

## Case management in the magistrates' court—checklist

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This Checklist should be read in conjunction with Practice Note: [Case management in the magistrates' courts](#).

### Prior to getting to court

#### Requesting the Initial Details of the Prosecution Case

- Defence advocates should obtain the Initial Details of the Prosecution Case (IDPC) by emailing, telephoning or writing to the relevant contact at the Crown Prosecution Service (CPS). The contact details are published on the website for the relevant district of the CPS. The following information is usually required for IDPC requests:
  - name of the defendant
  - date and court for the first appearance
  - whether the case is a bail or custody matter, and
  - the URN number (if known)
- A request made by email must provide a secure email address for receipt of the IDPC.
- Defence advocates should take instructions on plea prior to or at the first hearing. At the first appearance, the court will take the defendant's plea or if no plea can be taken then, find out whether the defendant is likely to plead guilty or not guilty (Criminal Procedure Rules (CrimPR), [SI 2015/1490, rr 3.27 and 3.9](#)). The obligation to take a plea does not depend on the extent of initial disclosure, service of evidence, disclosure of unused material, or the grant of legal aid.
- If it will not be possible to enter a plea at the first appearance, advocates should identify clear reasons as to why that is the case. It is common in highly complex corporate crime cases, such as fraud, bribery and corruption and health and safety prosecutions, to give no indication of plea at the first hearing.
- The reasons for not entering a plea at the first hearing may become relevant to arguments about credit for a guilty plea at a later stage. The Sentencing Council Definitive Guideline on Reduction in Sentence for a Guilty Plea states that where the sentencing court is satisfied that there were particular circumstances which significantly reduced the defendant's ability to understand what was alleged or otherwise made it unreasonable to expect the defendant to indicate a guilty plea sooner than was done, a reduction of one-third should still be made.
- Save for in these more complex cases, defence advocates should also be prepared to identify the disputed issues of fact and any legal arguments at the first hearing in the magistrates' court.

See Practice Notes: [Disclosure in the magistrates' court](#) and [Case management in the magistrates' courts](#).

### The first appearance

#### Summary only and either way matters which remain in the magistrates' court: guilty plea

- Where a guilty plea is entered, the court will proceed to sentence and will only adjourn for probation reports where such a report cannot be provided by way of a 'stand down' report or an oral report on the day.

#### *References:*

[Consolidated Criminal Practice Direction—CPD 1 General Matters 3A.8](#)

- All defendants who plead guilty in the magistrates' court must complete and sign an MC100 statement of means, which sets out their financial position.

*References:*[Statement of assets and other financial circumstances](#)

- If the total financial penalty (including any fine, compensation or costs award) cannot be paid upfront, the court will require payment in instalments.
- If the defendant is on benefits, the court can make an order to have contributions deducted directly from a person's benefits. The court requires the defendant's National Insurance Number to make such an order.

See Practice Notes: [Stages of a summary trial](#), [Sentencing](#), [Pre-sentence reports](#) and [Fines imposed following criminal conviction](#).

**Summary only and either way matters which remain in the magistrates' court: not guilty plea**

- Where a not guilty plea is entered, the court will set directions for the trial. Both prosecution and defence advocates are expected to complete the applicable sections of the 'Preparation for Effective Trial' form (PET form).

*References:**CrimPR PrepTrial—Preparation for effective trial*[PDF Format](#)[Magistrates' courts trial preparation form notes for guidance](#)

- The Prosecution must:
  - identify any pending enquiries or lines of investigation
  - specify whether any further evidence is expected and the details of that evidence
  - identify whether any diagrams, sketch maps or photos will be served
  - state to what extent they will rely on admissions in interview, failures to mention facts in interview, a summary of the interview, expert, hearsay or bad character evidence and/or any CCTV evidence
  - set out what electronic equipment will be needed at trial (including live link)
  - explain whether the case is expected to involve a complex, novel or unusual point of law and/or fact, and
  - confirm whether the duty of disclosure of unused material has been complied with
- The Prosecution must also specify whether any further applications for directions are sought.
- The Defence must:
  - confirm that advice has been given in relation to credit for a guilty plea and trial in absence
  - specify whether any alternative pleas are offered
  - confirm whether the defendant accepts various facts about the alleged offences including taking part in the alleged conduct, being present at the scene of the alleged offence, being correctly identified, that they were arrested lawfully etc
  - identify what the disputed issues are
  - confirm whether a defence statement will be provided (giving a Defence Statement is voluntary in the magistrates' court)
  - set out whether live link or any other electronic equipment is required for the trial, and
  - identify whether any complex, novel or unusual points of law and/or facts are expected to arise
- The Defence must also specify whether any further applications for directions are sought.
- Both sides are required to identify the witnesses relied on, whether those witnesses are required to give oral evidence and the time allocation for the examination-in-chief, cross-examination and re-examination of those witnesses. Witness availability should be known at the time of the first appearance.
- The Court uses the information on the PET form to make directions for trial. Typical directions will include:

*References:**CrimPR PrepTrial—Preparation for effective trial*[PDF Format](#)

- dates for the service of further prosecution evidence and disclosure
  - requiring any parties relying on electronic media to check that it can be played in the courtroom before the trial
  - an order for a witness summons if applicable
  - whether any interpreters are required, for whom and what language
  - any orders for special measures, including live link
  - arrangements for a ground rules hearing, if required, and
  - whether the court must appoint an officer to cross-examine a particular witness
- The Court will also set the date, time and time-estimate for the trial.
  - Attached to the back of the form is list of standard directions for trials in the magistrates' court. For example, this includes time limits for hearsay and bad character applications, requirements to confirm trial readiness 14 days before trial, deadlines for further applications for special measures etc. The onus is on the parties to apply to vary these standard directions in any given case.

*References:**CrimPR PrepTrial—Preparation for effective trial*[PDF Format](#)

See Practice Notes: [Case management in the magistrates' courts](#), [Stages of a summary trial](#), [Disclosure in the magistrates' court](#), [Defence disclosure in criminal proceedings—defence case statements and defence witness notices](#) and [Obtaining a witness summons in criminal proceedings—checklist](#).

**Either-way offences sent to the Crown Court for sentence**

- For cases in this category, the magistrates' court should request the preparation of a pre-sentence report for the Crown Court to use if the magistrates' court considers that there is:
  - a realistic alternative to a custodial sentence, or
  - if the defendant may satisfy the criteria for classification

*References:*[Consolidated Criminal Practice Direction—CPD 1 General Matters 3A.9](#)

See Practice Note: [Committal for sentence](#).

**Cases sent to the Crown Court for trial**

- For cases sent to the Crown Court, both parties must complete a form entitled 'Crown Court cases sent for trial'.

*References:*[Case sent to the Crown Court for trial—case management questionnaire \[cm025-eng.doc\]](#)

- The Prosecution must identify on the form, any other areas of evidence that they anticipate serving before and after the plea and trial preparation hearing (PTPH).
- As well as recording information about the plea (either entered or indicated), the form requires the Defence to outline the 'real issues in the case' in a concise manner. The Defence are also expected to identify what evidence they require for there to be an effective PTPH.
- Both parties should set out any other information to assist the management of the case.

See Practice Notes: [Allocation and Sending for Trial—Sending of Cases Forthwith to the Crown Court for Trial](#) and [Allocation and sending—either-way offences not sent forthwith to the Crown Court for trial](#).

## Additional case management hearing

- Where necessary, additional case management hearings can be listed at the request of either party by writing to the court. Cases are often listed to address failures in compliance with rules or directions and to ensure the trial remains effective.

See Practice Note: [Case management in the magistrates' courts](#).

## Dealing with failures to comply with case management directions

- Failure to comply with a case management direction without the consent of the court may have serious consequences for the conduct of the case by the defaulting party or parties. CrimPR, [SI 2015/1490, r 3.5](#) states that if a party fails to comply with a rule or a direction, the court may:
  - fix, postpone, bring forward, extend, cancel or adjourn a hearing
  - exercise its powers to make a costs order, and
  - impose such other sanction as may be appropriate (this may include the exclusion of evidence under [section 78](#) of the Police and Criminal Evidence Act 1984, (*R v Boardman*))

*References:*

*R v Boardman* [\[2015\] EWCA Crim 175](#)

- Effective case management requires an active dialogue between the parties. Failure to comply with rules and directions should therefore, be brought to the attention of the other side on at least one occasion to allow them the opportunity to rectify the position.
- Parties should also bring case management failures to the attention of the court before the day of trial. As outlined in *Boardman*, it is open for any Judge to reject any complaints of prejudice if the party is itself in breach of its duty by failing to raise case management and/or disclosure issues prior to the date of trial.

*References:*

*R v Boardman* [\[2015\] EWCA Crim 175](#)

See Practice Note: [Non-compliance with the Criminal Procedure Rules](#).

## Adjournments

- Pursuant to the overriding objective to deal with cases efficiently, discourage delay and deal with as many aspects of the case as possible on the same occasion, magistrates' courts are very reluctant to grant adjournments.
- Criminal Practice Direction 24C.9 sets out eight general principles relevant to adjournment applications:

*References:*

[Consolidated Criminal Practice Direction—CPD 24C.9](#)

- The court's duty is to deal justly with the case, which includes doing justice between the parties.
- The court must have regard to the need for expedition. Delay is generally inimical to the interests of justice and brings the criminal justice system into disrepute. Proceedings in a magistrates' court should be simple and speedy.
- Applications for adjournments should be rigorously scrutinised and the court must have a clear reason for adjourning. To do this, the court must review the history of the case.
- Where the prosecutor asks for an adjournment the court must consider not only the interest of the defendant in getting the matter dealt with without delay but also the public interest in ensuring that criminal charges are adjudicated upon thoroughly, with the guilty convicted as well as the innocent acquitted.

- With a more serious charge the public interest that there be a trial will carry greater weight. It is, however, reasonable for the court to expect that parties should have given especially careful attention to the preparation of trials involving serious offences or where the trial has significant implications for victims or witnesses.
  - Where the defendant asks for an adjournment the court must consider whether they will be able to present the defence fully without and, if not, the extent to which their ability to do so is compromised.
  - The court must consider the consequences of an adjournment and its impact on the ability of witnesses and defendants accurately to recall events.
  - The impact of adjournment on other cases. The relisting of one case almost inevitably delays or displaces the hearing of others. The length of the hearing and the extent of delay in other cases will need to be considered.
- Advocates should be prepared to address these factors in any application to adjourn.
  - If an application is based on the absence of the defendant, the absence of witnesses, a failure to serve evidence in time or a failure to comply with disclosure obligations, advocates should also refer to specific guidance set out in Criminal Practice Direction 24C.

*References:*

[Consolidated Criminal Practice Direction—CPD 24C.9](#)

See Practice Note: [Case management in the magistrates' courts.](#)