Practice Direction on Listing in the Criminal Courts

Chapter 1 Introduction

1. This Practice Direction is issued by the Lady Chief Justice and establishes the National Listing Framework

2. With effect from 1 October 2026, this Practice Direction replaces the provisions relating to listing contained in paragraphs 5.6 – 5.16 of the Criminal Practice Directions 2023 and any local listing practices or guidance.

3. The Criminal Procedure Rules, the Criminal Practice Directions 2023 and this Practice Direction are the law and together they govern the listing of criminal cases. Listing practices at all criminal court centres must comply with them.

4. Directions issued by the Senior Presiding Judge under this Practice Direction, for the purpose of securing consistency and the efficient administration of justice, must be followed unless the court is satisfied that it is in the interests of justice to depart from them in an individual case.

5. This Practice Direction applies to all cases in the Crown Court and the magistrates' courts with effect from 1 October 2026. In relation to cases already pending at that date:

    a) Existing trial listings using terminology replaced by this Practice Direction shall be treated as Fixed Date or Flexible Date listings as appropriate from the commencement date; and

    b) Tier allocation must be considered at the next hearing at which the case comes before a judge after the commencement date, where it has not already been allocated.

6. Within six months of the commencement of this Practice Direction, each Crown Court centre must submit a draft Court Listing Plan to the Presiding Judges for review. The final Court Listing Plan must be approved by the Presiding Judges and published within nine months of commencement.

Chapter 2 Strategy, Principles and Governance

1. **Listing as a judicial responsibility and function**

   a) Listing is a judicial responsibility and function. Decisions as to the timing, priority and management of cases directly affect the fairness of proceedings and the effective administration of justice, and must therefore remain subject to judicial control and oversight.

   b) The objective of listing is to give effect to the overriding objective in the Criminal Procedure Rules, in particular by ensuring that cases are brought to a hearing or trial in a manner that minimises the human impact of delay, promotes the fairness of proceedings and makes fair and efficient use of available judicial and court resources.

   c) HMCTS staff perform an essential operational and administrative role in the preparation, organisation and management of court lists. In carrying out those functions they act in support of the court and in accordance with judicial direction, this Practice Direction and any applicable directions issued by the Senior Presiding Judge.

   d) Judicial responsibility for listing may be exercised by a judge directly or, where appropriate, through delegated authority exercised by HMCTS staff or legal advisers in accordance with local Court Listing Plans, judicial directions and any applicable directions issued under this Practice Direction. Such delegated authority does not remove or diminish judicial responsibility for listing decisions, and judicial oversight must be maintained over all listing practices.

2. **Responsibility for Listing**

   a) Subject to the overall responsibility of the Lady Chief Justice, exercised through the Senior Presiding Judge:

      - The Presiding Judges are responsible for the management of listing on their circuit and are accountable to the Senior Presiding Judge for the discharge of those responsibilities.

      - In the Crown Court, the Resident Judge at each Crown Court centre is responsible for listing at that court centre, subject to the supervision of the Presiding Judges and the Senior Presiding Judge.

- In the magistrates' courts, responsibility for listing arrangements rests with the relevant Judicial Business Group, Judicial Delivery Group, or such other judicial governance body as may from time to time be designated ("the Judicial Governance Body").

b) At a Crown Court centre the Resident Judge (or in their absence an appointed deputy), and in the magistrates' courts, the Judicial Business Group/ Judicial Delivery Group and Heads of Legal Operations, must:

- Ensure that listing complies with this Practice Direction and with any direction or guidance issued by the Senior Presiding Judge;
- Oversee the deployment of the judiciary and the allocation of work; and
- Ensure, as far as resources permit, the timely progression and completion of cases.

c) At a Crown Court centre the listing staff must carry out the day-to-day operation of listing under the direction of the Resident Judge, and in accordance with orders of the court.

d) In the magistrates' courts the Heads of Legal Operations with the assistance of the listing staff must carry out the day-to-day operation of listing, and in accordance with orders of the court.

3. **Local listing arrangements**

a) This Practice Direction establishes national principles and minimum requirements for the listing of criminal cases.

b) Subject to those requirements, courts may adopt local listing arrangements designed to improve the effective administration of justice and the efficient disposal of cases.

c) Any such arrangement must:

- Be consistent with this Practice Direction;
- Comply with any guidance issued by the Senior Presiding Judge;
- Be identified and described in the Court Listing Plan; and
- Be published in accordance with this Practice Direction.

4. **Core principle: the human impact of delay**

a) The priority for listing any case must be determined by reference to the impact of delay on participants and the fairness of the proceedings ("the human impact of delay").

b) In assessing the human impact of delay, the court must have regard to the following primary factors:

- The seriousness of the offence;
- Whether a defendant has been remanded in custody;
- Whether any victim, witness or defendant is a child or otherwise vulnerable or requires accommodations;
- The extent to which delay is likely adversely to affect the safety, wellbeing or recovery of any victim, witness or defendant;
- The extent to which delay will adversely affect the quality of evidence; and
- Any other circumstance likely to increase the human impact of delay.

c) In any case involving a child defendant, the court must have regard to the welfare of that defendant as a primary consideration in listing decisions.

5. **Other relevant considerations.**

a) Subject to paragraph 4, the court must also have regard to the following secondary factors:

- The need for certainty and advance notice of trial dates;
- The availability of suitably qualified judiciary;
- The desirability of judicial continuity;
- The efficient use of courtrooms and judicial resources;
- The availability of the instructed advocate and the desirability of continuity of representation;
- The need to ensure that adequate time is allowed for preparation and for hearings;

- The need for special security measures for category A and other high-risk defendants;

b) Where relevant considerations conflict, the court should ordinarily give priority to the factor that would minimise the adverse impact of delay on participants and on the fairness of the proceedings, unless the interests of justice require otherwise.

6. **Duty of the parties**

a) The parties must assist the court in giving effect to this Practice Direction by:

- Identifying at the earliest opportunity, any factor relevant to priority;
- Providing realistic time estimates; and
- Promptly notifying the court of any material change affecting listing.

7. **Time estimates**

a) Accurate time estimates are critical to effective listing and must be provided by the parties at the earliest opportunity when requested by the court for all trials and other hearings.

b) Time estimates for trials must be given in numbers of court days, half days or hours.

c) Time estimates must include:

- For a trial, the time likely to be required for jury or magistrates' deliberation.
- Any other time necessary for the proper conduct of the hearing, including the giving of judgments.

d) The parties must keep the time estimate under review, promptly inform the court of any material change, and manage the case so as to conclude the trial or hearing within the time estimate or any timetable set by the court.

e) At each pre-trial hearing, the court will review the time estimate for the forthcoming trial.

f) Where required, the parties must also provide estimated durations for examination-in-chief and cross-examination of witnesses.

8. **Participation by Live Link**

a) The operative edition of the Lady Chief Justice's '*Live Links in Criminal Courts Guidance'* must be followed.

b) The presumptive framework set out in that guidance applies unless the court directs otherwise in an individual case.

c) In determining listing arrangements, the court should have regard to the availability and appropriate use of live link participation, including whether its use would be consistent with the effective participation of all parties and the interests of justice.

9. **Digital and Structured Listing Information**

a) The Senior Presiding Judge may issue directions as to the form, content and timing of listing information for the purposes of the effective listing, progression and management of cases under this Practice Direction, including the collection and use of structured data to promote consistency, efficient case management and the effective deployment of judicial and court resources.

b) Where such a direction applies, the parties must provide and maintain all listing information required by it, in the form, manner and at the time specified, or as otherwise directed by the court. Any material change in circumstances relevant to priority, readiness or listing must be notified to the court promptly so that any allocation or listing decision may be reviewed where necessary in the interests of justice.

Chapter 3 Listing in the Magistrates' Courts

1. **Application and National Magistrates' Court Listing Guidance**

   a) This Chapter applies to the listing of all criminal cases in the magistrates' courts.

   b) The principles set out in Chapter 2 apply to the magistrates' courts unless the context otherwise requires.

   c) The Senior Presiding Judge may approve and issue National Magistrates' Court Listing Guidance containing guidance and principles for the listing and management of magistrates' court business.

   d) The National Magistrates' Court Listing Guidance supplements this Practice Direction and may make provision for:

      i. listing priorities and timeliness;

      ii. deployment and allocation of work;

      iii. regional and local listing arrangements;

      iv. centralisation of business;

      v. specialist courts and listing models;

      vi. digital and remote working;

      vii. pre-court discussions and case progression arrangements; and

      viii. such other matters as are necessary for the effective administration of justice in the magistrates' courts.

   e) Listing practices in the magistrates' courts must comply with this Practice Direction and with any directions issued by the Senior Presiding Judge under it, and must have regard to the National Magistrates' Court Listing Guidance.

   f) Nothing in this Chapter or the National Magistrates' Court Listing Guidance shall be read as preventing the court from departing from it in an individual case where the interests of justice so require.

2. **Responsibility for Listing**

a) Subject to the overall responsibility of the Lady Chief Justice exercised through the Senior Presiding Judge, responsibility for listing arrangements in the magistrates' courts rests with the relevant Judicial Business Group, Judicial Delivery Group, or the Judicial Governance Body.

b) Heads of Legal Operations are responsible for the operational implementation of listing arrangements and shall support the Judicial Governance Body in the discharge of its responsibilities.

c) Listing officers, legal advisers and HMCTS staff shall carry out the day-to-day operation of listing in accordance with:

i. orders of the court;

ii. this Practice Direction;

iii. any applicable directions issued by the Senior Presiding Judge;

iv. the National Magistrates' Court Listing Guidance; and

v. applicable local listing arrangements.

3. **Local Listing Arrangements**

a) The National Magistrates' Court Listing Guidance establishes national principles and minimum requirements for the listing of magistrates' court business.

b) Subject to those requirements, Judicial Governance Bodies may approve local listing arrangements designed to improve the effective administration of justice and the efficient disposal of cases.

c) Such arrangements may include, in particular:

i. expedited trial schemes;

ii. specialist or problem-solving courts;

iii. review courts;

iv. short trial courts;

v. centralised business models; and

vi. other initiatives designed to address delay, improve timeliness or make more effective use of available resources.

d) Any such arrangement must:

i. be consistent with this Practice Direction and any directions issued by the Senior Presiding Judge;

ii. have regard to the National Magistrates' Court Listing Guidance;

iii. be proportionate and evidence-based;

iv. take account of the impact on court users and stakeholders;

v. be transparent; and

vi. operate only for so long as is necessary.

4. Pre-Court Discussions

a) Pre-court discussions are an established and important feature of effective magistrates' court case management.

b) Courts should ordinarily conduct a pre-court discussion before the commencement of the day's list.

c) The purpose of the discussion is to:

i. identify issues affecting readiness;

ii. promote effective case progression;

iii. facilitate opportunities to resolve cases or narrow issues;

iv. identify cases suitable for same-day or expedited pre-sentence reports;

v. reduce unnecessary adjournments; and

vi. support the efficient use of court and judicial resources.

d) The pre-court discussion should ordinarily involve the prosecutor, probation, the Youth Justice Service (where applicable), legal advisers or court associates, and any available defence representatives or other professional court users.

e) The absence of any participant does not prevent a pre-court discussion from taking place where it would otherwise assist the effective management of the day's business.

f) A judicial briefing should ordinarily follow the pre-court discussion.

g) The National Magistrates' Court Listing Guidance may make further provision concerning the conduct and timing of pre-court discussions and judicial briefings.

h) Pre-court discussions and judicial briefings should support, and not delay, the timely commencement of court sittings.

5. Monitoring and Governance

a) The Senior Presiding Judge may issue directions concerning the operation of the National Magistrates' Court Listing Guidance, reporting requirements and governance arrangements, which may be amended from time to time.

b) Judicial Governance Bodies shall keep local listing arrangements under review and shall monitor compliance with this Practice Direction and any applicable directions issued by the Senior Presiding Judge.

c) Judicial Governance Bodies shall report routinely and as required to the Senior Presiding Judge on listing performance, including timeliness, effectiveness and the efficient use of judicial and court resources.

Chapter 4 Listing in the Crown Court

1. **Allocation of priority tier**

a) Where a case is sent to the Crown Court, the police or prosecutor should provide a summary of the case (such as an MG5) to assist the court in identifying any priority factors and determining whether the case should be referred to a Presiding Judge.

b) Prior to, or at, the Plea and Trial Preparation Hearing (PTPH), the parties must provide such information as is reasonably necessary to enable the court to determine the appropriate priority tier and listing arrangements. The parties must comply with any directions issued under Chapter 2 paragraph 9 concerning the form, content and timing of that information.

c) The judge must allocate the case to a priority tier in accordance with the core principle of the human impact of delay, taking account of the information provided by the parties.

d) The priority tiers reflect the likely human impact of delay and its effect on the fairness of the proceedings and do not necessarily correspond to the seriousness of the offence or the legal classification of the case.

e) The allocation of a case to a tier will guide its priority for listing and the manner in which it is listed.

f) The tiers are:

i. Tier 1 – any case involving a death, or where any victim, witness or defendant is highly vulnerable. For the meaning of highly vulnerable in this context see paragraph (g)(i) below.

ii. Tier 2 – any case
- Where the evidence depends on the recollection of lay witnesses, including complainants or other witnesses who may be traumatised, and/or
- Where there is a serious risk that delay will adversely affect the quality of the evidence, and/or
- Where delay is likely materially to affect a defendant's or witness's ability to participate effectively in the proceedings, including where an intermediary may be required, and/or

- Where it is likely that a witness will be required to travel from abroad, and/or
- Where there is likely to be significant contested expert evidence, and/or
- where the time estimate exceeds 5 days.

iii. Tier 3 – any case requiring lay witness evidence which does not fall within another tier.

iv. Tier 4 – any case in which the evidence relies only, or predominantly, on police officer (or other investigator) evidence or documentary evidence, or which is otherwise suitable for shorter trial management.

v. Tier 5 – any case allocated to a High Court Judge.

vi. Tier 6 – any case allocated to the Terrorism Cases List.

vii. Tier 7 – any case allocated to the Economic Crime List.

g) In applying the tiers set out in paragraph (f):

i. A case should be classified as Tier 1 on the basis of vulnerability only where delay is likely to have an exceptional impact on a participant or on the fairness of the proceedings.

ii. Cases involving allegations of sexual offending will ordinarily fall within Tier 2, reflecting the serious impact that delay typically has on victims and other witnesses in such cases. Such a case should be classified as Tier 1 only where any victim, witness or defendant is highly vulnerable as described in sub-paragraph (i) above, and not solely because the case involves sexual offending or because a victim has been traumatised by the alleged offence.

iii. Tier 2 is intended to identify cases in which delay is likely to have a material adverse impact on participants or the fairness of the proceedings, including through the impact of uncertainty as to when the case will be heard. However, in applying the tier criteria, the court must assess the particular features of the case rather than the nature of the offending alone. Although cases involving allegations of sexual offending will ordinarily fall within Tier 2, such a case may appropriately be allocated to Tier 3 or Tier 4 where the

evidence is predominantly documentary or digital, or where the circumstances of the case are such that delay is not likely to have a material adverse impact on any complainant or witness.

iv. The fact that a defendant awaits trial in custody, or that the case is subject to a custody time limit, does not of itself determine either the priority tier or whether the case should be a Fixed Date or Flexible Date listing. Those matters are factors to which the court must have regard when assessing the human impact of delay and determining the appropriate listing arrangements.

v. The fact that a defendant or witness requires an intermediary does not of itself require allocation to Tier 2. The court must consider whether, in the circumstances of the particular case, delay is likely materially to affect that person's ability to participate effectively in the proceedings or otherwise prejudice the fairness of the case.

vi. Tier 3 is intended to apply where lay witness evidence is required but the impact of delay on those witnesses or on the proceedings is not such as to place the case within Tier 2.

vii. A case falling within more than one tier is to be treated as falling within the highest applicable tier, save that a case falling within Tiers 5, 6 or 7 is to be treated as within that tier irrespective of any other characteristic.

viii. Cases allocated to Tier 6 (Terrorism Cases List) will continue to be managed in accordance with CrimPD 13 (Case Management of Terrorism Cases).

h) At the PTPH, the judge must consider if the case would benefit from early reservation to a trial judge and, if so, either refer the matter to the Resident Judge or give appropriate directions.

i) The parties must draw to the attention of the court any factor becoming known after the PTPH which may affect the priority tier of the case. The court may revise the tier accordingly.

j) Delay in listing a trial beyond that contemplated at the PTPH is an additional factor to be taken into account in determining priority.

2. **Fixed Date and Flexible Date trial listings**

a) All trial listings shall be designated as:

- A **Fixed Date** (1F), or
- A **Flexible Date** (2F).

b) A Fixed Date (1F) is a listing for a specific date where, at the time of listing, there is a high level of confidence that a court and judge will be available to commence the trial on that date.

c) A Flexible Date (2F) is a listing where, at the time of listing, there is a reasonable expectation that the trial can be accommodated within the identified period, having regard to available court capacity.

d) A case may be listed as a Flexible Date (2F) either:

- By listing the case for a specified date, including to follow a Fixed Date (1F) case, with the expectation that, if not reached on that date, it will be accommodated within one or two days and, in any event, within the same week; or
- By listing the case to be called on at any time during a defined Flexible Date (2F) period not exceeding one week.

e) The Court Listing Plan for the court centre must specify which approach is to be adopted.

f) As far as practicable, not less than two weeks before the beginning of the listing period, a Flexible Date (2F) case should be assigned a specific date for the commencement of the trial.

3. **Allocation of listing type**

a) The following allocations should ordinarily apply:

- Tier 1 and Tier 2 cases (and Tiers 5, 6 and 7) should be listed as Fixed Date.
- Tier 3 and Tier 4 cases should be listed as Flexible Date (2F).

b) The court may depart from these allocations where required in the interests of justice, including where doing so would permit a materially earlier trial date and the alternative listing arrangement is suitable for the

case.

4. **Effective use of court capacity**

a) The court should seek to make effective use of available courtroom and judicial capacity.

b) For that purpose, the court may list more than one case against available trial capacity, including by the use of Flexible Date listings, where it is appropriate to do.

c) In deciding whether to adopt such an approach, the court must have regard to:

i. The human impact of delay;

ii. The likelihood of cases being ineffective or resolving before trial;

iii. The impact on victims, witnesses, defendants, and advocates if a case is not reached.

d) Where more than one case is listed against the same capacity, the court must ensure that:

i. The parties are informed clearly of the nature of the listing;

ii. Arrangements are in place to identify, in advance where possible, which case will proceed;

iii. The risk of unnecessary attendance at court by the participants is minimised.

5. **Section 28 Cases**

a) The fact that the cross-examination of a witness has been pre-recorded pursuant to section 28 of the Youth Justice and Criminal Evidence Act 1999 must not, of itself, result in a reduction in the priority given to the case.

b) Such cases must continue to be managed and listed having regard to the human impact of delay, including:

i. The impact of delay on the witness whose evidence has been recorded;

ii. The impact on any other participant;

iii. The overall fairness of the proceedings.

6. **Case readiness and effective listing**

a) A case must not be listed for trial unless:

i. It is ready for trial, or

ii. It is expected to be ready by the date fixed.

b) Each Crown Court centre must have in place a system for directing the service of Certificates of Trial Readiness in accordance with CrimPR 3.12 and for the efficient review of these certificates.

c) The court must monitor ineffective trials and the reasons for them and take appropriate steps to address any systemic causes.

7. **Run up to trial – publication of Advance List and Firm List**

a) **Four weeks before the trial week,** the court must publish an Advance List showing the trials and, as far as practicable, other hearings to be listed in that week.

b) **During the third week before the trial week,** the court listing or case progression staff must hold a Case Progression Meeting to review trials listed for that week and to consider readiness and likely effectiveness.

- The meeting must include staff of the Crown Prosecution Service or other relevant prosecutor and the Witness Care Unit.
- The meeting must have regard to Certificates of Trial Readiness and any representations received from the defence or other interested parties.

c) The arrangements for the Case Progression Meeting, and the means by which representations may be made, must be set out in the Court Listing Plan.

d) The court may make provision for the attendance of defence representatives or other interested parties at the Case Progression Meeting where it considers that this would assist.

e) **Two weeks before the trial week,** the court must publish a Firm List showing the trials and, as far as practicable, other hearings to be listed in the trial week.

f) The Daily List must be published in draft and in final form on the day before the hearing. The draft list should, so far as practicable, be published by 12 noon, and the final list by 15:30.

g) The parties should make any representations in response to the Firm List or Daily List promptly and in accordance with the arrangements set out in the Court Listing Plan.

h) The Daily List must indicate whether a trial is to be heard only in a specified courtroom or may be heard in another courtroom, using the terms "to be heard only in this courtroom" or "may be heard in another courtroom", as appropriate.

i) The terms "backer", "floater", "fixed floater" or "priority floater" must not be used.

8. **Cases at risk of not being reached**

a) Where a case listed as a Fixed Date is at risk of not being reached, the court must consider whether a hearing is required to review the listing.

b) In doing so the court must have regard to the matters set out in Chapter 2.

c) The court may maintain the listing where it is satisfied, having regard to available court capacity and following such consultation between the listing officer and the Resident Judge as may be necessary, that the case can be accommodated within the estimated duration or within a short period thereafter.

d) A case should not be maintained as a Fixed Date where to do so would be likely to cause a material adverse impact on participants or the fairness of the proceedings.

9. **Changes to the date of trials in the Crown Court**

a) A trial date, once fixed, must not be varied without good reason.

b) In determining whether there is good reason, the court must have regard to the matters set out in Chapter 2 and, in particular, to:

- The impact of delay on participants and the fairness of proceedings;
- The priority of the case; and
- the effect of any change on victims, witnesses, and defendants.

c) The unavailability of an advocate will not normally justify the variation of a trial date if the court considers that suitable alternative representation can reasonably be arranged without causing unfairness.

d) The listing officer may, in circumstances determined by the Resident Judge, agree to vary a trial date with the consent of the parties, provided that the change does not result in undue delay. The parties must consider the impact on the defendant(s) and witnesses before agreeing to any change.

e) In all other circumstances, an application to vary a trial date must be determined by a judge at a hearing.

f) At any hearing to determine whether a trial date should be varied, the parties must be able to inform the court:

i. Of the priority factors in the case, and the likely impact on the defendant and witnesses of varying the trial date; and

ii. Of the availability of witnesses, defendant(s), and advocates, so that an alternate trial date can be identified.

g) Where the listing officer cannot accommodate the trial at the Crown Court centre at which it was listed but has identified another Crown Court centre on that circuit where it can be heard, the listing officer may transfer the trial to that other centre, having first considered the interests of justice and, in particular, the impact of the transfer on the participants, including any issue of travel, accessibility or vulnerability.

10. **Trials not reached**

a) Where a trial is not reached due to lack of court time it must be listed before a judge for further directions. It must not be re-listed administratively without such a hearing. At the hearing, the parties must

provide information as to their availability and inform the court of the matters set out in Chapter 2.

b) On re-listing, the court must have regard to the matters set out in Chapter 2 and, in particular, must consider whether the case should be given greater priority or listed as a Fixed Date.

c) A Flexible Date (2F) trial that is not reached within the listing period for lack of court time must, as far as practicable, be given a Fixed Date listing when re-listed.

11. **Short Trial Courts**

a) A Resident Judge may dedicate a proportion of court capacity to the listing of short cases. Cases selected for such listing should be those where there is a realistic prospect of resolution without the need for a full trial. Such cases may be listed earlier than their priority tier would otherwise indicate.

b) Such courts will be called Short Trial Courts and will be subject to guidance issued by the Senior Presiding Judge.

12. **Review courts**

a) Where the Resident Judge considers it to be in the interests of justice, the court may allocate judicial and courtroom capacity for a limited period to hold review hearings for selected outstanding trials, including consideration of readiness, priority, and listing.

b) Such sittings are to be known as Review Courts and are subject to any guidance issued by the Senior Presiding Judge.

13. **Custody time limits**

a) At all hearings prior to the commencement of the trial, the prosecutor must draw any applicable custody time limit to the attention of the court. The custody time limit must be recorded on the court records.

b) Where a defendant is remanded in custody pending trial, the court must endeavour to list the trial within the applicable custody time limit,

including any extension granted under s.22 Prosecution of Offences Act 1985 and the Prosecution of Offences (Custody Time Limits) Regulations 1987 (as amended).

c) Cases subject to custody time limits may be given either a Fixed Date or Flexible Date listing. The court and the parties must keep such cases under review and take any necessary steps to ensure compliance with the applicable custody time limit.

d) Any application relating to a custody time limit must be listed as a matter of urgency. Arrangements must be made to enable the defendant to attend, whether in person or by live link.

14. **Retrials ordered by the Court of Appeal**

a) The Crown Court must comply with any directions given by the Court of Appeal and must not vary those directions without reference to that court.

b) In cases where the Court of Appeal orders a re-trial, the applicable custody time limit is 112 days, running from the date on which the new indictment is preferred, that is, the date on which the indictment is delivered to the Crown Court.

15. **Non-trial hearings**

a) As far as practicable, non-trial hearings must be listed so as to avoid delaying the commencement or continuation of a trial in the Crown Court.

b) A sentence hearing date must not be varied without considering the impact on any victim of crime, in particular where such victim is expected to attend the hearing.

c) A party requesting that a case be listed for a hearing must serve the request on the court and on any other party, except where the application is made without notice. The request must:

- Use any prescribed form or, where no form is prescribed, explain why a hearing is required and the order sought;

- Explain what steps have been taken to resolve the issue by agreement with the other parties;
- Explain why it is necessary for there to be a hearing in court rather than the matter being considered by a judge out of court;
- Include or attach all relevant material not already available on the Digital Case System, together with a time estimate for judicial reading and for the hearing.

d) Non-trial hearings must be completed within the time estimate or time allocated unless there are exceptional circumstances.

16. **Deferred Prosecution Agreements**

a) Cases coming before the court under s.45 and Schedule 17 Crime and Courts Act 2013 must be referred to the President of the King's Bench Division who will allocate the matter to a judge from the list.

b) Only the allocated judge may thereafter hear any matter or make any decision in relation to that case.

17. **Listing for sentence**

a) This paragraph applies where a defendant:

- Has been committed for sentence;
- Has entered a guilty plea; and/or
- Has been convicted following a trial.

b) The court may proceed to sentence immediately where it is appropriate to do so.

c) If the court does not proceed immediately to sentence, it must list the case for sentence:

- As soon as is reasonably practicable;
- Having regard to the human impact of delay;

- Having regard to any victim of crime who may wish to attend the hearing, particularly if they would wish to present a victim personal statement.

d) Where a pre-sentence report or other information is required, the court must:

- Give directions promptly for its preparation; and
- Fix a date for sentence at the earliest date consistent with its proper preparation.

e) Where a pre-sentence report is required, the court should ordinarily fix a date for sentence:

- Within 4 weeks where a standard pre-sentence report is directed; and
- Within 6 weeks where other or more extensive reports are required, unless the interests of justice require a longer period.

f) In fixing a date for sentence the court should specify:

i. If a defendant in custody should attend in person or by live link;
ii. Whether any other party may attend by live link.

18. **Management of cases from the Serious Economic, Organised Crime and International Directorate (SEOCID)**

a) The Serious Economic, Organised Crime and International Directorate (SEOCID) of the CPS is responsible for prosecution of cases from the National Crime Agency (NCA). Typically, these cases involve more than one defendant, are voluminous and raise complex and specialised issues of law. It is recognised that if not closely managed, such cases have the potential to cost vast amounts of public money and take longer than necessary.

b) This paragraph applies to all cases handled by the SEOCID.

Designated court centres

c) Subject to the overriding discretion of the Presiding Judges of the circuit, SEOCID cases should normally be heard at Designated Court Centres (DCC). The process of designating court centres for this purpose has

taken into account geographical factors and the size, security, and facilities of those court centres. The designated court centres are:

- Northern Circuit: Manchester, Liverpool, and Preston.
- North Eastern Circuit: Leeds, Newcastle, and Sheffield.
- Western Circuit: Bristol and Winchester.
- South Eastern Circuit (not including London): Reading, Luton, Chelmsford, Ipswich, Maidstone, Lewes, and Hove.
- South Eastern Circuit (London only): Southwark, Kingston-Upon-Thames, Woolwich, Croydon, and the Central Criminal Court.
- Midland Circuit: Birmingham, Leicester, and Nottingham.
- Wales Circuit: Cardiff, Swansea, and Mold.

Selection of designated court centres

d) If arrests are made in different parts of the country and the SEOCID seeks to have all defendants tried by one Crown Court, the SEOCID will, at the earliest opportunity, write to the relevant court cluster manager with a recommendation as to the appropriate designated court centre, requesting that the decision be made by the relevant Presiding Judges. In the event that the designated court centre within one region is unable to accommodate a case, for example, as a result of a custody time limit expiry date, consideration may be given to transferring the case to a DCC in another region with the consent of the relevant Presiding Judges.

e) There will be a single point of contact person at the SEOCID for each HMCTS region, to assist listing co-ordinators.

f) The person for each HMCTS region will be the relevant cluster manager, with the exception of the South Eastern Circuit where the appropriate person will be the Regional Listing Co-ordinator.

Designation of the trial judge

g) The trial judge will be assigned by the Presiding Judge at the earliest opportunity, and in accordance with the allocation guidance above. Where the trial judge is unable to continue with the case, all further pre-trial hearings should be by a single judge until a replacement has been assigned.

Procedure after charge

h) Within 24 hours of a person being charged with an offence or a prosecutor with the power to do so issuing a written charge and requisition, a representative of the SEOCID will notify the relevant cluster manager of the following information to enable an agreement to be reached between that cluster manager and the reviewing CPS lawyer before the first appearance as to the DCC to which the case should be sent:

- The full name of each defendant and the name of their legal representatives, if known;
- The charges laid; and
- The name and contact details of the Crown Prosecutor with responsibility for the case.

Exceptions

i) Where it is not possible to have a case dealt with at a DCC, the SEOCID should liaise closely with the relevant cluster manager and the Presiding Judges to ensure that the cases are sent to the most appropriate court centre. This will, among other things, take into account the location of the alleged offending, convenience of the witnesses, travelling distance for SEOCID staff and facilities at the court centres.

j) In the event that it is allocated to a non-designated court centre, the SEOCID should be permitted to make representations in writing to the Presiding Judges within 14 days as to why the venue is not suitable. The Presiding Judges will consider the reasons and, if necessary, hold a hearing. The CPS may renew their request at any stage where further reasons come to light that may affect the original decision on venue.

k) Nothing in this paragraph should be taken to remove the right of the defence to make representations as to the venue.

19. **Confiscation and related hearings**

a) Applications for restraint orders should be determined by the Resident Judge, or a judge nominated by the Resident Judge, at the Crown Court location at which they are lodged.

b) Applications for restraint orders, the variation or discharge of such orders, or for contempt proceedings arising from an alleged breach must be treated as urgent.

c) Hearings of applications for confiscation orders following conviction must take place within a reasonable time after conviction or sentence.

d) The parties must provide realistic time estimates proportionate to the issues in dispute, including the time required for the delivery of any judgment, and must conduct the proceedings so as to enable the confiscation proceedings to be concluded within that time.

e) At all post-conviction hearings relating to confiscation, the prosecutor must inform the court of the date by which the confiscation proceedings must be concluded, namely two years from the date of conviction or such later date as may be ordered.

20. **Proceedings relating to existing orders**

a) Proceedings in respect of alleged breaches of community or other orders[1], applications for the removal of a driving disqualification, and other proceedings relating to the variation, discharge or enforcement of orders should ordinarily be dealt with at the Crown Court centre at which the relevant order was imposed.

b) Where the defendant's home is significantly closer to another court centre, the authority or party seeking to bring the proceedings may apply to the court at which the order was imposed, giving reasons, for the proceedings to be transferred.

c) Any dispute in the Crown Court as to the appropriate venue must be determined by the relevant Presiding Judges.

21. **Appeals from magistrates' courts**

a) An appeal against conviction or sentence from a magistrates' court should ordinarily be heard at the Crown Court centre to which that magistrates' court ordinarily sends cases for trial or commits for sentence. Where the magistrates' court has centralised business for more than one

[1] To which CrimPR Part 32 applies.

local justice area, the appeal should ordinarily be heard at the Crown Court centre serving the local justice area in which the offence is alleged to have been committed.

b) A party may apply to that Crown Court centre for the appeal to be transferred to another court centre:

- where, on an appeal against conviction, witnesses are required to give evidence in person, the appeal should ordinarily be heard at the Crown Court centre most conveniently situated for the majority of those witnesses, having regard to the principles in Chapter 2.
- where the appeal is against sentence only, or where exceptionally on an appeal against conviction no witness is required to give evidence in person, the appeal should ordinarily be heard at the Crown Court centre closest to the appellant's home, provided that this does not operate to the disadvantage of any victim of the offence who is expected to attend the hearing.

c) If the Resident Judge of the Crown Court centre at which the appeal would ordinarily be listed considers that an application for transfer has merit, they should request the Resident Judge of the proposed receiving court centre to accept the transfer.

d) Any dispute between Crown Court centres as to the appropriate venue for the hearing of an appeal under this paragraph must be determined by the relevant Presiding Judges.

22. **Criminal Cases Review Commission**

Where the Criminal Cases Review Commission refers a case upon conviction from the magistrates' courts to the Crown Court, this shall be dealt with at a Crown Court centre designated by the Senior Presiding Judge.

23. **Engagement with Court Users**

The Resident Judge should ensure that the court centre develops, maintains and keeps under review effective arrangements for communication between the court and court users, including advocates who regularly appear at that court centre, the Crown Prosecution Service and defence practitioners, so as

to support accurate listing and the timely progression of cases in accordance with this Practice Direction. Such arrangements must be reflected in the Court Listing Plan for the court centre, which should set out how communication with court users will be facilitated for the purposes of identifying priority, ensuring the accuracy of time estimates, and promoting the readiness and effective listing of cases.

24. **Crown Court Listing Plan**

a) Each Crown Court centre must prepare and publish a Court Listing Plan supplemental to this Practice Direction.

b) The Court Listing Plan must further the implementation of this Practice Direction and any guidance issued by the Senior Presiding Judge, and be consistent with the same, and be kept under review to maintain such consistency.

c) The Court Listing Plan must:

- Provide information as to how the capacity of the Crown Court is to be allocated among different types of work and priority tiers;
- Describe how the requirements of this Practice Direction and any guidance issued by the Senior Presiding Judge are implemented at that court centre and in particular:
  - Describe the court's approach to Fixed Date and Flexible Date listings, including the type of Flexible Date listing used;
  - Describe any local initiatives, for example, for Short Trial Courts or Review Courts that have been implemented;
- Provide for publication of advance and firm lists;
- Identify the day and time of the court's weekly Case Progression Meeting and how parties can best engage with or provide information to that meeting;
- Identify best contact information for court users;
- Specify how the court engages with court users.

d) Prior to publication the Resident Judge must submit the Court Listing Plan to their Presiding Judge for review and approval.

25. **Consistency across Circuits**

a) Presiding judges must take steps to ensure that listing practices across their circuit are consistent with this Practice Direction and with directions or guidance issued by the Senior Presiding Judge.

26. **Transfers between Crown Court Centres**

a) A case may be transferred between Crown Court centres where necessary for the efficient administration of justice.

b) In considering any transfer the court must have regard to the interests of justice and in particular**:**

- The impact on participants, including travel, accessibility and any vulnerability;
- The fairness of the proceedings;
- The readiness of the case for trial and whether transfer would promote its effective progression;
- The availability of suitable judicial and courtroom capacity at the proposed receiving court;
- The availability of advocates and the desirability of continuity of representation; and
- Any security, custody, interpreter or special measures requirements.

c) The level of authority required for a transfer between Crown Court centres depends on whether the transfer is within the same circuit or between circuits, whether the case involves a Class 1 offence, and whether the transfer is for trial or sentence:

- A transfer on the same circuit where the case does not involve a Class 1 offence and has Tier 3 or Tier 4 priority may be arranged by the listing staff of the sending and receiving courts;
- A transfer on the same circuit where the case does not involve a Class 1 offence but has Tier 1 or Tier 2 priority requires the approval of the Resident Judges of the sending and receiving courts before listing staff may arrange the transfer;

- A transfer on the same circuit where the case involves a Class 1 offence must be approved by the Resident Judges of the sending and receiving courts and, where the transfer is for trial, with the consent of a Presiding Judge of that circuit;
- A transfer between circuits where the case does not involve a Class 1 offence, whether for trial or sentence, must be agreed by the Resident Judges of the sending and receiving courts;
- A transfer between circuits where the case involves a Class 1 offence and is for sentence must be agreed by the Resident Judges of the sending and receiving courts;
- A transfer between circuits where the case involves a Class 1 offence (or any case falling within Chapter 5, paragraph 2(g)) and is for trial must be agreed by the Presiding Judges of the sending and receiving circuits and the relevant Delivery Directors;
- Where a case has been allocated for trial by a High Court Judge, any application for transfer must be notified to the President of the King's Bench Division at the time the application is made.

d) In all cases the transfer must be consistent with any applicable guidance issued by the Presiding Judges and the Senior Presiding Judge.

e) Any dispute must be resolved by the Presiding Judges of the respective circuits.

27. **Regional Listing**

a) Listing in the Crown Court may be organised on a regional basis, combining the capacity of more than one court centre within a circuit or defined area.

b) Where such arrangements are in place:

- Cases may be listed at any suitable court centre within the region.
- Listing decisions must have regard to the efficient use of regional capacity.

c) In determining whether to list a case at a different court centre, the court must have regard to the interests of justice and, in particular, to the

impact of the proposed listing on the participants, including any issue of travel, accessibility or vulnerability.

d) Arrangements for regional listing must be consistent with any directions or guidance issued by the Senior Presiding Judge.

Chapter 5 Allocation of Work and Ticketing

1. **Classification of offences**

a) Class 1-A:

i. Murder.
ii. Attempted murder.
iii. Manslaughter.
iv. Infanticide.
v. Child destruction (s.1(1) Infant Life (Preservation) Act 1929).
vi. Abortion (s.58 Offences Against the Person Act 1861).
vii. Assisting a suicide.
viii. Cases including s.5 Domestic Violence, Crime and Victims Act 2004, as amended (if a fatality has resulted).
ix. Soliciting, inciting, encouraging, or assisting, attempting or conspiring to commit any of the above offences or assisting an offender having committed such an offence.

b) Class 1-B:

i. Genocide.
ii. Torture, hostage-taking and offences under the War Crimes Act 1991.
iii. Offences under ss.51 and 52 International Criminal Courts Act 2001.
iv. An offence under s.1 Geneva Conventions Act 1957.
v. Terrorism offences (where offence charged is indictable only and took place during an act of terrorism or for the purposes of terrorism as defined in s.1 Terrorism Act 2000).
vi. Piracy, under the Merchant Shipping and Maritime Security Act 1997.
vii. Treason.
viii. An offence under the Official Secrets Acts.
ix. Incitement to disaffection.
x. Soliciting, inciting, encouraging, or assisting, attempting or conspiring to commit any of the above offences or assisting an offender having committed such an offence.

c) Class 1-C:

i. Prison mutiny, under the Prison Security Act 1992.

ii. Riot in the course of serious civil disturbance.
iii. Serious gang-related crime resulting in the possession or discharge of firearms, particularly including a campaign of firebombing or extortion, especially when accompanied by allegations of drug trafficking on a commercial scale.
iv. Complex sexual offence cases in which there are many complainants (underage, in care or otherwise particularly vulnerable) and/or many defendants who are alleged to have systematically groomed and abused them, often over a long period of time.
v. Cases involving allegations of offences contrary to sections 1-4 of the Modern Slavery Act 2015 (not including cases where a modern slavery defence is raised)
vi. Soliciting, inciting, encouraging, or assisting, attempting or conspiring to commit any of the above offences or assisting an offender having committed such an offence.

d) Class 1-D:

i. Causing death by dangerous driving.
ii. Causing death by careless driving.
iii. Causing death by unlicensed, disqualified, or uninsured driving.
iv. Any Health and Safety case resulting in a fatality or permanent serious disability.
v. Any other case resulting in a fatality or permanent serious disability.
vi. Soliciting, inciting, encouraging, or assisting, attempting or conspiring to commit any of the above offences or assisting an offender having committed such an offence.

e) Class 2-A:

i. Arson with intent to endanger life or reckless as to whether life was endangered.
ii. Cases in which explosives, firearms or imitation firearms are used or carried or possessed.
iii. Kidnapping or false imprisonment (without intention to commit a sexual offence but charged on the same indictment as a serious offence of violence such as under s.18 or s.20 Offences Against the Person Act 1861).
iv. Cases in which the defendant is a police officer, member of the legal profession or a high profile or public figure.

v. Cases in which the complainant or an important witness is a high profile or public figure.
vi. Riot otherwise than in the course of serious civil disturbance.
vii. Child cruelty.
viii. Cases including s.5 Domestic Violence, Crime and Victims Act 2004, as amended (if no fatality has resulted).
ix. Soliciting, inciting, encouraging, or assisting, attempting or conspiring to commit any of the above offences or assisting an offender having committed such an offence.

f) Class 2-B:

i. Any sexual offence, with the exception of those included in Class 1C.
ii. Kidnapping or false imprisonment (with intention to commit a sexual offence or charged on the same indictment as a sexual offence).
iii. Soliciting, inciting, encouraging, or assisting, attempting or conspiring to commit any of the above offences or assisting an offender having committed such an offence.

g) Class 2-C:

i. Serious, complex fraud.
ii. Serious and/or complex money laundering.
iii. Serious and/or complex bribery.
iv. Corruption.
v. Complex cases in which the defendant is a corporation (including cases for sentence as well as for trial).
vi. Any case in which the defendant is a corporation with a turnover in excess of £1bn (including cases for sentence as well as for trial).
vii. Soliciting, inciting, encouraging, or assisting, attempting or conspiring to commit any of the above offences or assisting an offender having committed such an offence.

h) Class 3: All other offences not listed in the classes above.

2. **Referral of cases in the Crown Court to the Resident Judge or to a Presiding Judge**

a) This Practice Direction specifies:

i. cases which must be referred to a Presiding Judge for release; and
ii. cases which must be referred to the Resident Judge before being assigned to a judge, Recorder, or qualifying judge advocate to hear.

b) It is applicable to all Crown Courts, but its application may be modified by the Senior Presiding Judge or the Presiding Judges, with the approval of the Senior Presiding Judge, through the provision of further specific guidance to Resident Judges in relation to the allocation and management of the work at their court.

c) The Resident Judge must arrange with the listing officers a satisfactory means of ensuring that all cases are listed before judges, Recorders, qualifying judge advocates, or District Judges (Magistrates' Courts) of suitable seniority and experience, subject to the requirements of this Practice Direction.

Cases in the Crown Court to be referred to the Resident Judge

d) All cases in Class 1-A, 1-B, 1-C, 1-D, 2-A and 2-C must be referred to the Resident Judge as must any case which appears to raise particularly complex, sensitive, or serious issues.

e) Resident Judges should give guidance to the judges and staff of their respective courts as to which Class 2-B cases should be referred to them following consultation with the Senior Presiding Judge. This will include any cases that may be referred to the Presiding Judge, see below. Class 2-B cases to be referred to the Resident Judge are likely to be identified by the listing officer, or by the judge at the first hearing in the Crown Court. Any appeal against conviction and/or sentence from a Youth Court involving a Class 2-B case must be brought to the attention of the Resident Judge as soon as practicable. Where not provided with the appeal papers, the list officer must obtain a full summary of the prosecution case so as to allow an informed allocation decision to be made.

f) Once a case has been referred to the Resident Judge, the Resident Judge should refer the case to the Presiding Judge, following the guidance below, or allocate the case to an appropriate category of judge, and if possible, to a named judge.

Cases in the Crown Court to be referred to a Presiding Judge

g) All cases in Class 1-A, 1-B and 1-C must be referred by the Resident Judge to a Presiding Judge, as must a case in any class which is:

i. An unusually grave or complex case or one in which a novel and important point of law is to be raised;
ii. A case where it is alleged that the defendant caused more than one fatality;
iii. A non-fatal case of baby shaking where serious injury resulted;
iv. A case where the defendant is a police officer, or a member of the legal profession or a high-profile figure;
v. A case which for any reason is likely to attract exceptional media attention;
vi. A case where a large organisation or corporation may, if convicted, be ordered to pay a very large fine;
vii. Any case likely to last more than three months.

h) Resident Judges should refer any other case if they think it is appropriate to do so.

i) The Resident Judge should provide the Presiding Judge with a brief summary of the case, a clear recommendation by the Resident Judge about the judges available to try the case and any other comments. A written record of the decision and brief reasons for it must be made and retained.

j) Once a case has been referred to the Presiding Judge, the Presiding Judge may retain the case for trial by a High Court Judge as directed by the President of the King's Bench Division, or release the case back to the Resident Judge, either for trial by a named judge, or for trial by an identified category of judge, to be allocated by the Resident Judge.

3. **Authorisation of judges**

a) Judges must be authorised by the Lord or Lady Chief Justice before they may hear certain types of case.

b) Judges (other than High Court Judges) to hear Class 1-A cases must be authorised to hear such cases. Any judge previously granted a 'Class 1' or 'murder' authorisation is authorised to hear Class 1-A cases. Judges previously granted an 'attempted murder' (including soliciting, incitement or conspiracy thereof) authorisation can only deal with these cases within Class 1-A.

c) Judges (other than High Court Judges) to hear sexual offences cases in Class 1-C or any case within Class 2-B must be authorised to hear such cases. Any judge previously granted a 'Class 2' or 'serious sex offences' authorisation is authorised to hear sexual offences cases in Class 1-C or 2-B.

d) It is a condition of the authorisation that it does not take effect until the judge has attended the relevant Judicial College course; the Resident Judge should check in the case of newly authorised judges that they have attended the course. Judges who have been previously authorised to try such cases must make every effort to ensure their training is up-to-date and maintained by attending the Serious Sexual Offences Seminar at least once every three years.

e) Cases in the magistrates' courts involving the imposition of very large fines:

    i. Where a defendant appears before a magistrates' court for an either way offence to which s.85 LASPO Act 2012 applies, the case must be dealt with by a District Judge (Magistrates' Courts) who has been authorised to deal with such cases by the Chief Magistrate.
    ii. The authorised DJ(MC) must first consider whether such cases should be allocated to the Crown Court or, where the defendant pleads guilty, committed for sentence under s.14 Sentencing Act 2020, and must do so when the DJ(MC) considers the offence or combination of offences so serious that the Crown Court should deal with the defendant as if they had been convicted on indictment.

    iii. If an authorised DJ(MC) decides not to commit such a case the reasons must be recorded in writing to be entered onto the court register.

4. **Allocation of business within the Crown Court**

a) Cases in Class 1-A may only be tried by:

i. A High Court Judge;[2]
ii. A Circuit Judge authorised to try such cases, provided that the Presiding Judge has released the case for trial by such a judge; or
iii. A Circuit Judge (sitting in retirement) to whom the case has been specifically released by the Presiding Judge.

b) Cases in Class 1-B may only be tried by:

i. A High Court Judge;
ii. A Circuit Judge provided that the Presiding Judge has released the case for trial by such a judge; or
iii. A Circuit Judge (sitting in retirement) to whom the case has been specifically released by the Presiding Judge.

c) Cases in Class 1-C may only be tried by:

i. A High Court Judge; or
ii. A Circuit Judge, or a Circuit Judge (sitting in retirement), authorised to try such cases (if the case requires the judge to be authorised to hear sexual offences cases), provided that the Presiding Judge has released the case for trial by such a judge, or, if the case is a sexual offence, the Presiding Judge has assigned the case to that named judge.

d) Cases in Classes 1-D and 2-A may only be tried by:

i. A High Court Judge; or
ii. A Circuit Judge, or a Circuit Judge (sitting in retirement), or a Deputy High Court Judge appointed under s.9(4) Senior Courts Act 1981, or a Recorder or a qualifying judge advocate, or a District Judge (Magistrates' Court), provided that either the Presiding Judge has released the case or the Resident Judge has allocated the case for trial by such a judge; with the exception that Class 2A 'a' cases may not be tried by a Recorder or qualifying judge advocate, Deputy High Court Judge appointed under s.9(4) Senior Courts Act 1981, or District Judge (Magistrates' Courts).

[2] All references to High Court Judge include those sitting in retirement.

e) Cases in Class 2-B may only be tried by:

   i. A High Court Judge; or
   ii. A Circuit Judge, or Deputy High Court Judge appointed under s.9(4) Senior Courts Act 1981, or a Circuit Judge (sitting in retirement), or a Recorder or a qualifying judge advocate, or a District Judge (Magistrates' Court), authorised to try such cases and provided that either the Presiding Judge has released the case or the Resident Judge has allocated the case for trial by such a judge.

f) Cases in Class 2-C may only be tried by:

   i. A High Court Judge; or
   ii. A Circuit Judge, or a Deputy High Court Judge appointed under s.9(4) Senior Courts Act 1981, or a Circuit Judge (sitting in retirement), or a Recorder or a qualifying judge advocate, or a District Judge (Magistrates' Court), with suitable experience (for example, with company accounts or other financial information) and provided that either the Presiding Judge has released the case or the Resident Judge has allocated the case for trial by such a judge.

g) Cases in Classes 1-D, 2-A and 2-C will usually be tried by a Circuit Judge.

h) Cases in Class 3 may be tried by a High Court Judge, or a Circuit Judge, or a Circuit Judge (sitting in retirement), or Deputy High Court Judge appointed under s.9(4) Senior Courts Act 1981, a Recorder or a qualifying judge advocate, or a District Judge (Magistrates' Court). A case in Class 3 shall not be listed for trial by a High Court Judge except with the consent of a Presiding Judge.

i) A PTPH should normally be heard by a Circuit Judge, but may, with the approval of the Resident Judge, be heard by any other judge qualified to sit in the Crown Court.

j) For cases in Class 1-A, 1-B or 1-C, or any case that has been referred to the Presiding Judge, the preliminary hearing and PTPH must be conducted by a High Court Judge; by a Circuit Judge; or by a judge authorised by the Presiding Judges to conduct such hearings. In the event of a guilty plea before such an authorised judge, the case will be adjourned for sentencing and will immediately be referred to the Presiding Judge who may retain the case for sentence by a High Court

Judge, or release the case back to the Resident Judge, either for sentence by a named judge, or for sentence by an identified category of judges, to be allocated by the Resident Judge.

k) Appeals from the Youth Court in relation to sexual offences shall be heard by:

   i. A Resident Judge; or
   ii. A Circuit Judge nominated by the Resident Judge who is authorised to hear sexual offences in Class 1-C or Class 2-B; and
   iii. No more than four magistrates, none of whom took part in the decision under appeal. The magistrates must have undertaken specific training to deal with youth matters.

l) No appeal against conviction and/ or sentence from a Youth Court involving a Class 1-C or Class 2-B offence shall be heard by a Recorder save with the express permission of the Presiding Judge of the circuit.

m) Appeals to the Crown Court against the refusal of a firearms licence must be heard by a Circuit Judge and Justices.

5. General principles for the deployment of the judiciary in the magistrates' court

a) The following illustrative non-exhaustive presumptions ('the Presumptions') provide a flexible framework for deployment of District Judges (Magistrates' Courts) and magistrates. The system must be adapted to meet needs according to locality/caseload.

b) DJs (MC) should generally be deployed in accordance with the Presumptions:

   i. Cases involving complex points of law and evidence;
   ii. Cases involving complex procedural issues;
   iii. Long cases (included on grounds of practicality);
   iv. Interlinked cases (given the need for consistency, together with their likely complexity and novelty);
   v. Cases for which armed police officers are required in court, such as high-end firearms cases;

vi. A share of routine business, including case management and pre-trial reviews (considering the need for DJs (MC) to have competence in all areas of work; equitable division of work between magistrates and DJs (MC), subject to the interests of justice);

vii. Where appropriate, in supporting the training of magistrates;

viii. Occasionally, in mixed benches of a DJ(MC) and magistrates (to improve collegiality and magistrates' case management skills);

ix. In the short-term tackling of particular local backlogs ('backlog busting'), sometimes in combination with magistrates from the local or (with the SPJ's approval) adjoining benches.

c) The following case classes necessitate a DJ(MC) and have been excluded from the above Presumptions:

i. Extradition;
ii. Terrorism;

iii. Prison Adjudications;

iv. Sex cases in the Youth Court;

v. Cases where the defendant is likely to be sentenced to a very large fine (see paragraph 7);

vi. The Special Jurisdiction of the Senior District Judge (Chief Magistrate).

d) In formulating the Presumptions, the following considerations have been taken into account:

i. High profile cases should not be treated as a separate category, but to consider their listing in the light of the principles and presumptions. The circumstances surrounding high profile cases do not permit generalisation, save that they require sensitive handling. Listing decisions will benefit from good communication at local level between the Head of Legal Operations, DJ(MC) and the Bench Chair.
ii. Account must be taken of the need to maintain the competences of all members of the magistrates' court judiciary.

e) The Special Jurisdiction of the Senior District Judge (Chief Magistrate) concerns:

i. Cases with a terrorism connection;
ii. Cases involving war crimes and crimes against humanity;
iii. Matters affecting state security;
iv. Cases brought under the Official Secrets Act;
v. Offences involving royalty or Parliament;
vi. Offences involving diplomats;
vii. Corruption of public officials;
viii. Police officers charged with serious offences;
ix. Cases of unusual sensitivity.

f) Where cases fall within the category of the Special Jurisdiction, they must be heard by:

i. The Senior District Judge (Chief Magistrate); or if not available
ii. The Deputy Senior District Judge; or if not available
iii. a District Judge (Magistrates' Court) approved by the Senior District Judge (Chief Magistrate) or their deputy for the particular case.

g) Where it is in doubt whether a case falls within the Special Jurisdiction, reference should always be made to the Senior District Judge (Chief Magistrate) or Deputy Senior District Judge for clarification.

6. **Sexual offences in the Youth Court**

a) This section applies to all cases involving the allocation of an allegation of a sexual offence capable of being committed to the Crown Court for a sentence of long-term detention under s.250 Sentencing Code or included in s.249(1) Sentencing Code i.e. offences punishable in the case of a person aged 21 or over with imprisonment for 14 years or more; sexual assault; child sex offences committed by children or young person, sexual activity with a child family member; inciting a child family member

to engage in sexual activity, irrespective of the gravity of the allegation, the age and/or antecedent history of the defendant.

b) This section does not alter the test that the Youth Court must apply when determining whether a case should be sent to the Crown Court for a potential sentence pursuant to s.250 Sentencing Code.

c) These cases can only be dealt with by an authorised DJ(MC).

Procedure

d) The determination of venue in the Youth Court is governed by s.24 MCA 1980 and s.51A Crime and Disorder Act 1998, which provide that the youth must be tried summarily unless charged with such a grave crime that long-term detention is a realistic possibility, or that one of the other exceptions to this presumption arises.

e) Such cases should be listed before an authorised DJ(MC), by live link if necessary, to make the allocation decision. The prosecution should notify the court in advance to ensure listing before an authorised DJ(MC). If jurisdiction is retained and the allegation involves actual, or attempted, penetrative activity, the case must be tried by an authorised DJ(MC). In all other cases, the authorised DJ(MC) must consider whether the case is so serious and/or complex that it must be tried by an authorised DJ(MC), or whether the case can be heard by any DJ(MC) or Youth Court Bench.

f) If it is not practicable for an authorised DJ(MC) to determine venue, any DJ(MC) or any Youth Court Bench may consider that issue. If jurisdiction is retained, appropriate directions may be given, but the case papers, including a detailed case summary and a note of any representations made by the parties, must be sent to an authorised DJ(MC) to consider. As soon as possible the authorised DJ(MC) must decide whether the case must be tried by an authorised DJ(MC), or whether the case is suitable to be heard by any DJ(MC) or Youth Court Bench; however, if the case involves actual, or alleged, penetrative activity, the trial must be heard by an authorised DJ(MC).

g) If the case must be tried by an authorised DJ(MC), all further procedural hearings should, so far as practicable, be heard by an authorised DJ(MC).

Cases remitted for sentence

h) All cases remitted for sentence for a sexual offence from the Crown Court to the Youth Court should be listed for sentence before an authorised DJ(MC).

Arrangements for an authorised District Judge (Magistrates' Courts) to be appointed

i) Where a case is to be tried by an authorised DJ(MC), but no such judge is available, the Bench Legal Adviser should contact the Chief Magistrate's Office for an authorised DJ(MC) to be assigned.

7. **Cases involving very large fines in the magistrates' court**

a) An authorised DJ(MC) must deal with any allocation decision, trial and sentencing hearing in the following triable either way types of cases:

i. Those involving a high risk of, or actual, death or significant, life-changing injury;

ii. Those involving substantial environmental damage or polluting material of a dangerous nature;

iii. Where major adverse effect on human health or quality of life, animal health or flora has resulted;

iv. Where major costs through clean-up, site restoration or animal rehabilitation have been incurred;

v. Where the defendant corporation has a turnover in excess of £10 million but does not exceed £250 million, and has acted in a deliberate, reckless or negligent manner.;

vi. Where the defendant corporation has a turnover in excess of £250 million;

vii. Where the court will be expected to analyse complex company accounts;

viii. Which are high profile or exceptionally sensitive.

8. The prosecution agency must notify the Head of Legal Operations, where practicable, of any such case no fewer than seven days before the first hearing, to ensure an authorised DJ(MC) is available at the first hearing.

9. The Head of Legal Operations shall contact the Chief Magistrate's Office to ensure an authorised DJ(MC) can be assigned to deal with such a case. If necessary, consideration should be given to arranging an appropriate DJ(MC)'s attendance via live link.

10. Where an authorised DJ(MC) is not appointed at the first hearing, the court shall adjourn the case. The court shall ask the accused for an indication of plea, but shall not allocate the case nor, if the accused indicates a guilty plea, impose sentence, commit for sentence, ask for a pre-sentence report or give any indication as to likely sentence that will be imposed. The Head of Legal Operations shall ensure an authorised DJ(MC) is appointed for the following hearing.

11. When dealing with sentence, s.14 Sentencing Code 2020 can be invoked where, despite the magistrates' court having maximum fine powers available to it, the offence or combination of offences make it so serious that the Crown Court should deal with it as though the person had been convicted on indictment.

12. An authorised DJ(MC) should consider allocating the case to the Crown Court or committing the accused for sentence.