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Mode of trial

Some criminal cases may be heard only in magistrates' courts; some may be tried only by a jury in the Crown Court; and some may be tried either way. Defendants charged with "either-way" offences are now asked, before the court decides where the case should be tried, whether or not they intend to plead guilty. This is known as "plea-before-venue".

However, requiring defendants to attend court to deal with this process may not be the best use of everyone's time. So the Prisons and Courts Bill¹ proposed new procedures under which a defendant might engage with the plea-before-venue procedure in writing, provided the consequences had been explained to the defendant. Though the bill did not say this, it was intended that this written interaction should take place online, using the Common Platform case management system.

The written information procedure, as it was to be called, would allow a person charged with an offence "to choose to give an indication of whether he or she intends to plead guilty or not guilty" but "may not allow a person charged with an offence to choose to give a plea of guilty or not guilty". Under this procedure, the defendant's plea was to be given in court rather than online. That's in contrast to the automatic online conviction procedure already mentioned, which was to be used only for relatively minor cases. The written information procedure may be used in the early stages of even the most serious cases.

The bill also allowed for magistrates' courts to deal with the mode of trial in the defendant's absence and for cases to be transferred between courts without a hearing.

As drafted, the legislation was very difficult to follow. But the aim was simple enough: to save time and money by dealing with preliminary matters online.

These provisions also lapsed when the bill was abandoned in April 2017.

References

1. <http://services.parliament.uk/bills/2016-17/prisonsandcourts.html>

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