This chapter explains what happens once a person has been charged with a criminal offence. Whether a case remains in the magistrates’ court or is sent to the Crown Court depends on whether the offence is ‘summary only’, ‘indictable only’, or ‘triable either way’. Summary trial takes place before a district judge or bench of lay justices in the magistrates’ court. Trial on indictment takes place before a jury in the Crown Court. An offence that is triable either way may be allocated to the Crown Court or, if it is suitable for summary trial, the defendant may nevertheless choose Crown Court trial. Criminal proceedings are governed by the Criminal Procedure Rules (CrimPR), whose overriding objective is to deal with cases justly, including acquitting the innocent and convicting the guilty. The chapter considers those parts of the CrimPR that set out the steps to be taken before a trial in both the magistrates’ court and the Crown Court, including decisions relating to bail. It also explores key evidential and procedural rules that apply at trial, such as rules governing the
13. The criminal process: pre-trial and trial

disclosure of material in the possession of the prosecution and the rule that the prosecution bears the burden of proving a defendant’s guilt beyond reasonable doubt.

Access to the complete content on Law Trove requires a subscription or purchase. Public users are able to search the site and view the abstracts and keywords for each book and chapter without a subscription.

Please subscribe or login to access full text content.

If you have purchased a print title that contains an access code, please see the information provided with the code or instructions printed within the title for information about how to register your code.

For questions on access or troubleshooting, please check our FAQs, and if you can’t find the answer there, please contact us.