

Industrial-scale prosecution?

Why the single justice
procedure needs radical
reform

JULY 2025

Penelope Gibbs

**£100 penalty fare
or prosecution**

if you fail to show on demand a ticket,
validated smartcard or other travel authority
valid for the whole of your journey



Executive summary

The criminal justice system is in crying need of more efficiency but there is little space to be innovative. So what's not to like about a process which has revolutionised the magistrates' court? The single justice procedure, introduced ten years ago, makes summary justice far speedier and cheaper. It needs fewer court staff and judges than a traditional open court hearing, and defendants can plead guilty and submit mitigation online. A case can be processed within weeks rather than months.

Transform Justice has followed the progress of the single justice procedure (SJP) since its launch in England and Wales in 2015. We have written many articles about it, briefed journalists and made it the subject of our first ever podcast episode, but never brought our evidence together. In this report we acknowledge the potential benefits of the SJP but also express our deep concerns about the justice it delivers. Just as in the case of the Post Office Scandal, the victims are organisations and companies who are trying to protect their revenue or ensure behavioral compliance. They are both victim and prosecutor, which may cloud their objectivity in decision-making.

It is in the interests of any prosecutor to produce the minimum of evidence to get a conviction and to have as few people as possible contest the charge. The SJP fits the bill. Most offences are strict liability so prosecutors don't have to prove the suspect intended to commit a crime, nor do they need to prove their prosecution is for the public benefit (partly because no-one ever challenges them to do so). So prosecution is relatively easy. Getting convictions is easy too, because most people don't respond to their prosecution under SJP and are convicted in their absence. A tiny minority of defendants plead not guilty. No data is available on what proportion are acquitted.

Procedural justice is defined as the fairness of processes used by those in positions of authority to reach specific outcomes or decisions. This report measures the SJP against that test and finds it wanting. Many people who transgress are willing to make amends. But SJP defendants also need to know what their rights are and how to exercise them, and most don't. So far, no-one (apart from some journalists) has been that interested in finding out about their experience and amplifying their voice. But change is coming. We hope that procedural justice and fair trial rights will be at the heart of SJP reform.

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Introduction

Sources

It has been very hard to find relevant information in the public domain. We have sourced our information from government websites and statistics. We have consulted parliamentary reports and the responses to parliamentary questions. We asked the government and some SJP prosecutors (we did not have the resources to ask all) to answer freedom of information requests, many of which they did not answer for various reasons. Where we say we don't know a figure or piece of information, we have tried and failed to obtain it. As an example of FOI refusals, HMCTS (HM Courts and Tribunals Service) said they could not answer ten out of eleven questions.¹ Avon and Somerset police would not send an example of a prosecution notice on the basis disclosure may lead to fraudulent activity (though other police forces did).

We have found one document particularly helpful – the review by the Office for Rail and Road of Train Operators' Revenue Protection Policies.² This independent review was commissioned in the wake of a miscarriage of justice and of media stories suggesting overzealous punishment of those who had made errors in their ticket purchase.

All the statistics quoted in the report are from Ministry of Justice statistics³ and criminal courts statistics quarterly. Some statistics have been derived from a spreadsheet published in response to a parliamentary question (UIN 53351), answered on 27 May 2025.

In this report we use SJP to refer to all the processes and actors associated with the single justice procedure. We understand that SJP can be narrowly defined as just the court process itself, but believe it makes more sense to refer to the whole process from the beginning to end – from incident to sentence – as the SJP.

About Transform Justice

Transform Justice is a national charity working for a fair, open and compassionate justice system. We use research and evidence to show how the system works and what needs to change – then we persuade politicians and policy makers to make those changes. Through our work we hope to reduce crime and the harm that can be caused by the criminal justice system.

1 [HMCTS FOI response](#)

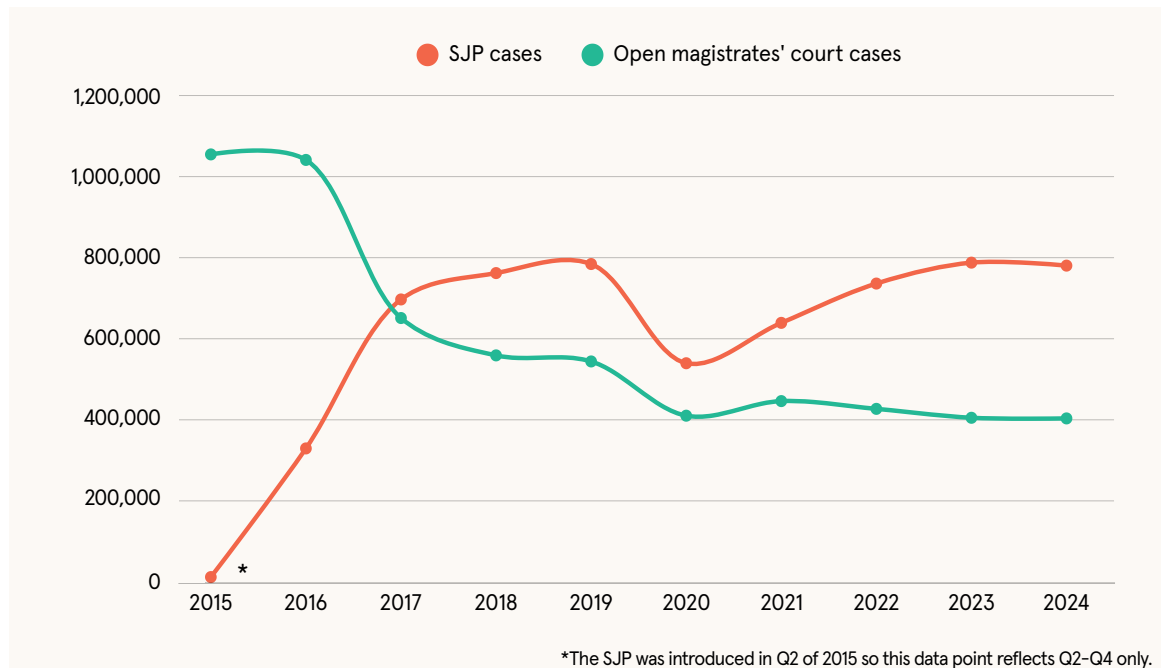
2 [Independent review of train operators' revenue protection practices](#), ORR

3 Particularly [Statistics in development – Single Justice Procedures](#)

Conveyor belt justice: what is the SJP?

The SJP was introduced to make summary justice for adults speedier and cheaper. The lowest level offences, such as not having the right bus ticket or not having a valid TV licence, were previously prosecuted by the organisation affected in open court like other magistrates' court cases. But there was pressure to save court costs and a new process was proposed. The measure sailed through as part of the Criminal Justice and Courts Act 2015, with very little parliamentary debate or challenge. All SJP cases where the defendant didn't opt for trial (or to be sentenced in open court) were to be dealt with by one magistrate sitting alone, supported by a legal advisor. So as many guilty plea cases as possible were to be dealt with "on the papers" i.e. in a closed court without the prosecutor or the defendant present. Since the government launched the SJP, the number of cases dealt with has increased significantly, such that SJP prosecutions now form the majority of all criminal prosecutions (780,383 in 2024) and two thirds of all magistrates' court cases. Half of criminal convictions across all criminal courts are now for SJP offences.

FIGURE 1: Number of Single Justice Procedure cases versus open magistrates' court cases, since the introduction of SJP



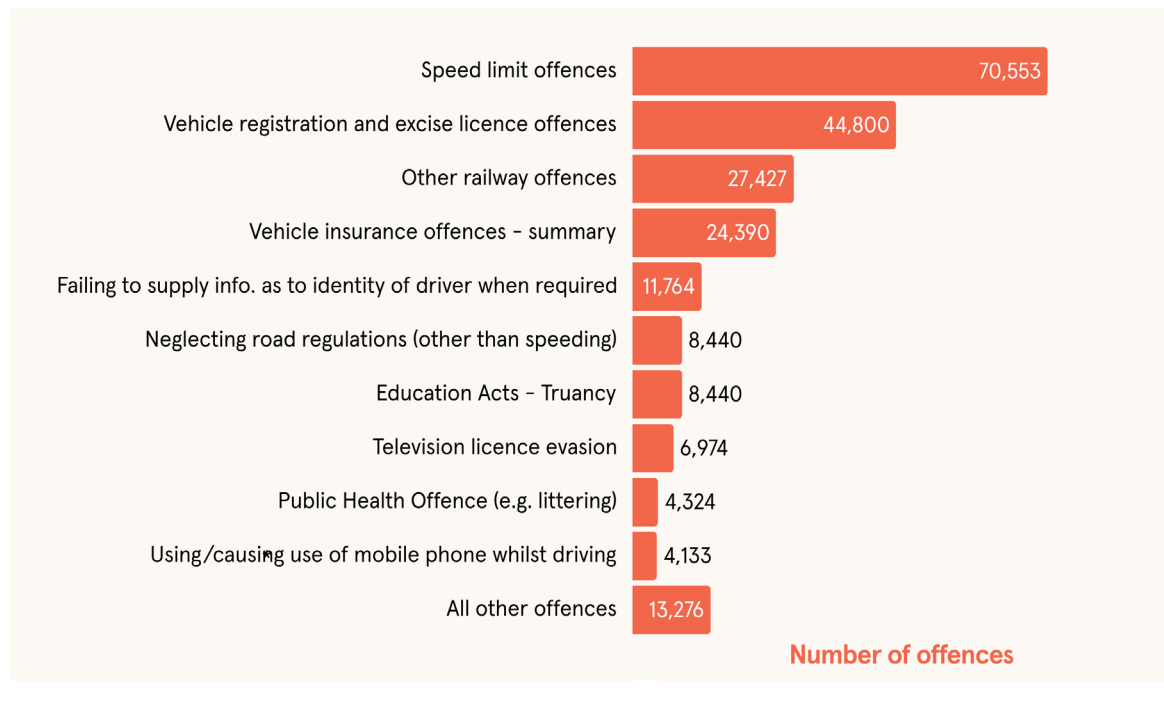
The first full year of operating the SJP was 2016. Since then the number of SJP prosecutions has more than doubled while the number of open court hearings in the magistrates' court has more than halved (there was a dip in both during the pandemic due to restrictions on travelling). It's not clear from the data whether the expansion in use of the SJP is purely due to an expansion of the number of offences allowed to go through the SJP, or whether this type of private prosecution has increased, while prosecutions in open court (vast majority by the Crown Prosecution Service) have declined, or a combination of the two.

What crimes are prosecuted under the SJP?

There are at least 110 different crimes that can be prosecuted using the SJP. Common SJP offences⁴ include speeding and not having an up-to-date MOT. Less common are prosecutions for failing to ensure your child regularly attends school and littering. Only crimes that are non-imprisonable can be prosecuted under the SJP. Prosecutors also need parliamentary permission to charge specific crimes via SJP. Since 2015, many new offences have been added to the SJP list, with permission granted via secondary legislation.

None of the prosecutions are led by the Crown Prosecution Service (CPS), the main prosecutor in criminal courts in England and Wales. The prosecutors are organisations who have been given permission to prosecute using the SJP, such as police forces, the DVLA and local authorities. Some organisations such as the BBC and some railway companies subcontract enforcement and prosecution to private companies.

FIGURE 2: Most common offences prosecuted under SJP, 2025 Q1



⁴ Full list here, taken from the answer to a parliamentary question tabled by Ben Goldsborough MP (UIN 53351), answered on 27 May 2025.

Caught in the cogs: the defendant's journey through the SJP

What happens pre-charge?

When the police suspect someone of having committed a crime, officers (whether on the street or in police custody) normally try to find out what happened by talking to the victim and the person accused. Officers may then arrest the suspect and interview them "under caution" – after informing them of their legal rights. Every suspect who is asked for a formal interview by the police is offered free in-person legal advice. Every vulnerable suspect (as assessed by police) is also allowed an appropriate adult to support them in custody and to ensure they understand their legal rights. Suspects have these rights regardless of the seriousness of the crime. When the police/CPS think about whether to charge after a formal interview, they will consider if there is enough evidence and then whether the prosecution is in the public interest – called "the full code test". If someone accused of a minor crime was, say, in the midst of a mental health crisis at the time, it may not be in the public interest to prosecute. If the police do want to charge, their lawyer may challenge this either on the basis of insufficient evidence and/or as not being in the public interest. If prosecution goes ahead, details of the charge will be given to the defendant and their lawyer (if they have one), and they'll have the opportunity to plead guilty or not guilty at or before their first court appearance. The decision on how to plead is not always clear cut. A lawyer – free to all those accused of an imprisonable offence – will give advice to their defendant on the options. If the defendant doesn't turn up at court, magistrates usually give them one more chance before hearing the case in their absence.

None of this happens with SJP offences. The SJP process often starts when the suspect has some kind of encounter with an enforcement officer. This could be a revenue protection officer on a train platform or a TV licence enforcement officer. Few enforcement officers ask the suspect questions about their life circumstances or have the training to spot hidden disabilities. The enforcement officer may or may not tell the suspect that they face prosecution. Many people are prosecuted after not paying or after unsuccessfully appealing a fixed penalty. The enforcement department of the prosecuting organisation (or the subcontracted private company) decides who to prosecute and sends out the prosecution notices. In many cases no human being scrutinises or reviews the decision to charge, nor makes an active decision as to whether charging is in the public interest. No one in the prosecuting organisation has the kind of information the police and lawyers usually acquire to help inform the public interest criteria. So the SJP charging decision is a blunt instrument to address alleged wrong-doing.



Tristan Kirk
@kirkkcorner

April 6 2025



Single mum-of-three convicted of not paying the TV Licence

Bad mental health

Just out of violent relationship

Had no control of her money

I am now a single mother of 3 children under 5 I also suffer with very bad mental health when I was meant to pay for my tv licence I didn't have the funds to pay it due to being in a domestic violence relationship and I had no control over my finances but now I am no longer in that relationship I would like to pay monthly with TV licence

The Office for Road and Rail (ORR) reviewers asked train operating companies (TOCs) about their test for prosecution and found that in four companies “we did not find evidence of a formal test for prosecution. For two others it was unclear whether a formal test was in use or exactly what test was being applied in practice... In some cases, it was unclear who makes a charging decision and at what stage.”

There is no requirement for SJP prosecutors to have any legal training or expertise and it appears some have very little. The ORR reviewers found that the majority of TOCs “appear not to require any formal qualifications or accreditation for their prosecution staff, relying instead on various combinations of on-the-job training and in-house or externally delivered training. Where TOCs provided information on the length of internal training, this varied considerably – from five days to three months. Where decisions on prosecutions were made by a third-party contractor, the level of training was in some cases less clear, for example referring to unspecified “relevant legal training”. Even when cases go to trial, some companies do not use legally qualified prosecutors. Sarah Hodgson appealed her prosecution for fare evasion in 2022: “Well court was a hoot. I argued that their interpretation of law was incorrect... Anyway their [legal] rep in court was outsourced & the mags just looked at her & said ms hodgson has put forward an eloquent argument, are you really planning on proceeding to trial? She just shrugged & said I’m just representative of them & my instruction is to proceed, I’m not an expert in railways laws.” Sarah’s prosecution was in fact withdrawn. It seems a bit of an understatement for the ORR review to point out that “prosecution staff with less experience, training and qualifications may be at greater risk of procedural errors”.

SJP prosecutors sometimes don’t send anything to suspects between the original encounter with the enforcement officer and the prosecution notice. So these defendants are not given an opportunity to review the evidence or to challenge the decision to charge before they are prosecuted.

Receiving the form

The prosecution forms are often sent out weeks or months after the incident in question (though there is a cut off for prosecution – six months from the offence) so it's likely that many defendants will have a hazy memory of it. The prosecution forms are sent by normal post. The prosecutor needs to prove that they have sent the form, but no proof of receipt is required.

We have no idea how many people receive the prosecution form. The postal service makes mistakes, people move house and others have no consistent address. Many people live in houses of multiple occupation or blocks of flats where post gets lost. It would be easy for prosecutors to test the reliability of delivery by putting a tracker device in some envelopes, but we don't think this has ever been tried. We asked prosecutors what evidence they had that prosecution notices were received. None had this evidence. The Metropolitan Police responded: "All SJP's are created and should be sent out the same day by sent first class post. We have no actual proof that it has been received by defendant as it is not recorded, but Royal Mail First class letters should be delivered one day or next business day after they're dispatched and are deemed served then."

There is anecdotal evidence that many defendants don't receive the form meant for them. The defendant's address may not be accurately recorded in the first place. An HMCTS report referred to "evidence that inaccurate address details remain an issue for some defendants, especially those involved in non-police prosecutions". The ORR review mentioned passengers only "finding out about a prosecution after they were convicted in their absence" and quoted a case where "a passenger successfully appealed a penalty fare but discovered four years later (after a criminal records check for a job) that they had been convicted for fare evasion without knowing about it."

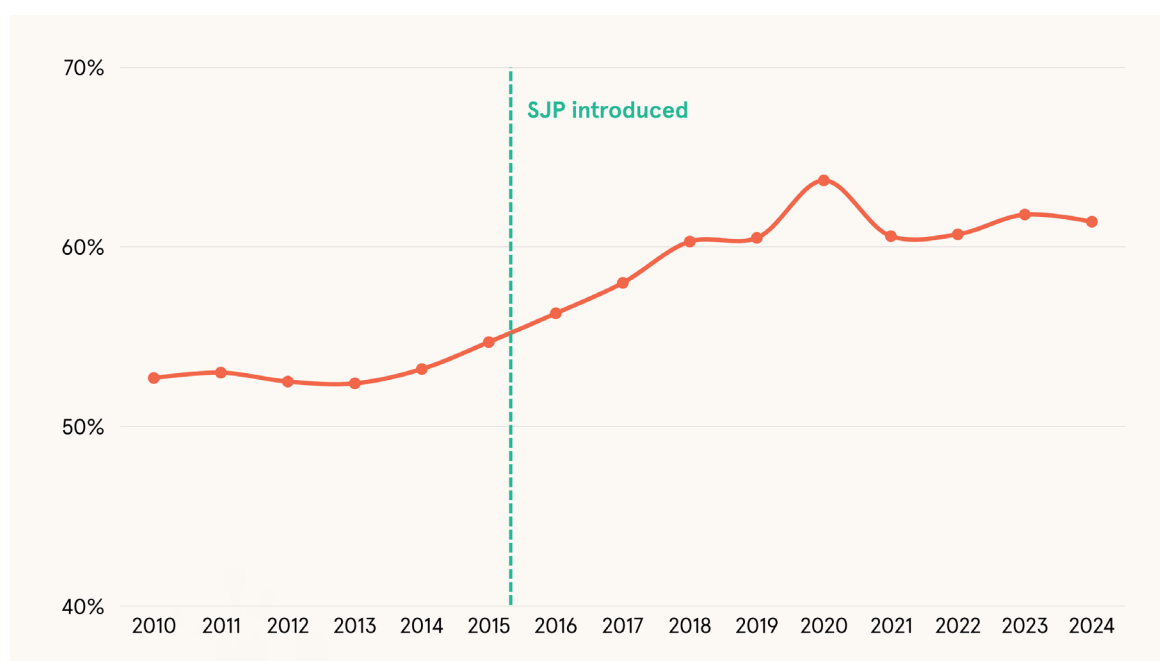
Many SJP cases are reopened by defendants who say they never received the prosecution notice, and only knew about it when they got a letter saying they have been convicted. People can reopen their case via a statutory declaration process. The government says it has no data on how many people reopen their cases⁵, but we estimate hundreds do.

Most people who are sent a prosecution form do not respond either by post or online. The defendant does not plead (guilty or not guilty) in 73% of cases. There are some offences with a particularly low plea rate – 94% of prosecutions for depositing litter and 91% of those for not having an up-to-date MOT for their car get no response. We don't know why the average response rate is so low. Maybe because defendants don't receive the prosecution notice. Even if defendants do receive the notice, they may lose it or forget about it, they may not understand it or they may have mental health or other issues which prevent them filling the form in. Despite the fact that the majority of all criminal offences are dealt with via SJP, no one has done any social research as to why the participation rate is so low. Nor has anyone launched a legal challenge as to whether the SJP process meets European Court of Human Rights fair trial principles that every defendant needs "to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him". HMCTS has gathered some data and found that those from lower income backgrounds are both more likely to be prosecuted, and less likely to respond.

⁵ [Answer to Ben Goldsborough MP's parliamentary question](#) (PQ UIN 53351)

HMCTS and ministers have over many years defended the low plea rate by pointing out that there has always been a high proportion of defendants who did not respond to their prosecution. This is true but perhaps indicates a systemic problem – that the court system has always been inaccessible to many. And it is clear from the data that participation has reduced significantly since, and most likely because of, the introduction of the SJP. The percentage of defendants who don't plead to their SJP offence has increased significantly since the procedure's introduction in 2015. Currently 38% of defendants in open magistrates' court hearings do not plead guilty or not guilty at their initial hearing (they probably do plead at a subsequent hearing), whereas 73% of SJP defendants don't plead at all. There have always also been a proportion of defendants who have failed to appear for their open court hearing but the proportions are tiny – approximately 4% – compared to the proportion who don't participate in the SJP process.

FIGURE 3: Percentage of cases (both SJP and open magistrates' court) where defendant did not enter a plea



People are given three weeks to fill in the prosecution form and are not sent a reminder. Those who do not respond to the prosecution notice are nearly always judged as guilty and sentenced in their absence. This means most people convicted under the SJP have not pleaded, and may not even know or understand they have been prosecuted.

Some small-scale research by HMCTS looked into whether there were barriers to access to justice in the case of the SJP. This found that defendants were sometimes “confused about the difference between the official court stage of a case and the earlier interactions with a prosecutor (e.g. when given a fixed penalty notice)” and had difficulties navigating the form itself.⁶

⁶ Assessing Access to Justice in HMCTS Services – December 2024

Getting help

There is no free legal advice available for those who are accused of single justice procedure offences. No Citizens Advice Bureau or law centre has expertise in how to deal with the SJP and, as far as we know, they don't offer advice. The courts service offers help in filling in the form but their help can be challenging to access, and is not legal advice. The first step is to phone the number given in the form. But defendants must phone during working hours and typically they wait twenty minutes on hold for the call to be answered. This phone service may be inaccessible to people on low incomes who have limited minutes on their phone contract and so can't afford a long phone call. In contrast, those who have queries about Universal Credit have access to a freephone number.

There is also good quality information on the Advicenow website⁷, but it can only go so far. People who might have a viable legal defence will not find anyone with whom to discuss their case without paying for a private lawyer. A private lawyer is likely to cost more than the defendant would pay if they pleaded guilty – one legal service advertises SJP mitigation advice for £250, legal advice for a trial from £495. Given that many defendants do seem to have a viable defence (see Tristan Kirk's posts) and thus shouldn't plead guilty, it's a pity there is no free legal advice. Equally, many defendants would benefit from information about how to mitigate their individual case – on what reasons are relevant in trying to get the minimum possible sanction and costs.

If defendants in SJP cases are never to get free legal advice (and there is little prospect of them doing so), more help should be available to them to understand their rights and how best to respond to the prosecution. The government should provide a free phone line for those who want help filling in the form, and fund law centres, Citizens' Advice Bureaus and other third sector organisations to offer advice to SJP defendants, as they do for litigants in-person. And a good AI-based app should be designed to help defendants navigate the process.

Filling in the form

Each prosecutor sends out their own prosecution form with evidence to support their prosecution.⁸ This is often just a brief statement from the enforcement officer. The defendant can fill in the form on paper or online. It was hoped that offering the opportunity to fill in the form online (introduced in 2020) would significantly increase the number of people who responded, but the innovation didn't make much difference to response rates.⁹

The form is quite lengthy. Some research by HMCTS found defendants could be "overwhelmed by the length and complexity of the SJPN (SJP notice) pack, especially defendants that have difficulty reading lengthy documents". No prosecutors produce the prosecution forms in easy-read nor, as far as we can tell, do they offer translated forms for those whose first language is not English.

⁷ [How to deal with a Single Justice Procedure Notice \(SJPN\)](#), AdviceNow

⁸ [Examples of SJP prosecution notices and forms](#)

⁹ [Findings from the TV Licensing Pilot of the behaviourally redesigned SJPN](#), HMCTS

Everyone is asked whether they are pleading guilty or not guilty. But what constitutes guilty/not guilty or a viable defence are not explained. Those who plead not guilty are informed they will get a court date while those who plead guilty are nudged to fill in the form rather than request to be sentenced in open court (which is their right).

FIGURE 4: SJP notice sent by Hertfordshire Constabulary for a speeding offence

Important: You have been charged with a criminal offence(s)

[Redacted]
London
Greater London
[Redacted]

Dear [Redacted]

We've sent you a Single Justice Procedure notice because you have been charged with the offences listed within the charge sheet enclosed.

What you need to do

You need to tell us whether you are guilty or not guilty. This is called making your plea. You can make your plea online or by filling in the enclosed 'Make your plea by post' form.

Your plea must be received by **12/03/2025**.
Before deciding on your plea:

- read the enclosed leaflet
- get legal advice if you feel you need it
- follow the instructions on page 1 of the Single Justice Procedure notice

What happens if you do not respond?


The court will still consider the charge against you and decide if you are guilty or not. If you do not respond by the deadline:

- the court is less likely to decide in your favour
- you lose the chance for a reduced fine of up to 33% by pleading guilty
- if you are found guilty by the court, then you may receive a financial penalty that you cannot afford to pay

Yours sincerely

Chief Constable



001



Posting Date: 19/02/2025
URN/Case no: 41/[Redacted]


DEADLINE
Make your plea by
12/03/2025

Make your plea


 Online at:

onlineplea.cjscp.org.uk

OR

 Post form to:

HMCTS Crime
 PO Box 12888
 HARLOW
 CM20 9RW


This pack contains:

1. Single Justice Procedure notice
2. Make your plea form
3. Information leaflet

Not you?

Please return to: Cameras Tickets and Collisions, PO BOX 486, Stevenage, SG1 9JB - Tel: 01438 757677

With a note to say why you are returning it.



Keep this letter for your information

There is no specific field where defendants are prompted to say if they are disabled or in other ways vulnerable, if English is not their first language or if they have learning difficulties. The mitigation field of the form is where defendants can write anything that they think is relevant in terms of how and why they committed the crime. It's here that some people reveal information about their disabilities or give reasons to explain what happened. But there is no guidance on exactly what should or shouldn't be included. A form sent out by Hertfordshire Police says: "write here anything you would like to tell the court about the relevant circumstances. What you say will be taken into account when the court makes a decision on your case." The mitigation field in the Surrey County Council prosecution form simply asks "What you want the Magistrate to consider when making a decision about your guilty plea".

FIGURE 5: Mitigation section from Surrey County Council SJP notice

Your Plea – Reply Form *continued*

GUILTY - Information for the Magistrate – also known as mitigation (optional):

What you want the Magistrate to consider when making a decision about your guilty plea.

Continue on another piece of paper if you need to provide more information

The ORR review found "there is no agreed industry policy or process on what information should be provided to passengers reported for a suspected fare evasion offence, or for how a passenger may provide mitigation. This contrasts with penalty fares, which have clearly defined information requirements contained within the relevant regulations, as well as an independent appeals process."

Defendants are also asked to fill in information about their income so any potential fine can be adjusted. HMCTS research found that defendants can be "discouraged or confused by the financial details section of the form, especially if their financial circumstances don't neatly align with the options provided."¹⁰

¹⁰ [Assessing Access to Justice in HMCTS Services](#), December 2024

The least secure government process?

If you have applied for a passport or for a DBS check, gov.uk makes you (quite rightly) go through some security processes to check your identity, often via a two step verification process. But anyone who finds an envelope addressed to an SJP defendant can impersonate that person and plead guilty or not guilty to the crime in question. There is no verification of the identity of the person who fills out the form. All they have to do is tick to say they are the person whom the notice is addressed to. Given that pleading guilty leads to a criminal conviction and a court fine, and that it would be pretty difficult to track down an impersonator, this level of security seems low.

FIGURE 6: Make your plea by post section from West Midlands Police SJP notice

Make your plea by post

Fill in this paper form to plead by post - or you can plead online at: onlineplea.cjscp.org.uk

PLEASE COMPLETE THIS FORM IN BLACK INK.
PRINT NEATLY IN CAPITAL LETTERS AS SHOWN.

PLACE A CLEAR 'X' INSIDE THE BOX. IF YOU MAKE A MISTAKE,
FILL THE ENTIRE BOX, AND MARK THE CORRECT BOX.

S

M

I

T

H

☐

 No

☒ Yes

1. Your details

Name Emma [REDACTED]

Address [REDACTED]

Date of birth 18/ [REDACTED]

1.1 Are these details correct?

☐ Yes – go to section 2

☐ No – tell us of any changes

Inside the machine: the inner workings of the SJP

What principles are prosecutors following?

The CPS has a prosecution code on their website which sets out the principles and standards under which they prosecute. It contains a lot of detail on the decision to prosecute and the steps that should be taken before someone is charged. Defendants who appear in open court can challenge the prosecution if they have evidence that the CPS have not followed the code and individuals can complain directly to the CPS.

We asked prosecutors to provide us with the prosecution code they use for SJP offences. Some didn't. The Metropolitan Police Service said: "There are numerous prosecution codes depending on the type of offence it is and all cases that come to us are in the public interest to proceed with and are vetted to make sure that the evidence is correct etc." Where the prosecutor had a code, they didn't give us any detail as to how they met and monitored the evidential and public interest tests. Some have no prosecution codes. Despite the fact that police forces account for the greatest number of SJP prosecutions, police forces have no reference to their prosecution policy on their website. We assume they follow the CPS policy but it would help defendants to understand their rights if the policy was on the website.

The ORR review found: "There is no national or agreed industry policy or guidance to guide TOCs' (train operating companies') approach to prosecution, either at Great Britain-level or within any of its constituent nations...In their response to our request for information, some TOCs referred us to historic [out of date] documents."

Strict liability – a fair way of convicting?

Many SJP offences are what's called "strict liability" offences. That means you can't use the excuse that you didn't intend to do it (*mens rea*) to avoid conviction. There are usually a few specific reasons you can give in your defence but saying "I made a mistake" is not a valid legal defence. If the prosecutor can prove you did it, you can be convicted.

In 2024 there were 21,608 SJP convictions of parents for failing to secure their children's regular attendance at school (section 444(1) Education Act 1996). This is a strict liability offence. The only statutory defences parents can put forward are:

- Absence that has been authorised by the head teacher.
- Sickness or unavoidable cause – sickness should be supported by medical evidence.
- Religious observance – absences are as a result of special religious observance days of the parent's religion.
- The nearest appropriate school with available places is beyond the statutory limits for walking and no transport has been provided by the local authority. The limits are two miles for children under eight and three miles for children over eight.

Any parent who cannot provide evidence of one of the four valid excuses can be convicted. A parent can't defend themselves by saying their very bolshy teenager refuses to go to school.

Equally there are a few valid excuses – statutory defences – for not having the right rail ticket (such as if the only ticket machine at the station was broken) but many people have just made a mistake. They have bought the wrong ticket for that particular journey. The ORR review suggests that many people (no data on actual numbers) are prosecuted and convicted for making minor mistakes. These examples are quoted in the review:

- A passenger was threatened with prosecution for accidentally selecting a 16–25 railcard discount when they had a 26–30 railcard. Both railcards provide the same discount. So, although the ticket was technically invalid, there was no difference in the fare and therefore no net loss to industry. The case was eventually dropped after their MP became involved.
- A passenger's printed e-ticket was water damaged and so could not be scanned by a member of rail staff. Despite subsequently providing proof of a valid ticket for the journey, they were threatened with prosecution and in the end agreed to settle out of court for £81 to avoid the risk of conviction.

Strict liability offences are not integral to the SJP – there are SJP offences which are not strict liability and vice versa. But the SJP process facilitates innocent mistakes ending up as criminal convictions. It is comparatively easy to prosecute a strict liability offence via SJP as the prosecutor does not have to prove intent to commit a crime and most of the SJP processes are automated. The SJP does not give enough information and support to defendants who have made a genuine mistake. The statutory defences are not set out clearly, nor whether in each offence "intent" is relevant.

Misleading information on strict liability

No one without legal training could be expected to know whether the offence with which they were charged was strict liability or not, nor the legal nuances. TFL prosecutes under a number of different laws according to whether the person was on a bus, tube or train and what the offence actually was. Not having the right tube ticket is a strict liability offence – only a few specific defences are allowed (such as no ticket machine working). But not having the right bus ticket comes under the Public Passenger Vehicles Act 1981 and is not a strict liability offence since it allows for a defence of “reasonable excuse”, which means there is no specific menu of excuses.

TFL refers defendants to information on the prosecution process. TFL published FAQs which said “all TfL ticketing offences are ‘strict liability’. This means that intention is irrelevant and you may be guilty simply by the fact you did not have a valid ticket.” This is not true of the offence of not having the right bus ticket. But these inaccurate FAQ responses were on their website for more than two years. So defendants accused of this crime may well have read the FAQ and pleaded guilty even though they had a reasonable excuse. Under challenge from a lawyer, TFL changed the website and admitted the wording may have been misleading. But TFL would not concede that the error might have prompted people to plead guilty when they had a good chance of acquittal. TFL pointed out that all defendants can access legal advice, but didn’t point out that most people who read the FAQs wouldn’t have felt they needed legal advice to double check the information, nor probably been able to afford it.

FIGURE 7: Excerpt from now-removed TFL Frequently Asked Questions .pdf file

TRANSPORT FOR LONDON PROSECUTIONS

Frequently Asked Questions

Why am I being taken to court?

You are being taken to court because it is alleged that you have committed an offence. Details of the alleged offence are on the Charge Sheet enclosed with the Notice or Requisition.

Does it matter that I committed the offence by accident/mistake?

No. All TfL ticketing offences are 'strict liability'. This means that intention is irrelevant and you may be guilty simply by the fact you did not have a valid ticket.

Vulnerable and disabled defendants

There is much guidance and some primary legislation as to how people who are vulnerable should be dealt with in the criminal justice system. There is also equality law which says that public bodies should make reasonable adjustments for those who are disabled whether physically or mentally. All those who are mentally ill and many people who are neurodiverse are disabled. Vulnerability also includes those with drug or alcohol addiction and homelessness.

Only people with very severe mental health problems/cognitive disability are excluded from prosecution altogether. The CPS appraises all the information it can get about a defendant's vulnerability. This information (usually gathered from police, defence representatives, Liaison and Diversion and custody health records) is factored into the decision as to whether prosecution is in the public benefit. "Prosecutors should... have regard to whether the suspect is, or was at the time of the offence, affected by any significant mental or physical ill health or disability, as in some circumstances this may mean that it is less likely that a prosecution is required."¹¹ There is lots more published and detailed CPS guidance on how to approach and adapt processes for suspects who are neurodiverse or with mental health issues. The CPS guidance also warns prosecutors to look out for signs that a suspect may have these conditions but not yet be assessed.



Tristan Kirk
@kirkkorner

April 26 2025

Sometimes it's hard to understand why magistrates don't refer [#SingleJusticeProcedure](#) cases back to prosecutors, to ask: 'Are you sure about this one?'

Like someone in & out of a mental health hospital for a year who owes £15 in unpaid car tax

I have been in and out of the mental health hospital " [REDACTED] " for over a year due to my health and couldn't be very responsive on a few aspects of my life, I guess my car was one of them and I apologise for what has happened. I assure you the car is now licensed and ready but I am really sorry the it was unlicensed on the day. Kindly [REDACTED]

The kind of policies and practices followed by the CPS don't seem to exist when it comes to SJP prosecutors. SJP prosecutors do not proactively try to find out whether suspects have disabilities or are vulnerable in other ways. The SJP prosecutor is only likely to have information on disability if the suspect volunteers it in their encounter with the enforcement officer, or if it is screamingly obvious. Most mental health, brain injury or neurodiverse conditions are not screamingly obvious.

¹¹ [The Code for Crown Prosecutors](#), CPS



Tristan Kirk
@kirkkorner

June 18 2025

A woman with schizophrenia has been convicted of not paying her TV Licence during mental health difficulties sparked by her mum's illness

Here's a good example of why I think the BBC is wrong to oppose a key reform to the Single Justice Procedure

I have mental health difficulties, I have a diagnosis of schizophrenia and under mental health services. My care team is [REDACTED]. I was paying regularly but I had relapse in mental health due to my mum being physically unwell. I missed payments due to this but I am paying these again. My CPN can be contacted on [REDACTED].

We asked some SJP prosecutors via FOI "What vulnerability assessment do you make of defendants in single justice procedure cases?" and received a range of responses.

"Assessments are made on a case-by-case basis when a vulnerability is flagged." (Avon and Somerset Police)

"The MPS (Metropolitan Police Service) do not do any vulnerability assessment of defendants." The MPS also responded when we asked if they inquired about defendants' circumstances prior to prosecution "we do not ask about their circumstances".

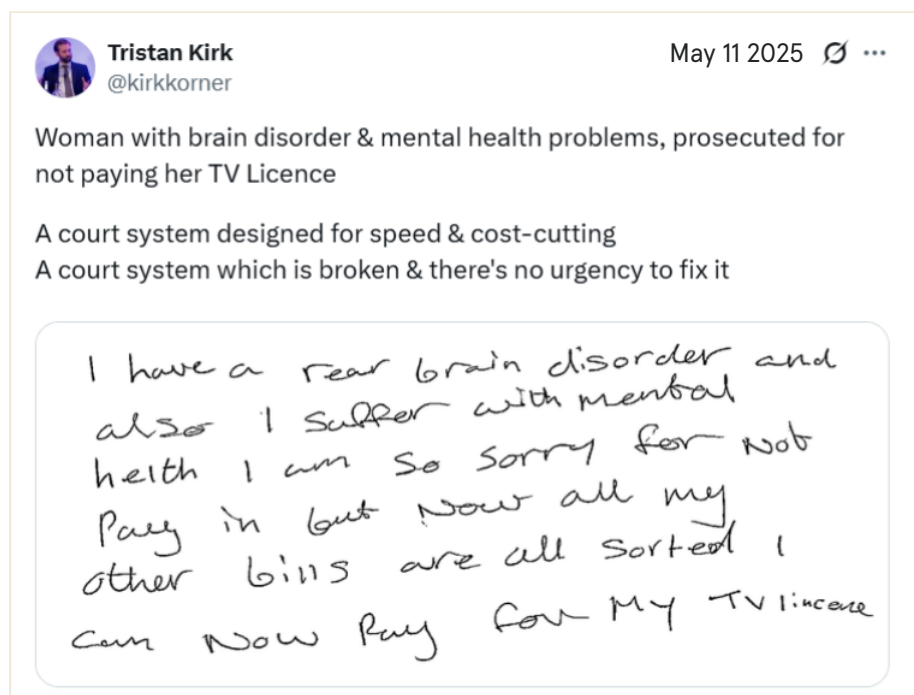
"The DVLA assesses all mitigating evidence provided on a case by case basis. If the vehicle keeper does not correspond with the DVLA but does provide mitigation to the court in response to the SJP notice, Magistrates are able to take that mitigation into account when sentencing."

“Consideration of any detail provided by the interviewee and/or any professional third-party submissions are taken into account.” (BBC/Capita)¹²

It stands to reason that if the prosecutor does not have information on the disability or vulnerability of the suspect, they cannot take this information into account when deciding if prosecution is in the public benefit. Most prosecutors seem to rely on people including information on vulnerability/disability in the mitigating circumstances section of the prosecution form. But:

- 1 Most people don't respond to the form.
- 2 The mitigation field is about mitigation, not about challenging the decision to prosecute and doesn't actually say people should include information about disability and/or vulnerability in this box, so defendants may not know to.

It seems likely that many of those who don't respond at all to the prosecution notice are vulnerable and/or disabled. Unfortunately no proper data has been gathered on the demographics and needs of SJP defendants.



The system needs adapting so that prosecutors can make an informed decision as to whether the prosecution is in the public interest, so that suspects who are disabled can challenge the decision to prosecute and/or reasonably easily fill out the form, and/or get legal help.

¹² [Vulnerable customers policy](#), BBC TV licensing

The sanction

Anything prosecuted under the SJP can only be punished by a fine, or an absolute or conditional discharge. 99% of those sentenced are asked to pay a fine, and other costs. 1% of defendants are sentenced to a conditional or absolute discharge, which is a sanction without conditions (apart from not reoffending). The costs people have to pay if convicted can rack up, and are similar whatever the revenue loss to the prosecuting organisation actually is. The total costs are high since most defendants found guilty pay a fine which goes to the court, a surcharge (which goes to victims' organisations like Rape Support centres), and prosecutor's costs. They may also have to pay compensation.

If the defendant does fill in their means (income, living costs etc) on the form and those means are low, the magistrate will try to lower the fine. If the defendant has not completed the form, the magistrate will impose the average level of fine. The amount people are actually fined differs hugely (from a sample of cases in one week) from £800 for not having valid car insurance to £40 for not having the right tube ticket. The average SJP fine is £284.¹³ Some fines have risen much more than inflation but its not clear why – the average fine for “Travelling by railway without paying correct fare, failing to show ticket, failing to give name and address etc” has risen from £73 in 2017 to £141 in 2024.

Total costs for offence: 'enter a compulsory ticket area on tfl network without a valid ticket'

Fine	£200
Compensation to TFL (value of ticket)	£6.70
Prosecutor costs	£250
Victim surcharge	£88
Total	£564.70

Of the other costs to be paid, the prosecution costs are the least explicable. Standard costs per prosecutor seem to vary from Transport for London (£250) to DVLA (£85). Only one prosecutor (ironically Transport for London, the most expensive) could give us a breakdown of how their cost per case was arrived at – responses ranged from “an assessment of how this is calculated is not recorded information” to “these costs are calculated based on the resource and time incurred during preparation of the case”. No one in government or the judiciary appears to challenge these costs or the difference between them. They certainly don't correlate with the financial loss to the prosecutor since Transport for London (TFL) is charging the highest costs for some of the lowest value losses: for example someone might be prosecuted for not having paid a £1.75 bus fare.

¹³ [Statistics in development – Single Justice Procedures, gov.uk](#)

The CPS asks those convicted for a contribution (£85 for a guilty plea case in the magistrates' court) to their costs which is lower than most SJP prosecutors. CPS hearings are held in the open magistrates' court where the real costs are likely to be at least ten times higher than those of SJP prosecutions.

The level of the surcharge (which goes to victims' organisations) also varies. In one week, one person was charged £393 for speeding and another had no surcharge imposed when convicted of keeping a vehicle without a valid licence.

Some of the variations in fines and costs are due to the magistrates modulating the amounts according to the means of the defendant, but the huge variations can't be explained by that alone. And the system benefits the well off, since they are better able to pay the total costs and can also "game" the system by failing to complete the means section of the form. There is no obligation to fill in this section, and those who don't will get fined the average amount.



Tristan Kirk
@kirkkorner

May 1 2025

Man gets criminal conviction over £4.17 in unpaid tax for a classic motorbike on display in his front room

This is a classic old motorcycle that I bought as a collection piece and I have it in the front room of my house.

It never crossed my mind to 'SORN' it, my memory isn't brilliant but I am sure that I did so once I got a reminder letter from the DVLA. If I understand this court letter correctly it is for a short fall of £4.17p?

Which is a complete oversight on my part, this motorcycle isn't on the road and never will be, it is an ornament.

FIGURE 8: Excerpt from TFL SJP notice, 2024

You have been charged with the following criminal offence:

On [REDACTED] at 8:40 PM at [REDACTED] you did enter a compulsory ticket area without having with you a valid ticket. Contrary to Byelaw 17(1) of the Transport for London Railway Byelaws Made under paragraph 26 of Schedule 11 to the Greater London Authority Act 1999 and confirmed under section 67 of the Transport Act 1962.

Prosecutor: Transport for London
Charge date: 19 Nov 2024
Charge authorised by: [REDACTED] Solicitor, Transport for London

Financial Penalty

You do not need to pay anything now.

If you are found guilty you may have to pay a financial penalty which usually is made up of these four parts:

Costs*	Transport for London will apply for at least £250.00 towards its prosecution costs
Fine	the amount will be decided by the court based on your circumstances
Surcharge	this will typically be 40% of the fine amount. The surcharge is used to fund victim services through the Victim and Witness General Fund.
Compensation	an application will be made for £9.90 in respect of the fare avoided

Important: It may cost you more if additional documentation is required or if the matter is not resolved by the Single Justice Procedure.

* If you plead not guilty but are found guilty by the court the amount of prosecution costs you may be ordered to pay could be much higher.

An SJP conviction is a criminal conviction but, if paid, it doesn't lead to having a criminal record. Nearly all SJP offences are non-recordable – they don't appear on the local or national police database and so are not disclosed by the DBS agency in criminal records checks. During the pandemic, legislation was passed allowing recordable offences to be prosecuted via SJP. But few were then, and no SJP convictions are currently being recorded.¹⁴ Given the lack of safeguards, we would recommend barring SJP offences from ever being recorded.

Many people seem to believe an SJP conviction will automatically lead to a criminal record, so it would be kind to communicate clearly to defendants that it doesn't. (Transport for London does the opposite – implying that being prosecuted will definitely lead to a criminal record). But an SJP conviction still has serious implications. UK immigration applications state “any byelaw... [including Regulation of Railways Act 1889] conviction should be disclosed for consideration as part of an application. Such convictions may also need to be disclosed when applying for visas to visit other countries or in the context of certain security clearance or safeguarding assessments.” (ORR Review) Also, if defendants do not pay their fine, they can be convicted and get a criminal record for this offence.

¹⁴ [Question for MOJ](#), October 2021

FIGURE 9: TFL poster displayed in Vauxhall Station, August 2024.



Inspecting the machine: scrutiny of the SJP

Transparency

Nearly all non-SJP criminal hearings are open to the public but SJP courts are closed, so the vast majority of defendants are sentenced behind closed doors. In SJP court a single magistrate sits alone at a computer going through a spreadsheet of up to a hundred cases in a day. Not even a journalist has ever observed this closed court. A list of cases to be heard is published every day by HMCTS¹⁵ but there is little detail of any case. If a member of the public wants to know the outcome of a particular case they have to ring up and ask – outcomes are not published. The public has no access to the case papers, including any information about mitigation. Journalists have better access to the information, but they still have to identify each case about which they want to see case papers.

FIGURE 10: HMCTS online list of single justice procedure cases

Single Justice Procedure cases that are ready for hearing (Full list)

List containing 12768 case(s) generated on 07 July 2025 at 10am

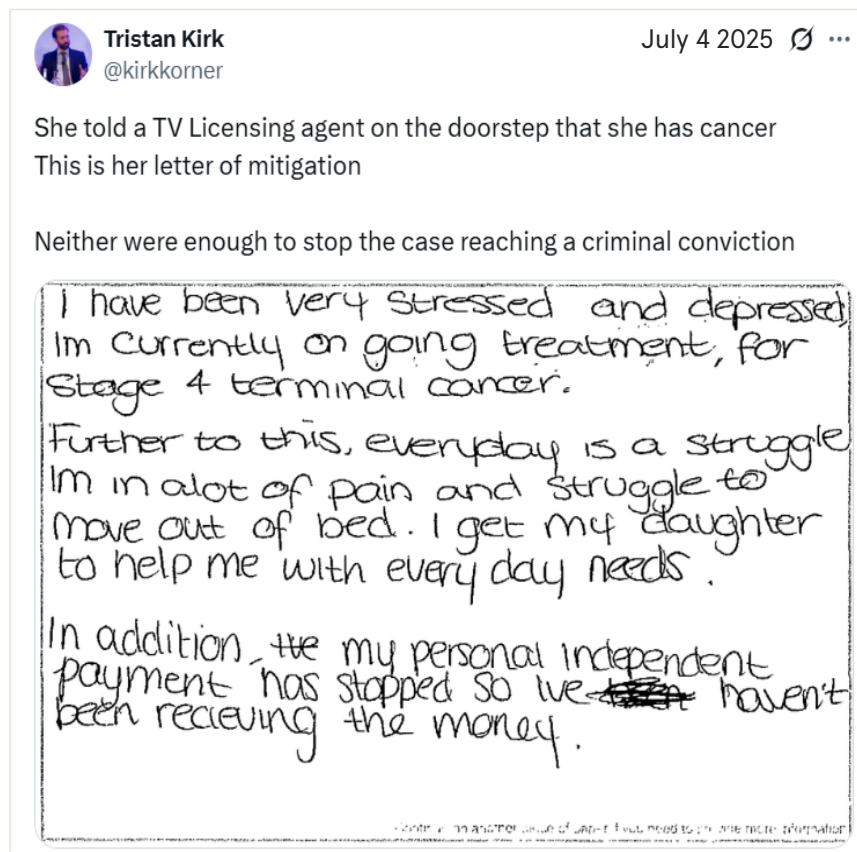
Show Filters

1 2 3 ... 13 Next →

Name ↓	Postcode ↓	Offence ↓	Prosecutor ↓
[REDACTED]	DE	Drive a motor vehicle otherwise than in accordance with a licence - endorsable offence, Use a motor vehicle on a road / public place without third party insurance	Staffordshire Police
[REDACTED]	DT	Keep a vehicle without a valid vehicle licence	Driver and Vehicle Licensing Agency
[REDACTED]	RG	Fail to give information relating to the identification of the driver / rider of a vehicle when required, Speeding - exceed 70 mph motorway limit - automatic camera device	Thames Valley Police
[REDACTED]	M1	Keep a vehicle without a valid vehicle licence	Driver and Vehicle Licensing Agency

15 [Single Justice Procedure Public List, gov.uk](https://www.gov.uk/single-justice-procedure-public-list)

Tristan Kirk, courts correspondent for the Evening Standard, has gone out of his way to lift the lid on SJP cases. He has identified potentially interesting cases from the list of SJP convictions journalists receive and has asked to see the actual prosecution forms. The cases Tristan highlights indicate how many defendants are vulnerable and have been prosecuted in circumstances which raise doubts about whether the charge was legal and/or justified. Without Tristan taking a stab in the dark, the circumstances of these prosecutions would never have been known.



But there is a transparency black hole. Tristan, and all journalists who ask, have access to the outcomes of SJP cases which are entered on a digital system called the Common Platform. However, thousands of SJP cases (424,727 cases in 2024) are dealt with on a different digital platform – Libra. Information on these is almost impossible to find. Libra cases are not listed online before they are heard and information on their outcomes is elusive even if you know of their “theoretical” existence.

We wanted to see Libra case files because we worked out that cases where parents are prosecuted for the non-attendance of their children in school are only on this system. Despite getting journalistic access to the court outcomes, and wading through many registers of non-SJP Libra court outcomes, we still couldn’t find these results and files. HMCTS staff were helpful in trying to direct us to Libra files, but they also struggled to identify how to find the information.

HMCTS suggests that “in practice, SJP proceedings can be more transparent and accessible than traditional proceedings”. This view has been echoed by ministers on the basis that journalists have access to more material than in open criminal court cases: “you just imagine a journalist walking into a magistrates court and sitting at the back, there is lots of material that the journalist does not see. But when you are in the single justice procedure, the statement of the prosecution and the defence is available to be looked at” (Lord Woolfson to the Justice Committee). We would challenge this confidence in the transparency of the SJP. The public has very little access to these cases and even journalists have no practical access to the thousands of SJP cases on Libra. The government, in promoting the transparency of the system, has never mentioned the “missing” Libra cases.

The lack of information about the SJP extends to the prosecutors. The CPS has an extensive website with information about policies, research and case outcomes. It sends out regular newsletters and the Director of Public Prosecutions appears annually in front of the House of Commons Justice Select Committee and speaks at other events. The prosecutors in the case of the SJP are opaque and invisible. Few publish any statements about their processes, nor do they publish any data. It is hard to find names of the individuals in charge of their prosecutions. Until we read the ORR review we didn’t realise that some railway prosecutors delegate prosecution to a third party company.



Tristan Kirk
@kirkkorner

March 10 2025

A woman from Lichfield prosecuted over an unpaid TV licence

She's spent a year caring for parents with cancer

She's lost her home

She got into a mess with bills under the pressure, but thought she'd signed up for a licence

Now she has a criminal conviction & a £66 court bill

I thought I had setup a direct-debit and showed the email to the officer. I was not thinking straight under the pressure and upset of having to give my house up. I am so sorry that I got into a mess. If I get my own house again I will ensure that my bills are sorted I did tell the officer and he said not to worry, I am trying so hard at the moment so that I can back on track and not cause any more problems to my parents due to ill health

Scrutiny

The SJP suffers from a lack of scrutiny. There are no structures, bodies or processes set up or required to scrutinise it. Maybe people assumed that the ability of defendants to appeal sentences or convictions would be a sufficient accountability mechanism, but this proved not to be the case. Defendants do not have free legal advice and few are legally expert. And if defendants are accused of a “strict liability” offence (see page 15), they cannot use “I made a mistake” as grounds for protesting their innocence.

The tale of the lone campaigner who overturned 59,000 convictions

When ordinary people feel they have been dealt with unjustly they can be unstoppable. Christian Waters usually got his train ticket from a ticket machine. One day in 2022 the machine was broken, so he travelled the route and then went to the ticket window at his destination to buy a ticket. A Northern Rail enforcement officer stopped him before he could get to the front of the queue and didn’t seem to believe Christian’s story. Christian gave the officer his contact details and was outraged to be asked to pay a penalty fare (a civil sanction).

He appealed against the penalty fare to the private company which dealt with enforcement for Northern Rail and lost his appeal. The next thing he knew he was being prosecuted via SJP for deliberate fare evasion – a more serious crime than not having the right ticket. Given he had done nothing wrong, he pleaded not guilty and sought advice from people on an online rail users forum. He had no access to legal aid and was unrepresented but, fortunately, some good legal brains on the forum pointed out that the offence for which he was prosecuted (fare evasion using Section 5 (1) of the Regulation of the Railways Act 1889) could not legally be processed via SJP. The rail company dropped the case at the door of the court, but Christian didn’t.

He wrote to the head of the legal department and the Managing Director of Northern Rail to point out that they were using the SJP for a category of offences without legal grounds. His MP Rachel Reeves chased them to answer. After six months, Northern Rail responded to his letter by revealing that they had stopped prosecuting that offence via SJP i.e. they knew they had got it wrong. And so began the process by which around 59,000 convictions had to be quashed.¹⁶ The number is high because it was discovered that other rail companies as well as Northern Rail had been misusing the SJP for years.

¹⁶ [Northern Trains Limited -v- Ballington, Wylie and Cooke and Greater Anglia -v- Baggaley and others, Courts and Tribunals Judiciary](#)

Christian Waters is a hero, but justice shouldn't rely on lone campaigners. The misapplication of the SJP by railway companies shows that current scrutiny and accountability processes do not work.¹⁷ The railway companies prosecuted people illegally for five years (2018–2023). Neither the prosecutors, nor hundreds of legal advisors who supervised magistrates judging SJP cases, nor the magistrates themselves double checked whether the prosecutions were legal. It may be significant in this context that many of the railway companies used prosecutors without legal qualifications. The courts service is currently trying to contact all those who paid fines to reimburse these and the other costs charged. It is not clear how many people affected they have been able to reach.

We know how this miscarriage of justice was uncovered, but the government has not established an inquiry into why and how this major (in terms of numbers affected) miscarriage of justice happened. This is a pity since a review by an independent person might make sensible suggestions as to how similar mistakes can be prevented.

It's not clear whether any other prosecutors have used the SJP without having the legal permission to do so. But Birmingham City Council's SJP notice for parents prosecuted for not sending their children to school regularly (which we got via an FOI request) says "if the case is found proved: the Magistrates could fine you up to £1,000 per child, add costs and impose a Parenting Order (section 444(1) of the Education Act 1996)." In fact a parenting order cannot be imposed via the SJP.

FIGURE 11: SJP notice template – Birmingham City Council

NOTICE

You are getting this pack because you have been charged with the failure to secure regular attendance at school of a registered child.

Charges

Offence

1. Failure to secure the regular school attendance of «Pupil_First_name» «Pupil_last_name» contrary to Section 444(1) of the Education Act, 1996
(See overleaf for full charge details-page 2)

You now have 21 days to plead guilty or not guilty to the above

What happens next?

Plead by post

- If you are pleading **guilty** fill in the plea form (pages 3 and 4) **and** the statement of means form (pages 6 and 7) in this pack and return to the court within 21 days of the date of this Notice.
- If you require the matter to be listed at Birmingham Magistrates' Court, fill in the plea form (pages 3 and 4) **and** the statement of means form (pages 6 and 7) in this pack and return to the court within 21 days of the date of this Notice
- If you are pleading **not guilty** fill in the plea form (pages 3, 4 and 5) **and** the statement of means form (pages 6 and 7) in this pack and return to the court within 21 days of the date of this Notice.

WARNING

You have 21 days to respond to this Notice or the case may be heard without you and you may be found guilty and sentenced in your absence. If you want to consult a solicitor you must do so immediately

¹⁷ Christian has also campaigned on other aspects of railway prosecutions such as the legality of prosecuting someone via SJP after they have failed in their appeal against a fixed penalty (as opposed to pursuing them through civil courts). This issue was "resolved" in the rail companies' favour in a hearing in which no appellant was represented.

Covid-19 offences

The faults of the SJP were highlighted by its use for Covid-19 offences. The government decided to create new offences to criminalise those who didn't obey laws designed to prevent the spread of Covid-19. These laws changed frequently and did not always mirror the guidance. If the police felt a breach merited punishment, they meted out a fixed penalty (maximum £10,000). If people didn't pay the fixed penalty, police prosecuted them via the SJP. This was an even more expensive outcome since the defendant, if convicted, would have to pay costs as well as a fine. Defendants could use a "reasonable excuse" in challenging their Covid-19 prosecution, but whether they intended to breach the law was irrelevant.

A few lawyers such as Pippa Woodrow, Adam Wagner KC and Kirsty Brimelow KC appealed Covid-19 prosecutions and highlighted the flaws of the SJP. Their criticisms were supported by two reviews that found police made a significant number of mistakes in prosecuting Covid-19 offences. An HMCTS review of two months of cases identified errors in 10% of cases, and a CPS review found errors in 28% of cases. In evaluating lessons from the pandemic, three parliamentary committees (the Commons Justice Select Committee, the Joint Committee on Human Rights, and the Joint Committee on Statutory Instruments¹⁸) criticised the way the criminal law had been used to punish people who breached Covid-19 rules.

The Justice Select Committee recognised that the SJP facilitated swift justice during the pandemic. "However, given the relatively small number of Covid-19 cases and their public importance, we do not think that all Covid-19 offences in the regulations should necessarily have been specified to allow the procedure to be used. The use of the single justice procedure to deal with Covid-19 offences has been problematic in the wider context of public uncertainty over what was prohibited and what was allowed, caused by the fast-changing nature of the Covid-19 regulations. We also appreciate concerns expressed to us about the transparency of the single justice procedure. In a pandemic it is also important for the integrity of offences that justice is seen to be delivered in line with the principles of the rule of law." The committee's call for the government to review the use of the SJP for Covid-19 offences was given short shrift by the then Lord Chancellor Dominic Raab. The Covid Inquiry has not probed the justice of using fixed penalties and the SJP for Covid-19 offences.

Police were continuing to prosecute people under the SJP for Covid-19 offences for years after the pandemic. In 2024, thirty people were charged with breach of emergency period restrictions (coronavirus), including one in December. This late prosecution seems odd and unfair given that summary offences should normally be charged within six months of the offence being committed.

¹⁸ Covid-19 and the criminal law; [The Government's response to COVID-19: human rights implications](#); [Rule of Law Themes from COVID-19 Regulations](#), parliament.uk

System malfunction: improving fairness in the SJP

Is the SJP too easy, speedy and efficient for prosecutors?

When the SJP first started, some processes were paper based and courts used the Libra system for data management. In 2020 HMCTS created an online prosecution form for defendants to use instead of filling in and posting a paper form. Both developments presumably helped lower the costs to prosecutors and courts. In 2020 HMCTS also began rolling out the Common Platform system, a new digital case management system. This had a shaky start, but now means prosecutors can send cases with all evidence to court digitally, access and manage cases and receive results instantly. Defendants don't however have access to their case files on the Common Platform.

HMCTS has heralded the use of the Common Platform for SJP as a great step forward. "The ability to digitally handle SJP cases means the administration of them is quicker, more straightforward, less costly and more efficient for the whole justice system, while still being fair, transparent and rigorous." But it looks as if the tail may be wagging the dog – that ease of prosecution is leading to more people being prosecuted. The ORR review says the Common Platform "reduced their [the train operating companies'] administrative burden and meant fewer cases were becoming time-barred by reaching the six-month statutory limit for prosecuting summary offences...There is some evidence that the move to Common Platform may correlate with higher prosecution rates. For one train operating company prosecutor, the number of charges brought against passengers increased by eight times in the year they began using the new system."

Using the SJP is already cheaper for prosecutors than using the civil courts (which in many cases they could use instead) since criminal courts do not charge court fees to prosecutors whereas civil courts do. The Common Platform makes it cheaper still.

The online criminal court – a dystopian future

Up until recently the SJP has been subject to comparatively little challenge or criticism. Given its cost effectiveness, the government has expanded its use and designed a new, even more streamlined and “cost effective” procedure – the online criminal court.

The online criminal court is like the SJP but takes the human out of the process. So people charged with certain offences who are pleading guilty will be able to plead, be convicted and pay the fine entirely online. It will be like paying a parking penalty online but, unlike with a parking penalty, those accused will be acquiring a criminal conviction if they use the online court.

Legislation for this is fully enacted – provision for “automatic online convictions” was passed in the Judicial Review and Courts Bill 2022.¹⁹ It proposes that defendants charged with some “strict liability” offences currently dealt with under the SJP (such as travelling without a valid ticket on a tram or train, and fishing with an unlicensed rod and line) will be able to get through the whole court process in minutes on their phones. If they plead guilty and take up the option of using the online process they will access a link, fill in the fields, receive and pay their fine. If defendants use this process, there will be no opportunity for them to provide information about themselves or mitigation. And the fine will be the same whoever the defendant is, however rich or poor. Automatic online convictions have not been put into practice yet and there is no official statement as to why not. Maybe the government is concerned by the lack of legal safeguards for defendants. How could anyone check that the prosecution was in the public benefit if no mitigation could be put forward and no human was involved?

The government’s consultation on private prosecutions

Most of the SJP prosecutors are classed as private prosecutors. Concern about how the Post Office acted as a private prosecutor²⁰, and about aspects of the SJP, led the government to launch a consultation on reform of private prosecution in March 2025. This canvassed views on several reforms to the working practices of SJP prosecutors including:

- that private prosecutors should have a mandatory code of practice and abide by a prosecutors’ code;
- that private prosecutors should be subject to inspection with sanctions for failing to meet standards;

¹⁹ Prisons and Courts Bill Automatic online convictions and standard statutory penalty, gov.uk

²⁰ Post Office Horizon IT scandal: Progress of compensation, House of Lords Library

- that the prosecution should engage with defendants prior to charging to understand their personal situation (mitigating circumstances) and assess whether the prosecution is in the public interest;
- that prosecutors should give defendants more time to respond to the notice.

We welcome these suggestions, though we fear that very few organisations or individuals representing SJP defendants will have responded to the consultation. And investigation by Tristan Kirk suggests that prosecutors may be opposed to those proposals which involve extra responsibility and cost. The government suggested that prosecutors might read all completed prosecution forms before any magistrate sees them – to check whether the prosecution was in the public interest and give them a chance to withdraw the charge. But the BBC has apparently challenged this as impractical and inefficient.²¹ The government will publish a summary of consultation responses and their final proposals for reform by the end of the year.



Tristan Kirk
@kirkkorner

March 13 2025 ↻ ...

A vivid illustration of why it might not be the best idea for defendants in criminal cases to be allowed to enter their plea online from home, without legal advice.

"Guilty"

"I did not commit the offence"

Plea for offence 1

Charge	Use a television set without a licence
How they pleaded	Notified Guilty
Would they like to come to court?	No
Guilty plea mitigation	I did not commit the offence as I do not and have never watched live TV nor download any live TV or recording live TV. I have a fire stick which I watch YouTube on . I had already cancelled my sky TV on speaking to agent who forgot to mention in his statement . I'm also very ill will COPD and severe asthma and at the time of speaking to agent I was confused and dazed because I suffer from lack of oxygen which makes my memory bad and I get muddled.

²¹ [BBC slammed after blaming magistrates for fast-track justice scandal](#), The Standard

Conclusion

The single justice procedure lies at the heart of an often unfair justice system where mistakes turn into convictions which the person convicted may not even know about.

The SJP is certainly speedy and works well for people who admit committing a low level offence like driving through a red light or not having taxed their car on time. Defendants have the chance of pleading guilty and dealing with the offence online, paying the fine and moving on within weeks of being prosecuted. Most people would rather not go to court unless they have to. There are few repercussions to getting an SJP conviction since there is no criminal record. But it is a criminal conviction, is stressful to deal with and can negatively affect those trying to immigrate or get visas to travel.

The SJP is a win-win for prosecutors. They can often prosecute people without having to prove the defendant intended to commit the crime and without having to find out anything about the context of the crime or the vulnerability of the accused. They don't have to spend a lot since they get some (maybe all?) of their prosecution costs back and don't pay court fees. Given only a tiny number of SJP offences go to trial, few staff ever have to prepare for and appear in court. And prosecutors are subject to very little scrutiny.

It's a win-win for the courts, or was until the Northern Rail miscarriage case. The majority of all criminal cases are now resolved by one unpaid magistrate sitting in an office on their own, with a legal adviser on call rather than working with them full time (as used to happen). Magistrates get through ten times more cases a day than in open court, partly because most defendants don't plead, so there are few documents in each case. The Common Platform has reduced court administration costs.

But the system can be fundamentally unfair and has contributed to at least one major miscarriage of justice in wrongly prosecuting around 59,000 people for fare evasion. The current process also seems to be leading to minor miscarriages of justice. It is not clear how suspects can challenge their prosecution. Defendants aren't given information about what defences might be valid for their offence, nor whether intent is relevant. The low plea rate shows that the current court process is not accessible. Some who don't plead may be putting two fingers up to the system, or others burying their head in the sand, but the lack of engagement suggests other issues are at play. Defendants may not even have received the prosecution notice and prosecutors don't have to prove defendants received it.

Perhaps the greatest injustice of the SJP is that it facilitates convicting people for mistakes, and for errors made due to illness or disability. We are prosecuting people at an industrial scale often without any evidence they intended to commit a crime, and with few safeguards. There is nothing wrong with some crimes being strict liability (where no intention needs to be proved), but to do so using an inaccessible, untransparent system is surely unfair.

There is light at the end of the tunnel. Disquiet has been fuelled by Tristan Kirk's investigations and by the Northern Rail case. The government is considering how to improve scrutiny of the prosecutors, and HMCTS are redesigning the prosecution forms. The Magistrates' Association has suggested some sensible changes. But we need more reform and fast. The Common Platform is making it easier to prosecute and the ORR review suggests that ease of prosecution is leading to an increase in people charged under the current unreformed system.

The most disturbing aspect of this story is that in ten years, the system has been subject to so little official scrutiny. No parliamentary committee has looked in detail at the SJP, the government has published no social research and very little data. It seems to have taken a lone campaigner and a journalist who got the bit between his teeth to lift the lid on systemic injustice.

Recommendations

- 1 Implement the government's proposals to improve SJP prosecution processes and scrutiny of them.
- 2 Ensure SJP prosecutors are subject to regular inspection.
- 3 Institute an independent inquiry or review as to what lessons can be learnt from the Northern Rail miscarriage of justice.
- 4 Commission social research to find out who SJP defendants are and what are the key barriers to responding to the prosecution notice.
- 5 In the short term, try to increase participation by ensuring defendants receive prosecution notices, by improving the form and by offering more free help.
- 6 Make clear to defendants what their rights are and give information on statutory defences in the case of strict liability offences.
- 7 Support suspects (where relevant) to challenge their prosecution on evidential and public interest grounds before the notice is sent out.
- 8 Ensure prosecutors judge whether prosecution is in the public benefit by making them use the full code prosecutorial test. This would include them gathering and appraising information about the disability and vulnerability of defendants.
- 9 Introduce kindness and compassion into the process. It is legal to prosecute someone for a mistake, but should we be doing so so often?
- 10 Open up the system. It is incredibly difficult to find out anything about it and this lack of transparency has allowed poor practice to perpetuate.

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