



SENIOR PRESIDING JUDGE
FOR ENGLAND AND WALES

ESSENTIAL CASE MANAGEMENT: APPLYING THE CRIMINAL PROCEDURE RULES¹

A) Generally

- The court² **must** further the Overriding Objective of the Rules by **actively managing each case** [*Crim PR 3.2(1)*].
- The parties **must** actively assist the court in this without being asked [*Crim PR 3.3(a)*]. But **at every hearing, including at trial, it is the personal responsibility of the Magistrates or District Judge actively to manage the case** [*Crim PR 3.2*].
- Unnecessary hearings should be avoided by dealing with as many aspects of the case as possible at the same time [*Crim PR 3.2(2)(f)*].

B) The first hearing: taking the plea

At every hearing (however early):

- Unless it has been done already, the court **must** take the defendant's plea [*Crim PR 3.8(2)(b)*]. This obligation does **not** depend on the extent of advance information, service of evidence, disclosure of unused material, or the grant of legal aid.
- If the plea really cannot be taken³, or if the alleged offence is indictable only, the court **must** find out what the plea is likely to be [*Crim PR 3.8(2)(b)*].

C) If the plea is 'guilty'

- The court should pass sentence on the same day, if at all possible (unless committing for sentence).
- If information about the defendant is needed from the Probation Service, it may be that a report prepared for earlier proceedings will be sufficient or a 'fast delivery' report (oral or written) may be prepared that day, depending on local arrangements.
- If a 'Newton' hearing is needed, the court, with the active assistance of the parties, **must** identify the disputed issue [*Crim PR 3.2(2)(a); 3.3(a)*] and if possible, determine it there and then or, if it really cannot be decided, give directions specifically relating to that disputed issue to ensure that the next hearing is the last.

¹ It is important to note that all participants in criminal cases, including Magistrates, District Judges, and Justices' Clerks **must** follow and apply the Criminal Procedure Rules. The Rules are not mere guidance. Compliance is compulsory. The word "must" in the Rules means **must**.

² The expression 'court' includes Magistrates, District Judges, and Justices' Clerks exercising judicial powers [*Crim PR 2.2(1)*].

³ Exceptions to the rule requiring the plea to be taken are rare and must be strictly justified.

D) If the plea is ‘not guilty’

The key to effective case management is the **early identification by the court of the relevant disputed issues** [Crim PR 3.2(2)(a)]. From the start, the parties **must** identify those issues and tell the court what they are [Crim PR 3.3(a)]. If the parties do not tell the court, the court **must** require them to do so.

- The relevant disputed issues **must** be explicitly identified and the case **must** be managed by the court to ensure that the ‘live’ evidence at trial is confined to those issues.
- The parties **must** complete the prescribed case progression form [Crim PR 3.11; Consolidated Practice Direction V.56.2] and the court **must** rigorously consider each entry on the form in order to comply with its duty actively to manage the case by making properly informed directions specific to each case.
- Only those witnesses who are really needed in relation to genuinely disputed, relevant issues should be required to attend. The court **must** take responsibility for this (and not simply leave it to the parties) in order to comply with the Overriding Objective of the Rules [Crim PR 1.1(2)(d), (e)].
- The court’s directions **must** include a timetable for the progress of the case (which can include a timetable for the trial itself) [Crim PR 3.8(2)(c)].
- The time estimate for the trial should be made by considering, individually, how long each ‘live’ witness will take having regard to the relevant disputed issue(s).

E) The parties’ obligations to prepare for trial include:

- Getting witnesses to court [Crim PR 3.9(2)(b)].
- Making arrangements for the efficient presentation of written evidence/other material [Crim PR 3.9(2)(c)].
- Promptly warning the court and other parties of any problems [Crim PR 3.9(2)(d)].

F) At trial

Before the trial begins, the court **must** establish, with the active assistance of the parties, what disputed issues they intend to explore [Crim PR 3.10(a)].

The court may require the parties to provide:

- A timed, ‘batting order’ of live witnesses [Crim PR 3.10(b)(i), (ii), (ix)].
- Details of any admissions/written evidence/other material to be adduced [Crim PR 3.10(b)(vi), (vii)].
- Warning of any point of law [Crim PR 3.10(b)(viii)].
- A timetable for the whole case [Crim PR 3.10(b)(ix)].

During the trial the court **must** ensure that the ‘live’ evidence, questions, and submissions are strictly directed to the relevant disputed issues.

G) The Rules

For a full version of the Rules, see:

http://www.justice.gov.uk/criminal/procrules_fin/rulesmenu.htm

Lord Justice Leveson
Senior Presiding Judge for England and Wales
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