



GUIDE TO COURT PROCEEDINGS

A Jargon-Free Guide To Court Proceedings
For Motoring Offence Defendants

24 Hour Freephone: 0800 1933 999

Prepared by Forrest Williams © 2009-2013

Introduction

This guide is intended to provide a basic level of information for people who are due to go to Court for the first time.

The majority of people charged with motoring matters have never appeared in court before. It is a worrying time. This guide is written to try and remove some of the uncertainty and worry.

This guide is not designed to replace direct support from your specialist motoring solicitor, who will be able to discuss your case with you in detail and further reassure you or answer specific questions.

What Time Should I Arrive At Court?

You will have been given a summons or charge sheet with a date and time to attend Court. The majority of court cases start at 10:00, and you will have been told to attend at 9:30, or a similar time. This varies around the country but essentially the Court ask you to arrive before the hearing starts in order that you are ready to start the hearing at 10:00.

You may not actually get into Court at 10:00. All cases are listed for the same time and Courts adopt a 'first come first served' approach and normally take whoever is ready first.

Forrest Williams always aim to meet with clients at around 9:15 in order that we can be ready in plenty of time for the hearing and we try to make sure that your case is called on first to avoid you having to wait.

Where Will I Meet My Lawyer?

We will meet at Court.

We will call your name out and identify ourselves.

When you get to the courthouse register with the reception desk and they will tell you what court room your case is in. If you wait outside there we will find you. You may also need to register with the usher. He or she will be wearing a black gown.

What Do I Need To Take With Me?

If you are pleading guilty, you will need to take your driving licence. If it is a new style licence you will need both parts.

You will also have to fill in a Means Form, if we have not sent you one beforehand then you can fill it in at court. The Means Form details your incomings and outgoings so it is useful to have an idea of these ready for completing the form. It does not have to be accurate to the last penny but you should have a good idea of what you earn and what you have to pay out.

You will not need to bring wage slips or proof of bills.

It may be helpful if you could bring any character references and testimonials.

What Will Happen Before The Hearing?

We will have gone through the case in some detail before the hearing but very often we are not able to obtain the witness statements before the hearing. We will make sure that we have time to go through these statements with you to ensure that there is nothing we need to add or change.

We will have the opportunity of speaking in private before the case starts. If you have not met your lawyer beforehand this will give you a chance to meet up with them and to fully discuss your case, which your lawyer will have already prepared in advance but will go through with you face-to-face.

What Will Happen In Court? Will I Have To Say Anything?

You will only have to confirm your name, address and date of birth. The Court will then read out the charge and ask whether you are pleading guilty or not guilty. We will do everything else on your behalf.

How Should I Address The Magistrates?

If there are more than one you can call them 'your worships' or 'sir/madam' depending on the gender of the person sitting in the middle of 3 chairs.

If there is just one magistrate this is a District Judge who should be called Sir or Madam.

Will The Case Be Finished On The Day?

It depends whether you are pleading guilty or not guilty.

If you are pleading not guilty, or arguing special reasons why you should not be banned, the matter will be adjourned until another date so that any witnesses can attend.

If you are pleading guilty then it should be dealt with on the day, sometimes in drink driving matters the Court consider dealing with it by a community order like probation or even a prison sentence. If this is the case then the matter may be adjourned for the probation service to prepare a report.

If you have reached 12 points then the matter should be dealt with on the day even though you are arguing that you should keep your licence.

Will The Police Officer Who Stopped Me Be There?

No, unless you have pleaded not guilty and this is the trial. No witnesses will be there on the first hearing.

What Happens If I Am Banned, Can I Drive Home From Court?

No, the ban will start immediately so you will have to make alternative arrangements to get home.

Is Legal Aid Available?

Not for most motoring offences.

Generally Legal Aid is only available if you are at risk of a prison sentence so that rules out most offences apart from drink driving, dangerous driving and a few less common offences. Forrest Williams do not handle Legal Aid cases.

If there is a complicated question of law you may get Legal Aid but it is unlikely. In any event if your household income exceeds £22,325 (as of 5th May 2009) then regardless of the case you are not eligible for Legal Aid.

Can The Duty Solicitor Help?

The Court's Duty Solicitor can only help if the matter is imprisonable and you haven't already consulted a solicitor.

Do I Have To Pay The Fine Immediately?

The Court will ask you to but if you are unable to afford it in one payment you can ask to pay so much each month or week.

What Sentence Will I Get?

The Court has guidelines for every offence. They are only guidelines and they can increase or reduce the sentence, we will of course aim to get the sentence reduced.

My Question Isn't Answered Here. What Should I Do?

Feel free to contact Forrest Williams on 0800 1933 999.

