



**Judiciary of
England and Wales**

National Listing Framework

Guidance Note No.2

Guidance for Resident Judges

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Guidance for Resident Judges

This guidance addresses the main responsibilities of Resident Judges under the Practice Direction on Listing in the Criminal Courts ("the CrimPDL"), which takes effect on 1 October 2026. It does not cover tier allocation or other decisions made by any judge at a PTPH, which are addressed in the separate Judicial Guide and Aide-Mémoire, nor the detailed content of the Court Listing Plan or the Case Progression Meeting, each of which is the subject of its own guidance note. This guide should be read alongside the CrimPDL.

Responsibility for listing at the centre

Listing is a judicial responsibility and function, supported by the operational work of HMCTS staff (Ch2 §1(a)-(c)). At a Crown Court centre, that responsibility rests with the Resident Judge, subject to the supervision of the Presiding Judges and, above them, the Senior Presiding Judge (Ch2 §2(a)). Within that responsibility, the Resident Judge must:

- ensure listing at the centre complies with the CrimPDL 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, so far as resources permit, the timely progression and completion of cases (Ch2 §2(b)).

HMCTS listing staff carry out the day-to-day operation of listing under the Resident Judge's direction and in accordance with orders of the court (Ch2 §2(c)). Delegation does not transfer responsibility: delegated authority does not remove or diminish judicial responsibility for listing decisions, and judicial oversight must be maintained over listing practice at the centre (Ch2 §1(d)).

This does not mean that the Resident Judge is expected personally to make or approve every listing decision. The role is one of judicial leadership, oversight and intervention where necessary.

Judicial leadership and oversight

The introduction of a national framework does not diminish the importance of local judicial leadership. The Resident Judge should ensure that judges and Listing Officers at the centre have a common understanding of the Framework, in particular:

- the human impact of delay;
- Priority Tiers;
- the distinction between Fixed Date and Flexible Date listings;
- the need to keep priority and listing arrangements under review; and

- the importance of accurate information and realistic trial estimates.

The aim is not identical decision-making, but a consistent approach to the exercise of judgment within the Framework. Where recurring differences of approach or systemic difficulties emerge, the Resident Judge should consider whether local discussion, further guidance, or training would assist.

The Resident Judge should also be satisfied that the centre has reliable arrangements for recording and communicating the judicial decisions and information on which listing depends, including Priority Tier, Fixed Date or Flexible Date status, trial estimates and material changes affecting readiness or priority.

Where records or management information appear inconsistent with a judicial decision, the discrepancy should be checked and corrected through the appropriate route; the judicial decision itself should not be altered simply to make the records consistent.

Working with Listing Officers and delegated authority

Effective listing depends upon a close working relationship between the judiciary and the listing team. Listing Officers bring operational expertise, detailed knowledge of the court's work and an understanding of the practical consequences of listing decisions.

- The Resident Judge should ensure that there is clarity about:
- the decisions Listing Officers may make under delegated authority;
- the matters which must be referred to a judge;
- the matters which should ordinarily be referred to the Resident Judge;
- the circumstances in which a trial date may be varied administratively;
- the escalation route where available capacity is insufficient to meet existing commitments; and
- arrangements for urgent or unexpectedly high-priority cases.

Delegation should be sufficient to permit efficient day-to-day operation, but should be supported by clear parameters and ready access to judicial advice.

Deployment and use of capacity

The Resident Judge should maintain an overview of the centre's workload and available judicial and courtroom capacity. This includes, as appropriate:

- the volume and age of outstanding work;
- the distribution of cases between Priority Tiers;
- custody cases and custody time limits;

- the balance between trials and other work;
- judicial authorisations, ticketing and allocation requirements;
- courtroom, custody and other operational requirements; and
- foreseeable changes in judicial or courtroom availability.

Effective use of available capacity remains important, but it must be balanced with the need to give proper effect to priority and to promote the timely and effective completion of cases.

The CrimPDL permits more than one trial to be listed against available capacity where appropriate. Any such approach should be disciplined and should take account of the human impact if a case is not reached, the likelihood of cases resolving or becoming ineffective, and the need to minimise unnecessary attendance and uncertainty for participants (Ch4 §4).

Accurate trial estimates are fundamental to the effective use of capacity. The Resident Judge should ensure that judges scrutinise estimates where necessary and that recurring patterns of inaccurate or late-changing estimates are identified. The purpose is not to impose standard estimates for particular categories of case, but to improve the quality of the information on which listing decisions are made.

The Court Listing Plan

Each centre must prepare and publish a Court Listing Plan supplemental to the CrimPDL. A draft must be submitted to the Presiding Judges within six months of commencement; the final Plan, approved by the Presiding Judges, must be published within nine months (Ch1 §6). The Resident Judge is responsible for submitting the Plan for review and approval before publication (Ch4 §24(d)) and for keeping it under review thereafter (Ch4 §24(b)).

The Plan records how the centre applies the national framework to its own work, including capacity allocation, Fixed Date and Flexible Date listings, local initiatives, list publication, the Case Progression Meeting and engagement with court users. Detailed guidance on preparation, content, approval and review is contained in the separate Court Listing Plan guidance note.

Priority, listing type and judicial continuity

Individual Priority Tier and Fixed Date/Flexible Date decisions will ordinarily be made by the judge dealing with the PTPH. The Resident Judge is not expected routinely to reconsider those decisions.

The Resident Judge should, however, remain alert to recurring patterns which suggest that the Framework is not being applied consistently or that local listing practice is producing unintended consequences. Particular attention may be required where:

- the information available at the PTPH was materially incomplete;
- circumstances have changed significantly;

- a case has experienced substantial additional delay;
- a Fixed Date trial is at risk of not being reached;
- a case has already failed to be reached; or
- there appears to be a recurring or unintended pattern in tier allocation or the use of Fixed or Flexible Dates.

The Resident Judge should also ensure that cases likely to benefit from continuity of judicial management or trial are identified sufficiently early for reservation to be meaningful, while avoiding unnecessary restrictions on deployment.

Priority Tiers guide the priority and manner of listing but do not operate as a rigid hierarchy under which a case in a higher tier automatically displaces work already listed. Where accommodating one case would require another trial to be moved, that is a fresh judicial listing decision. The court should consider the human impact of delay and the fairness of the proceedings in both cases, together with the other relevant considerations under Chapter 2.

Local listing arrangements

Subject to the national requirements, the Resident Judge retains an important role in shaping arrangements at the centre. A Resident Judge may, for example, dedicate a proportion of court capacity to Short Trial Courts where there is a realistic prospect of resolution without a full trial (Ch4 §11), or allocate judicial and courtroom capacity for a limited period to Review Courts considering readiness, priority and listing of selected outstanding trials (Ch4 §12).

These are tools available to the Resident Judge; they are not mandatory features of every centre. Any local arrangement must be consistent with the CrimPDL, comply with applicable Senior Presiding Judge guidance, be identified in the Court Listing Plan and be published (Ch2 §3(c)). Long-standing local practice does not of itself displace the requirements of the CrimPDL.

Where the centre participates in regional listing arrangements combining capacity across more than one centre, the Resident Judge should ensure that local decisions take account of the effective use of that regional capacity and comply with any applicable guidance or directions (Ch4 §27).

Case readiness, monitoring and intervention

The Resident Judge has an ongoing supervisory role once listing is operating. The responsibility is not to review every case personally, but to ensure that effective systems exist to identify problems early and to secure judicial intervention where necessary.

In particular, the Resident Judge should ensure that:

- there is an effective system for the service and review of Certificates of Trial Readiness under CrimPR 3.12 (Ch4 §6(b));

- cases at risk of being ineffective are identified and escalated;
- ineffective trials and their causes are monitored, with appropriate action taken where systemic causes emerge (Ch4 §6(c)); and
- recurring issues with disclosure, trial estimates, witness availability or other readiness factors are not treated as isolated events.

The weekly Case Progression Meeting is an important part of that system. Its detailed operation is dealt with in the separate guidance note on Case Progression Meetings.

The precise division of case progression responsibilities will vary between centres. The Resident Judge should ensure that there is clarity about the respective roles of Listing Officers, case coordinators or other case progression staff, court clerks and judges, and that information about readiness and emerging problems reaches those responsible for listing early enough for appropriate action to be taken.

Fixed Date trials at risk and trials not reached

Where a Fixed Date case is identified as being at risk of not being reached, the issue should be brought to the Resident Judge sufficiently early for realistic alternatives to be considered. The Resident Judge should have available the reason the case is at risk, its Priority Tier and trial estimate, the competing cases, available judicial and courtroom capacity and any relevant impact on participants.

A Fixed Date should be reviewed where there is no longer a realistic basis for confidence that the trial can proceed as listed.

A trial which is not reached because of lack of court time must be listed before a judge for further directions and must not simply be re-listed administratively (Ch4 §10(a)). On re-listing, the court must consider whether the case should receive greater priority or a Fixed Date; a Flexible Date trial not reached within its listing period should, so far as practicable, be given a Fixed Date (Ch4 §10(b)-(c)).

Where cases are repeatedly not reached, or particular categories of case appear disproportionately affected, the Resident Judge should consider whether this indicates a wider problem with the use of Flexible Date listings, the amount of work listed against available capacity, trial estimates, readiness or deployment.

Changes to trial dates

A trial date, once fixed, must not be varied without good reason. The CrimPDL permits a Listing Officer, in circumstances determined by the Resident Judge, to agree a variation by consent provided that it does not result in undue delay; other applications require judicial determination (Ch4 §9(d)-(e)).

The Resident Judge should therefore establish clear parameters for administrative changes. Those parameters should allow sensible operational flexibility while preserving judicial control over

decisions which may materially affect priority, the human impact of delay, victims or witnesses, defendants, fairness, or other cases in the list.

Transfers between Crown Court centres

Transfers may assist the effective use of capacity but may also have a significant impact on participants. Where Resident Judge approval is required, the decision should take account of the factors identified in Ch4 §26, including travel and accessibility, vulnerability, fairness, readiness, available judicial and courtroom capacity, advocate continuity, and custody, security, interpreter and special measures requirements.

The level of authority required depends on the circumstances of the transfer, including the circuit, offence classification, Priority Tier and whether the transfer is for trial or sentence. The detailed approval requirements are set out in Ch4 §26(c).

Resident Judges should be familiar with those approval requirements and ensure that transfers are not used simply as an answer to local pressure at the sending centre without proper regard to their effect on those involved.

A related function arises on appeals from the magistrates' courts. Where an appeal would ordinarily be heard at the centre but an application is made for transfer, the Resident Judge of the sending centre should, if satisfied the application has merit, ask the Resident Judge of the proposed receiving centre to accept it; any dispute is resolved by the Presiding Judges (Ch4 §21(c)-(d)).

Engagement with court users

The Resident Judge must ensure the centre develops, maintains and keeps under review effective arrangements for communication with court users, including regular advocates, the CPS and defence practitioners (Ch4 §23). The purpose is practical: to support accurate listing, realistic trial estimates, readiness and timely progression.

Engagement does not mean that listing decisions are negotiated with court users. It is intended to improve the information on which judicial and operational decisions are based and to identify practical problems before they result in ineffective hearings or unnecessary delay. The arrangements should be reflected in the Court Listing Plan.

The Court Listing Plan should identify clear and usable routes by which practitioners can provide information or make representations about priority, trial estimates, readiness and the Case Progression Meeting.

Relationship with the Presiding Judges

The Resident Judge exercises responsibility for listing at the centre subject to the supervision of the Presiding Judges and Senior Presiding Judge. Issues which cannot sensibly be resolved within the resources or authority of the individual centre should be referred at an early stage.

This may include:

- persistent or significant capacity pressures;
- cases requiring Presiding Judge allocation or approval;
- transfers requiring Presiding Judge agreement;
- issues affecting more than one court centre;
- proposed arrangements with wider circuit implications; or
- recurring difficulty in meeting the requirements of the Framework.

Early escalation is generally preferable to allowing a foreseeable problem to become an urgent operational difficulty.

Monitoring the operation of the Framework

The Resident Judge is not expected to undertake detailed performance management, but should have sufficient information to understand whether the centre's listing arrangements are operating as intended.

Useful indicators are likely to include:

- waiting times and the age of outstanding work;
- distribution of Priority Tiers;
- use of Fixed and Flexible Date listings;
- ineffective trials and reasons;
- trials not reached;
- repeated changes of trial date;
- custody cases approaching CTL expiry;
- cases experiencing exceptional delay; and
- the accuracy of trial estimates.

Such information should be used as an indicator of possible issues requiring further enquiry, not as a performance target. There should be no target distribution between Priority Tiers or between Fixed Date and Flexible Date listings, and a departure from the ordinary relationship between tier and listing type should not be treated as an error merely because it is unusual.

The purpose of reviewing such information is not simply to measure performance. It is to identify problems which may require judicial or operational intervention. Where persistent difficulty arises because available resources cannot meet demand, that should be escalated rather than addressed by listing practices which create an unrealistic risk that cases will not be reached.

Transitional arrangements from 1 October 2026

Existing trial listings using terminology superseded by the CrimPDL are to be treated as Fixed Date or Flexible Date listings, as appropriate, from commencement; no separate administrative re-listing exercise is required (Ch1 §5(a)).

Where a case already in the system has not been allocated a Priority Tier, allocation must be considered at the next hearing before a judge after commencement (Ch1 §5(b)). There is no requirement for a wholesale retrospective exercise to allocate Priority Tiers to all existing cases. Resident Judges may nevertheless find it useful to ensure that Listing Officers can identify cases in which a tier has not yet been allocated, so that the issue can be addressed when the case next comes before a judge.

The commencement of the CrimPDL does not of itself require existing trial dates to be revisited, nor should currently listed work be displaced simply because another case is allocated to a higher Priority Tier. Existing listings should remain in place unless there is a proper reason for the court to reconsider them.

Where a fresh listing decision is required — for example because circumstances have materially changed, a Fixed Date is at risk of not being reached, a trial has not been reached, or a case requires relisting — the decision should be made in accordance with the CrimPDL. If accommodating a higher-priority case would require another listed case to be moved, the court should consider the human impact of delay and the fairness of the proceedings in both cases, together with the other relevant considerations under Chapter 2.

Centres which have historically operated warned lists need not dismantle or reconstruct lists already fixed before commencement merely because the terminology has changed. New listing decisions made on or after 1 October 2026 must, however, comply with the CrimPDL.

Practical overview

The Resident Judge need not personally manage every list or make every listing decision. The essential responsibilities are to:

Lead: establish the judicial approach to listing at the centre; promote consistent application of the Framework.

Oversee: judicial deployment and allocation of work; priority and Fixed/Flexible date practice; readiness, effectiveness and the use of available capacity.

Set parameters: delegated authority; administrative changes to trial dates; escalation routes.

Intervene: where Fixed Dates are at risk; where trials are not reached; where circumstances materially change; where recurring or systemic problems emerge.

Engage: with Listing Officers and HMCTS managers; with court users and criminal justice partners; with the Presiding Judges where necessary.

Review: the Court Listing Plan; local listing arrangements; relevant management information; whether the Framework is operating effectively at the centre.

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