

Magistrates and Crown Court

Summary

These are offences that can only be dealt with in the Magistrates Court.

The defendant will either plead guilty in which case the court will move to sentence (see Sentencing below) or not guilty in which case the court will move to trial (see Summary Trial below).

Either Way

These are offences that can be dealt with either in the Magistrates Court or the Crown Court depending on the seriousness of the allegation.

The plea process starts with the procedure known as Plea before Venue (PBV). The defendant will be asked whether or not he pleads guilty, not guilty or no plea. If he or she pleads guilty the court will move to sentence as referred to above. If he or she pleads not guilty or indicates no plea then the court will move to the Allocation procedure. This is where the court decides, after representation from the prosecution and defence, whether the case should be heard in the Magistrates' Court or the Crown Court. If the court decides to keep the case in the Magistrates' Court, the defendant will be offered the choice of staying in the Magistrates Court or choosing to go to the Crown Court. If he or she chooses to stay in the Magistrates' Court and confirms his or her not guilty plea then the Court will move to trial (see Summary Trial below). If he or she chooses to go to the Crown Court the Court will move to the send process (see Send Process below). If the court decides that the case must go to the Crown Court they will move to the send process (see Send Process below).

Indictable

These are offences that can only be dealt with in the Crown Court and will be sent to the Crown Court on the first hearing (see Send Process below).

Send Process

If the defendant chose, or the Magistrates directed, that the case should be dealt with at the Crown Court, or the offences are indictable only. The case will be sent to the Crown Court at the defendant's first hearing in the Magistrates' Court. Therefore there will be a Plea and Trial Preparation Hearing in the Crown Court usually within 28 days (See PTPH below).

Summary Trial

This is a trial in the Magistrates' Court. The prosecution and defence call evidence by way of witnesses to put their case. The Bench will then decide the outcome. The Bench can either be Lay Magistrates who decide the case on the facts, being guided in the law by the clerk, or a District Judge who is legally qualified.

PTPH – Plea and Trial Preparation Hearing

This is the hearing in the Crown Court at which a defendant will enter his or her pleas and the Judge will give directions as to the future conduct of the case. If there is a not guilty plea the case

will be adjourned for a jury trial (see Jury Trial below). If there is a guilty plea the case will move to sentencing usually on the same day (see Sentencing below).

Jury Trial

This is the Crown Court trial. The prosecution and defence call evidence by way of witnesses to put their case. The jury of 12 people decide the case on the facts and the Judge advises and rules on all matters of law.

Sentencing

Sentencing take place in the Magistrates' Court after a guilty plea or after conviction following a summary trial unless the Magistrates decide that their powers of punishment are insufficient in which case they can commit the case for sentence in the Crown Court. Sentencing will take place in the Crown Court after a committal for sentence, guilty plea or after conviction following a jury trial. The word sentence is used to cover any punishment given by the court, be it a financial penalty, a community order or a custodial sentence. Community orders include supervision, unpaid work, curfew orders, drug rehabilitation programmes, alcohol treatment requirements, domestic violence programmes, enhanced thinking skills programmes and any other specific orders/courses designed to both punish and rehabilitate an offender. Custodial sentences include both immediate and suspended sentences. Any requirements attached to a community order can also be attached to a suspended sentence. Credit (i.e. reduction) in any sentence imposed will be given to defendants who plead guilty with maximum credit being given to those that plead guilty at the earliest opportunity. Each offence carries a maximum term but individual sentences for each offence are not discussed here due to advice being required on an individual basis. Sentencing in the Crown Court is usually greater than that imposed in the Magistrates Court due to the cases being more serious.