Judiciary of England and Wales

National Listing Framework
Domestic Abuse Best Listing Scheme

November 2026



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Chapter 1: Introduction

1. The Domestic Abuse Best Listing Scheme ("the Scheme") operates within the National Listing Framework established by the Practice Direction on Listing in the Criminal Courts. It provides an expedited listing and case-management pathway for suitable domestic abuse cases.

2. In the Crown Court, cases may, where appropriate, be accommodated through Short Trial Court arrangements or other expedited arrangements identified in the Court Listing Plan. Inclusion in the Scheme does not itself determine the Priority Tier of a case, which must be determined in accordance with the Practice Direction.

3. The aim of the Scheme is to resolve appropriate domestic abuse cases expeditiously by using existing court procedures. Achieving prompt resolution benefits all in the criminal justice system by delivering timely justice.

4. Where established, domestic abuse is criminal behaviour in the context of an intimate or familial relationship and is responsible for pervasive and damaging harm to adult and child victims. Domestic abuse affects members of diverse communities differently and some victims face additional difficulties arising from their religion, culture, disability, language or immigration status.

5. Delay can prolong uncertainty and undermine confidence in the justice system for both victims and defendants. More timely resolution sends a clear message that abusive behaviour will not be tolerated and that the criminal justice system is able to respond swiftly, fairly and effectively.

6. This Scheme will benefit the criminal justice system as early resolution will reduce organisational pressures for all agencies involved. Cases will not be repeatedly delayed at hearings where little is achieved other than to postpone resolution to another date far in the future.

7. The term "victim" has been used throughout the Scheme to refer to complainants, survivors and others who are directly affected and harmed by domestic abuse. This aligns with the wording used in the Victims' Code and in guidance issued by the Crown Prosecution Service (CPS).

8. The use of the term "victim" does not detract from the principle that a defendant is presumed innocent unless and until proved guilty.

9. Offences included in the Scheme appear in the Annexe.

10. The scope of the Scheme differs between jurisdictions. In the Magistrates' courts, the Scheme applies to all relevant cases, whether the defendant is on bail or remanded in custody. In the Crown Court, the Scheme applies only where the defendant is on bail.

11. This Guidance will apply to all cases falling within the Scheme charged on or after 4 January 2027.

Chapter 2: Core Principles

General

The following principles apply to all parties engaged in the Scheme:

1. The timely and fair resolution of domestic abuse cases included in the Best Listing Scheme benefits victims and defendants and serves the overall interests of justice.

2. All parties must make every hearing count. This means getting it right first time.

3. All parties must be proactive rather than reactive so that, from the outset, issues are identified, addressed and resolved, thereby minimising delay.

4. Good communication and collaboration between all participants in the criminal justice process at every stage serves the interests of justice.

5. Victims and defendants can expect consistent and robust judicial case management at every stage of the court process. This will hold the parties to account and will require from them valid reasons for any adjournment which lengthens the court process.

6. Where applicable, the Code of Practice for Victims of Crime must be respected by each relevant party.

7. Where possible, consistency of representation and judicial case management furthers the fair and timely disposal of these cases.

8. All participants and relevant agencies must commit to relevant and ongoing training.

Victims

1. The safety and protection of victims is of fundamental importance for all involved in the Scheme. Protective conditions, tailored to the circumstances and needs of the victim, require consideration at every stage during the proceedings.

2. The police, together with the CPS, play an important role in reassuring victims that they will be supported throughout the legal process. Both should use suitable opportunities throughout the proceedings to inform and refer victims to available support services, including specialist services for minoritised groups.

3. The police will inform victims of the outcome of any police investigation and, if charges are brought, what the nature of those charges are. The police will also tell victims the date of any court hearings and inform them about the outcome of those hearings, especially if there are changes to protective conditions.

4. The police will inform victims if their case is included in the Scheme.

5. A Victim Personal Statement is entirely voluntary. A victim's decision to decline to provide a Victim Personal Statement should be respected.

6. The preparation of a Victim Personal Statement should be considered by the police at an early stage. The availability of a Victim Personal Statement should remain responsive to the needs and circumstances of the victim, recognising that flexibility may be required to avoid causing additional distress or triggering disengagement.

7. Where possible, a Victim Personal Statement should be available by the first hearing, but this should not be pursued in a way that is inconsistent with the victim's best interests. A Victim Personal Statement may be updated later in the proceedings if the victim's circumstances change. This will be of particular importance where proceedings take a significant period to conclude, as the effects of the offending may evolve, persist, or become more clearly understood over time. An updated statement should therefore be obtained before sentence where necessary to ensure that the court has an accurate and up-to-date account of the impact upon the victim.

8. During the proceedings and whenever a case concludes, the police and the CPS should be proactive in considering protective relief for victims, including restraining orders or, where available, Domestic Abuse Protection Orders. Where appropriate, protective relief should explicitly address third party contact which aims to intimidate victims. The terms and duration of any such relief should be discussed with the victim prior to any application for relief being made.

9. The court will proactively enquire whether any application for protective relief is sought, in order that the issue may be considered and determined before the conclusion of the proceedings.

Chapter 3: Domestic Abuse

1. The behaviour of A to B is domestic abuse if each are aged 16 or over and personally connected and the behaviour is abusive (s.1(2) Domestic Abuse Act 2021).

2. Behaviour is abusive if it consists of any of the following: (a) physical or sexual abuse; (b) violent or threatening behaviour; (c) controlling or coercive behaviour; (d) economic abuse which is behaviour which has a substantive adverse effect on B's ability to acquire, use or maintain money or other property or obtain goods or services; (e) psychological, emotional or other abuse (s.1(3) and s.1(4)).

3. It does not matter whether the behaviour consists of a single incident or a course of conduct.

4. A's behaviour may be abusive towards B despite the fact that it consists of conduct directed at another person (for example, B's child) (s.1(6))

5. Whilst not explicitly referred to in the above definition, cultural abuse (such as coercion and control linked to family honour or cultural expectations) and religious abuse (such as the misuse of faith or religious beliefs to control or intimidate) are both forms of psychological/emotional abuse or of controlling or coercive behaviour.

6. In accordance with s.56A of the Sentencing Act 2020, when the court is passing sentence for an offence and has concluded that the offence involved domestic abuse carried out by the offender, the court must state in open court that, in its view, the offence involved domestic abuse carried out by the offender. Domestic abuse in this context has the same meaning as in the Domestic Abuse Act 2021.

Chapter 4: Offences

1. The list of included offences is structured into eight categories (See Annexe)

2. A judge or magistrate(s) may, at any stage of the proceedings, include a case within the Scheme if satisfied that the alleged offence(s) was/were committed in a domestic abuse context, notwithstanding that the case was not previously identified for inclusion prior to charge.

3. Nothing in this Scheme fetters the court's discretion to include or exclude a case where the interests of justice so require.

4. The following cases do not fall within the Scheme:

In the Crown Court, cases where the defendant is remanded in custody. This exclusion does not apply to cases proceeding in the Magistrates' courts.

Any sexual offences (even though "distributing inappropriate images" is often connected to sexual content, these offences are only included if charged under the "disclosure of private images" framework and not as sexual offences (see Annexe Category 8)).

Cases with more than one defendant.

Cases lasting more than 3 days (excluding, where relevant, jury retirement time). Trial length does not determine inclusion in the Magistrates' courts.

Chapter 5: Pre- Charge

Police

1. The police must be aware of the criteria for inclusion in the Scheme when investigating and preparing a file for a charging decision.

2. At the point of charge, a domestic violence marker must be added to the Common Platform for every case suitable for inclusion in the Scheme. Responsibility for the registration of cases and the accurate application of domestic abuse, vulnerability and other markers such as honour-based abuse rests with the police. However, the police and the CPS should maintain an ongoing dialogue to ensure consistency in the flagging and identification of suitable cases.

Crown Prosecution Service

3. At the time of either pre-charge advice or a charging decision, the CPS will identify cases which are suitable for inclusion in the Scheme and will allocate a specific lawyer.

Chapter 6: Magistrates' courts

General

1. If feasible and consistent with the Scheme timeframe, Scheme cases should be listed in a court with at least one member of the Bench experienced in this area of work.

2. Early identification of domestic abuse cases should be emphasised. Courts should expect accurate flagging by the police and CPS so that suitable cases are not missed. Where suitable cases have been missed, the Bench and Legal Advisers should ensure that these are flagged and included in the Scheme.

3. The Scheme applies to all relevant cases proceeding in the Magistrates' courts, whether the defendant is on bail or remanded in custody. A case should not fall outside the Scheme solely because the defendant is remanded in custody during the proceedings.

4. The defendant's bail or custody status, and any bail conditions where applicable, must be reviewed and considered at every hearing.

5. Draft protective orders, including restraining orders and Domestic Abuse Protection Orders (where available), should be prepared and uploaded by the CPS at an early stage so that the court can act immediately on conclusion of the proceedings.

First Hearing

6. The first hearing is not a mere formality. As most cases within the Scheme will be resolved in the Magistrates' court, it is a substantive hearing at which the parties must be prepared to identify and address the issues in the case.

7. All Scheme cases should be listed for a first hearing in 14 days or less from the date of any charges being laid.

8. Where the CPS has made the charging decision, the CPS must serve details of the prosecution case 5 days prior to the first hearing. In cases where the police have made the charging decision, the police should provide all key evidence used to make the charging decision 5 days to the CPS to enable the CPS to provide details of the prosecution case prior to the first hearing in the Magistrates' court.

9. Both the CPS and the defence must be prepared to address plea and, where relevant, sending/committal to the Crown Court.

10. The Preparation for Effective Trial (PET) form will be completed at the first hearing and a trial date fixed if the case remains before the Magistrates' court for trial.

11. Defendants must be informed if their case falls within the Scheme and that this means their case will be determined within a relatively short timeframe. The PET form must be endorsed to

reflect inclusion in the Scheme and that the defendant is aware that their case is included in the Scheme. The Legal Adviser must also endorse the Common Platform to that effect.

12. Even if the case is ultimately sent/committed to the Crown Court, this does not mean that, at the first hearing, the Magistrates' court will not proactively address the real issues in the case, such as what is agreed, what is in dispute, whether a witness summons should be issued for trial hearings, and any other applications. The aim is that all such applications should be dealt with at the first hearing. In cases being sent to the Crown Court, the Court will also expect to elicit a firm indication as to plea and will ensure that the defendant knows that credit begins to reduce after a first hearing for any offence for which there is no indication of a guilty plea.

13. Trial length should not form part of the Magistrates' court inclusion criteria, as imposing a strict limit risks excluding otherwise appropriate cases.

14. If a defendant pleads guilty to a limited version of the prosecution case, a basis of plea must be recorded and agreed. If, the defence are aware that a guilty plea will be entered, then, prior to the first hearing, the defence must liaise with the Probation Service about the possibility of a Pre-Sentence Report (PSR) being required. Such a report is likely to be required in cases of domestic abuse. This is to ensure that the Probation Service are aware that the court may require a PSR or to request that a report is prepared under the PSR before Plea Protocol. Where practicable the defence should highlight the need for a PSR in the pre-court briefing.

Victims

15. Matters of victim vulnerability should be actively addressed and the PET or the BCM form endorsed as appropriate to assist the court in effective case management. This should include identifying whether an application for special measures is likely to be made and, where the defendant is unrepresented or representation is uncertain, whether consideration may need to be given to sections 36 and 38 of the Youth Justice and Criminal Evidence Act 1999. The form may include relevant information provided by Independent Domestic Violence Advisers (IDVAs) or Independent Sexual Violence Advisers (ISVAs), where available, particularly in relation to vulnerability, support needs, and potential special measures applications.

Trial

16. If the case remains in the Magistrates' court for trial, every effort should be made to set a trial date within 8–12 weeks of the first hearing. An aspiration of 8 weeks may be achievable in some court centres, but an 8–12-week timeframe provides a realistic balance between ambition and operational reality.

17. Scheme trials should be listed as priority cases in accordance with the National Listing Guidance for Magistrates' courts. Listing arrangements should, as far as practicable, protect the expedited trial arrangements for Scheme cases, while having proper regard to the priority and human impact of delay in all cases which may be affected.

18. The police and the CPS have an ongoing responsibility to monitor victim engagement prior to any trial, including whether there is a need to issue a witness summons and, if so, whether there is a need for an updated risk assessment of the victim's circumstances.

Sending to the Crown Court

19. A case included in the Scheme in the Magistrates' court should be reassessed on sending to the Crown Court. It will remain within the Scheme in the Crown Court only if it meets the Crown Court inclusion criteria, including the requirement that the defendant is not remanded in custody.

20. On sending, the parties are required to assist the court in ensuring that the Better Case Management (BCM) form is completed and that it provides as comprehensive a picture as possible to facilitate case management in the Crown Court. This step is crucial.

21. In completing the BCM form, the parties must also identify clearly any outstanding disclosure, the reason it remains outstanding, and the anticipated timescale for service. This information should be recorded with sufficient specificity to assist the Crown Court in effective case management and to reduce the risk of avoidable adjournments.

22. Likewise, in the event that post-sending and prior to the Plea and Trial Preparation Hearing the defendant indicates a plea of guilty, the defence must engage proactively with the CPS to establish and agree any basis of plea. The defence should request a pre-sentence and/or other type of report by writing to the relevant Crown Court. The Crown Court will deal with this request administratively.

Chapter 7: Crown Court

General

1. The implementation of the Scheme in individual Crown Court Centres should be reflected in the Court Listing Plan, including any capacity dedicated to the Scheme and its interaction with other listing arrangements in that Crown Court Centre.

2. The Resident Judge may nominate another judge to oversee the operation of the Scheme on their behalf and to liaise with HMCTS and relevant criminal justice partners concerning its effective operation.

3. The court will keep under review whether it is still appropriate for a case to remain within the Scheme. If removed, reasons should be given, with consideration of how this decision and its implications are communicated to the victim.

4. In the Crown Court, the Scheme applies only to relevant cases where the defendant is on bail. A case where the defendant is remanded in custody does not fall within the Scheme, although it remains subject to the applicable Criminal Procedure Rules, listing guidance and case-management requirements.

5. For Scheme cases, an effective Plea and Trial Preparation Hearing (PTPH) should take place within 4 weeks of sending.

6. At the PTPH, the court will identify the real issues in the case and robustly case manage it, so that the case can be concluded within the timeframe identified in the Scheme.

7. Allocation within the Scheme does not predetermine either the Priority Tier or the Fixed/Flexible Date Decision.

Prior to the Plea and Trial Preparation Hearing

8. The CPS must serve the indictment and the balance of its case 7 days before the PTPH. It must be uploaded and accessible to the defence on the Digital Case System (DCS).

9. At the same time, the CPS must serve any bad character or hearsay application or indicate if such an application is likely.

10. Where the CPS decides to include in the indictment a count of Controlling or Coercive Behaviour in an intimate family relationship, the CPS lawyer must ensure that any such count is fully particularised. (Where appropriate a comprehensive addendum should be served).

11. The following particulars must be clearly set out:

- The nature of the personal connection;

- The acts of controlling behaviour;
- The acts of coercive behaviour;
- The serious effects attributed to these specified behaviours; and
- Where relevant, religious, cultural and faith-based mechanisms of control/coercion should be detailed.

12. These requirements sit with the CPS as part of case preparation, drawing on material provided in the police file.

13. General assertions are not sufficient, and the particulars must reference the evidence relied on by the prosecution. Where the indictment contains other counts relating to specific behaviour (such as violent offences), it must be clear if they are also relied on as examples of controlling or coercive behaviour.

14. The provision of any addendum does not exclude other evidence that may be material to or admissible on the count. If the prosecution later seeks to put the case in a significantly different way, then an amended indictment must be served.

The Plea and Trial Preparation Hearing

15. Ordinarily, all defendants must attend the PTPH. In the interests of justice, the court may make a live link direction in accordance with the principles set out in the Lady Chief Justice's "Live Links in the Criminal Courts" Guidance.

16. The court will expect advocates to attend the PTPH in a way which facilitates robust and timely case management. Where the defendant attends in person, advocates should attend in person as set out in Guidance issued by the Lady Chief Justice: "Live Links in Criminal Courts". Any application to appear otherwise, must be made in accordance with the Guidance.

17. At the hearing, the court will consider the human impact of delay, allocate the appropriate Priority Tier, determine whether the trial is to be listed as a Fixed Date or Flexible Date, and consider whether judicial continuity or early reservation would assist.

18. The court will also consider if a Pre-Trial Review (PTR) is necessary or whether the Certificate of Trial Readiness and Case Progression Meeting can meet the requirement for case readiness, resolution or effective trial management.

19. The court will be especially concerned if the parties have not complied with what is expected by the Better Case Management Revival document.

20. By the time of the PTR, the defence will be expected to identify the nature and number of any defence witnesses, thereby facilitating effective case management and minimising the risk of delay.

21. Applications to adjourn will be scrutinised carefully and determined in accordance with the Criminal Procedure Rules, the overriding objective and the circumstances of the individual case.

22. Where appropriate, and in accordance with established authority, the parties may consider whether a Goodyear indication would assist in the fair and efficient resolution of the case.

23. Any trial should be concluded within 12-14 weeks of the PTPH. Alternative listing arrangements may be appropriate where they support effective case management, minimise delay, and promote early resolution.

24. If there is a guilty plea at PTPH or at PTR, prompt arrangements must be made for sentencing to take place.

Pre-Trial Review

25. A PTR should be considered where judicial intervention is likely to materially assist readiness, resolution or effective trial management.

Prior to the Pre-Trial Review

26. The defence must serve any application it wishes to make with respect to, for example, witness character evidence at least three weeks before the PTR and the CPS must respond within 7 days.

27. Prior to the PTR, the parties must discuss a possible resolution of the case. At least 48 hours prior to the PTR, the outcome of discussions must be uploaded to the DCS as a Widely Shared Note.

28. Certificate of Trial Readiness forms must be available for the PTR to support effective case management and trial readiness.

The Pre-Trial Review

29. The defendant is ordinarily required to attend the PTR in person. Where the defendant attends in person, advocates should attend in person as set out in Guidance issued by the Lady Chief Justice: “Live Links in Criminal Courts”. Any application to appear otherwise, must be made in accordance with the Guidance.

30. The CPS will be expected to confirm the victim’s current position, namely their availability for the trial, including their ability and willingness to attend court. If the victim is either unable or unwilling to attend court, the CPS must be in a position to indicate if it intends to proceed to trial.

31. The court will consider whether a witness summons should be issued in respect of the victim, returnable shortly before the trial date. This may be appropriate to reduce uncertainty on the day of trial.

32. The PTR is an opportunity for the court to resolve any applications from either the CPS or the defence relating to bad character and hearsay evidence. Thus, by way of example, the defendant should know before trial if their previous criminal record will be admitted or if the 999 call or body-worn camera footage will be admitted.

33. Final practical arrangements will be made for the victim to attend court where necessary, in accordance with the outcome of any special measures application or if a witness summons is issued returnable before the date of trial. In doing so, the court may have regard to relevant information provided by IDVAs or ISVAs, where available, to support appropriate and effective arrangements, for example, a pre-court visit. Where facilities exist, arrangements for victim attendance will reflect the special measures ordered by the court.

The Trial

34. Prior to the trial, the CPS must establish the practical arrangements necessary to assist the victim to attend court. Contact must be made with the victim by the officer in the case and reassurance provided.

35. If there is any evidence of victim disengagement or reluctance to attend court, the court and the defence should be notified.

36. An adjournment on the day of the trial will be unusual and require well-evidenced justification from either party.

37. Where no PTR has taken place and prior to the trial, the parties should be proactive in discussing a possible resolution of the case. At least 48 hours prior to the trial, the outcome of the discussion must be uploaded to the DCS as a Widely Shared Note.

38. Whenever the proceedings conclude, the CPS will be proactive in applying for appropriate protective measures for the victim.

39. The court will proactively enquire whether any application for protective relief is sought, in order that the issue may be considered and determined at the conclusion of the proceedings.

Annexe: Offences falling within the Scheme

The offences below may fall within the Scheme. In the Magistrates' courts, eligible cases include both bail and custody cases. In the Crown Court, the Scheme applies only to eligible non-custody cases with a trial estimate of no more than three days.

1. Violent Offences

- Common assault (s.39)
- Battery (s.39)
- Assault occasioning ABH (s.47)
- GBH/Wounding (s.20)
- GBH/Wounding with intent (s.18)
- Threats to kill (s.16)
- Threats of violence (s.4)
- Intentional harassment, alarm or distress (s.4A)
- Non-fatal strangulation (s.75A(1)(a), Serious Crime Act 2015)
- Non-fatal suffocation (s.75A(1)(b), Serious Crime Act 2015) (One-off incidents may fall within the Scheme provided the trial has an estimate of no more than3 days and evidence is limited.)

2. Controlling or Coercive Behaviour

- CCB in an intimate or family relationship (s.76 Serious Crime Act 2015)
  (Subject to caution: where extensive phone/messaging evidence exists, the case may be removed from the Scheme for complexity. It is therefore essential that the Indictment is properly and fully particularised to ensure that the court can make an informed decision as to complexity. Where appropriate an addendum, setting out alleged acts and effects should be drafted.

3. Breaches of Protective Orders

- Breach of Restraining Order (s.5A, Protection from Harassment Act 1997)
- Breach of Restraining Order (s.363, Sentencing Act 2020)
- Breach of Non-Molestation Order (s.42A, Family Law Act 1996)
- Breach of Domestic Abuse Protection Order (DAPO) (s.39, Domestic Abuse Act 2021) (where available)
- Breaches of Stalking Protection Orders (s.8, Stalking Protection Act 2019)
- Breaches of Forced Marriage Protection Orders
- Breaches of Female Genital Mutilation Protection Orders

4. Harassment / Stalking (Non-Sexual, Low-Complexity)

- Harassment (s.2, Protection from Harassment Act 1997)
- Stalking (s.2A Protection from Harassment Act 1997)
- Offences under sections 2 and 2A, and also 4 and 4A, relating to violence or fear of violence during a course of conduct should be included

5. Public Order Offences Linked to Domestic Abuse

- Using threatening/abusive words or behaviour (s.5 Public Order Act 1986)
- Threats of violence (s.4 Public Order Act 1986)
- Disorderly behaviour (s.5 Public Order Act 1986)
- S.4A Public Order Act 1986 offence
- s.4B Public Order Act 1986 offences

6. Criminal Damage Act 1971 Offences

- Criminal Damage (s1(1))
- Aggravated Criminal Damage (endangering life) (s1(2))
- Arson (s1(3))

- Aggravated Arson (endangering life) (s1(2), s1(3))
- Threats to Destroy or Damage Property (s2)
- Possession with Intent to Damage Property (s3)

7. Other Miscellaneous Domestic Abuse–Related Offences

- Theft (e.g., removing a phone to stop a 999 call) (s.1, Theft Act 1968)
- False Imprisonment (Common Law Offence)
- Financial abuse / fraud (chargeable and non-complex)
- Fraud by False Representation (s.2, Fraud Act 2006)
- Fraud by Failing to Disclose Information (s.3, Fraud Act 2006)
- Fraud by Abuse of Position (s.4, Fraud Act 2006)
- Using violence to secure entry (s.6 Criminal Law Act 1977)
- Witness intimidation offences (s.51 Criminal Justice and Public Order Act 1994)

8. Image-Based Abuse (“Distributing Inappropriate Images”)

- Disclosing private sexual (“in an intimate state”) photographs/films without consent or doing so for the purpose of obtaining sexual gratification (s. 66B of the Sexual Offences Act 2003).
- Threatening to disclose such images (s.66B of the Sexual Offences Act 2003)
- (NB s.33, Criminal Justice and Courts Act 2015 which previously applied to the above was repealed with effect from 31 January 2024,though sentencing guidelines remain applicable for offences committed prior to that date).
- Taking or sharing intimate images in a coercive or controlling context (s.76 SCA 2015) (When the image abuse is ancillary to CCB, it may be included as part of a single low-complexity course of conduct.)

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