Preparing for an effective trial form

**Guidance for adult defendants in the magistrates’ court**

7th June 2021

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## Adult defendants- what happens when I go to court and want to say I’m not guilty?

Speaking to a lawyer before the court hearing

* Before going to court, speak to a lawyer straight away.
* You can find a lawyer
* online at: [www.solicitors.lawsociety.org.uk.](http://www.solicitors.lawsociety.org.uk/)
* online at [www.gov.uk/find-a-legal-adviser](http://www.gov.uk/find-a-legal-adviser)
* by telephoning the Law Society on 0207 320 5650.
* You can also speak to an advice agency like Citizens Advice or visit <https://www.citizensadvice.org.uk/law-and-courts/legal-system/finding-free-or-affordable-legal-help/>. They might be able to help you find a lawyer.

### How can a lawyer help me?

* The lawyer will see if you can get “legal aid”. If the court agrees, it means that you will not have to pay money to the lawyer.
* The lawyer will be able to give you advice about whether you should say if you are guilty or not guilty of the offence.
* The lawyer will represent you in court. This means they will talk to the court for you.

### What happens if I tell the court I am not guilty?

* You, or your lawyer if you have one, the prosecutor and court normally each must complete a part of the Preparation for Effective Trial form.
* If you do not have a lawyer at the court hearing, the court legal adviser can help you to complete the form. This guidance provides key points for you to note when completing the form.
* The court will tell you and the prosecutor when you need to complete it.
* You can find a guide below on how to complete the form

You can find a copy of the [form](https://www.justice.gov.uk/courts/procedure-rules/criminal/docs/october-2015/cm001england-eng.pdf) and the full [explanatory notes](https://www.justice.gov.uk/courts/procedure-rules/criminal/docs/october-2015/cm001-notes-eng.pdf) on the [Criminal Procedure Rules website](https://www.justice.gov.uk/courts/procedure-rules/criminal/forms). This guidance does not replace the full explanatory notes.

### Why is the form important?

* The form includes important information which you, the court and the prosecutor need for the trial. This makes sure the trial has the best chance of going ahead on the hearing date.
* If you do not tell the court about information or any witnesses you want to use until your trial, the court could:
* refuse to allow you to use this information or call a witness
* adjourn your trial and order you to pay wasted prosecution costs
* take this into account in deciding if you are guilty

### What happens when the form is complete?

You’ll be given a copy of the form before you leave court.

* Make sure you keep it safe
* If you have a lawyer but they could not come to court, give it to your lawyer straight away
* Make sure you do anything the court tells you to do before your trial
* If you do not have a lawyer, bring the form with you to your trial

### What if I complete the form and information changes?

You must tell the court immediately if:

* the information about your case changes
* you think the court needs to make another “direction”

### What is a court direction?

A direction means the court has decided someone has to do something or give something to someone before the trial hearing. For example, the court might “direct” that the prosecutor needs to give you a specific witness statement or a copy of an application it wants to make. If the prosecution does not comply with a direction you must notify the court.

## Form notes

Which parts of the form do I complete?

You must answer every question in the defendant’s part of the form

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Who completes** | **Part 1** | **Part 2** | **Part 3** | | **Part 4** | **Part 5** |
| You or your lawyer |  |  | |  |  |  |
| The Court |  |  | |  |  |  |
| The prosecutor |  |  | |  |  |  |

### Part 1 (You and the prosecutor complete this)

1. You can find the prosecutor contact details here if you need to contact them
2. Write your address, telephone numbers and email address. This is really important in case the court needs to contact you.
3. If you will have a lawyer, but they are not with you at court, write the name and contact information of your solicitors, if you know it.

### Part 2 (The prosecutor completes this)

You need to read this. It explains what evidence the prosecution will use and if they want the court to tell you to do anything.

### 4.2

This tells you if the prosecutor has:

* given you all the evidence it has
* which pieces of evidence it thinks will weaken their case or help your case
* told you, in writing, that there is no more evidence like this to show you

### 4.5

* This explains the evidence the prosecutor plans to use to prove their case at the trial. For example, CCTV or body-worn camera footage
* If they want to use evidence at the trial, they will need to let you see it in plenty of time before the trial hearing.

### 5

The prosecutor (and you in the defendant part) can ask the court to make a “direction” (see “what is a court direction?” above).

### Part 3 (You, or your lawyer, complete this)

### 6

This reminds you that:

* if you plead guilty to the offence the court must usually reduce your sentence and you are likely to have to pay fewer costs.
* You can change your plea to guilty at any time.
* If you want to change your plea before the trial, you must contact the court straight away.
* The earlier you plead guilty the more the court will reduce your sentence up to a maximum reduction of one third.
* if you cannot attend the trial for a good reason, e.g. for medical reasons, you must tell the court as soon as possible. You will also need to give the court any evidence for example a sick note or hospital letter. If you do not come to court without a good reason, the court may deal with the trial without you, unless it thinks this would not be in the interests of justice.
* You could be convicted
* The court might then decide to sentence your case without you or issue a warrant for your arrest.

### 7

You can say you want to:

* plead guilty to some offences but not all, if there is more than one offence
* the prosecutor might agree to prosecute you for those offences but then stop the prosecution of the other offences.
* plead guilty to the offence but disagree with the facts
* the prosecutor might decide to agree with your version; if the court agrees you will be sentenced on your version or
* if the prosecutor doesn’t agree your version, the court can decide whether to have a hearing to decide the facts. This is called a Newton Hearing.
* even if you and the prosecutor agree the facts, the court can still decide to have a Newton Hearing to decide the facts.
* plead guilty but to a different offence
* the prosecutor might agree that you should be dealt with for that offence

### 8.1

* The court needs to know what the issues are in your case and why you’re pleading not guilty.
* This helps the court to understand which witnesses need to attend court, decide the length of the trial hearing and make directions (see “What is court direction? above).
* If you agree that the summary of your police interview correctly includes everything that you want the court to hear of what you said in the interview, the court might decide this can be read out in court. Any interview tape will then not be played.

### 8.2

* If you have a lawyer this section is normally completed by them.
* A written admission is where you and the prosecutor write down the facts you agree about your case. For example, you agree the witness saw you in the place where the offence happened.
* The prosecutor will write any of your admissions on separate paper
* If you both agree the written admission, you and the prosecutor will sign it.
* The court can then read or listen to the admission instead of hearing those facts from a witness. The facts will be evidence in your case. This can save time at the trial.

### 8.3

* In addition to the boxes ticked at 8.1, you need to explain in a few words or sentences
* why you are pleading not guilty
* what you say happened
* which parts of the prosecution case you disagree with.

### 8.5

* You do not have to give the court a defence statement (see below) unless you want to ask the court to tell the prosecutor to give you evidence which it has and which it will not give to you.
* A defence statement explains which facts you want the court to consider in your defence. This is more detailed version of what you put in 8.2.

### 8.6

* You need to tell the court if you want some of your evidence to be shown or heard at your trial hearing.
* The court might be able to help you by letting you use court equipment. If it cannot, it will let you know if you need to bring your own.
* You must make sure that any equipment you need to bring works before the trial hearing or you might not be able to show your evidence to the court.

### 9.1

* If the Court has made a direction, a standard time limit applies. You will find time limits at the end of the form for things you and the prosecutor must do.
* If you think you need more time to do something, tick yes and give your reasons.
* You can ask the court to make a “direction” (see “What is court direction? above).
* If you would like the court to make a direction, tick yes, explain what it is you would like and give your reasons.
* The court will decide if it will make the direction.

### 9.2

Tick yes:

* If you need support to enter or use the court building, because of a disability, age or other condition or fear/distress. See further https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/equality-and-diversity
* If any of your witnesses need support to enter or use the court building, because of a disability, age or other condition or fear/distress.
* If you are asking that any of your witnesses should have special measures when they give their evidence. This means the court might agree, for example, that the witness can give their evidence behind a screen or from another place by video-link. This might be because of a disability, age or other condition or fear/distress.

### 9.3

* Tick yes if you are asking for a Ground Rules Hearing.
* A court can decide to have a Ground Rules Hearing where a witness or defendant is young or vulnerable. The court considers the questions which the legal representatives will ask that person at the trial. The court then makes sure that that person will be able to understand the questions.

### Part 4 (You, or your lawyer, the prosecutor and court complete this)

### 10

* The **prosecutor** writes down
* the names of witnesses they are expecting to come and If the witness will need an interpreter;
* if the prosecution witnesses should have special measures when they give their evidence. This means the court might agree the witness can give their evidence behind a screen or from another place by video-link;
* if they would like a witness to come to court to give evidence (“attendance proposed”). If they do not tick this, it means they want the court to read or listen to the witness’ statement instead.
* The time they think the witness will need to give their version of what happened (evidence in chief)
* **You** need to tick the “attendance proposed by D” box, for every witness, if you want them to come to court to give evidence.
* **You** need to say why you disagree with their evidence.
* You need to say how long you think you will question them for (cross-examination)
* If **you** do not tick the D box, it means you want the court to read or listen to the witness statement. The witness will not be at the trial and you will not be able to question them.
* The **court** will decide which of the witnesses will need to come to the trial.

### 11

**You**, or your lawyer write down or tick

* the names of witnesses you are expecting to come to court to give evidence for you.
* If your witness will need an interpreter and the language they speak. The court will arrange and pay for an interpreter if it thinks the witness needs this.
* If you need support to enter or use the court building, because of a disability, age or other condition or fear/distress. See further https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/equality-and-diversity
* If any of your witnesses need support to enter or use the court building, because of a disability, age or other condition or fear/distress.
* If you are asking that any of your witnesses should have special measures when they give their evidence. This means the court might agree, for example, that the witness can give their evidence behind a screen or from another place by video-link. This might be because of a disability, age or other condition or fear/distress.
* If you would like a witness to come to court to give their evidence (“attendance proposed”).
* If you want the witness to come to court you, or your lawyer, need to give reasons and the time you think the witness will need to give their version of what happened (evidence in chief).
* You need to tell the court later if your witness will not be coming to court.
* If you, or your lawyer, do not tick “attendance proposed by D”, this means you want the court to read or listen to the witness statement instead. This means the witness will not come to court and no-one will question them.

### Part 5 (The court completes this, and you the prosecutor and court sign it)

**You** need to read this to understand important information about your trial.

### 12

This tells you:

* the court’s directions (see “What is a court direction?” above)
* how long the person has to do what the court has directed.
* the date, time and court for your trial.

**You** need to sign the bottom of the form. The prosecutor and court will also sign it.

### Standard trial preparation time limits list

This is a list of many things which you or the prosecutor normally need to do before the trial.

* It tells you how long you have to do them. The court can sometimes change the time.
* You need to tell the court if you do not understand what you need to do.

The list includes:

### (c)

* If you want defence witnesses to come to court for the trial, you must tell the prosecutor in writing their name, date of birth and address.
* You must do this by 14 days after the prosecution tells you it has no more evidence it can give you (“initial duty of disclosure”)
* If you do not, the court might decide your witnesses cannot give evidence and the trial should go ahead without them.

### (f)

* If you want the court to read or listen to a written statement, you must send this statement to the prosecutor at least 14 days before the trial.
* If you do not, the court might decide not to read or listen to the statement.

### (h)

* if you think your witness needs special measures (for example to give evidence behind screens or from another room by video link) you need to send your application to the court and prosecutor in the next 28 days.
* If you do not send an application in time, the court might decide that your witness will give evidence without these special measures in place.

## Further Information about going to court

These leaflets explain what happens when you go to court and some of the words you may hear in court:

* “Before court: going to a criminal court as a defendant”
* “At court – being a defendant in a magistrates’ court”
* “Going to Court as a Defendant: Understanding the Legal Terms used in Court”

They are available:

* on<https://www.gov.uk/government/publications/going-to-a-criminal-court-support-for-defendants>
* at your local magistrates’ court
* by contacting your local magistrates’ court

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