



**Judiciary of  
England and Wales**

# **National Listing Framework Guidance Note No.3**

## **Guidance for Presiding Judges**

September 2026



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# Guidance for Presiding Judges

This guidance addresses the principal responsibilities of Presiding Judges under the Practice Direction on Listing in the Criminal Courts (“the CrimPDL”), which takes effect on 1 October 2026.

It is principally concerned with the Crown Court. Responsibility for listing at an individual Crown Court centre rests with the Resident Judge, subject to the supervision of the Presiding Judges and Senior Presiding Judge. The role of the Presiding Judges is therefore primarily one of circuit-wide oversight, consistency, allocation and intervention where an issue cannot appropriately be resolved at court-centre level.

This guidance does not replace the CrimPDL and should be read alongside it.

## Responsibility for listing on the circuit

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 (Ch2 §2(a)).

At each Crown Court centre, the Resident Judge is responsible for listing, including compliance with the CrimPDL, judicial deployment and allocation of work, and the timely progression and completion of cases so far as resources permit.

The Presiding Judges are not therefore expected to become involved in the ordinary operation of individual court lists or routinely to reconsider listing decisions made by Resident Judges or other judges. Their role is to provide oversight across the circuit and to intervene where the CrimPDL requires their decision or where an issue cannot appropriately be resolved within an individual centre.

In practical terms, the principal responsibilities are to:

- supervise the operation of Crown Court listing across the circuit;
- promote consistency in the application of the CrimPDL and any guidance or directions issued by the Senior Presiding Judge;
- review and approve Court Listing Plans;
- maintain an overview of significant circuit-wide capacity and deployment issues;
- determine transfers and regional listing issues where Presiding Judge approval or involvement is required;
- undertake those judicial allocation and release functions reserved to Presiding Judges under the CrimPDL; and

- identify issues which require referral to, or guidance from, the Senior Presiding Judge.

## Consistency across the circuit

The CrimPDL requires Presiding Judges to take steps to ensure that listing practices across their circuit are consistent with the CrimPDL and with any directions or guidance issued by the Senior Presiding Judge (Ch4 §25).

Consistency does not require every Crown Court centre to operate in precisely the same way. Centres differ in the nature and volume of their work, available judiciary, courtroom capacity, custody facilities and other operational circumstances. The CrimPDL permits court-centre arrangements which reflect local circumstances, provided they remain within the national requirements.

The aim should therefore be consistency of approach rather than uniformity of outcome. In particular, Presiding Judges should be alert to material or recurring differences between centres in:

- the application of the human impact of delay;
- Priority Tier practice;
- the use of Fixed Date and Flexible Date listings;
- the amount and nature of work listed against available capacity;
- the handling of Fixed Date trials at risk of not being reached;
- the treatment of trials not reached;
- arrangements for trial readiness and Case Progression Meetings;
- the use of Short Trial Courts, Review Courts or other initiatives; and
- the operation of regional or cross-centre listing arrangements.

Unusual practice at an individual centre does not necessarily indicate error. The question is whether it is consistent with the CrimPDL, applicable national guidance and the interests of justice, and whether any significant difference of approach is understood and justified.

## Working with Resident Judges

The relationship between Presiding Judges and Resident Judges is central to the operation of the National Listing Framework.

Resident Judges should ordinarily be left to manage listing within their own centres. The Presiding Judges should provide support and direction where necessary, while avoiding unnecessary involvement in matters which can properly be resolved locally.

Issues which may require discussion or intervention include:

- persistent or significant shortage of judicial or courtroom capacity;
- recurring inability to accommodate higher-priority work within a reasonable period;
- repeated trials not reached because of lack of court time;
- significant or unexplained differences in listing practice between court centres;
- cases or categories of case experiencing exceptional delay;
- difficulties which may require the movement of work between centres;
- proposed arrangements affecting more than one Crown Court centre;
- questions concerning judicial allocation, release or authorisation; and
- matters which may require guidance or direction from the Senior Presiding Judge and/or the President of the King's Bench Division.

Early engagement is generally preferable where a difficulty is foreseeable. The object is not to transfer responsibility from the Resident Judge, but to enable problems which exceed the capacity or authority of an individual centre to be addressed at the appropriate level.

## Court Listing Plans

Each Crown Court centre must prepare a Court Listing Plan supplemental to the CrimPDL. A draft must be submitted to the Presiding Judges within six months of commencement, and the final Plan must be approved by the Presiding Judges and published within nine months (Ch1 §6; Ch4 §24).

Review and approval of Court Listing Plans provides an important opportunity for Presiding Judges to promote compliance with the national requirements and appropriate consistency across the circuit.

When reviewing a Plan, the Presiding Judges should be satisfied that it:

- is consistent with the CrimPDL and any applicable direction or guidance issued by the Senior Presiding Judge;
- explains how capacity is allocated between different types of work and Priority Tiers;
- identifies the centre's approach to Fixed Date and Flexible Date listings, including the form of Flexible Date listing used;

- describes any Short Trial Courts, Review Courts or other local initiatives;
- provides for the Advance List and Firm List;
- identifies the arrangements for the weekly Case Progression Meeting and how parties may provide information or representations;
- provides clear contact information for court users; and
- explains how the centre engages with practitioners and other court users.

The purpose of approval is not to impose identical operating arrangements across the circuit. A Plan may properly reflect the circumstances of the individual centre. The Presiding Judges should, however, be satisfied that differences between centres are compatible with the national requirements and do not create unnecessary inconsistency or uncertainty for court users.

Once a Plan has been approved, responsibility for keeping it under review rests with the Resident Judge. A material change to arrangements which affects compliance with the CrimPDL or has wider circuit implications may appropriately be referred to the Presiding Judges.

## Circuit capacity and deployment

The day-to-day deployment of judges and courtrooms is a matter for the Resident Judge at each centre. The Presiding Judges should nevertheless maintain sufficient oversight to identify significant capacity pressures across the circuit and to consider whether those pressures can sensibly be addressed through circuit-wide action.

Relevant information may include:

- waiting times and the age of outstanding work across centres;
- significant differences in the distribution of higher-priority cases;
- custody and custody time limit pressures;
- trials repeatedly not reached;
- judicial vacancies, absences or shortages in particular categories of authorised judiciary;
- available courtroom capacity;
- significant differences in the demand placed upon individual centres; and
- foreseeable periods of exceptional pressure.

Such information should inform judicial management rather than become a set of performance targets. There should be no target distribution of Priority Tiers or of Fixed and Flexible Date listings. Nor should court centres be encouraged to list work beyond realistic capacity simply to improve utilisation figures.

Where available resources are insufficient to meet demand, the issue should be addressed transparently through deployment, movement of work, regional arrangements or escalation as appropriate, rather than through listing practices which create an unrealistic risk that trials will not be reached.

## Priority and movement of existing work

Priority Tiers guide the priority and manner of listing but do not operate as an automatic system by which a case in a higher tier displaces another trial already listed.

Where accommodating one case would require another trial to be moved, that is a judicial listing decision. The court should consider the human impact of delay and the fairness of the proceedings in the affected cases, together with the other relevant considerations under Chapter 2.

The same approach should inform circuit-level decisions about deployment or movement of work. The objective is not simply to accommodate whichever case appears to have the higher priority in isolation, but to use available capacity in a way which gives proper effect to the CrimPDL across the cases affected.

## Transfers between Crown Court centres

The CrimPDL establishes specific levels of authority for transfers between Crown Court centres (Ch4 §26).

Many transfers do not require Presiding Judge involvement and may be dealt with at Listing Officer or Resident Judge level. Presiding Judge involvement is required in particular circumstances, including:

- a transfer for trial within the same circuit of a case involving a Class 1 offence, which requires the consent of a Presiding Judge in addition to the approval of the Resident Judges of the sending and receiving centres;
- a transfer between circuits for trial of a Class 1 case, or a case falling within Chapter 5 §2(g), which requires agreement between the Presiding Judges of both circuits and the relevant Delivery Directors; and
- the resolution of disputes between circuits or centres where the CrimPDL provides for determination by the Presiding Judges.

In considering a transfer, regard must be had to the interests of justice and in particular:

- the impact on participants, including travel, accessibility and vulnerability;
- the fairness of the proceedings;

- readiness and whether transfer would promote effective progression;
- the availability of suitable judicial and courtroom capacity at the receiving centre;
- advocate availability and continuity; and
- custody, security, interpreter and special measures requirements.

The availability of capacity elsewhere is therefore an important consideration, but is not sufficient by itself to justify transfer.

Where a case has been allocated for trial by a High Court Judge, any application for transfer must also be notified to the President of the King's Bench Division as required by Ch4 §26(c).

## Regional listing

The CrimPDL permits Crown Court listing to be organised regionally, combining the capacity of more than one court centre within a circuit or defined area (Ch4 §27).

Regional arrangements may provide an effective means of addressing uneven capacity and making better use of judicial and courtroom resources. They should be used to make effective use of regional capacity, while preserving proper consideration of the interests of justice and the impact on participants.

Any such arrangements must remain consistent with directions or guidance issued by the Senior Presiding Judge. Decisions to list a case at another centre must continue to have regard to the interests of justice, including the impact upon participants through travel, accessibility or vulnerability.

Where regional listing arrangements operate, Presiding Judges should be satisfied that:

- their scope is clear;
- Resident Judges and Listing Officers understand how regional capacity is to be used;
- appropriate judicial control is retained;
- the effect upon participants remains part of individual listing decisions; and
- responsibility for the case and the route for resolving disputes are clear.

Regional arrangements should also be reflected, where relevant, in the Court Listing Plans of the affected centres.

## Judicial allocation, release and authorisation

Chapter 5 of the CrimPDL continues to reserve a number of allocation and release decisions to Presiding Judges.

The detailed provisions should be applied directly. In broad terms, Presiding Judge involvement includes:

- release of specified Class 1 and other cases for trial by appropriately authorised judges;
- assignment of certain sexual offence cases to a named judge;
- consent where a Class 3 case is to be tried by a High Court Judge;
- authorisation of judges to conduct preliminary hearings or PTPHs in specified cases;
- decisions following a guilty plea in cases referred to a Presiding Judge;
- permission in specified appeals from the Youth Court; and
- other allocation functions expressly reserved by Chapter 5.

The Priority Tier of a case and its classification under Chapter 5 are separate matters. Priority Tier concerns the human impact of delay and guides listing priority and listing type. Classification, authorisation and allocation determine which judges may properly hear the case. They should not be treated as interchangeable

Resident Judges and Listing Officers should have clear arrangements for referring cases requiring Presiding Judge involvement sufficiently early to avoid unnecessary delay in listing.

## Specialist and designated work

The CrimPDL contains particular arrangements for some categories of work, including cases prosecuted by the Serious Economic, Organised Crime and International Directorate (SEOCID).

Subject to the overriding discretion of the Presiding Judges, those cases should ordinarily be dealt with at the designated court centres identified in the CrimPDL. The Presiding Judges also have functions in determining the appropriate designated centre and assigning the trial judge.

The detailed provisions should be followed where they apply. The general approach remains that decisions should take account of the appropriate judicial allocation, available capacity, the circumstances of the participants and the efficient progression of the proceedings.

## Appeals and other venue disputes

The CrimPDL also assigns particular venue disputes to the Presiding Judges.

This includes disputes between Crown Court centres about the appropriate venue for certain appeals from the magistrates' courts (Ch4 §21) and other cases in which the CrimPDL expressly requires the relevant Presiding Judges to determine venue.

These functions are case-specific and should not ordinarily require wider intervention in the listing arrangements of the centres concerned.

## Monitoring implementation

Presiding Judges should have sufficient information to understand whether the CrimPDL is being implemented consistently across the circuit.

Useful information may include:

- progress with Court Listing Plans;
- significant differences in Priority Tier and Fixed/Flexible Date practice;
- waiting times and exceptionally delayed cases;
- trials not reached and reasons;
- ineffective trials and recurring readiness issues;
- significant custody time limit pressures;
- recurring transfers between centres;
- pressure on particular categories of authorised judiciary; and
- significant or recurring capacity problems.

Such information should be used to identify matters requiring further enquiry or intervention, rather than as a target or quota.

Where a difference between centres is identified, the first question should be whether it reflects legitimate differences in workload or local circumstances. Intervention is likely to be appropriate where practice is inconsistent with the CrimPDL or national guidance, produces unintended consequences, or reveals a wider circuit problem.

## Relationship with the Senior Presiding Judge

The Presiding Judges are accountable to the Senior Presiding Judge for the management of listing on their circuit.

Issues which may require referral include:

- significant or persistent problems which cannot be resolved within circuit resources;

- questions of interpretation or implementation of the CrimPDL with national implications;
- significant inconsistency between circuits;
- proposed regional or other listing arrangements requiring national guidance;
- systemic problems identified through monitoring; and
- matters on which a direction or further guidance from the Senior Presiding Judge may be required.

The purpose of escalation is not to remove responsibility from the circuit, but to ensure that matters requiring national consistency or resources beyond the circuit are addressed at the appropriate level.

## **Transitional arrangements from 1 October 2026**

The commencement of the CrimPDL does not require Presiding Judges to supervise a wholesale re-listing or retrospective tiering exercise.

Existing trial listings using terminology superseded by the CrimPDL are to be treated as Fixed Date or Flexible Date listings, as appropriate. Where an existing case has not been allocated a Priority Tier, allocation must be considered at the next hearing at which the case comes before a judge after commencement (Ch1 §5).

Existing trial dates do not need to be revisited merely because the CrimPDL has commenced or because another case is subsequently allocated to a higher Priority Tier. Where a fresh listing decision becomes necessary, that decision should be made in accordance with the CrimPDL.

During the implementation period, Presiding Judges should concentrate particularly on:

- supporting Resident Judges in applying the new arrangements consistently;
- identifying material differences of approach between centres;
- reviewing and approving Court Listing Plans;
- ensuring that significant capacity problems are identified early;
- resolving circuit-level transfer, allocation and deployment issues; and
- escalating any systemic difficulty which cannot sensibly be resolved on the circuit.

## Practical overview

The Presiding Judge's role is principally to:

**Supervise:** the management of listing across the circuit and the exercise by Resident Judges of their responsibilities under the CrimPDL.

**Promote consistency:** ensure that court-centre practices comply with the CrimPDL and applicable guidance while allowing appropriate differences to reflect local circumstances.

**Approve:** review and approve Court Listing Plans.

**Allocate:** exercise the judicial release, allocation and authorisation functions reserved to Presiding Judges.

**Coordinate:** address circuit-wide capacity issues, regional listing arrangements and the movement of work between centres where necessary.

**Decide:** determine transfers, venue disputes and other matters which the CrimPDL reserves to Presiding Judges.

**Monitor:** maintain sufficient oversight to identify systemic problems or significant inconsistency.

**Escalate:** refer to the Senior Presiding Judge matters which require national direction, guidance or intervention.

**Issued as part of the National Listing Framework implementation programme.**



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