THE CRIMINAL BAR ASSOCIATION

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Crown Court Backlogs Stabilise

First quarterly decline in Crown Court backlog across England and Wales in 3 years
4 regions with sharper falls
New Figures cast doubt on the Government's Justification for Curtailing the Right to Trial by Jury

The Government's latest figures for Crown Court cases show that the increase in outstanding cases is coming under control. The backlog across the whole of a England and Wales fell over the quarter, the first such fall since 2023.

In four large regions of the country the backlogs are falling faster than the overall average.

The Ministry of Justice (MOJ)'s 'Criminal Courts Statistics Quarterly', published today (25th June 2026), set out the court figures for the first quarter of 2026.[1]

These show that the number of cases in the backlog across England and Wales as at 31st March 2026 was 80,061. This is a small, but important quarterly decease of 0.05% on the December 2025 figure, when it stood at 80,098.

The figures also show that in four key parts of England and Wales the backlog has fallen and that fall accelerated over the six months to March 2026:

- South East of England at 15,557 in March, down 3.1% over 3 months (16,061) and down 4.2% over 6 months (16,245)
- North West of England at 9,724 in March, down 2.3% over 3 months (9,954) and down 3.3% over 6 months (10,051)
- North East of England at 10,815 in March, down 2.9% in 3 months (11,137), down 2.3% over 6 months (11,072)
- Wales at 2,805 in March 2026, down 2.4% over 3 months (2,875) and down 3.7% over 6 months (2,913)

Meanwhile, the figures for Magistrates' Courts show an all-time peak of 370,222 at the end of March 2026, up 2% on the previous quarter to December 2025 and up 11% on the previous year (March 2025).

The MoJ's Prison Statistics show that the number of prisoners on remand, has also fallen by 9% in the year to 31st March 2026,[2] comprising a 7% drop in prisoners waiting trial and 13%

drop in convicted prisoners waiting sentence. That is considered another key indicator of the volume of outstanding criminal cases and the overall direction of travel.

The Criminal Bar Association (CBA) say that the statistics cast doubt on the figures used by Justice Ministers to justify curtailing existing rights to trial by jury in the controversial Courts and Tribunals Bill.

Speaking in the House of Commons in March, Justice Ministers told MPs that the Government predicted that the backlog will rise to 200,000 cases by 2035 if we do nothing.[3] That would be an increase of about 13,000 cases each year for the next 9 years – an increase of about 16.5% per year. The Ministers argued that urgent legislation was required to cut the number of jury trials by half in order to help bring the backlog down.

Different (but equally dire) predictions were made in their Impact Assessment,[4] published in February. This stated that the backlog would increase to 123,000 by March 2030 – an increase of 12% per year. The Government have not disclosed the calculations which underpin any of these worrying forecasts.

Today's figures paint a different picture.

Riel Karmy-Jones KC, Chair of the Criminal Bar Association, said:

> "It's high time the Government ditched its ill-conceived attack on the right to trial by jury. The justification for these plans has never been there — these figures show MPs have been misled by assumptions dressed up as evidence.

> "The Government announced this legislation without a shred of evidence that jury reforms were needed. It simply asserted they would cut the backlog and help victims — with nothing to back that up. For months we called on the Government to publish the data to back their claims. It finally provided an Impact Assessment, in February 2026, which stated that the Bill would help bring down the Crown Court backlog and 'turn the tide' so it falls by 2029. But the assessment offered no real data — only assumptions dressed up as evidence.

> "The truth is juries are not the cause of the backlog, of delays to trial, or of victims withdrawing. The real cause is a decade of successive governments cutting costs and capping the number of days Crown Courts can sit — shortsighted, money-saving measures that have done long-term damage to our justice system.

> "The cap has now been lifted in full, since 1 April 2026. We're yet to see the full impact of that on the statistics. What today's figures show is that, thanks to the hard work of our judges, criminal barristers, HMCTS staff, the CPS and defence solicitors, the measures we have pushed forward are and already taken in our courts are starting to turn the tide.

> "But just as the cap on sitting days caused lasting damage, so has neglect elsewhere in the system. The Crown Court estate is literally crumbling. We can't recruit or retain enough judges, barristers or court staff. As a result, courts can't make full use of the extra sitting days — hundreds are closed every week, unable to hear serious cases. What's needed now is investment, not rhetoric based on assumption."

Andrew Thomas KC, Vice Chair of the Criminal Bar Association, said:

> "The Government's prediction that the backlog would continue to rise by up to 16.5% year-on-year is beginning to look like an exercise in fearmongering.
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> The attack on trial by jury involves an ill-conceived plan to switch thousands of serious cases from the Crown Court to the already overcrowded Magistrates' Courts. It looks like an attempt to deliver justice on the cheap.
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> As the cross-party Justice Select Committee have demonstrated,[5] these proposals will simply backfire. The Magistrates' Courts do not have the capacity to take on tens of thousands of more serious, more complex cases. Legal Aid is not available on the same basis before the Magistrates' Court, and thousands of people facing long sentences of imprisonment will end up representing themselves.
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> As for Judge-only trials, even on the Government's own figures the proposal would have a negligible effect on the backlog – at best, it will reduce the time taken on Crown Court work by 1% to 2%.
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> The backlog has never been a proper justification for the attack on jury trials. The measures which are needed to bring the backlog down are practical measures – allowing the Crown Courts to sit to maximum capacity; blitz courts to target problem areas of work; increasing the incentives to plead guilty.
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> When the legislation was first announced in December, Andy Burnham called on the government to pause and rethink the plans.[6] He rightly described the jury system as a "lynchpin of a fair society". We agree. Today's figures show that he was right to be sceptical of the plans."

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Contact

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References

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