



CTC Space For Cycling And Road Justice Training Day

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Not a problem.

**Slater &
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Lawyers

The Court Process

▶ Magistrates' Court

- Cases are heard by either:
 - 2 or 3 magistrates
 - A district judge
 - No jury

▶ Cases a Magistrates' Court deals with

- Summary offences, eg: Most Motoring offences
 - Driving without due care and attention
 - Driving without reasonable consideration for other persons
- Either way offences (Magistrates' Court or Crown Court)
 - Dangerous driving
 - Causing serious injury by dangerous driving

The Court Process

▶ **Cases that Magistrates' pass to the Crown Court**

- Indictable offences
 - Causing death by careless or inconsiderate driving
 - Causing death by dangerous driving

▶ **Sentences a Magistrates' Court can give**

- Up to 6 months in prison or 12 months in total for multiple offences
- A fine of up to £5,000
- A community sentence i.e. unpaid work in the community
- If the court decides the sentence should be longer than 6 months the case will be passed to the Crown Court for sentencing

▶ **Sentences a Crown Court can give**

- A Crown Court can give a range of sentences including:
 - Community sentences
 - Prison sentences – including life sentences

The Court Process

- ▶ **A criminal case can start in one of two ways:**
 - Court summons, or
 - Being charged with an offence at the police station
 - Bail, or
 - kept in a cell overnight until being brought to court

The Court Process

► First hearing

- The most serious cases are transferred over to the Crown Court – indictable offences
- Either way (mid level seriousness)
 - Magistrates court can also be used as a transit court
 - Plea taken
 - Guilty – evidence heard and Magistrates decide if they can sentence; or
 - » Send the case to Crown Court for sentencing
 - Not guilty or no plea – Magistrates decide where trial should take place. If they decide to deal the accused can still elect to be dealt with in the Crown Court if they wish
 - » Trial by jury considered to be more advantageous to accused

The Court Process

- Summary only offence
 - Charge will be read out and a plea taken
 - not guilty - the case will be adjourned for trial
 - guilty - the court will usually give the sentence on the same day

► **Potential problems for campaigners**

- The Criminal Procedure Rules
 - The overriding objective - emphasis to deal with the case efficiently and expeditiously
- Not knowing how the defendant will plead at Magistrates Court
 - If guilty, the case will be dealt with immediately
- Notification of adjournments, hearing dates
- Court Lists

Witnesses

▶ **Victim of crime or a witness for the prosecution**

- Witness Service
 - Run by Victim Support
 - Witness care officer
 - Provides personal support on the day of the trial
 - Works for the police and the Crown Prosecution Service
- May recover expenses for going to court to give evidence
- Statement to the police
 - Reviewed by victim/witness prior to trial
 - Victim asks the police to see the statement again before court
 - Prosecution witness asks the Crown Prosecution Service to see the statement again before Court

Witnesses

▶ **Waiting to be called**

- There should be a separate room where victims or witnesses can wait.

▶ **Giving evidence**

- Ordinarily witnesses are required to give evidence in the witness box in front of all parties and members of the public whether it be in the Magistrates Court or Crown Court.
 - ‘special measures’ in certain circumstances
 - under 18
 - disabled
 - afraid to give evidence
 - a victim of a sexual offence
 - Special measures include:
 - screens to stop you from having to see the defendant
 - giving evidence via a live CCTV link
 - asking the public to leave the courtroom when you give evidence, if the case is about a sexual offence

Campaigners Attending Court

▶ Hearings in open Court

- Apart from the Youth Court, trials at the Magistrates and Crown Courts will be in open Court. Members of the public and the press are allowed access.

▶ Access to Public galleries

- Be aware of opening times
- Access is free
- Seating cannot be reserved
- Appropriate attire
- No electronic devices
- Restriction on bags being allowed in the building

Campaigners Attending Court

► Reporting Rules

- The Criminal Procedure Rules
 - The press are free to report what they wish. However, the following are exceptions to this rule:
 - Reporting Restrictions
 - S39 Children and Young Persons Act 1933 & 1963 – enables the Court to direct that no press reports, photographs, radio or TV broadcast be published that would enable the identification of a child to be made (whether as a defendant in proceedings or a witness)
 - S46 Youth Justice and Criminal Evidence Act 1999 – enables a Court in certain circumstances, to make a reporting restriction concerning witnesses who have attained the age of 18 in criminal proceedings. Sound recordings and electronic communication

The Trial

▶ **Prosecution case**

- The prosecution summarises the case against the defendant
- prosecution witnesses are called
 - Cross examination
- Prosecution case closed

▶ **Defence case**

- No case to answer if court agrees the case will be stopped and a not-guilty verdict entered
- If, however, the court believes that there is evidence, then the case will continue and the defence will have to make their case
- Defendant called
- Defence witnesses are called
 - Includes character witnesses
 - Cross examination
- Closing speech

▶ **Bench or judge retire to consider their verdict**

► **Summary**

- The Court process can be a daunting and complicated one
- Why attend?
 - To understand how the judicial process works
 - To understand the experience of victims in court
 - To get accurate and timely information about a case
 - To make contact with road crash victims
- To continue the campaign to avoid miscarriages of justice by
 - Improving Police investigations
 - Better charging and prosecution decisions
 - Sentences that reflect the severity of the offence and discourage bad driving



THE END