



*From the Rt Hon Lord Justice Thomas
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To Presiding Judges, Resident Judges, Chairmen of the Area Judicial Fora
the Senior District Judge, judicial members of Justices Issues Groups,
Chairmen of Benches and Justices Clerks

21 July 2005

Criminal Case Management Framework and Listing

This is the first of three letters I am writing over the course of the next few days in connection with improving the administration of criminal justice; they are all interrelated. This one deals with two topics – the new edition of the Criminal Case Management Framework and listing.

(1) The Second Edition of the Criminal Case Management Framework

As you will recall, in July 2004, the Lord Chief Justice together with the Lord Chancellor and Secretary of State for Constitutional Affairs, the Attorney General and the Minister of State at the Home Office issued the Criminal Case Management Framework (CCMF).

This set out the framework for the conduct of criminal proceedings and was intended to embody good practice and to bring about significant changes in advance of the Criminal Procedure Rules. It was anticipated that a second edition would be necessary after the Criminal Procedure Rules relating to case management came into effect.

The second edition of the Criminal Case Management Framework will be issued today by the Lord Chief Justice, the Lord Chancellor and Secretary of State for Constitutional Affairs, the Attorney General, Lord Falconer and the Minister of State at the Home Office. It is available online at www.cjsonline.gov.uk/framework. Hard copies will be sent to you next month.

The main changes to the second edition include:

- *Changes in procedure as a result of the introduction of the Criminal Procedure Rules 2005.*

- *Developments in the Statutory Charging and No Witness No Justice projects.*
- *Principles to assist those involved in listing cases in the Magistrates' and Crown Courts (an extract from section 14 of the recently updated Crown Court Manual) which I will turn to in more detail below.*
- *A new section on Conditional Cautioning – a process where prosecutors have the option to consider a diversion from prosecution.*
- *Improved measures for bail procedures and defendant attendance at court.*

It will be necessary for the agencies to ensure that their local case management framework complies with the second edition of the national Framework and to consider what, if any, changes are required. Effective Trial Management Programme Area Co-ordinators will continue their support to the agencies in this work. It will be for Resident Judges and Justices Issues Groups to consider whether any alterations are required to the practice at their courts. I envisage that very little, if anything, will be required, as the procedures and practices have been or are being reviewed in accordance with the new Rules and the Practice Direction issued.

I would like to express my gratitude again to everyone who has contributed to the new edition, and in particular to HH Judge Charles Wide QC, Cindy Barnett, Deputy Chairman of the Magistrates' Association and especially to the team led by Neelam Sakaria for all they have done.

(2) Listing

In 1993, provisions relating to listing were issued under the authority of the Lord Chief Justice, and these were incorporated into the Crown Court Manual. This manual has undergone a massive revision, and as part of that revision, work has been undertaken to re-write the provisions on listing. The opportunity was taken, now that magistrates are full members of the judicial family and we have the benefits of a unified administration through HMCS, to draft the principles of listing in a form which made them applicable to the Magistrates' Courts as well as to the Crown Court, and to set out the way in which the local practice for listing should be set by the Resident Judge in the Crown Court and by the Justices Issues Group in the Magistrates' Court. These principles and detailed provisions specifically apply to listing in the Crown Court, and are issued by and under the authority of the Lord Chief Justice. A copy is attached.

Although the principles applicable to listing are principles that must be observed nationally, the detailed practice applicable locally must reflect local conditions. Resident Judges and the judicial members of the Justices Issues Groups are responsible for deciding how to set the listing practice in the Crown Courts and Magistrates' Courts in accordance with the principles set out. The procedure they should follow is detailed in paragraph 3; subparagraph (1) provides.

- (i) The Resident Judge at each Crown Court and the judicial members of the Justices Issues Group in each Area will, in relation to the Crown Court and Magistrates' Court respectively, set overall Listing Practice in a local area in accordance with the objectives and considerations set out above.
- (ii) The Resident Judge, or the judicial members of the Justices Issues Group, as the case may be, will consider representations made by local criminal justice agencies and

representatives of the defence and witnesses, in the setting of the Listing Practice and in the periodic reviews of that Listing Practice. Consultation with Local Criminal Justice Boards regarding local listing issues and the impact on cracked and ineffective trials should also take place.

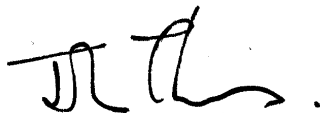
- (iii) It will be for the Resident Judge, or the judicial members of the Justices Issues Group, to consider whether to do this by seeking comments in writing on the draft Listing Practice, or by convening a special meeting, or by discussing the issues at the court users' meetings referred to below, or otherwise conducting the consultation in the manner he or they consider best

These are the processes to be followed before the local listing practice is set; that will then be followed by the Court. The task of the local implementation teams of the ETMP programme is to ensure that the procedures of the other agencies follow the listing practices decided upon by the Resident Judges and judicial members of the Justices Issues Group.

I would very much hope that any changes you, as Resident Judges, or as judicial members of the Justices Issues Group make, to your applicable local listing practice can be achieved in accordance with the procedure set out without difficulty. If queries arise or difficulties emerge, I would be grateful if Resident Judges could speak at once directly to their Presiders or to me, and that judicial members of the Justices Issues Group could speak at once to the Chairman of their Area Judicial Forum in the first instance and then, if necessary, to the Presiders or to me.

Letters similar to this have been sent to court staff, staff in the Crown Prosecution Service, Local Criminal Justice Boards and the Bar Council and Law Society to inform them of the changes.

If you would like more information on the Framework, could I ask you to contact Neelam Sarkaria on 020 7035 8451 or by email to Neelam.sarkaria@cjs.gsi.gov.uk.

A handwritten signature in black ink, appearing to be 'JL' followed by a flourish.