

Summary

51. 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

52. 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.

Table 1: Summary of Impacts

Provision	Quantified Costs			Quantified Benefits		Key Assumptions
	Additional Prison Places Required (at steady state)	Government	Social	Government	Social	
Changes to framework for sentencing and release	1,000	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	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.
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 p.a from 2015	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.

						<ul style="list-style-type: none"> We assume that 1% of offenders will be sent to Crown Court and given the maximum custodial sentence.
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. The introduction of Electronic Location Monitoring technology will not adversely affect compliance with licence conditions.
Extension of the offence of extreme pornography	Not quantified / Minimal	Not quantified / Minimal	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 data for offenders averaged across the period 2010-2012. 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.
Removing high-volume, low-level 'regulatory cases' in magistrates' courts	N/A	Up to £1.7m p.a. from 2016/17	N/A	Up to £11.6m p.a. 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
Juror misconduct and strict liability contempt by publication	Not quantified / Minimal	Not quantified / Minimal	N/A	Not quantified	Not quantified	<ul style="list-style-type: none"> Number of juror contempt and strict liability 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
Jury service upper age limit	N/A	Less than £0.1m p.a. from 2016	N/A	£0-1m p.a. from 2016	£3-6m p.a. 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

Judicial review: funding and costs	N/A	£1.2m p.a from early 2014	£1.1m p.a from early 2014	£1.6m p.a from early 2014	£0.6m p.a from early 2014	<ul style="list-style-type: none"> ▪ Volume of cases will remain the same as in 2011/2012. ▪ Unable to quantify reforms for charging interveners and non-party. ▪ TSol rates used for defendant costs. PLP rates for claimant costs ▪ LAA data used to assess proportion of legal aid cases and impacts.
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.