



Llywodraeth Cymru
Welsh Government

Justice System Impact Identification

Form

Overview

Welsh Government officials are submitting this form

- **For assessment by the Ministry of Justice**

The Welsh Government’s assessment of the impacts of this legislation on the justice system is that it has

- **Low potential impact**

This is because:

The legislation amends the Forestry Act 1967 to give powers to Natural Resources Wales (NRW) as forest regulator in Wales, to add further conditions to felling licences and to amend, suspend or revoke felling licences already granted. The intended focus of these powers is to help prevent felling that would contradict other environmental legislation, providing better protection for wildlife and from environmental damage. Additional conditions are proposed on a 3 tier system enabling conditions to be applied on a proportionate basis. Powers to suspend or revoke a felling licence are only to be used in exceptional circumstances where amending a licence would not address the environmental damage to be remedied. Claims for compensation arising from these powers are expected to be minimal in line with existing compensation provision within the Act. These powers were introduced in Scotland through the Forestry & Land Management (Scotland) Act 2018. Contact with colleagues in Scotland indicates that there have been no convictions arising from these powers since the Act was introduced in Scotland some 4 years ago. On this basis it is anticipated that prosecutions arising from these powers in Wales is likely to be in the range of 0-3 per year.

1. Bill Title

1.1. Working title of Bill

Agriculture (Wales) Bill

2. Policy lead contact details

2.1. Name / Job Title

[Redacted]

2.2. Department / office / business area

Landscapes, Nature, and Forestry Division
Land Management Reform

2.3. Telephone number

[Redacted]

2.4. Email address

[Redacted]

2.5. a) Date of submission of this form

Date of Submission: 23/8/22

2.6. b) When is a response required?

Response Requested by: 15/11/22

3. Additional contact details

3.1. Legal Contact

[Redacted]

3.2. Telephone number

[Redacted]

3.3. Email address

[Redacted]

4. General information

4.1. Please provide a) contact details of your lead official for the appraisal of costs or savings and;
b) the Justice Policy lead if known.

[Redacted]

4.2. Have you notified the judicial office of your proposals by completing Desk Instruction 7? (please seek advice from your legal advisors)

Yes

No (please explain why)

- 4.3. In brief, what is your proposal? (no more than half a page) (*This information is provided to help MoJ officials to understand the intent of the proposed change in order to be able to comment as fully as possible on its potential impacts*).

The Agriculture (Wales) Bill (“the Bill”) provides for the establishment of a new system of Farm support and Sustainable Land Management (SLM). The Bill will replace the time limited powers taken for Welsh Ministers in the UK Agriculture Act 2020 and also provides for changes to felling licenses. The Bill will allow for Welsh Ministers to continue making payments to farmers during a transition period with powers to simplify and phase out Direct Payments.

The proposal is that the Bill will amend the Forestry Act 1967 to give Natural Resources Wales (NRW) as forest regulator in Wales, the power to add conditions to felling licences and amend, suspend or revoke felling licenses to prevent felling that would contradict other environmental legislation.

The intended focus of these powers is to help prevent felling that would contradict other environmental legislation, providing better protection for wildlife and from environmental damage. This issue has been the subject of petitions at both UK and Wales level, a Plenary debate in the Welsh Senedd and on-going correspondence.

Currently the Forestry Act allows certain conditions to be added to felling licenses related to restocking and the subsequent maintenance of the restocked trees. However it does not allow conditions to be added to felling licenses to ensure the integrity of protected sites, protected species or other sensitive elements of the environment. NRW currently avoid environmental damage issues through informal agreement with licence applicants, but such agreement is not legally enforceable.

Under the Forestry Act 1967 NRW has no powers to amend, suspend or revoke a licence it has issued in the event that something about that licence becomes unacceptable. This can arise where change of ownership results in a change of objectives, or disease affects species choice in restocking. However it is most likely to be related to additional constraints identified after the licence was granted such as the presence of protected species either accidentally or deliberately overlooked. Other instances might be where environmental damage is occurring as a result of breaches in environmental legislation.

NRW assess each application for a felling licence against the legal and good forestry practice requirements set out in the UK Forestry Standard (UKFS), the government’s standard for sustainable forest management. Although the UKFS is a voluntary standard, applications for felling licences that clearly contravene the UKFS are refused. This is on the basis that in failing to comply with the UKFS, the application would not be in the “interests of good forestry” as set out in the Forestry Act 1967. This licencing process has been embraced by the forestry sector and has worked effectively. The UKFS and interpretation of the Forestry Act has evolved with forestry policy over the years to encompass wider environmental issues than first envisaged when the Act was drawn up. However there are occasions where further clarity in the form of conditions and the ability to amend/suspend/revoke an existing licence would have provided better protection for biodiversity and the environment in instances where rules have not been followed or further sensitivities come to light after a licence has been granted.

Additional environmental conditions are proposed on a 3 tier system - baseline conditions to be applied to all felling licences aim to formalise existing required compliance with other environmental legislation within the felling licence regime. The 2 remaining tiers enable conditions to be applied proportionately to the site conditions in consultation with felling licence applicants. Where breaches of environmental conditions occur, or environmental harm arises from the felling licence e.g. as a result of unexpected sensitivities, NRW will have powers to amend, suspend or revoke the felling licence. Amendment is expected to be the main course of addressing environmental issues. Powers to suspend or revoke a felling licence are only to be used in exceptional circumstances where amending a licence would not address the environmental damage to be remedied. A new offence is introduced at s.24 where a person who, without

reasonable excuse, fails to take steps set out in a notice served due to a breach of conditions. Where eligible, compensation based on actual costs incurred is provided for remedial steps where expenditure is deemed to be unnecessary through successful appeal, but this is expected to be rare. Otherwise, claims for compensation arising from these powers are expected to be negligible in line with existing compensation provision within the Act.

The penalty for felling without a licence is to be increased to an unlimited fine. This will address the discrepancy between the existing unlimited fine for not complying with a notice under s.24 and the currently limited fine for felling without a licence at s.17. The offence at s.17 is relevant where felling continues after a licence has been revoked or suspended under the new powers.

It is intended that these powers are used for felling licences granted *after* this provision comes into force. As felling licences have a "life" of 2 years, having the powers to amend/add conditions, suspend or revoke a licence retrospectively to *current* felling licences is not considered necessary.

The effect of the proposal is primarily to help safeguard wildlife and provide protection from environmental damage. It also enables environmentally focused conditions to be enforceable under the Forestry Act 1967; helps the Forestry Act align with other environmental legislation such as the Habitat Regulations 2017 and enables NRW to meet its SMNR (sustainable management of natural resources) and section 6 duty under the Environment (Wales) Act 2016.

- 4.4. Is this legislative proposal similar in any way to legislation being brought forward in England? If so, please name that legislation and identify below any ways in which the legislation brought forward in Wales will differ.

If the legislation has no substantive difference from that in England, there may be no need to complete all parts of the JSII form.

The Forestry Act 1967 applies to both England and Wales. There are no provisions currently within the Act that provide the powers contained within this legislative proposal. The England Trees Strategy outlines that new statutory duties and powers for the Forestry Commission will be considered, to better reflect the social and environmental value of woodlands. Contact with colleagues in Defra have indicated that work is beginning on this.

The provision for increasing the penalty for felling without the authority of a licence has been increased to an unlimited fine in England through paragraph 2 of Schedule 16 of the Environment Act 2021 although it is unclear when this will be brought into force.

- 4.5. Please specify the name of any other related legislation. How do you expect the relevant provisions of this (new) legislation to be enacted?

Forestry Act 1967
Proposed amendments to
s10(2) and (3) – application for felling licences and decision of appropriate authority thereon
s12 – Conditional licences
s.17 – Penalty for felling without a licence
s.24 – Notice to comply with conditions or directions
s.25 – Appeal against notice under s24
s.26 – Expenses etc in connection with notices under s.24
s.29 – Provisions relating to mortgages, heritable securities and settled land

- 4.6. Please indicate the anticipated date when a) the legislative changes are expected to come into force and b) the date when the first anticipated impact on the justice system will arise.

a) The legislative changes are expected to come into force in January 2024 .
b) If the provisions are in place from January 2024 they will apply to all new applications for felling licences from that point onwards. It is possible an offence could be detected soon afterwards and be brought before the courts within a few months, but cases with sufficient evidence as to proceed to court are unlikely to be high then or in any year.

- 4.7. If altering or introducing an offence, sanction or penalty, which of the following groups will the proposal affect and in what circumstances? (Tick all that apply)

- Individuals
 Private Institutions (e.g. Businesses)
 Public Institutions (e.g. Government Departments)

All applicants for felling licences will be affected by the proposed legislative changes. This can include private individual and business landowners, agents or contractors acting on their behalf, as well as public bodies who own woodland such as local authorities and charities. NRW who manage the Welsh Government Woodland Estate on behalf of Ministers, are not legally required to have felling licences but tend to go through the licencing process in order to be transparent, so will also be affected. There are clear division of duties within NRW between regulator and woodland manager to ensure that conflict of interest is avoided.

- 4.8. Does your legislation only have impact in Wales or are you working jointly with other administrations? Tick all that apply and provide brief details as appropriate, including whether your proposal will create different laws in Wales compared to England, Scotland and / or Northern Ireland.

Please note that, with the exception of the devolved tribunals, the MoJ administers the justice system in England and Wales only. Please talk directly to the MoJ devolution unit if you anticipate your proposal could have an impact on courts or prisons in Scotland or Northern Ireland.

- Wales only
 England
 Scotland
 Northern Ireland
 Other (Please Specify)

The legislative proposals will affect Wales only. England is still considering its own version of these proposals and has still to introduce its increased penalty for felling without a licence. Scotland introduced these powers through the Forestry & Land Management (Scotland) Act 2018. Northern Ireland introduced the ability to add conditions through their Forestry Act (Northern Ireland) 2010.

- 4.9. If your legislation could directly impact visitors to Wales or other people not normally resident in Wales, or if your legislation is significantly different from elsewhere in England, Scotland or Northern Ireland;-

- a) what arrangements have you made to ensure ongoing awareness raising of the different legislative approach on this issue in Wales?

- b) what will be the implications on the enforcement agencies of taking forward action against individuals not usually resident in Wales?

It is not envisaged visitors to Wales will normally be included within the group of people who apply for felling licences. As currently, there is the possibility that a non-resident of Wales may own or work in Welsh woods which may necessitate a felling licence application.

NRW as regulators publish information on their website about the felling licence process. It is proposed that clear guidance accompanies these powers so applicants and permit holders are clear on when these powers will be used and what is required. The NRW website will be updated to reflect the new powers and guidance.

4.10. What are the options under consideration and how does this change the existing situation?

The option of Business as Usual does not affect the justice system as many incidents of alleged illegal felling and enforcement of current restocking conditions do not progress to court.

The option of Civil Sanctions is still under consideration by Ministers, and if taken forward, are some years away from being implemented.

Currently the Forestry Act 1967 only allows conditions to be added to felling licenses related to restocking and the subsequent maintenance of the restocked trees. It does not allow conditions to be added to felling licenses to ensure the integrity of protected sites, protected species or other sensitive elements of the environment. The Act does not provide any powers to amend, suspend or revoke a licence in the event that something about that licence becomes unacceptable e.g. environmental harm arising as a result of breaches in environmental legislation.

The option for the legislative proposal of amending the Forestry Act will introduce powers to add extra conditions to felling licences and to amend/suspend/revoke licences already granted. These powers are intended to help prevent felling that would contradict other environmental legislation, providing better protection for wildlife and from environmental damage. They are intended for use where there is a clear need to apply them.

The enforcement of these powers is proposed through the expansion of the existing s24 – “notices to comply with conditions or directions”. A new offence is introduced at s.24 where a person who, without reasonable excuse fails to take steps set out in a notice served due to a breach in conditions. The frequency of cases arising from this are expected to be in line with the existing offence at s.24 for non-compliance with a notice to undertake works. The new offence also enables enforcement of remedial steps to address environmental harm where a felling licence has been revoked or suspended.

Non-compliance with the new powers which result in a fine under s.17 “Penalty for felling without a licence” is not a new offence, although the circumstances in which the offence arises will now be broader. This is because as well as covering the circumstances in which trees are felled by a person who has never had a felling licence, it will also cover those who fell trees after having their licence suspended or revoked.

In both cases, powers to suspend or revoke a felling licence are only to be used in exceptional circumstances where using powers to amend a licence would not address the environmental issue. Therefore additional cases under s.17 or s. 24 arising from these new powers are expected to be very low.

The proposal includes amending s.17 to enable fines in Wales to be unlimited. This reflects the existing level of fine currently set out at s.24.

There is also a proposal at s.24 for provision for the Upper Tribunal to determine the value of compensation claims if a felling licence is amended, suspended or revoked on a 'no-fault' basis or where there has been a successful appeal against a notice served due to a breach of conditions. This will operate in the same way that the reference to the Upper Tribunal in respect of licence refusals under s.11 does. Claims for compensation under s.11 are not made in practice, and with the exception of compensation for actual costs for remedial works deemed unnecessary by appeal, the valuation is determined on market value and so disputes are not realistically likely to arise. It will be in NRW's interest to ensure that any notices served are proportionate and justified to reduce the chance of appeal and compensation. NRW also have the ability to amend licences by mutual agreement within the proposed amendments to s.10 which will further reduce the likelihood of disputes arising.

4.11. If you are creating a new civil sanction or penalty which court or tribunal, in your opinion, should deal with it?

A new offence is introduced at s.24 where a person who, without reasonable excuse, fails to take steps set out in a notice served due to a breach in conditions. Enforcement of a fine under this offence would be through the Magistrates' Court.

Criminal Offences and Civil Penalties and Sanctions

4.12. Which of the following are you creating / amending? (Tick all that apply)

- Civil Sanctions
- Fixed Penalties
- Civil Orders
- Criminal Sanctions
- Criminal Offences
- Other (Please Specify)

The enforcement of these powers is proposed through the expansion of the existing s24 – "notices to comply with conditions or directions". A new offence is introduced at s.24 where a person who, without reasonable excuse, fails to take steps set out in a notice served due to a breach in conditions. The frequency of cases arising from this are expected to be in line with the existing offence at s.24 for non-compliance with a notice to undertake works. The new offence also enables enforcement of remedial steps to address environmental harm where a felling licence has been revoked or suspended. Non-compliance with the new powers which result in a fine under s.17 "Penalty for felling without a licence" is not a new offence, although the circumstances in which the offence arises will now be broader. This is because as well as covering the circumstances in which trees are felled by a person who has never had a felling licence, it will also cover those who fell trees after having their licence suspended or revoked.

In relation to compensation arising from this, see comment in section 4.10 regarding the Upper Tribunal.

4.13. If you are creating a criminal offence, is it:

- Summary Only (heard before a bench of lay magistrates / judge only)
- Triable Either Way
- Indictable Only (heard before a judge and jury)

In cases where the maximum penalty is to be an unlimited fine, and a triable either way offence is warranted, please explain why a summary only offence is not considered appropriate. This is especially relevant if few, if any, cases are anticipated.

N/A

4.14. Who will be responsible for the enforcement of your legislative proposal and how will they take this role forward? Will there be an increased / reduced need for enforcement action?

NRW as regulator will be responsible for the enforcement of the legislative proposal. NRW enforce illegal felling and noncompliance of existing felling licence conditions, and this role will continue in relation to the legislative proposal. NRW investigate, seek agreement with licence holders on resolving non-compliance issues, resorting to fines through the courts only in a few cases.

The powers being introduced through the legislative proposals will broaden the scope for enforcement. Although the need for enforcement is expected to increase, powers to suspend or revoke a felling licence are only to be used in exceptional circumstances where using powers to amend a licence would not address the environmental issue. Therefore additional cases under s.17 arising from these new powers are expected to be very low. Additional cases arising under the new offence at s.24 are also expected to be low in line with current offences under that section of the Act.

Appeals under s 16,17B, 20, 21 and 25 of the Forestry Act are to the Welsh Minister for referral to a Committee of Reference selected from a panel of persons appointed by him/her. There may be an increase of appeals resulting from the legislative proposals.

In relation to compensation, see comment in section 4.10 regarding the Upper Tribunal.

4.15. What is the anticipated number of cases per year? Please provide details of any evidence of assumptions on which estimates are based.

Current cases from enforcing the existing provisions in the Forestry Act are around 1 per year in Wales.

The powers proposed through the legislative proposal are intended for use where there is a clear need. These powers were introduced in Scotland through the Forestry & Land Management (Scotland) Act 2018. Contact with colleagues in Scotland indicates that there have been no convictions arising from either power since the Act was introduced in Scotland some 4 years ago. On this basis it is anticipated that prosecutions arising from these powers in Wales is likely to be in the range of 0 and 3 per year.

In relation to compensation, see comment in section 4.10 regarding the Upper Tribunal.

4.16. Do you expect proceedings to be heard in the Magistrates' Court, the Crown Court, or a Civil Court? What will the proportions be?

Magistrates' Court only

In relation to compensation, see comment in section 4.10 regarding the Upper Tribunal.

4.17. Please state the maximum associated fine and/or custodial penalties. In the case of offences involving penalties of a fine or custody, please indicate and explain the circumstances which would result in a custodial sentence upon conviction and the proportion of custodial penalties which will be at the maximum level.

Stakeholders have indicated that the current level of some of the fines within the Forestry Act are not a sufficient deterrent for the offence e.g. felling without a licence (Level 4 fine). This is particularly true where illegal felling occurs for development, where the financial gains can greatly outweigh the fine.

The current level of fine for noncompliance with an enforcement notice set out at s24 of the Forestry Act 1967 is “not exceeding a Level 5 fine on the standard scale”.

The upper limit of this Level of fine was removed by s85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, making it an unlimited fine.

The enforcement of these powers is proposed through the expansion of the existing s24 – “notices to comply with conditions or directions”. Non-compliance with the new powers would ultimately result in an unlimited fine under the new offence at s.24 where it relates to a notice to address a breach of conditions. Where non-compliance is felling related, such as when a licence is revoked or suspended, this would result in a fine under s.17.

The proposal includes amending s.17 to enable fines in Wales to be unlimited. This essentially reflects the existing offence currently set out at s.24.

Schedule 16 to the Environment Act 2021 raises the fine for a s.17 offence in England to an unlimited fine.

- 4.18. Please provide details of any proxy or current offences and / or penalties on which the proposed penalties are based. If mirroring / comparing existing legislation, ensure that reference is made to the most recent versions of the legislation (via Westlaw, the online legal research service) as this is not always available online.

Please see previous answer.

- 4.19. Please provide details of the relevant legislation (where appropriate) and confirm whether the creation or amendment of criminal offences and penalties has been agreed in line with the guidance available at <https://www.gov.uk/government/publications/making-new-criminal-offences>.

Forestry Act 1967

- 4.20. What will be the short, medium and lifelong implications for an individual found guilty of this offence, and how is this proportionate to the offence created?

There are no custodial sentences associated with this offence.

The payment of a fine, albeit unlimited, may impact on the business of the individual depending on the fine set by the magistrates' court.

Valuing environmental damage or damage to wildlife is difficult to quantify. It is hoped that this will act as a deterrent for non-compliance.

- 4.21. Does this legislation impose any duty on the public sector? If so, please provide your assessment of the likelihood of individuals or businesses taking action against the public sector for non-compliance with this legislation.

All public sector bodies in Wales already have a duty under s.6 of the Environment (Wales) Act 2016 to maintain and enhance biodiversity and promote the resilience of ecosystems.

The effect of the proposal is primarily to help safeguard wildlife and provide protection from environmental damage. It also enables environmentally focused conditions to be enforceable under the Forestry Act 1967; helps the Forestry Act align with other environmental legislation such as the Habitat Regulations 2017 and enables NRW to meet its SMNR (sustainable management of natural resources) and section 6 duty under the Environment (Wales) Act 2016.

NRW who manage the Welsh Government Woodland Estate on behalf of Ministers, are not legally required to have felling licences but tend to go through the licencing process in order to be transparent, so will also be affected. It will be in their interests to ensure compliance in order to avoid action by the public sector for non-compliance. There are clear division of duties within NRW between regulator and woodland manager to ensure that conflict of interest is avoided.

5. HM Courts & Tribunals Service and the Welsh Tribunals Service

Estimating the change to caseload of the Courts and Tribunals Service (including devolved tribunals)

- 5.1. Do you expect there to be a change in Court or Tribunals process or an increase / decrease in applications / cases to HM Courts and Tribunals Service and / or the Welsh Tribunals through the creation or amendment of this law? Please provide an estimate of the change to volumes of cases going through the court system as a whole, explain any changes in process and outline the evidence and sources that support these estimates.

As per the answer to 4.15 this is estimated to be between 0 and 3 cases per year

In relation to compensation, see comment in section 4.10 regarding the Upper Tribunal. There have been no recorded cases of compensation to date, and it is not expected that this will change with the new powers.

- 5.2. Please confirm if the courts / tribunals would be under any duty to inform any regulatory authorities of any convictions made under this offence.

- No
 Yes (please provide details)

Appeal Rights

- 5.3. Does your proposal create a new right of appeal or expand an existing jurisdiction in the Unified Tribunals System or route to judicial review? If so, how do you expect these to be handled (i.e. administered by HM Courts & Tribunals Service or Welsh Tribunals)?

No new right of appeal is created (this already exists)

- 5.4. Do you expect to establish a new tribunal jurisdiction? If so, has this been discussed with the Welsh Tribunals Unit / Ministry of Justice?

N/a

Alternative Dispute Resolution

5.5. To what extent could the use of alternative dispute resolution (ADR) procedures (including mediation) be appropriate? How will success in ADR be measured?

N/a

Prosecution and Enforcement

5.6. If the proposal is to add a new offence, will the Crown Prosecution Service act to prosecute defendants? If not, please identify who will prosecute.

NRW will act to prosecute the defendants.

5.7. Will the proposal require enforcement mechanisms for civil debts, civil sanctions or criminal penalties? If yes, who do you expect to enforce these?

This would follow those that already exist under the Forestry Act 1967. Fines enforcement would be through the courts in the usual way.

HMCTS Procedural Rules, Sentencing and Penalty Guidelines

5.8. Do you anticipate that Court and/or Tribunal procedural rules will have to be amended? If so, when is the likely date for the changes?

N/a

5.9. Will the proposals require sentencing and / or penalty guidelines to be amended?

No

6. Legal Aid and Court Fees

6.1. What evidence is there that individuals affected by your proposal will be able to secure and afford:

- a) legal representation and legal advice in order to secure a fair hearing of their case
- b) associated court fees

What legal costs for a typical case could each party bear and what provisions exist for a party found innocent to recover all or any of their legal costs?

As the number of cases that could proceed to court are expected to be low (between 0 and 3 per year), it is not possible produce a socio-economic profile on a sample size so small.

There is no specific legal aid provision, this would be approached in the normal way i.e. free police station advice (if relevant although summons is more likely) and means test for court.

The small number of anticipated cases suggests no significant new demand burdens for alternative sources of legal advice.

Court cases will normally be quite short in length as there will be a relatively small number of witnesses and physical evidence for the court to review. It is not impossible that representative organisations may involve themselves in early cases raising complexity and costs, but this is only likely to be the case for the first few prosecutions.

It is difficult to assess court fees and we have not discussed with HMCTS but it is anticipated if these offences go to trial they will consist of short factual trials of no more than a day duration. (see above not relating to representative bodies).

6.2. Once implemented, is your proposal likely to require individuals to seek legal advice and to apply for legal aid in any of the following areas? In each case please provide supporting evidence.

- Criminal
- Civil (including Family)
- Asylum
- Legal aid not available (please provide supporting evidence)

The expected number of cases are so small as to make predictions on whether any would access or even qualify for legal aid difficult. However as the maximum penalty is a fine and the overwhelming majority of those convicted will be landowners it is unlikely that legal aid would be available.

6.3. If legal aid may be affected, would legal aid costs increase or be reduced (and by what margin)?

Increase marginally, if accessed.

7. Prisons and Offender Management Services

Impact on HM Prison Services

7.1. Will the proposals result in a change in the number of offenders being committed to custody (including on remand) or probation (including community sentences)? If so, please provide an estimate and reasoning behind it, an estimated timeframe to reach this number of sentences, what evidence this is based on, and the source for your information.

There are no custodial sentences arising as a result of the legislative proposal.

7.2. Does the proposal create, remove or change an existing offence with a custodial or probationary sentence, or change the way offenders go through the prison / probation service? If so, please provide details, including the expected impact on probationary services.

N/a



8. Main Justice System Impacts Identified

8.1. Volumes and Costs or Savings (please lengthen if necessary):-

NB in all cases, assume an average annual figure or make clear if a different timespan is being considered. Where there may be significance variance from average in the first years of implementation, please add additional information in the notes below.

Identify the court or tribunal or MoJ service that will be affected by this proposal?	Volumes (please provide both numeric estimates and min-max ranges)	Type (e.g. prison place, tribunal hearing, fixed penalty, etc.)	Estimated recurring annual costs or savings (both numeric estimate and min-max range) (£)	Estimated initial set up costs (£)	Additional Information
Criminal Offences and Sanctions	0 – 3 but more likely to be at the low end of that scale	Fine			
Civil Penalties	0	0	0		
HM Courts & Tribunals Services	0	0	0		
Welsh Tribunals	0	0	0		
Legal Aid	As outlined, it is difficult to predict but again probably none or less than 2 p.a.				
Notes:-					

8.2. Prisons and Offender Management Services (lengthen if necessary, only complete if maximum penalty is something other than a fine):

Offence	Maximum Penalty	No. of prosecutions brought per annum (numeric estimate and min-max range)	Likely proportion sentenced to immediate custody	Likely average custodial sentence length given	Estimated costs or savings p.a. (£) ¹ (please provide numeric estimate and min-max range)
N/A					
Notes:					

Please be aware that any costs or savings identified as a result of any changes to the justice system /additional work must be factored in to the financial assessment of your legislation.

¹ The MoJ publish statistics on "Prison cost per place and cost per prisoner:" - see <https://www.gov.uk/government/statistics/announcements/prison-cost-per-place-and-cost-per-prisoner-2017-to-2018>