
Department for Constitutional Affairs

Introduction

RfR 1: To promote the development of a modern, fair, cost effective and efficient system of justice for all.

1. RfR1 covers the cost of the Department for Constitutional Affairs and five associated offices (the Council on Tribunals, Law Commission, Legal Services Ombudsman, Official Solicitor and Public Trustee, and the Office of the Judge Advocate General), and payments to the General Commissioners of Income Tax in Great Britain and Northern Ireland.
2. It covers the cost of administration for the Judicial Pensions Scheme Supply Estimate. The full cost of this administration is offset by appropriations in aid received from the Scheme.
3. It covers the cost of the Court Service, including fees and salaries paid to some judicial officers and the court building programme. The agency provides administrative support to the Court of Appeal, the High Court, the Crown Court and the county courts of England and Wales and the tribunals for which the Lord Chancellor is responsible (the Banking and Building Societies Appeals Tribunal, Immigration Appellate Authorities, Lands Tribunal, Pension Appeal Tribunal, the Office of Social Security Commissioners, the Special Commissioners of Income Tax, the Value Added Tax Tribunal and the Financial Services and Markets Tribunal). Expenditure on the civil courts is largely offset by fees which are shown as appropriations in aid.
4. It covers the administration of private monies through the Public Guardianship Office. The full cost of the Public Guardianship Office including the cost of services provided by DCA, is largely offset by fees and costs recovered.
5. It covers grants to the Criminal Defence Service and Community Legal Service, including the administrative grant-in-aid paid to the Legal Services Commission. The Commission administers civil legal aid, means assessment, advice and assistance schemes and pays criminal legal aid bills in the magistrates' courts. Expenditure on criminal legal aid in the higher courts is met directly by the Department for Constitutional Affairs.
6. It covers the grant-in-aid paid to the Office of the Information Commissioner for promoting good information handling and the development of codes of practice, assessing compliance with the Data Protection Act 1998 and the Freedom of Information Act 2000.
7. It covers provision for the cost of acquitted defendants, private prosecution costs and witnesses' allowances payable from central funds and specific grants towards the costs of magistrates' courts, which are largely paid in advance of final audited claims.
8. Further details of the expenditure contained in Section A to L can be found in the Departmental Report (Cm 6210).
9. The salaries of the higher judiciary and stipendiary magistrates are met direct from the Consolidated Fund. This expenditure is estimated at £90 million for 2004-05.

Introduction (*continued*)

RfR 2: Overseeing the effective operation of the devolution settlement in Scotland and representing the interests of Scotland within the UK Government.

10. RfR2 provides for the administration costs of the Scotland Office and the Office of the Advocate General for Scotland, the salaries of the Parliamentary Under-Secretary of State for Scotland and the Advocate General for Scotland, the costs of the Boundary Commission for Scotland, the Commission on Boundary Differences and Voting Systems in Scotland and a grant to the Scottish consolidated fund.
11. Under the Scotland Act 1998, the authorisation of expenditure by the Scottish Executive is the responsibility of the Scottish Parliament. Details of this expenditure can be found in the publication *Scotland's Budget Documents 2004-05*.
12. A detailed analysis of the appropriations in aid and extra receipts payable to the consolidated fund can be found in the notes to this Estimate.
13. Further information can be found in the Scotland Office Annual Report (Cm 6227).

RfR 3: To support the Secretary of State in discharging his role of representing Wales in the UK Government, representing the UK Government in Wales and ensuring the smooth working of the devolution settlement in Wales.

14. RfR3 covers the salaries of the Secretary of State for Wales and his Ministers and payments to support expenditure by the National Assembly for Wales.
15. The Departmental Expenditure Limit (DEL) provision for RfR3 for 2004-05 is £4,189,000 of which £3,330,000 relates to Administration costs. These figures are included in the overall DEL and administration costs limit for DCA. The DEL provision sought for 2004-05 is the same as the final net provision for 2003-04 of £4,189,000.
16. Expenditure of £9,845,204,000 in Request for Resources (RfR) 3, section B, classified as non-budget, is in respect of provision for payment of grant to the National Assembly for Wales. Further details are provided in the Wales Office Annual Report (Cm 6228).
17. A detailed analysis of the appropriations in aid and extra receipts payable to the Consolidated Fund can be found in the notes to this Estimate.
18. Symbols are explained in the Introduction to this booklet.

Part I

	£
Request for Resources 1: To promote the development of a modern, fair, cost effective and efficient system of justice for all	3,247,827,000
Request for Resources 2: Overseeing the effective operation of the devolution settlement in Scotland and representing the interests of Scotland within the UK Government	20,786,384,000
Request for Resources 3: To support the Secretary of State in discharging his role of representing Wales in the UK Government, representing the UK Government in Wales and ensuring the smooth working of the devolution settlement in Wales.	9,848,627,000
Total net resource requirement	33,882,838,000
Net cash requirement	33,728,800,000

Amounts required in the year ending 31 March 2005 for expenditure by the Department for Constitutional Affairs on:

RfR 1: To promote the development of a modern, fair, cost effective and efficient system of justice for all: HQ and Associated Offices; administration of the Judicial Pensions Scheme; the Court Service; the Public Guardianship Office; Legal Aid in criminal cases; Criminal Defence Service; Community Legal Service; administration for Legal Services Commission; administration for the Office of the Information Commissioner; costs paid from central funds; the magistrates; courts; the Appellate Committee of the House of Lords and the Judicial Committee of the Privy Council; payments in relation to machinery of government transfers; grant-in-aid to the Trafford Law Centre for a pilot scheme to evaluate proposals for providing improved advice and support to tribunal customers; payments to HM Land Registry; costs in relation to constitutional offices; other legal services; associated non-cash items; and for joint initiatives in the Criminal Justice System.

RfR 2: Overseeing the effective operation of the devolution settlement in Scotland and representing the interests of Scotland within the UK Government: administration; the Boundary Commission for Scotland; the Commission on Boundary Differences and Voting Systems in Scotland; payments of a grant to the Scottish Consolidated Fund; and associated non-cash items.

RfR 3: To support the Secretary of State in discharging his role of representing Wales in the UK Government, representing the UK Government in Wales and ensuring the smooth working of the devolution settlement in Wales: administration; Lord Lieutenants' expenditure; the North Wales Child Abuse Inquiry; payments to support expenditure by the National Assembly for Wales and associated non-cash items.

The **Department for Constitutional Affairs** will account for this Estimate.

	Net total	Allocated in Vote on Account	Balance to complete
	£	£	£
RfR 1	3,247,827,000	1,234,612,000	2,013,215,000
RfR 2	20,786,384,000	8,337,725,000	12,448,659,000
RfR 3	9,848,627,000	4,187,988,000	5,660,639,000
Total net resource requirement	33,882,838,000	13,760,325,000	20,122,513,000
Net cash requirement	33,728,800,000	13,709,976,000	20,018,824,000

Part II: Subhead detail

£'000

2004-05						2003-04 Provision	2002-03 Outturn		
Resources						Capital		Net Total Resources	Net Total Resources
Admin 1	Other Current 2	Grants 3	Gross Total 4	A in A 5	Net Total 6	Capital 7	Non- operating A in A 8		
RfR 1: To promote the development of a modern, fair, cost effective and efficient system of justice for all									
809,427	329,107	2,541,048	3,679,582	431,755	3,247,827	36,200	-	3,247,656	2,909,468
Spending in Departmental Expenditure Limits (DEL)									
<i>Central Government spending</i>									
A Headquarters and Associated Offices									
274,161	63,113	75	337,349	10,470	326,879	28,100	-	190,398	151,721
B Judicial Pensions Administration									
400	-	-	400	400	-	-	-	-	-
C Court Service									
512,280	264,794	-	777,074	340,134	436,940	8,100	-	511,162	410,983
D Public Guardianship Office									
22,586	1,200	-	23,786	17,322	6,464	-	-	1,853	13,562
<i>HM Land Registry Invest to Save Budget</i>									
-	-	-	-	-	-	-	-	690	1,439
<i>Criminal Defence Service</i>									
-	-	-	-	-	-	-	-	-	551,855
Support for Local Authorities									
E Magistrates Courts Grants									
-	-	337,697	337,697	63,429	274,268	-	-	288,983	258,545
F Magistrates Courts Capital Grant									
-	-	44,800	44,800	-	44,800	-	-	42,455	35,071

Part II: Subhead detail *(continued)*

£'000

2004-05						2003-04 Provision	2002-03 Outturn		
Resources						Capital		Net Total Resources	Net Total Resources
Admin 1	Other Current 2	Grants 3	Gross Total 4	A in A 5	Net Total 6	Capital 7	Non- operating A in A 8		
G	Magistrates Courts Grant on Loan Charges								
-	-	16,500	16,500	-	16,500	-	-	16,500	16,406
Non-budget									
H	Legal Services Commission: Administration								
-	-	82,000	82,000	-	82,000	-	-	85,594	73,422
I	Criminal Defence Service								
-	-	1,207,258	1,207,258	-	1,207,258	-	-	1,191,502	527,000
J	Community Legal Service								
-	-	797,618	797,618	-	797,618	-	-	869,519	817,303
K	Costs from Central Funds								
-	-	45,000	45,000	-	45,000	-	-	45,000	39,535
L	Office of the Information Commissioner								
-	-	10,100	10,100	-	10,100	-	-	4,000	12,626
RfR 2: Overseeing the effective operation of the devolution settlement in Scotland and representing the interests of Scotland within the UK Government									
7,049	300	20,780,000	20,787,349	965	20,786,384	100	-	19,306,852	17,992,730
Spending in Departmental Expenditure Limits (DEL)									
<i>Central Government spending</i>									
A	Scotland Office								
4,674	-	-	4,674	153	4,521	100	-	4,990	6,798
B	Office of the Advocate General								
2,374	-	-	2,374	812	1,562	-	-	1,562	-
C	Boundary Commission for Scotland								
-	300	-	300	-	300	-	-	300	253

Part II: Subhead detail (continued)

£'000

2004-05						2003-04 Provision	2002-03 Outturn		
Resources						Capital		Net Total Resources	Net Total Resources
Admin	Other Current	Grants	Gross Total	A in A	Net Total	Capital	Non- operating A in A		
1	2	3	4	5	6	7	8	9	10
D Commission on Boundary Differences and Voting Systems in Scotland									
1	-	-	1	-	1	-	-	-	-
Non-budget									
E Grant payable to the Scottish Consolidated Fund									
-	-	20,780,000	20,780,000	-	20,780,000	-	-	19,300,000	17,985,679
RfR 3: To support the Secretary of State in discharging his role of representing Wales in the UK Government, representing the UK Government in Wales and ensuring the smooth working of the devolution settlement in Wales									
3,339	93	9,845,204	9,848,636	9	9,848,627	766	-	9,306,661	9,317,037
Spending in Departmental Expenditure Limits (DEL)									
<i>Central Government spending</i>									
A Wales Office									
3,339	93	-	3,432	9	3,423	766	-	3,423	3,132
Non-budget									
B Grant payable to the National Assembly for Wales									
-	-	9,845,204	9,845,204	-	9,845,204	-	-	9,303,238	9,313,905
Total for Estimate:									
819,815	329,500	33,166,252	34,315,567	432,729	33,882,838	37,066	-	31,861,169	30,219,235

Part II: Resource to cash reconciliation

	2004-05		2003-04		2002-03	
	Provision		Provision		Outturn	
	£'000					
Net Total Resources		33,882,838		31,861,169		30,219,235
Voted capital items						
Capital		37,066		172,459		26,867
Less Non-operating A-in-A		-		58,374		495
Total net voted capital		37,066		114,085		26,372
Accruals to cash adjustment						
Adjustments to remove non-cash items:						
Cost of Capital charges		-121,088		-61,358		-39,498
Depreciation		-68,415		-62,233		-43,261
New provisions and adjustments to previous provisions		-		-3,769		-3,450
Profit/loss on sale of assets		-		-		-515
Prior period adjustments		-		-		-
Other non-cash items		-9		-9		-96
Increase (+) / Decrease (-) in stock		-		-		-
Increase (+) / Decrease (-) in debtors		-		-11,552		21,315
Increase (-) / Decrease (+) in creditors		-1,592		-2,043		83,685
Use of provisions		-		3,945		1,327
Total accruals to cash adjustments		-191,104		-137,019		19,507
Excess cash to be CFERd		-		-		-
Net Cash Requirement		33,728,800		31,838,235		30,265,114

Part III: Extra receipts payable to the Consolidated Fund

In addition to appropriations in aid the following income relates to the Department and is payable to the Consolidated Fund (cash receipts being shown in italics):-

	2004-05		2003-04		2002-03	
	Provision		Provision		Outturn	
	Income	<i>Receipts</i>	Income	<i>Receipts</i>	Income	<i>Receipts</i>
Operating income not classified as AinA	-	-	-	-	-	-
Non-operating income not classified as AinA	-	-	-	-	-	-
Other amounts collectable on behalf of the Consolidated Fund	251,353	<i>244,353</i>	275,551	<i>268,551</i>	274,109	<i>266,195</i>
Excess cash receipts to be surrendered to the Consolidated Fund	-	-	-	-	-	-
Total	251,353	<i>244,353</i>	275,551	<i>268,551</i>	274,109	<i>266,195</i>

Forecast Operating Cost Statement

	2004-05 Provision	2003-04 Provision	2002-03 Outturn	£'000
Net Administration Costs				
RfR 1	801,663	880,360	699,354	
RfR 2	6,084	6,552	6,798	
RfR 3	<u>3,330</u>	<u>3,330</u>	<u>3,037</u>	
Total Net Administration costs	811,077	890,242	709,189	
Net Programme Costs				
RfR 1	2,446,164	2,367,296	2,210,114	
RfR 2	20,780,300	19,300,300	17,985,932	
RfR 3	9,845,297	9,303,331	9,314,000	
Non voted expenditure	<u>90,058</u>	<u>88,000</u>	<u>131,601</u>	
Total Net Programme costs	33,161,819	31,058,927	29,641,647	
Total Net Operating Cost	33,972,896	31,949,169	30,350,836	
<i>of which:</i>				
Net Resource Outturn	33,882,838	31,861,169	30,219,235	
CFERs	-	-	-	
Non-voted expenditure	90,058	88,000	131,601	
Resource Budget Outturn	3,098,882	3,089,752	3,191,450	

Notes to the Main Estimate

Reconciliation of resource expenditure between Estimates, Accounts and Budgets

	£'000		
	2004-05	2003-04	2002-03
	Provision	Provision	Outturn
Net Resource Outturn (Estimates)	33,882,838	31,861,169	30,219,235
<i>Adjustments to remove:</i>			
provision voted for earlier years	-	-	-
<i>Adjustments to additionally include:</i>			
non-voted expenditure in the OCS	90,058	88,000	131,601
Consolidated Fund Extra Receipts in the OCS	-	-	-
Other adjustments	-	-	-
Net Operating Cost (Accounts)	33,972,896	31,949,169	30,350,836
<i>Adjustments to remove:</i>			
capital grants to local authorities	-44,800	-42,455	-35,071
capital grants financed from the Capital Modernisation Fund	-	-	-
European Union income and related adjustments	-	-	-
voted expenditure outside the budget	-30,625,204	-28,603,238	-27,299,584
<i>Adjustments to additionally include:</i>			
other Consolidated Fund Extra Receipts	-	-	-
resource consumption of non departmental public bodies	-232,412	-209,779	176,558
unallocated resource provision	28,402	-	-
Other adjustments	-	-3,945	-1,289
Resource Budget Outturn (Budget)	3,098,882	3,089,752	3,191,450
<i>of which:</i>			
Departmental Expenditure Limits (DEL)	3,098,882	3,089,752	3,191,450
Annually Managed Expenditure (AME)	-	-	-

Reconciliation of capital expenditure between Estimates and Budgets

	£'000		
	2004-05	2003-04	2002-03
	Provision	Provision	Outturn
Net Voted Capital Outturn (Estimates)	37,066	114,085	26,372
<i>Adjustments to remove:</i>			
gains / losses from sale of capital assets	-	-	-515
<i>Adjustments to additionally include:</i>			
other Consolidated Fund Extra Receipts	-	-	-
capital spending by non-departmental public bodies	-	107	6,018
capital grants to local authorities	44,800	42,455	35,071
capital grants financed by the Capital Modernisation Fund	-	-	-
local authority credit approvals	11,000	11,000	8,768
capital spending by levy funded bodies	-	-	-
unallocated capital provision	-	-	-
Other adjustments	-	-	-
Capital Budget Outturn (Budget)	92,866	167,647	75,714
<i>of which:</i>			
Departmental Expenditure Limits (DEL)	92,866	167,647	75,714
Annually Managed Expenditure (AME)	-	-	-

Notes to the Main Estimate (*continued*)

Explanation of Accounting Officer responsibilities

The Treasury has appointed the Permanent Head of the Department for Constitutional Affairs, Sir Hayden Phillips, as Accounting Officer of the Department with responsibility for preparing the Department's Estimate.

The allocation of Accounting Officer responsibilities in the Department for Constitutional Affairs is as follows:

- | | |
|---------------------------------|--|
| Request for Resources 1: | Sir Hayden Phillips, Principal Accounting Officer and Permanent Head of Department |
| Request for Resources 2: | David Crawley, Additional Accounting Officer and Head of Scotland Office. |
| Request for Resources 3: | Alison Jackson, Additional Accounting Officer and Head of Wales Office. |

The responsibilities of an Accounting Officer, including responsibility for the propriety and regularity of the public finances for which an Accounting Officer is answerable, for keeping proper records and for safeguarding the Department's assets, are set out in the Accounting Officers' Memorandum, issued by the Treasury and published in *Government Accounting*.

Notes to the Main Estimate *(continued)*

Analysis of appropriations in aid (A in A)

£'000

	2004-05 provision		2003-04 provision		2002-03 outturn	
	Operating A in A	Non- operating A in A	Operating A in A	Non- operating A in A	Operating A in A	Non- operating A in A
RfR 1: To promote the development of a modern, fair, cost effective and efficient system of justice for all.						
Administration income	7,764	—	22,433	—	9,035	—
Other current income	423,991	—	443,177	—	389,718	—
Sale of fixed assets	—	—	—	58,374	—	1,707
Total RfR 1	431,755*	—	465,610	58,374	398,753	1,707
*Amount that may be applied as appropriations in aid in addition to the net total, arising from civil court fees; fees charged by the Public Trustee and the Court of Protection; recoveries from the National Investment and Loans Office for the cost of administering funds in court; recovery from the investment managers for the cost of administering the Commons Investment Schemes; recoveries for research and recommendation work undertaken by the Law Commission; recoveries by the Official Solicitor pursuant to his duties under the Supreme Court Act 1981 and Public Trustee Act 1906; fees charged by the Lands Tribunal, recoveries from the National Insurance Fund for the cost of Social Security Commissioners; fees from the Land Registry; receipts relating to the Land Registry Adjudicator; fees relating to the Office of the Information Commissioner; fees from nursery facilities and other fees; charges and receipts received; sale of publications; reimbursements from the ARAMIS PFI supplier of the costs of seconded staff and banking charges; receipts from rents; service charges and site usage; recovery for magistrates' courts accommodation; the disposal of land, buildings and surplus equipment, contributions paid by legally aided defendants in the higher courts; receipts of VAT refunds on contracted out services, judicial superannuation contributions, receipts from the European Commission; receipts from the Financial Services and Markets Tribunal; receipts under the New Deal Scheme; receipts from Wider Markets Initiatives; receipts from Royal Licences; receipts from the Judicial Pensions supply Estimate to fund administrative costs; recovery of costs from Twinning projects; recovery of costs relating to the Hunting Bill; receipts in relation to netting-off schemes in Magistrates Courts Grant; receipts in relation to the devolution Service Level Agreement; receipts in relation to by-election funding; receipts in relation to the use of DDJs as prison adjudicators; and income arising from Machinery of Government changes.						
RfR 2: Overseeing the effective operation of the devolution settlement in Scotland and representing the interests of Scotland within the UK Government.						
Rent receipts; payments for legal services	965	—	965	—	965	—
Total RfR 2	965*	—	965	—	965	—
*Amount that may be applied as appropriations in aid in addition to the net total, arising from receipts in respect of rent, payments from other departments for legal services and other receipts.						
RfR 3: To support the Secretary of State in discharging his role of representing Wales in the UK Government, representing the UK Government in Wales and ensuring the smooth working of the devolution settlement in Wales.						
Rent receipts; payments for legal services						
Total RfR 3	9*	—	9	—	9	—
*Amount that may be applied as appropriations in aid in addition to the net total arising from receipts from rent for use of accommodation in Gwydyr House by the National Assembly for Wales.						
Total A in A	432,729	—	466,584	58,374	399,727	1,707

Notes to the Main Estimate *(continued)*

Analysis of Consolidated Fund extra receipts

	£'000					
	2004-05 provision		2003-04 provision		2002-03 outturn	
	Income	Receipts	Income	Receipts	Income	Receipts
Magistrates Courts	244,353	244,353	181,051	181,051	198,218	198,218
Other income not classified as Appropriations in Aid*	—	—	87,500	87,500	67,977	67,977
Loan charges received from Dyfed Powys in respect of Cleddau Bridge	100	—	100	—	100	—
EU funding for Tir Gofal	2,400	—	2,400	—	626	—
ESF receipts relating to pre 2001 training programmes formerly administered by the Department of Education	4,500	—	4,500	—	7,188	—
Total	251,353	244,353	275,551	268,551	274,109	266,195

*Sums received by the Scottish Executive which are to be paid to the Consolidated Fund and remitted by the Secretary of State

Notes to the Main Estimate *(continued)*

Administration Costs Limits and Departmental Expenditure Limits

Administration costs limits £'000

	Gross provision	Income	Total administration costs limit
Gross administration costs limits	848,217	–8,738	839,479
Net administration costs limits	—	—	—

Departmental Expenditure Limits (DEL) £'000

	Voted*	Non-voted	Total
Resource DEL	1,070,858	2,028,024	3,098,882
Capital DEL	81,866	11,000	92,866
Less depreciation	–68,415	–1,423	–69,838
Total DEL	1,084,309	2,037,601	3,121,910

- * i. Capital DEL includes items treated as resource in Estimates and Accounts, but which are treated as part of Capital DEL, under stage 2 of Resource Accounting and Budgeting, as implemented in the 2002 Spending Review
 ii. Excludes EU receipts included in Estimates, but excluded in Budgets

Comparisons of provision sought with final provision and forecast outturn for the previous year

The total net resource sought for 2004-05 of £33,882,838,000 is 6.3 per cent higher than both the final net provision and the forecast outturn for 2003-04 of £31,861,169,000.

Cash which may be retained to offset expenditure

£'000

Cash which may be retained by the department to offset expenditure in the year due to its relationship with income (operating and non-operating) that has been or will be appropriated in aid

	2004-05 provision	2003-04 provision	2002-03 outturn
	432,729	524,958	401,434

