Chapter 1

The organisation of trial courts

1. Introduction

The English courts system has developed slowly over centuries and still shows many signs of its history but in recent decades there have been several major changes and in the past few years the pace of reform has quickened.

Up to 1979 the courts, other than the magistrates' courts, had been run by the Lord Chancellor's Department (LCD). In that year their administration was transferred to an executive agency called the Court Service. That agency was responsible for the functioning of the Supreme Court of England and Wales (comprising the Court of Appeal, the High Court and the Crown Court), county courts and seven tribunals. The running of the magistrates' courts was not included. They were run by local committees under the general supervision of the Home Office until 1991 and since that date by the LCD.[1]

In 2001, in his *Review of the Criminal Courts System*,[2] Lord Justice Auld recommended a 'single and nationally funded administrative structure, but one providing significant local autonomy and accountability'. This proposal was accepted by Government. The Courts Act 2003 made the necessary statutory changes to allow for the creation of Her Majesty's Courts Service (HMCS) as a new executive agency with some 20,000 staff. (Bringing the magistrates' courts into the national system doubled the complement of staff.) The change took effect in April 2005. HMCS is accountable to the Lord Chancellor/Secretary of State for Constitutional Affairs.[3] HMCS

[1] For the successive recent developments in the story of the administration of the magistrates' courts see the 9th edition of the present work, pp. 29–31.

[2] www.criminal-courts-review.org.uk.

[3] On 12 June 2003, the Prime Minister, Mr Tony Blair, announced that the ancient title of Lord Chancellor dating back to the eleventh century would be abolished and replaced by the title Secretary of State for Constitutional Affairs. The Prime Minister's announcement proved to be somewhat hasty. The Lord Chancellor's Department (LCD) was renamed the Department of Constitutional Affairs (DCA) by a stroke of the Prime Ministerial pen, but in the event the office of Lord Chancellor survived. The holder of the office is now both Lord Chancellor and Secretary of State for Constitutional Affairs.

has forty-two areas each with an Area Director and an advisory Courts Board.[4]

The highest court, the House of Lords, is outside this administrative structure. Hitherto it has been run by the LCD, now the DCA. Under the Constitutional Reform Act 2005, the House of Lords in its judicial capacity is to be transformed into the new Supreme Court with its own administrative structure including a chief executive. It will be situated in the Middlesex Guildhall, opposite Parliament. Getting that building ready for its new role is a major project that will take some years.[5] It is not expected to be finished before the end of 2009. Until then, the House of Lords as the final court of appeal will continue in its traditional home in the Palace of Westminster sitting under its traditional title and administered as before by the Government Department.

Calling the final court of appeal the Supreme Court necessitated a re-naming of the existing Supreme Court of England and Wales. This will be known as 'The Senior Court of England and Wales'.[6]

The Constitutional Reform Act 2005 made other major constitutional changes, the most important of which is the transfer of responsibility for the appointment of the judiciary from the Lord Chancellor[7] to a new Judicial Appointments Commission with a lay chairman and a significant number of lay members.[8] The Act for the first time gives explicit recognition to the special responsibility of the Lord Chancellor for the rule of law[9] and for the independence of the judiciary.[10] There is however no longer any guarantee that the Lord

[4] The Boards have seven members – a judge, two magistrates, two people to represent the local community and two people with experience of the courts in the area (lawyers, victim support, advice agencies etc.).

[5] The task was costed at £30 million. The cost of moving the old courts into new premises would be another £20 million. (There is every reason to suppose that these would prove to be considerable underestimates.) The costs of running the new Supreme Court would be of the order of £8–10 million a year compared with £3–4 million in the House of Lords. For a drawing of what the new Supreme Court would look like see *Law Society's Gazette,* 14 September 2006, p. 4.

[6] Constitutional Reform Act 2005, s. 59(1).

[7] For a description of the previous system see Sir Thomas Legg, 'Judges for the new Century', *Public Law*, 2001, pp. 62–76. *Legal Studies* in March 2004 devoted the whole of issues 1 and 2 to judicial appointments.

[8] The 2005 Act (Sch.12, para. 2) provides for the Commission to consist of a lay chairman, five judicial members, two practitioners, five lay members, one tribunal member and one lay justice The first chairman is Baroness Usha Prashar. The names of all but one of the other fourteen appointees were announced on 23 January 2006. (See the Lord Chancellor's Ministerial Statement, House of Lords, *Hansard,* 23 January 2006, WS 45.) The Commission was launched on 3 April 2006. The Act (Sch. 13) also provides for a lay Judicial Appointments and Conduct Ombudsman whose duties would also commence on 3 April 2006.

[9] Section 1 states that the Act does not adversely affect '(a) the existing constitutional principle of the rule of law, or (b) the Lord Chancellor's existing constitutional role in relation to that principle'.

[10] Section 3 of the Act states that 'the Lord Chancellor, other Ministers of the Crown and all with responsibility for matters relating to the judiciary or otherwise to the administration of justice must uphold the continued independence of the judiciary'.

Chancellor will necessarily be either a member of the Upper House or a lawyer.[11]

At least of equal importance is the so-called 'Concordat'[12] between the Lord Chancellor and the Lord Chief Justice, a 28-page document setting out in detail their respective roles in relation to a long list of topics.[13]

The chapter starts with a description of the existing trial courts structure. (The appellate system is treated in Ch. 7.)

2. The trial courts – work and organisation

(1) The civil courts

There are three different levels of trial courts for civil cases: the High Court, the county court and the magistrates' court.

The High Court

History[14]

The High Court is divided into three Divisions: the Queen's Bench Division, the Chancery Division and the Family Division. The High Court came into existence in the Judicature Acts of 1873–5, in replacement for the ancient Queen's Bench Court, Court of Common Pleas, Court of Exchequer, Chancery Court, and the Probate, Divorce and Admiralty Court. Under the 1873–5 legislation these five separate courts became the five Divisions of the High Court. In 1888 the three common law courts (Queen's Bench, Common Pleas and Exchequer) were merged into a single Division, the Queen's Bench Division (QBD). The Probate, Divorce and Admiralty Division was broken up by the Administration

[11] Section 2 of the Act (headed 'Lord Chancellor to be qualified by experience') provides that the person who holds the office of Lord Chancellor must be someone who appears to the Prime Minister to be qualified by experience as a Minister, a member of either House of Parliament, a practitioner, a university law teacher or 'other experience that the Prime Minister considers relevant'.

[12] The Concordat is on the DCA's Website as a consultation paper entitled *Constitutional Reform: The Lord Chancellor's judiciary-related functions* (since referred to as 'the agreement' and also 'the Concordat'): www.dca.gov.uk/consult/lcoffice/judiciary.htm. The Concordat was negotiated on behalf of the judiciary by the Lord Chief Justice, Lord Woolf. For a lecture in which he explains it see 'The Rule of Law and a Change in the Constitution', 63 *Cambridge Law Journal*, 2004, pp. 317–30.

The topics dealt with in the Concordat include: key statutory responsibilities of the Secretary of State and the Lord Chief Justice, judicial independence, judicial posts held by the Lord Chancellor, leadership of the judiciary in England and Wales, oath-taking, provision of resources, deployment, 'leadership posts', appointments to committees, boards and similar bodies, the making of procedural rules for judicial fora, rule committee appointments, Practice Directions, education and training, judicial complaints and discipline, judicial appointments commission – process and judicial appointments commission – membership.

[13] The remarkable story of the Constitutional Reform Act 2005 is the subject of a two-part article by Lord Windlesham in *Public Law*, 2005, pp. 806–23 and 2006, pp. 35–57.

[14] For an outstanding historical account see B. Abel-Smith and R. Stevens, *Lawyers and the Courts* (Heinemann, 1967).

of Justice Act 1970 which allocated its functions between the QBD, the Chancery Division and the new Family Division.

The High Court today

The jurisdiction of the High Court is to be found in the provisions of the Supreme Court Act 1981.

The Queen's Bench Division (QBD) This consists of the Lord Chief Justice and some seventy High Court judges. It deals primarily with claims for contract and tort. The largest single category of work is for goods sold and delivered, work done, materials supplied or professional work done. The next largest categories typically are claims for breach of contract, personal injuries and the recovery of land or property.

The number of cases dealt with by the QBD has been declining dramatically in recent years. One reason is the transfer of cases from the QBD to the county court (see below pp. 11, 67). In 1990 the number of proceedings started in the QBD was over 350,000. In 1997 it was down to some 121,000. Four years later by 2001 it had slumped to a mere 21,600. In 2005 it was down to 15,317![15]

The QBD additionally has two special types of jurisdiction. One is the Admiralty Court, previously part of the Probate, Divorce and Admiralty Division until it was abolished by the Administration of Justice Act 1970. Admiralty cases typically concern collisions at sea, damage to cargo and personal injuries suffered at sea. (In 2005 there were 102 claims issued in admiralty cases but only three cases were actually tried!) The second category is the Commercial Court, which has judges specially chosen for their experience to try heavy commercial cases. (There are currently twelve Commercial Court judges.) The cases consist of matters relating to ships, aircraft, insurance, banking, carriage of cargo and the construction and performance of mercantile contracts. Many of the cases have a strong international flavour. (In 2005 there were almost a thousand (981) claims started.)

The Divisional Court of the Queen's Bench Division exercises an important first instance jurisdiction by way of review of the acts of Ministers, their civil servants and local councilors and officials. Traditionally this was by way of the ancient prerogative writs (*certiorari*, *mandamus*, *prohibition* and *habeas corpus*). Then such cases were dealt with by an application for judicial review under what was Order 53 of the Rules of the Supreme Court (RSC). The part of the QBD that dealt with these applications was known as the Crown Office List. From October 2000 the Crown Office List was renamed the Administrative Court.[16] The applicant now applies for mandatory, quashing and prohibiting orders. Unlike the position for ordinary actions, permission (formerly called 'leave') is

[15] The figures are to be found in the annual *Judicial Statistics*.

[16] *Practice Note* [2000] 1 WLR 1654, [2000] 4 All ER 1071. For commentary see 20 *Civil Justice Quarterly*, 2001, pp. 1–5 and *Public Law*, 2001, pp. 4–20.

required to start such proceedings. Applications for permission are heard normally by a single judge. In 2005 there were 4,660 applications to apply for judicial review in civil matters, of which more than half (58 per cent) concerned immigration issues.

The Chancery Division The Chancery Division is the successor to the ancient Chancery Court. It consists of the Vice Chancellor and seventeen High Court judges. It deals with corporate and personal insolvency disputes, business, trade and industry disputes, the enforcement of mortgages, professional negligence, intellectual property matters, copyright and patents, trusts, wills and probate matters. The Chancery Division also includes a specialist Companies Court and Patents Court. In 2005 the total number of proceedings was just over 34,000, of which some 14,000 were Companies Court matters and 13,000 were bankruptcy petitions.

The Family Division The Family Division was created in 1970 when the Probate, Divorce and Admiralty Division was split up. It consists of the President and some seventeen High Court judges. It hears defended divorce cases and ancillary disputes over children and property. It also deals with wardship, guardianship of infants, adoption and legitimacy cases. The Family Division nominally also deals with non-contentious probate work but in practice this work is handled by administrative or bureaucratic rather than by judicial proceedings. (As will be seen, the Children Act 1989 established a concurrent family jurisdiction across the High Court, the county court and family proceedings courts in the magistrates' courts.)

There are two other special jurisdictions:

The Technology and Construction Court (TCC) – formerly the Official Referees Court. The Official Referees Court was renamed the Technology and Construction Court in 1998. Its jurisdiction remained the same, namely difficult or technical issues of fact on reference from the Queen's Bench Division or the Chancery Division after an application made by either party. Usually the cases involve complex building and construction disputes. The judges used to be Circuit judges (lower in the judicial hierarchy than High Court judges), but on the renaming of the court in 1998, a High Court judge was put in charge (on a part-time basis) and the Official Referees were renamed 'judges' to be addressed as 'My Lord' instead of 'Your Honour'. In June 2005 the Lord Chief Justice said that because of the number and importance of the cases heard by the TCC the High Court judge in charge would in future be full-time. No fewer than forty-one Circuit judges were engaged on these cases in London (seven full-time) and eleven other court centres – and twenty-three Recorders (part-time judges) were authorised to hear TCC cases as and when required.[17]

In 2004–05 there were 655 TCC cases started and eighty-nine contested trials – thirty-eight in London and fifty-one in Birmingham, Salford and Leeds.[18]

[17] [2005] 3 All ER 289.

[18] *Annual Report of the Technology and Construction Court, 2005.* NB The *Judicial Statistics* are plainly inaccurate in stating in Table 3.16 that there were only three contested TCC trials in 2005.

The Court of Protection This is responsible for the management and administration of the property and affairs of people suffering from mental disorder. Most of the work is done by masters and deputy masters (see below) rather than by judges, but judges of the Chancery Division and the Family Division do exercise some of the powers. There are normally some 30,000 estates under administration.

The hands-on management of the affairs of patients unable to manage for themselves is done by the Public Guardianship Office (PGO) which was established as an executive agency in 2001. Its main function is to promote the interests of its clients by overseeing the activities of Receivers appointed by the Court of Protection.

In December 1997 the Government published a consultation paper, *Who Decides? Making Decisions on Behalf of Mentally Incapacitated Adults*, based on the recommendations of the Law Commission.[19] This proposed that the Court of Protection should cease to exist as an office of the Supreme Court and instead become a superior court of record. By 2006 no decision on this issue had been announced.

Judges in High Court cases

One of the features of the English system is the overlapping jurisdiction of judges. The fact that a case is heard in the High Court does not mean that it will be heard by a High Court judge. Thus in 2005 the High Court case load was shared between High Court judges (56 per cent), Circuit judges (full-time judges) (21 per cent), Deputy High Court judges (retired judges, practitioners or experienced Circuit judges) (18 per cent), District judges (full-time judges) (3 per cent) and Lords Justices of Appeal and Recorders (practitioners sitting as part-time judges) (2 per cent).[20]

Interlocutory work in the High Court

Most trials are handled by judges, but the pre-trial (called 'interlocutory') work is conducted in London by Masters in the Queen's Bench and Chancery Divisions and by District judges (formerly called registrars) in the Family Division. Outside London there are no Masters. High Court interlocutory business outside London is handled in District Registries by District judges who are normally also the District judges for the county court. District Registries are physically located in county courts. There are over a hundred District Registries. All the District Registries deal with Queen's Bench, Chancery and Family Division work. Most, though not all, are authorised to take undefended divorce cases. County courts are now divided into Civil Trial Centres and Feeder Courts. Groups of feeder courts are supervised by designated Circuit judges who sit in the trial centres.

[19] *Mental Incapacity* (1995) Law Com. 231.
[20] Source: *Judicial Statistics, 2005, Revised*, calculated from Table 10.2, p. 133.

The county court

The county court was established in 1846 with a jurisdiction limited to £20 for actions in contract and tort. Over the next 150 or so years its jurisdiction rose from £20 to £5,000.[21] In 1990 the ceiling was abolished. As from 1 July 1991 county courts were able to deal with all contract and tort claims and recovery of land actions, regardless of value, plus equity matters where the value of the trust fund or estate does not exceed £30,000. In practice, however, the great majority of high value cases are handled by the High Court.

Most of the business of the county courts is money claims. Actions of this kind are mainly for goods sold and delivered, work done, materials supplied and professional fees. The other largest categories of work done by the county court are undefended divorce[22] and ancillary relief with regard to children and matrimonial property and actions for the recovery of land and premises. The county court also has an admiralty and equity jurisdiction, can hear contested probate actions, and deals with bankruptcy and companies winding up.

There are two tiers of judges in the county courts. The lower tier (District judges) deal with the case management work plus the great bulk of less complicated/lower value hearings and most of the housing possession and family related claims. The upper tier (Circuit judges) deal with the more serious cases, the trials of care cases and the more difficult private law Children Act applications.

Small claims in the county court

A 1970 study of the county court by the Consumer Council (*Justice out of Reach*) showed that individuals hardly ever used the county courts as plaintiffs. This led to changes in county court procedure designed to make them more 'user friendly' to ordinary citizens. The main reform was the introduction in 1973 of what was originally called 'arbitration' but which soon came to be known as the small claims procedure. This had several special features, notably, hearings in private,[23] less formal procedure, and costs rules under which each side basically pays its own costs.[24]

The limit for small claims cases in 1973 was £75 but it has increased hugely and is now £5,000 other than for personal injury and housing disrepair cases where it is £1,000.[25]

[21] During the first hundred years the jurisdiction was increased very slowly – to £50 in 1850, £100 in 1903 and £200 in 1938. In 1955 the jurisdiction of the county courts was raised to £400. In 1966 it went up to £500, in 1969 to £750 and in 1974 to £1,000. It next jumped to £2,000 in 1977 and in 1981 it was more than doubled to £5,000 – and in equity matters £30,000.

[22] About three-quarters of the 220 county courts are authorised to deal with undefended divorce work.

[23] As will be seen, this has been changed. To make the procedure compatible with the European Convention on Human Rights a trial now has to be conducted in public. See p. 424 below.

[24] See further below – with regard to small claims less formal trial methods, pp. 384–88, and with regard to costs, pp. 577–78.

[25] The £75 limit was raised to £200 in 1975. In 1979 it went up to £500 and in 1991 to £1,000. Lord Woolf's *Interim Report Access to Justice* in June 1995 proposed that it be increased to

The reason for the difference is to take account of the need for lawyers to assist with such claims. The small claims system does not allow for recovery of lawyers' fees whereas in claims outside the small claims system lawyers' fees can be recovered by the winning party. In personal injury and housing disrepair cases access to the help of lawyers has been considered sufficiently important to justify the lower limit. In May 2004, the Government's Better Regulation Task Force recommended that the Government should undertake research into raising the limit for personal injury cases so that they were brought into line with the rest of civil claims. This it said would 'increase access to justice for many as it will be less expensive, less adversarial and less stressful'.[26] The Association of Personal Injury Lawyers (APIL), unsurprisingly, labelled this proposal, which it said would affect more than half of all personal injury, 'a disaster',[27] but it was not just the personal injury lawyers who were opposed. A report published by the Civil Justice Council agreed with APIL that the starting point for recovery of costs in personal injury claims below £5,000 should remain at £1,000:[28]

> There is no evidence to suggest that the resolution of personal injury claims between £1,000–5,000 is working unsatisfactorily for the consumer. Only a very small number of such claims do not settle and litigation to trial in these cases is a very infrequent last resort . . . [T]here is simply no benefit to be gained by raising the small claims limit in personal injury cases. Rather, any such move that would remove cost recovery in such cases would work contrary to the public interest by removing quality controlled and regulated law firms from their role in resolving such claims which are still important to the injured consumer. The resulting gap in access to justice would be filled either by unrepresented consumers who would be unequal to the task of taking on the complexities of personal injury law, or by non-lawyers whose only means of remuneration would be to deduct a contingency fee from the injured consumer's damages.[29]

APIL's view also received support from a MORI poll published in April 2005.

Footnote 25 (*cont.*)
£3,000, save for personal injury cases. This was implemented in January 1996. When the 'Woolf reforms' were implemented in April 1999, the general jurisdiction was raised to £5,000.

[26] *Better Regulation Task Force, Better Routes to Redress*, May 2004, p. 27 – www.brc.gov.uk. A report by the House of Commons Constitutional Affairs Committee in December 2005 recommended that the limit for personal injury cases and for housing could be raised to £2,500 without disadvantage to claimants – *The Courts – Small Claims*, HC 519, December 2005. For earlier discussion of the question of raising the limit see J. Baldwin, 'Increasing the small claims limit', 148 *New Law Journal,* 27 February 1998, p. 27; *Monitoring the Rise in the Small Claims Limit,* LCD Research Series 1/97, Lord Chancellor's Department, 1997 and *Lay and Judicial Perspectives on the Expansion of the Small Claims Regime,* LCD, Research Series 8/02, September 2002.

[27] The President of APIL was quoted as saying: 'it cannot be right that someone who is not legally trained is expected to put together a personal injury claim, gather medical reports and work out how much compensation they are entitled to. Thousands of people . . . may find bringing a claim against the person or company which injured them practically impossible', *New Law Journal,* 18 March 2005, p. 397.

[28] *Improved Access to Justice – Funding Options and Proportionate Costs,* September 2005 – www.costsdebate.civiljusticecouncil.gov.uk.

[29] *Ibid*, p. 16, para. 2.

According to the poll, 64 per cent of more than 2,000 respondents said they would be unlikely to pursue their case without a lawyer and 80 per cent believed that without a lawyer to help them they would not receive the right amount of compensation from an insurance company.[30]

As the jurisdiction has expanded, the small claims system has assumed increasing importance. In 1973, when it began, only 8 per cent of trials in the county court were heard under the small claims procedure. A quarter of a century later the proportion had soared ten-fold to over four-fifths.[31] In 2004 and 2005, it was 74 per cent and 73 per cent respectively.[32] This has been an astonishing development. Professor John Baldwin, the leading academic expert on the small claims system, said of this,[33] 'it is no exaggeration to say that the development of the small claims procedure in England and Wales has for many years been slowly bringing about a revolution in civil procedures in the county courts'.[34]

Magistrates' courts

Magistrates' courts have always had a significant jurisdiction in the civil field. Most of it was in the field of domestic relations – especially maintenance for deserted wives and children, custody disputes, adoption, guardianship, and protection of battered wives. A different kind of civil jurisdiction is the collection of various statutory debts such as income tax, national insurance, social security, rates and legal aid contributions.

In the field of domestic relations there was a great deal of overlap between the jurisdiction of the magistrates and that of the county court. The issue of what to do about this jurisdiction culminated in the Children Act 1989 which led to a significant re-casting both of the relevant law and of the responsibilities of the different levels of civil courts. The magistrates' courts functions in this field have been renamed 'family proceedings courts'.

[30] *New Law Journal*, 8 April 2005, p. 529.

[31] Between 1997 and 2003 the proportions were 83 per cent, 87 per cent, 87 per cent, 78 per cent, 81 per cent, 80 per cent and 77 per cent.

[32] Calculated from *Judicial Statistics*, the table headed 'Proceedings disposed of by trial or small claims hearing by region' – Table 4.7 or, in 2005, Table 4.8.

[33] J. Baldwin, *Lay and Judicial Perspectives on the Expansion of the Small Claims Regime,* September 2002, LCD Research Series, No. 8/02, p. 7. For an overall description of the system see N. Madge, 'Small Claims in the County Court', 23 *Civil Justice Quarterly*, 2004, pp. 201–11.

[34] In June 2005 the Department for Constitutional Affairs issued a consultation paper (CP 12/05) regarding a proposal from the European Commission for a European Small Claims Procedure. The Commission's suggestion was that the procedure should be available not only for cross-border disputes but also for internal cases. The new system would be an alternative to, not a replacement for, whatever already exists in Member States. The UK Government welcomed the proposed new procedure but wished it to be confined to cross-border cases – a view with which the House of Commons Constitutional Affairs Committee agreed in its report in December 2005 (n. 26 above).

Family court work

In 1974 the Finer Report[35] recommended the setting up of a unified family courts system to combat what it considered to be the chaotic effect of the jurisdictional split between the High Court, county courts and magistrates' courts. The report was not implemented. In 1986 an interdepartmental *Review of Family and Domestic Jurisdiction* consultation paper canvassed various models for the Finer Report's proposed unified family court. Again, however, the unified family courts project was not taken forward.

The Children's Act 1989, implemented in 1991, established not a unified but a concurrent family jurisdiction across all tiers of civil courts. All three courts were given (albeit differing) jurisdiction to act, though the rules provided that certain business had to be started or tried in particular courts:

The High Court The High Court has jurisdiction to hear all cases relating to children and has an exclusive jurisdiction in wardship cases. It also hears appeals from family proceedings courts and cases transferred from the county court or the family proceedings courts.

County courts There are county courts with no family jurisdiction. There are divorce county courts which can issue all private law family law proceedings but contested matters are transferred to family hearing centres for trial. Family hearing centres can issue and hear all private law family law matters whether or not they are contested. There are care centres which have full jurisdiction in both private and public family law matters. There are also Specialised Adoption Centres.

(Public law cases are those usually brought by local authorities or the NSPCC and include care, supervision and emergency protection orders. Private law cases are brought by individuals generally in connection with divorce or separation.)

Family Proceedings Courts (magistrates' courts) Full private and public law jurisdiction except for divorce. Either lay magistrates alone or a District judge sitting with lay magistrates. They have been specially trained.

Public law cases must start in the family proceedings court but can be transferred to the county court to minimise delay or where the matter is grave, complex or important. (In 2005 there were a total 24,600 public law applications, of which 64 per cent were heard in the family proceedings courts, 35 per cent were heard in the county court and 1 per cent were heard in the High Court.[36])

Private law cases can be started at any family proceedings court or county court. (In 1992 private law applications ran at around 50/50 – 52,900 in county courts and 51,500 in family proceedings courts, but since then there has been a dramatic shift. In 2005, 82 per cent of the 104,400 private law cases were heard in the county courts as against 17 per cent in the family proceedings courts and 0.2 per cent in the High Court.[37])

[35] *Report of the Committee on One-Parent Families*, 1974, Cmnd. 5629.
[36] *Judicial Statistics 2005 (Revised)*, Table 5.1. [37] *Ibid.*