



**Judiciary of
England and Wales**

National Listing Framework

Guidance Note No.4

**Guidance for Listing Officers and
HMCTS Staff**

September 2026



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Guidance for Listing Officers and HMCTS Staff

This note is intended to assist Crown Court Listing Officers and other HMCTS staff in the practical application of the Practice Direction on Listing in the Criminal Courts ("CrimPDL"), which takes effect on 1 October 2026.

It concentrates on the principal responsibilities arising from the CrimPDL. It does not replace the CrimPDL or the Crown Court Listing Officer Manual, which contains more detailed operational guidance on systems, processes and particular types of work. It should also be read alongside the Court Listing Plan for the court centre once that has been approved and published.

Listing is a judicial responsibility and function. HMCTS staff perform an essential operational and administrative role in the preparation, organisation and management of court lists. The central practical distinction is between decisions requiring judicial judgment and the operational implementation of those decisions.

Role of Listing Officers

Listing Officers carry out the day-to-day operation of listing under the direction of the Resident Judge and in accordance with orders of the court. They implement judicial decisions, manage the practical operation of court lists and identify matters requiring judicial attention. They may provide judges with clear and neutral information about available dates, judges, courtrooms and other capacity, but where a decision requires judicial judgment it must be referred to the court. A required decision which is missing, unclear or inconsistent should be checked and referred rather than guessed at or reinterpreted.

Judicial direction and delegated authority

The Resident Judge is responsible for listing at the Crown Court centre, subject to the supervision of the Presiding Judges and Senior Presiding Judge. Listing Officers conduct the day-to-day operation of listing under the Resident Judge's direction.

Each centre should have clear arrangements identifying:

- the operational decisions Listing Officers may make;
- the matters which require judicial determination;
- the matters which should be referred specifically to the Resident Judge; and
- the route for urgent judicial escalation.

Some HMCTS staff may exercise specified judicial functions under a formal scheme of delegation. Any such authority must be exercised within the terms of the delegation and consistently with the CrimPDL, the Court Listing Plan and applicable judicial directions. Delegated authority does not remove or diminish judicial responsibility or oversight (Ch2 §1(d)).

Priority Tier and Fixed/Flexible Date decisions

Every Crown Court trial case must be allocated to a Priority Tier. The tier is a judicial decision, made by applying the CrimPDL and in particular the human impact of delay. Listing Officers do not assess the evidence or decide which tier should apply.

All Crown Court trial listings must also be designated as either Fixed Date or Flexible Date. The ordinary relationship is:

- Tiers 1, 2, 5, 6 and 7 - Fixed Date;
- Tiers 3 and 4 - Flexible Date.

The court may depart from that ordinary position where the interests of justice require it. A different listing type should therefore not automatically be treated as an error: it may reflect a deliberate judicial decision.

Priority Tier informs the priority to be given to a case, but it does not operate as an automatic system for displacing other work already listed. If accommodating a higher-priority case would require another trial to be moved, that is a judicial listing decision. The Listing Officer should identify the practical options and refer the matter for determination rather than move the existing case administratively.

Where the Priority Tier or listing type is missing or unclear, the Listing Officer should seek judicial clarification rather than select the outcome which appears most appropriate.

The terms "backer", "floater", "fixed floater" and "priority floater" must not be used.

Human impact of delay

The CrimPDL requires the priority for listing a case to be determined by reference to the impact of delay on participants and the fairness of the proceedings - the human impact of delay.

Assessment of the human impact of delay is a judicial function. Listing Officers are not expected to assess the evidence or determine priority themselves. They should, however, identify information brought to their attention which may call for an existing listing decision to be reviewed. This may include information about vulnerability, custody, witness availability or deterioration, participation needs, overseas witnesses, significant further delay or other circumstances affecting participants or the fairness of proceedings.

Where a material change may affect priority, readiness or listing arrangements, it should be referred promptly through the appropriate judicial route.

Building a workable list

A workable list gives effect to judicial decisions while matching cases realistically to the available judges, courtrooms and other resources.

When preparing a list, Listing Officers should take account of:

- the recorded Priority Tier and Fixed/Flexible Date decision;
- trial readiness;
- the current trial estimate;
- judicial allocation, authorisation and any reservation;
- custody and any applicable custody time limit;
- witness and participant requirements, including interpreters, intermediaries and special measures;
- courtroom, security, technology and accessibility requirements; and
- the overall capacity of the list.

The CrimPDL permits more than one case to be listed against available trial capacity, including by the use of Flexible Date listings, where that is appropriate. In using shared capacity, regard must be had to the human impact of delay, the likelihood of cases resolving or becoming ineffective, and the impact if a case is not reached. Where more than one case is listed against the same trial capacity, the court must ensure that the parties are clearly informed of the nature of the listing, that arrangements are in place to identify in advance, where possible, which case will proceed, and that the risk of unnecessary attendance by participants is minimised (Ch4 §4(d)).

Information that a case may resolve can assist capacity planning, but should not be treated as certain unless clear and reliable information has been received.

Fixed Date and Flexible Date listings

A Fixed Date is 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 start the trial on that date.

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

Listing Officers should ensure that the court diary, local planning tools and published lists accurately reflect the judicial decision. The Court Listing Plan will identify the Flexible Date

approach used at the centre. As far as practicable, a Flexible Date case should be given a specific trial start date at least two weeks before the beginning of the listing period.

A Fixed Date does not necessarily tie the trial to one particular courtroom. The Daily List separately identifies whether the case is "to be heard only in this courtroom" or "may be heard in another courtroom".

Trial estimates

Accurate trial estimates are fundamental to effective listing. Trial estimates should include proper allowance for jury deliberation and for any judgment or other time required for the proper conduct and completion of the proceedings. The parties are responsible for providing realistic estimates, keeping them under review and notifying the court promptly of any material change.

Listing Officers should use the current recorded estimate and remain alert to information suggesting that it may no longer be realistic. This may include changes in the number of defendants or witnesses, expert evidence, legal argument, interpreters, intermediaries, section 28 arrangements, special measures or other matters affecting likely duration.

Where an estimate appears materially out of date or unrealistic, the issue should be raised through the case progression or judicial route. A Listing Officer should not alter a judicially confirmed estimate merely to fit the available diary.

Readiness and case progression

A case must not be listed for trial unless it is ready or is expected to be ready by the trial date (Ch4 §6(a)).

Listing Officers are not expected to determine whether the prosecution or defence case is legally or evidentially ready. Their role is to use the available readiness information, identify practical risks and refer matters requiring judicial input.

Each Crown Court centre must have a system for directing the service and efficient review of Certificates of Trial Readiness. The weekly Case Progression Meeting is an important part of the arrangements for reviewing readiness and likely effectiveness before the trial week. The detailed operation of the Case Progression Meeting is addressed in the Crown Court Listing Officer Manual and separate guidance.

Where a readiness issue may affect the trial date, trial estimate, Priority Tier, Fixed/Flexible Date status, custody time limit or practical arrangements, it should be escalated promptly. So far as practicable, any material issue requiring judicial or operational resolution should be resolved before publication of the Firm List.

Advance List, Case Progression Meeting, Firm List and Daily List

The CrimPDL provides a structured run-up to the trial week:

- four weeks before the trial week - the Advance List;
- during the third week before the trial week - the Case Progression Meeting;
- two weeks before the trial week - the Firm List;
- the day before the hearing - the draft and final Daily Lists.

These stages should progressively improve the court's confidence in the list. Information received during the process should therefore be acted upon. A case appearing on an earlier list should not simply be carried forward unchanged where material information has emerged about readiness, capacity or another listing issue.

So far as practicable, the draft Daily List should be published by 12 noon and the final Daily List by 15:30 on the day before the hearing. Each trial must use the national wording "to be heard only in this courtroom" or "may be heard in another courtroom", as appropriate.

Fixed Date trials at risk of not being reached

Where a Fixed Date trial is at risk of not being reached, the issue should be identified as early as possible. The court must consider whether a hearing is required to review the listing, having regard to Chapter 2 (Ch4 §8).

The Listing Officer should raise the issue with the Resident Judge and provide the practical information needed to consider the position, including the competing cases, available judicial and courtroom capacity, trial estimates and any realistic alternative arrangements.

The listing may be maintained where the court is satisfied, having regard to available capacity and following such consultation between the Listing Officer and Resident Judge as is necessary, that the case can be accommodated within its estimated duration or shortly thereafter. It should not be maintained where doing so is likely materially to increase the adverse impact of delay on participants or adversely affect the fairness of the proceedings. A Fixed Date should be reviewed where there is no longer a realistic basis for confidence that the trial can proceed as listed.

Trials not reached

Where a trial is not reached because of lack of court time, it must be brought before a judge for further directions and must not simply be relisted administratively (Ch4 §10(a)).

On relisting, the court must consider whether the case should be given greater priority or a Fixed Date. A Flexible Date trial which is not reached within its listing period should, so far as practicable, be given a Fixed Date when relisted (Ch4 §10(b)-(c)).

Listing staff should ensure that the reason for the trial not being reached is accurately recorded and that the required judicial hearing is arranged promptly. Repeated not-reached cases, or a pattern affecting particular types of case, should be brought to the attention of the Resident Judge and the appropriate operational lead.

Changes to trial dates

A trial date, once fixed, must not be varied without good reason. The CrimPDL permits a Listing Officer to agree a change by consent only in circumstances determined by the Resident Judge, where the parties have considered the impact of the proposed change on defendants and witnesses, and provided that the change does not result in undue delay (Ch4 §9(d)).

This is a limited route for agreed administrative changes. It does not permit a Listing Officer to determine a disputed application or to make a change which requires judicial evaluation of its effect on the case or participants.

Each centre should therefore have clear Resident Judge parameters identifying when this route may be used. In all other circumstances, the application must be determined by a judge.

Judicial allocation, reservation and transfers

The right date and courtroom are not sufficient. The case must also be listed before a judge who is properly allocated, suitably experienced and, where required, authorised to hear it.

Listing Officers should distinguish clearly between Priority Tier, case class, judicial authorisation and judicial allocation. They serve different purposes.

Where a case has been reserved to a particular judge, the reservation should be recorded clearly and preserved so far as practicable. Any difficulty in maintaining the reservation should be raised rather than the case being moved automatically to another judge.

The CrimPDL contains specific requirements governing transfers between Crown Court centres. Listing Officers should ensure that the relevant practical information is available, including any impact on participants, readiness, custody, security and other requirements.

Some transfers may be arranged by Listing Officers without further judicial approval, while others require approval from Resident Judges, Presiding Judges or other specified authorities. The correct route depends upon whether the case involves a Class 1 offence, its Priority Tier, whether the transfer is within or between circuits, and whether it is for trial or sentence (Ch4 §26).

Custody Time Limits

Custody Time Limits require particularly careful monitoring. Listing Officers should ensure that relevant CTL information is accurate, that the trial date is consistent with the applicable CTL and that any risk is escalated immediately.

Where a CTL date is missing, disputed or inconsistent between records, or where a trial may not be reached within the CTL, the Listing Officer should not attempt to resolve the legal position independently. The record should be checked, the relevant operational lead informed and the Resident Judge notified through the established urgent route.

Detailed CTL processes remain governed by the applicable CTL guidance and protocols.

Recording and data quality

The National Listing Framework depends upon accurate and consistent information. The court should be able to identify, where relevant, the Priority Tier, Fixed/Flexible Date status, trial estimate, custody and CTL information, readiness, trial outcome, the reason for an ineffective or not-reached trial, and any relisting or transfer decision.

Different staff may be responsible for recording different parts of that information. The important point is that the formal case record, court diary, local planning tools and published lists remain consistent with the judicial decision and the current position.

A Listing Officer should not alter the substance of a judicial decision in order to make the data appear consistent. Where records conflict, the discrepancy should be checked and corrected through the appropriate route.

Management information can help identify individual cases and wider patterns requiring attention. It does not replace consideration of the individual case and must not be used to override a judicial decision.

Working with the Resident Judge

A close working relationship between the listing team and the Resident Judge is essential.

The Resident Judge should be informed promptly of significant issues relating to:

- courtroom or judicial capacity;
- Fixed Date trials at risk of not being reached;
- trials not reached;
- trial-date changes requiring judicial consideration;
- custody time limits;

- serious readiness concerns;
- transfers or regional listing; and
- recurring or systemic listing problems.

When seeking judicial direction, Listing Officers should provide clear and neutral practical information. This will commonly include the issue requiring a decision, the existing court direction, Priority Tier and listing type, custody or CTL position, readiness, trial estimate, available dates and capacity, any known impact on participants, and the realistic options available.

The Listing Officer should provide the information needed for the decision, without assuming what the judge will decide.

Court Listing Plans and local arrangements

Each Crown Court centre must prepare and publish a Court Listing Plan. Once approved and published, Listing Officers should be familiar with it and use it when preparing lists and applying local arrangements.

The Plan will explain matters including the centre's approach to Fixed and Flexible Dates, allocation of capacity, local initiatives, publication of lists, the Case Progression Meeting and engagement with court users.

Local arrangements remain important, but they must operate within the National Listing Framework. They cannot override the CrimPDL, an applicable direction issued by the Senior Presiding Judge or an order or direction made in an individual case.

Detailed guidance on Court Listing Plans is contained in the separate guidance note.

Transitional arrangements

From 1 October 2026, existing trial listings using terminology replaced by the CrimPDL are to be treated as Fixed Date or Flexible Date listings, as appropriate.

There is no requirement for a wholesale exercise to allocate Priority Tiers retrospectively to every existing case. Where an existing case has not been allocated a tier, tier allocation must be considered at the next hearing at which the case comes before a judge after commencement.

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, a trial has not been reached or a case must be relisted - the CrimPDL applies to that decision. If accommodating a higher-priority case would require another listed case to move, the effect of delay and fairness in both cases should be considered by the

court. The Listing Officer should provide the relevant practical information and available options for that judicial decision.

New listing decisions made on or after 1 October 2026 must comply with the CrimPDL.

Practical summary

Implement the judicial decision. Use the Priority Tier, Fixed/Flexible Date status and other directions actually made by the court.

Check and clarify. Where a decision is missing, unclear or inconsistent, check the record and seek clarification.

Use information actively. Readiness, trial estimates, CTLs, participant needs and changing circumstances should inform the practical management of the list.

Escalate early. Identify and refer foreseeable problems while there is still a realistic opportunity to resolve them.

Keep records consistent. The formal record, diary, planner and published list should reflect the same judicial decision and current position.

Support judicial decision-making. Provide judges with accurate, neutral practical information and realistic options.

Remember the purpose. Effective listing seeks to minimise the human impact of delay, promote the fairness of proceedings and make fair and efficient use of available resources.

Issued as part of the National Listing Framework implementation programme



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