



## **INDICTABLE ONLY OFFENCES**

Your case is one which, as a matter of law, can only be dealt with at the Crown Court, and is known as an “indictable only” case.

## **TIME SCALE**

On the first hearing date, the charge will be read out, but you will not be required to enter a plea until you appear in the Crown Court.

The Magistrates are then required to send the case to the Crown Court, and the later hearings will take place in the Crown Court. It will be possible to apply for bail at both the Magistrates’ Court and Crown Court.

Where a guilty plea has been entered in the Crown Court, the Judge may sentence there and then, or s/he may decide that a pre-sentence report should be obtained and the case will be adjourned for this purpose for a period of about a month. 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.

Where you are facing both indictable only offences and each way offences (i.e. offences which can be dealt with either in the Magistrates’ Court or the Crown Court), and the indictable only matters are withdrawn or you are acquitted, it will be necessary for the Crown Court to hold a plea before venue hearing in relation to the each way offences, and if a not guilty plea is entered, to consider whether the trial should be held in the Crown Court or the Magistrates’ Court. If they decide on the latter, or if there are summary only offences remaining (i.e. which can only be heard by a Magistrates’ Court), then the case will be returned to the Magistrates Court for trial.

## **THE MAGISTRATES’ COURT**

### 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.

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.

### 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.

### **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 16, an “appropriate adult”, e.g. parent, guardian etc., must be present to help explain to you what is happening and to give information to the Court, if necessary, about you. If you are aged 16 or 17, the Court may require a parent or guardian to attend Court, if appropriate.

*Dunn & Baker – Here to help you*

*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.*