

# Dunn & Baker

## **INFORMATION RELATING TO SUMMARY OFFENCES**

### 1. Type of case

Your case is one which can only be dealt with by Magistrates. There is therefore no right, by law, to elect trial at the Crown Court.

### 2. Time Scale

On the first hearing date, the charge will be put and you may be required to enter a plea.

The Crown Prosecution Service normally attend the first hearing with a photocopy of the principal Prosecution evidence, "advance disclosure".

If it has not been received by that date, then it is likely that an adjournment will be needed.

Where a guilty plea has been entered, the Magistrates may sentence there and then, or they may decide that a pre-sentence report should be obtained and the case will be adjourned for this purpose for a period of four weeks. Pre-sentence reports are prepared by Probation Officers and will set out your background and the type of sentence which they consider would be most suitable.

If a not guilty plea is entered, the case will be adjourned for a period of weeks for a pre-trial review, at which a trial date will be fixed, taking into account the availability of all the witnesses and the likely length of the trial.

Most trials will take place between two to three months after the pre-trial review, though this will depend on how busy the particular Court is, and the dates when all witnesses are available to attend. The trial date will be sooner rather than later, where the Defendant is in custody, or where the witnesses are vulnerable (such as youths).

### 3. The Court

#### a) Arriving at Court

You should arrive at Court at least 30 minutes before the hearing time and should report to the Court Usher at the Reception Desk on arrival, otherwise the case may go ahead in your absence, or other cases may be taken in its place. Any late coming might lead to a further charge, under the Bail Act.

#### 4.4 Summary Offences

Court Ushers usually wear black gowns so that they can be easily recognized. They can answer queries, e.g. where to wait, identifying solicitors, and are also responsible for telling Defendants when it is time for them to go into the courtroom.

##### b) At the hearing

You must always stand (unless physically disabled) when the Magistrates come in or go out of the courtroom, as a mark of respect. Similarly, you must stand when the charge is read out. You should also stand up when spoken to or when wishing to speak, as this will mean that the Magistrates will give you their full attention. When speaking, you should face the Magistrates and speak directly to them, and, if possible, also speak loudly enough for everyone in the room to be able to hear. The Magistrates should be addressed as "Sir" or "Madam".

The Court Clerk will introduce the case to the Magistrates and will read out the charge(s). He/she is also there to advise the Magistrates on points of law, and to advise Defendants who are not represented by a solicitor. The representative from the Crown Prosecution Service is responsible for presenting evidence that the offence has been committed by the Defendant.

##### c) The Youth Court

The Youth Court deals with children and young people under the age of 18. The public are not allowed into this Court, although members of the Press may be present. However, the Press are not allowed to reveal the names and addresses of young people coming before the Court, unless specific permission is given by the Magistrates.

If you are aged under 18, an "appropriate adult", e.g. parent, guardian etc., is expected to be present to help explain to you what is happening and to give information to the Court, if necessary, about you.

## **DUNN & BAKER – HERE TO HELP YOU**

**dunnandbaker.co.uk**

***Disclaimer:** The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case. Dunn and Baker will be responsible only for advice specifically given to you.*