CONTENTS

Tabl	e of	Cases	xix		
Tabl	Table of Statutory Instruments and Code of Practice				
Tabl	Table of Statutes XX				
4.05 61.3	THE CLIENT		1N.01		
	Α	INTRODUCTION	1N.01		
	В	PRELIMINARY MATTERS	1N.02		
	C	INITIAL INTERVIEW	1N.04		
	D	BAIL APPLICATION	1N.05		
	E	ADVICE ON PLEA	1N.06		
	F	ADVICE ON MODE OF TRIAL	1N.07		
PAR	T 1	INTRODUCTION			
1	SE	TTING THE SCENE	1.01		
	Α	TRIAL ON INDICTMENT	1.02		
	В	SUMMARY TRIAL	1.06		
	C	CLASSES OF OFFENCES	1.07		
6.11					
2	TH	E ROLE OF THE CRIMINAL PROCEDURE RULES	2.01		
	Α	THE SCOPE OF THE CRIMINAL PROCEDURE RULES	2.04		
	В	CONSOLIDATION AND CODIFICATION	2.06		
	C	THE OVERRIDING OBJECTIVE	2.08		
	D	CASE MANAGEMENT	2.14		
	E	HEARSAY EVIDENCE	2.18		
	F	EVIDENCE OF BAD CHARACTER	2.21		
3	PR	ELIMINARIES TO COURT APPEARANCE	3.01		
	Α	'PACE' AND CODES OF PRACTICE	3.02		
	В	COMMENCING A PROSECUTION: THE TWO BASIC METHODS	3.10		
	C	ARREST WITHOUT WARRANT AND CHARGE	3.13		
	D	SUMMONS AND INFORMATION	3.33		
	E	CHARGE AND REQUISITION	3.45		
	-	CHARGE AND REQUISITION	0.10		

	F	POLICE QUESTIONING OF A SUSPECT	3.48
	G	POWERS OF SEARCH	3.71
	Н	EVIDENCE OF IDENTITY	3.90
	1	SPECIAL GROUPS	3.101
	J	DRUG TESTING	3.109
4	PR	OSECUTORS	4.01
	Α	THE POLICE	4.02
	В	THE CROWN PROSECUTION SERVICE	4.05
	C	OTHER PROSECUTORS	4.19
	D	THE LAW OFFICERS OF THE CROWN	4.22
5	TH	E DECISION TO PROSECUTE	5.01
	Α	METHODS OF COMMENCING A PROSECUTION	5.02
	В	ALTERNATIVES TO PROSECUTION	5.05
	C	FACTORS TO CONSIDER IN DECIDING WHETHER TO PROSECUTE	5.20
	D	SPECIAL FACTORS RELEVANT TO THE DECISION TO PROSECUTE	5.29
PAF	RT 2	THE MAGISTRATES' COURT	
6	M	AGISTRATES AND THEIR COURTS	6.01
	Δ	LAY MAGISTRATES	6.05
	В	DISTRICT JUDGES (MAGISTRATES' COURT)	6.11
	C	MAGISTRATES' CLERKS	6.14
7	BA	AIL AND REMANDS	7.01
	Α	REMANDS AND ADJOURNMENTS	7.02
	В	OCCASIONS ON WHICH A PERSON MAY BE GRANTED BAIL	7.09
	C	PRINCIPLES ON WHICH THE DECISION TO GRANT OR REFUSE BAIL IS TAKEN	7.10
	D	REQUIREMENTS IMPOSED WHEN GRANTING BAIL	7.26
	Е	PROCEDURE AT AN APPLICATION FOR BAIL IN A MAGISTRATES' COURT	7.34
	F	APPLICATIONS TO THE CROWN COURT AND HIGH COURT CONCERNING BAIL	7.49
	G	CONSEQUENCES OF A DEFENDANT ABSCONDING	7.58
	Н	DETENTION OF A DEFENDANT WHEN BAIL IS REFUSED	7.76
8	M	ODE OF TRIAL	8.01
	А	CLASSIFICATION OF OFFENCES	8.03
	В		8.09
	D	AD VANCE THE ORIGINATION	2.0.

Contents	xiii
Contents	

E LINKED SUMMARY AND INDICTABLE CHARGES F TRIAL ON INDICTMENT OR SUMMARY TRIAL? G THE NEW ALLOCATION PROCEDURE UNDER THE CIA 2003 8.48 9 DISCLOSURE 9 01 A THE INVESTIGATOR'S DUTY 9 .06 B PROSECUTION DISCLOSURE 9 .13 C DEFENCE DISCLOSURE 9 .16 C OFFENCE DISCLOSURE 9 .17 E CONTINUOUS REVIEW 9 .33 F PUBLIC INTEREST IMMUNITY 9 .33 G SANCTIONS RELATING TO DEFENCE DISCLOSURE 9 .41 H SUMMARY TRIAL 1 THIRD PARTY DISCLOSURE 9 .57 10 COURSE OF A SUMMARY TRIAL 10.01 A JURISDICTION OF A MAGISTRATES' COURT 10 A JURISDICTION OF A MAGISTRATES' COURT 10 A JURISDICTION OF A MAGISTRATES' COURT 10 COURSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR F LEGAL REPRESENTATION 10 AG G PRE-TRIAL HEARING H COURSE OF THE TRIAL 1 POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 10 .68 J ROLE OF THE CLERK 10 .75 11 TRIAL OF JUVENILES ON INDICTMENT 11 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11 TRIAL OF JUVENILES IN A YOUTH COURT 11 AT TRIAL OF JUVENILES IN A YOUTH COURT 11 AT TRIAL OF JUVENILES IN A YOUTH COURT 11 AT TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11 TRIAL OF JUVENILES IN A YOUTH COURT 11 AT TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11 TRIAL OF JUVENILES ON THE COURTS DEALING WITH JUVENILES 11 A G AGE AND SENTENCE		C	DETERMINING MODE OF TRIAL	8.16
F TRIAL ON INDICTMENT OR SUMMARY TRIAL? G THE NEW ALLOCATION PROCEDURE UNDER THE CJA 2003 8.48 9 DISCLOSURE 9.01 A THE INVESTIGATOR'S DUTY 9.06 B PROSECUTION DISCLOSURE 9.13 C DEFENCE DISCLOSURE 9.16 D APPLICATIONS TO THE COURT 9.30 E CONTINUOUS REVIEW 9.31 F PUBLIC INTEREST IMMUNITY 9.33 G SANCTIONS RELATING TO DEFENCE DISCLOSURE 9.41 H SUMMARY TRIAL 9.54 I THIRD PARTY DISCLOSURE 9.57 10 COURSE OF A SUMMARY TRIAL 10.01 A JURISDICTION OF A MAGISTRATES' COURT 10.03 B THE BENCH C THE INFORMATION 10.12 C THE INFORMATION 10.12 F LEGAL REPRESENTATION 10.46 F LEGAL REPRESENTATION 10.47 H COURSE OF THE ACCUSED AND THE PROSECUTOR 10.49 H COURSE OF THE TRIAL 10.50 J ROLE OF THE CLERK 10.75 11 TRIAL OF JUVENILES ON INDICTMENT 11.01 B TRIAL OF JUVENILES ON INDICTMENT 11.02 C TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11.17 C TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11.23 F AGE LIMIT AND MODE OF TRIAL 11.33 G AGE AND SENTENCE		D	THE SPECIAL PROCEDURE FOR CRIMINAL DAMAGE CHARGES	8.38
G THE NEW ALLOCATION PROCEDURE UNDER THE CJA 2003 8.48 9 DISCLOSURE 9.01 A THE INVESTIGATOR'S DUTY 9.06 B PROSECUTION DISCLOSURE 9.13 C DEFENCE DISCLOSURE 9.16 D APPLICATIONS TO THE COURT 9.30 E CONTINUOUS REVIEW 9.31 F PUBLIC INTEREST IMMUNITY 9.33 G SANCTIONS RELATING TO DEFENCE DISCLOSURE H SUMMARY TRIAL 1 THIRD PARTY DISCLOSURE 9.57 10 COURSE OF A SUMMARY TRIAL 1 O.01 A JURISDICTION OF A MAGISTRATES' COURT 10.03 B THE BENCH C THE INFORMATION 10.12 C THE INFORMATION 10.12 G PRE-TRIAL HEARING H COURSE OF THE ACCUSED AND THE PROSECUTOR F LEGAL REPRESENTATION 10.49 H COURSE OF THE TRIAL 1 POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 10.65 J ROLE OF THE CLERK 11.77 A TRIAL OF JUVENILES ON INDICTMENT 11.01 A TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11.21 C ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 12.01		E	LINKED SUMMARY AND INDICTABLE CHARGES	8.44
9 DISCLOSURE 9 DISCLOSURE A THE INVESTIGATOR'S DUTY B PROSECUTION DISCLOSURE 9 D.13 C DEFENCE DISCLOSURE 9 J.6 D APPLICATIONS TO THE COURT 9 J.00 E CONTINUOUS REVIEW 9 J.31 F PUBLIC INTEREST IMMUNITY 9 J.33 G SANCTIONS RELATING TO DEFENCE DISCLOSURE H SUMMARY TRIAL 1 THIRD PARTY DISCLOSURE 9 J.57 10 COURSE OF A SUMMARY TRIAL 1 JURISDICTION OF A MAGISTRATES' COURT A JURISDICTION OF A MAGISTRATES' COURT C THE INFORMATION 1 J.12 D ABUSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR F LEGAL REPRESENTATION 1 J.26 G PRE-TRIAL HEARING H COURSE OF THE TRIAL 1 POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 1 J.65 J ROLE OF THE CLERK 1 TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A NADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES 1 J.23 G AGE AND SENTENCE 1 COMMITTAL FOR SENTENCE		F	TRIAL ON INDICTMENT OR SUMMARY TRIAL?	8.45
A THE INVESTIGATOR'S DUTY B PROSECUTION DISCLOSURE 9.13 C DEFENCE DISCLOSURE 9.16 D APPLICATIONS TO THE COURT 9.30 E CONTINUOUS REVIEW 9.31 F PUBLIC INTEREST IMMUNITY 9.33 G SANCTIONS RELATING TO DEFENCE DISCLOSURE 9.41 H SUMMARY TRIAL 9.54 I THIRD PARTY DISCLOSURE 9.57 10 COURSE OF A SUMMARY TRIAL 10.01 A JURISDICTION OF A MAGISTRATES' COURT 10.03 B THE BENCH C THE INFORMATION 10.12 D ABUSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR F LEGAL REPRESENTATION 10.46 G PRE-TRIAL HEARING H COURSE OF THE TRIAL 1 POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 1 ROLE OF THE CLERK 10.75 11 TRIAL OF JUVENILES 1 A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES 1 1.23 E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES 1 1.23 E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES 1 1.23 G AGE AND SENTENCE 1 2.01		G	THE NEW ALLOCATION PROCEDURE UNDER THE CJA 2003	8.48
B PROSECUTION DISCLOSURE C DEFENCE DISCLOSURE D APPLICATIONS TO THE COURT E CONTINUOUS REVIEW F PUBLIC INTEREST IMMUNITY 9.31 G SANCTIONS RELATING TO DEFENCE DISCLOSURE H SUMMARY TRIAL 1 THIRD PARTY DISCLOSURE 9.57 10 COURSE OF A SUMMARY TRIAL 1 JURISDICTION OF A MAGISTRATES' COURT B THE BENCH C THE INFORMATION 10.12 D ABUSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR F LEGAL REPRESENTATION 10.49 H COURSE OF THE TRIAL 1 POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 10.65 J ROLE OF THE CLERK 11.75 A TRIAL OF JUVENILES 11.01 B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11.22 C TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11.23 G AGE AND SENTENCE 11.33 C OMMITTAL FOR SENTENCE 12.01	9	DI	SCLOSURE	9.01
C DEFENCE DISCLOSURE D APPLICATIONS TO THE COURT D APPLICATIONS TO THE COURT F PUBLIC INTEREST IMMUNITY G SANCTIONS RELATING TO DEFENCE DISCLOSURE H SUMMARY TRIAL F SUMMARY TRIAL F SUMMARY TRIAL F SUMMARY TRIAL D S.57 10 COURSE OF A SUMMARY TRIAL D JURISDICTION OF A MAGISTRATES' COURT F THE BENCH C THE INFORMATION D ABUSE OF PROCESS F APPEARANCE OF THE ACCUSED AND THE PROSECUTOR F LEGAL REPRESENTATION F LEGAL REPRESENTATION F LEGAL REPRESENTATION F LOURSE OF THE TRIAL F OURSE OF THE TRIAL F OURSE OF THE TRIAL F OURSE OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES F NOTE OF THE CLERK TO TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT THAT THE DANCE OF PARENTS T SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES T AGE LIMIT AND MODE OF TRIAL T AGE LIMIT AND MODE OF TRIAL T AGE AGE AND SENTENCE 11.33 C AGE AND SENTENCE		Α	THE INVESTIGATOR'S DUTY	9.06
D APPLICATIONS TO THE COURT E CONTINUOUS REVIEW 9.31 F PUBLIC INTEREST IMMUNITY 9.33 G SANCTIONS RELATING TO DEFENCE DISCLOSURE H SUMMARY TRIAL 1 THIRD PARTY DISCLOSURE 9.57 10 COURSE OF A SUMMARY TRIAL 1 JURISDICTION OF A MAGISTRATES' COURT 1 D.03 B THE BENCH 1 C THE INFORMATION 1 D.12 C THE INFORMATION 1 D.12 F LEGAL REPRESENTATION F LEGAL REPRESENTATION 1 D.46 G PRE-TRIAL HEARING H COURSE OF THE TRIAL 1 POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 1 D.55 J ROLE OF THE CLERK 1 TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES ON INDICTMENT 1 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 1 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 1 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 1 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 1 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 2 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 3 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 4 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 5 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 6 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 7 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 9 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 1 TRIAL OF JUVENILES ON THE COURTS DEALING WITH JUVENILES 1 A GE ENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES 1 A GE ENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES 1 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 1 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 1 TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 1 TRIAL OF JUVENILES ON THE COURTS DEALING WITH JUVENILES 1 TRIAL OF JUVENILES ON THE COURTS DEALING WITH JUVENILES 1 TRIAL OF JUVENILES ON THE COURTS DEALING WITH JUVENILES 1 TRIAL OF JUVENILES ON THE COURTS DEALING WITH JUVENILES 1 TRIAL OF JUVENILES ON THE COURTS DEALING WITH JUVENILES 1 TRIAL OF JUVENILES ON THE COURTS DEALING WITH JUVENILES 1 TRIAL OF JUVENILES ON THE COURTS DEALING WITH JUVENILES 1 TRIAL OF JUVENILES ON THE COURTS DEALING WITH JUVENILES 1 TRIAL OF JUVENILES ON THE COURT DIVENILES ON THE COURT		В	PROSECUTION DISCLOSURE	9.13
E CONTINUOUS REVIEW PUBLIC INTEREST IMMUNITY S 3.33 G SANCTIONS RELATING TO DEFENCE DISCLOSURE H SUMMARY TRIAL I THIRD PARTY DISCLOSURE 9.57 10 COURSE OF A SUMMARY TRIAL 10.01 A JURISDICTION OF A MAGISTRATES' COURT 10.03 B THE BENCH 10.04 C THE INFORMATION 10.12 D ABUSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR 10.32 F LEGAL REPRESENTATION 10.46 G PRE-TRIAL HEARING H COURSE OF THE TRIAL 1 POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 10.56 J ROLE OF THE CLERK 10.75 11 TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES ON INDICTMENT C TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11.17 C TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11.21 D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES 11.23 G AGE AND SENTENCE 12.01		C	DEFENCE DISCLOSURE	9.16
F PUBLIC INTEREST IMMUNITY G SANCTIONS RELATING TO DEFENCE DISCLOSURE H SUMMARY TRIAL J 9.54 I THIRD PARTY DISCLOSURE 9.57 10 COURSE OF A SUMMARY TRIAL 10.01 A JURISDICTION OF A MAGISTRATES' COURT 10.03 B THE BENCH 10.12 D ABUSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR 10.32 F LEGAL REPRESENTATION 10.46 G PRE-TRIAL HEARING H COURSE OF THE TRIAL 10.50 I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 10.65 J ROLE OF THE CLERK 11.07 11 TRIAL OF JUVENILES A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES I 1.23 E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES 11.33 12 COMMITTAL FOR SENTENCE 12.01		D	APPLICATIONS TO THE COURT	9.30
G SANCTIONS RELATING TO DEFENCE DISCLOSURE H SUMMARY TRIAL I THIRD PARTY DISCLOSURE 9.57 10 COURSE OF A SUMMARY TRIAL 10.01 A JURISDICTION OF A MAGISTRATES' COURT 10.03 B THE BENCH 10.12 D ABUSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR 10.26 F LEGAL REPRESENTATION 10.46 H COURSE OF THE TRIAL 10.50 I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 10.65 J ROLE OF THE CLERK 11.75 A TRIAL OF JUVENILES A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN A NADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 12.01		E	CONTINUOUS REVIEW	9.31
H SUMMARY TRIAL I THIRD PARTY DISCLOSURE 9.57 10 COURSE OF A SUMMARY TRIAL 10.01 A JURISDICTION OF A MAGISTRATES' COURT 10.03 B THE BENCH 10.04 C THE INFORMATION 10.12 D ABUSE OF PROCESS 10.26 E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR 10.32 F LEGAL REPRESENTATION 10.46 G PRE-TRIAL HEARING 10.49 H COURSE OF THE TRIAL 10.50 I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 10.65 J ROLE OF THE CLERK 11.01 A TRIAL OF JUVENILES 11.01 A TRIAL OF JUVENILES ON INDICTMENT 11.02 B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT 11.17 C TRIAL OF JUVENILES IN A YOUTH COURT 11.21 D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES 11.23 G AGE AND SENTENCE 12.01		F	PUBLIC INTEREST IMMUNITY	9.33
I THIRD PARTY DISCLOSURE 9.57 10 COURSE OF A SUMMARY TRIAL 10.01 A JURISDICTION OF A MAGISTRATES' COURT B THE BENCH C THE INFORMATION D ABUSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR 10.32 F LEGAL REPRESENTATION G PRE-TRIAL HEARING H COURSE OF THE TRIAL I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES J ROLE OF THE CLERK 10.75 A TRIAL OF JUVENILES A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 12.01		G	SANCTIONS RELATING TO DEFENCE DISCLOSURE	9.41
10 COURSE OF A SUMMARY TRIAL 10.01 A JURISDICTION OF A MAGISTRATES' COURT B THE BENCH C THE INFORMATION D ABUSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR 10.32 F LEGAL REPRESENTATION O PRE-TRIAL HEARING H COURSE OF THE TRIAL 10.50 J ROLE OF THE CLERK 10.75 11 TRIAL OF JUVENILES A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES 11.23 G AGE AND SENTENCE 12.01		Н	SUMMARY TRIAL	9.54
A JURISDICTION OF A MAGISTRATES' COURT B THE BENCH C THE INFORMATION D ABUSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR F LEGAL REPRESENTATION G PRE-TRIAL HEARING H COURSE OF THE TRIAL I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES J ROLE OF THE CLERK 10.75 11 TRIAL OF JUVENILES A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 12.01		1	THIRD PARTY DISCLOSURE	9.57
A JURISDICTION OF A MAGISTRATES' COURT B THE BENCH C THE INFORMATION D ABUSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR F LEGAL REPRESENTATION G PRE-TRIAL HEARING H COURSE OF THE TRIAL I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES J ROLE OF THE CLERK 10.75 11 TRIAL OF JUVENILES A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 12.01	14.0			
B THE BENCH C THE INFORMATION D ABUSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR F LEGAL REPRESENTATION G PRE-TRIAL HEARING H COURSE OF THE TRIAL I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES J ROLE OF THE CLERK 10.75 11 TRIAL OF JUVENILES A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 12.01	10	CO	OURSE OF A SUMMARY TRIAL	10.01
C THE INFORMATION D ABUSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR 10.32 F LEGAL REPRESENTATION 10.46 G PRE-TRIAL HEARING H COURSE OF THE TRIAL 10.50 I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 10.65 J ROLE OF THE CLERK 11.01 A TRIAL OF JUVENILES A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 11.33		Α	JURISDICTION OF A MAGISTRATES' COURT	10.03
D ABUSE OF PROCESS E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR 10.32 F LEGAL REPRESENTATION 10.46 G PRE-TRIAL HEARING 10.49 H COURSE OF THE TRIAL 10.50 I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 10.65 J ROLE OF THE CLERK 10.75 11 TRIAL OF JUVENILES 11.01 A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT 11.17 C TRIAL OF JUVENILES IN A YOUTH COURT 11.21 D ATTENDANCE OF PARENTS 11.23 E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES 11.32 G AGE AND SENTENCE 12.01		В	THE BENCH	10.04
E APPEARANCE OF THE ACCUSED AND THE PROSECUTOR F LEGAL REPRESENTATION G PRE-TRIAL HEARING H COURSE OF THE TRIAL I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES J ROLE OF THE CLERK 10.75 11 TRIAL OF JUVENILES A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 12.01		C	THE INFORMATION	10.12
F LEGAL REPRESENTATION G PRE-TRIAL HEARING H COURSE OF THE TRIAL 10.50 I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 10.65 J ROLE OF THE CLERK 10.75 11 TRIAL OF JUVENILES 11.01 A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 11.33		D	ABUSE OF PROCESS	10.26
G PRE-TRIAL HEARING H COURSE OF THE TRIAL 10.50 I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES 10.65 J ROLE OF THE CLERK 10.75 11 TRIAL OF JUVENILES A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL 11.32 G AGE AND SENTENCE 12.01		E	APPEARANCE OF THE ACCUSED AND THE PROSECUTOR	10.32
H COURSE OF THE TRIAL I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES I 10.65 J ROLE OF THE CLERK 10.75 11 TRIAL OF JUVENILES A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 11.33		F	LEGAL REPRESENTATION	10.46
I POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES J ROLE OF THE CLERK 10.65 J ROLE OF THE CLERK 11.01 A TRIAL OF JUVENILES A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 12.01		G	PRE-TRIAL HEARING	10.49
J ROLE OF THE CLERK 10.75 11 TRIAL OF JUVENILES A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 12.01		Н	COURSE OF THE TRIAL	10.50
11.01 A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 11.33 12 COMMITTAL FOR SENTENCE 11.01		1	POWERS OF SENTENCING AFTER CONVICTION BY THE MAGISTRATES	10.65
A TRIAL OF JUVENILES ON INDICTMENT B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 11.33 12.01		J	ROLE OF THE CLERK	10.75
B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 11.33 12 COMMITTAL FOR SENTENCE 12.01	11	TR	IAL OF JUVENILES	11.01
B TRIAL OF JUVENILES IN AN ADULT MAGISTRATES' COURT C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 11.33 12 COMMITTAL FOR SENTENCE 12.01		Δ	TRIAL OF IUVENILES ON INDICTMENT	11.04
C TRIAL OF JUVENILES IN A YOUTH COURT D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 11.24 11.32 12.01				
D ATTENDANCE OF PARENTS E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 11.23 11.23 11.23 11.23 11.23 11.23 11.23 11.23 11.24 11.32 11.32 12.01				
E SENTENCING POWERS OF THE COURTS DEALING WITH JUVENILES F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 11.24 11.32 12.01				
F AGE LIMIT AND MODE OF TRIAL G AGE AND SENTENCE 11.32 12 COMMITTAL FOR SENTENCE 12.01				
G AGE AND SENTENCE 11.33 12 COMMITTAL FOR SENTENCE 12.01				
12 COMMITTAL FOR SENTENCE 12.01		_		
	16.08	,	NOTHING SERVENCE	11.00
		CC	DMMITTAL FOR SENTENCE	12.01
		А	MAGISTRATES' POWERS	12.02

	B CO	COMMITTAL FOR SENTENCE UNDER THE POWERS OF CRIMINAL COURTS		
		(SENTENCING) ACT 2000, s 3	12.06	
	C	OTHER POWERS TO COMMIT FOR SENTENCE	12.21	
13	SE	NDING CASES TO THE CROWN COURT	13.01	
	Α	INTRODUCTION	13.01	
	В	INDICTABLE-ONLY OFFENCES	13.09	
	C	NOTICES OF TRANSFER	13.29	
	D	EITHER-WAY OFFENCES	13.44	
	Е	COMMITTAL PROCEEDINGS	13.47	
	F	VOLUNTARY BILLS OF INDICTMENT	13.75	
	G	LINKED SUMMARY AND INDICTABLE OFFENCES	13.78	
DAD	т э	TRIAL ON INDICTMENT		
PAK	113	TRIAL ON INDICTMENT		
14	TH	E CROWN COURT	14.01	
	Α	CROWN COURT JUDGES	14.03	
	В	ORGANIZATION OF THE CROWN COURT	14.11	
	C	MAGISTRATES AS JUDGES OF THE CROWN COURT	14.17	
	D	RIGHTS OF AUDIENCE IN THE CROWN COURT	14.21	
	E	THE LAYOUT OF THE CROWN COURT	14.24	
15	TH	E INDICTMENT	15.01	
		DREEF DRIAG THE DRAFT INDICTMENT	15.04	
		PREFERRING THE DRAFT INDICTMENT	15.04	
	B C	COUNTS WHICH MAY BE INCLUDED IN AN INDICTMENT CONTENTS OF THE COUNT	15.08	
	_	THE RULE AGAINST DUPLICITY	15.10	
	D E	JOINDER OF COUNTS IN AN INDICTMENT	15.18	
	F	JOINDER OF DEFENDANTS IN AN INDICTMENT	15.33	
	G	APPLICATIONS CONCERNING THE INDICTMENT	15.45	
	Н	APPEALS BASED ON DEFECTIVE INDICTMENTS	15.56	
	ı	CONSPIRACY COUNTS	15.57	
16	PR	E-TRIAL PROCEEDINGS	16.01	
	Α	PLEA AND CASE MANAGEMENT HEARINGS	16.05	
	В	PRE-TRIAL RULINGS	16.08	
	C	PREPARATORY HEARINGS	16.12	
	D	SPECIAL MEASURES FOR CERTAIN WITNESSES	16.20	
	E	EVIDENCE BY VIDEO RECORDING	16.22	
	F	LIVE LINKS	16.23	

Contents xv

17	PLEAS	17.01
	A TIME-LIMITS	17.02
	B PLEA OF 'NOT GUILTY'	17.07
	C PLEA OF 'GUILTY'	17.12
	D PLEA OF 'GUILTY' TO A LESSER OFFENCE	17.22
	E CHANGE OF PLEA	17.27
	F PLEA BARGAINING	17.29
	G THE ACCUSED WHO WILL NOT OR CANNOT PLEAD	17.33
	H DOUBLE JEOPARDY	17.42
	I OTHER POSSIBLE PLEAS	17.62
18	THE JURY	18.01
	A ELIGIBILITY FOR JURY SERVICE	18.02
	B SUMMONING JURORS	18.08
	C EMPANELLING A JURY	18.18
	D CHALLENGES TO JURORS	18.23
	E THE COMPOSITION OF THE JURY AS A GROUND OF APPEAL	18.46
	F DISCHARGE OF JURORS OR A JURY	18.51
19	JUDGE-ONLY TRIALS	19.01
	A SERIOUS OR COMPLEX FRAUD	19.04
	B JURY TAMPERING	19.06
	C SAMPLE COUNTS	19.12
20	THE COURSE OF THE TRIAL	20.01
	A COUNSEL AND THE JUDGE	20.01
	B ABUSE OF PROCESS	20.14
	C THE PROSECUTION OPENING	20.21
	D THE PROSECUTION CASE	20.23
	E SUBMISSION OF NO CASE TO ANSWER	20.48
	F THE DEFENCE CASE	20.56
	G COUNSELS' CLOSING SPEECHES	20.74
	H JURY STOPPING THE CASE	20.76
	I THE JUDGE'S SUMMING-UP	20.77
	J EVIDENCE GIVEN OUT OF THE NORMAL ORDER	20.82
	K POWER OF JUDGE TO CALL WITNESSES	20.86
	L HEARING IN OPEN COURT AND PUBLICITY	20.89
21	THE VERDICT	21.01
	A RETIREMENT OF THE IURY	21.01

xvi Contents

	В	RETURNING THE VERDICT		21.18
	C	VERDICTS ON COUNTS IN THE ALTERNATIVE		21.21
	D	VERDICTS OF GUILTY OF AN ALTERNATIVE OFFENCE		21.22
	E	MAJORITY VERDICTS		21.34
	F	DISCHARGING THE JURY FROM GIVING A VERDICT		21.38
	G	ACCEPTING THE VERDICT		21.42
PAR	T 4	SENTENCING		
22	PR	OCEDURE BEFORE SENTENCING	······································	22.01
	Α	THE FACTS OF THE OFFENCE		22.06
	В	ANTECEDENTS		22.31
	C	REPORTS ON THE OFFENDER		22.45
	D	MITIGATION		22.53
	E	TAKING OTHER OFFENCES INTO CONSIDERATION		22.60
	F	VARIATION OF SENTENCE		22.66
	G	DEFERRING SENTENCE		22.69
	Н	SENTENCING IN MAGISTRATES' COURTS		22.75
23	DE	TERMINING THE SENTENCE	e de la companya de	23.0
	Α	THRESHOLDS AND PURPOSES		23.07
	В	OFFENCE SERIOUSNESS		23.14
	C	GUIDELINES		23.23
	D	COMBINATION OF OFFENCES		23.28
	E	MITIGATING AND AGGRAVATING FACTORS		23.34
24	CU	STODIAL SENTENCES		24.01
	Α	PRISONS		24.03
	В	MINIMUM AGE FOR IMPRISONMENT		24.07
	C	REQUIREMENTS FOR CUSTODIAL SENTENCES		24.08
	D	MAXIMUM TERMS OF IMPRISONMENT		24.13
	E	CONCURRENT AND CONSECUTIVE SENTENCES		24.17
	F	LENGTH OF CUSTODIAL SENTENCE		24.21
	G	MURDER		24.27
	Н	DANGEROUS OFFENDERS		24.34
	I	MANDATORY MINIMUM SENTENCES		24.43
	J	SUSPENDED SENTENCES		24.48
	K	CUSTODY FOR OFFENDERS UNDER 21		24.64
	L	'CUSTODY PLUS'		24.78
	M	INTERMITTENT CUSTODY		24.83
	N	RELEASE ON LICENCE		24.83

χvii

0	CREDITING PERIODS OF REMAND	24.86
25 SE	NTENCES OTHER THAN CUSTODY	25.01
27.G1	COMMUNITY SENTENCES	25.03
В	COMMUNITY REHABILITATION ORDERS	25.12
C	COMMUNITY PUNISHMENT ORDERS	25.18
D	COMMUNITY PUNISHMENT AND REHABILITATION ORDERS	25.23
E E	CURFEW ORDERS	25.25
F	BREACH, REVOCATION, AND AMENDMENT OF COMMUNITY SENTENCES	25.29
G	SUPERVISION ORDERS	25.38
Н	ATTENDANCE CENTRE ORDERS	25.42
28,01	DRUG TREATMENT AND TESTING ORDERS	25.49
ALC:	ACTION PLAN ORDER	25.50
K	REPARATION ORDER	25.51
PULCE N	ORDERS AFFECTING PARENTS	25.52
M		25.53
N N	CONDITIONAL AND ABSOLUTE DISCHARGES	25.68
0	BINDING OVER	25.72
P	ENDORSEMENT AND DISQUALIFICATION FROM DRIVING	25.76
Q	FORFEITURE (OR DEPRIVATION) ORDERS	25.96
R	COMPENSATION ORDERS	25.101
S	RESTITUTION ORDERS	25.109
T	CONFISCATION ORDERS	25.111
TO DE U	RECOMMENDATIONS FOR DEPORTATION	25.112
V	HOSPITAL ORDERS	25.115
W	DRINKING BANNING ORDERS	25.125
X	ANTI-SOCIAL BEHAVIOUR ORDERS	25.126
Y	REGISTRATION UNDER THE SEX OFFENCES ACT 2003	25.131
Z	DISQUALIFICATION FROM WORKING WITH CHILDREN	25.133
DADT 5	ADDEALC AND ANGULADY MATTERS	
PAKIS	APPEALS AND ANCILLARY MATTERS	
26 AI	PPEALS FROM THE CROWN COURT	26.01
А	THE CRIMINAL DIVISION OF THE COURT OF APPEAL	26.02
В	THE RIGHT OF APPEAL AGAINST CONVICTION	26.09
C	APPEAL AGAINST SENTENCE	26.18
D	DETERMINATION OF APPEALS AGAINST CONVICTION	26.23
E	DETERMINATION OF APPEALS AGAINST SENTENCE	26.44
F	PROCEDURE FOR APPEALING	26.46
G	OTHER WAYS IN WHICH MATTERS COME BEFORE THE COURT OF APPEAL	26.76
Н	THE CRIMINAL CASES REVIEW COMMISSION	26.100
	APPEALS TO THE HOUSE OF LORDS: CRIMINAL APPEAL ACT 1968, s 33	26.105

	J	FREE PARDONS	26.108
	K	EXAMPLE OF APPEAL	26.110
27	AP	PEALS FROM THE MAGISTRATES' COURTS	27.01
	Α	APPEALS TO THE CROWN COURT	27.02
	В	APPEALS TO THE HIGH COURT BY CASE STATED	27.15
	C	APPLICATION FOR JUDICIAL REVIEW	27.30
	D	APPEAL FROM THE HIGH COURT TO THE HOUSE OF LORDS	27.46
	E	THE CRIMINAL CASES REVIEW COMMISSION	27.48
28	TH	E EUROPEAN DIMENSION	28.01
	Α	REFERENCES TO THE EUROPEAN COURT OF JUSTICE	28.02
	В	EUROPEAN CONVENTION ON HUMAN RIGHTS	28.05
29	AN	ICILLARY FINANCIAL MATTERS	29.01
	Α	PUBLIC FUNDING	29.02
	В	COSTS	29.12
30	YO	UR PRACTICE	30.01
	Α	INTRODUCTION	30.01
	В	PRACTITIONERS' WORKS	30.03
	C	TEXTBOOKS	30.05
	D	LAW REPORTS AND JOURNALS	30.07
	E	ONLINE RESEARCH SITES	30.11
	F	PROFESSIONAL TRAINING	30.14
APP	END	IX 1 NATIONAL MODE OF TRIAL GUIDELINES	555
		IX 2 IMAGINARY BRIEF	559
APP	END	IX 3 TRIAL PROCEDURE IN OUTLINE	573
Inde.	х		575