

PRACTICE AND PROCEDURE IN THE ADULT MAGISTRATES' COURT IN 2024 – THURSDAY 29TH FEBRUARY 2024

This 1-hour ZOOM presentation by Colin Beaumont will be of benefit to anyone involved in advising clients in this somewhat tricky area.

You might be advising as the Court Duty Solicitor or Own Client

The practices and procedures in the Adult Magistrates' Court can be tricky and you just need to know them

The more often you go, the easier it becomes – it can be a little daunting if you don't go there very often and even experienced practitioners are occasionally caught out!

The presentation will be accompanied by a full set of notes – all of the documents referred to in these notes will be contained in your notes

The Presentation will deal with 20 issues (some of which are often raised in emails to me)

YOU MAY BE EXTREMELY EXPERIENCED – SEE HOW YOU FARE ON THE 20 ISSUES BELOW

Anyone wishing to purchase this course should simply [click here:](#) or ring me (or send me a text) – (07887) 842985.

The following 20 issues will be considered:

1 – Some clients are SENT to the Crown Court for trial and some clients are COMMITTED to the Crown Court for sentence – some clients are both SENT for trial and COMMITTED for sentence – important that you appreciate the circumstances in which the powers of a Crown Court Judge may be limited to the powers of Magistrates' – the relevant Sections will be in your notes and we shall examine them in some detail

2 – Section 25 of the Criminal Justice and Public Order Act 1994 – the title is extremely misleading – ‘No bail for defendants charged with or convicted of homicide or rape after previous conviction of such offences’ – what does it all mean? – It certainly doesn’t mean that which is conveyed in the title of the Section! – we shall examine the Section in some detail

3 – The client has pleaded guilty but your mitigation is at variance to the way in which the case has been put by the CPS – what must the Court consider doing? – do they have to do it where the test is met? – what is the test? – who bears the burden in the event of it occurring? – can you have a Defendant’s Costs Order (DCO) if you win?

4 – Reduction in sentence for a guilty plea – so much confusion in this area! – an examination of the case-law and Section 73 of the Sentencing Act 2020 and the document published by the Sentencing Council – ‘Reduction in sentence for a guilty plea’

5 – Your client has effectively served the sentence on remand – how you going to address the Court? – the latest 2023 Court of Appeal decision in this area – be careful that you don’t end up with something you didn’t intend! – easy to be wise after the event – The Offender Rehabilitation Act 2014 explored and explained

6 – Withdrawn/discontinued/no evidence offered and dismissed/stayed as an abuse of process – what do these terms mean? – in what circumstances may the proceedings be resurrected? – what is your understanding of the legal term ‘Functus Officio’?

7 – What are the crucial distinctions between a re-opening and a statutory declaration? – have you read Rule 44 of the Criminal Procedure Rules 2020 (as amended) recently?

8 – Section 127 of the Magistrates’ Courts Act 1980 and the time limits insofar as bringing a prosecution within a period of 6 months – so many exceptions to the rule and the most recent exception to the rule under the new offence created by the Online Safety Act 2023

9 – Imprisonment/Detention in a Young Offender Institution/maximum terms permissible/minimum terms permissible/suspension of the sentence – are you confident in this area as an advocate? – incidentally, the minimum term of imprisonment in the Magistrates’ Court is 5 days – were you aware of that?

10 – Children and young people appearing in the Adult Magistrates' Court – the circumstances in which they can – severance under both the Magistrates' Courts Act 1980 and the Crime and Disorder Act 1998 – the test – the powers of the Adult Magistrates' Court in terms of sentencing children and Young people

11 – Remittals under the Sentencing Act 2020 – the legal pre-requisites

12 – The transfer of cases between Magistrates' Courts – are you familiar with the relevant Sections of the Courts Act 2003?

13 – The clients you may attend upon in your capacity as a Court Duty Solicitor and the people who are not covered by the scheme – do you know where to find the list?

14 – The client who is unfit to plead in the Magistrates' Court

15 – The PET FORM – handle with care – are you obliged to give over your defence? (many lawyers think you are and the legal position is that you are not) – remember, the service of a defence statement in the Magistrates' Court is a discretionary act and not an obligatory one

16 – Absolute discharges and conditional discharges – the things you really need to know – did you know, for example, that the minimum period of a conditional discharge is 1 day? – In what circumstances might you, as an advocate, ask for such a disposal?

17 – Does your client really need to attend the Court or can you attend and enter a plea on his behalf? – the case-law

18 – The legal circumstances under the Judicial Review and Courts Act 2022 and the Sentencing Act 2020 in which your client might find himself back in the Adult Magistrates' Court, having been remitted there from the Crown Court

19 – The proceedings were commenced by way of a written charge and a requisition – the proceedings were commenced by way of an information being laid and a summons being issued – the proceedings were commenced by way of your client being charged and bailed to attend Court – he does not attend the Court – what you going to say? – more importantly, the powers of the Court, which are hugely dependent upon the way in which the proceedings were commenced and the nature of the proceedings

20 – Disqualifications from driving – can they be imposed in absence?

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